

ONEIDA CHARTER TOWNSHIP PLANNING COMMISSION MEETING
HELD September 5, 2023
7:00 P.M.

MEMBERS PRESENT: CHAIRMAN KILGORE, MEMBERS GREEN, HAFNER, SCHROEDER, SCHERER, DEMBOWSKI AND STEVENS

EXCUSED ABSENT: PLANNING COMMISSION SECRETARY PENA-KLANECKY

OTHERS PRESENT: ZONING ADMINISTRATOR GOSCHKA, BOARD MEMBER SCHULTZ AND TWO MEMBERS OF THE PUBLIC – SEE SIGN IN SHEET

1. Meeting called to order at 7:00 p.m.
2. Pledge of Allegiance.
3. Additions to agenda: None
4. Oaths of Office performed by Jackie Kilgore, Clerk, for Fay Schroeder and Carolyn Stevens for a new term of 3 years for the Planning Commission and Fay Schroeder for a new term of 3 years for Zoning Board of Appeals.
5. Draft Minutes of August 2, 2023. Motion made by Carol Scherer to approve the August minutes as presented, Chairman Kilgore supported the motion. Motion carried.
6. Public Comment: No Public Comment
7. Zoning Ordinance Review – Continue with Chapter 15 – AA. Much discussion took place. See attached for proposed changes.
8. Veterinary Clinic Requirements: After discussion it was decided:
Veterinary Clinics:
 1. The proposed site shall front upon a public road.
 2. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that entrance.
 3. No kennels, outdoor pens, runs or enclosures.Also-Change ordinance to allow as special land use permits for Medical Clinics, Veterinary Clinics and Veterinary Hospitals in A-1, B-1 and B-2 districts only, remove from all other districts.
9. Williams & Works Proposal & Interactive Features: The Commission discussed that we do not need to go the Codifying route for our ordinance but that the Interactive option that Williams & Works offer would be beneficial to the residents, Commission and Board Members for ease as it is interactive with itself which makes it much more user friendly with the links created and the back page option. Williams & Works said they could certainly imitate Delta Townships ordinance functions/tabs which can be found at: https://cms9files.revize.com/deltatwpmi/Document_Center/Government/Ordinances/Delta-Township-Zoning-Ordinance-9-3-17.pdf. The residents of Oneida Charter Township are moving more and more to online information, and this interactive version is more user friendly for our residents. There was also discussion of utilizing the “Planner of Services” plan offered by Williams & Works for any amendments or changes

to be made to the Zoning Ordinance. A fee of \$100/hour would only apply if we used their services to make changes. After discussion, a motion was made by Chairman Kilgore to recommend to the Board of Trustees that we move forward with the interactive PDF offered by Williams & Works for a flat fee of \$4500 and also have Williams & Works do the updating through their "Planner of Services" program as necessary for the Oneida Charter Township Zoning Ordinance at a fee of \$100/hour. Member Green supported the motion. Motion carried.

10. Storage Container Ordinance Review: After much discussion regarding fence height, number of containers allowed in regards to amount of acreage, platted versus unplatted parcels and what districts these should be allowed in, another draft of the ordinance will be put together to be presented at the next meeting to be held in October.
11. Public Comment: Theresa Williams updated on the ongoing issues on Burt Avenue. Jan Schultz made the comment that Eaton County added Small Engine Repair to their Zoning Ordinance under Home Occupation. She also commented that Animal Clinics also do surgeries such as spay/neuter. John McDevitt asked about power lines in Oneida Charter Township.
12. Any other business: Chairman Kilgore informed the commission about the Governors initiative regarding renewable energy and taking control away from local government. There was also some discussion regarding the Public Hearing to be held on October 11, 2023, at Oneida Charter Township by ITC regarding the Electric Transmission Infrastructure Project: Nelson Road to Oneida which is proposed to run through Oneida Charter Township.
13. Adjourned meeting at 9:13 p.m.

Minutes respectfully submitted by Melissa Goschka Zoning Administrator.

APPROVED:



JUSTIN KILGORE, CHAIRMAN

CHAPTER 15

Special Land Uses

SECTION 15.01 SCOPE

This Chapter provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the applicant, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of Oneida Charter Township. For purposes of this Ordinance, all Special Land Uses within the various districts are subject to the conditions and standards of this Chapter. In addition, the following uses shall conform to the specific standards cited in Section 15.04, as applicable.

SECTION 15.02 APPLICATION AND REVIEW PROCEDURES

- A. An application for a Special Land Use shall be submitted through the Zoning Administrator. Each application shall be accompanied by:
1. The payment of a fee, as established by the Township Board.
 2. A completed application form, as provided by the Township.
 3. A complete site plan in accordance with Chapter 16 of this Zoning Ordinance.
 4. A written project narrative and statement, as well as, supporting evidence, relating to each applicable required Special Land Use review standard listed within Section 15.03A.
- B. Applications for a Special Land Use shall be submitted at least thirty (30) days prior to the next Planning Commission meeting. The Zoning Administrator shall determine if the Application is administratively complete.
- C. The administratively complete application and all related materials shall be forwarded to the Planning Commission for consideration.
- D. The Planning Commission shall hold a public hearing on the application, a notice of which must be published in a newspaper, ~~of general circulation~~, Township website, posted at the Township office, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than ~~5 nor more than~~ 15 days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, 1 occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than 4 dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be

requested to post the notice at the primary entrance to the structure. The Township Planning Commission shall have the discretion of notifying property owners beyond the three— hundred feet depending on the type of development. An affidavit of mailing or delivery of notice shall be maintained by the Township Clerk.

E. The notice of public hearing must contain all of the following:

1. Describe the nature of the Special Land Use request.
2. Describe the property which is the subject of the Special Land Use request.
3. State the date, time, and place of the public hearing.
4. Indicate when and where written comments will be received regarding the request.

F. The Planning Commission shall review the application and all other information available to it through the public hearing or other sources, including recommendations or reports from the Township planner, engineer, or other expert, with reference to the standards and findings required herein, and shall issue a written recommendation to the Township Board for either approval, approval with conditions, or denial of the request. The Planning Commission shall incorporate into its written recommendation a statement of the basis for its recommendation and any conditions it recommends.

G. Thereafter, the Township Board shall review and consider the Planning Commission's recommendation on the Special Land Use request at a public meeting after the Planning Commission issues its recommendation. The Township Board shall issue a decision on the Special Land Use request, by either approving, approving with conditions, or denying the request, notwithstanding the Planning Commission's recommendation. The Township Board's decision must be incorporated into a statement containing the conclusions relative to the Special Land Use under consideration which specifies the basis for its decision, and any conditions imposed, all of which shall be made part of the record of the meeting at which action is taken.

H. No application for Special Land Use approval that has been disapproved may be resubmitted for a period of one (1) year from the date of disapproval, ~~provided, except however, that~~ where there exist new and significant facts or conditions which might result in favorable action upon resubmittal; and application may be resubmitted within earlier than one (1) year.

I. A Special Land Use approved pursuant to this Chapter shall be valid for one (1) year from the date of approval. Each development shall be under construction within one (1) year after the date of approval of the Special Land Use, except as noted below.

1. The Planning Commission may grant one (1) six (6) month extension of the approval time period, provided the applicant requests the extension prior to the date of the expiration of the Special Land Use approval.
2. The extension shall be approved if the applicant presents reasonable evidence to the effect that the development has encountered unforeseen difficulties beyond

the control of the applicant, and the project will proceed within the extension period.

3. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the Special Land Use approval shall be null and void.

J. The Planning Commission shall have the authority to recommend to the Charter Township Board that a Special Land Use approval be revoked through utilization of the following procedures:

1. The Planning Commission shall consider the issue of revocation upon finding cause that an approved Special Land Use may be in violation of conditions or standards under which it was approved.
2. Upon finding just cause the Planning Commission shall hold a public hearing following the notification procedures for the original approval.
3. After the public hearing the Planning Commission shall send a recommendation to the Township Board of whether to revoke or not to revoke the Special Land Use approval. The recommendation shall include all pertinent facts that have lead to the decision, including the applicable requirements of this Chapter, other applicable sections of this Ordinance and conditions of the Special Land Use approval.
4. The Township Board shall then make the final determination of whether to revoke or not to revoke the Special Land Use approval based upon all applicable requirements and the facts presented.

SECTION 15.03 GENERAL STANDARDS

In addition to the standards established for specific uses herein, an application for a Special Land Use shall be reviewed for compliance with the review standards for approval of site plans in Section 16.08 hereof, and conditions, as authorized and governed in Section 15.03, B, may be placed upon a Special Land Use.

A. Each application shall be reviewed for the purpose of determining that the proposed Special Land Use meets the following standards and, in addition, that each use of the proposed site will:

1. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that the use will not change the essential character of the area in which it is proposed.
2. Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, and water and sewage facilities.
3. Not create excessive additional requirements at public cost for public facilities and services.

4. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
5. Be consistent with and promote the intent of this Zoning Ordinance.
6. Is compatible with adjacent uses of land, the natural environment, and capacities of public service and facilities affected by the land use.
7. Is consistent with the public health, safety, and welfare of the Township.
8. Is consistent with other applicable ordinances, and state and federal statutes.
9. ~~Ingress and egress shall be from a paved roadway and shall be provided as far as practicable from two (2) intersecting streets or a driveway and shall be at least fifty (50) one hundred (100) feet from the nearest edge of an intersection or driveway. Constant with federal statute.~~
OR Ingress and egress shall be determined by the appropriate county or state road authority.

B. The Planning Commission may recommend or Township Board may stipulate any additional conditions and safeguards deemed necessary to accomplish the following purposes:

1. Meet the intent and purpose of the Zoning Ordinance.
2. Relate to the standards established in the Zoning Ordinance for the land use or activity under consideration.
3. Insure compliance with those standards.
4. Protect the general welfare.
5. Protect individual property rights.
6. Ensure that the intent and objectives of this Zoning Ordinance will be observed.

Failure to comply with conditions approved by the Township Board may result in revocation of the Special Land Use approval, pursuant to Section 15.02(J).

SECTION 15.04 SPECIAL LAND USE SPECIFIC REQUIREMENTS

The general standards and requirements of Section 15.03, A, are basic to all Special Land Uses. The specific and detailed requirements set forth in the following Section relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements.

Planner to put in alphabetical order by subject.

A. Adult uses.

1. In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several are concentrated in certain areas, or located in proximity to a residential zone, thereby having a detrimental effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These controls of this subsection are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential or other neighborhood. These controls do not legitimize activities which are prohibited in other Sections of the Zoning Ordinance.
2. Adult uses shall comply with the following requirements:
 - a. The use shall not be located within a one thousand (1,000) foot radius of any other adult use.
 - b. The use shall not be located within a three hundred (300) foot radius of any Residential District or ~~Use~~, public park, school, child care facility, or place of religious worship, ~~or other adult use.~~
 - c. All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan, or have any other similar qualifications which must be submitted to and approved by the Township Board. All massage clinics are subject to inspection from time to time by the Zoning Administrator and shall be required to file reports as may be required by the Township, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment.
 - d. For the purpose of this subsection, the measurement of a radius shall be measured in a straight line from the actual location of the use to the nearest property line of the Residential District or use, public park, school, child care facility, or place of religious worship, or other adult use.
 - e. Establishments where uses subject to the control of this subsection are located shall not be expanded in any manner without first applying for and receiving the approval of the Township Board, as provided herein.
 - f. ~~AA~~ adult use shall not be located in the same structure or on the same parcel as another regulated use.
 - g. All ~~on-site~~ on-site parking areas shall comply with the requirements of this Ordinance and additionally shall be illuminated on any days the business is open from sunset until at least sixty (60) minutes after closing.
 - h. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.

- i. Any sign or signs proposed for an adult use must comply with the requirements of this Ordinance, and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated illumination or flashing illumination.
- j. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two (2) inches in height, that states the following:
 - (1) "Persons under the age of 18 years are not permitted to enter the premises."
 - (2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
- k. No adult use shall be open for business prior to ten o'clock a.m. (10:00 a.m.), nor after ten o'clock p.m. (10:00 p.m.). However, employees or other agents, or contractors of the business may be on the premises at other hours for legitimate business purposes such as maintenance, preparation, record keeping, and similar purposes.

B. Agricultural processing facilities

1. The principal and accessory buildings for processing shall not be located within two-hundred (200) feet of any Residential District or use property line.
2. The proposed site shall front upon a public road. ~~paved County Primary or County Local street.~~ All ingress and egress shall be from that thoroughfare.

C. Assembly buildings including dance halls, auditoriums, and private clubs

1. The proposed site shall front upon a public road. ~~paved County Primary or County Local street.~~ All ingress and egress shall be from that thoroughfare.
2. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access.
3. Minimum lot area shall be one (1) acre.
4. Parking shall not be permitted within any required yard.
5. Outside activities shall take place at least fifty (50) feet from any Residential District or use.

D. Bed and breakfast establishments.

1. The establishment shall be serviced by approved water and sanitary sewer

services.

2. The establishment shall be located on property with direct access to a paved public roadway.
3. The uses shall only be established in a detached stand-alone single-family dwelling.
4. Parking shall be located to minimize negative impacts on adjacent properties.
5. The lot on which the establishment is located shall meet the minimum lot size requirements of the zone district.
6. The total number of guest rooms in the establishment shall not exceed five (5), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed a total of nine (9) guest rooms.
7. Exterior refuse storage facilities beyond what might normally be expected for a stand-alone detached single-family single-family dwelling shall be screened from view on all sides by a six (6) foot solid, decorative fence or wall.
8. The establishment shall contain the principal residence of the operator.
9. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, bakeries, and other similar uses.
10. Meals may be served only to the operator's family, employees, and overnight guests.

E. Building materials sales, including building trade contractors and related storage yards

1. Minimum lot width shall be two hundred (200) feet.
2. The Township Board may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
3. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access.
4. All lighting shall be shielded from adjacent residential Districts or uses.
5. The storage or materials display areas shall meet all the yard setback requirements applicable to any main building in the District.

F. Cemeteries

1. The proposed site shall front upon a ~~public road.~~ ~~paved public street.~~
2. All grave sites, buildings and structures shall be set back at least fifty (50) feet from any side or rear property line.

G. Churches-Places of Worship.

1. Minimum lot area shall be two (2) acres; plus an additional fifteen thousand (15,000) square feet for each one hundred (100) seating capacity or fraction thereof in excess of one hundred (100).
2. The property location shall have at least one (1) property line that abuts and has access to a ~~collector, major arterial, or minor arterial street~~ ~~public road.~~
3. A greenbelt shall be provided in accordance with Section 3.12 where, in the opinion of the Township Board, screening is required to minimize visual, noise, or other effects from the proposed development.
4. No building shall be closer than fifty (50) feet to any property or ~~street line~~ ~~road right-of-way line.~~ Greater height is allowable past the height limitations of the zoning district provided there is an increased setback distance of one (1) foot for each increased one (1) foot of height.

H. Commercial recreation including mini-golf, driving ranges, bowling lanes, theaters, indoor skating rinks, billiard parlors, or similar uses

1. The proposed site shall front upon a public road ~~paved County Primary, or County Local street.~~ All ingress and egress shall be from that thoroughfare.
2. Public access to the site shall be located at least one hundred ~~fifty (150)~~ 100 feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access.
3. Any lot line abutting a Residential District shall provide a fifty (50) foot wide greenbelt in accordance with Section 3.12.
4. The main and accessory buildings and structures shall not be located within one-hundred (100) feet of any Residential District or permitted use.
5. Golf driving ranges shall be sufficient in size to retain balls within the site by means of landscaping, berms or a six (6) foot high fence. Netting shall be prohibited unless the Township Board determines that it would be compatible with surrounding uses.

I. Commercial removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources

1. No soil, sand, gravel, or other earth material shall be removed from any land within the ~~Charter T~~township without Special Land Use approval, with the following exceptions:
 - a. When the earth removal is incidental to an operation for which a building permit has been issued by the ~~Charter~~ Township.

- b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects.
 - c. The earth removal involves less than one hundred (100) cubic yards.
 - d. The earth removal is for the purpose of construction of a swimming pool.
 - e. The soil removal will not be in violation of any other section of this ordinance, other Township ordinance, Soil Erosion and Sedimentation Control Act of 1972, as amended, or any other applicable state or federal law.
2. In addition to the materials required by this Chapter, the application for Special Land Use approval shall include the following:
- a. A written legal description of all of the lands proposed for the use.
 - b. Ten (10) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following, at a minimum:
 - (1) A North arrow, scale, and date.
 - (2) Shading indicating the extent of land area on which mineral removal operations and activities will take place.
 - (3) The location, width, and grade of all easements or rights-of-way on or abutting the lands.
 - (4) The location and nature of all structures on the lands.
 - (5) The location and direction of all water courses and flood control channels which may be affected by the mineral removal operations.
 - (6) Existing elevations of the lands at intervals of not more than five (5) feet.
 - (7) Typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table.
 - (8) Mineral processing and storage areas.
 - (9) Proposed fencing, gates, parking areas, and signs.
 - (10) Roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles.
 - (a) A map showing access routes between the subject lands and the nearest County Primary Arterial road.

- (b) Areas to be used for ponding.
 - c. A narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated by type and quantity of mineral materials to be removed, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.
 - d. A site rehabilitation plan including the following:
 - (1) A written description of planned site rehabilitation and end-use(s), including potential methods of accomplishment and phasing.
 - (2) A plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; water courses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end-use(s).
 - (3) A description of the proposed methods or features which will ensure that the end-use(s) are feasible and can comply with all applicable requirements of this Ordinance.
 - e. The Township Board may require an environmental impact statement, engineering data, or other additional information concerning the need for and consequences of the extraction if it is believed that the extraction may have an adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.
3. Each site rehabilitation plan shall be reviewed by the Township Board and shall comply with all of the following requirements:
- a. Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation. Slopes shall be graded and stabilized to an extent that will accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if in phases. Topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are begun in another phase.
 - b. Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.
 - c. Grass, shrubs, trees, and other vegetation shall be planted to maximize erosion protection, screen less attractive areas, and enhance the beauty of the site as rehabilitated.
4. No machinery shall be erected or maintained within one hundred (100) feet of any exterior property line. No cut or excavation shall be made closer than fifty

- (50) feet to any street right-of-way line or property line in order to ensure sublateral support to surrounding property. The Charter Township Board may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located within two hundred (200) feet of any Residential District.
5. The Charter Township Board shall recommend routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface that will minimize dust and the entry road shall be hard surfaced for a distance established by the Township Board to minimize dust, mud, and debris being carried onto the public street.
 6. Proper measures, as determined by the Zoning Administrator shall be taken to minimize the nuisance of noise and flying dust or rock. These measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
 7. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in a condition or manner as to constitute a danger to children or others who may enter the removal areas.
 8. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each two (2) feet of horizontal distance, after the cessation of daily operations, provided, however, that the Township Board may require some lesser daily grading requirement if the applicant provides and maintains a substantial welded wire fence, or fence of equal material, of at least four (4) feet in height, located so that any slopes steeper than one (1) foot of elevation for each two (2) feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.
 9. The Township Board may require compliance with any other conditions as may be necessary to ensure compliance with the terms of this subsection. These conditions may include, though need not be limited to, time limits, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.
 10. An applicant for a permit shall submit a performance bond in accordance with the requirements of this Ordinance, naming the Charter Township of Oneida as the insured party and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond shall have any other terms and shall be in an amount recommended by the Township Board as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.
 - a. The performance bond shall not be refunded, reduced, or transferred until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator and until the Township Board has determined that the applicant, or its successor, has fully complied with all of the terms,

conditions, site rehabilitation and restoration requirements, and all other matters required of the applicant under the terms of the permit.

- b. The timely and faithful compliance with all of the provisions of the performance bond shall be a condition of any mineral removal operations. In the absence of any compliance with the terms of the performance bond, or if the same is revoked or it expires or is not renewed, the Charter Township Board need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.

J. Commercial storage warehouses

1. Minimum lot area shall be three (3) acres.
2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family detached stand-alone dwelling in the R-1B District.
3. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access.
4. One (1) parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.
5. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
6. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent the rental office, for the use of customers.
7. Parking lanes and access aisles adjacent the individual storage facilities shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.
8. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.
9. All lighting shall be shielded from adjacent Residential Districts or uses.

K. Drive-through restaurants and establishments, including banks, dry cleaners, pharmacies, and similar services with drive-through service

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through portion of the facility.

2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have side and rear yard setbacks of at least ten (10) feet.
4. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access. ~~Public access to the site shall be located at least one hundred (100) feet from any intersection or other driveway on the same side of the street, as measured from the nearest right-of-way line to the nearest edge of that access.~~
5. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.
7. Exterior refuse storage facilities beyond what might normally be expected for a stand-alone ~~detached single family~~ single-family dwelling shall be screened from view on all sides by a six (6) foot solid, decorative fence or wall.

L. Fairgrounds, riding stables, public or private campgrounds, and publicly - owned athletic grounds and parks, and other similar uses, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use, and other similar uses integral to the principal use

1. The use shall be located on property with direct access to a public street.
2. Any outdoor activity areas shall be set back a minimum of one hundred (100) feet from any Residential District or use.
3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
4. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access. ~~Access driveways shall be located no less than one hundred and fifty (150) feet from the nearest part of the intersection of any street or any other driveway.~~
5. Buildings housing animals, storage equipment, or other similar buildings shall be located at least fifty (50) feet from any lot line.
6. Public or private campgrounds shall comply with the following:
 - a. Direct vehicular access to a public street or road shall only be permitted for the main entrance to the campground site.

- b. Public stations, housed in all-weather structures, containing adequate water outlet, waste container, toilet and shower facilities shall be provided.
- c. No commercial enterprise shall be permitted to operate on the lot, except that a convenience shopping facility may be provided on a lot containing more than eighty (80) sites. A convenience store, excluding laundry and similar ancillary uses, shall not exceed a maximum floor area of one thousand (1,000) square feet GFA.
- d. Each lot shall provide hard-surfaced, ~~dust-free~~ vehicle parking areas that will minimize dust for site occupant and guest parking. The parking area shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping).
- e. Each site shall contain a minimum of one thousand five hundred (1,500) square feet. Each site shall be set back at least seventy five (75) feet from any public or private right-of-way or property line.
- f. Each travel trailer site shall have direct access to a hard-surfaced, ~~dust-free~~ roadway of at least twenty four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for, and only used for, tent camping, need not have direct vehicular access to any street or road.
- g. Any open drainage ways must have seeded banks sloped at least 3:1 and designed to properly drain all surface waters into the ~~C~~county drain system, subject to approval by the Drain Commissioner of Eaton County.
- h. All sanitary facilities shall be designed and constructed in strict conformance to all applicable ~~C~~county health regulations.
- i. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.

M. Funeral homes and mortuary establishments

- 1. Minimum lot area shall be one (1) acres with a minimum width of one hundred and fifty (150) feet.
- 2. A well designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or its related maneuvering space. ~~Access driveways shall be located at least 100 feet no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.~~ Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access.
- 3. A caretaker's residence may be provided within the main building.
- 4. The proposed site shall front upon a public road paved ~~County Primary or County Local~~ street. All ingress and egress shall be from that thoroughfare.

N. Greenhouses and nurseries

1. The lot area used for parking, display, or storage shall be provided with a permanent, durable ~~and dustless~~ a surface that will minimize dust, and shall be graded and drained so as to dispose of all surface water.
2. ~~Access driveways shall be located at lease fifty (50) feet one hundred (100) feet from the nearest part of the intersection of any street or any other driveway.~~ Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access.
3. Lighting for outdoor storage areas and parking shall be shielded to prevent light from illuminating into any Residential District or use property line.
4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

O. Group day care home; commercial day cares and day cares operated by a place of worship

1. Group day care homes.

A group day care home licensed or registered under Act No. 116 of the Public Acts of 1973, as amended, shall be issued a special land use permit if the group day care home meets the following standards:

- a. Is located not closer than 1,500 feet to any of the following:
 - (1) Another licensed group day care home.
 - (2) Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act No. 218 of the Public Acts of 1979, as amended, being Section 400.701 to 400.737 of the Michigan Compiled Laws.
 - (3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6 of the Public Health Code, Act No. 368 of the Public Acts of 1978, as amended, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
 - (4) A community correction center, resident home, halfway house, or other similar facility which houses and inmate population under the jurisdiction of the Department of Corrections.
- b. Has appropriate fencing for the safety of the children in the group day care home as determined by the Township.
- c. Maintains the property consistent with the visible characteristics of the

neighborhood.

- d. Does not exceed 16 hours of operation during a 24-hour period. The Township may limit but not prohibit the operation of a group day care home between the hours of 10:00 p.m. and 6:00 a.m.
- e. Meets regulations, if any, governing signs used by a group day care home to identify itself.
- f. Meets regulations, if any, requiring a group day care home operator to provide off-street parking accommodations for his or her employees.

2. Commercial day cares and day cares operated by a place of worship

A commercial day care or a day care operated by a place of worship shall be issued a special land use permit if it meets the following standards:

- a. There shall be provided, equipped and maintained, on the premises, a minimum of one hundred and fifty (150) square feet of usable outdoor recreation area for each client of the facility.
- b. The outdoor recreation area shall be fenced and screened from any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
- c. Required off-street parking, as well as off-street pick-up and drop-off areas shall be provided.
- d. The applicant shall provide evidence of the ability to comply with all applicable State licensing requirements.

P. What is the correct verbiage?: Hospitals, nursing homes, and housing for the elderly (not including institutions for the challenged, disabled, or intellectually disabled, mentally retarded, drug or alcohol patients, or correctional facilities)

- 1. Minimum lot size shall be five (5) acres.
- 2. The proposed site shall front upon a public road. ~~paved County Primary, or County Local street.~~ Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access. The ingress and egress for off-street parking facilities for guests, patients, employees and staff shall be directly from that major thoroughfare.
- 3. Minimum main and accessory building setbacks from all property lines shall be one hundred (100) feet.
- 4. Ambulance and emergency entrance areas shall be visually screened from view of adjacent residential uses by a structure or by a sight-obscuring wall or fences of six (6) feet or more in height. ~~Access to and from the ambulance and delivery area shall be directly from a county major or minor arterial street.~~

5. No more than twenty-five (25) percent of the gross site area shall be occupied by buildings, excluding parking structures.

Q. Hotels and motels

1. Minimum lot area shall be four (4) acres and minimum lot width shall be two-hundred (200) feet.
2. Parking areas shall have a minimum twenty (20) feet setback in the side and rear yard setbacks.
3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access. All ingress and egress shall be from that thoroughfare.

R. Intensive livestock operations

1. Minimum lot area shall be forty (40) acres.
2. Shall comply with the state's Generally Accepted Agricultural and Management Practices (GAAMP's) established by the Michigan Commission of Agriculture, with authority granted from the Michigan Right to Farm Act, P.A. PA 93 of 1981, as amended.
3. No storm water runoff from the area of the site upon which the proposed operation is located shall be permitted to any adjacent property not under the control of the owner of the operation.

S. Salvage and junk yards

1. Requests for a Special Land Use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
2. The site shall be provided with suitable access to a public road. paved County Primary Road to ensure safe, direct transport of salvage to and from the site. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access. All ingress and egress shall be from that thoroughfare.
3. No portion of the storage area shall be located within two hundred (200) feet of any Residential or Agricultural District or use property line.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least ten (10) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The

- fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. The fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
5. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
 6. The fence or wall enclosing the storage area shall meet the applicable building setback requirements.
 7. A management office shall be provided on site.
 8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
 9. All portions of the storage area shall be accessible to emergency vehicles.
 10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
 11. ~~All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Drainage shall take place in a confined, hard surfaced area with adequate containment facilities to retain spillage. Salvaged batteries, oil and other similar substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method. All batteries and fluids shall be stored and maintained in compliance with the Department of Environment, Great Lakes, and Energy (EGLE) standards.~~
 12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
 13. Minimum site size shall be six (6) acres.
 14. All fences shall be setback a minimum of twenty (20) feet from any Residential District or use property line.
 15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
 16. The Charter Township Board may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the Charter Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

T. Kennels, veterinary clinics, and veterinary hospitals. (Combine kennels and veterinary

hospitals and separate veterinary clinics).

Need to review for veterinary hospitals. See numbers 1-3. These pertain to overnights. See definition.

Veterinary Clinics

- 1. The proposed site shall front upon a public road.**
- 2. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that entrance.**
- 3. No kennels, outdoor pens, runs or enclosures.**

Kennels/Veterinary Hospitals

?? Melissa – what should we add to this ??

Create requirements for veterinary clinics. These pertain to outpatient services. See definition.

- 1. The minimum lot area shall be one (1) acre for the first four (4) animals and an additional one-third (1/3) acre for each additional animal, except that no more than three (3) acres of total lot area shall be required. Animals counted toward this total shall include the total capacity for overnight boarding/keeping.**
- 2. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear or side yard setback area.**
- 3. All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed main building.**

U. Medical offices including clinics

- 1. The proposed site shall front upon a public road. paved county Primary or County Local street. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access. All ingress and egress shall be from the thoroughfare.**
- 2. Public access to the site shall be located at least one hundred fifty (150) (100) feet from any intersection as measured from the nearest edge of that access.**

V. Municipal buildings and libraries

The proposed site shall front upon a public road. paved County Primary or County Local street. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access. All ingress and egress shall be from the thoroughfare.

- 1. Buildings and structures shall be setback at least fifty (50) feet one hundred (100) feet from all property lines and street rights-of-way.**

W. Planned Unit Development (PUD)

Entire Section to be reviewed for accuracy, changes, etc.)

1. Scope

Traditional zoning with its rigid separation of uses into different zones under very restricted placement controls may be inappropriate to many medium and large scale developments. Planned developments, which modify the traditional forms of zoning, permit a developer to secure advantages which can be passed on to the general public by virtue of more desirable and more economical development. This subsection provides a controlled degree of flexibility in the placement of structures and lot sizes and types of residential uses, while maintaining adequate planning and development standards. The Planned Unit Development (PUD) provisions shall be applied as a Special Land Use in accordance with the following additional regulations.

2. Objectives

The objectives, principles, and standards are intended to guide the applicant in the preparation of the land use and development plan and they shall be used as the basis for the evaluation of the plan by the Township Board. The following objectives shall be considered in reviewing an application for PUD zoning in order to realize the inherent advantages of coordinated, flexible, comprehensive, and long-range planning and development of the PUD.

- a. To provide more desirable living, shopping and working environments by preserving the natural character of open fields, stands of trees, brooks, ponds, floodplains, hills, and similar natural assets.
- b. To encourage with regard to residential use the provision of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.
- c. To encourage developers to use a more creative and imaginative approach in the development of residential areas.
- d. To provide more efficient and aesthetic use of open areas.
- e. To encourage innovation in the physical development pattern of the Township by providing a variety of housing arrangements with well designed access and circulation.

3. Application Procedure

- a. **Preliminary sketch plan review:** Before submitting an application for a PUD, the applicant shall submit ten (10) copies of a preliminary sketch plan and a written statement, as below.

- (1) **Preliminary sketch plan requirements:** The Preliminary Sketch Plan shall show enough of the surrounding area to demonstrate the

relationship of the PUD to adjoining uses, both existing and proposed. The preliminary sketch plan may be in general schematic form and must contain the following, unless the Planning Commission determines that some of the required information is not reasonably necessary:

- (a) A legal description of the site, reflecting area size and boundary line dimensions. A current, properly notated surveyor's map may be acceptable.
- (b) A list of existing and proposed land uses and their approximate location.
- (c) The existing topographic character of the site.
- (d) The character and approximate net residential density being proposed.
- (e) Circulation patterns including arterial, collector, and pedestrian.
- (f) The proposed public uses including schools, parks, open space, etc.
- (g) Existing flood plains, bodies of water and other unbuildable areas.

(2) Written Statement. The written statement to be included with the preliminary sketch plan must contain the following information:

- (a) An explanation of the character of the PUD, the manner in which it has been planned to take advantage of the PUD regulations, and the manner in which meets all of the Objectives of the PUD set forth in Section 15.04(W) (2)(a)-(e).
- (b) A statement of ownership of all land within the proposed PUD.
- (c) A general indication of the expected schedule of development.
- (d) A general indication of the expected public interest to be served by the PUD and how the PUD conforms to the Township Master Plan.
- (e) The estimated population and bedroom distribution.
- (f) An indication of any contemplated private deed restrictions or covenants.
- (g) A description of how the PUD meets the standards of Section 15.03 A.

- (3) Upon receipt of a preliminary sketch plan and written statement for a PUD, the preliminary sketch plan shall be scheduled for a public hearing and review before the Planning Commission. Notice for the public hearing shall meet the requirements for a zoning amendment pursuant to MCL 125.286c(5). The Planning Commission shall review the preliminary sketch plan and make a recommendation to the Township Board.
- (4) Upon receiving the recommendation of the Planning Commission, the Township Board shall review the preliminary sketch plan and take one of the following actions:
 - (a) Approval. The Township Board shall grant preliminary approval if it finds that the applicant has met its burden to produce sufficient documentary evidence that all of the following criteria are met. Approval confers upon the applicant the right to proceed to preparation of the Final Plan, but does not bind the Township to approve a Final Plan submitted thereafter:
 - (i) The proposal satisfies all objectives set forth in Section 15.04(W)(2)(a)-(e) of this Zoning Ordinance.
 - (ii) The proposal is consistent with the Township's Master Plan.
 - (iii) The proposal meets the standards set forth in Section 15.03 (A) of this Zoning Ordinance.
 - (iv) The proposal is compatible with existing and proposed development in the surrounding area.
 - (v) The proposal is consistent with the public health, safety and welfare of the Township.
 - (vi) The proposal minimizes any negative environmental impact on the subject site or surrounding area.
 - (b) Tabling. Upon finding that the preliminary sketch plan does not meet the criteria set forth above, but could meet the criteria if revised, the Township Board may table the matter until a revised preliminary sketch plan is Submitted. The Township Board may refer a tabled preliminary sketch plan to the Planning Commission for additional review.
 - (c) Denial. Upon finding that the preliminary sketch plan does not meet the criteria set forth above, the Township Board shall deny the preliminary sketch plan.

b. Final PUD

- (1) Within one (1) year from the date the Township Board mails a copy of its decision on the preliminary sketch plan to the applicant, the applicant shall submit a PUD final plan application, PUD final plan, and a petition for PUD re-zoning to the Planning Commission on a form supplied by the Zoning Administrator. If a PUD final plan is not submitted by the applicant for final approval within one (1) year, then the preliminary sketch plan is null and void. An extension of the time by which to submit a PUD final plan may be granted by the Planning Commission upon good cause shown if the request is made to the Planning Commission before the one (1) year period. An application shall be submitted at least thirty (30) days prior to the date of first consideration by the Planning Commission and shall be accompanied by the following:
 - (a) An application fee as established by the Township Board.
 - (b) A final site plan as specified in Chapter 16. If the PUD is to be developed in phases, the final site plan may be prepared for one (1) or more phases. The final site plan review, including any public hearings, shall be performed prior to the development of each individual phase. All phases must be consistent with the PUD as depicted in the preliminary sketch plan.
 - (c) A development schedule indicating:
 - (i) Approximate date for commencement of construction.
 - (ii) Stages or phases in which the project will be built including the expected starting and completion dates of each phase.
 - (iii) Size and location of each area of common use for recreation or open space purposes which will be complete at each phase.
 - (d) Agreements, provisions, or other covenants which will govern use, maintenance, and continued protection of the PUD and any of its common use or open space areas. A general grading plan reflecting the slope and drainage characteristics before and after development, with explanation of any potential impact on the environment, such as loss of natural resources, increased erosion and sedimentation potential, increased flood hazard or other impacts.
 - (e) An affidavit averring that the PUD shall not cause significant adverse effects upon nearby or adjacent lands.
- (2) **Staff/Consultant Review.** The Township shall submit the PUD final plan and supporting materials to the relevant Township staff, review

agencies, and the Township Planner for review and comment.

- (3) Review and Approval of a PUD Final Plan. Upon receipt of a PUD final plan, the matter shall be treated as an application to amend this Ordinance, and shall be scheduled for a public hearing and review before the Planning Commission. Notice for the public hearing shall meet the requirements for a zoning amendment pursuant to MCL 125.286c(5). The Planning Commission shall review the final plan and make a recommendation to the Township Board.
- (4) Upon receiving the recommendation of the Planning Commission, the Township Board shall review the final plan and take one of the following actions:
 - (a) Approval. The Township Board shall grant final approval if it finds that the applicant has met its burden to produce sufficient documentary evidence that all of the following criteria are met:
 - (i) The proposal satisfies all objectives set forth in Section 15.04(W)(2)(a)-(e) of this Zoning Ordinance.
 - (ii) The proposal is consistent with the Township's Master Plan.
 - (iii) The qualifying conditions and permitted uses for the PUD.
 - (iv) The site plan review standards of Section 16.
 - (v) The standards of Section 16.08(A).
 - (vi) The proposal meets the standards set forth in Section 15.03(A) of this Zoning Ordinance.
 - (vii) The proposal is consistent with the public health, safety, and welfare of the Township.
 - (viii) The proposal minimizes any negative environmental impact on the subject site or surrounding area.
 - (b) Denial. Upon finding that the final plan does not meet the criteria set forth above, the Township Board shall deny the preliminary sketch plan.
- (5) The Township Board shall prepare a report stating its conclusions on the request for a PUD, the basis for its decision, the decision, and any conditions relating to an affirmative decision.
- (6) An approval shall not be considered final until the applicant submits a written acceptance of the approved PUD plan to the Township. No building permits may be issued until final approval is granted.

After final approval, the following requirements shall be met, if applicable.

(a) Where the provisions of Act 288, Michigan Public Acts of 1967, as amended, (Land Division Act) shall apply, the applicant shall thereafter submit the information and plans as may be required by Act 288 and all other local procedures or regulations pertaining to planning approval.

(b) The Township Board shall cause to have legal documents or contracts prepared which involve Oneida Charter Township and are required as a result of the conditions contained in the final approval. All contracts shall be in recordable form and executed and recorded in the Office of the Eaton County Register of Deeds. All costs for preparation or recording shall be paid by the applicant.

(7) The Zoning Administrator shall inspect the development at each stage to insure reasonable compliance with the conditions of final approval, the final sSite pPlan and the approved schedule of improvements.

4. Permitted Uses

a. The following uses of land and structures may be permitted within a PUD.

(1) Single-family detached dwellings.

(2) Two-family dwellings, provided that the units make up no more than twenty percent (20%) of the total number of residential dwelling units in the total PUD.

(3) Multiple family dwellings, provided that the units make up no more than thirty percent (30%) of the total number of residential dwelling units in the total PUD.

(4) Golf courses, indoor tennis clubs, and athletic clubs, including ancillary commercial activities such as pro shops, restaurants (excluding drive-ins), and similar uses.

(5) Any pPermitted uUse within the B-1 Local Business District, provided that:

(a) The total site of the PUD is at least eighty (80) contiguous acres, unless the Planning Commission determines that a lesser acreage is appropriate to achieve the intent and purpose of the PUD.

(b) The gross area designated for commercial use including parking, accessways, and yards or open space shall not exceed five percent (5%) of the gross site area of the PUD.

- (c) All uses are integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
 - (d) Uses shall not materially alter the residential character of the neighborhood and/or the PUD.
 - (e) All merchandise for display, sale or lease shall be entirely within an enclosed building(s).
 - (f) Buildings designed for nonresidential uses are constructed according to the following schedule:
 - (i) If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to construction of any non-residential use.
 - (ii) If the PUD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the construction of any non-residential use.
 - (g) No commercial uses shall be established without the construction and occupancy of at least twenty percent (20%) of the total number of planned residential dwelling units.
- b. Accessory buildings, structures and uses customarily incidental to any of the above Permitted Uses as regulated by Section 3.08. Development Requirements
- (1) **Density:** The total permitted residential density shall be determined through the submission of a plan indicating the general design based on the requirements of the existing zone district. If located in more than one (1) district the density shall be made proportional to the development requirements of the area included in each district.
 - (2) **Open Space:** Any open space provided in the PUD shall meet the following considerations and requirements:
 - (a) Open space may be established to separate use areas within the PUD.
 - (b) Open space areas shall be large enough and of proper dimensions so as to constitute a usable area, with adequate access, through easements or other similar arrangements, so that all properties within the entire PUD may utilize the available open space.
 - (c) Evidence shall be given that satisfactory arrangements will be made for the maintenance of the designated land to

relieve the Township of the future maintenance thereof

(d) Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation.

(e) All land set aside as open space shall be deed restricted to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s), be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.

(f) All open space shall be in the joint ownership of the property owners within the PUD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.

(3) The minimum lot and yard requirements within the PUD shall be established by the Planning Commission.

(4) Signs shall be as permitted in the most restrictive zone district in which the use requiring the sign is permitted, except as may be permitted otherwise by the Planning Commission as part of the PUD approval process.

(5) Parking requirements shall be as required in Chapter 17.

(6) Utilities shall be installed underground, whenever reasonably possible.

5. Conditions of Approval

a. As part of an approval to any PUD, the Planning Commission and Township Board may impose any additional conditions or limitations as in their judgment may be necessary for protection of the public interest.

b. These conditions shall be related to and ensure that the review standards of this Chapter are met.

c. The conditions imposed shall be included in the decision approving the PUD. The conditions shall remain unchanged unless an amendment to the PUD is approved in accordance with this Ordinance.

X. Public utility and service buildings, not requiring outside storage of materials

1. Any related buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
2. Any building shall comply with the yard setback and dimensional requirements of the District in which it is located.

3. Not more than thirty percent (30%) of the lot area may be covered by buildings.
4. Mechanical equipment shall be screened with fencing and/or landscaping from adjacent properties and roadways.

Y. Retail food establishments which supply groceries, fruits, vegetables, meats, dairy products, baked goods, confections, or similar commodities for consumption off premises, and other retail businesses such as drug, variety, dry goods, clothing, notions, music, book, or hardware stores, conducting business entirely within enclosed buildings of ten thousand (10,000) square feet of gross floor area (GFA) or greater

1. Is the setback correct?: The main building with front parking shall be setback two-hundred-fifty (250) feet from any public right-of-way or property line.

2. The site shall have access to at least one (1) public road. paved County Primary or County Local road. Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access. All ingress and egress shall be from the thoroughfare. Please Note: Combined #2 and #4

3. The design of the retail establishment shall ensure that vehicular circulation patterns reduce conflicts between vehicles and pedestrians on-site, and the impacts of traffic generated by the retail establishment on adjacent streets.

4. Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway. Please Note: Combined #2 and #4

Z. Open air businesses

Wording in Z needs to be cleaned up.

1. Minimum lot area shall be two (2) acres

2. Minimum lot width shall be two hundred (200) feet.

3. The Township Board may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.

4. All open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.

5. Each lot shall provide a hard surface that will minimize dust. The lot will be used for vehicle parking areas for site occupant and guest parking. The parking area shall be located within four hundred (400) feet of the site it is intended to serve. The lot area used for parking shall be hard surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless a surface that will

minimize dust and shall be graded and drained so as to dispose of all surface water.

6. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access. All ingress and egress shall be from the thoroughfare.

7. All lighting shall be shielded from adjacent residential areas.

8. In the case of a plant materials nursery:

a. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the District.

b. All loading activities and parking areas shall be provided on the same premises (off-street).

c. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

9. No display area shall be located within the required front yard or less than twenty (20) feet from any side or rear property line.

AA. Radio, television, or telephone transmission towers, including towers in excess of one hundred (100) feet in height for Commercial Wireless Telecommunication Services

1. Antennas for Commercial Wireless Telecommunication Services shall be required to locate on any existing or approved tower within a two (2) mile radius of the proposed tower unless one (1) or more of the following conditions exists:
 - a. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and registered professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

- b. The planned equipment would cause interference materially affecting the usability of other existing or planned equipment at the tower or building as documented by a qualified and registered professional engineer and the interference cannot be prevented at a reasonable cost.
- c. Existing or approved towers and buildings within a one (1) mile radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and registered professional engineer.
- d. Other unforeseen reasons that make it infeasible to locate the planned equipment upon an existing tower or building.

2 Planner to Review: Any proposed tower for Commercial Wireless Telecommunication Services shall be designed, structurally, electrically, and in all other respects, to accommodate both the applicant's equipment and comparable equipment for at least two (2) ?? additional users. Towers must be designed to allow for future rearrangement of equipment upon the tower and to accept equipment mounted at varying heights.

- 3. Towers shall be designed to blend into the surrounding environment through the use of color and architectural treatment, except in instances where color is dictated by other state or federal authorities. Towers shall be of a monopole design unless the Township Board determines that an alternative design would better blend into the surrounding environment.
- 4. Any part of the structures or equipment placed on the ground pertaining to the tower shall comply with the following setbacks:
 - a. At a minimum, all towers shall be setback from adjacent property lines for a distance equal to or greater than the height of the tower.
 - b. In no event shall the Township Board approve any tower or any part of which (such as guy wire) located within two hundred (200) feet of any Residential District lot line even if the tower is less than 200 feet in height.
 - c. Non Residential Areas: Any associated part of a tower or associated equipment (such as guy wire) shall be set back for a distance equal to the setbacks for main buildings for the district in which it is located, except that in no case shall the structures or equipment be located less than twenty-five (25) feet from any adjacent lot line or main building.
 - d. These provisions shall not apply to towers located on existing buildings, towers, or other existing structure.
- 5. The Township Board may require the structures or equipment on the ground to be screened with landscaping, berms, walls, or a combination of these elements.
- 6. Towers shall not be illuminated unless required by other state or federal authorities. No signs or other advertising not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings.

7. Towers which are abandoned or unused shall be removed, along with any associated structures or equipment, within ~~twelve (12)~~ six (6) months of the cessation of operations, unless a time extension is granted by the Zoning Administrator. One (1) three (3) month extension shall be permitted only if the Zoning Administrator finds that the owner or former operator of the facility is taking active steps to ensure its removal.

BB. Restaurants, not including drive-through establishments

1. The proposed site shall front upon a paved County Primary or County Local street.
2. Public access to the site shall be located at least ~~one hundred fifty (150) feet~~ one hundred (100) from any intersection as measured from the nearest right-of-way line to the nearest edge of that access.

CC. Roadside stands with two-hundred (200) square feet or more of sales area

1. The Township Board may require ~~an a five (5) foot~~ eight (8) foot fence or wall to be constructed along the rear and sides of the area used for the use, capable of keeping trash, paper, and other debris from blowing off the premises.
2. ~~Access driveways shall be located no less than fifty (50) feet one hundred (100) from the nearest part of the intersection of any street or driveway.~~ Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access.
3. Any building or display area shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

DD. Sawmills

1. The main and accessory buildings and structures shall not be located within two-hundred (200) feet of any Residential District or use property line.
2. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.

Planner to Review

EE. State licensed residential care group facilities

1. The facilities shall not be located closer than ~~one-thousand five hundred (1,500) feet?~~ from an existing or proposed similar state licensed group care facilities, not including state licensed residential facilities

FF. Theaters, or similar places of public assembly, ~~as determined by the Zoning Administrator~~

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
2. ~~Main buildings shall be set back a minimum of one hundred (100) feet from any~~

~~Residential District or use.~~ Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access.

3. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
4. ~~Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway.~~ Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access.

GG. Tool and die metal working shop

1. The main and accessory buildings and structures shall not be located within two hundred (200) feet of any Residential district or use property line.
2. Access driveways shall be located no less than ~~fifty (50)~~ one hundred (100) feet from the nearest part of the intersection of any street or any other driveway.

HH. Truck and freight terminals

1. Minimum lot size shall be three (3) acres.
2. The lot location shall have at least one (1) property line that abuts a paved County Primary street. The ingress and egress for all vehicles shall be directly from that thoroughfare.
3. The main and accessory buildings shall be set back at least ~~seventy five (75)~~ fifty (50) feet from all property lines.
4. Truck parking and staging areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
5. ~~Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.~~ Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access.

II. Two family and multiple family dwellings

1. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
2. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or driveway for any other main building.

3. Buildings shall not be constructed nearer to any other building than a distance equal to one and one-half ($1\frac{1}{2}$) times the height of the taller building.
4. Outdoor lighting for parking or activity areas shall be shielded to prevent light from spilling onto any adjacent property.

Planner to Review - Ask Electric Power Stations**JJ. Vehicle service stations**

1. All buildings, structures, and equipment shall be located not less than fifty (50) feet from any right-of-way line and not less than fifty (50) feet from any side or rear lot line abutting a Residential District.
2. No more than one (1) curb opening shall be permitted for every one hundred (100) feet of frontage (or major fraction thereof) along any street, with a maximum of one (1) per street when located on a corner lot, and two (2) for any other street.
3. No drive or curb opening shall be located nearer than seventy-five (75) feet to any intersection nor more than twenty-five (25) feet to any adjacent Residential District property line. No drive shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the Township Board, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
4. A raised concrete curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped areas.
5. All areas of the site not paved or occupied by buildings or structures shall be landscaped.
6. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than forty (40) feet from any lot line, and shall be arranged so that vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.
7. When adjoining residentially zoned property parking and storage areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
8. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by ~~a six (6)~~ an eight (8) foot sight-obscuring wall or fence. No outside storage area shall exceed an area of two hundred (200) square feet. Outside parking of disabled, wrecked, or partially dismantled vehicles shall not exceed a maximum of three (3) vehicles. **Melissa - Need to check on consistency.**
9. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the Township Board. If the use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the Township Board.
10. The lot shall be located so that it is at least three hundred (300) feet from an entrance or exit to any property on which is situated a public library, public or private school, playground, play field, park, church or hospital.
11. All exterior lighting, including signs, shall be shielded to prevent the glare of lights from view by adjacent property.

12. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.
13. At least one (1) property line shall be on a collector or arterial roadway. The establishment shall be located on property with direct access to a paved public roadway.

KK. Vehicle wash establishments Question for Planner – water runoff? Inside?

1. All washing activities must be carried on within a building.
2. Vacuuming activities may not be conducted in any required yard setback.
3. Sufficient space shall be provided to accommodate all vehicle queuing on the property, so no vehicles are required to wait on an adjoining street to enter the site.
4. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access.

Planner to Review

LL. Open Space Development (OSD)

1. DESCRIPTION, PURPOSE, AND PROCESSING

- a. The purpose of an Open Space Development (OSD) is to permit greater flexibility in development than is generally possible under standard District regulations. The intent of the regulations is to foster the preservation of significant natural features, large open spaces, or active agricultural land that would otherwise be developed but will be preserved as a result of the OSD. These provisions have been prepared and implemented in response to Act 177 of the Michigan Public Acts of 2002, as amended.
- b. These OSD provisions are not intended as a device for ignoring the requirements of this Ordinance and are not intended simply as a means to increase density. These provisions are intended to result in land development substantially consistent with the underlying zoning, but provide a degree of flexibility in design to allow for customization of design to meet the unique natural conditions of a particular site and innovation in design to create a higher quality development than could otherwise be possible with the underlying zoning.

2. QUALIFYING CONDITIONS

- a. The tract of land for which a OSD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all affected properties.
- b. The property which is the subject of an OSD application must be a minimum of forty (40) contiguous acres in total area and may be located within a R1-A Residential or Agricultural District. The Planning Commission and Township Board may consider a lesser development size if the proposed

project substantially forwards the intent of the Open Space Development regulations. A lesser development size may be considered when one or more of the following factors or conditions exist:

- (1) A lesser size would prove beneficial to the preservation of land actively used for agricultural purposes.

- (2) A lesser size would be more compatible with surrounding development.
- (3) A lesser size would be in the best interests of the Township, as determined by the Planning Commission and Township Board.
- c. The applicant must demonstrate that the property proposed for the OSD contains unique site conditions, significant natural features, large open spaces, or active agricultural land, which would be otherwise be developed but will be preserved as a result of the OSD.
- d. All roads shall be public and must meet the standards of the Eaton County Road Commission and all other applicable governmental agencies.
- e. Except for the occupants of the residential parcels contained within the OSD, open space shall not be used for the movement, access, or funneling of non-OSD residents.
- f. The proposed OSD is not dependent upon extension of public water or sewer, unless development of the subject land without the exercise of the OSD option would also depend on such an extension.

3. REVIEW PROCEDURES

a. Sketch Plan Approval

- (1) To be considered as a OSD the applicant shall be required to first receive approval of a sketch plan in accordance with the requirements of this Section.
- (2) Applications for sketch plan approval for OSDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.
- (3) The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:
 - (a) Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.
 - (b) Parallel plan (e.g. site plan depicting site development based on a conventional, non-clustered, site design) used to determine base density that meets the standards of Section 15.04 LL.5. The parallel plan shall include the location and extent (size) of non-buildable areas such as wetlands, steep topography, easements, and other areas

which are not suitable for the placement of home sites under conventional, non-clustered, development.

(c) Written documentation that the proposal meets the standards of Section 15.04 LL.6.

(d) If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD.

(e) Arrangement and area calculations for open space, including upland and wetland open space areas.

(f) A completed application form, supplied by the Zoning Administrator, and an application fee.

(g) Ten (10) copies of a sketch plan meeting the requirements of Section 16.03, Site Development Requirements, of this Ordinance.

(4) The Planning Commission shall review the sketch plan in accordance with the requirements of this Ordinance, including the requirements and standards of Section 15.04 LL.6, Section 15.04 LL.1, Open Space Development Regulations, and Section 16.08, Review Standards, and deny, approve, or approve with conditions, the sketch plan.

b. Final Site Plan Approval

(1) After receiving approval of a sketch plan from the Planning Commission, the applicant shall within six (6) months submit a final site plan to the Planning Commission.

(2) The final site plan may be for either the entire project or for one (1) or more phases.

(3) Applications for final site plan approval for OSDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.

(4) The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:

(a) Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner indicating permission to file such application.

- (b) Written documentation that the proposal meets the standards of Section 15.04 LL.6
 - (c) If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSD
 - (d) Arrangement and area calculations for open space, including upland and wetland open space areas.
 - (e) A completed application form, supplied by the Zoning Administrator, and an application fee.
 - (f) Ten (10) copies of a final site plan meeting the requirements of Section 15.04 LL.1., Open Space Development Regulations, and Section 16.03, Site Development Regulations, of this Ordinance. The final site plan shall incorporate all requirements and conditions as required by the Planning Commission.
- (5) Failure to submit a final site plan for approval within the six (6) month period shall void the previous sketch plan approval and a new application shall be required to be submitted and approved in accordance with these provisions
 - (6) The Planning Commission shall conduct a public hearing prior to considering the proposed final site plan. Notices of the public hearing will be provided in accordance with the requirements of the Township Zoning Act for Special Land Uses.
 - (7) The Planning Commission shall recommend to the Township Board either to deny, approve, or approve with conditions, the final site plan for the OSD. The Township Board shall review the final plan in accordance with the requirements of this Ordinance and the recommendation of the Planning Commission and deny, approve, or approve with conditions, the OSD. Further, in approving or approving with conditions the OSD, the Township Board shall have ultimate authority regarding the location of open space and buildable locations. Additionally, the Township Board may require the amount of open space to be greater than fifty percent (50%), following review and recommendation of the Planning Commission.
 - (8) Major changes in the final site plan shall be submitted to the Township pursuant to the above procedures applicable to the original application.

4. PERMITTED USES

The following uses may be permitted, either singly or in combination, in accordance with the applicable OSD requirements:

- a. Uses permitted by the underlying zone district

5. SITE DEVELOPMENT REQUIREMENTS

- a. The minimum lot area shall be determined by the Planning Commission. Building setbacks and other area requirements shall be as provided by the underlying zoning district. Minimum floor area and height regulations for dwelling units shall conform to the underlying zoning district requirements.

- b. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of Section 15.04 LL.5.d.

c. Development Density

- (1) Parallel Plan: The maximum base density and number of dwelling units permitted in the OSD shall be determined through the completion and submission of a parallel plan which shall indicate the number of dwelling units that may be developed under the existing zoning classification. The parallel plan shall meet the following minimum requirements:

- (a) The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each indicated lot and/or dwelling unit. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan.

- (b) All lots or buildings shown on the parallel plan shall be located on buildable lots, which, for the purposes of this Section shall mean lots or building areas that have an area of sufficient size and shape to accommodate the proposed main building septic and well systems (where no public sanitary sewer or water system is to be used), and required driveways, streets, or other means of permitted access.

- (c) Areas of wetlands, water bodies, natural slopes exceeding fifteen percent (15%), roads, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.

- (2) Density Bonus: In order to recognize the benefits of connecting to public sanitary sewer and public water facilities, as they become available, an OSD may permit an increase in the number of dwelling units above the base density established in the parallel plan, provided the site is served by a public sanitary sewer system and public water system. A fifty percent (50%) density bonus shall be permitted with the provision of these utilities. In achieving the density bonus, parcels may be reduced in size to not less than 0.5

acres (21,780 square feet) and the minimum lot width may be reduced in size to not less than one hundred twenty five (125) feet. Building setbacks and other area requirements shall be as provided by the underlying zone district, thirty (30) feet for the A-1 District. Minimum floor area and height regulations for dwelling units shall conform to the underlying zone district requirements.

d. **Open Space:** Any open space provided in the OSD shall meet the following considerations and requirements:

- (1) Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire OSD may utilize the available open space.
- (2) The OSD shall have a minimum of fifty percent (50%) open space. Any area used in the calculation of required open space shall have minimum dimensions of fifty (50) feet on all sides.
- (3) Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.
- (4) Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation. Open space is encouraged to be located between neighborhood clusters of housing units.
- (5) At least 50% of the land area must remain perpetually in an undeveloped state by means of a conservation easement or other similar permanent restriction to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
- (6) All open space shall be in the joint ownership of the property owners within the OSD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
- (7) Wetlands regulated by the State of Michigan shall not be considered open space.

e. **Development Setback**

- (1) Any building area, which for the purposes of this Subsection shall mean any lot on which a main use is located, shall be located at least two hundred (200) feet from any public street right-of-way not constructed as part of the OSD.

(2) No native or natural vegetation shall be removed from the two hundred (200) foot setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements.

(3) The Planning Commission may reduce this setback if existing landscaping provides a natural screen, or the proposed development provides such a landscape screen. In any case, the setback shall be not less than one hundred (100) feet. The landscape screen shall meet all of the following minimum requirements:

(a) Occupy at least seventy percent (70%) of the lineal distance of the property line abutting any public street right-of-way.

(b) Have at least fifty percent (50%) opacity from the roadside view at the time of planting.

(c) Consist of either existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.

(4) The two hundred (200) feet vegetation strip may be included as part of the open space calculation.

f. **Design Principles:** The overall intent of the Open Space Development regulations is to foster more creative development design, using open space to the advantage of the development, maintaining the rural character of the township, ensuring access to open spaces, preserving natural features, and other design objectives intended to foster an improved living environment. To this end the following general guidelines will be considered by the Planning Commission and Township Board in evaluating proposed Open Space Developments.

(1) Open space should be provided where significant natural features may be preserved, active agricultural land maintained, or be used for passive or active recreation.

(2) Open space should generally be used to group areas of residential neighborhoods as clusters of housing units. This is intended to avoid the suburban development type normally found in urbanized areas. Generally, neighborhood clusters should have not more than eight (8) to ten (10) units per cluster.

(3) The Open Space Development should be designed with due regard for views from adjacent roadways as well as adjacent properties. Where possible, substantial setbacks from adjacent development should be provided, except where internal roadways are designed to connect to adjacent properties for the purposes of providing a network of internal connections between properties.

- (4) Open space within the development should generally be accessible from as many places within the development as possible, rather than limited to individual easements between development lots. To this end, providing open space segments along the internal roadways will be considered a high priority by the Township. These areas should be large enough to appear as open space, rather than a vacant lot for future development, and kept in their natural state. These areas may, however, incorporate trails or other internal pedestrian circulation paths.
- (5) The overall design of the Open Space Development should emphasize the rural character of the Township, provide views to open spaces from as many areas of the development as possible, and avoid long, straight street segments and rows of homes.

6. REVIEW STANDARDS

The following review standards shall be used by the Planning Commission and Township Board in their consideration of an OSD. Before such developments may be approved the Township Board shall find:

- a. That the OSD meets the stated purposes of Section 15.04.LL.1; and the requirements of Section 15.04, LL.2; Section 15.04, L.5(d); and Section 15.04, LL.5(f)(1)-(5).
 - b. That the OSD does not substantially alter the character of the general neighborhood in which the development is proposed.
 - c. That the location of the buildings of the OSD do not unduly impact other single family uses in the vicinity of the proposed development.
 - d. That the OSD preserves, in perpetuity, unique site conditions, such as significant natural features, large open space areas, or active agricultural land.
 - e. That the OSD will be developed per the conditions or requirements of this Zoning Ordinance, other applicable ordinances, laws, codes, or rules, including rules relating to suitability of groundwater for on-site water supply for land not served by public water and rules regarding suitability for soils for on-site sewage disposal for land not served by public sewers, ad-hat and that the OSD can accommodate adequate and safe disposal of sanitary sewer and can provide an adequate, assured source of water for domestic use.
- (1) To evaluate this review standard, the Planning Commission and/or Township Board may specify what additional evidence it deems to be acceptable to ensure the review standards are met, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted by the applicant and reviewed by the Township prior to approval of the OSD.

- (2) The additional information may also include the following provisions related to the objective of groundwater protection:
- (a) The Planning Commission and/or Township Board may require specific evidence from the applicant that groundwater sources will be protected and that other environmental concerns are met. Approval of the Eaton County Health Department or other agencies, while required to develop the site, will not be the sole determining factor in this regard.
 - (b) The Planning Commission and/or Township Board may specify what additional evidence it deems to be acceptable to make this determination, including additional soil borings, soil reports, hydrological tests, and other evidence which will be submitted by the applicant and reviewed by the township prior to approval of the OSD.
 - (c) The additional studies may be required by the Planning Commission and/or Township Board where one (1) or more of the following conditions are present:
 - (i) Existing studies or reports showing evidence of groundwater contamination problems either on the lot or parcel on which the OSD is to be placed, or on lots or parcels within a one (1) mile radius of the OSD site.
 - (ii) Existing sites identified by Act 307 or the Michigan Public Acts of 1982, as amended (The Michigan Environmental Response Act, as amended) and Michigan Department of Environmental Quality identified LUST (Leaking Underground Storage Tanks) sites within a one (1) mile radius of the OSD site.
 - (iii) Existing licensed landfills (active or inactive) within a three (3) mile radius of the OSD site.
 - (iv) Industrially used or zoned sites within a one (1) mile radius of the OSD site.
 - (v) Existing agricultural development totaling more than five hundred (500) acres within a one (1) mile radius of the OSD site.
 - (vi) Any other condition which in the view of the Planning Commission and/or Township Board may require additional information regarding protection of groundwater.

MM. Gun clubs

1. Minimum lot size of forty (40) acres shall be required.
2. Hours of operation shall be from 9:00 a.m. to sundown.
3. The use shall be located on property with direct access to a public road.
4. **Planner to Review** - Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any residential use or district district or use. In the case of shooting ranges, a minimum setback of two hundred fifty (250) feet from all property lines shall be established.
5. Lighting for parking areas or outdoor activity areas shall not be a nuisance to adjacent property owners.
6. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of that access.
7. Plans for the use, operation, maintenance, water supply and sewer sewage disposal systems, and any other special features must be submitted.
8. All existing and proposed buildings shall be shown.
9. The use shall not constitute a public health or safety hazard, or adversely affect adjacent properties.
10. The rifle and pistol ranges shall not be located any closer than one-quarter (1/4) mile from any church, school, or residential use. Further, such ranges shall have adequate backstops.

NN. Large Solar Energy Systems.

- A. Purpose and Intent: The purpose and intent of this Subsection is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems within the Light Industrial District as a Special Land Use.
- B. Site Plan Drawing and Supporting Materials: All applications for a Large Solar Energy System must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:
 1. All requirements for a site plan contained in Chapter 16 of the Township Zoning Ordinance.
 2. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
 3. Names of owners of each lot or parcel within the Township that is proposed to be within the Large Solar Energy System.
 4. Vicinity map showing the location of all surrounding land uses.

5. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with the Large Solar Energy System.
6. Horizontal and vertical (elevation) scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within 1,000 feet of the outside perimeter of the Large Solar Energy System.
8. Proposed setbacks from the Solar Array(s) to all boundary lines and all existing and proposed structures within the Large Solar Energy System.
9. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System.
10. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Eaton County Road Commission or Michigan Department of Transportation approval as appropriate, and shall be planned so as to minimize the use of lands for that purpose.
11. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
12. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Solar Energy System, including decommissioning and removal procedures when determined by the Township to be obsolete or an Abandoned Solar Energy System. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System becomes obsolete or an Abandoned Solar Energy System.
13. A copy of the manufacturer's safety measures.
14. Planned lighting protection measures.
15. The environmental impact of the Large Solar Energy System, as reflected in an environmental impact study, including, but not limited to, a review of the following factors:
 - a. Impact on area water resources
 - b. Impact on air quality
 - c. Noise impacts caused by the Solar Energy System
 - d. Impact on utilities and infrastructure
 - e. Protection of neighboring property owners and occupants

- f. Impact on wildlife
 - g. Effects on floodplains and wetlands
 - h. Unique farmlands or soils
 - i. Areas of aesthetic or historical importance
 - j. Archeological or cultural concerns
 - k. Any other environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power-generating facility
16. A written description of measures to be taken to support the flow of rainwater throughout the Large Solar Energy System, including any measures to promote the growth of vegetation beneath the arrays and/or otherwise limit the impacts of storm water runoff. The measures shall be subject to the approval of the Eaton County Drain Commission.
17. A written report of all power supplied to the electrical grid by the Large Solar Energy System. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976, as amended.
18. Additional detail(s) and information as required by the Special Land Use requirements of the Zoning Ordinance, or as required by the Planning Commission.
19. Application Escrow Deposit: An escrow deposit shall be paid to the Township by the applicant when the applicant applies for a Special Land Use Permit for a Large Solar Energy System. The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township Board to cover all reasonable costs and expenses associated with the Special Land Use Permit review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Special Land Use Permit review process, the Township Board may require that the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township Board. If the escrow account needs replenishing and the applicant refuses to do so promptly, the Special Land Use Permit process shall cease unless and until the applicant makes the required additional escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township must also be complied with by the applicant.
- C. Compliance with the State Building Code and the National Electric Safety Code: Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the state construction codes as administered and enforced by the Township (as shown by approval by the Township) as a condition of any Special Land Use Permit under this section.
- D. Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification

Corporation ("SRCC"), Electronic Testing Laboratories ("ETL"), or other similar certification organization acceptable to the Township.

- E. Height: Maximum height of a Solar Array shall not exceed fifteen (15) feet. Other collection devices, components or buildings of the Large Solar Energy System shall not exceed thirty-five (35) feet, or the maximum building height permitted within the district in which that Solar Energy System is located, whichever is less, at any time or location on the property. The height shall be measured from the natural grade at the base of the Solar Array, device, component or building measured. The Township Board may waive or modify these height requirements for certain aspects of a Solar Energy System (such as structures associated with above-ground transmission lines) through the implementation of conditions when appropriate.
- F. Lot Size: A Large Solar Energy System shall be located on one or more parcels with an aggregate area of 10 acres or greater.
- G. Project Area: The Project Area of a Large Solar Energy System shall not exceed 250 acres in total. For the purposes of this section, "Project Area" means the surface area of all land covered by Solar Arrays, including spacing between rows of panels, but not including setbacks required by this Ordinance, regardless of whether that land is located on one or multiple parcels within the Township.
- H. Setbacks: A minimum setback distance of seventy five (75) feet from all lot lines on the outside perimeter of the Large Solar Energy System shall be required for all buildings and Solar Arrays except for property boundaries where the applicable adjoining owner(s) agree to lessen or increase that setback distance by executing a signed written waiver of this requirement in recordable form, provided no such waiver shall act to permit less than the required minimum setback of the applicable zoning district.
- I. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.
- J. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be 8 (eight) feet in height as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of Large Solar Energy Systems shall also be screened and buffered by installed evergreen vegetative plantings whenever existing natural forest vegetation does not otherwise continuously obscure the Large Solar Energy System's entire perimeter from adjacent parcels, subject to the following requirements:
 - 1. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this Section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of the all Large Solar Energy Systems, including without limitation between such Large Solar Energy Systems and adjacent residential or commercial/industrial areas and/or public highways or streets. Nothing contained herein shall be construed to prevent reasonable access to any Large Solar Energy System as approved by the Special Land Use Permit.
 - 2. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall

be placed no more than thirty (30) feet apart on center and shrubs shall be spaced no more than seven (7) feet apart on center. All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the applicant within six (6) months, or the next appropriate planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than six (6) consecutive months. Failure to maintain the required evergreen vegetative buffer as required by this section shall constitute a violation of this Ordinance and sufficient grounds for revocation of any Special Land Use Permit previously granted

3. All plant materials shall be installed between March 15 and November 15. If the applicant requests a Final Certificate of Occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
- K. Signage: No lettering, company insignia, advertising, graphics or other commercially-oriented inscriptions or designs shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This section does not prohibit signs reasonably necessary to inform the public of potential safety hazards associated with the Large Solar Energy System, nor does it prohibit any other signs that may be required by this Ordinance, the Special Land Use Permit or other applicable law.
- L. Noise: No component of any Large Solar Energy System shall emit noise exceeding forty-five (45) dBA as measured at the outside perimeter of the project.
- M. Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
- N. Glare: All solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways.
- O. Distribution, Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System. The Township Board may waive this requirement, or modify it with appropriate conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground.
- P. Abandonment and Decommissioning: Following the operational life of the project, or at the time the project becomes obsolete or an Abandoned Solar Energy System, as determined by the Township Engineer or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Land Use Permit. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned Solar Energy System shall be removed under the Decommissioning Plan. The ground must be restored to its original condition within 180 days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first.

If decommissioning is not completed within a 180-day period, the Township Board shall have the authority to complete any decommissioning and restoration activities necessary to restore the property to the condition in existence prior to the installation of the Large Solar Energy System or any components thereof. Any costs incurred by the Township in pursuing such activities shall be at the expense of the Applicant, including the Applicant's continuing restoration security as provided by this Section.

- Q. General Standards: The Planning Commission shall not recommend for approval any Large Solar Energy System Special Land Use Permit unless it finds that all of the applicable standards for Special Land Uses contained in Chapter 15 of this Ordinance are met.
- R. Safety: The Planning Commission shall not recommend for approval any Large Solar Energy System Special Land Use Permit if it finds the Large Solar Energy System will pose an Unreasonable Safety Hazard to the occupants of any surrounding properties or area wildlife.
- S. Conditions and Modifications: Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission and authorized representative of the applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.
- T. Inspection: The Township shall have the right at any reasonable time to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants to assist with any such inspections, at the applicant's or project owner's expense.
- U. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails at any time to meet the requirements of this Ordinance and the Special Land Use Permit, or that it poses a potential Unreasonable Safety Hazard, the applicant shall shut down the Large Solar Energy System within 48 hours after notice by the Zoning Administrator and not operate, start or restart the Large Solar Energy System until the condition has been corrected. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review on a monthly basis. Such system shall also maintain a report indicating the amount of time any Solar Array was offline or otherwise not producing its ordinary allotment of electrical power. Applicant shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
- V. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the applicant's expense. In addition, the applicant shall submit to either the Eaton County Road Commission or Michigan Department of Transportation (as appropriate) a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the appropriate agency in an amount necessary to assure repair of any damage to the public roads caused by construction of the Large Solar Energy System or any of its elements.

- W. Continuing Security and Escrow: If any Large Solar Energy System is approved for construction under this Section, applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the Large Solar Energy System has been finally removed, as provided below:
1. Continuing Restoration Security: If a Special Land Use Permit is approved pursuant to this section, the Township Board shall require security in the form of a cash deposit, or surety bond acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a Special Land Use Permit has been approved but before construction commences on the Large Solar Energy System. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable. In addition, the party operating a Large Solar Energy System approved by the Township shall inform the Township in the event that System, or a material portion of that system is sold to a third party, and any such sale shall require the purchasing party to provide the Township with the security described by this section, along with relevant contact information.
 2. Continuing Compliance and Enforcement Escrow Deposit: A continuing escrow deposit shall be held by the Township and shall be funded in cash by the applicant prior to the commencement of construction of any Large Solar Energy System and shall be maintained by the owner or operator until the Large Solar Energy System has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the Special Land Use Permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that the Township determines are reasonably related to enforcement of the Ordinance and the Special Land Use Permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the applicant to place additional monies into escrow with the Township.
 3. Continuing Obligations: Failure to keep any required financial security and escrow deposit in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Special Land Use Permit and this Ordinance, and will subject the Large Solar Energy System applicant, owner and operator to all remedies available to the Township, including enforcement action pursuant to Section 19.06 and revocation of the Special Land Use Permit. A review of security and escrow requirements shall occur no less than annually to determine compliance with this section.
- X. Conditions: In addition to the requirements of this Section, the Planning Commission may impose additional reasonable conditions on the approval of a Large Solar Energy System as a Special Land Use.

- Y. Completion of Construction: Notwithstanding Section 15.02(l) of this Ordinance, the construction of any Large Solar Energy System must commence within a period of one (1) year from the date a Special Land Use Permit is granted, and must be completed within a period of three (3) consecutive years from the date a Special Land Use Permit is granted. The Planning Commission may grant an extension not to exceed one (1) year, provided the applicant requests the extension prior to the date of the expiration of the Special Land Use approval. Failure to complete construction within the permitted time period shall result in the approved Special Land Use Permit being rendered null and void.
- Z. Quarterly Reports: The owner or operator of a Large Solar Energy System shall provide the Zoning Administrator with quarterly reports on trends and usage of that System as set by the Township Board. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976, as amended.
- AA. Transfer of Ownership/Operation: Prior to a change in the ownership or operation a Large Solar Energy System, including, but not limited to, by the sale or lease of that System or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Large Solar Energy System, and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.