

ONEIDA CHARTER TOWNSHIP PLANNING COMMISSION MEETING
HELD May 2, 2023
7:00 P.M.

MEMBERS PRESENT: CHAIRMAN KILGORE, MEMBERS GREEN, HAFNER, SCHROEDER, SCHERER,
& DEMBOWSKI

MEMBERS EXCUSED: MIKE WALTERS

OTHERS PRESENT: ZONING ADMINISTRATOR GOSCHKA, BOARD MEMBER SCHULTZ, PLANNING
SECRETARY PENA-KLANECKY

1. Meeting called to order at 7:00 p.m.
2. Pledge of Allegiance.
3. Additions to agenda: None
4. Draft Minutes of April 4, 2023. Motion was made by Ms. Scherer to approve minutes with amendments and seconded by Mr. Green. Motioned carried.
5. Public Comment: None
6. Shipping/Freight Container Discussion: Members discussed the difference between temporary and permanent containers, and if containers should be allowed in the township. If allowed the condition of containers, the number of containers, and the placement of them are some of the deciding factors. There was also a suggestion of using property acreage as a basis for the size of container that would be allowed if added to the Zoning Ordinance. It was decided that something needs to be added to the ordinance regarding Shipping/Freight Containers. Further discussion will take place on June 6, 2023. Members were asked to bring a list of deciding factors to the meeting.
7. Agriculture Processing Facility Definitions – Discussion of the handout. It was decided to use the following definition for **Agricultural Processing Facility**: One or more facilities or operations that adds value to, transforms, packages, sorts or grades livestock or livestock products, agricultural commodities, or plants and plant products, excluding forest products, into goods that are used for intermediate or final consumption including goods for nonfood use, and surrounding property.
8. Zoning Ordinance Review: See attached.
9. Adjourn Meeting: Meeting was adjourned at 7:54pm.

Minutes respectfully submitted by Melissa Goschka Zoning Administrator and Jackie Peña-Klanecky, Planning Secretary.

APPROVED:



JUSTIN KILGORE, CHAIRMAN

- 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 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 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 least 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. 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) Please Note: Ask the planner for the correct verbiage.

- 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. **(Table Kennels to discuss later, separating from animal clinics, etc.?) Kennels, animal clinics, and veterinary hospitals**

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 (50)~~ (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) (To be reviewed by those authorized 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.

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- (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:

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- (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 ~~p~~Permitted ~~u~~Use 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 or 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. The main building with front parking shall be setback two-hundred-fifty (250) feet from any public right-of-way or property line. **Please Note: Ask the planner**
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

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. Please Note: Wording needs to be cleaned up.
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.

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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.