

The regular Board of Trustees meeting of the Charter Township of Clayton was called to order by Supervisor Spillane at 6:00 p.m. August 10, 2023 at the Clayton Township Hall.

BOARD MEMBERS:

Supervisor Tom Spillane
Clerk Dennis Milem
Treasurer Rick Caruso

Trustees: Greg Childers
Brad Anthony
Tammy Kapraun
Shelley Thompson

Attorney: Ken Tucker

Pledge to Flag

ROLL CALL: Members Present: Caruso, Milem, Spillane, Kapraun, and Thompson. Childers and Anthony absent.

AGENDA: MOTION by Milem and seconded by Thompson to approve amended agenda deleting item 7 and adding Part Time Police Officer. ROLL CALL: YES: Spillane, Kapraun, Milem, Caruso and Thompson. MOTION CARRIED.

MINUTES: MOTION by Kapraun and seconded by Thompson to approve the July 2023 meeting minutes. ROLL CALL: YES: Spillane, Milem, Caruso, Kapraun and Thompson. MOTION CARRIED.

BILLS LIST: MOTION by Kapraun and seconded by Milem to approve the Bills List as presented. ROLL CALL: YES: Milem, Thompson, Caruso, Kapraun, and Spillane. MOTION CARRIED.

TREASURER'S REPORT: MOTION by Kapraun and seconded by Milem to accept the Treasurer's Report as presented. ROLL CALL: YES: Milem, Thompson, Caruso, Kapraun and Spillane. MOTION CARRIED.

2023 BUDGET REVIEW: No adjustments.

PUBLIC COMMENT

BOARD COMMENT

CORRESPONDENCE:

OLD BUSINESS:

NEW BUSINESS:

BIKES TO THE BRICKS: MOTION by Milem and seconded by Kapraun to approve motorcycle route by Bikes to the Bricks through Clayton Township in coordination with Clayton Township Police Department. ROLL CALL: YES: Thompson, Caruso, Spillane, Kapraun and Milem. MOTION CARRIED.

SPECIAL CONDITIONAL USE: MOTION by Caruso and seconded by Kapraun to approve SCU-23-2 for Ethan Rogers and send back to planning commission. This approval subject to all permits and conditions of the planning commission. ROLL CALL: YES: Caruso, Spillane, Kapraun, Milem and Thompson. MOTION CARRIED.

PART TIME CLAYTON TOWNSHIP POLICE OFFICER: MOTION by Kapraun seconded by Thompson to offer employment Eddie Redds as part time Clayton Township police officer subject to all background checks and other investigations. ROLL CALL: YES: Milem, Caruso, Thompson, Spillane, and Kapraun. MOTION CARRIED.

PUBLIC COMMENT:

BOARD COMMENT:

Statement by Rick Caruso to be read into the public record.

REPORTS:

ATTORNEY: Ken Tucker
ROADS AND BRIDGES: Tom Spillane
WATER AND WASTE: Rick Caruso
FIRE BOARD: Tammy Kapraun
PLANNING COMMISSION: Rick Caruso
METROPOLITAN ALLIANCE: Shelley Thompson
911: Tom Spillane
POLICE REPORT: Chief Brown

Meeting Adjourned: 6:25 p.m.

Minutes by

Dennis Milem, Clerk

Minutes Accepted by

Tom Spillane, Supervisor

Statement for Record

Even a vague insinuation that any elected or appointed official acting in the best interests of the Charter Township of Clayton has done anything that puts the health, safety or welfare of the residents at risk cannot go unanswered.

The renewable energy industry has grown rapidly since 2008 and is likely to continue to grow given the increased requirements of Public Act 342. As energy providers are required to rely more extensively on renewable energy, it is highly likely that many Michigan townships will face increased interest and possibly even pressure to approve renewable energy projects. Having a solar ordinance in place, even if your township has not been approached will allow you to respond to these requests in a way that will help to avoid future legal challenges and prevent your township from rushing to adopt an ordinance after the fact.

A solar ordinance is an extensive amendment to the township's existing ordinances. In general, a solar ordinance is a comprehensive regulation of solar energy within the township, including what types of solar energy systems are permitted, where they may be located and what limitations apply to them. A well drafted solar ordinance will protect a township's interests while also ensuring that it does not run into exclusionary zoning issues. A solar ordinance will also establish review procedures for solar projects, as well as the framework that will be used when applying for this type of project.

Looking at our neighbors to the west of Clayton Township where there were no ordinances in place to control any aspect of solar farms, I believe that the mandated directives of the State and Federal governments "LAWS" were used to build one of the most unwanted, unregulated, unwelcome projects in our area. Ask the residents of the Townships to our west if they had it to do over again would they have liked to have had an ordinance in place.

Not doing anything to control or regulate renewable energy projects in Clayton Township may seem like a good plan to some people but not to me.

Rick Caruso

basis for its decision, and any conditions imposed on an affirmative decision.

(7) If amendment of a zoning ordinance is required by the planned unit development regulations of a zoning ordinance, the requirements of this act for amendment of a zoning ordinance shall be followed, except that the hearing and notice required by this section shall fulfill the public hearing and notice requirements of section 306.

(8) If the planned unit development regulations of a zoning ordinance do not require amendment of the zoning ordinance to authorize a planned unit development, the body or official responsible for review and approval shall approve, approve with conditions, or deny a request.

(9) Final approval may be granted on each phase of a multiphased planned unit development if each phase contains the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area.

(10) In establishing planned unit development requirements, a local unit of government may incorporate by reference other ordinances or statutes which regulate land development. The planned unit development regulations contained in zoning ordinances shall encourage complementary relationships between zoning regulations and other regulations affecting the development of land.

History: 2006, Act 110, Eff. July 1, 2006.

125.3504 Special land uses; regulations and standards; compliance; conditions; record of conditions.

Sec. 504. (1) If the zoning ordinance authorizes the consideration and approval of special land uses or planned unit developments under section 502 or 503 or otherwise provides for discretionary decisions, the regulations and standards upon which those decisions are made shall be specified in the zoning ordinance.

(2) The standards shall be consistent with and promote the intent and purpose of the zoning ordinance and shall insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The standards shall also insure that the land use or activity is consistent with the public health, safety, and welfare of the local unit of government.

(3) A request for approval of a land use or activity shall be approved if the request is in compliance with the standards stated in the zoning ordinance, the conditions imposed under the zoning ordinance, other applicable ordinances, and state and federal statutes.

(4) Reasonable conditions may be required with the approval of a special land use, planned unit development, or other land uses or activities permitted by discretionary decision. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

(a) Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

(b) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

(c) Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

(5) The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of conditions which are changed.

History: 2006, Act 110, Eff. July 1, 2006.

125.3505 Performance guarantee.

Sec. 505. (1) To ensure compliance with a zoning ordinance and any conditions imposed under a zoning ordinance, a local unit of government may require that a cash deposit, certified check, irrevocable letter of credit, or surety bond acceptable to the local unit of government covering the estimated cost of improvements be deposited with the clerk of the legislative body to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The local unit of government may not require the deposit of the performance guarantee until it is

provide that the cost and expense of acquiring private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in local units of government. Property acquired under this subsection by a city or village shall not be used for public housing.

(4) The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The legislative body may institute proceedings for condemnation of nonconforming uses and structures under 1911 PA 149, MCL 213.21 to 213.25.

History: 2006, Act 110, Eff. July 1, 2006;—Am. 2008, Act 12, Imd. Eff. Feb. 29, 2008;—Am. 2010, Act 330, Imd. Eff. Dec. 21, 2010.

125.3209 Township zoning ordinance not subject to county ordinance, rule, or regulation.

Sec. 209. Except as otherwise provided under this act, a township that has enacted a zoning ordinance under this act is not subject to an ordinance, rule, or regulation adopted by a county under this act.

History: 2006, Act 110, Eff. July 1, 2006.

ZONING ON M-13 WAS APPROVED BY COUNTY

125.3210 Ordinance as controlling.

Sec. 210. Except as otherwise provided under this act, an ordinance adopted under this act shall be controlling in the case of any inconsistencies between the ordinance and an ordinance adopted under any other law.

History: 2006, Act 110, Eff. July 1, 2006.

125.3211 Appointment of zoning commission by legislative body; purposes; petition; initiation of action to formulate zoning commission and zoning ordinance.

Sec. 211. (1) The legislative body may proceed with the adoption of a zoning ordinance containing land development regulations and establishing zoning districts under this act upon appointment of a zoning commission as provided in section 301.

(2) The legislative body may appoint a zoning commission for purposes of formulating a zoning ordinance on its own initiative or upon receipt of a petition requesting that action as provided under subsection (3).

(3) Upon receipt of a petition signed by a number of qualified and registered voters residing in the zoning jurisdiction equal to not less than 8% of the total votes cast within the zoning jurisdiction for all candidates for governor at the last preceding general election at which a governor was elected, filed with the clerk of the local unit of government requesting the legislative body to appoint a zoning commission for purposes of formulating a zoning ordinance, the legislative body, at the next regular meeting, may initiate action to formulate a zoning commission and zoning ordinance under this act.

History: 2006, Act 110, Eff. July 1, 2006.

ARTICLE III ZONING COMMISSION

125.3301 Zoning commission; creation; transfer of powers to planning commission; resolution; membership; terms; successors; vacancy; limitation; removal of member; officers.

Sec. 301. (1) Each local unit of government in which the legislative body exercises authority under this act shall create a zoning commission unless 1 of the following applies:

(a) A county zoning commission created under former 1943 PA 183, a township zoning board created under former 1943 PA 184, or a city or village zoning commission created under former 1921 PA 207 was in existence in the local unit of government as of June 30, 2006. Unless abolished by the legislative body, that existing board or commission shall continue as and exercise the powers and perform the duties of a zoning commission under this act, subject to a transfer of power under subsection (2).

(b) A planning commission was, as of June 30, 2006, in existence in the local unit of government and pursuant to the applicable planning enabling act exercising the powers and performing the duties of a county zoning commission created under former 1943 PA 185, of a township zoning board created under former 1943 PA 184, or of a city or village zoning commission created under former 1921 PA 207. Unless abolished by the legislative body, that existing planning commission shall continue and exercise the powers and perform the duties of a zoning commission under this act.

(c) The local unit of government has created a planning commission on or after July 1, 2006 and transferred the powers and duties of a zoning commission to the planning commission pursuant to the applicable planning enabling act.

(ii) An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

(iii) A facility offering substance use disorder services to 7 or more people that is licensed under part 62 of the public health code, 1978 PA 368, MCL 333.6230 to 333.6251.

(iv) A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.

(b) Has appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government.

(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 local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.

(e) Meets regulations, if any, governing signs used by a group child care home to identify itself.

(f) Meets regulations, if any, requiring a group child care home operator to provide off-street parking accommodations for his or her employees.

(5) For a city or village, a group child care home may be issued a special use permit, conditional use permit, or other similar permit.

(6) A licensed or registered family or group child care home that operated before March 30, 1989 is not required to comply with this section.

(7) This section does not prohibit a local unit of government from inspecting a family or group child care home for the home's compliance with and enforcing the local unit of government's zoning ordinance. For a county or township, an ordinance shall not be more restrictive for a family or group child care home than 1973 PA 116, MCL 722.111 to 722.128.

(8) The establishment of any of the facilities listed under subsection (4)(a) after issuance of a special use permit, conditional use permit, or other similar permit pertaining to the group child care home does not affect renewal of that permit.

(9) This section does not prohibit a local unit of government from issuing a special use permit, conditional use permit, or other similar permit to a licensed group child care home that does not meet the standards listed under subsection (4).

(10) The distances required under subsection (4)(a) shall be measured along a road, street, or place maintained by this state or a local unit of government and generally open to the public as a matter of right for the purpose of vehicular traffic, not including an alley.

History: 2006, Act 110, Eff. July 1, 2006;—Am. 2007, Act 219, Imd. Eff. Dec. 28, 2007;—Am. 2018, Act 513, Eff. Mar. 28, 2019;—Am. 2022, Act 206, Imd. Eff. Oct. 7, 2022.

125.3207 Zoning ordinance or decision; effect as prohibiting establishment of land use.

Sec. 207. A zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use within a local unit of government in the presence of a demonstrated need for that land use within either that local unit of government or the surrounding area within the state, unless a location within the local unit of government does not exist where the use may be appropriately located or the use is unlawful.

CANT ZONE ANYTHING OUT

History: 2006, Act 110, Eff. July 1, 2006.

125.3208 Nonconforming uses or structures.

Sec. 208. (1) If the use of a dwelling, building, or structure or of the land is lawful at the time of enactment of a zoning ordinance or an amendment to a zoning ordinance, then that use may be continued although the use does not conform to the zoning ordinance or amendment. This subsection is intended to codify the law as it existed before July 1, 2006 in section 16(1) of the former county zoning act, 1943 PA 183, section 16(1) of the former township zoning act, 1943 PA 184, and section 3a(1) of the former city and village zoning act, 1921 PA 207, as they applied to counties, townships, and cities and villages, respectively, and shall be construed as a continuation of those laws and not as a new enactment.

(2) The legislative body may provide in a zoning ordinance for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures upon terms and conditions provided in the zoning ordinance. In establishing terms for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures, different classes of nonconforming uses may be established in the zoning ordinance with different requirements applicable to each class.

(3) The legislative body may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses and structures. The legislative body may