

**BATH CHARTER TOWNSHIP  
CLINTON COUNTY, MICHIGAN  
ZONING ORDINANCE AMENDMENT  
ORDINANCE 31.74**

At a duly scheduled meeting of the Township Board of Bath Charter Township, Clinton County, Michigan, held at the Bath Charter Township Board Meeting Room on March 21, 2022, at 6:00 p.m., Township Board Member Almerigi moved to adopt the following ordinance, which motion was seconded by Township Board Member Fewins-Bliss:

An ordinance to reorganize existing language related to the development review process, clarify between land use permit requirements and site plan review requirements, clarify requirements related to landscaping and utilities, and add additional requirements for site plan review.

BATH CHARTER TOWNSHIP, CLINTON COUNTY, MICHIGAN, ORDAINS:

SECTION 1. Article XX of the Bath Township Zoning Ordinance shall be renamed “Land Use and Site Plan Review.”

SECTION 2. Article XX, “Land Use and Site Plan Review” shall read as follows:

Sec. 20.01 – Purpose

The procedures, standards, and requirements in this ordinance are intended to provide for a consistent and uniform process for the review of proposed development plans of varying impact on natural resources, traffic patterns, adjacent parcels, and the character of existing and future development. It is the intent of these requirements to encourage cooperation and consultation between the Township and the applicant in order to facilitate development in accordance with the Township’s Master Plan and land use objectives.

Sec. 20.02. – Types of Review and Applicability

For the purposes of this ordinance, there are two types of review – zoning (land use) permit review and site plan review.

Zoning (Land Use) Permit Review. This type of review is administrative in nature and is intended for single-family homes, two-family dwellings, accessory uses, and other incidental structures such as fences, signs, and pools.

Site Plan Review. This type of review applies to all uses not covered under Zoning (Land Use) Permit Review.

Sec. 20.03. – Procedures

The applicant will submit all relevant application materials along with any applicable fees and financial guarantees (see section 20.09) to the Township for review by the Zoning Administrator. Incomplete applications will be returned to the applicant with instruction on which requirements have not been fulfilled.

For zoning (land use) permit approval, applications will be reviewed against applicable zoning ordinance provisions as well as any required information listed on the application. Once deemed in compliance with the provisions and requirements, the Township Planner or Zoning Administrator shall sign and date the application and provide a copy of the application to the applicant as proof of approval.

For site plan approval, the following schedule of procedures shall be followed in order:

1. Pre-application Meeting

- a. Any applicant bringing a development project to Bath Township should discuss their project with planning and other township staff at a requested pre-application meeting.
- b. Any applicant requesting a pre-application meeting shall contact the Bath Township Planning Department staff two weeks or 10 business days to the date of the applicant wishes to conduct the pre-application meeting with the township staff.
- c. The intent of the pre-application meeting is to discuss concepts, get clarification on zoning requirements, and review the possible timeline for project review and approval. It is not intended for plan review or to be given approvals of any kind.
- d. A sketch plan is appropriate for a pre-application meeting as opposed to fully-designed engineering drawings.

2. Application Submittal

- a. In addition to a completed Site Plan Review application, site plan drawings must be provided which clearly indicate the following information:
  - i. Property dimensions, north arrow, and scale
  - ii. Size, shape, and location of existing and proposed buildings and structures
  - iii. The location of parking areas and parking spaces, both for motor vehicles and bicycles (see article XVII, "Off-Street Parking and Loading Requirements").
  - iv. Lot coverage calculation
  - v. Existing public rights-of-way, and/or private easements
  - vi. Water courses, and water bodies, including drainage ways
  - vii. Existing significant vegetation
  - viii. A landscaping plan (see article XXV, Landscape Ordinance) showing the locations of existing trees proposed to be removed or retained on the site, the location and design of landscaped areas, and the varieties and sizes of plant materials, including trees, shrubs, vines, and ground covers, to be planted therein,

and other landscape features as may be necessary to illustrate the landscape content.

- ix. Zoning classifications of abutting properties
- x. Utility plan, drawn to scale, showing the location and size of existing and proposed public water mains, wells, and sanitary sewers and associated easements or location of existing and proposed private drinking water wells, on-site wastewater treatment and disposal systems. The location of existing and proposed monitoring wells, irrigation wells, test wells, or wells used for industrial processes shall also be depicted. The location of existing and proposed private utilities including natural gas, electricity, telephone, cable television, and internet and associated easements shall be shown on the plan.
- xi. Wetlands, as designated by the Michigan Department of Environment, Great Lakes, and Energy
- xii. Existing and proposed parks and recreation areas
- xiii. Road and street right-of-way lines
- xiv. A title block, with pertinent information including the date of site plan revisions and "date of Planning Commission approval"
- xv. Topography on the site and within one hundred (100) feet of the site showing contour lines at one-foot or two-foot intervals, whichever is appropriate
- xvi. A detailed photometric plan
- xvii. A sign plan showing sign type, design, size, height, and other pertinent details (see article XVIII)
- xviii. Architectural elevations – views of front, sides, and back of structures indicating the type and color of building materials, roof design, projections, canopies, awnings and overhangs, screen walls and accessory buildings, and any outdoor or roof-located mechanical equipment.
- xix. Additional information required for proposals including multi-family housing:
  1. The number and location of each type of residential unit (one-bedroom units, two-bedroom units, etc.).
  2. Density calculations by type of residential unit (dwelling units per acre).
  3. Floor plans of typical buildings with square footage of floor area
  4. Garage and carport locations and details, if proposed
  5. Pedestrian circulation system
  6. Location and names of roads and internal drives
  7. Community building location, dimensions, floor plans, and façade elevations, if applicable.
  8. Swimming pool fencing detail, including height and type of fence, if applicable.

9. Location and size of recreation open areas
  10. Indications of type of recreation facilities proposed for recreation area
- b. The applicant shall prepare a materials sample board of the proposed buildings and have it available for presentation at the Planning Commission meetings for review.
  - c. The Zoning Administrator shall determine how many copies of the application materials required under section 20.03(2)a shall be provided to the Township – the number of copies required shall not exceed ten (10) as well as providing a digital copy in PDF format.
3. Administrative Review
    - a. Once all application materials have been received, the Zoning Administrator shall conduct an administrative review to ensure compliance with all zoning ordinance requirements. Once deemed administratively complete, the application shall be placed on the agenda for the next available Planning Commission meeting.
4. Planning Commission Introduction and External Agency Reviews
    - a. The project shall be introduced to the Planning Commission by way of a presentation by the applicant followed by an opportunity for the Planning Commissioners to provide feedback and ask questions.
    - b. Applications cannot be placed on a Planning Commission agenda until the proposal is deemed administratively complete. Developments utilizing a Planned Unit Development (see section 19.08) may, however, have some minor deficiencies if the intent of the applicant is to negotiate the requirements of fulfilling said deficiency with the Planning Commission.
    - c. After a proposal is deemed administratively complete, the relevant application materials shall be forwarded to the following external agencies for review and comment:
      - i. Clinton County Road Commission
      - ii. Mid-Michigan District Health Department (if applicable)
      - iii. Southern Clinton County Municipal Utilities Authority (if applicable)
      - iv. Lansing Board of Water and Light (if applicable)
      - v. Clinton County Drain Commission
      - vi. Clinton County Building Department (soil erosion and sediment control)
      - vii. Bath Township Fire Marshal
      - viii. Bath Township Police Chief
      - ix. Michigan Department of Environmental, Great Lakes, and Energy (for wetlands)
5. Public Hearing (if required)
    - a. If a public hearing is required, the date of said public hearing shall be set by the Planning Commission.
6. Planning Commission Approval

- a. At such a time that the Planning Commission feels that they have sufficient information to make a final determination on a proposal, a vote for approval or denial of a site plan (and special use permit, if applicable) shall take place.
7. Board of Trustees (if required)
  - a. Projects requiring a Special Use Permit shall be sent to the Board of Trustees for final review and action after a determination is made by the Planning Commission (see section 19.03).

#### Sec. 20.04. – Standards for Land Use Permit Approval

Land Use Permits shall be approved provided that they meet all applicable site development standards for the zoning district in which the subject property is located and adhere to any other applicable ordinances related to the particular land use or structure proposed. All information requested on a Land Use Permit application must be provided in order to receive approval.

#### Sec. 20.05. – Standards for Site Plan Approval

- A. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of buildings. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.
- B. The landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications, which result in maximum harmony with adjacent areas (see section 20.04J).
- C. Special attention shall be given to proper site surface drainage so that removal of stormwaters will not adversely affect neighboring properties.
- D. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used as appropriate for the protection and enhancement of property and for the privacy of its occupants.
- E. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- F. Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated for common use.
- G. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
- H. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential properties or public thoroughfares, shall be screened by a vertical screen consisting of structural (fence) or plant materials no less than six feet in height.
- I. Exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impeded the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

- J. Soil erosion control plan (Clinton County Soil Erosion and Sedimentation Control Ordinance).
- K. Wetland property within Bath Charter Township that is contiguous to waters of the state (e.g., Great Lakes, rivers, streams, lakes and ponds, and connecting waters of the Great Lakes) or otherwise regulated by state law cannot be drained, filled, dredged, or destroyed without the proper permits from state and federal agencies.

#### Sec. 20.06. – Action by Planning Commission

The Planning Commission shall have the function, duty, and power to approve or disapprove, or to approve subject to compliance with such modifications or conditions as it may deem necessary to carry out the purpose of these regulations, the design and site plan of all proposed buildings or structures, or the development of the entire property, the specifications of all exits, entrances, streets, highways, or other means of ingress and egress, the proposed timing of construction, the proposed manner of dedication to the public or maintenance of same and the construction of appropriate screens or buffers.

#### Sec. 20.07. – Modification of Approved Site Plan

Any person who has been granted an approval of their site plan must notify the Township Planner if they would like to make an amendment to the existing approved site plan. Major amendments to existing site plans require that the individual go through the same filing and review procedures as the original approval process. Minor changes may be approved administratively by the Zoning Administrator. To determine whether a proposed site plan amendment is minor or major in nature, a discussion shall take place between the Zoning Administrator and the chair of the Planning Commission. Should the Zoning Administrator and chair of the Planning Commission be unable to agree as to whether the proposed amendment is minor or major in nature, the Township Superintendent shall make a final determination based on available information.

#### Sec. 20.08. – Fees (same as section 21.06)

The Township Board shall periodically establish by resolution a schedule of fees for administering this ordinance. The schedule of fees shall be posted on public display in the office of the Zoning Administrator and may be changed only by the Township Board of Trustees. No certificate shall be issued unless such fees have been paid in full (see section 20.09, Escrow Agreement).

#### Sec. 20.09. – Escrow Agreement

At the time of submittal of any application for site plan approval, the applicant shall submit a check to the Township in the amount of one-thousand dollars (\$1,000) to be placed in escrow. These funds are to be utilized by the Township to pay any costs associated with expenses of professional services rendered (engineers, attorneys, etc.). If the cost of the professional services rendered during the period of development exceed the initial amount of one-thousand dollars (\$1,000), additional payments of one-thousand dollars (\$1,000)

will be requested by Bath Township to fund the development's escrow account. The amount required to fund the development's escrow account shall not exceed three-thousand dollars (\$3,000). Any outstanding balance of the escrow account upon completion of the project and payment of associated fees shall be refunded (excluding interest, if any) to the applicant.

#### Sec. 20.10. – Financial Guarantees

Upon approval of the site plan by the Planning Commission, the applicant shall submit an additional financial guarantee, the amount of which is to be determined by the Zoning Administrator, into escrow with the Township for the purposes of insuring compliance with the approved site plan. Additional financial guarantees may also be required by the Zoning Administrator or township superintendent for the purposes of ensuring compliance with other pertinent Township ordinances and regulations as well as to prevent construction materials (mud, earth, concrete, stone, brush, etc.) being strewn or tracked onto existing off-site paved roads.

#### Sec. 20.11. – Construction Drawings

Based upon the approved site plan, one set of construction drawings shall be submitted to the planning department for approval before obtaining any building permits.

#### Sec. 20.12. – Appeals and Questions of Interpretation of Ordinance

Any person considering themselves aggrieved by the decision of the Planning Commission in granting or denial of site plan approval shall have the right to appeal said decision to the Township Board. The appeal shall be exclusive and must be filed with the Township Clerk within ten (10) days of the decision of the Planning Commission.

#### Sec. 20.13. – Site Plan Expiration

A final site plan approval shall expire if implementation of the final site plan has not been initiated or occurred within one (1) year of the date of its approval. The Zoning Administrator may grant a one-time extension not to exceed six (6) months. The Township Board of Trustees may grant a one (1) year extension upon written request, for good cause for such extension being shown. If implementation of the final site plan has commenced, development (construction, landscaping, etc.) shall be continuous until the implementation of the approved site plan is complete. If implementation of the approve site plan has commenced and there is a pause in development for two (2) month or longer, for any reason other than season weather conditions delaying development efforts and an extension was not granted by the Zoning Administrator or the Township Board of Trustees. The approval site plan becomes no longer valid.

SECTION 3. REPEAL: All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. Severability: The provisions of this ordinance are declared severable. If any part of this ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

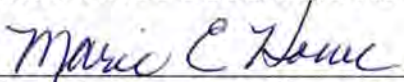
SECTION 5. Effective Date: This ordinance shall take effect seven (7) days after publication of a notice of adoption of this ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this ordinance shall take effect in accordance with MCL 125.3402.

YEAS: Almerigi, Benzie, Wiswasser, Howe, Butler-Challender, Rosekrans, Fewins-Bliss

NAYS: None.

ABSENT/ABSTAIN: None.

ORDINANCE DECLARED ADOPTED.

  
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Marie E. Howe, Bath Charter Township Supervisor

#### CERTIFICATION

I, Brenda Butler-Challender, Clerk of Bath Charter Township, do hereby certify that the above is a true action taken by the Bath Township Board of Trustees as follows:

First Reading: March 7, 2022

First Publication: March 13, 2022

Second Reading/Adoption: March 21, 2022

Effective Date: March 21, 2022

  
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Brenda L. Butler-Challender, Clerk





## Bath Charter Township Fee Schedules

### Rezoning

Application fee (first acre)	
Additional acre fee (Maximum amount \$1,000)	\$300
	\$50
Escrow Amount - May be required for any rezoning application which requires professional review. (Engineer, Attorney, etc.)	

### Special Use Permit

Application Fee (First Acre)	
Additional acre fee (Maximum amount \$1,000)	\$300
	\$50
Escrow Amount – May be required for any rezoning application which requires professional review. (Engineer, Attorney, etc.)	
Amendments and/or Extensions – One half of original fee.	\$150 (Plus half of any other fees previously charged)

### Site Plan Review

Application Fees:	
• Pre-Application	\$50
• Single Duplex on Individual Lot	\$100 Application Fee
• Single Multi-Unit Dwelling Structures on Individual Lot (plus \$10/Unit)	\$250 Application Fee
• Two or More Multiple Dwelling Structures on Individual Lots (plus \$10/Unit)	\$500 Application Fee
• Planned Unit Development	
○ Preliminary Site Plan (plus \$10/Unit)	\$600 Application Fee
○ Final PUD Site Plan plus \$10/Unit	\$300 Application Fee
• Office, Commercial, and Industrial (plus \$10/Unit Maximum- \$1,000)	\$300 Application Fee
• Major Site Plan Amendments (Requiring Planning Commission Action)	\$ Original Fee

Note: These application fees do not include review fees established by any other public agency and/or professional services (i.g., engineering, attorney, fire inspection, etc.). Such fees will be passed on to the applicant.

Minor Site Plan Amendments (Requiring Staff Review) \$ One Half of the Original Fee

- Board of Zoning Appeals** (Variance Fees)
- Single Family Residential \$100 Application Fee
  - Multiple-Family Residential \$250 Application Fee
  - Office, Commercial, Industrial \$300 Application Fee
  - Signs \$250 Application Fee
  - Ordinance Interpretation \$300 Application Fee

**Land Division**

- Land Division and Boundary Adjustment (parent parcel and one child) \$200 Application Fee
- Each Additional Parcel \$50
- Land Combination \$150 Application Fee

**Certificate of Zoning Compliance** \$50 Fee

**Special Meeting Requests** \$300 Fee

**Subdivision Plat**

- Sketch Plan Review No Charge
- Preliminary Plat (Plus \$2.00/unit or \$2.00/lot, whichever is greater) \$500 Application Fee
- Final Plat One Half of the Original Fee
- Recording Fee \$20 Fee
- Monuments \$50 Fee (each)
- Lot Corners \$50 Fee (each)

Escrow Amount - \$3,500 or 7%, whichever is greater, of the Total Public Improvement Cost as estimated by the applicant's engineer and verified by the Township Engineer. All eligible public cost which exceeds \$3,500 or 7% shall be reimbursed prior to final permit approvals by the Township

**Other Inspection Fees** \$40 Per Hour (half an hour minimum for inspections which no fee is specifically indicated)

**Exceptions**

Any and all fees set forth in this resolution may be altered or waived by the Bath Township Board of Trustees upon written application by a municipal corporation, qualified non-profit, political subdivision of the State of Michigan or public educational entity.

attorney, fire inspection, etc.). Such fees will be passed on to the applicant.

## Adult Use Marihuana

Marihuana Establishment (any type) \$5,000 Application Fee

Other Types of Application Fees (annual, renewal,  
transfer and inspection) \$5,000 Application Fee

- A Permit or Renewal Permit shall not confer any vested rights or reasonable expectation of subsequent renewal on the Applicant or Permit Holder, and shall remain valid one year immediately following its approval.
- Each year, any pending Applications for renewal or amendment of existing Permits shall be reviewed and granted or denied before Applications for new Permits are considered. Renewal applications are not subject to competitive review.
- It is always the sole and exclusive responsibility of each Permit Holder, Applicant, owner, partner, director, officer, or manager at all times during the Application period and during its operation to immediately provide the Township with all material changes in any information submitted on an Application and any other changes that may materially affect any state License or Township Permit.

## Medical Marihuana

Marihuana Establishment (any type) \$5,000 Application Fee

Other Types of Application Fees (annual, renewal,  
transfer and inspection) \$5,000 Application Fee

- A Permit or Renewal Permit shall remain valid only for one year following its approval.
- A Permit and a Renewal Permit shall not confer any vested rights or reasonable expectation of subsequent renewal on the Applicant or Permit Holder, and shall remain valid for one year immediately following its approval.
- Each year, any pending Applications for renewal, amendment, or transfer of existing Permits shall be reviewed and granted or denied before Applications for new Permits are considered.
- It is the sole and exclusive responsibility of each Permit Holder or Person applying to be a Permit Holder at all times during the Application period and during its operation to immediately provide the Township with all material changes in any information submitted on an Application and any other changes that may materially affect any state License or its Township Permit.

Approved by Bath Township Board of Trustees

Date 03/21/2022