



Planning Commission Meeting and Public Hearing

Cancelled by the Chairperson

after due consideration of the current COVID19 virus outbreak  
and uncertainty of having a quorum of members present.

The hearing will be rescheduled with new notice as required by  
law.

Date: March 17, 2020

Time: 7:00p.m.

Place: Union Township Hall

Posted on March 16, 2020

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Phil Squattrito, Chairperson, Charter Township of Union Planning Commission



Planning Commission  
Regular Meeting  
March 17, 2020  
7:00 p.m.

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES  
- February 18, 2020
5. CORRESPONDENCE / BOARD REPORTS / PRESENTATIONS
  - A. **Recommendations from the Township Sidewalk and Pathways Prioritization Committee**
6. APPROVAL OF AGENDA
7. PUBLIC COMMENT: Restricted to (3) minutes regarding items not on this agenda
8. NEW BUSINESS
  - A. **PTXT20-01 Zoning Ordinance Amendment, Sand and Gravel Pits and Lot Definition (Charter Township of Union)**
    - a. Introduction
    - b. Public Hearing
    - c. Deliberation
    - d. Action (recommendation to the Township Board)
9. OTHER BUSINESS
  - A. **HOP 20-01 Roy & Gerrie Hoyt, 2305 E Millbrook Rd., Section 33, parcel #14-033-30-002-02**
    - a. Updates from the Applicant and Staff
    - b. Deliberation
    - c. Action (approval, denial, approval with conditions)
  - B. **PSUP20-01 Robert & Lauren Welch, 4175 E. Wing Rd., Section 35, parcel #14-035-10-00304**
    - a. Updates from the Applicant and Staff
    - b. Deliberation
    - c. Action (recommendation to the Township Board)

**C. PTXT20-02 Zoning Ordinance Update**

- a. Updates from Staff
- b. Review and discussion of the updated draft Zoning Ordinance document
- c. Discussion of tentative schedule for review and action

10. EXTENDED PUBLIC COMMENT: Restricted to 5 minutes regarding any issue

11. FINAL BOARD COMMENT

12. ADJOURNMENT

## Board Expiration Dates

Planning Commission Board Members (9 Members) 3 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	Lisa	Cody	11/20/2020
2-Chair	Phil	Squatrito	2/15/2023
3-Vice Chair	Denise	Webster	2/15/2020
4-Secretary	Alex	Fuller	2/15/2023
5-Vice Secretary	Mike	Darin	2/15/2022
6	Stan	Shingles	2/15/2021
7	Ryan	Buckley	2/15/2022
8	James	Thering Jr.	2/15/2021
9	Doug	LaBelle II	2/15/2022
Zoning Board of Appeals Members (5 Members, 2 Alternates) 3 year term			
#	F Name	L Name	Expiration Date
1- PC Rep	Ryan	Buckley	2/18/2021
2 - Chair	Andy	Theisen	12/31/2022
3 - Vice Chair	Liz	Presnell	12/31/2022
4 - Secretary	Taylor	Sheahan-Stahl	12/31/2021
5 - Vice Secretary	Judy	Lannen	12/31/2022
Alt. #1	Brandon	LaBelle	12/31/2022
Alt. #2	Jim	Engler	2/15/2021
Board of Review (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Doug	LaBelle II	12/31/2020
2	James	Thering	12/31/2020
3	Bryan	Neyer	12/31/2020
Alt #1	Randy	Golden	1/25/2021
Citizens Task Force on Sustainability (4 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Don	Long	12/31/2020
2	Mike	Lyon	12/31/2020
3	vacant seat		12/31/2018
4-BOT Representative	vacant seat		11/20/2020
Construction Board of Appeals (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Colin	Herron	12/31/2021
2	Richard	Jakubiec	12/31/2021
3	Andy	Theisen	12/31/2021
Hannah's Bark Park Advisory Board (2 Members from Township) 2 year term			
1	Mark	Stuhldreher	12/31/2020
2	John	Dinse	12/31/2021
Chippewa River District Library Board 4 year term			
1	Ruth	Helwig	12/31/2023
2	Lynn	Laskowsky	12/31/2021



## Board Expiration Dates

EDA Board Members (11 Members) 4 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	Ben	Gunning	11/20/2020
2	Thomas	Kequom	4/14/2023
3	James	Zalud	4/14/2023
4	Richard	Barz	2/13/2021
5	Robert	Bacon	1/13/2023
6	Marty	Figg	6/22/2022
7	Sarvjit	Chowdhary	1/20/2022
8	Cheryl	Hunter	6/22/2023
9	Vance	Johnson	2/13/2021
10	Michael	Smith	2/13/2021
11	David	Coyne	3/26/2022
Mid Michigan Area Cable Consortium (2 Members)			
#	F Name	L Name	Expiration Date
1	Kim	Smith	12/31/2020
2	Vacant		
Cultural and Recreational Commission (1 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1	Robert	Sommerville	12/31/2022
Sidewalks and Pathways Prioritization Committee (2 year term)			
#	F Name	L Name	Expiration Date
1 - BOT Representative	Kimberly	Rice	11/20/2020
2 - PC Representative	Denise	Webster	8/15/2020
3-Township Resident	Sherrie	Teall	8/15/2021
4 - Township Resident	Jeremy	MacDonald	10/17/2020
5 - Member at large	Connie	Bills	8/15/2021

**CHARTER TOWNSHIP OF UNION**  
**Planning Commission**  
**Regular Meeting**

A regular meeting of the Charter Township of Union Planning Commission was held on February 18, 2020 at the Township Hall.

**Meeting was called to order at 7:00 p.m.**

**Roll Call**

Present: Buckley, Clerk Cody, Darin, Fuller, LaBelle, Shingles, Squatrito, Thering, and Webster

**Others Present**

Mark Stuhldreher, Township Manager; Rodney Nanney, Community and Economic Development Director; Zoning Administrator, Peter Gallinat and Administrative Assistant, Jennifer Loveberry

**Approval of Minutes**

**Webster** moved **Cody** supported the approval of the January 21, 2019 regular meeting as presented. **Vote: Ayes: 9 Nays: 0. Motion carried.**

**Correspondence / Reports/ Presentations**

- Board of Trustees – updates from Clerk Cody - Re-appointment of **Fuller** with term expiring 2/15/2023, Re-appointment of **Squatrito** with term expiring 2/15/2023, per state statute, **THE MICHIGAN PLANNING ENABLING ACT Act 33 of 2008 states:** *“If a vacancy occurs on a planning commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment. A member shall hold office until his or her successor is appointed.”*; therefore, **Webster**, term expired 2/15/2020, remains on the Planning Commission until replaced.

**Approval of Agenda**

**LaBelle** moved **Shingles** supported to postpone HOP 20-01 Roy & Gerrie Hoyt, 2305 E. Millbrook Rd., Section 22, parcel #14-033-30-002-02. **Vote: Ayes: 9 Nays: 0. Motion Carried.**

Applicant emailed request to withdraw application for text amendment TXT 20-01 (Public Hearing) BSP Enterprises LLC – Navita S. Patel, President Amend Section 30.4 AB (Special Use Permits – Multi Use), Section 23.3.B (Special Uses – Multi-Use Structures), no action needed.

**Webster** moved **LaBelle** supported to approve the agenda as amended. Deleting item B. and item C. **Vote: Ayes: 9 Nays 0. Motion carried.**

**New Business**

**A. PSUP20-01 Robert & Lauren Welch, 4175 E. Wing Rd., Section 35, parcel #14-035-10-003-04**

Introduction by Community and Economic Development Director, Rodney Nanney. The applicant has requested to operate a group day-care home and is applying for a special use permit.

**Public Hearing Open 7:13 p.m.**

No comments were offered.

No written comments were received.

**Public Hearing Closed 7:13 p.m.**

Applicants representative, Kelly Klein – presented the proposed Special Use Permit.

Discussion was held by the Planning Commission.

**LaBelle** moved **Webster** supported to postpone action on the PSUP20-01 group day care home special use permit application from Robert and Lauren Welch until March 18, 2020, with a request that the applicant provide the following additional details needed to confirm compliance with Section 30.4.J. (Group Day Care Home) of the Zoning Ordinance:

1. A plan for how pickup and drop off activities will be handled during peak periods to maximize safety for children and parents, allow for ease of turning movements in the driveway, and provide for safe ingress/egress of vehicles without parking or driving on the lawn.
2. A plan for short-term and employee parking on the site, including the location, extent, and timing of any parking space or driveway improvements (gravel or paving) needed to conform to Section 30.4.J. requirements.
3. A plan for where and when a fence will be installed on the property, along with details of the proposed fence type and height.
4. The plans for any required parking, access, and fence improvements should include a specific date by which each improvement will be completed.

**Vote: Ayes: 9 Nays: 0 Motion carried.**

**B. Zoning Ordinance Update**

The Director updated the Planning Commissioners that a draft should be available in early March for their review. Also shared that the Annual Joint Meeting of all Township Boards has been changed to April 29, 2020, 5:00 p.m. at the Commission on Aging, to coincide with the proposed open house for the zoning ordinance rewrite.

**Other Business**

**Extended Public Comment**

Open – 7:43 p.m.

No comments were offered.

Closed – 7:43 p.m.

**Final Board Comment**

Webster – Thanked the Community and Economic Development Director for including draft motions for approval, approval with conditions, to deny, and to postpone included in the packet.

**Adjournment** – Chairman Squattrito adjourned the meeting at 7:46 p.m.

**APPROVED BY:**

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Alex Fuller - Secretary  
Mike Darin – Vice Secretary

*(Recorded by Jennifer Loveberry)*

DRAFT



# Charter Township Of Union

RE: Recommendations from the Township Sidewalk and Pathways Prioritization Committee

02/10/2020

Dear Township Board,

I write you this letter on behalf of the entire Township Sidewalk and Pathways Prioritization Committee. As you may be aware the Committee's duties are to plan and prioritizing the construction of sidewalks and pathways. Our Committee is to review the plan as needed and make recommendations to the Township Board. Recently the Committee has discussed achievable goals for the year 2020. The Committee has developed three (3) goals that the committee believes are achievable in 2020 and encourages the Board of Trustees to see them through.

- 1) Implement Sidewalks located at 2010 S. Lincoln Rd.
- 2) Finish implementing sidewalks on the North side of Bluegrass Rd between Isabella and Mission Rd.
- 3) Complete and construct sidewalks for waivers revoked in 2018 in the year 2020.

The Committee understands the Township Board has in years past worked at achieving these goals and thanks the Board for all their work. The Committee is aware of funding limitations within the 2020 budget and have been informed of preliminary work already being done in designing sidewalks located at and near the Township hall. With a focused effort in 2020 the Committee believes the Township Board will be able to complete this goal in 2020 and make them a reality.

Respectfully,

Committee Chair

Jeremy MacDonald

## TEXT AMENDMENT REPORT

<b>TO:</b> Planning Commission	<b>DATE:</b> March 5, 2020
<b>FROM:</b> Rodney C. Nanney, AICP, Community and Economic Development Director	
<b>APPLICATION:</b> PTXT20-01 Zoning Text Amendment (Charter Township of Union)	
<b>ACTION REQUESTED:</b> To hold a public hearing and make recommendations to the Board of Trustees on the proposed amendments to Sections 3.41, 13.2 and 30.4 of the Zoning Ordinance to update the standards and approval process requirements for sand and gravel pits and other extraction operations, and to revise the definition of lot.	

### Background Information

The proposed Zoning Ordinance amendments have been initiated by the Township for the following purposes:

**Revise the “lot” definition.** The change to this definition in Section 3.41 is intended to resolve an issue that led to a need for the Zoning Board of Appeals to respond to a text interpretation request in January. The change would clarify the characteristics of a “lot,” as regulated by the Zoning Ordinance, and make clear that all elements of the definition apply to the defined term.

**Replace the requirements that apply to sand and gravel pits.** Sand, gravel, and other non-metallic minerals within the Township’s boundaries are non-renewable natural resources widely used for building and road construction, and by necessity are locally sourced. However, extraction operations have the potential to impact the health, safety, environment, and general welfare of persons and property in the Township. Recognizing these potential impacts, the Board of Trustees placed a temporary moratorium on such operations in order to allow time to study and potentially update existing Township regulations for these operations.

Staff and the Township Attorney have worked together to prepare a proposal to remove regulation of sand and gravel pits and other extraction operations out of the Zoning Ordinance by establishing a separate “Extraction Ordinance” adopted under provisions of the Charter Township Act. This new ordinance is intended to protect the public health, safety, and general welfare by establishing standards and permit approval procedures for extraction of non-metallic minerals on land in the Township, requirements and financial guarantees for proper reclamation of the land at the conclusion of extraction activities, and administrative procedures and inspection requirements to verify that all extraction operations and reclamation activities are completed in accordance with approved plans and ordinance requirements.

The proposed Extraction Ordinance places authority to hold a public hearing, review, and act on Extraction Permit applications with the Planning Commission. The scope of required information includes documentation of existing conditions, a mining plan, screening details, and a reclamation plan in a format similar to other plans reviewed by the Planning Commission. The corresponding

Zoning Ordinance amendment would replace the special use permit requirement and associated use standards for sand and gravel pits with a requirement for compliance with the requirements of this new Extraction Ordinance, which is currently under consideration by the Board of Trustees. For reference, a summary of the proposed Extraction Ordinance is included as a separate document, along with the proposed Zoning Ordinance amendment text.

**Why remove regulation of extraction operations out of the Zoning Ordinance?** Staff has recommended that the regulations be moved out of the Zoning Ordinance for several reasons: First, the Michigan Zoning Enabling Act places a specific limit of 300 feet as the maximum distance around a parcel for mailing of special use permit public hearing notices. This is an acceptable distance for most special use permit applications because the potential impacts of the use are primarily limited to the immediate neighboring parcels and residents. However, extraction operations have the potential to adversely impact properties and residents well beyond this 300-foot distance. By establishing a separate regulatory ordinance, the Township has the option to establish public hearing notice requirements that better reflect the scope and extent of potential impacts from the operation.

In addition, section 208 (Nonconforming uses...) of the Michigan Zoning Enabling Act requires that, *“If the use of...land is lawful at the time of enactment of a zoning ordinance (or amendment), then that use may be continued although the use does not conform to the zoning ordinance or amendment.”* Similar language is included in Section 9 of the Zoning Ordinance. These provisions are intended to “grandfather in” certain existing land uses that were lawfully established but no longer conform to current Zoning Ordinance requirements – to protect the legal nonconforming use from the need to comply with updated zoning standards.

There are at least two sites in the Township from which some sand or gravel extraction has taken place in the past. Staff is currently researching the available history of these sites, but it is possible that one or both could be governed by nonconforming use protections if updated regulations were to be included in the Zoning Ordinance. The establishment of a separate regulatory ordinance would avoid even the appearance of favoritism and ensure that one consistent set of standards apply to all extraction operations in the Township.

Finally, the Township has limited authority under the format of local zoning regulations to address anticipated off-site impacts from the operation, as land use regulations are primarily focused on the activities within the boundaries of a lot. Under a separate regulatory ordinance, the Township has the ability to address potential off-site impacts and require inspections, testing, and mitigation measures related to those impacts. Examples include provisions related to the haul route into and out of the extraction site and hydrogeologic study requirements related to protection of private and municipal wells that are in proximity to mining operations that extend below the water table.

**Project Timetable**

Under the requirements of the Michigan Zoning Enabling Act, this Zoning Ordinance amendment is subject to a Planning Commission public hearing and recommendation to the Board of Trustees along with review and comment from the Isabella County Planning Commission.

Please note that, under Charter Township Act requirements, the Extraction Ordinance is not subject to Planning Commission review, but rather is subject to an Introduction and First Reading and a

separate Second Reading and Adoption by the Board of Trustees. Both proposed ordinances are subject to Board of Trustees approval and the publication and notice requirements of the respective state laws before they can become effective.

**Key Findings**

1. The current definition of lot needs to be clarified to eliminate ambiguities that led to a need for the Zoning Board of Appeals to respond to a text interpretation request in January.
2. The Board of Trustees determined in January that, based upon the potential impact that new or expanded sand and gravel pit operations have on the health, welfare, environment, and safety of persons and property within the Township, it was in the best interests of the Township to study and potentially revise existing regulations related to sand and gravel pits.
3. Removal of extraction operation regulations from the Zoning Ordinance to a separate “Extraction Ordinance” adopted under provisions of the Charter Township Act would enable the Township to more effectively address anticipated off-site impacts, establish public hearing notice requirements that reflect the scope and extent of potential impacts, and ensure that one consistent set of standards apply to all extraction operations in the Township.
4. The proposed Zoning Ordinance amendment is a necessary step to coordinate with the anticipated adoption of a new Extraction Ordinance by the Board of Trustees.

**Recommendations**

Based on the above findings, I would ask that the Planning Commission take action to recommend approval to the Board of Trustees of the PTXT 20-01 proposed Zoning Ordinance amendments to Sections 3.41, 13.2 and 30.4 of the Zoning Ordinance to update the standards and approval process requirements for sand and gravel pits and other extraction operations, and to revise the definition of lot.

Please contact me at (989) 772-4600 ext. 232, or via email at [RNanney@uniontownshipmi.com](mailto:RNanney@uniontownshipmi.com), with any questions about this information.

Respectfully submitted,

**Rodney C. Nanney, AICP, Director**  
Community and Economic Development Department

**AFFIDAVIT OF PUBLICATION**  
2125 Butterfield Dr, Suite 102N • Troy MI 48084

**CHARTER TOWNSHIP OF UNION**  
2010 S Lincoln

**Mount Pleasant, MI 48858**  
**Attention: KIM SMITH**

**STATE OF MICHIGAN,**  
**COUNTY OF ISABELLA**

The undersigned Cyndy Slater *Cyndy Slater*, being duly sworn the he/she is the principal clerk of Morning Sun, morningstarpublishing.com, published in the English language for the dissemination of local or transmitted news and intelligence of a general character, which are duly qualified newspapers, and the annexed hereto is a copy of certain order, notice, publication or advertisement of:

**UNION TOWNSHIP PUBLIC HEARING NOTICE**  
**PLANNING COMMISSION**  
**ZONING ORDINANCE TEXT AMENDMENT**

NOTICE is hereby given that a Public Hearing will be held on Tuesday March 17, 2020, at 7:00 p.m. at the Union Township Hall located at 2010 South Lincoln Road, Mt. Pleasant, Michigan, before the Planning Commission for the purpose of hearing any interested persons in the following proposed Zoning Ordinance text amendment:

Requested by: The Charter Township of Union:

Proposed Amendment: To amend sections 3.41, 13.2 and 30.4 of the Charter Township of Union Zoning Ordinance, as amended, to update the standards, approval process, and other requirements related to sand and gravel pits and other extraction operations, and to revise the definition of lot under the Zoning Ordinance.

Any interested person may submit their views in person, in writing, or by signed proxy prior to the public hearing or at the public hearing.

All materials concerning this request may be seen at the Union Township Hall, located at 2010 S. Lincoln Road, Mt. Pleasant, Michigan, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding holidays. For additional information, and for individuals who require special accommodations per the Americans with Disabilities Act, please contact Peter Gallinat, Zoning Administrator by phone at (989) 772 4600 extension 241.

**CHARTER TOWNSHIP OF UNION**

**Published in the following edition(s):**

Morning Sun 03/01/20  
morningstarpublishing.com 03/01/20

TINA M CROWN  
Notary Public - Michigan  
Lapeer County  
My Commission Expires Mar 30, 2021  
Acting in the County of *Oakland*

Sworn to the subscribed before me this 2nd March 2020

*Tina M Crown*

**Notary Public, State of Michigan**  
**Acting in Oakland County**

**Advertisement Information**

Client Id: 531226 Ad Id: 1970060 PO: Sales Person: 200309

## Summary of the proposed Extraction Ordinance:

**Section 1 (Short Title)** establishes the title of the ordinance.

**Section 2 (Intent and Purposes)** establishes the intent and purposes of the ordinance to provide for utilization of sand, gravel, and other non-metallic mineral resources in a manner that is compatible with nearby residences, protects human health and the environment, and ensures complete site reclamation at the conclusion of extraction operations.

**Section 3 (Authority and Scope)** confirms the Township's authority to regulate extraction operations to protect the public health, safety, and welfare, and that the ordinance requirements are the minimum necessary for this purpose.

**Section 4 (Prohibitions)** confirms that it shall be unlawful to extract non-metallic minerals or import fill materials in a manner that violates any provision of this ordinance.

**Section 5 (Exemptions)** specifically excludes from regulation customary agricultural activities; customary work within a road right-of-way or drainage easement; environmental remediation; construction of solid waste disposal facilities subject to state permits; and grading or excavation for construction of structures or septic systems.

**Section 6 (Application Procedure)** establishes a review procedure for extraction permit applications and renewals, sets a public hearing requirement and standards for public notices, and confirms the authority of the Township Board of Trustees to establish required application fees and escrow deposits by resolution to defray anticipated administrative and enforcement costs. This section also confirms that an extraction permit shall be approved if the Planning Commission has determined that all necessary information has been provided, that the application satisfies all applicable Township ordinance requirements necessary for Permit approval or renewal, that the applicant has the resources necessary to comply with this Ordinance, that the site will be reclaimed to a safe and harmonious condition compatible with surrounding land uses and the Master Plan, that required fees, financial guarantees, and evidence of insurance have been submitted, that all required outside agency permits are in effect, that the water table, water quality, surrounding wells, and surface water resources will not be adversely affected, that wetland regulations have been satisfied, and that the operation will not pollute or degrade the environment, interfere with quiet enjoyment of persons in the vicinity or adversely affect the health, safety or welfare of residents.

**Section 7 (Base Documents)** lists the maps, photographs, studies, analyses, and data required for an extraction permit application and establishes a process for requesting a waiver from or modification of a required base document or item of information.

**Section 8 (Public Documents)** lists the public documents required for an extraction permit application, such as ownership and easement documentation, contact information for persons, firms, corporations or other entity having legal or equitable interest in the property, copies of all existing federal, state, and county permits in effect, and documentation of the applicant's right to conduct business in Michigan.

**Section 9 (Survey, Base Maps, and Photographs)** establishes minimum standards that apply to the survey, topographic map, aerial photograph, site inventory map, and reserve/exploration map as may be required by this Ordinance for an extraction permit application.

**Section 10 (Additional Studies and Analysis)** establishes minimum standards that apply to a hydrogeologic study, environmental impact analysis or other technical report that may be required as part of an application, based on the scope of a proposed extraction operation.

**Section 11 (Mining Plan)** establishes minimum standards that apply to the mining plan required by this Ordinance, including plan preparation and content requirements, a plan for sound and visual screening of the site, descriptions of the nature and type of operations, an overall extraction plan for the site, an estimated schedule for each progressive cell-unit of the operation, and a wetland mitigation plan if required by applicable regulations.

**Section 12 (Reclamation Plan)** establishes minimum standards that apply to the reclamation plan required by this Ordinance, including an overall plan for complete reclamation of the land at the conclusion of the operation, an estimated schedule for progressive reclamation activities, limitations on the steepness of reclaimed slopes, provisions for grading, slope stabilization, and re-vegetation, and a conceptual end-use plan for the reclaimed site consistent with the Master Plan and Zoning Ordinance.

**Section 13 (Specific Operating Conditions and Regulations)** establishes additional operating conditions and regulations that apply to all extraction operations, including a requirement that no extraction activity shall be conducted closer than 200 feet from any road right-of-way, 500 feet from any existing residence, and 200 feet from any other lot boundary. This section also prohibits blasting, limits extraction below the water table and importation of fill materials, and establishes standards for fencing, warning signs, hours of operation, and noise mitigation.

**Section 14 (Ingress-Egress Requirements)** establishes ingress and egress standards for the extraction operation, including provisions for haul route acceptance, the internal access drive, and clean-up of spillage from transportation activities.

**Section 15 (Screening Requirements)** establishes minimum screening requirements for all extraction operations, including provisions for installation of perimeter berms.

**Section 16 (Variances)** establishes a procedure and criteria for consideration by the Township Board of Trustees of any applicant's request to vary from an ordinance requirement.

**Section 17 (Appeals)** establishes a procedure for consideration by the Township Board of Trustees of any appeal from a person aggrieved by a Planning Commission decision under this ordinance.

**Section 18 (Inspections)** confirms that the Township may conduct inspections and cause or perform such tests necessary to ensure that activities conducted on the site comply with this ordinance and other Township ordinances, and sets standards for corrective actions and notices associated with deficiencies found during inspections.

**Section 19 (Annual Report)** establishes a requirement for submittal of a detailed annual report to the Township describing reclamation activities undertaken during the year, planned extraction and reclamation activities for the next year, the total amount of materials removed during the year, the total acreage of disturbed land not yet restored, conformance to the requirements of this ordinance and outside agency regulations, and details of complaints received and procedures used to resolve them.

**Section 20 (Financial Guarantees)** establishes minimum requirements and criteria for determining the amounts of required financial guarantees for reclamation and site restoration, and for replacement of wells adversely affected by the operation.

**Section 21 (Indemnity Insurance)** establishes minimum requirements for a liability insurance policy to cover anticipated property damage and bodily injury claims associated with the extraction operation.

**Section 22 (Violations, Penalties, and Permit Revocation)** establishes penalties for violations of this ordinance, including a municipal civil infraction, a permit revocation procedure, and other remedies available to the Township to correct, remedy or abate non-compliance.

**Section 23 (Definitions)** defines various terms used in the ordinance.

**Section 24 (Severability)** confirms that the elements of this ordinance are severable as provided by law.

**Section 25 (Effective Date)** establishes the effective date of the ordinance, based on adoption and publication requirements.



CHARTER TOWNSHIP OF UNION  
ISABELLA COUNTY, MICHIGAN

ORDINANCE NO. \_\_\_\_\_

An ordinance to amend the Charter Township of Union Zoning Ordinance No. 1991-5, as amended, by amending Sections 3.41, 13.2 and 30.4 to update the standards and approval process requirements for sand and gravel pits and other extraction operations and to revise the definition of lot, all by authority of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (MCL 125.3101 et seq.); to provide for repeal; to provide for severability; to provide for publication; and to provide an effective date.

THE CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN, HEREBY ORDAINS:

**Section I – Title**

This Ordinance shall be known and may be referred to as the “Charter Township of Union Ordinance Number \_\_\_\_\_, Ordinance Amending the Charter Township of Union Zoning Ordinance.”

**Section II – Amendments**

The Charter Township of Union Zoning Ordinance, No. 1991-5, as amended, is hereby amended as follows:

**Section 3.41:** Section 3.41 is deleted in its entirety and replaced as follows:

**Section 3.41 LOT**

A tract of land that (1) is of sufficient land area to satisfy the requirements of this Ordinance for maximum lot coverage and minimum lot area; (2) is of sufficient land area to provide the minimum buildable area, yard setbacks, and any other open space as required by this Ordinance for a principal building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, as allowed in the zoning district; and (3) has direct frontage on and access to a public or private road right-of-way. A condominium unit established under the Condominium Act, parcel created under the Land Division Act, and any other lot of record shall be a “lot” for purposes of this Ordinance only if the physical characteristics of unit, parcel or lot of record include all three elements of this definition.

~~A lot is a parcel of land, of at least sufficient size to meet minimum requirements for use, coverage and lot area, adequate to provide such setback area and other open space as required by this Ordinance. Such lots shall have frontage on a designated street, road right-of-way, or easement and may consist of:~~

- ~~A. A measured portion of a parcel or tract of land that is described and fixed in a recorded plat.~~
- ~~B. A parcel or tract of land continuous area described by metes and bounds.~~
- ~~C. In the case of division of land on the basis of condominium ownership (site condominium), “lot” shall also include the portion of the condominium project designed and intended for separate ownership and use as described in the master deed.~~

**Section 13.2:** Section 13.2 is amended to delete subsection “I. 12.” (sand and gravel pits) from the list of special uses in Section 13.2 and to re-number the remainder of the list accordingly, to insert a new subsection “I” before the list of special uses, to add “Sand and gravel pits and other extraction operations, subject to Section 30.4.S.” as a permitted use, and to move the list of special uses to a new subsection “J.” so that Sections 13.2 I. and 13.2 J. read as follows:

**Section 13.2 PERMITTED USES (F, NO. 16, NEW; 1992-6 ORDINANCE)**

- I. Sand and gravel pits and other extraction operations, subject to Section 30.4.S.
- ‡ J. Special uses: The following uses may be permitted in AG Districts when all requirements, condition and procedures of Section 30 of this Ordinance are complied with:
  - 1. Airports, public or private.
  - 2. Campgrounds or recreation grounds.
  - 3. Cemeteries, public or private, including mausoleums.
  - 4. Communication towers.
  - 5. Conservation areas, public or private.
  - 6. Country clubs and golf courses.
  - 7. Filling stations.
  - 8. Group day-care homes.
  - 9. Hunting clubs or gun clubs.
  - 10. Public and institutional uses.
  - 11. Race tracks.
  - ~~12. Sand and gravel pits.~~
  - 12. Second living quarters on a farm.
  - 13. State licensed residential facilities.
  - 14. Veterinarian services.
  - 15. Landscaping services.
  - 16. Utility Grid Wind Energy Systems. See Section 30.4.AC
  - 17. Boarding Kennels. (New Ord 98-11)
  - 18. Rooming or Boarding Dwelling, Single Unit. See Section 30.4.AE. (New Ord 13-04)

**Section 30.4:** Subsection “S.” of Section 30.4 is deleted in its entirety and replaced as follows:

**Section 30.4 SPECIAL USES PERMITTED (X, NEW, 1993-6 ORDINANCE; Y, NEW, 1995-6 ORDINANCE)**

- S. Sand and gravel pits and other extraction operations, subject to compliance with the following requirements, with documentation provided to the Zoning Administrator:
  - 1. Compliance with all applicable federal, state, and county regulations.
  - 2. Compliance with the requirements of the Township’s Extraction Ordinance No. \_\_\_\_\_.
  - 3. Planning Commission approval of an Extraction Permit and associated mining and reclamation plans as authorized by the Township’s Extraction Ordinance No. \_\_\_\_\_ shall also constitute site plan approval for the use under this Ordinance.

- ~~S. Sand and Gravel Pits, Provided:~~
  - ~~1. They are located within AG Districts.~~

- ~~2. All excavation shall comply with Soil Erosion and Sedimentation Control Act 347 of the Public Acts of 1972 of the State of Michigan, as amended. All areas so used shall be rehabilitated progressively as they are worked out or abandoned to a condition entirely free from hazards and blending with the surrounding natural ground. All slopes and banks shall be reasonably graded to prevent excessive erosion.~~
- ~~3. No business or industrial buildings or structures of a permanent nature shall be erected, except when such building is a permitted use within the District in which the gravel pit is located.~~
- ~~4. Driveways and parking areas as specified in Section 30.4.B.2.~~
- ~~5. Entrances and exits as specified in Section 30.4.B.2.~~
- ~~6. The Planning Commission may require that part or all of the operation be screened with a wire or wood fence six (6) feet in height. In addition, evergreen screening planting may be required on any side adjacent to land in residential or commercial use.~~
- ~~7. No excavation should come within one hundred (100) feet of a residence or within fifty (50) feet of a property line or a road right-of-way. All operations coming within the minimums must retain a 2:1 slope (two (2) feet horizontal, one (1) foot vertical). This regulation must also be observed by owner and operator of existing gravel pits where excavation is in progress on the effective date of this Ordinance.~~
- ~~8. All truck operations shall be directed away from residential streets, whenever practical.~~
- ~~9. All permit applications for excavations must be co-signed by landowner and operator.~~

### **Section III – Repeal**

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance, except as herein provided, are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

### **Section IV – Severability**

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

### **Section V – Publication**

The Clerk for the Charter Township of Union shall cause this Ordinance to be published in the manner required by law.

### **Section VI – Effective Date**

This Ordinance was approved and adopted by the Charter Township of Union Board of Trustees, Isabella County, Michigan, on \_\_\_\_\_, 2020, after initiation and a public hearing by the Planning Commission on \_\_\_\_\_, 2020 as required pursuant to the Michigan Public Act 110 of 2006, as amended, and after introduction and a first

**Draft Date: February 28, 2020**

reading by the Township Board on \_\_\_\_\_, 2020 and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on \_\_\_\_\_, 2020, which date is more than seven days after publication of the ordinance as is required by Section 401(6) of Act 110 of 2006, as amended, provided that this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110 of 2006, as amended.

**CERTIFICATION OF ADOPTION AND PUBLICATION OF TOWNSHIP ORDINANCE**

I, Lisa Cody, the duly elected Clerk of the Charter Township of Union, Isabella County, Michigan, hereby certify that the foregoing Ordinance was adopted at a meeting of the Charter Township of Union Board of Trustees on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, at which the following named members of the Charter Township of Union Board of Trustees were present and voted in person as follows:

- (a) Voting in favor of the Ordinance: \_\_\_\_\_  
\_\_\_\_\_
- (b) Voting against adoption of the Ordinance: \_\_\_\_\_  
\_\_\_\_\_
- (c) Absent: \_\_\_\_\_
- (d) Abstain: \_\_\_\_\_

I further certify that a notice of adoption of this Ordinance was published in the Morning Sun, a newspaper of general circulation within the Charter Township of Union on the \_\_\_\_\_ day of \_\_\_\_\_, 2020 and that proof of same is filed in the Charter Township of Union Ordinance Book.

Certification Date: \_\_\_\_\_, 2020

\_\_\_\_\_  
Lisa Cody, Clerk

## Draft Motions: Zoning Ordinance Text Amendment Application

### **MOTION TO RECOMMEND APPROVAL:**

Motion by \_\_\_\_\_, supported by \_\_\_\_\_, to recommend to the Township Board of Trustees that PTXT 20-01 Zoning Ordinance Amendments to Sections 3.41, 13.2 and 30.4 of Zoning Ordinance No. 1991-5, as amended, to update the standards and approval process requirements for sand and gravel pits and other extraction operations and to revise the definition of lot, be adopted as submitted.

### **MOTION TO RECOMMEND APPROVAL WITH ADDITIONAL CHANGES:**

Motion by \_\_\_\_\_, supported by \_\_\_\_\_, to recommend to the Township Board of Trustees that PTXT 20-01 Zoning Ordinance Amendments to Sections 3.41, 13.2 and 30.4 of Zoning Ordinance No. 1991-5, as amended, to update the standards and approval process requirements for sand and gravel pits and other extraction operations and to revise the definition of lot, be adopted with the following changes:

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_

### **MOTION TO RECOMMEND DENIAL:**

Motion by \_\_\_\_\_, supported by \_\_\_\_\_, to recommend to the Board of Trustees that PTXT 20-01 Zoning Ordinance Amendments to Sections 3.41, 13.2 and 30.4 of the Zoning Ordinance No. 1991-5, as amended, to update the standards and approval process requirements for sand and gravel pits and other extraction operations and to revise the definition of lot, be denied for the following reasons:

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_

### **MOTION TO POSTPONE ACTION:**

Motion by \_\_\_\_\_, supported by \_\_\_\_\_, to postpone action on PTXT 20-01 Zoning Ordinance Amendment, Sand and Gravel Pits and Lot Definition, until April 21, 2020 for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

## Draft Motions: Home Occupation Permit Application

### **MOTION TO APPROVE:**

Motion by \_\_\_\_\_, supported by \_\_\_\_\_, to approve the HOP 20-01 home occupation permit application from Roy and Gerrie Hoyt for an auto repair shop home occupation in a detached accessory building at 2305 East Millbrook Road (parcel number 14-033-30-002-02) in the AG District, finding that it fully complies with all applicable Zoning Ordinance requirements, including Section 8.19 (Home Occupations).

### **MOTION TO APPROVE WITH CONDITIONS:**

Motion by \_\_\_\_\_, supported by \_\_\_\_\_, to approve the HOP 20-01 home occupation permit application from Roy and Gerrie Hoyt for an auto repair shop home occupation in a detached accessory building at 2305 East Millbrook Road (parcel number 14-033-30-002-02) in the AG District, finding that it can comply with applicable Zoning Ordinance requirements, including Section 8.19 (Home Occupations), subject to the following conditions:

1. All vehicle repair services and activities for the taxi service must take place entirely within in the accessory building.
2. Parking, storage or servicing of taxi service vehicles outside of the accessory building is prohibited.
3. The taxi service office cannot be operated on-site with residents that do not reside at the home.
4. \_\_\_\_\_  
\_\_\_\_\_
5. \_\_\_\_\_  
\_\_\_\_\_

### **MOTION TO DENY:**

Motion by \_\_\_\_\_, supported by \_\_\_\_\_, to deny the HOP 20-01 home occupation permit application from Roy and Gerrie Hoyt for an auto repair shop home occupation in a detached accessory building at 2305 East Millbrook Road (parcel number 14-033-30-002-02) in the AG District, finding that it does not comply with applicable Zoning Ordinance requirements, including Section 8.19 (Home Occupations), for the following reasons:

1. The activity would result in parking of vehicles on the premises in excess of that allowed for the dwelling.
2. Noise from mechanical processes associated with the activity would create a nuisance to adjacent landowners.
3. \_\_\_\_\_  
\_\_\_\_\_

### **MOTION TO POSTPONE ACTION:**

Motion by \_\_\_\_\_, supported by \_\_\_\_\_, to postpone action on the HOP 20-01 home occupation permit application from Roy and Gerrie Hoyt until April 21, 2020 for the following reasons: \_\_\_\_\_  
\_\_\_\_\_



Peter Gallinat, Zoning Administrator  
pgallinat@uniontownshipmi.com  
2010 South Lincoln  
Mt. Pleasant, MI 48858  
Phone 989-772-4600 Ext. 241

TO: Planning Commission Meeting 03/17/2020  
FROM: Township Zoning Administrator

**OTHER BUSINESS**

**SUBJECT: B) A Special Use Permit for a Group-Day Care home located at 4175 E WING RD MOUNT PLEASANT, MI 14-035-10-003-04 48858 Owner: WELCH ROBERT & LAUREN**

**Applicant:** WELCH ROBERT & LAUREN

**Owner:** WELCH ROBERT & LAUREN

**Location:** 4175 E WING RD. MOUNT PLEASANT MI 48858

**Current Zoning:** AG (Agricultural)

**Adjacent Zoning:** AG (Agricultural)

**Future Land Use/Intent:** *Rural Buffer:* Rural Buffer areas generally do not have sewer and water, but are appropriate for agricultural, low density residential, and other uses allowed by zoning. Typically, this buffer is located on the fringe between rural and more urbanized areas. Rezoning requests for more intensive uses should be limited, especially those requiring extended utility service.

**Current Use:** One-Family Dwelling

**Reason for Request:** To operate a Group Day-Care home.

**History:** Home was built in 2019. The Planning Commission held a public hearing for this application in February of this year. Application was postponed until applicant could submit further documentation.

**Objective of board:** Determine from section 30.4.J Group Day-Care Homes if the following requirements have been met:

1. Group day-care homes are only located within AG, R-1, R-2A, R-2B, and R-3 Districts.
2. The home shall not be located closer than one thousand five hundred (1,500) feet to any of the following:

- a) Another licensed group day-care home.
- b) Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979.
- c) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, Act 368 of the Public Acts of 1978.
- d) A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the Department of Corrections.

3. Group day-care homes must have appropriate fencing for the safety of the children in the group day-care home as determined by the Township Zoning Administrator. Group day-care homes must maintain the property consistent with the visible characteristics of the neighborhood as determined by the Zoning Administrator.

4. Group day-care homes do not exceed sixteen (16) hours of operation during a twenty- four (24) hour period.

5. One (1) off-street parking space shall be provided for each employee not residing in the residential home.

6. One (1) sign announcing the service shall be permitted as regulated in Section 11.7. and make a recommendation to the Township Board.

**Key Findings:**

- ✓ Property is zoned AG (Agricultural)
- ✓ Property is not within 1,500 feet of another licensed group day-care home, adult foster care small group home or large group home, a facility offering substance abuse treatment or a community correction center, halfway house or similar facility.
- ✓ Currently no fence is on site. A four-foot-high fence for the safety of the children has been proposed in the rear yard (24' x 38')
- ✓ Group -Day Care home will operate from 6am to 6pm Monday through Friday.
- ✓ Any employee outside of the home will require (1) one parking space. This space has been identified inside the garage.
- ✓ Parking on the road is prohibited. Driveway is long enough to park multiple vehicles in two lanes. Longer term parking will be on the right and closer to the house. Short term pickup and drop off will be located in the left lane with a 20' x 30' turn around area to the west.
- ✓ Applicant has demonstrated in writing that no parking will be permitted for the group day care home on the lawn or within the road right-of-way.
- ✓ A pickup and drop off plan has been submitted.
- ✓ Deadline for fencing (rear yard) and turn around (parking) to be completed is July 31, 2020
- ✓ With these improvements made this project will comply will all necessary requirements.



**Recommendation from the Zoning Administrator**

At this time, I would recommend approval of this application to the Board of Trustees with the following condition:

- Applicant obtains State License and submits copy to the Township Zoning Administrator.

Zoning Administrator  
Peter Gallinat

## **Picking up and Dropping off policy:**

\*Drive way that was built is very wide and can fit two rows of cars.

\* Absolutely no parking in the roadway

\* See attached parking map for designated assistant parking spot.

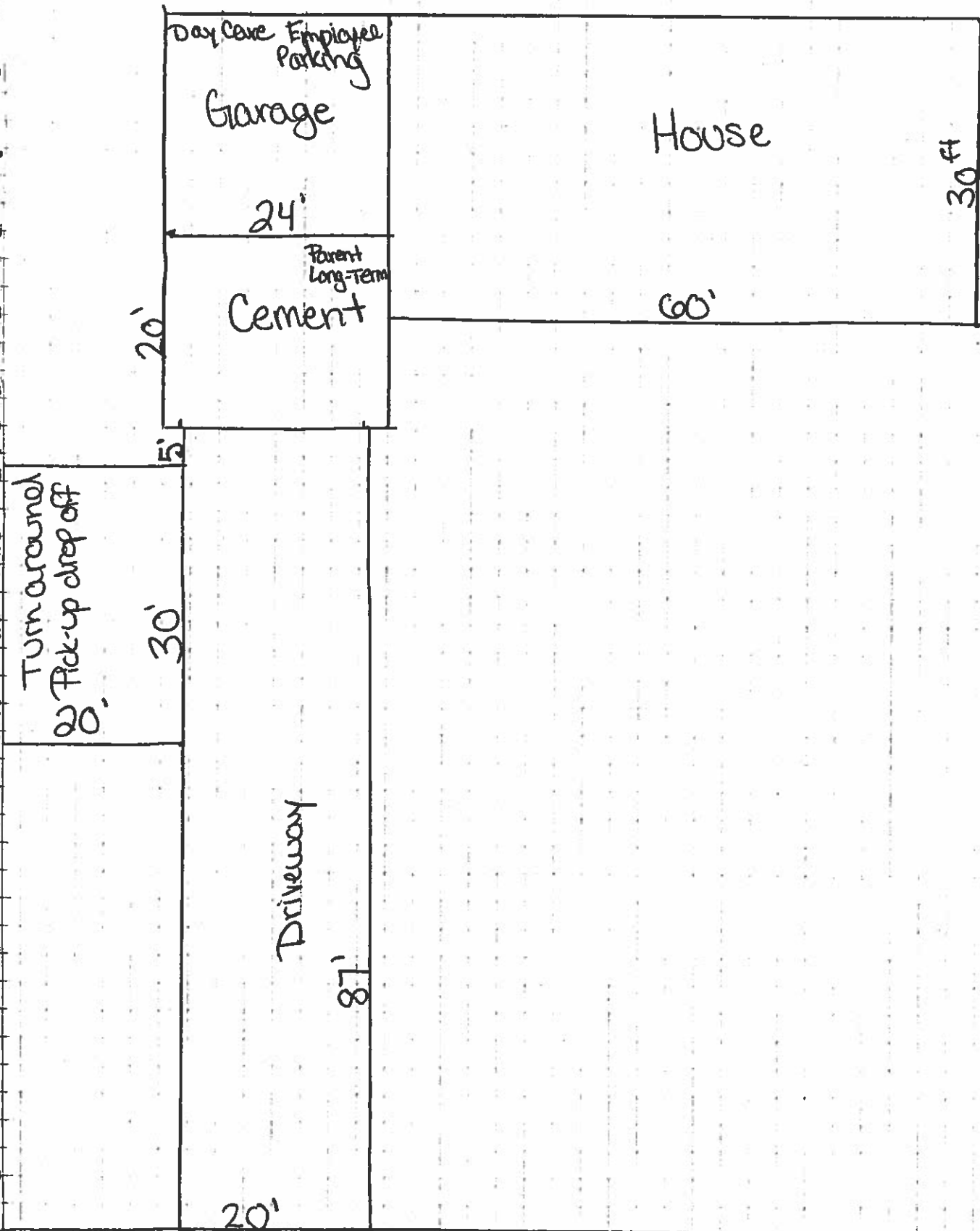
1. All parents/ designated guardian dropping or picking up are required to park in the driveway. There will be no cars allowed to park in the road or right of way.
2. If multiple parents/designated guardians are dropping off or picking up at the same time they are to park in as close to the house as possible. Leaving minimal space between cars to allow for as many cars as possible to park in driveway.
3. Parents/ designated guardians are to drop off and pick up in a prompt manner as to not cause longer than necessary waits for other children to be dropped off or picked up.
4. If parents/ designated guardians plan to stay and discuss concerns/ questions with daycare providers they are to park in the designated parking spot to do so. ( see attached parking map)

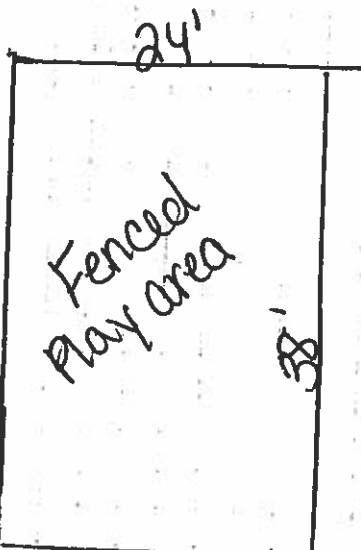
### **Solutions to picking up and dropping off Parking:**

- It is not expected to have multiple people picking up or dropping off at the same time.
- Potential clients are coming from varied places of employment and schedules. This lessens the chances of having multiple people needing to park at the same time.
- Parents also hold the potential of having more than one child in the daycare. So while we will be able to have up to twelve children in the daycare more than likely there won't be a need for twelve different people picking up or dropping off at the same time.
- In my personal experience over the last 5 plus years of having children in daycare there have only been 2-3 times where I have met another parent at the same time I was at the daycare either picking up for dropping off.
- If a worst case scenario were to happen and 2-3 people were picking up or dropping off at the same time we have planned to build a 3 person turnaround.
- Assistant caregiver to have designated parking spot in the garage as my husband leaves very early and arrives home later in the evening.
- Long term parent parking is to be designated on the cement on the right side.
- Please see maps for parking spots, future fenced in play area, and projected turn around.

### **DEADLINE FOR FENCING AND TURN AROUND TO BE COMPLETED:**

**JULY 31, 2020**





Fenced  
Play area

24'

33'

24'

Garage

24'

20'

Cement

Fence

6' height  
Chain link fence  
9/12 sqft space

60'

House

30'

## Peter Gallinat

---

**From:** Lauren Recker <laurenrecker\_3@live.com>  
**Sent:** Monday, March 2, 2020 4:13 PM  
**To:** Peter Gallinat  
**Subject:** Quick thing

Hey!

I totally did my math wrong. It would be a four foot fence. Would that be ok?

Lauren

Sent from my iPhone

## Draft Motions: Group Day Care Home Special Use Permit Application

### **MOTION TO RECOMMEND APPROVAL:**

Motion by \_\_\_\_\_, supported by \_\_\_\_\_, to recommend to the Township Board of Trustees to approve the PSUP20-01 special use permit application from Robert and Lauren Welch for a group day care home at 4175 E. Wing Road (parcel number 14-035-10-003-04) in the AG District, finding that it fully complies with all applicable Zoning Ordinance requirements, including Section 30.4.J. (Group Day Care Home).

### **MOTION TO RECOMMEND APPROVAL WITH CONDITIONS:**

Motion by \_\_\_\_\_, supported by \_\_\_\_\_, to recommend to the Township Board of Trustees to approve the PSUP20-01 special use permit application from Robert and Lauren Welch for a group day care home at 4175 E. Wing Road (parcel number 14-035-10-003-04) in the AG District, finding that it can comply with applicable Zoning Ordinance requirements, including Section 30.4.J. (Group Day Care Home), subject to the following conditions:

1. The applicant shall obtain a state license for the facility, and shall submit a copy of the approved license to the Township Zoning Administrator for the Township's records.
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_

### **MOTION TO RECOMMEND DENIAL:**

Motion by \_\_\_\_\_, supported by \_\_\_\_\_, to recommend to the Township Board of Trustees to deny the PSUP20-01 special use permit application from Robert and Lauren Welch for a group day care home at 4175 E. Wing Road (parcel number 14-035-10-003-04) in the AG District, finding that it does not comply with applicable Zoning Ordinance requirements, including Section 30.4.J. (Group Day Care Home), for the following reasons:

1. The activity would result in parking of vehicles on the lawn during peak pick-up and drop-off periods in a manner not consistent with the visible characteristics of the neighborhood.
2. \_\_\_\_\_  
\_\_\_\_\_

### **MOTION TO POSTPONE ACTION:**

Motion by \_\_\_\_\_, supported by \_\_\_\_\_, to postpone action on the PSUP20-01 group day care home special use permit application from Robert and Lauren Welch until April 21, 2020 for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## ZONING ORDINANCE UPDATE REPORT

**TO:** Planning Commission **DATE:** March 9, 2020  
**FROM:** Rodney C. Nanney, AICP, Community and Economic Development Director  
**APPLICATION:** PTXT20-02 Zoning Ordinance Update (Charter Township of Union)  
**ACTION REQUESTED:** To review the proposed Zoning Ordinance document during your March and April regular meetings, with the goals of identifying any final “punch list” items or details that would need to be addressed in the final as-approved document, and of making a determination as to whether the document is ready for a public hearing in May or June.

### Background Information

Christopher J. Doozan, AICP, our McKenna Associates, Inc. consultant for the Zoning Ordinance update project, has prepared an updated draft Zoning Ordinance for Planning Commission review, in anticipation of setting a public hearing date later this Spring to start the formal adoption process. The updated document is complete, in that it includes the Table of Contents, all required elements per the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), and an Index at the back of the document for reference.

Mr. Doozan has incorporated into the updated document the Planning Commission’s requested changes from your initial review of various sections. In addition, Mr. Doozan worked closely with Community and Economic Development Department staff to resolve a number of additional details and issues of concern identified during the staff review process, which have also been addressed in the updated document.

### Review Process Recommendations

I recommend that you take time individually before the upcoming March and April meetings to review and become familiar with the updated draft Zoning Ordinance document. As you review the document, please note any final “punch list” items or details that should be addressed in the final as-approved document. To assist the Planning Commission with this review process, staff has compiled the following list of key sections to focus on based on the scope of proposed changes from earlier drafts and other factors:

	<u>Page</u>
<b>Section 3 Zoning Districts and Map.....</b>	<b>3-3</b>
Please review carefully Section 3.4 (Permitted Uses by District), which lists all of the allowable land uses and zoning districts, with references as needed in the right-hand column to where additional standards for specific land uses can be found. This table is the heart of the Zoning Ordinance, and has been updated as needed from earlier drafts in response to direction from the Planning Commission and staff.	



**Section 3.19 PUD, Planned Unit Development (PUD) District ..... 3-26**

This section has been comprehensively updated from the previous draft, based on staff comments and direction. The PUD option is intended in part as a tool to help implement the policies of the Master Plan, and in particular the plans for the DDA districts and the Bluegrass Area of the Township. The minimum lot size requirements under Section 3.19A. (Eligibility Criteria) and the list of allowable land uses in Section 3.19C.1. have been updated to be consistent with this purpose.

A new Section 3.19B. (Regulatory Flexibility) has also been added to allow the developer to propose limited deviations from certain Zoning Ordinance requirements that would “result in a high quality of development than would be possible without the granting of the deviations.” These deviations would be subject to Planning Commission review and recommendation, and Board of Trustees approval. Earlier drafts suggested but did not explicitly state that this option was available, and did not set any standards for consideration.

**Section 6.24 Mixed-Use Buildings..... 6-15**

This section has been comprehensively updated from the previous draft, based on staff comments and direction. Changes include specific standards for residential and non-residential uses designed to ensure compatibility between uses in the building, and replacement of the minimum floor area per dwelling unit requirement in the current Zoning Ordinance with the criteria listed in Section 6.24D.3. & D.4.

Site plan approval will be required for mixed-use buildings that conform to these requirements, but the special use permit requirement has been removed from the updated draft.

**Section 6.36 Racetracks and Private Off-Road Courses ..... 6-21**

This is a new section intended to establish regulations for private off-road courses that are typically created in rural areas of the Township, as well as to update requirements that apply to larger racetrack facilities.

**Section 6.58 Short-Term Rental Housing ..... 6-35**

This is a new section intended to allow for but strictly regulate “AirBNB” activities and similar types of short-term rental housing. These provisions replace an earlier draft which allowed “vacation rentals” in several residential zoning districts as an allowable use “by right” (meaning no special use permit), and not subject to any standards.

The intent of this section is to allow for limited short-term rental activities in certain residential zoning districts, subject to special use permit approval and strict compliance with Section 6.58 requirements and limitations. In addition to the Zoning Ordinance requirements, any short-term rental would be subject to safety and code inspections under the Township’s rental inspection program.

**Section 7.5 Accessory Uses, Buildings, and Structures..... 7-1**

This section has been updated from the previous draft, based on staff comments and direction. I would recommend that you review carefully the updated “Size, Height, and Number” table in Section 7.5C.3., which is new to the document.

**Section 7.6 Fences and Walls..... 7-4**

The fence/wall requirements included in an earlier draft were oriented more towards an urban or city environment, and included significant conflicts with Section 10 (Landscaping and Screening) and other incompatibilities related to zoning district relationships and the Township’s land use patterns identified by staff.

I would recommend that you review carefully the proposed fence regulations, which have been updated from current Ordinance requirements to include maintenance standards and a zoning permit requirement for new non-agricultural fences.

**Section 7.11 Allowable and Prohibited Uses..... 7-6**

Please note that the “medical marijuana” related land uses included in the current Zoning Ordinance have been removed from the updated draft. This has been done because the Township’s Marihuana...Licenses Ordinance 2011-04 is out-of-date and not consistent with the medical marijuana licensing laws adopted by the state legislature in 2016. No marihuana facilities exist in the Township under Ord. No. 2011-04, and no new facilities can be approved under this ordinance. If the Board of Trustees decides in the future to adopt local licensing ordinances as authorized under the current state acts, we can amend the Zoning Ordinance at that time.

**Section 8.2 Exterior Lighting..... 8-3**

This section has been comprehensively updated from the previous draft. The requirements have been refocused on establishing maximum illumination levels within a development site subject to these requirements. The illustrations have been updated to present more decorative fixture styles similar to the EDA streetlighting along Pickard Rd. Guidelines for minimum illumination levels have been removed, as they are impractical and onerous to enforce. Requirements for most exterior lighting to be fully shielded remain the same as in the earlier draft.

**Section 10 Landscaping and Screening..... 10-1**

A number of new illustrations have been added to this Section.

**Section 11 Signs ..... 11-1**

This section has been updated from the previous draft per staff comments and direction to ensure that the proposed regulations are content neutral, enforceable, and fully consistent with established case law related to sign regulations. For this purpose, the separate temporary sign requirements for political signs, real estate signs, etc. in the current Zoning Ordinance have been replaced with a single category of “Other Temporary Signs” under Section 11.6B.3. Staff will be able to assist political campaigns, residents, and business owners with questions or concerns as needed.

The regulations for the business, industrial, and office service districts have been updated and organized in chart format where possible. Some illustrations have also been updated or added to this Section for clarity.

Provisions have been added to encourage use of monument-style ground signs in business and office service districts (see Section 11.11A.7. & Section 11.13A.7.), recognizing that monument-style signs are generally considered more aesthetically pleasing than freestanding pole signs.

**Section 12.5 Nonconforming Sites..... 12-4**

This is a new section. It is intended to provide the Township with an additional tool to work collaboratively with owners of older sites developed before the current Zoning Ordinance requirements were established. The provisions of this section prioritize public safety improvements, and establish a menu approach to securing certain additional improvements to a nonconforming site that is subject to site plan approval, while allowing the Planning Commission to approve a site plan that may include retention of some nonconforming elements.

**Section 14.2 Site Plan Review..... 14-2**

This section has been comprehensively updated from the previous draft. I would recommend that you review carefully Sections 14.02B and 14.02C, which detail the various types of projects subject to site plan approval and the type of review required. Planning Commission action has been divided into “preliminary” and “final” site plan approvals, and a separate administrative “minor site plan” approval has been added for certain projects.

The preliminary site plan provision is intended to allow an applicant to receive

direction from the Planning Commission at an earlier stage in the development process. The final site plan requirements are intended to ensure that the Planning Commission receives for review a detailed and fully engineered site plan that reflects exactly with what the developer plans to construct on the site.

A minor site plan application would be subject to administrative approval by Township staff, and is intended for smaller projects, such as building additions, parking lot modifications, and other projects of limited scope and impact.

**Section 14.3 Special Land Use Review ..... 14-15**

This section has been comprehensively updated from the previous draft. I would recommend that you review carefully the updated “Standards for Special Use Approval” in Section 14.03J, and note the process for rescinding approval of a special use permit, which has been added as Section 14.03M.

**Section 14.5 Amendments ..... 14-22**

This section has been comprehensively updated from the previous draft. I would recommend that you review carefully the new “Findings of Fact Required” provisions in Section 14.05G, which are intended to guide evaluation of rezoning applications.

**Section 14.7 Conditional Rezoning ..... 14-27**

This section has been comprehensively updated from the previous draft. At my request, Mr. Doozan replaced the previous provisions allowing for a “conditional rezoning” application with a statement that conditional rezoning is prohibited in the Township. This is a zoning tool authorized by the Michigan Zoning Enabling Act, but it not the best approach for the Township in my professional opinion. The updated and more flexible Planned Unit Development (PUD) option in Section 3.19 offers a far more equitable and collaborative approach to encouraging creative and innovative development consistent with the Master Plan.

**Section 15.8 Show Cause Hearing..... 15-1**

I understand that the Planning Commission had requested that this section, which is part of the current Zoning Ordinance, be deleted from the draft Ordinance. However, based on staff and ZBA experience, this provision has proven to be a worthwhile and effective ordinance enforcement tool. For this reason, I asked Mr. Doozan to include it in the updated draft document.

**Review and Adoption Timetable**

Under the requirements of the Michigan Zoning Enabling Act, the proposed Zoning Ordinance is subject to a Planning Commission public hearing and recommendation to the Board of Trustees along with review and comment from the Isabella County Planning Commission. The following tentative schedule is proposed for the review and adoption process:

Date and Time	Event	Purpose
March 2020	Zoning Ordinance website established for online review and comment	McKenna Associates is in the process of preparing a dedicated website where the updated draft Zoning Ordinance will be available for review, along with an online comment option. This website is planned to “go live” at some point in March, with an announcement and link posted on the Township’s website.

Date and Time	Event	Purpose
March 10, 2020	Paper copies of the updated draft Zoning Ordinance available	Paper copies of the updated draft Zoning Ordinance will be available for review at the Township Hall throughout the adoption process.
March 17, 2020 (7:00pm)	Planning Commission Meeting	Review of the updated draft Zoning Ordinance.
April 21, 2020 (7:00pm)	Planning Commission Meeting	<ol style="list-style-type: none"> <li>1. Review of the updated draft Zoning Ordinance</li> <li>2. Determination of readiness for a hearing</li> <li>3. Determination of readiness to sent to the county for their review and comment</li> </ol>
April 29, 2020 (5:00pm)	Joint Annual Meeting of all Township boards and commissions	Meeting to be held at the Commission on Aging meeting room B. Presentation by McKenna Associates about the updated Zoning Ordinance, with question and comments from board and commission members
April 29, 2020 (6:00 – 7:00pm))	Open House	Open House event for the public to follow the joint meeting.
April/May 2020	Isabella County Planning Commission	Review and comment as required per the Michigan Zoning Enabling Act.
May 19, 2020 (7:00pm)	Planning Commission Meeting	This is the preferred option for a public hearing date on the proposed Zoning Ordinance.
June 16, 2020 (7:00pm)	Planning Commission Meeting	If the Commission determines that the May meeting is needed to complete the review process, this would be the alternative public hearing date for the proposed Zoning Ordinance.
June - July 2020	Board of Trustees	Introduction and First Reading of the proposed Zoning Ordinance, including consideration of any final revisions as recommended by the Planning Commission. The Board of Trustees may choose to hold a second public hearing.
June - July 2020	Board of Trustees	Second Reading and consideration of the proposed Zoning Ordinance and any final revisions as recommended by the Planning Commission for adoption. The Board of Trustees may make additional changes to the document.
June - July 2020	Publication and posting of all required notices	The updated Zoning Ordinance becomes effective consistent with the requirements of state law.

Please contact me at (989) 772-4600 ext. 232, or via email at [RNanney@uniontownshipmi.com](mailto:RNanney@uniontownshipmi.com), with any questions about this information.

Respectfully submitted,

**Rodney C. Nanney, AICP, Director**

Community and Economic Development Department