

Milton Township
Planning Commission
Regular Meeting
May 3, 2023
7:00 PM

7023 Cherry St. / Kewadin, MI

1. Call meeting to order. Note members, present, absent, or excused.
2. Public Comment
3. Approval of Agenda
4. Approval of Minutes April 3, 2023
5. Correspondence
6. Old Business
 - a) **PUBLIC HEARING**- ZO 2023-01 Winery Amendment
 - b) Master Plan Review – Draft to be distributed at meeting
7. New Business
 - a) ZO 2023-02 Utility Solar Amendment
 - b) ZO 2023-03 Steep Slope Amendment
8. Reports
 - a) Zoning Administration Office Report
 - b) Township Board Report– Renis
 - c) Zoning Board of Appeals – Hefferan
 - d) Planning Commission Updates – All
9. Future Meeting Considerations
June 7, 2023
10. Adjourn

Active Subcommittees (created date)

Steep Slopes (05/11/21)

-Ford, Renis, Warner

Winery (03/01/23)

- Ford, Warner, Standerfer

Milton Township
Planning Commission
Unapproved Meeting Minutes
April 3, 2023

Members present: Chairman Hefferan, Renis, Peters, Warner, Ford, and Merillat.

Also present: Kopriva and three audience members.

Members absent: Jim Standerfer, excused.

Hefferan called the meeting to order at 7:00pm.

Public Comment:

Fred Gulik reported the surplus amount the township has in the bank as of March 31, 2023. Which is an increase from last year.

Approval of Agenda:

Motion by Renis to approve the agenda. Seconded by Ford. **Motion carried.**

Approval of Minutes dated March 1, 2023:

Motion by Ford to approve the March 1, 2023 minutes as presented. Seconded by Warner. **Motion carried.**

Correspondence:

A letter was received from the Kalkaska County Planning Commission that their Master Plan is out for review. Kopriva will review this.

Old Business:

1. ZO 2023-01 Winery Amendment:

Ford reported the subcommittee met twice and provided minutes. Ford said the subcommittee reviewed the history as two of the members are new. We were on the 6th draft of the amendment when the applicant pulled the application. This is the third draft of the current amendment. Kopriva presented draft V3 dated March 28, 2023. This does allow for food service and food trucks. That is specific to this use. This does allow for marketing events that promote the winery. This is expanded and allows four events each month with up to 100 people. We are adding a definition as to what a marketing event is. It is important to define it. The guest quarters requires 50% of the revenue to be from products produced. It should be part of the tasting room and part of the winery. Kopriva discussed some of the new language. Item 7g was under discussion a lot and requires the owner or manager to reside on the premises during the occupancy of the guest quarters. Warner said the subcommittee went back and forth on it. We feel they or a manager do need to reside on the property. The difficulty was when or if they want to go on vacation and how tightly do we regulate that. This would allow them to have a manager to be residing on the property. This does not apply to any other Ag use in the township. This is only if they have guest quarters, they must stay on the property. During the off season, they do not have to be there.

Kopriva said after discussion, the next step would be a public hearing unless the sub needs to discuss additional issues that come up.

Peters said 6g is redundant in that the state regulates that they can only serve the beverages they produce. Kopriva will look into this. Renis said it does not say the wine has to be produced on the property. Can it be produced off site? Renis said this is not clear. Peters said this is determined by the liquor control commission. Warner asked if 6g should be removed as it is a duplication. Peters said yes. Kopriva said she is more concerned about the size of the winery. I agree that it is a duplicate but you could require it even if the state changes their rules. Warner and Renis discussed the possible implications. Warner does not want to restrict this if they want to do it. Ford said the intent is to sell the products you produce on site. That is the whole idea. Peters read from the state statute. Kopriva said the intent is small estate sized businesses. Merillat said it is redundant. Kopriva asked if they could get a liquor license? I am not sure someone would or could. Merillat said 6g should be changed to alcoholic beverages, rather than all beverages.

Warner said he feels they have everything well enough restricted. Merillat asked if guest quarters meet the definition of motel in our ordinance. Kopriva read the definition of motel and the separate definition of guest quarters. Merillat said we should document that guest quarters are not considered a dwelling so it does not come under the vacation rental ordinance.

Merillat asked under item 7, "upon appropriate approval by the planning commission", what does that mean? That means the Planning Commission must approve the guest quarters as part of the special use. Just because you are approved for a winery and tasting room, does not mean you are automatically approved for guest quarters.

Merillat asked under B, what does similar aesthetics mean? Where else in the ordinance do we regulate the look of the building? Warner said in writing it up we do not have trailers or tin shacks. Merillat said from a land use perspective, we should not care what they look like, just how they are used. I do not think this wording should be there. Warner said do we have the right to describe how a house trailer looks or how the area is kept. Merillat said it is about land use. Ford said we want it to feel like it is the same. Merillat said we should not have that restriction since we do not say anywhere else in the ordinance what something has to look like.

Merillat said an overall problem is that we are carving out a special exemption for one section of the industry. What is the difference between a sheep farm who wants guest quarters? He feels this is bad policy. This should be a larger discussion.

Merillat said you have two definitions of Marketing Events. One in item 6 and the other in article 2 of the ordinance They should be combined. Kopriva agreed to make the changes. Merillat read from the GAMPS definition of Marketing Events. Kopriva will revise.

Merillat said in 5e, under food trucks, how will "shall be located to minimize disruption to neighboring properties" be decided? After the fact, can you decide? What is a disruption to the neighboring properties? There is no definition. Peters said typically they need water and power to operate.

Merillat said regarding the 50% winery revenue, that would be hard for the township to enforce. In 7h should a larger property be allowed more guest quarters? Why three? Warner said if you have got four people per unit that would be 12. You have got an amount of people visiting at any one time so nothing will get out of hand. Ford said it is consistent with Bed & Breakfast which is three guest rooms.

Renis said there is not an Antrim County Health Department. Kopriva will correct this.

Motion by Warner to hold a public hearing on May 3, 2023 for ZO 2023-01 Winery Amendment Draft Version 3 dated March 28 2023. **Second** by Ford. **Motion carried.**

Hefferan said we went through this before and we continued to kick it around. How long will we kick it around?

2. Master Plan Review: Existing & Future Land Use, Implementation:

Kopriva said at last month's meeting, we discussed the land use maps. She put a couple of blank maps in the packet and gave you the opportunity to show her what it should be. Members took some time to work on the maps.

Merillat said the current future land use map is still valid. Ford said it allows for 2 acre lots now and if that gets saturated, we can change it in a reaction to growth. Warner said in 10-20 years the area will grow greatly. We will not be immune to that. How do we plan for that? We are in a bottle neck so I would like to see some real talk of future planning and how it will grow and keep green space.

Ford suggested they discuss expanding the village area so that it allows higher density housing. Renis said that additional housing will go along Cherry Ave and the hills in that area. Ag is going to stay more toward the north. Kewadin south will be more houses and the farms will remain north. This is just a feeling. Peters said we should increase the village zone around Kewadin. You will need a sewer system to support that. Allow for the outlying areas to have more density. Add accessory dwelling units, but not on the waterfront.

Kopriva asked for clarification regarding expanding the Kewadin Village and not the Torch River Village? Yes. Ford said there is not really a way to expand the Torch River Village because of the water and the conservancy land. Kopriva asked for thoughts on duplexes and accessory dwelling units. Hefferan said we have to do something. Peters said duplexes are an answer, not the answer.

Warner asked if anyone has been up to Chelsea Park off Hartman. Warner said this is high density with some green space and some multi use areas. Kopriva has and knows this development. She described it and talked about adding this housing strategy to the open house discussion items. Peters said he has 8 employees and two do not live here. He would like to have more housing for them. Warner suggested talking to farmers about what they might want and how they may want to preserve farmland and make housing available. Kopriva discussed some possible development strategies. Kopriva said she will look at expanding the Kewadin Village

and then we will get feedback from the open house. Hefferan asked if she could put tiny homes and the accessory dwelling units in for discussion at the open house. Yes.

New Business:

None.

Reports:

ZA Report:

Kopriva provided a report for members to review. She also provided the time of transfer septic ordinance annual report from the health department for review. Hefferan shared that there is a property on Fairmont. The inspection said the septic does not conform. At the hearing, the report was referenced.

Township Board Report:

Renis said the board is supporting a DNR Trust Fund Grant Application for 400 feet of frontage on Torch Lake near Maplehurst on NW Torch Lake Drive. Liz Atkinson has resigned and will be leaving in September.

ZBA Report:

Hefferan said they have not met.

Planning Commission Updates:

Ford said Steep Slopes Subcommittee is meeting Wednesday April 5 at 9:00 am.

Future Meeting Considerations:

May 3, 2023:

Public Hearing: ZO 2023-01 Winery Amendment Draft Version 3.

Review Master Plan.

Steep Slopes Report.

Commercial Solar Zoning Update.

Discussion of open house scheduling.

Adjourn:

Meeting adjourned by order of the chair at 8:47 pm.

Respectfully submitted,

Joseph Merillat

ZO 2023-01 Winery Amendment
05.01.2023 DRAFT v3- Public Hearing

117.1621 Wineries and Cideries with Tasting Rooms

- A. Intent The provisions of this section are to provide standards for the development and use of a winery/cidery and accessory uses such as tasting room, guest quarters and related /or event facilities as a part of a single site operation subject to the provisions of this ordinance.
- B. In addition to the standards of Section 117.1602, A, the Planning Commission shall find that proposed Wineries/Cideries with tasting rooms shall meet the following specific Special Land Use standards:
1. The winery/cidery including tasting rooms must be properly licensed by all relevant local, state and federal regulatory agencies.
 2. The parcel area is at least twenty (20) acres.
 3. The parcel shall have a minimum of ten (10) planted acres of farm crops, that are used in the production of products produced by the licensee.
 4. Tasting rooms are subject to the following conditions:
 - a. Only beverages produced by the facility shall be sold on premises.
 - b. The tasting room shall not occupy more than 2,000 square feet.
 5. Wineries/Cideries may provide food service operations subject to the following:
 - a. Must be licensed to prepare and/or to serve food by Antrim County Health Department.
 - b. Food prepared by the winery/cidery shall be restricted to hors d'oeuvres, seasonal small plates, soups and snacks.
 - c. Food service shall be completed by 10:00 PM.
 - d. Carry-out food is prohibited.
 - e. Food trucks, if approved with the Special Use Permit, are allowed to be on site during the operating hours of the tasting room but not later than 10:00 PM and shall be located to minimize disruption to neighboring properties.
 - f. Catered food is allowed only in conjunction with marketing events.

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05.01.2023 DRAFT v3- Public Hearing

6. Marketing Events

Marketing events include promotional and educational activities at the winery or cidery incidental to farm products with the intention of selling more farm products. The following requirements shall apply to marketing events:

- a. Shall be subject to all applicable State, County, and local regulations and permits.
- b. Shall be located in a permanent structure.
- c. Shall not exceed 4,000 square feet including the tasting room.
- d. Attendance is limited to 100 guests.
- e. Events of over 50 guests are limited to four (4) per month.
- f. Events must be concluded by 8 pm.
- g. Only beverages produced by the winery/cidery shall be served.
- h. Musical instruments and sound reproductive devices in a manner or volume shall not exceed a conversational level at the property lines.
- i. Parking shall be located on the property and located away from property lines and buffered to minimize disruption to the neighboring properties.

7. Guest Quarters

Upon appropriate approval by the Planning Commission, guest quarters may be provided by the owner in order to enhance the winery experience with the primary purpose being the promotion of the business and sale of the products produced by the winery. More than 50% of the winery's revenue must be generated from the sale of its products not including guest quarter income.

- a. Guests shall only be permitted to stay on the property when the tasting room is open and available to the public.
- b. Guest quarters shall be permanent buildings on permanent foundations with similar aesthetics to the tasting room.
- c. Guest quarters shall have permanent, adequate water and sewer facilities permitted by the Antrim County Health Department.
- d. Each guest quarter unit shall be a minimum footprint of 150 finished square feet and a maximum footprint of 500 square feet.
- e. The guest quarters shall contain rooms for sleeping and sanitation purposes. An individual kitchen shall not be provided for each guest quarter.
- f. Overnight stays shall not exceed fourteen (14) days.
- g. The owner of the winery must live on the property where the guest quarters are located and the owner or manager shall reside on the premises during the occupancy of the guest quarters.
- h. The number of guest quarters shall not exceed three (3) units in total.

ZO 2023-01 Winery Amendment
05.01.2023 DRAFT v3- Public Hearing

8. All winery buildings used for tasting or other public use and parking areas shall be setback at least 200 feet from any lot line.
9. Parking shall meet the requirements of Chapter 18.
10. Lighting shall meet the requirements of Chapter 3.
11. Signage shall meet the requirements of Chapter 17
12. Greenbelts shall meet the requirements of Chapter 3.

Amendment to article 2, Definitions:

Guest Quarters: An accessory use to a winery/cidery with tasting room that provides a room for temporary lodging.

Marketing Events: An accessory use to a winery/cidery with tasting room that is intended to educate those in attendance on the process of making wine and/or cider. Events include a harvest festival, maintaining the crops, and tours of the facilities.

Solar Energy

Amendment to Milton Township Zoning Ordinance

Chapter 2, Definitions

117.219 "S"

Solar Energy Farms: A utility-scale commercial facility that converts sunlight into electrical or thermal energy, whether by photovoltaics, concentrating solar thermal devices or any other various experimental solar technologies. The primary purpose is the wholesale or retail sale of generated energy off site.

Solar Energy Systems, Personal:

- a. Solar Installations, Ground-Mounted: A private system installed as an accessory structure on the ground of a parcel that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.
- b. Solar Installations, Roof-Mounted: A private system installed as an accessory structure on the roof of a building that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

Chapter 6, Zoning Districts

USE		ZONING DISTRICTS						
		A	A-R	R-1	R-3	V	E	M
	Solar Energy Systems, Personal	P	P	P	P	P	P	P
	Solar Energy Farms	SUP						

Chapter 3, General Provisions

117.326 Personal Solar Energy Systems

Personal solar energy systems shall be permitted as an accessory use and structure where the primary purpose is to provide energy for on-site consumption. Personal solar energy systems shall be subject to the following standards:

ZO 2023-02 Solar Energy v1

A. Roof-Mounted Personal Solar Energy Systems:

1. Height: The height of the roof-mounted solar installation shall not exceed the maximum allowed height for the structure it is mounted on in any zoning district.
2. Setback: Roof-mounted solar installations shall be considered part of the building and meet all applicable building setbacks.
3. Placement: Roof-mounted solar installations may be permitted on principal or accessory buildings. The color of the solar collector is not required to be consistent with other roofing materials.
4. Coverage: Roof-mounted solar installations shall be allowed to cover the entire roof upon which they are mounted.
5. Visibility and Glare: Roof-mounted solar installations shall be mounted or oriented so that concentrated solar glare will not be directed toward or onto nearby properties or rights-of-way at any time of the day. Support structures shall be of a single, non-reflective matte finish that is consistent throughout the project.
6. Energy Sales: Excess energy generated by roof-mounted solar installations may be sold to utility company and returned to the grid.

B. Ground-Mounted Personal Solar Energy Systems:

1. Height: The maximum height of a ground-mounted solar installation shall be sixteen (16) feet above grade at maximum tilt.
2. Setbacks: Ground-mounted solar installations shall comply with all district required setbacks.
3. Placement: Ground-mounted solar installations shall only be allowed in the rear or side yard on a property with an established permitted principal use. Placement in street-facing side yards of corner lots shall be prohibited.
4. Coverage: The area of the ground-mounted solar installation energy collection system shall count towards the maximum lot coverage allowed for accessory buildings on property with a principal use.
5. Visibility and Glare: Ground-mounted solar installations shall be mounted or oriented so that concentrated solar glare will not be directed toward or onto nearby properties or rights-of-way at any time of the day. Systems designed to track the maximum sun angle throughout the day shall be programmed to prevent positioning at any point that would result in glare directed toward nearby properties or rights-of-way. Support structures shall be of a single, non-reflective matte finish that is consistent throughout the project.
6. Energy Sales: Excess energy generated by ground-mounted solar installations may be sold to utility company and returned to the grid.

Chapter 16, Specific Standards and Requirements for Special Land Uses

117.1624 Solar Energy Farms

- A. Intent & Purpose: To allow and promote the use of solar energy within the Township as a clean alternative energy source and to provide associated placement, land development, installation and construction regulations for solar energy farm facilities subject to reasonable conditions that will protect the residents' public health, safety and welfare. These regulations establish the minimum requirements for solar energy farm facilities, while promoting a renewable energy source in a safe, effective, and efficient manner.
- B. Standards:
1. Minimum Lot Size: There is no minimum lot size. Each solar energy farm is permitted as a use authorized by special use permit in which review will consider its appropriateness with the context of the surrounding area.
 2. Height Restrictions: All photovoltaic solar panels and support structures located in a solar energy farm shall be restricted to a maximum height of sixteen (16) feet when orientated at maximum tilt.
 3. Setbacks: All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter fencing) shall be set back a minimum of fifty (50) feet from all property lines. If the right-of-way exists as an easement, the fifty (50) foot setback shall be measured from the edge of the easement. Solar panels shall be kept at least two hundred (200) feet from an existing residential dwelling, measured to the nearest point on the residential structure. Any additional setback requirements in this Ordinance that exceed this requirement shall be adhered to, including but not limited to setbacks from streams, lakes, and wetlands.
 4. Maximum Lot Coverage: Maximum lot coverage restrictions shall not apply to the photovoltaic solar panels. Any other regulated structures on the parcel are subject to the maximum lot coverage restrictions of the underlying zoning district.
 5. Safety/Access: A security fence (height and material to be proposed and reviewed/approved through the special zoning permit approval process) shall be placed around the perimeter of the solar energy farm and electrical equipment. Emergency key box and keys shall be provided at locked entrances for security personnel access.
 6. Noise: No solar energy farm shall exceed sixty (60) dBA as measured at the property line.
 7. Glare: Solar energy farm facilities shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or rights-of-way at any time of the day. Support structures shall be of a single, non-reflective matte finish that is consistent throughout the project.
 8. Landscaping: The special zoning permit application for a solar energy farm shall include a proposed landscape plan prepared by a licensed landscape architect. This plan will be reviewed through the special zoning permit approval process to ensure that the proposed facility is appropriately landscaped in relation to adjacent land uses and road rights-of-way. A landscape plan shall meet the following standards:

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- a. Plans: A plan view that meets the landscape plan requirements in Article 5 of the entire project and a rendered view illustrating the view from public rights-of-way.
 - b. Buffer: A twenty-five (25) foot wide landscape buffer shall consist of two (2) rows of staggered evergreen trees that at planting shall be a minimum of four (4) feet in height. If a solar energy farm is adjacent to a residential dwelling or district, then the minimum height shall be six (6) feet at the time of planting. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center, measured from the central trunk of one tree to the central trunk of the next tree. The buffer shall also consist of native grasses, wildflowers, or plants which will provide wildlife and pollinator habitat, soil erosion protection, and/or aid in strengthening the soil structure. The buffer shall be required under the following conditions:
 - 1) Along the property line adjacent to all residential zoning districts.
 - 2) If solar panels are located within two hundred (200) feet of a public road right-of-way.
 - 3) Along the property line for the portion of the project within a two hundred (200) foot radius of a residential dwelling in a non-residential zoning district.
 - c. Credit for Existing Conditions: Existing topographical features and existing wooded areas may be accepted in lieu of or in combination with the above by approval of the Planning Commission.
 - d. Planting Timeline: The required trees shall be planted between April 1st and September 15th. If construction of the solar energy farm begins after August 15th, the required plantings shall be installed by May 1st the following calendar year.
 - e. Financial Guarantee: A bond, letter of credit, or cash surety shall be provided in the amount equal to one and one-half (1.5) times the cost of the required plantings that the Township shall hold until the next planting season.
 - f. Maintenance: The required plantings shall be continuously maintained in a healthy condition. Dead evergreen foliage shall be replaced.
9. Local, State, and Federal Permits: Solar energy farms shall be required to obtain all necessary permits and licensing from the Milton Township, Antrim County, State of Michigan, and U.S. Government as applicable prior to construction and shall maintain any necessary approvals as required by the respective jurisdictions or agencies.
10. Electrical Interconnections: All electrical interconnections or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines shall be prohibited within the site.
- C. Application Requirements: In addition to the site plan review criteria and special use permit criteria, the applicant shall address the following topics in the application for a solar energy farm facility:
1. Project Description and Rationale: Identify the type, size, rated power output, performance, safety and noise characteristics of the system including the transmission

line/grid connection for the project. Identify the project construction time frame, project life, development phases (and potential future expansions) and likely markets for the generated energy.

2. Analysis of On-Site Traffic: Estimated construction jobs and estimated permanent jobs associated with the development.
3. Visual Impacts: Graphically demonstrate the visual impact of the project using photos or renditions of the project with consideration given to setbacks and proposed landscaping.
4. Environmental Analysis: Identify impacts on surface and ground water quality and any impacts to established natural or constructed drainage features in the area.
5. Waste: Identify any solid or hazardous waste generated by the project.
6. Lighting: Provide photometric plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels. Light poles are restricted to a maximum height of eighteen (18) feet.
7. Transportation Plan: Provide a proposed access plan during construction and operational phases. Show proposed project service road ingress and egress locations onto adjacent roadways and the layout of facility service road system. Due to infrequent access following construction, it is not required to pave or curb solar energy farm access drives. It shall be required to pave and curb any driveways and parking lots used for occupied offices that are located on site.
8. Public Safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public rights-of-way and to the general public that may be created.
9. Sound Limitations: Identify noise levels at the property lines of the project when completed and operational. Sounds shall not be louder than the existing noise at the site prior to development.
10. Telecommunications Interference: Identify any electromagnetic fields and communications interference that may be generated.
11. Life of the Project and Final Reclamation: Describe the decommissioning and final reclamation plan after the anticipated useful life or abandonment/ termination of the project. This includes supplying evidence of an agreement with the underlying property owner that ensures proper removal of all equipment and restoration of the site within six (6) months of decommissioning or abandonment of the project. To ensure proper removal of the project upon abandonment/termination, a bond, letter of credit or cash surety shall be:
 - a. In an amount approved by the Township to be no less than the estimated cost of removal and shall include a provision for inflationary cost adjustments.
 - b. Based on an estimate prepared by the engineer for the applicant, subject to approval of the Township, and provided to the Township prior to the issuance of a zoning permit.

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- c. Used in the event the owner of the project or the underlying property owner fails to remove or repair any defective, abandoned or terminated project. The Township, in addition to any other remedy under this Ordinance, may pursue legal action to abate the violation by seeking to remove the project and recover any and all costs, including attorney fees.

Chapter 24 Steep Slopes

SECTION 117.2400. Purpose

The purpose of this chapter is to provide for the reasonable use of steep slopes while ensuring development will not induce soil erosion, require excessive grading, increase slope instability, or create sewage disposal problems and shall be in conformance with the following objectives:

- A. Guard against property damage and personal injury, and minimize the potential for erosion, slope failure, stream siltation, increased runoff, flooding and contamination of surface waters caused by the adverse effects of site preparation and construction on steep slopes.
- B. Conserve existing woodlands for air and water quality benefits.
- C. Permit land uses by right that are compatible with protection of steep slope areas and encourage the use of steep slope areas for open space and conservation uses.
- D. Require development to avoid steep slope areas wherever possible, and require all land use, clearing, grading, and construction to satisfy development standards.
- E. Regulate expansion of land use or development that existed on steep slope areas prior to enactment of these requirements.
- F. Protect adjoining properties from harmful consequences of development permitted under these requirements.

SECTION 117.2401 Identification and Establishment of Steep Slope Overlay

- A. A steep slope is defined and established as those parcels containing slopes of 15% or greater as delineated on the Steep Slope Map for Milton Township and are located in the Steep Slope Overlay.
- B. The boundaries shown on the Steep Slope Map may be supplemented or modified by examination of an on-site survey prepared and sealed by a Registered Professional Engineer or Surveyor and submitted to Milton Township for review.
- C. The Steep Slope Overlay District shall be further divided into the following two categories:
 - 1. Slopes of 15% but less than 25%. Slopes of fifteen (15) percent or greater slope (e.g.,

sloping fifteen (15) feet or more vertical per one hundred (100) feet horizontal) when there are five (5) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope of at least fifteen (15) percent.

2. Slopes of 25% or more. Slopes of twenty-five (25) percent or greater slope (e.g., sloping twenty-five (25) feet or more vertical per one hundred (100) feet horizontal) when there are five (5) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope of at least twenty-five (25) percent.
- D. The Zoning Administrator shall decide whether or not the steep slope area has been shown with sufficient accuracy on the applicant's plans.
 - E. The burden of proving the correct boundary shall be on the applicant, supported by engineering and/or surveying data or mapping, testimony of a soil scientist, or other acceptable evidence.

SECTION 117.2402. General Provisions

- A. The Steep Slope Overlay District shall be an overlay on all zoning districts. For any lot or portion thereof lying within the Steep Slope Overlay District, the regulations of the overlay district shall be in addition to and take precedence over the regulations of the underlying district.
- B. These regulations apply to development where a land use permit is required or where any land is disturbed on a parcel located in the Steep Slope Overlay District.
- C. All uses, activities and development occurring within any Steep Slope Overlay District shall be undertaken only in strict compliance with the provisions of this Article, with all federal and state laws, and with all other applicable Township ordinances.
- D. No new parcels shall be created unless it contains at least one half (1/2) acre of area with slopes less than 25%. If it is infeasible to provide this area in accordance with the setbacks required by the underlying district, the lot area shall be increased as necessary to provide a minimum area equal to one half (1/2) acre of area with slopes less than 25%.
- E. Finished slopes of all cuts and fills shall not exceed twenty five (25%) percent, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of the Township Zoning Administrator.
- F. All cuts shall be supported by retaining walls or other appropriate retaining structures when, depending upon the nature of the soil characteristics, such structures are approved by Soil Erosion and the Township in order to prevent erosion.

- G. Any fill placed on the lot shall be properly stabilized and when found necessary depending upon existing slopes and soil types, supported by retaining walls or other appropriate structures as approved by Soil Erosion and the Township.
- H. No retaining wall shall exceed the height permitted in the zoning district and there shall be at least 10 feet between stepped retaining walls. All retaining walls require a certification by a professional engineer that the wall was constructed in accordance with approved plans and applicable building codes. All retaining walls shall be in place prior to any construction of a structure.
- I. Any disturbance of steep slopes shall be completed within one construction season and disturbed areas shall not be left bare and exposed during the winter and spring thaw periods. Permanent vegetative cover shall be planted within three days after completion of grading.
- J. No trees with a diameter at four (4) feet above grade of eight (8) inches or more shall be removed from steep slope areas unless dead or dying or selective harvesting as determined by a certified forester. Stumps shall not be removed from slopes over 15%.
- K. The alignment of roads and driveways shall follow the natural topography and minimize regrading.
- L. The maximum grade of a road or driveway shall not exceed ten percent (10%).
- M. There shall be a 30 foot setback from top of steep slope that is 25% or greater.

SECTION 117.2403. Permit Requirements

- A. In addition to required documentation submitted for a land use permit, when a property is proposed to be developed that is located within the Steep Slope Overlay, the following additional information shall be submitted:
 - 1. A plan by a Registered Professional Engineer or Surveyor which accurately locates the proposed use and development with respect to the Steep Slope Overlay District boundaries, with all pertinent information describing the proposal, and a topographical survey with contour elevations at no greater than 2-foot intervals for the entire parcel.
- B. If the proposed development of the parcel is to be located on a steep slope over 15%, the following additional information shall be provided:
 - 1. Proposed modifications to the existing topography and vegetative cover, as well as the means of accommodating stormwater runoff.

2. Specifications for building construction and materials, including filling, grading, storage of materials, and water supply and sewerage facilities.
3. Documentation of any additional engineering and/or conservation techniques designed to alleviate environmental problems that may be created by the proposed activities, in compliance with municipal sedimentation and erosion control regulations.

SECTION 117.2404. Prohibited Uses on Slopes of 25% or More

A. The following uses are specifically prohibited on slopes of 25% or more:

1. Removal of topsoil.
2. Stairs, landings, and decks.
3. Structures, roads, driveways, parking areas, construction or other development.
4. Clearing of vegetation or grading, including the addition of fill except as permitted by this article.
5. On-lot sewage disposal systems.
6. Utility transmission lines and above ground utility line structures.

SECTION 117.2405. Remediation on Steep Slopes

If work on a steep slope occurs in violation of this ordinance, the property owner shall cause for the steep slope to be replanted and restored to the previous condition prior to the work in violation of the ordinance. Trees, measured at four (4) foot above grade for canopy trees, shall be replaced at the following rate. Trees shall be maintained to retain the soil retention and replaced if dead or diseased.

Vegetation Removed	Maturation	Planting Required (Removed Number : Required Number to Plant)
Canopy Tree	3" or less caliper	1:1
Canopy Tree	3" to 6" caliper	1:2
Canopy Tree	6" to 9" caliper	1:3
Canopy Tree	9" to 12" caliper	1:4
Canopy Tree	Greater than 12: caliper	1:5
Evergreen or Flowering Tree	8' of less in height	1:1
Evergreen or Flowering Tree	8' to 12' in height	1:2
Evergreen or Flowering Tree	12' to 16' in height	1:3
Evergreen or Flowering Tee	Greater than 16' in height	1:4
Shrub	Any Size	1:1

SECTION 117.2406. Definitions

Slopes of 15% but less than 25%. Slopes of fifteen (15) percent but less than 25% (e.g., sloping fifteen (15) feet or more vertical per one hundred (100) feet horizontal) when there are five (5) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope of at least fifteen (15) percent but less than 25%.

Slopes of 25% or more. Slopes of twenty-five (25) percent or greater slope (e.g., sloping twenty-five (25) feet or more vertical per one hundred (100) feet horizontal) when there are five (5) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope of at least twenty-five (25) percent.

STEEP SLOPES

