

**EAGLE TOWNSHIP
CLINTON COUNTY, MICHIGAN**

INTERIM ZONING ORDINANCE AMENDMENT

Ordinance No. 02-2024

At a duly scheduled meeting of the Township Board of Eagle Township, Michigan, held at the Eagle Township Hall on March 21, 2024, at 6:00 p.m., Trustee Michelle Hoppes moved to adopt the following Ordinance, which motion was seconded by Treasurer Chelsea Hoppes:

An Ordinance to amend the Eagle Township Interim Zoning Ordinance to, among other changes, amend provisions related to permitted and special land uses, schedule of regulations for principal structures, mineral resource extraction regulation, nonconforming lots of record regulations, and definitions.

EAGLE TOWNSHIP, CLINTON COUNTY, MICHIGAN ORDAINS:

SECTION 1: AMENDMENT TO ARTICLE 3, SECTION 3.01. TABLE OF PERMITTED USES: The Eagle Township Interim Zoning Ordinance, Section 3.01 shall be amended to state as follows:

P= Permitted By Right
S=Permitted by Special Use Permit
Blank = Prohibited

Use	A	R	C	I	RM
Adult Day Care Home	S	S			
Agritourism	S				
Airport and Airport Hangers	S			S	
Bank			S		
Barber Shops/Beauty Shops			S		
Bed and Breakfast		S	S		
Boarding Kennels (Commercial)	S				
Breeding Kennels (Commercial)	S				
Brewpub/Microbrewery/Distillery			S	S	
Campground	S				
Cemetery	S				
Child Care Center (Non-Home-Based)		S	S		
Commercial Livestock	P				
Concentrated Animal Feeding Operation	S				
Conservation Area					
Crop Cultivation	P	P	S	S	P

Use	A	R	C	I	RM
Drive-Thru			S		
Domestic Livestock	P				
Dwelling Units					
Single Family Detached	P	P			S
Single Family Attached (Townhouse)		S			
Multiple Family (2+ Units- including Senior Housing)		S			
Manufactured Housing – 1 on a Lot	P	P			
Manufactured Housing – 2 on a Lot		S			
Manufactured Housing Park (3 or more on a Lot)		S			
Accessory Dwelling Unit	S	S			
Residential Accessory to Conservation, Education, or Recreation	S				
Temporary Housing for Seasonal Labor	S	S			
State-Licensed Residential Facility (non-Daycare)	P	S			
Essential Services	P	P	P	P	S
Family Day Care Home	P	P			
Funeral Home and Mortuary			S		
Government or Public Building	S	S	S	S	S
Group Day Care Home	S	S	S	S	
Home Based Business	P	P	P	P	
Hotel			S		
Institution of Higher Education	S		S	S	
Manufacturing				S	S
Medical or Dental Clinic			S		
Mineral Resource Extraction					P
Mini-Warehouse			S	S	
Rescue/Foster/Personal Kennel	P				
Office			S	P	
Open Air Business	S		S	S	
Outdoor Event	S		S	S	
Pet Shop and Pet Grooming	S		S		
Preserve/Conservation Area	P	P			P

Use	A	R	C	I	RM
Primary/Secondary School (Non-Public)	S	S	S	S	
Recreation - Indoor			S	S	
Recreation - Outdoor	S	S	S	S	
Religious Institution	S	S	S	S	
Restaurant/Bar			S		
Retail Store			S	S	
Sexually Oriented Businesses			S		
Shooting Range	S				
Solar Energy System – Small	S	S	S	S	S
Solar Energy System – Large	S				S
Stables for Horses	P				
Theater			S		
Utility Structures and Substations	P	P	S	S	
Vehicle Dealership			S		
Vehicle Filling Stations (Gas Stations)			S		
Vehicle Repair			S		
Vehicle Wash			S		
Veterinary Clinics	S		S		
Warehousing				S	
Wholesale				S	
Wind Energy Conversion Systems	S				
Wireless Telecommunications	S	S	S	S	S

SECTION 2: AMENDMENT TO ARTICLE 4, SECTION 4.01. SCHEDULE OF REGULATIONS FOR PRINCIPAL STRUCTURES: The Eagle Township Interim Zoning Ordinance, Section 4.01 shall be amended to state as follows:

	Minimum Lot Dimensions ^c		Maximum Structure Height		Minimum Required Setback (in feet)			Minimum Dwelling Unit Size (total on all floors) (Sq. ft.)
	Area ^a (Sq. ft.)	Width (Feet)	Stories	Feet ^d	Front Yard	Each Side Yard ^b	Rear Yard	
A	435,600	330	2.5	40	50	20	40	940
R	15,000	80	2.5	30	40	10	30	940
C	20,000	100	2.5	30	50	15	15	N/A
I	20,000	100	2	40	75	20	50	N/A
MR	435,600	330	See Section 5.23					N/A

FOOTNOTES TO THE SCHEDULE OF REGULATIONS

Lot Area. Net Lot Area shall be used to determine compliance with lot area requirements.

No new parcel shall be created unless the parcel has adequate usable lot area, such that the parcel can be built upon in compliance with Zoning Ordinance standards. All lots buildable under the Clinton County Zoning Ordinance at the time of adoption of this Zoning Ordinance shall be considered conforming and buildable and all lots not buildable under the Clinton County Zoning Ordinance at the time of adoption of this Zoning Ordinance shall not be considered buildable.

Setback on Side Yards Facing a Street. On corner lots there shall be maintained a front yard along each street frontage.

Lot Depth and Proportions. Lot depths of newly created lots shall be no greater than four times the lot width.

Maximum Height to the Peak: The maximum heights listed in the table shall be the maximum building height based on the definition of that term in Section 20.01, i.e. measured from grade to the halfway point between the peak and the eaves. In addition to the maximum building heights in the table, no structure in the R district shall exceed 45 feet in height as measured from grade to the highest point of the peak, parapet, or the roof.

SECTION 3: AMENDMENT TO ARTICLE 5, SECTION 5.23. MINERAL RESOURCE EXTRACTION: The Eagle Township Interim Zoning Ordinance, Article 5 shall be amended to add Mineral Resource Extraction as Section 5.23 and renumber the remainder of Article 5. Amended Section 5.23 shall state as follows:

Mineral Resource Extraction

- (A) Definition: The removal or recovery by any means whatsoever of soil, rock, sand, gravel, peat, muck, barrow, shale, limestone, clay or other mineral or organic substances, other than vegetation, from water or land, whether exposed or submerged. Said definition does not include common household gardening and farming operations.
- (B) Standards:
- (1) A permit to mine shall not be issued for any parcel of land unless that parcel lies within the MR Mineral Resource Extraction District.
 - (2) A permit to mine is subject to Site Plan Approval under this Ordinance. Information requirements and standards of review, above and beyond those standards listed in Section 14.03, as listed in below, shall also be provided and reviewed accordingly. Approval of a site plan constitutes a permit to mine.
 - (a) Name and address of owner(s) of land from which removal will take place.

- (b) Name, address and telephone number of person, firm or corporation who will be conducting the extraction and processing operation.
- (c) Location, size and legal description of the total site area to be mined.
- (d) Depiction, whether on a site plan or tabular, of the number of homes within 1,320 feet from the boundaries of the area of land under petition for site plan approval.
- (e) Location, width and grade of all easements or rights-of-way on or abutting the area subject to extraction.
- (f) A statement identifying federal, state and local regulations and permits required beyond those regulations required of this section.
- (g) A hydro-geologic report of the proposed excavation site. Such a report shall, at a minimum, provide:
 - (i) A general description of subsurface conditions, including general soil types and depths.
 - (ii) Depth of water table throughout the planned excavation area, and if applicable, the name of the aquifers impacted.
 - (iii) A statement of the environmental impacts of the proposed excavation, including but not limited to the impact of the proposed excavation upon existing area wells.
 - (iv) A statement of the necessity to install monitoring wells.
- (h) Division of property into cells (phases) and reclamation plan for both the total project and each cell and shall include:
 - (i) The method and direction of extraction.
 - (ii) Surface overburden stripping plans.
 - (iii) A description of the depth of grade level over the entire site from which the material will be removed.
 - (iv) Grading, re-vegetation, and stabilization plan that will minimize negative soil erosion, sedimentation and public safety issues.
 - (v) Landscaping provisions for buffer areas, landscaping and screening.
 - (vi) Description of location of each cell, number of acres included in each cell, estimated length of time to complete each cell, and the amount of time projected to complete the entire project.

- (vii) Provide a conceptual representation of final anticipated landform, including generalized future development plans.
 - (i) Drainage on and away from the mining area showing directional flow of water in drainage ways, natural watercourses and streams, intermittent and flowing, including discharge from the extraction operation.
 - (j) The proposed exterior and interior haul routes that are expected to be the predominate traffic pattern for vehicles to and from the site. Exterior haul routes are to be determined by the CCRC, as statement of which shall be provided to the Planning Commission.
 - (k) The location and size of any processing equipment and/or structures.
 - (l) A detailed plan of operation for stripping topsoil and overburden, stockpiling, excavating and rehabilitating for each cell, or multiple cells.
 - (m) Measures to be taken by the applicant to control noise, vibration, dust and traffic.
 - (n) Accompanying the application shall be a road maintenance agreement between the corporation conducting the extraction operation and the Clinton County Road Commission.
- (3) The minimum size of the petitioned property must be 10 acres or more. A variance must be received from the Zoning Board of Appeals prior to review by the Planning Commission for any proposed development less than 10-acres.
- (4) The district shall have immediate and direct access to local roads capable of carrying the expected traffic prior to the commencement of the extraction operations. A statement from Clinton County Road Commission (CCRC) verifying the condition of the local road will be required prior to consideration by the Planning Commission.
- (5) Existing legal non-conforming gravel pits shall become legal, conforming uses if rezoned to the Mineral Resource District.
- (6) Setbacks in which no part of the mining operation may take place, excepting ingress or egress:
- (a) Excavation shall not take place less than 20 feet from any adjacent property line. The Planning commission may authorize the complete removal of material to an adjacent property line in situations where two (2) extraction operations share a common property. Such exception shall be based on review of the impact of the extraction on the adjacent operation and written authorization is received from both property owners.

- (b) Excavation shall not take place less than 50 feet from any County road right-of-way or Michigan Department of Transportation right-of-way. The Planning Commission may authorize extraction to take place to within 20 feet of the county road right-of-way provided that the CCRC is in agreement, a barrier or berm is constructed within the 20 foot setback, and the excavated area is backfilled and stabilized within one (1) year of excavation.
 - (c) Processing plants and their accessory structures shall not be located closer than two hundred fifty (250) feet from the property lines of the district and public rights-of-way or closer than five hundred (500) feet from any dwelling unit or principal residential district (RR, R-1, R-2, MF, MH), and shall (where practicable) be as close to the center of the subject property, or cell as possible.
 - (d) Storage, mixing or processing of other aggregate and related materials (not including asphalt or concrete mixing facilities) brought to the site from elsewhere is permitted, but must be located proximate to the processing plant and are subject to all the same restrictions as other aggregate material extracted and stored at the site
 - (e) Interior haul routes shall not be located closer than 100 feet from a dwelling unit located on adjacent property, unless such property is zoned MR, Mineral Resource and the dwelling unit is legally non-conforming
- (7) **Fencing.** In establishing the requirements for fencing of the operation, the Planning Commission shall take into account the scale of the operation, the population density in the surrounding areas, and the potential hazard to the health, safety and welfare of the citizens of Clinton County. If fencing is deemed a requirement of the permit to mine, the owner shall install and maintain fencing around the perimeter of the site or around the cell that is being mined. The fence shall consist of four (4) feet woven wire farm fence with one (1) strand of barbed wire on the top, or greater. The fence shall be securely attached to support posts not greater than 16.5 feet apart.
- (8) Interior access roads, parking lots, haul loading and unloading areas shall be watered, or chemically treated so as to limit the nuisance caused by windblown dust.
- (9) Should the final result of the excavation result in the creation of a body of water, the peripheral of the excavation shall be graded to a slope not to exceed 3' horizontal to 1' vertical to the seasonal low water level.
- (10) The site shall be kept clean and orderly. Inoperable and partially dismantled equipment, vehicles, and other types of machinery and parts associated with the operation shall not be stored in an area visible to the public from adjacent property or residence, or from the public roadway. The Planning Commission may, at their discretion, approve a specific area for such use. The area shall be screened by landscaping, fence and/or berm.

- (11) **Landscaping, screening, and berming.** Screening shall be provided for active cells, operational areas and material storage areas. Perimeter screening shall also be required for areas having a residential density of more than one (1) dwelling unit to five (5) acres within five hundred (500') feet of any given boundary of a petitioned site. Such screening shall consist of one or more of the following:
- (a) Earth berms constructed to a height of six (6) feet above the mean elevation in the centerline of the adjacent public roadway or six (6) feet above the general level of terrain along property lines. Such berms shall have slopes that are not in excess of one (1) foot vertical to two (2) feet horizontal and shall be seeded to stabilize the soil. The berms shall also be shaped and formed to be consistent along the berms. Washout areas are to be repaired and stabilized.
 - (b) For perimeter landscaping, plantings of evergreen trees not more than fifteen (15') feet apart, in two (2) staggered rows parallel to the boundaries of the property which shall be at least two (2) feet in height at the time of planting. Trees that die prematurely must be replaced at the next available planting season. The applicant is strongly encouraged for areas that are left undisturbed for residential future development, or other purposes, be heavily planted to serve as a nursery, provide screening, and to add economic value to the area once residential uses are proposed. These areas may, at the discretion of the Planning Commission, be started with seedlings.
 - (c) The six (6) foot requirement for screening by means of a berm and/or plantings may be reduced by the Planning Commission if the particular site, terrain, and existing landscaping afford adequate screening.
- (12) **Reclamation.** A cell shall be reclaimed by an operator pursuant to these rules by the end of the 5-year permit period or within the time set forth in the operator's reclamation plan approved by the Planning Commission.
- (a) Cell units shall be reclaimed progressively as they are worked out to the extent that they shall be reasonably natural and inconspicuous and shall be reasonably lacking any hazards.
 - (b) Sufficient topsoil shall be stockpiled on the premise, or stored in berms providing screening. Topsoil shall be promptly redistributed on abandoned areas or where extraction operations have been substantially discontinued for any period in excess of one (1) year. Such areas shall then be seeded with at least temporary protection the first year and by the second year permanent seeding to stabilize the soil, lessen soil erosion potential and encourage proper growth.

- (c) A layer of arable topsoil, of a quality approved by the Zoning Official shall be spread over the excavated area, except exposed rock surfaces, or areas lying below natural water level, to a minimum depth of four (4") inches in accordance with the approved contour plan.
- (d) In the construction of the final grade, all slopes and banks shall be graded to a minimum of a 3:1 slope and treated in the following manner to prevent soil erosion and stabilize soils:
- (e) Standards for seeding rates, fertilizer and mulching standards are to be based on the standards put forth by the USDA Natural Resource Conservation District. The applicant shall identify on the site plan in tabular form the type of seeding, fertilizer, and mulch as well as implementation rates.
- (f) Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non-swelling. If the reuse plan involves development of dwellings or other buildings fill and soils shall be of proper bearing capacity to support foundations, and septic systems.
- (g) If the reuse plan involves a recreational or wildlife facility reclamation plans shall be reviewed by recreation, fisheries and wildlife specialists in the Michigan Department of Natural Resources.
- (h) Upon cessation of mining operations and commencement of reclamation, the operating company, within a reasonable period of time, not to exceed twelve (12) months thereafter, shall remove all structures, building, stockpiles and equipment from the area to be reclaimed.

(13) **Termination of operations.**

- (a) An operator shall submit written notice to the Zoning Administrator within six (6) months of abandonment of the extraction area or any portion thereof.
- (b) When activities on or use of the mining area, or any portion thereof, have ceased for more than one (1) year, or when, by examination of the premises, the Zoning Official determines that the mining area or any portion thereof has in fact been abandoned, the Zoning Official shall give the operator written notice of their intention to declare the mining area or portion thereof abandoned. Within thirty (30) days following receipt of the notice, the operator shall have an opportunity to submit evidence that the use of the mining area or portion thereof is continuing. If the Zoning Official finds the evidence satisfactory, they shall not make the declaration.

- (c) Areas that have been abandoned or are not in operation will be assessed for compliance with the approved site plan. Those items not in compliance will be listed and forwarded to the permit holder and a timeline given to obtain compliance. If compliance is not obtained within the specified time period, the permit holder shall be found in violation of the Clinton County Zoning Ordinance giving the County the right commence financial guarantee, bond revocation.

(14) **Financial guarantees.**

- (a) Before issuance of a permit, there shall be filed by the applicant a surety bond, executed by a reputable surety company authorized to do business in the State of Michigan, or an irrevocable bank letter of credit or cash bond running to the Clinton County Board of Commissioners, conditioned upon the prompt compliance with all provisions of this section and the approved site plan.
- (b) The Planning Commission shall, in establishing the amount and type of financial guarantee, consider the scale of the operations, the prevailing cost to rehabilitate the property upon default of the operator, court costs and other reasonable expenses likely to be incurred by the County or the Township, where the mining operation is located.
- (c) The total amount of the guarantee shall be based on the amount of acreage under permit within a given district, or overall all project area. For each acre containing excavated ground, water and material storage, two thousand (\$2000) dollars shall be bonded.
- (d) The amount of bond may be reduced or increased at a rate equal to the ratio of work completed on the required improvements as work progresses. The term "improvements" should not be construed to mean the project itself, but rather those features associated with the project, which are deemed necessary to protect the health, safety and welfare of Clinton County's resources and future users or inhabitants of the proposed project.
- (e) If abandoned and the surety amount is not sufficient to properly restore the site to protect the health, safety and welfare of the community, the County reserves the right to prosecute the violation of the Ordinance and seek a lien against the property to complete restoration activities.

(15) **Hours of operations.**

- (a) The owner(s) and/or operators shall conduct extraction, excavation, and processing only between the following designated hours: 6:00 AM. to 8:00 P.M., Monday through Friday, and 7:00 AM. to 3:00 P.M. Saturday with no Sunday or holiday operations, which includes Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, New Year's Day.
- (b) The owner(s) and/or operators shall conduct loading and hauling only

between the following designated hours: 6:00 AM. to 8:00 P.M., Monday through Friday, and 7:00 AM. to 3:00 P.M. Saturday with no Sunday or holiday operations, which includes Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, New Years Day.

- (c) For documented situations beyond the permit holder's control, additional hours may be allowed by prior approval of the Zoning Official when it is shown that extenuating circumstances exist.
- (16) **Conditions and safeguards.** The Planning Commission may impose such additional reasonable conditions and safeguards deemed necessary for the public health, safety or general welfare, for the protection of individual property rights, and for insuring the intent and purpose of this Ordinance. The breach of any condition, safeguard or requirement shall automatically invalidate the permit granted.
- (17) **Issuance of a permit to mine.** Permits for surface mining shall be issued to the operator. When an operator disposes of his interest in an extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Zoning Official may release the operator from the duties imposed upon them by this Ordinance, as to the operations, but only if the successor, operator or owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the permit to mine may be transferred.
- (18) **Permit term.** A permit to mine is valid for five (5) years. The operation shall be inspected a minimum of once a year by the Zoning Official and/or assigns to insure compliance with the permit and this Ordinance.
- (19) **Violations.** Violation notices shall be issued pursuant to the provisions delineated in this Ordinance. Violation of the site plan shall be considered violation of this Ordinance.
- (20) Modification of the general site plan.
 - (a) The general site plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology or to correct an oversight.
 - (b) The Planning Commission may require the modification of the general site plan when:
 - (i) Modification of the site plan is necessary so that it will conform to the existing laws.
 - (ii) It is found that the previously approved plan is clearly impossible or clearly impractical to implement and maintain.
 - (iii) The approved plan is obviously not accomplishing the intent of the

Ordinance.

SECTION 4: AMENDMENT TO ARTICLE 6, SECTION 6.02(C)(1)(b)(ii): The Eagle Township Interim Zoning Ordinance, Section 6.02(C)(1)(b)(ii) shall be amended to state as follows:

Accessory structure roofing material generally matches the color of the principal structure of which it is accessory to; and

SECTION 5: AMENDMENT TO ARTICLE 7, SECTION 7.03. NONCONFORMING LOTS OF RECORD: The Eagle Township Interim Zoning Ordinance, Section 7.03 shall be amended to state as follows:

(A) Nonconforming lots of record are those lots of record, as defined in Article 17, existing and lawful prior to the effective date of this Ordinance or amendments thereto, which could not be created lawfully thereafter. The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance or amendment thereto:

- (1) Use of Nonconforming Lots. Any nonconforming lot shall be used only for a use permitted in the district in which it is located.
- (2) Area and Bulk Requirements. No new division of any parcel shall be made which creates a non-conforming lot with area or frontage less than the area or bulk requirements of this Ordinance, for the zoning district in which it is situated.
- (3) Nonconforming Contiguous Lots under the Same Ownership. If a nonconforming lot of record abuts one or more nonconforming lots of record in the same ownership, such lots shall be legally consolidated to reduce or eliminate the non-conformity. No lot shall be used or sold in a manner which diminishes compliance with lot area or frontage requirements of this Ordinance, nor shall any division of a lot be made which creates a lot with area or frontage less than the requirements stated in this Ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by an existing home, unless such lots are at any time consolidated under a single tax identification number or unless one or more of the existing homes is removed.

SECTION 6: AMENDMENT TO ARTICLE 17, SECTION 17.01. DEFINITIONS: The Eagle Township Interim Zoning Ordinance, Section 17.01 shall be amended to add the following definition in alphabetical order:

Mineral Resource Extraction: The removal or recovery by any means whatsoever of soil, rock, sand, gravel, peat, muck, barrow, shale, limestone, clay or other mineral or organic substances, other than vegetation, from water or land, whether exposed or submerged. Said definition does not include common household gardening and farming operations.

SECTION 7: SEVERABILITY: The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is hereafter declared void or

unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such Ordinance which shall continue in full force and effect.

SECTION 8: REPEAL: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 9: EFFECTIVE DATE. This Ordinance is hereby declared to have been adopted by the Eagle Township Board at a meeting thereof duly called and held on March 21, 2024, was ordered to be given immediate effect subject to MCL 125.3404(3). Publication of a notice of adoption of this Ordinance amendment shall be published according to Section 401 of the Michigan Zoning Enabling Act.

YEAS: Trustee M. Hoppes, Trustee Strahle, Clerk Briggs-Dudley, Treasurer C. Hoppes, Supervisor Stroud

NAYS: None

ABSENT: None

ORDINANCE DECLARED ADOPTED



Troy Stroud, Supervisor

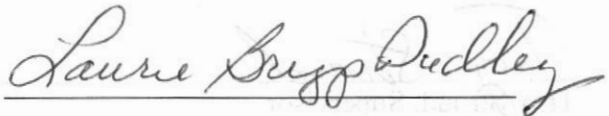
CERTIFICATION

I, Laurie Briggs-Dudley, the Clerk of Eagle Township, Clinton County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 02-2024, adopted by the Eagle Township Board at a regular meeting held on March 21, 2024.

The following members of the Township Board of Trustees were present at that meeting:

Trustee M. Hoppes, Trustee Strahle, Clerk Briggs-Dudley, Treasurer C. Hoppes, Supervisor Stroud

The Ordinance was adopted by the Township Board of Trustees with five members of the Board voting in favor and zero members voting in opposition. Notice of adoption and publication of the Ordinance will be published in the Lansing State Journal on March 27, 2024. The Ordinance shall be effective immediately pursuant to MCL 125.3404(3).

By: 
Laurie Briggs-Dudley, Township Clerk