

ORDINANCE NO. 2023-02 *

** Adopted as 2022-01 in error corrected 2/20/2023*

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE PIERSON TOWNSHIP ZONING ORDINANCE TO ADD SECTION 4.41 – GENERAL STORMWATER PROVISIONS, AMEND SECTION 15.02 – PROCEDURES FOR SPECIAL LAND USES, AMEND SECTION 17.04 – STANDARDS OF REVIEW, AND TO PROVIDE FOR SEVERABILITY PROVISIONS, REPEAL PROVISIONS, AND AN EFFECTIVE DATE OF THIS ORDINANCE.

THE TOWNSHIP OF PIERSON, COUNTY OF MONTCALM, AND STATE OF MICHIGAN ORDAINS:

Section 1. Section 4.41 – General Stormwater Provisions. Section 4.41 of the Zoning Ordinance will be added to state in its entirety as follows.

SECTION 4.41 – GENERAL STORMWATER PROVISIONS

Storm water detention, retention or any drainage system shall be designed so that the removal of surface waters will not adversely affect neighboring properties or public storm water drainage systems.

Section 2. Section 15.02 – Procedures for Special Land Uses. Section 15.02 of the Zoning Ordinance will be amended to state in its entirety as follows.

SECTION 15.02 – PROCEDURES FOR SPECIAL LAND USES. For the consideration of a special land use, an applicant shall do the following:

- (a) File a completed application with the Township Clerk for submission to the Planning Commission, together with a site plan in compliance with Chapter 17, and other materials and information necessary to demonstrate that all requirements for the applicable special land use have been met. Each such application shall be accompanied by the filing fee as specified by Township Board resolution.
- (b) Upon receipt of such application, one notice that a request for a special land use has been received shall be published in a newspaper which circulates within the Township, and shall be personally delivered or mailed to the applicant and to all persons to whom real property is assessed and to the occupants of all structures within 300 feet of the boundaries of the subject property. Such notice shall be given not less than five days nor more than 15 days before the date the application will be considered.
- (c) The notice shall state the following:
 - 1) The nature of the special land use requested.
 - 2) The property which is the subject of the special land use request.
 - 3) When and where a public hearing will be held to consider the special land use application.
 - 4) When and where written comments will be received concerning the application.
 - 5) The notice shall indicate that a public hearing on the special land use application shall be held by the Planning Commission, or in the case of special land uses requiring approval by the Township Board, the notice shall refer to a public hearing by the Township Board, if a hearing is being held under subsection (d).
- (d) In the case of special land uses requiring the approval of the Township Board, upon the request of the applicant or a property owner or occupant of a structure located within 300 feet of the boundaries of the subject property, a Township Board public hearing shall be held on the special land use application.

The type and extent of notice for such hearing requested by the applicant or a property owner or an occupant shall be the same as that required for a Planning Commission public hearing on a special land use application.

- (e) All aspects of the special land use, including the location thereof, storm water control measures and public utility services shall be subject to the approval of the Township Engineer and the Montcalm County Drain Commissioner.
- (f) In its discretion, the Planning Commission or Township Board may require submission of an environmental impact assessment, traffic impact study, utility system plan, water supply system plan and other plans or studies, or any of them, bearing upon the operation and effects of the special land use.
- (g) In its review of a special land use application, the Planning Commission (or the Township Board, in the case of special land uses requiring Township Board approval) may submit the application, site plan and other materials and information bearing on the proposed special land use to its consulting engineer and other professional consultants and advisors, including the Township attorney, land use planning consultants, traffic engineers, governmental officials and other persons whose advice may be of assistance to the Planning Commission or Township Board in the consideration of a special land use application.

Section 3. Section 17.04 – Standards of Review. Section 17.04 of the Zoning Ordinance will be amended to state in its entirety as follows.

SECTION 17.04 – STANDARDS OF REVIEW. The Planning Commission shall approve a site plan if it determines that the plan complies with the requirements of this Ordinance; is consistent with the intent and purposes of the ordinance; will be compatible with adjacent land uses, and the natural environment and capacities of public services and facilities; and will be consistent with the public health, safety and welfare. In addition, the site plan shall comply with the following standards:

- (a) **Building Permit.** Where a site plan has been approved for any use, any building permit issued shall provide that the development be completed in accordance with the approved site plan. A failure to conform with the site plan shall be a violation of this Ordinance, and if necessary the Township may issue a stop work order under Section 17.04(f).
- (b) **Traffic Circulation.** The number, location, and size of access and entry points, and internal traffic and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic circulation features, the Planning Commission shall consider spacing and alignment with existing and probable future access points on nearby properties, and may require that provision be made for shared access with adjacent properties.
- (c) **Storm Water.** Storm water detention and drainage systems shall be designed so that the removal of surface waters will not adversely affect neighboring properties or public storm water drainage systems. All aspects of storm water control measures shall be subject to the approval of the Township Engineer and the Montcalm County Drain Commissioner.
- (d) **Landscaping.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. The Planning Commission may require that landscaping, buffers, or greenbelts be preserved or provided, to ensure the proposed uses will be adequately buffered from one another and from surrounding property.
- (e) **Screening.** Where commercial uses abut residential uses, appropriate screening consisting of attractively designed, fencing or screening, or equivalent landscaping, shall be provided so as to shield

residential properties from noise, headlights, and glare, and from the view of trash receptacles, dumpsters and similar outdoor, utilitarian uses, common to commercial activities.

- (f) **Lighting.** Outdoor lighting shall be designed so as to minimize glare on adjacent properties and public streets.
- (g) **Exterior Uses.** Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located so as to have only a minimum negative effect on adjacent properties, and shall be screened if reasonably required to ensure compatibility with surrounding properties.
- (h) **Utilities.** Water supply and sewage disposal facilities shall comply with all Township and County requirements.
- (i) **Signs.** Signs shall comply with the sign provisions of this Ordinance.
- (j) **Parking and Loading.** Off-street parking and loading facilities shall comply with Chapter 19.

Section 4. Severable Provisions. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

Section 6. This amendment to the Pierson Township Zoning Ordinance was approved and adopted by the Township Board of Pierson Township, Montcalm County, Michigan, on December 14, 2022. This Ordinance shall be effective on December 23, 2022 which date is the eighth day after the publication of the Zoning Text Amendment Ordinance in the Greenville Daily News as required by Section 401 of Act 110, as amended.

Dan Buyze, Township Supervisor

Sara Burkholder, Township Clerk

CERTIFICATE

I, Sara Burkholder, the Clerk for the Township of Pierson, Montcalm County, Michigan, certify that the foregoing Pierson Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on December 14, 2022. The following members of the Township Board were present at that meeting: Sower, Orcutt, Burkholder. The following members of the Township Board were absent: Buyze, Bergman. The Ordinance was adopted by the Township Board with members of the Board Sower, Orcutt and Burkholder voting in favor and no members of the Board voting in opposition. Notice of Adoption of the Ordinance was published in the *Greenville Daily News* on December 17, 2022.

Sara Burkholder, Clerk
Pierson Township