

**Notice of an Electronically Conducted
Special Meeting of the Charter Township of Union
Planning Commission**

Notice is hereby given that the Charter Township of Union Planning Commission will conduct a special meeting electronically on Monday, June 8, 2020 at 7:00 p.m., consistent with direction from the Governor and state and county health officials to slow the spread of the COVID-19 virus.

The Township Hall remains closed to the public, so there will be no in-person public attendance in the Township Hall Board Room (2010 S. Lincoln Rd., Mt. Pleasant, MI 48858), although some Planning Commission members and Township staff may choose to participate from this location.

All interested persons may attend and participate. The public may participate in the meeting by computer and smart phone using the following link to the electronic meeting location: <https://us02web.zoom.us/j/89751444718> (Meeting ID: "897 5144 4718"). The moderator will open public access to the electronic meeting space at 6:55 p.m.

To participate via telephone conference call, please call (312) 626-6799. Enter "897 5144 4718" and the "#" sign at the "Meeting ID" prompt. Lastly, re-enter the "#" sign again at the "Participant ID" prompt to join the meeting.

The meeting agenda, packet of materials relating to the meeting, and instructions for connecting to the meeting electronically are available on the Township's website under "Minutes and Board Packets" at <http://www.uniontownshipmi.com/>.

Questions and comments will be received during the public comment sections of the meeting. For participants accessing via computer or smartphone to indicate a desire to address the Planning Commission, please use the "Raise Your Hand" button at the bottom center of the screen. To raise your hand for telephone dial-in participants, press "star" and then the number "nine" (*9). The Chair will call on you by the last three digits of your phone number to invite any comment, at which time you will be unmuted by the meeting moderator.

If there are a large number of participants, the Chair may choose to call on individuals by name or telephone number. Please speak clearly and provide your name and address before making your comments. Please note that the meeting moderator will control the muting and unmuting of participants during public comment.

Written comments to the Planning Commission may also be delivered to the drop box at the Township Hall. Comments received prior to 3:00 p.m. on the day of the meeting will be read aloud to the Planning Commission.

Persons with disabilities needing assistance to participate should call the Township office at (989) 772-4600. Persons requiring speech or hearing assistance may contact the Township through the Michigan Relay Center at 711. A minimum of one (1) business day of advance notice will be necessary for accommodation.

Instructions to Participate in an Electronically Conducted Special Meeting of the Charter Township of Union Planning Commission

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Raise Your Hand for Citizen Participation During the Public Comment Periods

Questions and comments will be received during the public comment sections of the meeting. For participants accessing via computer or smartphone to indicate a desire to address the Planning Commission, please **click on the “Raise Your Hand” icon** near the bottom of your screen.



Click “Lower Hand” to lower it if needed. The host will be notified that you have raised your hand. The Mute/Unmute function will be controlled by the meeting moderator.

To raise your hand for telephone dial-in participants, press “star” and then the number “nine” (*9). The Chair will call on you by the last three digits of your phone number to invite any comment, at which time you will be unmuted by the meeting moderator.

Do I need to download the Zoom app to access the meeting? No. Use of the Zoom app is recommended, but you will have options to “download & run Zoom” or “join from your browser” when you click on the link to join the meeting.

Can I Use Bluetooth Headset? Yes, if the Bluetooth device is compatible with the computer or mobile device that you are using.

Do I have to have a webcam to join on Zoom? While you are not required to have a webcam to join a Zoom Meeting, you will not be able to transmit video of yourself. You will continue to be able to listen and speak during public comment and view the webcam video of other participants.

Leaving the Meeting: Click the “Leave Meeting” link at the bottom right corner of the screen at any time to leave the meeting.



Planning Commission
Special Electronic Meeting. Instructions for access will be posted and available on website
(uniontownshipmi.com) home page
June 8, 2020
7:00 p.m.

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF MINUTES
- May 19, 2020
5. CORRESPONDENCE / BOARD REPORTS / PRESENTATIONS
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**
 - a. Introduction
 - b. Public Hearing
 - c. Deliberation
 - d. Action (recommendation to the Township Board)
9. OTHER BUSINESS
 - A. **PTXT20-02 Zoning Ordinance Update**
 - a. Updates from Staff
 - b. Continued review and discussion of the updated draft Zoning Ordinance document
 - c. Consideration of setting a public hearing date for the proposed Ordinance
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 - Electronic Meeting Minutes

A regular-electric meeting of the Charter Township of Union Planning Commission was held on May19, 2020 as a virtual meeting through the Zoom meeting platform.

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

Roll Call

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

Others Present

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 February 18, 2020 regular meeting as presented. **Vote: Ayes: 9 Nays: 0. Motion carried.**

Correspondence / Reports/ Presentations

- Rotary Club letter about service opportunities presented to the Planning Commissioners
- Update about recent training workshops regarding Community Engagement and On-Line meetings Best Practices by Township Zoning Administrator
- Board of Trustees – updates from Clerk Cody

Approval of Agenda

Webster moved **Buckley** supported to approve the Agenda as presented. **Vote: Ayes: 9 Nays: 0. Motion Carried.**

Public Comment

Open 7:12 p.m.

No comments were offered.

Closed 7:13 p.m.

New Business

A. Annual Election of Officers

- a. Chair
 - b. Vice-Chair
 - c. Secretary
 - d. Vice-Secretary
- a. Shingles nominated Squattrito as **Chair** per the Planning Commission bylaws annual election of officers. **Webster** moved **Shingles** supported to elect **Squattrito** as Chair of the Planning Commission. **Roll Call Vote: Ayes: Buckley, Cody, Darin, Fuller, LaBelle, Shingles, Squattrito, Thering, and Webster Nays: 0. Motion carried.**

- b. Fuller nominated Buckley as **Vice-Chair** per the Planning Commission bylaws annual election of officers. **LaBelle** moved **Darin** supported to elect **Buckley** as Vice-Chair of the Planning Commission. **Roll Call Vote: Ayes: Buckley, Cody, Darin, Fuller, LaBelle, Shingles, Squattrito, Thering, and Webster Nays: 0. Motion carried.**
- c. Shingles nominated Fuller as **Secretary** per the Planning Commission bylaws annual election of officers. **Buckley** moved **Webster** supported to elect **Fuller** as Secretary of the Planning Commission. **Roll Call Vote: Ayes: Buckley, Cody, Darin, Fuller, LaBelle, Shingles, Squattrito, Thering, and Webster Nays: 0. Motion carried.**
- d. Darin nominated himself as **Vice-Secretary** per the Planning Commission bylaws annual election of officers. **Shingles** moved **Cody** supported to elect **Darin** as Vice-Secretary of the Planning Commission. **Roll Call Vote: Ayes: Buckley, Cody, Darin, Fuller, LaBelle, Shingles, Squattrito, Thering, and Webster Nays: 0. Motion carried.**

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)

Webster moved **LaBelle** supported 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.

Roll Call Vote: Ayes: Buckley, Cody, Darin, Fuller, LaBelle, Shingles, Squattrito, Thering, and Webster Nays: 0. Motion carried.

- 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)

Fuller moved **Darin** supported 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.

Roll Call Vote: Ayes: Buckley, Cody, Darin, Fuller, LaBelle, Shingles, Squattrito, Thering, and Webster Nays: 0. Motion carried.

C. Zoning Ordinance Update

The Planning Commission reviewed the proposed Zoning Ordinance document, focusing on the list of key sections based on the scope of proposed changes from earlier drafts and other factors.

Extended Public Comment

Open –9:51 p.m.

No comments were offered.

Closed – 9:51 p.m.

Final Board Comment

Squattrito shared that the Planning Commission's first electronic meeting went well, thanked the Commissioners and Staff for their participation in making tonight's meeting a success.

Adjournment – Chairman Squattrito adjourned the meeting at 9:52 p.m.

APPROVED BY:

Alex Fuller - Secretary

Mike Darin – Vice Secretary

(Recorded by Jennifer Loveberry)



May 14, 2020

CITY HALL

Ph 989.386.7541
Fx 989.386.4508
www.cityofclare.org
Manager x102
Assessor x103
Clerk x106
Treasurer x107

Union Township Board
2010 S. Lincoln Rd
Mt. Pleasant, MI 48858

Dear Union Township Board,

**DEPARTMENT OF
PUBLIC WORKS**

Ph 989.386.2182 or
989.386.7541 x202
Fx 989.386.4508

The City of Clare will be holding a public hearing (copy att'd) on June 15, 2020 to consider an ORV Ordinance (copy att'd) to allow ORV travel within the city's jurisdiction. The City of Clare boundary is located within both Clare and Isabella Counties.

UTILITY BILLING

Ph 989.386.7541 x201

As such, in accordance with Section 324.81131 of the Natural Resources and Environmental Protection Act 451 of 1994, we are required to notify in each county the following entities: the county road commission, the county board of commissioners, the legislative body of every other township and municipality located within the county, and the state transportation department, not less than 28 days before the public hearing.

W/WWT PLANT

Ph 989.386.2321
Fx 989.386.2387

Please contact me at (989) 386-7541 if you have questions or concerns. If you wish to submit written comment, you may provide that information to me by fax (989) 386-4508, by email dlyon@cityofclare.org, or by mailing your comments to: City of Clare, City Clerk, 202 W. Fifth St., Clare, MI 48617. Written comment to be presented at the public hearing must be received in this office by 4:00 p.m. on the date of the hearing.

**POLICE DEPT.
NON-EMERGENCY**

Ph 989.386.2121
Fx 989.386.0440

Respectfully,

Diane Lyon, CMMC
Clare City Clerk

**FIRE DEPT.
NON-EMERGENCY**

Ph 989.386.2151
Fx 989.386.3020

**PARKS &
RECREATION**
Ph 989.386.7541 x213
Fx 989.386.4508

Enclosures:

1. Public Hearing Notice
2. Ordinance 2020-001

AIRPORT
Ph 989.386.0445
Fx 989.386.4508





CITY OF CLARE

202 West Fifth Street | Clare, Michigan 48617-1490

Office 989.386.7541 | Fax 989.386.4508

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CITY HALL

Ph 989.386.7541

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Manager x102

Assessor x103

Clerk x106

Treasurer x107

DEPARTMENT OF PUBLIC WORKS

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UTILITY BILLING

Ph 989.386.7541 x201

W/WWT PLANT

Ph 989.386.2321

Fx 989.386.2387

POLICE DEPT. NON-EMERGENCY

Ph 989.386.2121

Fx 989.386.0440

FIRE DEPT. NON-EMERGENCY

Ph 989.386.2151

Fx 989.386.3020

PARKS & RECREATION

Ph 989.386.7541 x213

Fx 989.386.4508

AIRPORT

Ph 989.386.0445

Fx 989.386.4508

ATTENTION CLARE AREA RESIDENTS

The City of Clare City Commission will hold a public hearing on June 15, 2020 to receive public comment pertaining to a proposed amendment of the city's Codes of Ordinance to allow the use of ORV's on city streets. ORV use on city streets is currently prohibited under Chapter 44; Section 44-5, Off Road Vehicles (ORV's), within the City's Codes of Ordinance. Public comment can be submitted during the hearing or in writing if the written comments are received by the City Clerk not later than 4:00 pm on the date of the hearing. Written comment can be mailed to Clare City Hall, 202 W. Fifth St., Clare MI 48617, submitted by fax (989) 386-4508 or by email to dlyon@cityofclare.org.

The City of Clare is an equal opportunity provider and employer.

Diane Lyon
Clare City Clerk



STATE OF MICHIGAN
CITY OF CLARE Ordinance Number 2020 - 001
ORV ORDINANCE CHAPTER 44

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on certain roads in the City of Clare, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2008 PA 240, MCL 324.81131(5).

THE CITY COMMISSION OF THE CITY OF CLARE,
COUNTY OF CLARE, MICHIGAN,
ORDAINS:

Sec. 1 As used in this ordinance, the following definitions shall apply:

- a) "City" means the City of Clare.
- b) "Driver license" means an operator's or chauffeur's license or permit issued to an individual by the secretary of state under chapter III of the Michigan vehicle code, 1949 PA 300, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- c) "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV.
- d) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- e) "ORV" means a motor driven off road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV or vehicle includes, but is not limited to, a multi-track or multi wheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a source other than muscle or wind.
- f) "Road" means a city street, or road as described in section 5 of 1951 PA 51, MCL 247.655.
- g) "Safety certificate" means a certificate issued pursuant to 1994 PA 451 as amended, MCL 324. 81129, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada."

Sec. 2 Subject to the conditions contained in this ordinance, and state law, an ORV may be operated on the far right of the maintained portion of a road within the city with these exceptions:

McEwan Street, and 5th Street

Sec. 3 An ORV may be operated on the far right of the maintained portion of the street:

- a) If there is a shoulder for the road, on the right shoulder of the road.
- b) If there is not a right shoulder, or the right shoulder is not of adequate width, on the right unmaintained portion of the road.
- c) On the far right of the right traffic lane of the road, if necessary to cross a bridge or culvert and if the operator brings the ORV to a complete stop before entering and yields the right-of-way to an approaching vehicle on that traffic lane.
- d) To cross McEwan or 5th Street, by the shortest route available, only when opposing and/or cross traffic is not present, and in a manner that causes neither damage to the road, to personal property of any person, or to human life.

Sec. 4 Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road or street in the city:

- a) at a speed of no more than 25 miles per hour or a lower posted ORV speed limit.
- b) by a person having a validly issued drivers' license.
- c) with the flow of traffic.
- d) in a manner which does not interfere with traffic on the road or street.
- e) traveling single file except when overtaking and passing another ORV.
- f) when visibility is not substantially reduced due to weather conditions unless displaying a lighted headlight and lighted taillight.
- g) while displaying a lighted headlight and lighted taillight at all hours.
- h) while the operator and each passenger is wearing a crash helmet and protective eyewear approved by the United States department of transportation unless the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt.
- i) with a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
- j) while the ORV is equipped with a spark arrester type United States forest service approved muffler in good working order and in constant operation.
- k) pursuant to noise emission standards defined by law.

Sec. 5 Any person who violates this ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

Sec. 8 A court may order a person who causes damage to the environment, a road or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond the penalties paid for civil fines.

Sec. 9 The City Treasurer/Finance Director shall deposit all fines and damages collected under this ordinance into a fund to be designated as the ORV Fund. The treasurer of the City of Clare shall appropriate revenue in the ORV Fund as follows:

- a) Fifty percent to the department responsible for street maintenance, for repairing damage to roads and the environment that may have been caused by ORVs, and for posting sign

indicating ORV speed limits, or indicating whether roads are open or closed to the operation of ORVs.

b) Fifty percent to the City of Clare Police for ORV enforcement and training.

Sec. 10 This ordinance shall become effective on the date upon which notice of its adoption is published in a newspaper of general circulation in the City of Clare.

Passed by the City Commission of the CITY OF CLARE on _____, at its regular meeting with _____ commissioners in attendance, _____ voting aye, zero nay. Adopted by the City Commission of the City of Clare this _____.

Signed: _____

Pat Humphrey, Mayor

I hereby certify that the foregoing was duly adopted by the CITY COMMISSION of CITY OF CLARE, Michigan, at its regular meeting on the 2nd of December, 2019, that of five members of the City Commission, five were in attendance and five voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is recorded in Ordinances for the CITY OF CLARE.

Effective Date: _____

Diane Lyon, City Clerk

TEXT AMENDMENT REPORT

TO: Planning Commission	DATE: May 28, 2020
FROM: Rodney C. Nanney, AICP, Community and Economic Development Director	
APPLICATION: PTXT20-01 Zoning Text Amendment (Charter Township of Union)	
ACTION REQUESTED: 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 to allow for time to study and potentially update existing Township regulations for these operations.

On May 12, 2020, the Board of Trustees voted unanimously to adopt a new Extraction Ordinance under provisions of the Charter Township Act. This new ordinance, which became effective on May 15, 2020, 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.

Staff and the Township Attorney have worked together to prepare this corresponding amendment to the Zoning Ordinance, which 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. A summary of the as-adopted Extraction Ordinance is included as a separate document, along with the proposed Zoning Ordinance amendment text.

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.

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. The new Extraction Ordinance and corresponding Zoning Ordinance amendment will 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 new Extraction Ordinance.

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, with any questions about this information.

Respectfully submitted,

Rodney C. Nanney, AICP, Director

Community and Economic Development Department

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. 20-01.
 - 3. Planning Commission approval of an Extraction Permit and associated mining and reclamation plans as authorized by the Township’s Extraction Ordinance No. 20.01 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: May 15, 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

CHARTER TOWNSHIP OF UNION
ORDINANCE NUMBER 20-01
EXTRACTION ORDINANCE

Please take notice that the Charter Township of Union Board of Trustees adopted a new Extraction Ordinance Number 20-01 at their regular meeting on May 12, 2020, which was held as an electronic meeting via video/telephone conference, with notice and instructions for access posted at the Township Hall and on the homepage of the Township's website in accordance with the Open Meetings Act, Public Act 267 of 1976, as amended (MCL 15.261 to 15.272) and Executive Orders 2020-48 and 2020-75 authorizing electronic meetings.

The First Reading of the proposed Extraction Ordinance was made at the regular meeting of the Charter Township of Union Board of Trustees on March 11, 2020 in the Township Hall Board Room at 2010 South Lincoln Road, Mt. Pleasant, MI 48858. Following the first reading, a summary of the ordinance and notice of the date, time, and place of the Second Reading was published in The Morning Sun newspaper and posted at the Township Hall in accordance with the requirements of the Charter Township Act, Public Act 359 of 1947, as amended (MCL 42.1 et seq.).

The Second Reading was made at the regular meeting of the Charter Township of Union Board of Trustees on April 8, 2020, which was held as an electronic meeting via video/telephone conference, with notice and instructions for access posted at the Township Hall and on the homepage of the Township's website in accordance with the Open Meetings Act and Executive Order 2020-15 authorizing electronic meetings.

A true copy of the adopted Extraction Ordinance 20-01 may be inspected or obtained by appointment upon request via telephone call to (989) 772-4600 during business hours at the Charter Township of Union office, 2010 South Lincoln Road, Mt. Pleasant, MI 48858, and at any time on the Township's website at <http://www.uniontownshipmi.com>. The following is a summary of the adopted 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 (Repeal) confirms the repeal of Township ordinances or parts thereof that conflict with provisions of this Ordinance to the extent necessary to give this Ordinance full force and effect.

Section 26 (Publication) confirms that applicable publication requirements of state law will be met.

Section 27 (Effective Date) establishes the effective date of the ordinance, based on adoption and publication requirements.

Publication of the adopted Ordinance was made by this notice and posting of the true copy of the proposed ordinance at the Charter Township of Union office and on the Township's website pursuant to Charter Township Act requirements. The Ordinance is effective immediately upon publication of this notice.

Draft Motions: Zoning Ordinance Text Amendment

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: _____

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

CHARTER TOWNSHIP OF UNION
2010 S Lincoln

Mount Pleasant, MI 48858
Attention: Jennifer Loveberry

STATE OF MICHIGAN,
COUNTY OF ISABELLA

The undersigned Noelle Klomp Santog, 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:

CHARTER TOWNSHIP OF UNION

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morningstarpublishing.com 05/20/20

UNION TOWNSHIP PUBLIC HEARING NOTICE
PLANNING COMMISSION
ZONING ORDINANCE TEXT AMENDMENTS

NOTICE is hereby given that a public hearing will be held by the Planning Commission on Monday, June 8, 2020, at 7:00 p.m. for the purpose of receiving comments on proposed amendments to sections 3.41, 13.2 and 30.4 of the Charter Township of Union Zoning Ordinance to update the standards, approval process, and other requirements for sand and gravel pits and other extraction operations, and to revise the definition of lot in the Ordinance.

The Planning Commission will conduct hearing as an electronic meeting consistent with direction from the Governor and state and county health officials to slow the spread of the COVID-19 virus. The Township Hall (2010 S. Lincoln Rd., Mt. Pleasant, MI 48858) remains closed to the public, so there will be no in-person public attendance in the building.


All interested persons may attend and participate by computer or smart phone using the following link to the electronic meeting location: <https://us02web.zoom.us/j/89751444718>. To participate via telephone conference call, please call (312) 626-6799. Enter 897 5144 4718 and the # sign at the Meeting ID prompt. Lastly, re-enter the # sign again at the Participant ID prompt to join the meeting.

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. Written comments may be sent the Charter Township of Union Planning Commission, 2010 South Lincoln Road, Mt. Pleasant, MI 48858, sent via email to info@uniontownshipmi.com or dropped off in the drop box next to the Township Hall.

The proposed amendments may be inspected or obtained by appointment upon request via telephone call to (989) 772-4600 during business hours at the Charter Township of Union office, 2010 South Lincoln Road, Mt. Pleasant, MI 48858, and at any time on the Township's website at <http://www.uniontownshipmi.com>.

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.

Sworn to the subscribed before me this 20th May 2020.


Notary Public, State of Michigan
Acting in Oakland County

JENNIFER A. MOSHER
NOTARY PUBLIC, STATE OF MICHIGAN
COUNTY OF MACOMB
MY COMMISSION EXPIRES 08/29/2022
ACTING IN THE COUNTY OF Calhoun

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