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# ZONING ORDINANCE

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GALIEN TOWNSHIP

AUGUST 14, 2017  
GALIEN TOWNSHIP  
TOWNSHIP HALL, P.O. BOX 246, GALIEN, MICHIGAN 49113

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# **ARTICLE I - PREAMBLE**

## **SECTION 1.1 – PURPOSE**

1. To promote the public health, safety, morals and general welfare of the Township of Galien.
2. To encourage the use of lands in accordance with their characters and capabilities and to limit the improper use of land.
3. To avoid overcrowding of land.
4. To lessen congestion on the public roads.
5. To reduce hazards to life and property.
6. To conserve expenditure of funds for public improvements and services to conform with the most advantageous use of land and resources.

## **SECTION 1.2 - CONTINUANCE OF NON-CONFORMING USES AND BUILDINGS**

The lawful use of any building, land or premises existing prior to the enactment of this Ordinance may be continued on such terms as hereinafter provided, (See Section 3.2) although such use does not conform to all of the provisions of this Ordinance or amendment.

## **SECTION 1.3 - ESSENTIAL SERVICE CLAUSE**

The erection, construction, alteration or maintenance by public utilities or Galien Township municipal departments or commissions, of overhead or underground gas, electrical, steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or Galien Township municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized by law and other ordinances of the County of Berrien and Galien Township in any use district, it being the intention hereof to exempt such erection, construction, alteration, and maintenance from the application of this Ordinance.

## ARTICLE II - DISTRICTS

### SECTION 2.1 - ESTABLISHMENT OF DISTRICTS

The unincorporated portion of Galien Township, Michigan, is hereby divided into the following land use districts:

"A" Residential District  
"B" Residential District  
Commercial District  
Industrial District  
Agricultural District

Said districts are bounded on a map entitled Land Use Map of Galien Township, Michigan, which map is made part of this Ordinance. The districts above designated are described as in Galien Township, Berrien County, Michigan, as Follows:

'A' RESIDENTIAL DISTRICT

See Appendix "A"

'B' RESIDENTIAL DISTRICT

See Appendix "A"

COMMERCIAL DISTRICT

See Appendix "A"

INDUSTRIAL DISTRICT

See Appendix "A"

AGRICULTURAL DISTRICT

See Appendix "A"

"A' RESIDENTIAL DISTRICT

## **SECTION 2.2 - "A" RESIDENTIAL DISTRICT (USES AND DIMENSION REGULATIONS)**

The following uses and dimension regulations shall apply in "A" Residential District.

### **SECTION 2.2 A - PERMITTED USES**

1. One Family Dwellings.
2. Two Family Dwellings.
3. Gardening, farming, and small household pets but not including the commercial raising of animals.
4. Office of a physician, lawyer, dentist, veterinarian or other professional person residing on the premises, subject to the provision of Section 3.13 of this Ordinance.
5. Churches or schools subject to the provisions of Section 3.13 of this Ordinance.

### **SECTION 2.2 B - PERMITTED ACCESSORY USES**

Any other structure of use clearly accessory and incidental to a permitted use but not including an additional dwelling unit.

Parking for automobiles owned and used by a person(s) residing on the premises, but not including more than two commercial vehicles per lot.

### **SECTION 2.2 C - MINIMUM LOT SIZE.**

One acre (43,560 square feet) for any lot, provided that existing separately owned lots and platted lots may be excepted from this restriction, but such lots shall not be used for building purposes unless they contain at least: (a) 20,000 square feet; (b) 30,000 square feet for two family dwellings.

### **SECTION 2.2 D - MINIMUM STREET FRONTAGE**

100 feet, provided that existing separately owned lots and platted lots may be excepted from this restriction.

### **SECTION 2.2 E - MINIMUM YARD DEPTH FOR PRINCIPAL STRUCTURES**

Front - 50 feet from the front of the house structure to the nearest road or street right-of-way line. The right-of-way line shall be the line 33 feet from the road or street center line, or further, if so established by easement granted and surveyed.

Side - 15 feet from the side of the structure to the side lot line.



Rear - 25 feet from the rear of the house structure to the rear lot line.

Existing separately owned lots and platted lots may be excepted from the above requirements, but in such cases the front of the house structure shall not be less than 60 feet from the center line of the road or street, the side lot distance shall not be less than 8 feet and the rear lot distance shall not be less than 25 feet, providing such modifications do not violate the intent of this Ordinance.

#### **SECTION 2.2 F - FLOOR AREA REQUIREMENT**

Single Family Dwellings shall contain not less than 960 square feet of floor area, 2/3 of which shall be on the main floor in multi-level dwellings.

Two Family Dwellings shall have not less than 800 square feet of floor area for each dwelling unit, 2/3 of which shall be on the main floor in multi-level dwellings.

All area referred to are exclusive of any attached garage, open porch, or other open attached structure.

#### **SECTION 2.2 G - MOBILE HOMES**

No mobile homes shall be permitted, placed or erected in "A" Residential District. Travel trailers and other mobile homes designed for travel and not designed for semi-permanent placement on the land may be stored on the owner's premises, subject to the provisions of 3.10.

#### **SECTION 2.2 H - OTHER USES**

No other use of structures and no other dimensions shall be permitted in "A" Residential District, except as stated in this Section 2.2.

## **'B' RESIDENTIAL DISTRICT**

### **SECTION 2.3 - "B" RESIDENTIAL DISTRICT (USES AND DIMENSION REGULATIONS)**

The following uses and dimension regulations shall apply in "B" Residential District.

#### **SECTION 2.3 A - PERMITTED USES**

1. Single Family Dwellings.
2. Two Family Dwellings.
3. Boarding Houses or Rooming Houses subject to the provisions of Section 3.13 of this Ordinance.
4. Multi-Family Dwellings, subject to the provisions of Section 3.13 of this Ordinance.
5. Gardening, farming and small household pets, but not including the commercial raising of animals.
6. Nursing or convalescent homes or homes for the aged or infirm or indigent, subject to the provisions of Section 3.13 of this Ordinance.
7. Office of a physician, lawyer, dentist, veterinarian, surveyor, architect, or other professional person resident on the premises, subject to the provisions of Section 3.13 of this Ordinance.
8. Crafting and sale of handicraft, or home-craft products, providing that such products are crafted and sold by a person residing on the premises and not employing more than one employee.
9. Churches or schools subject to the provisions of Section 3.13 of this Ordinance.
10. Year round Mobile Home Parks licensed annually by the State of Michigan shall be allowed in "B" Residential District by special permit from the Zoning Board, subject to the provisions of Section 3.13 of this Ordinance.
11. Mobile homes not in Mobile Home Parks, shall be subject to the provisions of Section 3.1.

#### **SECTION 2.3 B - PERMITTED ACCESSORY USES**

1. Any other structure or use clearly accessory and incidental to a permitted use, but not

including an additional dwelling unit.

2. Parking for automobiles owned and used by a person(s) residing on the premises, but not including more than two commercial vehicles per family dwelling.
3. Travel trailers and other mobile homes designed for travel and not designed for semi-permanent placement on the land may be stored on the owner's premises subject to the provisions of Section 3.10.

### **SECTION 2.3 C - MINIMUM LOT SIZE**

20,000 square feet for single family dwellings, existing separately owned lots, and platted lots excepted. 30,000 square feet for two-family dwellings.

### **SECTION 2.3 D - MINIMUM STREET FRONTAGE**

100 feet for single dwellings.

100 feet for two-family dwellings.

### **SECTION 2.3 E - MINIMUM YARD DEPTH FOR PRINCIPAL STRUCTURES**

Front - 50 feet from the front of the house structure to the nearest road or street right-of-way line. The right-of-way line shall be the line 33 feet from the center line, or further, if so established by grant and surveyed.

Side - 15 feet from side of structure to the side lot line.

Rear - 25 feet from the rear structure to rear lot line.

### **SECTION 2.3 F - FLOOR AREA REQUIREMENTS**

1. Single family dwellings shall contain not less than 800 square feet of floor area, 2/3 of which shall be on the main floor of multi-level dwellings.
2. Two family dwellings shall contain not less than 750 square feet of floor area, 2/3 of which shall be on the main floor in multi-level dwellings.
3. Each dwelling unit with more than four bedrooms shall have a minimum of 100 square

feet added to its total size for each bedroom over four.

4. All areas referred to are exclusive of any area of attached garage, open porch, or other open attached structure.

## **SECTION 2.3 G - MOBILE HOMES**

Mobile homes not in mobile home parks shall be subject to the provisions of 3.1.

## **AGRICULTURAL DISTRICT**

### **SECTION 2.4 - AGRICULTURAL DISTRICT (USES AND DIMENSION REGULATIONS)**

The following uses and regulations shall apply in the Agricultural District.

#### **SECTION 2.4 A - PERMITTED USES**

1. Any use allowed in an "A" Residential District.
2. Farming, including the raising of livestock, raising trees, and harvesting wood, excluding animal confinement or production feeding operations.
3. Sale of products produced mainly on the premises.
4. Mobile homes subject to the provisions of Section 3.1.

#### **SECTION 2.4 B - USES BY SPECIAL PERMIT AS PROVIDED FOR BY SECTION 3.13**

1. Rooming Houses or Boarding Houses.
2. Animal confinement or production feeding operations.
3. Outdoor display and advertising media as provided by Section 3.17.
4. Automobile or travel trailers subject to the provisions of Section 3.11.
5. In-home barber shop or beauty parlor
6. In-home sewing shop
7. In-home photography studio
8. Storage facilities
9. Farm machine service and repair establishment

10. Indoor car and/or boat repair service and/or small engine repair establishment
11. Fish bait and tackle store
12. Golf course and miniature golf course
13. Outdoor recreational facilities including but not limited to batting cages, tractor pull facilities, and go-cart racing facilities
14. Outdoor racetracks, water cross areas, or other outdoor facilities for all-terrain vehicles, off road vehicles, and/or snowmobile racing and riding
15. Home occupation, including the teaching of a skill or craft
16. Equestrian center
17. Campground facilities
18. Nature conservancy
19. Group and/or family day care facilities, including child care facilities
20. Veterinarian clinics and/or kennel facilities
21. Greenhouses and nurseries
22. Special events venue-for weddings, fundraisers, parties, and other special events
23. Owner-occupied Bed and Breakfast/Corporate Retreat for overnight guests not to exceed 10 people

#### **SECTION 2.4 C - MINIMUM LOT SIZE**

1. A minimum lot size of one acre, except in platted areas where the Land Division Act shall control or the commercial raising of animals.
2. A minimum lot size for property engaged in the commercial raising of animals shall be five acres.

#### **SECTION 2.4 D - MINIMUM FRONTAGE**

165 feet.

#### **SECTION 2.4 E - MINIMUM YARD DEPTHS FOR PRINCIPAL STRUCTURES**

Front - 50 feet from the front of the house structure to the nearest road Or Street right-of-way line. The right-of-way line shall be the line 33 feet from the centerline, or further, if so

established by grant and surveyed.

Side - 15 feet from the side of the structure to the side lot line.

Rear - 50 feet from the rear of the house structure to the rear lot line.

Existing separately owned lots and platted lots are excepted from the above requirements, but in such cases the front of the house structure shall not be less than 60 feet from the center line of the road or street, the side lot distance shall not be less than 8 feet, and the rear lot distance shall not be less than 25 feet provided such modifications do not violate the intent of this Ordinance.

## **SECTION 2.4 F - FLOOR AREA REQUIREMENTS**

1. Single Family Dwellings shall contain not less than 800 square feet, 2/3 of which shall be on the main floor in multi-level dwellings.
2. Two Family Dwellings shall contain not less than 750 square feet for each dwelling unit, 2/3 of which shall be on the main floor of multi-level dwellings, plus 100 square feet for each renting tenant.
3. All area referred to are exclusive of any area of attached garage, open porch, or other attached structure.

## **COMMERCIAL DISTRICT**

### **SECTION 2.5 - COMMERCIAL DISTRICTS (USES AND DIMENSION REGULATIONS)**

The following uses and regulations shall apply in the Commercial District.

#### **SECTION 2.5 A - PERMITTED USES**

Any structure used for the sale of foods or goods at retail or for the sale or provisions of services as follows:

1. Any use as permitted in "B" Residential Districts.
2. Antique shop.
3. Automobile sales, repair, and rental establishment.

4. Automobile washing establishment.
5. Bakery goods store.
6. Bank.
7. Bar or tavern.
8. Barber shop or beauty parlor.
9. Boat sales, repair, or storage.
10. Bowling lanes.
11. Cabin colonies.
12. Candy or confectionery store.
13. Delicatessen and meat market.
14. Dressmaking, millinery, or clothing store.
15. Drug store.
16. Dry cleaning or laundry establishment.
17. Dry goods or notions store.
18. Farm products stand.
19. Farm machine sales, service, and repair establishment.
20. Fish bait, tackle, or sporting goods store.
21. Furniture and carpeting store.
22. Funeral home or undertaking establishment.
23. Gasoline filling station and garage.
24. Gift shop.
25. Golf course and similar recreational facilities.
26. Grocery, fruit, or vegetable store.
27. Hardware and paint store.
28. Hotel or Motel.
29. Insurance agency.
30. Jewelry or clock and watch store.
31. Leather goods or luggage store.
32. Lock and gunsmith shop.
33. Parking area.
34. Photographic Supply store and studio.
35. Radio and TV sales and service or musical instrument store.
36. Real estate agency.
37. Restaurant (including drive-in).

38. Shoe store or shoe repair shop.
39. Theater (excluding drive-in).
40. Upholstery shop.
41. Other unlisted commercial non-industrial type establishments consistent with the character of the above.

#### **SECTION 2.5 B - PERMITTED ACCESSORY USES BY SPECIAL PERMIT AS PROVIDED UNDER SECTION 3.13**

Any accessory use, which is clearly incidental to the permitted uses including the manufacture, compounding, processing, or treatment of products and clearly incidental to any service offered, and provided there is not therewith the operation of any activity or display of goods in such a manner as to be obnoxious by reason of odors, dust, smoke, light, noise, or vibration, as determined by present standards or by the Board of Appeals upon complaint of the Zoning Administrator.

#### **SECTION 2.5 C - MINIMUM LOT SIZE**

1. The land area shall be three times the area of the structure to be built thereon.
2. In platted areas lot size to be established by the Board of Appeals.

#### **SECTION 2.5 D - MINIMUM STREET FRONTAGE**

100 feet.

#### **SECTION 2.5 E - MINIMUM YARD DEPTHS**

1. Unplatted areas:
  - Front - 50 feet from the right-of-way line.
  - Side - 15 feet from side lot line.
  - Rear - 25 feet from the rear lot line.
1. In platted areas yard depths to be established by the Board of Appeals.



## **SECTION 2.5 F - DIMENSIONS FOR RESIDENTIAL USE**

Residential uses in Commercial District shall conform to the dimension regulations for "B" Residential Districts as provided in Section 2.3 C through G of this Ordinance.

## **SECTION 2.5 G - ZONING DISTRICT BOUNDARY SETBACKS (GREEN BELT)**

When parcels in the Commercial and Industrial Districts abut an A or B Residential District, the following setback requirements shall be met with regards to the Commercial or Industrial uses.

No structure shall be erected or maintained within 50 feet of the affected property line.

1. Parking areas shall be no closer to the lot line than the minimum yard depth (setback) requirements for said Zoning districts.
2. A non-penetrable plant screen of sufficient length, height and opacity to interfere with the view of the adjoining district boundary line, except where the view is interrupted by change in grade or other natural man-made features. Plant screen shall be located within the first five feet of the affected property line, however, screening shall not inhibit entrances or exits. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a wooden fence, masonry wall or vegetatively controlled earthen berm may be substituted.
3. Where the zoning districts are separated by a state trunk line or paved county primary road, or any other road, the Zoning Board shall determine what type of screening shall be used. In making this determination, the Zoning Board shall consider existing screening, compatibility of adjoining uses, the level of traffic and noise to be generated from the proposed use, and other similar characteristics.

## **SECTION 2.5 H - ADULT BUSINESSES**

"Adult Business" as used in this Ordinance, shall mean any of the following:

- A. Adult book store or adult video store;
- B. Adult cabaret;
- C. Adult mini motion picture theater;

- D. Adult motel;
- E. Adult motion picture theater;
- F. Adult smoking or paraphernalia store;
- G. Billiard/pool hall;
- H. Escort agency;
- I. Massage parlor;
- J. Pawnshop; or
- K. Tattoo parlor.

## **ESTABLISHMENT OF AN ADULT BUSINESS**

Means and includes any of the following:

- A. The opening or commencement of any "adult business" as a new business;
- B. The conversion of an existing business to any "adult business";
- C. The addition of any "adult business" to any other existing business; or
- D. The relocation of any "adult business".

## **PURPOSE**

Some uses, including "Adult Businesses", are recognized as having a deleterious effect upon adjacent areas, causing blight, a negative effect upon other businesses, occupants and property values, and a disruption in neighborhood development, especially when these uses are concentrated in a confined area. Therefore, it is considered necessary, and in the best interest of the orderly and better development of the community, to prohibit the overcrowding of such uses in a particular location, to buffer residential neighborhoods from these uses, and to prohibit any offensive signs or advertising.

## **STANDARDS**

- A. "Adult Businesses" shall only locate in "Commercial Districts (C-1)".
- B. No two "Adult Businesses" shall be permitted within 500 feet of each other.
- C. No "Adult Business" shall be permitted within 500 feet of any (Township or neighboring jurisdiction) residentially zoned district, developed school property, government facility, church, or place of worship.

- D. No "Adult Business" may have any sign outdoors, or visible from the outdoors, that depicts any "specified anatomical areas" or "specified sexual activities" by the use of photographs, silhouettes, drawings, or other forms of pictorial representations.
- E. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed at any "Adult Business" so that it is visible by a person with normal visual acuity from the nearest adjoining roadway or adjoining property.

## **INDUSTRIAL DISTRICT**

### **SECTION 2.6 - INDUSTRIAL**

Intent. A district designed for manufacturing, assembling, and fabricating businesses, resource extraction, storage, and other commercial activities which may require larger sites and isolation from any other kinds of land uses; and to make provisions for commercial uses which are necessary to service the immediate needs of an industrial area.

The following uses and regulations shall apply in the Industrial District.

#### **SECTION 2.6 A - PERMITTED USES**

Lumber yards; concrete and asphalt plants; research; experimental or testing laboratories; gasoline sales; and agricultural operations. Any of the following types of uses when carried out within an enclosed building; manufacturing, compounding, processing, packaging, assembling and fabrication operations, tool and die operations, warehousing, auto body and paint shops, and auto Service stations; however, incidental outside screened storage is permitted.

#### **SECTION 2.6 B - SPECIAL USES**

The following uses may be permitted as a special use permit upon specified approval by the Zoning Board, provided they are found to be in accordance with the provisions of the Zoning Ordinance.

1. Storage for all controlled toxic or hazardous materials including gasoline and petroleum

- storage, chemical storage and disposal, and similar uses;
2. Any other use, which emits or creates noise, smoke, odors, dust, dirt, gases, glare, heat or vibration beyond the boundary of the premises;
  3. An Industrial Park (a complex or development of a multiple number "permitted" or designed "special uses") which may not comply with all conditions and limitations pertinent thereto, but still complies with the spirit of this Ordinance, as reviewed by the Planning Board;
  4. Aircraft landing fields and associated uses;
  5. Eating and drinking establishments and similar commercial uses which primarily serve the district;
  6. Junkyards;
  7. Sand, gravel extraction, and other mineral extraction and processing; and
  8. Rendering and slaughtering houses.

## **SECTION 2.6 C - DISTRICT REGULATIONS**

There shall be no minimum parcel size, however, all structures shall be provided with or otherwise guaranteed, access to their rear yard, with a minimum of 30 feet clear and unobstructed access way or easement. The ratio of length to width may be increased by the Zoning Board of Appeals provided there is a finding that topographic characteristics, unique natural features, or other similar physical limitation exist on the parcel that will physically limit reasonable use of the site. Setbacks from any existing residential parcels shall be: 50 feet for all buildings; 25 feet for driveways, entrances or exists; and 10 feet for parking areas. All parcels shall have a minimum lot width of 100 feet with a maximum ground coverage of 50% and a five to one length to width ratio. There shall be a 75 foot setback from any dedicated road right-of-way and a 25 foot rear setback for all structures.

Where outdoor storage is permitted, an enclosed barrier or fence of at least eight feet in height may be required, if the Zoning Board following site plan review, finds that the exposed material poses a hazard or threat to the public health, safety, general welfare or character of the zoning district. Enclosed materials shall not be stacked or stored so as to exceed a reasonable height as compared to other area district uses.

All activities in this district shall comply with the requirements for screening, lighting, plantings and drainage as reviewed by the Zoning Board.

## **SECTION 2.6 D - ZONING DISTRICT BOUNDARY SETBACKS (GREEN BELT)**

When parcels in the Commercial and Industrial Districts abut an A or B Residential District, the following setback requirements shall be met with regards to the Commercial or Industrial uses.

No structure shall be erected or maintained within 50 feet of the affected property line.

1. Parking areas shall be no closer to the lot line than the minimum yard depth (setback) requirements for said Zoning districts.
2. A non-penetrable plant screen of sufficient length, height and opacity to interfere with the view of the adjoining district boundary line, except where the view is interrupted by change in grade or other natural man-made features. Plant screen shall be located within the first five feet of the affected property line, however, screening shall not inhibit entrances or exits. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a wooden fence, masonry wall or vegetatively controlled earthen berm may be substituted.
3. Where the zoning districts are separated by a state trunk line or paved county primary road, or any other road, the Zoning Board shall determine what type of screening shall be used. In making this determination, the Zoning Board shall consider existing screening, compatibility of adjoining uses, the level of traffic and noise to be generated from the proposed use, and other similar characteristics.

## **SECTION 2.6 E – PARKING**

Off street parking shall be provided for motor vehicles as follows:

Industrial Uses:

1. General industrial activities - 1 space per 200 square feet of gross building area.
2. Warehousing/storage - 1 space per person regularly employed on the largest shift, plus 5 additional spaces.

# ARTICLE III- SUPPLEMENTARY PROVISIONS BUILDING STANDARDS

## SECTION 3.1 - BUILDING STANDARDS AND FACILITIES

Every residential building hereafter erected or moved upon the premises must conform to the following conditions:

- A. It complies with the minimum square footage requirements of this Ordinance for the Zone in which it is located.
- B. It has a minimum width across any front, side or rear elevation 24 feet over 70% of its length in "B" Residential District and "Agricultural District", excluding attached garages, porches and patios.
- C. It is firmly attached to a permanent foundation constructed on the site in accordance with ("the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission") and shall have a wall of the same perimeter dimensions of the dwelling and construction of such material and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have perimeter wall as required above.
- D. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- E. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- F. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be more.
- G. The dwelling is aesthetically compatible in design and appearance with other

residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at Collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved applicant to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard design home.

- H. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- I. The dwelling complies with all pertinent building and fire codes. In case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- J. The foregoing standards shall not apply to the mobile home located in a licensed

mobile park except to the extent required by state or federal law or otherwise specifically required in the Ordinance of the Township pertaining to such parks.

- K. All construction required herein shall be commenced only after a building permit has been obtained in accordance with ("the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission"), provisions and requirements.

### **SECTION 3.1 A – REGULATION OF RESIDENTIAL DWELLINGS**

All single family residential dwellings shall be subject to and governed by the following regulations:

- a. There shall be a minimum floor area for all single family dwelling units (conventional construction units, manufactured housing, mobile homes, modular housing and sectional housing) equal to that specified in the zoning district where permitted.
- b. There shall be a minimum floor to ceiling height of seven and one half (7-1/2) feet; provided, however, that if the dwelling is a mobile home, it shall meet the ceiling height requirement of the United States Department of Housing and Urban Development regulations, entitled Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended.
- c. There shall be a minimum width throughout the entire length of the dwelling of twenty (20) feet measured between the exterior part of the walls having the greatest length.
- d. There shall be a foundation around the entire exterior perimeter of the dwelling of concrete or block of a minimum height of forty-two (42) inches below grade with a maximum height of sixteen (16) inches of exposed foundation and a minimum of 8 inches exposed foundation above grade of the same design as required by the construction code as adopted by the Township for single family residences.
- e. The dwelling shall be firmly attached to the foundation so as to be water tight in such a way as water will not enter and shall be anchored to said foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards" or as required by the Building Ordinance as adopted by the Township for single family residences.
- f. None of the wheels, pulling mechanisms, tongues, and undercarriage shall be visible from outside the dwelling, if applicable.
- g. The dwelling shall be connected to a public sewer and water supply and/or a well or septic system approved by the Berrien County Health Department.
- h. There shall be permanently attached to the foundation, steps and/or porch areas where an elevation differential exists between any door and surrounding grade.
- i. There shall be a minimum of a double pitched roof of not less than three (3) feet of rise for each twelve (12) feet of run. -
- j. There shall be no additions to the living space of the dwelling unless it meets all the



requirements hereof and is built according to the same minimum standards, in a style which matches, and with materials similar to that used in the dwelling and as approved by the Building Official.

k. There shall be a minimum of two doors to provide means of ingress and egress from the dwelling,

l. Plans, floor plan layouts, certification of meeting HUD mobile home standards (if applicable) and foundation shall be presented along with a site plan showing compliance therewith and with all other requirements of the Zoning Ordinance, including but not limited to the requirement of the district in which it is located, to the Building Official prior to the issuance of a building permit,

m. A mobile home must meet standards for mobile home construction as contained in the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended, and shall be located only in the Standard Residential-Agricultural District unless otherwise authorized by the Zoning Board of Appeals. All other dwellings must meet the requirements of the Building Ordinance as adopted by the Township.

n. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides or a roof drainage system which concentrates roof drainage at collection points along the sides of the dwellings. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this section as well as the character, design, and appearance of residential dwellings located outside of mobile home parks within five hundred (500) feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home."

## **"LOCATION OF TRAVEL, TRAILERS, CAMPING TRAILERS OR CAMPER UNITS, MOBILE HOMES, AND MODULAR UNITS OR PREFABRICATED DWELLINGS"**

1. Travel Trailers, Camping Trailer or Camper Units: Such units are limited solely to recreation and vacation use and their occupancy as a temporary dwelling shall not be permitted anywhere in Galien Township except in State Licensed Travel Trailer Parks created expressly for camping purposes.

2. Mobile Homes:

a. General regulations,

(1) No person shall park or cause to be parked, any mobile home overnight on any street, alley, highway or other public place except in a licensed mobile home park. - -

(2) No person or persons shall occupy any mobile home located anywhere except in a licensed mobile home park or the Standard residential-Agricultural District as regulated in Section 12 of Article VII,

(3) Any person, firm, corporation or other organization that connects or causes to be connected, any trailer or mobile home with electrical power, water supply or sewage disposal facilities of any kind, except in accordance with this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be subject to penalties established by this Ordinance.

b. Exceptions,

(1) Construction exception. The Zoning Board of Appeals may permit an individual mobile home to be located and used as a temporary living or working quarters on a lot during the period of the construction of a permanent building or structure on said lot.

(2) Hardship exception. Temporary occupancy of a mobile home for a limited period of time may be permitted by the Zoning Board of Appeals if all of the following conditions are fully met by the applicant:

(a) The applicant makes application for a permit for such occupancy to the Zoning Board of Appeals setting forth that the occupancy is to exist for a limited period of time but in no event to exceed one year in duration. Such permit may, however, be subject to renewal thereafter on a year to year basis as hereinafter provided.

(b) That the occupant of the mobile home is to be a member of the immediate family of the applicant and such occupant is in need of physical care that can only be provided by the applicant or the applicant's family.

(c) That such mobile home will comply with all requirements of the Galien Township Zoning Ordinance relating to setback lines and side yards and shall be served with electricity, water and a sanitary sewage disposal system approved by the Berrien County

(d) That in the event of the death or relocation of the occupant for whom the permit is granted, that the applicant will immediately discontinue the occupancy of the mobile home and that under no circumstances will such a permit be transferable to another person or to be used for any other occupant than the individual for whom the permit was first issued.

(e) Such permit, upon proper application to the Zoning Board of Appeals, may be renewed upon good cause shown on a year by year basis only and then only so long as the need exists to serve the person for whom the permit was first obtained.

(3) Sales and management office exception. The Zoning Board of Appeals may authorize a temporary permit for a mobile home in a new subdivision to be used as a sales and management office for a period of not more than twelve (12) months.

## **NON-CONFORMING USE**

### **SECTION 3.2 - NON-CONFORMING USE**

The lawful use of any building or land at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance.

### **SECTION 3.3 - ALTERATIONS OF A NON-CONFORMING USE BUILDING**

A non-conforming building may not be reconstructed or structurally altered during its life to an extent in aggregate cost 50% of the value as determined by a qualified appraiser unless said building is changed to a conforming use.

### **SECTION 3.4 - BUILDING DAMAGE OF A NON-CONFORMING USE BUILDING**

Any non-conforming building damaged by fire or other causes to the extent of more than 50% of the value shall be repaired or rebuilt within six months of the date such damages occurs. Any expansion or significant structural alteration made in repairing or rebuilding such non-conforming building must be approved by the Board of Appeals as not adversely affecting the adjoining conforming land use. No nonconforming building damaged by fire or other causes shall be repaired or rebuilt except as provided in this Section 3.4 unless in conformity with the provisions of this Ordinance.

### **SECTION 3.5 - DISCONTINUANCE OF NON-CONFORMING USE**

Whenever a non-conforming use has been discontinued for a period of one year, such use shall not thereby be re-established and any future use shall be in conformity with the provisions of the Ordinance.

### **SECTION 3.6 - COMPLETION OF NON-CONFORMING BUILDINGS AND STRUCTURES**

Nothing in this Ordinance shall require any change in the construction or intended use of any existing building, nor shall it require a change in plat, the layout of the platting of which shall have been diligently prosecuted within thirty days after the passage of this Ordinance and the acceptance of which shall have been complete with twelve months after said date.

### **SECTION 3.7 - SUBSTITUTION OR EXPANSION OF NON-CONFORMING USES**

No non-conforming use may be substituted, changed or altered, except when such substitution, change or alteration makes the non-conforming use more compatible to the uses permitted in the district in which it is located according to the criteria set forth in Section 3.13 (1-7), as determined by the Galien Township Zoning Board of Appeals. Any extension or expansion of a non-conforming use in regard to size of operation, copy of activity, area involved in use, hours of operation, etc., must be approved by the Galien Township Zoning Board of Appeals subject to standards set forth in Section 3.13 (1-7).

## **WATER AND SEWAGE**

### **SECTION 3.8 - WATER SUPPLY AND SEWAGE DISPOSAL FACLTES**

Every building, structure or trailer coach hereafter erected or moved upon the premises must conform to the existing County Health Department rules and regulations for water and sewage disposal.

## **RESTRICTIONS OF RECORD & AUTOMOBILES/TRAVEL, TRAILERS**

### **SECTION 3.9 - RESTRICTIONS OF RECORD**

Every use of property shall conform to existing Restrictions of Record.

### **SECTION 3.10 - MOTOR HOMES OR TRAVEL, TRAILERS**

No person shall use or permit the use of any motor home, travel trailer or similar vehicle as a residence on any site, lot field, or tract of land not specifically licensed as a trailer park.

Nothing in this Section shall be construed as prohibiting the owner or occupant of any parcel of land to store an unoccupied travel trailer, boat, motor home, camping bus or any similar vehicle, or a boat trailer or vehicle licensed to operate on the public highway or trailer for such vehicle, where such vehicles are owned by the property owner or occupant, so long as it is situated on the rear of such lot and at least three (3) feet from any other structures, side or rear property line.

## **SECTION 3.11 – NOT USED**

### **PARKING**

#### **SECTION 3.12 - VEHICULAR PARKING SPACE, ACCESS THERETO AND LIGHTING THEREOF**

For each dwelling, commercial, industrial, manufacturing or other similar business or service establishment hereafter erected or altered and located on a public highway, road or street in the unincorporated portions of the Township and including buildings or structures used primarily as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way which is, in general, adequate for the parking or loading of vehicles in proportions shown in Table 1 below, and such space shall be provided with safe exit to and safe entrance from the public highway or thoroughfare, not but to exceed one (1) such exit and one (1) such entrance. Said exit and entrance may be combined or provided separately. Approval for the location of such exit and entrance shall be obtained from the State Highway Department for all trunk-line highways and from the County Road Commission for all other roads and highways in the Township, which approval shall also include the design and construction thereof in the interest of safety, adequate drainage and other public requirements. Parking space and maneuvering aisle dimensions shall be as stated below in Table 2. All parking space required in this section, except that required for a dwelling, shall be compliant with the provisions of the Americans with Disabilities Act and the Michigan Handicappers Civil Rights Act and provided with adequate artificial lighting between the time extending from one-hour after sunset to one-half hour before sunrise when the use of such space for each vehicle is open to the public.

Table 1 Parking Spaces Required

- (a) Dwellings: One (1) parking space for each vehicle used by the occupants of the premises.
- (b) Motels and similar establishments offering lodging: One (1) parking space for every one (1) guest room, plus one (1) space for each regular employee.
- (c) Hospitals and Institutions of similar nature: One (1) parking space for every four (4) beds and one (1) space for each staff member.
- (d) Theaters, churches, auditoriums, public and private halls, amusement and recreation establishments and all places of public assembly: One (1) parking space for each four (4) seats of legal capacity.
- (e) Offices and professional buildings: One (1) parking space for every two hundred (200) square feet of floor area; provided that doctor's offices and clinics shall be provided with

three (3) spaces for each doctor.

- (f) Restaurants and other public food serving establishments: One (1) space for every three (3) seats, plus staff parking of one (1) space for each 200 square feet of floor area.
- (g) Retail stores and shops: One (1) parking space for every two hundred (200) square feet of floor area.
- (h) Personal Service Shops (such as barber and beauty shops): One (1) parking space for every two hundred (200) square feet of floor area.
- (i) Taverns: One (1) parking space for every sixty-six (66) square feet of floor area. In addition to the above requirements, parking space in the proportion of one (1) space for every two (2) persons employed shall be provided.

Where no specific requirement is designated in the case of any business, parking space as herein specified shall be provided for employees, including a reasonable number of parking spaces for the accommodation of patrons.

Table 2 Parking Space and Maneuvering Aisle Dimensions

parking angle (degrees)	one way maneuvering aisle width	two way maneuvering aisle width	parking stall width	parking stall length
0 parallel	12 feet	22 feet	8.5 feet	22 feet
up to 53	13 feet	22 feet	9.0 feet	18 feet
54 to 74	16 feet	22 feet	9.0 feet	18 feet
75 to 90	24 feet	24 feet	9.0 feet	18 feet

## **SPECIAL, USE PERMITS**

### **SECTION 3.13 - USES BY SPECIAL PERMIT**

Uses requiring special permits are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. Proposed uses will be evaluated according to their compatibility with the nature, extent and density of the

surrounding area.

Special permit uses may be permitted only in those zoning districts where they are designated by this Ordinance, and only when specifically approved by the Galien Township Zoning Board in accordance with the provisions of this Ordinance.

Prior to approval of a Special Use Permit, the Zoning Board shall insure that the standards specified in this Section, as well as standards established elsewhere in this Ordinance shall be satisfied. All uses by special permit shall comply with each of the following standards and requirements:

- (a) The nature, location, and size of the special use shall not change the essential character of the surrounding area, nor disrupt the orderly and proper development of the district as a whole. The use shall not be in conflict with, or discourage the adjacent or neighboring lands or buildings.
- (b) The special use shall not diminish the value of the land, buildings or structures in the neighborhood.
- (c) The special use shall not increase traffic hazards or cause congestion on the public highways or streets of the area. Adequate access to the parcel shall be furnished.
- (d) The water supply and sewage disposal system shall be adequate for the proposed special use by conforming to State and County Health Department requirements, and the special use shall not over-burden any existing services or facilities.
- (e) Uses by special permit shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, odor, smoke glare, lights, or disposal of waste than the operation of any principal permitted use, nor shall the special use increase hazards from fire or other damages to either the property or adjacent property.
- (f) The Zoning Board may require that the premises be permanently screened from adjoining or contiguous properties by a wall, fence, plant screen and/or other approved enclosure when deemed necessary to buffer the surrounding uses from objectionable noise, light, etc., created by the special use.
- (g) The special use shall be consistent with the intent and purpose of this Ordinance. The special use shall be compatible with the natural environment and shall not inimical to the public health, safety and general welfare.

Application for a special use permit shall be made to the Galien Township Zoning Board. The Zoning Board shall hold a public hearing on each request for a special use permit following proper notice of said public hearing in the same manner as provided for in Section 5.4 of the

Ordinance.

Where the Zoning Board determines that a special use is consistent with the standards outlined in this section and all other Ordinances and regulations of Galien Township, it shall issue a special use permit modified as the Zoning Board may require and containing any conditions or restrictions which the Zoning Board may consider necessary to carry out the purpose of this Ordinance. Where the conditions set forth under the permit anticipate a future compliance, the failure of which would impart jeopardy, injury or aggravation to adjoining permitted land uses, the Zoning Board shall have the authority to require such guarantees (in form of performance bonds or escrow funds) as may be deemed necessary to remove, alleviate or remedy the conflicting use. A denial of the Special Use Permit shall be in writing, setting forth the reason for denial. The applicant may appeal a denial to the Zoning Board of Appeals within twenty-one (21) days of receipt of a written denial.

## **PLANNED UNIT DEVELOPMENT (PUD)**

### **SECTION 3.14 - PLANNED UNIT DEVELOPMENT (PUD)**

#### **SECTION 3.14 A – INTENT**

To permit through the special use permit procedure, Planned Unit Development, which includes flexibility in the use and design of structures and land in situations where modifications of specific provisions of the Galien Township Zoning Ordinance will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based, and which will not be harmful to the neighborhood in which they occur.

#### **SECTION 3.14 B - MODIFICATION POWERS**

In acting upon the PUD application, the Zoning Board may alter setback requirements, height, lot and building size limits, off street parking regulations, landscaping rules, and the intensity of the permitted density limits of the district where the lot is located, providing such uses are desirable or convenient for the users of the PUD as developed, or for the immediate neighborhood, and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood, as provided in Section 3.13 of this Ordinance. Further, no PUD shall create demands on other existing public services in excess of current capacity, not provide for uses that will be detrimental to the health, safety, or welfare of persons or property through excessive production of traffic, noise, smoke, odor, fumes or glare. However, uses not otherwise permitted in the district where the lot is located shall not be permitted to occupy more than 15% of the lot area nor more than 15% of the total floor area of



all structures erected thereon.

## **SECTION 3.14 C - APPLICATION PROCEDURE**

The provisions of this section shall be applied to the existing Zoning District, as defined on the zoning map where the PUD is to be located. Applications may be made for any lot exceeding two acres in size, the application procedure is as follows:

### **1. PRELIMINARY CONFERENCE**

Prior to preparing formal application, the applicant shall meet with the Zoning Administrator to discuss the proposed development.

### **2. PRELIMINARY APPLICATIONS**

The applicant shall prepare and submit six (6) copies of preliminary development plans which shall include a description of the PUD and its intended uses; a detailed site plan showing all roads, lots, public or park areas or other amenities, drawn to scale not smaller than 60 feet to the inch, certified by a licensed architect, a registered land surveyor or professional engineer; location of and restriction on open space within the PUD including all maintenance agreements; a list of covenants or deed restrictions for the development; and the type of financial guarantees to be utilized to assure development of the site in accordance with plan. In addition, the applicant shall furnish such other information as the Zoning Board may reasonably require. The Zoning Board, after a hearing, shall approve or deny said application.

### **3. FINAL APPLICATION**

The applicant shall prepare and submit six (6) copies of the final development plan which shall include a detailed site plan, drawn to a scale not smaller than 60 feet to the inch, certified by a licensed architect, a registered land surveyor or professional engineer. Final development plan shall also include detailed plans for all utilities, road, buildings and other improvements as final construction drawings, certified by an architect; detailed evaluations or perspective drawings of all buildings and improvements, sufficient to show the developers intent; a development schedule; deed restrictions and covenant; any other plans, documentation or specification, which the Zoning Board may require, that may be necessary for final engineering review and approval of drainage, street design and other facilities, by Township and County officials; and a sufficient financial guarantee or letter of credit to insure completion of any required public facilities or improvements in conformance with the stated development schedule. Upon receipt

of the final development plan, the Zoning Board shall hold a second hearing and shall determine whether or not the final plans substantially conform to the approved preliminary plan and to the other provisions of this section.

#### **SECTION 3.14 D - REVIEW PROCEDURE**

In making its review of any portion of the PUD Application, the Zoning Board shall first determine that the PUD is consistent with the standards outlined in Section 3.13 and 3.14 of this Ordinance, and all other regulations of Galien Township. The Zoning Board shall have received a certification from a licensed engineer of its choice that said Final Development Plan conforms to all codes, statutes or regulations. Where the Zoning Board determines that this application is consistent with this section and with the other requirements hereof, it shall issue a Special Planned Unit Permit authorizing development and use in accordance with the final development plan contained in this application, modified as the Zoning Board may require to carry out the intent and purpose of this section and containing any conditions or restrictions which the Zoning Board may consider necessary to carry out the purposes of this Ordinance and to protect the public health, safety and welfare. A denial of the PUD, at any stage, shall be in writing, setting forth in detail the reasons for the denial. The applicant may appeal any denial to the Zoning Board of Appeals within twenty-one (21) days of receipt of written denial.

#### **SECTION 3.15 - TEMPORARY DWELLING STRUCTURES**

No garage homes, basement homes, or trailer coaches may be utilized as a dwelling by the owner of a premises during the period when a dwelling conforming to the provisions of this Ordinance, is in the process of erection and completion on the same lot.

A modular or mobile home of 720 square feet that conforms with Section 3.8 of this Ordinance may be occupied as a temporary dwelling during the period when a dwelling is being constructed, provided:

- (a) The location of the temporary dwelling shall conform to all yard and setback limitations of the zoning district.
- (b) The use of the dwelling and premises shall not be inimical to health, safety or the public welfare.
- (c) The use of temporary dwelling structure shall be limited to twelve (12) months, beginning with the date of issuance of the permit therefore. Permit may be renewed yearly for one more year.

- (d) Application for the erection, use, or movement of such temporary dwelling structure shall be made in writing to the Zoning Administrator.

### **SECTION 3.16 - REGULATIONS GOVERNING THE LOCATION OF JUNK YARDS**

Use of premises for the operation of a junkyard shall be permitted in Industrial District only and shall be subject to the following special requirements and standards of the zoning district wherein located, in order to prevent conflict with, or impairment of, the principal permitted uses of the zoning district.

- (a) Written application for a Special Permit therefore, shall be presented to the Zoning Administrator who shall refer the application to the Board of Appeals.
- (b) The Zoning Administrator shall make an investigation as to the suitability of the proposed site.
- (c) A suitable site shall provide a front yard of not less than one hundred (100) feet in width, and such front yard shall not be used for parking, storage, burning, wrecking, or dismantling of any junk or refuse material.
- (d) The Board of Appeals shall require that a yard be completely screened by a solid, uniformly finished wall or fence or an adequately maintained evergreen hedge or other screening material, the height of which screening shall be no less than eight (8) feet and in case less than that of the enclosed material.
- (e) Application shall be accompanied by operating permit from the Michigan Department of Environmental Quality and United States Environmental Protection Agency for the proposed site; however, such license or permit shall not be the final determining factor in granting the permit. The Board of Appeals shall hold a public hearing. Approval or rejection of the application shall rest with the Board of Appeals.
- (f) Issuance of a permit shall in no way exempt the applicant from additional laws, ordinance or regulations of the State or Federal government.

### **ADVERTISING SIGNS**

#### **SECTION 3.17 - ADVERTISING SIGNS**

Advertising signs, billboards, advertising displays, outdoor displays or other advertising media, except as exempted by Section 3.17 B, may be permitted by Special Use Permit; provided that they comply with the following conditions, and with standards set forth in Section 3.13 of this Ordinance.

### **SECTION 3.17 A - USES AND CONDITIONS**

Advertising signs, billboards or advertising displays, outdoor displays or other advertising media shall not be permitted within 50 feet of the right-of-way of any road or MDOT approved access drive, nor within 250 feet of the center of any road intersection.

Such advertising sign or display must comply with the statutes of the State of Michigan. All such signs shall be properly maintained or removed.

Such advertising sign or display may not be erected within 500 feet of any commercial building, public building, or dwelling (except dwelling owned by sign owner) existing at the time said sign or display is erected or moved to such location. It is further provided should a commercial building, public building or dwelling be erected at any time within the 500 feet limitation, the permit shall be revoked and the owner of the sign (or his authorized agent) shall be notified of the revocation, and such sign or display shall be removed within 90 days of notification.

Such advertising sign or display may not be erected within 500 feet of any existing sign or display, excepting for small directional signs at permitted distance from intersections.

### **SECTION 3.17 B – EXEMPTIONS**

1. Temporary sale, lease or rent signs not exceeding ten (10) square feet, providing:
  - (a) Not more than two (2) signs are displayed.
  - (b) Such signs are located on the lot or structure for sale, lease or rent.
  - (c) Such sign is removed following the sale, renting or leasing the property within seven (7) days.
  
2. Bulletin boards of churches, schools, libraries and public buildings provided:
  - (d) Such bulletin board is located on the premises thereof.
  - (e) Such board is not located as to obstruct the view of traffic from sidewalks, driveways,

roadways, and adjoining property.

3. Agricultural displays and sales stands providing:

- (a) Such display is located on a farm and limited to the products thereof.
- (b) Such display or stand is temporary and will not be located for more than thirty (30) consecutive days nor more than sixty (60) days in one year.
- (c) Such display or stand is located at least ten (10) feet from the highway right-of-way line.
- (d) Parking area is available for prospective customers off the highway right-of way.

4. Advertising signs and displays of a commercial enterprise, business, industry or professional person providing:

- (a) Such sign is located on the premises of a commercial enterprise.
- (b) Such sign or display is limited to the products or services of the enterprise.
- (c) Such sign does not obstruct the view of traffic from the sidewalks, roadways, driveways or exits and adjoining property.
- (d) Their operation does not constitute a nuisance to an adjacent residential district or residential neighborhood, by reason of glare, intermittent action or other action.

### **SECTION 3.17 C - SIGN PERMITS**

Permits shall be required for any advertising sign, including those sign or displays exempted under Section 3.17 B. Such permits, or any renewal thereof, shall be issued by the Zoning Administrator upon a determination that such sign or display complies with the provisions of this Ordinance.

## **SITE USE DESIGN STANDARDS**

### **SECTION 3.18 - SITE USE STANDARDS**

1. Airports (licensed)

Licensed airports shall follow all rules as established by the Federal Aviation Administration and Michigan Department of Aeronautics.

Airport locations should avoid existing residential areas and adjacent land at which large numbers of people are assembled or are expected to assemble; uses which may create electrical interference, expose glaring lights, emit dust, smoke, fumes or vapors which will limit visibility; attract birds; or be adjacent to noise sensitive areas.

## 2. Hazardous or Toxic Material or Explosive Storage

A letter from the County Health Department or the Michigan Department of Environmental Quality, State Fire Marshall, or similar governing body indicating evidence of compliance with appropriate State law.

## 3. Junk Yards

(a) Minimum lot size shall be two acres.

(b) Setbacks for all structures, fencing and junk materials shall be as follows:

(1) All structures used for offices or enclosed retail sales areas shall be at least 50 feet from all property lines.

(2) All junk material shall be stored in an enclosed/fenced area at least 100 feet from all road right-of-ways and 50 feet from all other property lines.

(c) Junk materials shall be screened from all roadways, and adjoining residential or commercial uses by an eight foot high obscuring fence or masonry wall which is landscaped in accordance with setback and screening requirements as determined by the Zoning Commission. All plant screens shall be within five feet of the fence or Wall.

(d) Dust and dirt from all roads, driveways, parking lots and loading and unloading areas within any junkyard shall be controlled to limit public nuisance.

## 4. Mineral Extraction.

(a) All mining operations shall comply with the setback requirements for all structural and mining activities as follows, unless specifically reduced by the Planning Commission.

(1) All structures, excluding office space and vehicle garages, shall be at least 75 feet from all road right-of-ways and 50 feet from all other property lines.

(2) Open pit extraction shall be at least 150 feet from all property lines.

(3) Other extractive processes shall be at least 75 feet from all property lines.

(b) All commercial aggregate operations shall prepare annually an Operation/Reclamation Plan which includes the following:

(1) Project Description. A description of the mining operation including type of mining, period of operation, Schedule for reclamation.

(2) Site Description. A Class "A" Site Plan showing location of excavation areas; buildings, processing equipment, and other structures related to the operation; driveways, roads and anticipated traffic patterns; adjacent land uses, tailing or sediment storage areas; and other Class "A" Site Plan information.

(3) Operation Description. A description of measures taken to store top soil; control erosion and sedimentation; minimize noise, vibration and/or pollution from the operation; identify the operations effect on ground water flow and supply, and a description of measures to be taken to screen or buffer the operation from the adjacent property.

(c) Mineral extraction activities operating under Soil Erosion and Sedimentation Act and/or Mine Reclamation Act may provide proof of the required state and/or federal permits or affidavits of application for said permits, and a copy of their required reclamation or operation plan in place of an Operation/Reclamation Plan.

(d) Any active extractive operation in pits, or quarries, or similar locations operating at the effective date of this Ordinance are not required to be a part of the reclamation program. However, new operations, including new pits, quarries or similar extraction sites on existing active parcels are required to comply with these regulations.

(e) Where the Zoning Board has found noncompliance with these provisions or the Operation/Reclamation Plan the Commission may require financial security to insure compliance and implementation of an Operation/Reclamation Plan or Reclamation Program.

(1) A Class "A" Site Plan.

(2) A description of the mining operation, period of operation, reclamation measures including anticipated final slopes and grades, any bodies of water, etc.; Soil erosion and sedimentation control measures; disposition of all surface structure and roads following the termination of the operation and future land use.

5. Transportation and Warehousing for Industrial Use.

(a) Minimum lot size - two acres; minimum road frontage - 200 feet (300 feet on main access roads).

(b) Minimum setback and isolation requirements:

(1) Front - 150 feet

Rear - 100 feet

Side - 100 feet

(2) HI District boundary - 200 feet, plus screening with a six foot earthen berm or plant materials. Plantings shall be located within five feet of the property lines, to limit noise and vibration which is in excess of what is normal in the districts of the site in question.

(3) Minimum landscaped open space buffer from any public road right-of-way shall be isolated from property lines, to limit noise and vibration which is in excess of what is normal in the districts of the site in question.

(c) Maximum ground coverage: 75%.

(d) Gradient standards:

(1) Maximum grade change to the property - 3%.

(2) Maximum grade changes between the terminal site and the highway entrance ramps; average - 5%; maximum - 7%.

(e) Truck Stop (Service Centers)

Minimum lot size: two acres; minimum lot width 200 feet on service roads (300 feet on main access roads).

Minimum setback and isolation requirements:

(1) For all structures: front - 150 feet; rear - 100 feet;

(2) Fuel pumping stations: right-of-way - 25 feet; all other property lines - 35 feet.

(3) From any existing residential and/or motel uses located off the lot - 200 feet, plus screening with either a six foot earthen berm or plant materials. Planting shall be within 5 feet of the property lines - 35 feet.

(4) Trucking service areas shall be separate from passenger services areas.

Three access points may be permitted; minimum distance between access points shall be 200



feet.

All vehicular areas shall be physically separated by a barrier or landscaped area from any non-vehicular areas; one way traffic patterns shall be encouraged.

#### 6. Nuisance.

All sites permitted under this section (Section 3.18) shall be owned, developed, operated and maintained in such manner as to eliminate conditions of odor, dust, smoke, light, noise, or vibration that causes interruption or interference with the use and enjoyment of surrounding properties.

## **OUTDOOR LIGHTING**

### **SECTION 3.19 - OUTDOOR LIGHTING REGULATIONS**

- A. In all districts, lighting fixtures used to illuminate off-street parking, yards, and for security purposes shall be directed downward, shielded, or so arranged as to (1) direct light only to the ground area of the property where the fixtures are located; and (2) not illuminate any adjoining properties, streets, or highways.
- B. All lighting used to illuminate commercial, industrial, or multi-family housing buildings, shall be arranged to direct light only to said building and away from any adjoining properties, streets, or highways.
- C. The external illumination of signs shall be directed downward, and internally illuminated signs shall be of a low enough intensity, so as to not interfere with the vision of persons on adjacent properties, streets, or highways.
- D. All illumination of signs and any other outdoor feature shall not be of a flashing, moving, or intermittent type except for time and temperature displays, and low intensity LED type, change of copy signs.
- E. All off road parking, except that required for a single or two family residential dwelling, shall be provided with adequate artificial lighting between the times extending one hour after sunset to one hour before sunrise when the use of such space for each vehicle is open to the public.

## COMMUNICATIONS TOWERS

### SECTION 3.20 - COMMUNICATIONS TOWERS

In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the Township Board finds that these regulations are necessary in order to:

- A. Facilitate the provision of wireless telecommunication services to the residents and businesses of the Township;
- B. Minimize adverse visual effects of towers through careful design and siting standards;
- C. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and
- D. Maximize the use of existing and approved towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community.

### QUALIFYING CONDITIONS

A. The following site and developmental requirements shall apply:

- (1) All tower sites shall have a minimum area to meet the standards of the zoning district in which it is located. The site shall have permanent access to a public road.
- (2) Towers are prohibited within Residential Districts.
- (3) The base of the tower and wire cable supports shall be fenced with a minimum six (6') foot high fence.
- (4) All towers over thirty (30) feet in height shall require a Special Use Permit (Section 3.13).

B. Special Performance Standards:

- (1) The tower must be set back from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the Township Engineer that the structural integrity of the tower will withstand high winds and icing impacts, and the likelihood of a tower failure is minimal. The application shall incur all costs associated with Township Engineering review.

- (2) All tower, wire cable supports, equipment and accessory structures associated with the operation of the tower shall not be located any closer than thirty (30) feet to any property line or within the Zoning District setback. Nothing shall prevent an applicant from applying to the Board of Appeals for a setback variance.
- (3) Accessory structures shall not exceed six hundred (600) square feet of gross building area.
- (4) No new tower shall be approved unless the applicant can document that the co-utilization of an existing tower, or utilization of an existing structure is not available.
- (5) All towers shall have all ladder or climbing rungs removed within 20 feet of the ground to prevent unauthorized access.
- (6) The tower construction plans shall be prepared by a professional engineer qualified in structural engineering practices.
- (7) The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- (8) All towers and antennas must meet the standards of the Federal Aviation Administration and Federal Communications Commission.
- (9) All steel towers must meet the requirements of the current revision of the Telecommunications Industries Association/Electronics Industries Association (T.I.A./E.I.A.) 222 titled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures".
- (10) All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
- (11) Towers shall be located and operated so that they do not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby 22.S.
- (12) Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.
- (13) Minimum spacing between tower locations shall be one (1) mile in order to prevent concentration of towers in one area.

(14) Towers shall not be artificially lighted unless required by the Federal Aviation Administration.

(15) There shall not be displayed on the tower advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.

(16) The antenna shall be painted to match the exterior treatment of the tower. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.

(17) Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by such standard or the Special Use approval will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.

(18) There shall be no employees located on the site on a permanent basis to service or maintain the antenna.

(19) Where the property adjoins any residentially zoned property or land use, the tower shall have an isolation area from any residential district equal to one and one-half times its height.

(20) The tower shall be removed by the property owner or lessee within six (6) months of being abandoned by all users. A performance bond sufficient to cover the cost of removal of the tower may be required as a condition of the Special Use Permit.

(21) All steel towers and structures must be inspected at least every three (3) years in compliance with the T.I.A. /E.I.A. standards and such inspection compliance certified to the Township.

(22) All wireless communications service providers shall cooperate with other wireless communications service providers in co-locating additional antennas on antenna support structure and/or existing buildings or other alternative antenna support structures. A wireless communications service provider shall exercise good faith in co-locating with other service providers and sharing antenna sites, provided that such shared uses does not give rise to substantial technical level impairment of the ability to provide that such shared use does not give rise to a substantial technical level impairment of the ability to provide wireless communications service. Such good faith shall include sharing of

technical information to evaluate the feasibility of co-location. In the event that a dispute arises as to whether a provider has exercised good faith in accommodating other providers, the Township may require a third party technical study at the expense of either or both of such providers.

## **ARTICLE IV - ADMINISTRATON AND ENFORCEMENT**

### **SECTION 4.1 - ZONING ADMNSTRATOR**

The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator, appointed by the Galien Township Board for such term and subject to such conditions and a rate of compensation as said Board shall determine as reasonable.

### **SECTION 4.2 - PERMITS**

No building, sign or other structure shall hereafter be erected, altered or relocated until a permit authorizing the same shall have been issued by the Zoning Administrator. Permits shall be issued only when such structure or use conforms to this Ordinance.

### **SECTION 4.3 - SITE PLAN REVIEW**

An approved Site Plan, which includes those documents and drawings specified in this section are necessary to insure that the proposed land use or activity is in compliance with this Ordinance. The Zoning Administrator may require review by a licensed engineer certifying compliance with the terms of this Ordinance prior to submission to the Zoning Board. The Site Plan shall be required prior to receiving Zoning Review and other authority to use, erect or enlarge any structure or facility. Further, no use shall be undertaken or carried on and no structure or facility shall be constructed, enlarged or improved except as shown upon an approved site plan.

### **SECTION 4.3 A - CLASS "A" SITE PLAN REQUIREMENTS**

A Class "A" Site Plan shall be required for all single family, two family, mobile home, agricultural building and any customary accessory use; and other similar structures, which are similar in the intensity of use when considering floor area, solid waste loads, water use, traffic congestion, noise, smoke, odor, and construction costs. This Site Plan shall include a sketch plan with accurate dimensions showing:

- (1) The lot, with a legal description.
- (2) Existing or proposed building and structures.

- (3) Existing or proposed public or private roads and right-of-ways, parking areas and walkways.
- (4) Location of existing or proposed public utility systems and/or private sewage systems and wells or water supply source.
- (5) Existing natural or man-made features such as wood-lots, streams, lakes and ponds.
- (6) A description of any changes in grade or drainage systems, except those changes to accommodate basement and driveway grading. When development occurs within 500 feet of a watercourse, all grade changes shall be in conformance with County Drain Commission requirements.
- (7) A description of adjacent uses.
- (8) Any other information necessary to establish compliance with Township and County Ordinances.

#### **SECTION 4.3 B - CLASS "B" SITE PLAN REQUIREMENT**

A Class "B" Site Plan shall be required for all other uses, structures or facilities, including all Industrial and Commercial Uses, Planned Unit Developments, and all multi-family uses. This Site Plan shall be drawn to a scale not smaller than sixty (60) feet to the inch, certified by a licensed architect, a registered land surveyor or professional engineer. Class "B" Site Plan shall show the following:

- (1) The boundary lines of the area included in the Site Plan including angles, dimensions, and references to a section corner, quarter corner, or point on a recorded plat, an arrow pointing North, and the lot area of the land included in the Site Plan.
- (2) Existing and proposed grades and drainage systems and structures with topographic contours at intervals not exceeding five (5) feet.
- (3) The shape, size, location, height, and floor area for the finished ground and basement floor grades.
- (4) Natural features such as wood-lots, streams, and lakes or ponds, and manmade features such as existing roads and structures, with indications as to which are to be retained and which are to be removed or altered. Further landscaping designs should also be included.
- (5) Proposed streets, driveways, parking spaces, loading spaces, and sidewalks and

the total number of parking spaces shall be shown.

- (6) On the final Site Plan, the size and location of all existing and proposed public and private utilities, including private sewage systems, wells, or water sources.
- (7) A vicinity sketch showing the location of the site in relation to the surrounding street system.
- (8) A legal description of the lot; the name, address and telephone number of the owner, developer, and designer.
- (9) Any other information necessary to establish compliance with this and other Ordinances or the utility of the site.
- (10) Alterations or structural changes to existing Class "B" structures which do not exceed 25% of total existing ground floor area or 50% of aggregate cost or original structure may be permitted a Class "A" Site Plan, but shall comply with Class "B" Site Plan review procedures.

#### **SECTION 4.3 C - REVIEW PROCEDURE**

Upon receipt of a Class "A" Site Plan, the Zoning Administrator shall review it to determine whether it is in proper form, contains all of the required information, and shows compliance with this and all other governing Ordinances. Upon demand of the proprietor of the Site Plan, the Zoning Administrator shall, within ten (10) days, approve the plan or deny approval in writing.

Upon receipt of a Class "B" Site Plan, the Zoning Administrator shall review the plan for proper form, required information, compliance with this and all other governing Ordinances and shall forward the plan with his comments to the Township Zoning Board for final review and approval. The Zoning Board shall take action on each application within 30 days of the filing of the application. (Time extensions for approval must be mutual agreement of proprietor and Zoning Board). All actions of the Zoning Board shall be in writing. A denial of any Site Plan shall set forth in detail the reasons, which shall be limited to any defect in form or required information, any violation of any provision of this or any other governing Ordinance or authority, or the inadequacy of any utility, facility or structure. The denial shall include any changes which would make the Site Plan acceptable. The proprietor may appeal any denial to the Zoning Board of Appeals.

#### **SECTION 4.4 - PENALTY FOR VIOLATION**



Any person, group of persons, or corporation that violates any of the provisions of this Ordinance or any requirement attached to the granting of a special exception or variance may be fined upon conviction not more than one hundred dollars (\$100.00) Dollars for each offense. Each day of the existence of the violation shall be deemed as a separate offense.

## **ARTICLE V - BOARD OF APPEALS**

### **SECTION 5.1 - ORGANIZATION**

A Zoning Board of Appeals is hereby created in accordance with Act 184 of the Public Acts of 1943, as amended. The Board shall consist of three (3) members. The first member of the Board of Appeals shall be the Chairman of the Township Zoning Board. The remaining two members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. Neither of these members shall be an elected officer of the Township or an employee of the Township Board. The terms of each of these members shall be for four years, except that of the members first appointed, one shall serve for two years, and two for three years. A successor shall be appointed not more than one month after the term of the preceding board member has expired, and each member shall serve until his successor is appointed and has qualified. All vacancies for unexpired terms shall be filled in the same manner as is provided for the appointment in the first instance for the remainder of the unexpired term.

### **SECTION 5.2 - MEETING: POWERS AND DUTES OF CHAIRMAN: RECORDS**

The Board of Appeals shall hold a minimum of one regular meeting annually, at which it shall elect from its members a Chairman. The member of the Board of Appeals who is a member of the Township Board shall not serve as Chairman of the Board of Appeals. Other meetings of the Board of Appeals shall be held at the call of the Chairman at such other times as the Board of Appeals may determine necessary to fulfill its duties. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall maintain a record of its proceedings which shall be immediately filed in the Office of the Township Clerk and shall be a public record.

### **SECTION 5.3 - DUTIES**

The Board of Appeals act upon all questions as they may arise in the administration of the Zoning Ordinance, including the interpretation of the zoning maps and provisions of this Ordinance. The Board of Appeals may fix rules and regulations to govern its procedures sitting as such a Board of Appeals. It shall hear and decide appeals from and review any order, requirements, decision or determination made by the Zoning Administrator pursuant to the provisions of this Ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under the provisions of this Ordinance. The concurring vote of the majority

of the members of the Board of Appeals shall be necessary to reverse any order, or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to affect any variation from the provisions of the Ordinance.

#### **SECTION 5.4 - HEARINGS AND NOTICES**

Applications and appeals to the Board of Appeals shall be filed with the Zoning Administrator who shall transmit the same, together with all the plans, specifications and other papers pertaining to the application or appeal, to the Board of Appeals. The Board of Appeals shall fix a reasonable time for the hearing of an application or appeal and shall give at least ten (10) days' notice of the time and place of such hearing by insertion in a daily newspaper of general circulation in this Township. The Board of Appeals also shall give notice delivered personally or by mail at least five (5) days before the time fixed for such a hearing to the applicant or appellant and to the owners of record of property within three feet (300) of the premises. The Board of Appeals shall make a decision in the case of any application or appeal, and documented reasons for the decision of the Board of Appeals shall be made part of the decision. The Board of Appeals shall promptly notify the applicant or appellant and the Zoning Administrator of its decision.

## ARTICLE VI - DEFINITIONS INTRODUCTION

For the purpose of this Ordinance, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number. The word "shall" is always mandatory and not merely directory. The term "person" shall mean an individual, partnership, corporation, or other association or their agents. Terms not herein defined shall have the meanings customarily assigned to them.

### ACCESSORY USE

A use naturally and normally incidental and subordinate to, and devoted exclusively to, the main use of the land or buildings (premises).

### ADULT BOOKSTORE OR ADULT VIDEO STORE

A commercial establishment which, as one of its principal business purposes (meaning either ten% of the usable floor area or 20% of the stock in trade of the establishment) offers for sale or rental, or for any other form of consideration, any one or more of the following: books, computer diskettes, tapes, other electronic file retrieval media, magazines, periodicals, other printed matter, photographs, films, motion pictures, video cassettes, other video reproduction media, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas". A commercial establishment may have other principal business purposes which do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an "adult book store" or "adult video store". Such other business purposes shall not serve to exempt such commercial establishment from being so categorized as long as one of its principal business purposes is the offering for sale or rental, or for any other form of consideration, materials depicting or describing "specified sexual activities" or "specified anatomical areas". Video cassettes, other video reproduction media or films which are X-rated or of substantially equivalent content as X-rated films shall be considered to depict or describe "specified sexual activities" or "specified anatomical areas" notwithstanding any more restrictive definition set forth herein.

ADULT BUSINESS as used in this Ordinance, shall mean any of the following:

- A. Adult book Store or adult video store;
- B. Adult cabaret;
- C. Adult mini-motion picture theater;
- D. Adult motel;
- E. Adult motion picture theater;
- F. Adult smoking or paraphernalia store;

- G. Billiard/pool hall;
- H. Escort agency;
- I. Massage parlor;
- J. Pawnshop; or
- K. Tattoo parlor.

#### ADULT CABARET

A nightclub, bar, restaurant or similar commercial establishment which regularly features any of the following:

- A. Live performances characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
- B. Films, motion pictures, video cassettes, slides, computer presentations or other moving-image reproductions characterized by the depiction or description "specified sexual activities" or "specified anatomical areas".

#### ADULT MINI-MOTON PICTURE THEATER

An establishment with a capacity of less than fifty persons, wherein material distinguished or characterized by an emphasis on matters depicting, describing or related to "specified sexual activities" or "specified anatomical areas", as defined in this section, is available for observation by patrons therein.

#### ADULT MOTEL

A hotel, motel, or similar establishment which:

- A. Offers accommodations to the public for any form of consideration and provides patrons with closed circuit television transmissions of X-rated motion pictures or motion pictures equivalent to X-rated motion pictures and has a sign visible from the public right-of-way advertising the availability of these types of photographic reproductions; or
- B. Offers a sleeping room for rent for a period that is less than eight (8) hours.

#### ADULT MOTON PICTURE THEATER

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes or similar photographic reproductions are regularly shown which are X-rated or the equivalent of X-rated.

#### ADULT SMOKE OR SEXUAL PARAPHERNALA STORE

An establishment which as one of its principal building purposes (meaning either 10% of the

usable floor area or 20% of the stock in trade of the establishment) offers for sale either: paraphernalia designed or usable for sexual stimulation or arousal; or paraphernalia designed for smoking, ingesting or inhaling marijuana, narcotics or other stimulating or hallucinogenic drug-related substances.

#### AGRICULTURE

The art or science of cultivating the ground including the production of crops and livestock on a farm.

#### ALTERATION

Any change, addition, or modification in use or type of occupancy; any change in the structural members of a building, such as wall, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed".

#### AUTOMOBILE OR TRAVEL TRAILER

Any house car, house trailer home, trailer coach or similar vehicle used, or so constructed as to permit its uses as a conveyance upon the public streets or highways, and duly licensable as such, including any self-propelled vehicle so designed, constructed, or added to by means of accessories in such manner as will permit the occupancy thereof as a dwelling or sleeping place for one or more persons.

#### BILLIARD/POOL HALL

An establishment having a substantial or significant portion of its space devoted to the game of pool, billiards, bumper pool, ping pong, darts, dice, cards, or similar activities.

#### BILLBOARD

Any structure or portion thereof upon which a sign or advertisement is used as an Outdoor display for the purpose of making anything known to the general public, but not including bulletin boards used to display official court, church or public office notices.

#### BOARDING HOUSE OR ROOMING HOUSE

A building containing at least one "Dwelling Unit" and used for the purpose of providing meals or lodging or both meals and lodging for pay or compensation of any kind, to more than one person other than members of the family occupying the "Dwelling Unit".

#### BODY OF WATER

For purposes of this Ordinance a "body of water" is any lake, pond, flowage, stream or river exceeding ten (10) acres in water area or having a drainage area of over two (2) square miles as calculated from the United States Geological Quadrangle Map.

## BUILDING

FA structure erected on-site, a mobile home or mobile structure, a premanufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

## BUILDING PERMIT

The written authority issue by the Zoning Administrator or his agent permitting the construction, removal, moving, alterations, or use of a building in conformity with the provisions of this Ordinance.

## BUILDING, PRINCIPAL

A building in which is conducted the principal use of the premises on which it is situated.

## COMMERCIAL MOTOR VEHICLE

Means a bus, a school bus, a school transportation vehicle, a motor vehicle, except a motor home, having a gross vehicle weight rating or gross combination weight rating of 26,001 or more pounds; a motor vehicle towing a vehicle with a gross vehicle weight rating of more than 10,000 pounds; or a motor vehicle carrying hazardous material and on which is required to be posted a placard as defined and required under 49 C.R.F. parts 100 to 199. A commercial motor vehicle does not include a vehicle designed primarily for the purpose of transporting personal possessions or family members with a capacity of under nine (9) individuals.

## COMMUNICATIONS TOWERS

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone and wireless communications towers, and alternative tower structures. Tower types include, but are not limited to guide towers, wooden poles, lattice towers, and monopoles.

## DWELLING

A dwelling is any building which contains one or more "Dwelling Units" used, intended, leased, let or hired out to be occupied for living purposes. In case of mixed Occupancy where a building is occupied in part as a dwelling unit, the part so Occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

## DWELLING UNIT

A Dwelling Unit is a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

## DWELLING, SINGLE FAMILY

A building containing not more than one Dwelling Unit designed for residential use, subject to the provisions of Section 3.1 of this Ordinance.

## DWELLING, TWO FAMILY

A building containing not more than two separate Dwelling Units designed for residential use, subject to the provisions of Section 3.1 of this Ordinance.

## DWELLING, MULTIPLE FAMILY

A building containing three or more Dwelling Units designed for residential use, subject to the provisions of Section 3.1 of this Ordinance.

## ESCORT

A person who, for monetary or other consideration, agrees or offers to act as a companion, guide or date for another person or who agrees to privately model lingerie or to privately perform a striptease for another person.

## ESCORT AGENCY

A person or business association who or which furnishes, offers to furnish or advertises to furnish escorts as one of his, her or its primary business purpose for a fee, tip or other consideration.

## ESTABLISHMENT OF AN ADULT BUSINESS

Means and includes any of the following:

- A. The opening or commencement of any "adult business" as a new business;
- B. The conversion of an existing business to any "adult business";
- C. The addition of any "adult business" to any other existing business; or
- D. The relocation of any "adult business".

## EXISTING BUILDING



An existing building as a building existing in whole or whose foundations are complete and whose construction is being diligently prosecuted on the date of this Ordinance.

#### FAMILY

A. An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of principal occupants, with not more than one additional unrelated person, who are domicile together as a single, domestic, housekeeping unit in dwelling unit; or

B. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

#### FEEDLOT

A premises used only to feed livestock in preparation for slaughter.

#### FLOOR AREA, USABLE

Any floor area within outside walls of a building exclusive of area in cellars, basements, unfinished attics, garages, open porches and accessory buildings.

#### JUNK YARD

Any establishment or premises where worn-out or discarded material or equipment is brought, kept, sold and/or stored; also any premises upon which two (2) or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more.

#### LOT

Any portion, piece or divisions of land.

#### LOT OF RECORD

A parcel of land recorded in the office of the Berrien County Register of Deeds.

#### LOT AREA

The total horizontal area within the lot lines, as defined, of a lot. For lots fronting or lying adjacent to public or private streets, lot area shall be interpreted to mean that area within lot line

separating the lot from the private street, and not the center line to said Private Street.

## LOT LINES

The property lines bounding the lot. Front Lot Line - A Front Lot Line, in the case of a lot abutting upon a public road or street means the line separating such lot from such road or street right-of-way. In the case of any other lot, the owner shall, for the purpose of this Ordinance, have the privilege of electing any street lot line, the front lot line, providing that such choice, in the opinion of the Zoning Administrator or his agent will not be injurious to the existing or the desirable future development of adjacent properties. In the case of platted water front property, the front lot line shall be as designated on the plat. Rear Lot Line - A Rear Lot Line is ordinarily that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot for the purpose of determining depth or rear yard, a rear lot line shall be considered to a line ten (10) feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot. In cases where none of these definitions are applicable, the Zoning Administrator or his agent shall designate the rear lot line. Side Lot Lines - A Side Lot Line is any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side lot line. A side lot line separating a lot from another lot or lots in an interior side lot line.

## MASSAGE PARLOR

An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the State of Michigan. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, beauty salon or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

## MOBILE HOME

A mobile home is a single-family dwelling designated for after fabrication transportation on street and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like; provided that this definition is not intended to apply to conventional modular homes.

## MODULAR HOME

A prefabricated dwelling constructed in sections for final assembly on a permanent foundation and which is structurally independent of the trailer frame or other systems by which it is transported to the site and from which it is generally removed prior to assembly. Such structures

shall meet the standards of the Building Officials Conference of America (BOCA) or its equal.

#### NON-CONFORMING BUILDING OR STRUCTURE

A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of the Zoning District in which it is located.

#### NON-CONFORMING USE

A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of the Zoning District in which it is located.

#### PARCEL

A part or portion of land. In this Ordinance it is to be considered synonymous with the term lot.

#### PAWNSHOP

An establishment where merchandise is left as security for a loan of money and abandoned if repayment of the loan has not been made within a specified period of time.

#### ROAD OR STREET

Any state trunk-line or road under the jurisdiction of the Berrien County Road Commission.

#### ROADSIDE STAND

A temporary or permanent building operated for the purpose of selling only produce raised or produced on the same premises by the proprietor of the stand or his family; its use shall not make into a commercial district land which would otherwise be an agricultural or residential district, nor shall its use be deemed a commercial activity.

#### SCREENING

Screening shall mean a plant (eukaryote) or herbaceous hedge or landscaping of sufficient length, height or opacity to conceal on site activities from view of adjoining property. Plant screen shall be located within the first five feet of the affected property line; however, screening shall not inhibit entrances or exits. Where, because of intense shade or soil conditions, the owner or developer can establish that a natural planting or landscape screen cannot be expected to thrive, a wooden fence, masonry wall or vegetatively controlled earthen berm may be substituted.

## SETBACK

The minimum horizontal distance between the front of the building, excluding steps and unenclosed porches and the front street or right-of-way line.

## SETBACK LINES

Lines established adjacent to highways for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained. "Within a setback line" means between the setback lines and the nearest boundary of the highway right-of-way.

## SIGN, OUTDOOR, ADVERTISING

Any card, cloth, paper, metal, painted, glass, wooden, plaster, stone, or other sign of any kind or character whatsoever, place for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term "placed" as used in the definition of "outdoor advertising sign" and "outdoor advertising structure" shall include erecting, Constructing, posting, painting, tacking, nailing, gluing, sticking, carving, or other fastening, affixing or making visible in any manner whatsoever. See also "Billboard".

## SPECIFIED ANATOMICAL AREAS

The less than completely and opaquely-covered human genitals, pubic region, buttock, female breast below the point immediately above the top of the areola and human male genitals in a discernibly turgid state, even it completely and opaquely covered.

## SPECIFIED SEXUAL ACTIVITES

Means and includes any of the following:

- A. The fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breasts.
- B. Sex acts, actual or simulated, including intercourse or oral copulation, masturbation or sodomy.
- C. Excretory functions as part of or in connection with any of the activities set forth in paragraphs A and B hereof.

## TATTOO PARLOR

A business engaged in the practice of providing an indelible mark of figure fixed upon the human body by insertion of pigment on or under the skin or by the production of scars.

## TEMPORARY BUILDING AND USE

A structure or use permitted by the Zoning Administrator or his agent to exist during period of construction of the main use or for special events.

#### TRAILER, TRAVEL

A travel trailer is a vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation, having body width not exceeding eight feet and being of any length provided its gross weight does not exceed 4,500 pounds or being of any weight provided its body length does not exceed 29 feet.

#### USE

The purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

#### YARD, FRONT

The area between the street line and line parallel thereto drawn through the nearest point of a building or structure, extending between side lot lines.

#### YARD, REAR

The area between a rear lot line and a line parallel thereto drawn through the nearest point of a main building or structure, extending between side lot lines.

#### YARD, SIDE

The area between a side lot line and a line parallel thereto drawn through the nearest point of building or structure, extending from the front yard to the rear yard, or if there is no rear yard, extending from the front yard to another yard or to another part of the same front yard.

## **ARTICLE VII - LEGAL STATUS**

### **SECTION 7.1 – VALIDITY**

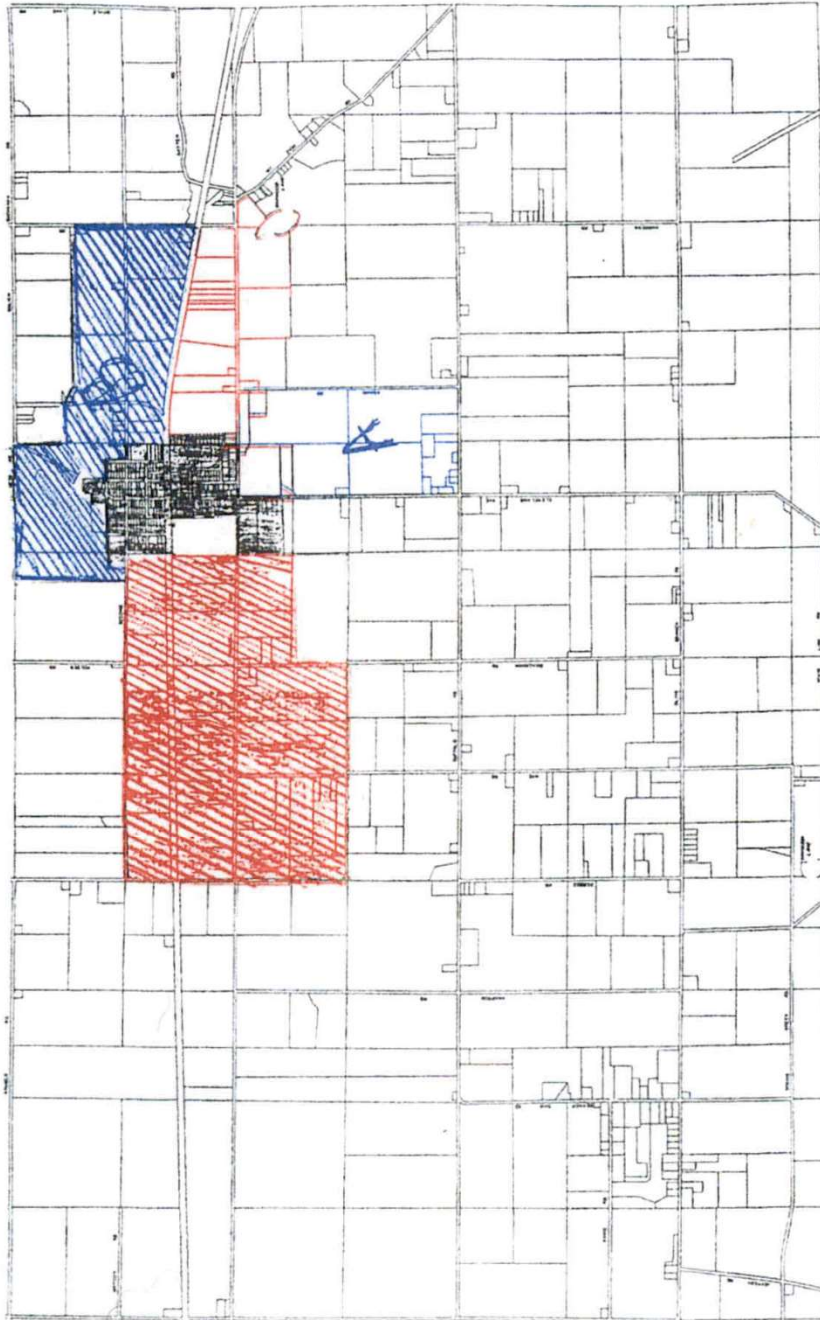
If any section, clause, provision, or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section, clause, provision, or portion of this Ordinance.

### **SECTION 7.2 - EFFECTIVE DATE**

This Ordinance shall take effect 1974, and shall take precedence over any other Ordinance or any parts of prior Ordinances inconsistent herewith.

# APPENDICES

# APPENDIX "A" - GALIEN TOWNSHIP ZONING DISTRICT MAP



## ZONING DISTRICT MAP GALIEN TWP. 2001

-  INDUSTRIAL
-  COMMERCIAL
-  RESIDENTIAL "A"
-  RESIDENTIAL "B"
-  RESIDENTIAL AGRICULTURE
-  VILLAGE



## REVISIONS

Revision	Section	Details	Page	Date
Six	Section 2.4B	Add 23 Special Use List	12	2017
Five	Section 3.1	Added 3.1A to Section 3.1	23	2017
Four	Section 2.4B	Add 22 Special Use List	12	2017
Three	Section 2.4B	Add 7-21 Special Uses to List	12	2017
Two	Section 3.13	Removed Item e	30	2017
One	Appendix A	Map added	60	2001
Zero	All sections	Document created	All	1974

**Amendment to Galien Township Zoning Ordinance  
March 9, 2018**

The language below shall be added to Section 2.4B of the Galien Township Zoning Ordinance, which lists special uses in the Commercial, Agricultural and/or Industrial Districts:

The following language shall be inserted as item 24 under **SECTION 2.4B – USES BY SPECIAL PERMIT AS PROVIDED FOR BY SECTION 3.13**

24. Marihuana Facility subject to the requirements of Section 2.7”

A new section shall be created under the Galien Township Zoning Ordinance, “Section 2.7 Marihuana Facilities”. The language below shall be added to Section 2.7, which lists special uses in the Commercial, Agricultural and/or Industrial Districts:

**SECTION 2.7 – MARIHUANA FACILITIES BY SPECIAL PERMIT AS PROVIDED FOR BY SECTION 3.13**

**SECTION 2.7 A – PURPOSE**

**SECTION 2.7 B – DEFINITIONS**

**SECTION 2.7 C – REQUIREMENTS FOR ALL FACILITIES**

**SECTION 2.7 D – COMPLIANCE, LICENSING & INSPECTIONS**

**SECTION 2.7 E – OPERATIONS**

**SECTION 2.7 F – SIGNAGE**

**SECTION 2.7 G – PREMISES**

**SECTION 2.7 H – REQUIREMENTS SPECIFIC TO GROWER FACILITIES**

**SECTION 2.7 I - REQUIREMENTS SPECIFIC TO SAFETY COMPLIANCE FACILITIES**

**SECTION 2.7 J - REQUIREMENTS SPECIFIC TO PROCESSOR FACILITIES**

**SECTION 2.7 K - REQUIREMENTS SPECIFIC TO SECURE TRANSPORTERS**

**Section 2.7 A – PURPOSE**

This section shall set forth the requirements to operate a Marihuana Facility in Galien Township. Not only is this use subject to the requirements in Section 3.13, this use is subject to the requirements that follow. Note that the Planning Commission must initially find in the Applicant's favor on EACH of the requirements in Section 3.13 in order to grant a Special Use Permit (SUP), then the SUP is also subject to the additional requirements in this Section.

In the event that there is a direct conflict between this Ordinance and any other Ordinance or statute, the most restrictive provision or interpretation shall be the one that prevails.

**Section 2.7 B - DEFINITIONS**

For the purposes of this ordinance:

Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., shall have the definition given in the Michigan Medical Marihuana Act.

Any term defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., shall have the definition given in the Medical Marihuana Facilities Licensing Act.

Any term defined by the Marihuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marihuana Tracking Act.

“Applicant” – means a person who submits an Application under this Ordinance.

“Application” – means a written request for a Permit to operate a Marihuana Facility under this Ordinance containing the information required under Section 4.B of Galien Township Ordinance No. 16.

“Grower”- means a Licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center.

“License” - means a current and valid operating License issued by the State of Michigan under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

“Licensee”- means a person holding a state operating License issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

“Marihuana” or “marihuana”- means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.

“Marihuana Facility” - means an enterprise at a specific location at which a Licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

“Natural Person” – means a real human being, as distinguished from a corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity which is treated at law as a fictitious person.

“Permit” - means a current and valid Permit for a commercial Marihuana Facility issued under this Ordinance, which shall be granted to a Permit Holder only for and limited to a specific Permitted Premises and a specific Permitted Property.

“Permittee” - means a person holding a Township operating Permit issued under the provisions of this Ordinance.

"Permit Holder" - means the Person that holds a current and valid Permit issued under this Ordinance.

"Permitted Premises" - means the particular building or buildings within which the Permit Holder will be authorized to conduct the Facility's activities pursuant to the Permit.

"Permitted Property" - means the real property comprised of a lot, parcel or other designated unit of real property upon which the Permitted Premises is situated.

"Person" - means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

"Processor" - means a Licensee that is a commercial entity located in Michigan that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

"Provisioning Center" - means a Licensee that is a commercial entity located in Michigan that purchases marihuana from a Grower or Processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.

"Safety Compliance Facility" - means a Licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

"Secure Transporter" means a Licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

## **SECTION 2.7 C – REQUIREMENTS FOR ALL FACILITIES**

The following requirements contained in sections 2.7 D through 2.7 G will apply to all Grower Facilities, Safety Compliance Facilities, Processor Facilities and Secure Transporters.

## **SECTION 2.7 D – COMPLIANCE, LICENSING & INSPECTIONS**

The following Compliance, Licensing & Inspection requirements will apply to all Marihuana Facilities:

1. The Permittee shall comply at all times and in all circumstances with the Michigan Marihuana Act, the Medical Marihuana Facilities Licensing Act and applicable State, County, & Township Laws, and the general rules of the Department of Licensing and

Regulatory Affairs, as they may be amended from time to time. It is the responsibility of the Permittee to be aware of changes in the MMFLA. The Township bears no responsibility for failure of the Permittee to be unaware of changes in any rules, regulations, and/or laws implemented by any of the above regulatory bodies.

2. All Marihuana Facilities established pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. shall only be permitted upon receiving a SUP approval in accordance with this Ordinance.
3. A Permittee of a Marihuana Facility shall at all times have a valid Marihuana Facility Permit issued by the Galien Township pursuant to Ordinance No. 16 as amended, and a State operating License as issued by LARA pursuant to the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
4. An Applicant must first submit an Application for a SUP in accordance with Ordinance No. 16. Once all township criteria have been satisfied, the township will issue a provisional SUP. In order to be eligible for a final signed SUP, the Marihuana Facility must be in the licensing process with the State of Michigan, and then must be at all times in compliance with the laws of the State of Michigan including but not limited to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan. No Marihuana Facility shall be operated, nor shall a certificate of occupancy be issued, until the appropriate State operating License is obtained from LARA and submitted to Galien Township, and all fees related to the application, including applicant escrows, are paid by the applicant.
5. The premises shall be open for inspection by Galien Township Officials at any time someone is present on the premises.
6. The Galien Township Code Officer shall conduct quarterly inspections of the Marihuana Facilities to determine compliance with the Michigan Marihuana Act, the Medical Marihuana Facilities Licensing Act and applicable State, County, & Township Laws, and the general rules of the Department of Licensing and Regulatory Affairs, as they may be amended from time to time. The Code Officer shall provide summary compliance reports of the inspection findings to the Planning Commission and Township Board of Trustees with content designated by these Township bodies.
7. The premises shall be open, at all times, to any Michigan Medical Marihuana Licensing Board investigators, agents, auditors, or the state police, without a warrant and without notice to the Licensee, to enter the premises, offices, facilities, or other places of business of a Licensee, if evidence of compliance or noncompliance with the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws is likely to be found and consistent with constitutional limitations, for the following purposes:
  - a. To inspect and examine all premises of Marihuana Facilities.

- b. To inspect, examine, and audit relevant records of the Licensee and, if the Licensee or any managerial employees or employees fail to cooperate with an investigation, impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored.
  - c. To inspect the person, and inspect or examine personal effects present in a Marihuana Facility, of any holder of state operating License while that person is present in a Marihuana Facility.
  - d. To investigate alleged violations of the MMMA and Medical Marihuana Facilities Licensing Act or applicable state laws.
8. No Marihuana operations operating or purporting to operate prior to December 15th, 2017, shall be deemed to have been a legally existing use nor shall the operations of such Marihuana operations be deemed a legal nonconforming use.
  9. A property owner or operator of a Marihuana operation shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any applicable amendment thereto.
  10. Discontinuation of a State Marihuana Facility License shall be also considered a discontinuance of a Marihuana Facility, at which time any special land use granted by the Township pursuant to this Ordinance would be considered ineffective.

#### **SECTION 2.7 E – OPERATIONS**

The following Operational requirements will apply to all Marihuana Facilities:

1. Consumption and/or use of Marihuana shall be prohibited at any of the Marihuana Facilities or Secure Transporter, and violation of this section shall be cause for immediate revocation of the SUP.
2. Consumption and/or use of alcohol beverages shall be prohibited at any of the Marihuana Facilities or Secure Transporter and violation of this section shall be cause for revocation of a SUP.
3. The dispensing of Marihuana shall be strictly prohibited, and violation of this section shall be cause for immediate revocation of the SUP.
4. All persons working in direct contact with Marihuana and/or Marihuana-infused products shall conform to hygienic practices while on duty, including but not limited to:

- a. Maintaining adequate personal cleanliness;
  - b. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when hands may have become soiled or contaminated;
  - c. Refraining from having direct contact with Marijuana and/or Marijuana-infused products if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
5. Shall provide its occupants with adequate permanent toilet facilities that are maintained in a sanitary condition and good repair and meet all ADA criteria. Portable toilets are not acceptable.
6. All activities of Marijuana Facilities, including, without limitation, the cultivating, growing, processing, displaying, manufacturing, selling, and storage of Marijuana and Marijuana-infused products shall be conducted indoors and out of public view.
7. No Marijuana, Marijuana-infused products or paraphernalia shall be displayed or kept in a business so as to be visible from outside the Permitted Premises.
8. Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a Marijuana Permitted Property must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a Marijuana Facilities, the owner of the Permitted Premises and the Licensee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The Licensee shall properly dispose of all such materials, byproducts, fluids, water, waste, and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, State and local laws and regulations. Unresolved violations of this section shall be cause for revocation of a SUP.
9. A Grower or a Processor shall install and maintain in operable condition a system which precludes the emission of Marijuana odor from the premises. Further specifications of the type of filtration system will be addressed in the SUP.
10. Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in the areas where Marijuana and/or any Marijuana -infused products are exposed.
11. All chemicals or hazardous substances used in the growing, processing, testing or storage of Marijuana shall be stored and used in strict compliance with manufacturer recommendations and all applicable federal, OSHA, State and local regulations.
12. The Permittee shall have a comprehensive facility operation plan for the Marijuana Facility which shall contain, at minimum, a safety/security plan indicating how the

Applicant will comply with the requirements of this Ordinance and any other applicable law, rule or regulation. This plan shall be submitted with the application for the SUP.

The security plan must include, at a minimum, the following security measures:

- a. A plan for cameras. The Permittee shall install and use security cameras to monitor and record all areas of the premises (except in restrooms) where persons may gain or attempt to gain access to Marihuana or cash maintained by the Marihuana Facility. Cameras shall record operations of the business to the off-site location, as well as all potential areas of ingress or egress to the business with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of ninety (90) days through a service over a network that provides on-demand access, commonly referred to as a "cloud." Security cameras shall be directed to record only the subject property and may not be directed to public rights-of-ways as applicable, unless required to comply with licensing requirements of the State of Michigan. A separate camera system is required for each facility.
- b. A plan for Safe for Storage. The Marihuana Facility shall install and use a safe for storage of any processed Marihuana and cash on the premises when the business is closed to the public. The safe shall be incorporated into the building structure or securely attached thereto. For Marihuana-infused products that must be kept refrigerated or frozen, the business may lock the refrigerated container or freezer in a manner authorized by the Township in place of use of a safe so long as the container is affixed to the building structure.
- c. A plan for alarm system. The Marihuana business shall install and use an alarm system that is monitored by a company that is staffed twenty-four (24) hours a day, seven (7) days a week. The security plan submitted to the Township shall identify the company monitoring the alarm, including contact information, and updated within seventy-two (72) hours of any change of monitoring company. A separate alarm system is required for each facility.
- d. For Grower and Processing Facilities, a plan that specifies the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge of the wastewater.
- e. A plan for lighting, showing the lighting outside of the Marihuana facility for security purposes and compliance with applicable Township requirements.
- f. A plan for disposal of any Marihuana or Marihuana-infused product, including any/all byproducts and/or waste products that is not sold to a patient or primary caregiver in a manner that protects any portion thereof from being possessed or ingested by any person or animal.
- g. A plan for ventilation of the Marihuana Facility that describes the ventilation systems that will be used to prevent any odor of Marihuana off the Permitted Property. For Marihuana Facilities that grow Marihuana plants, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For Marihuana businesses that produce Marihuana-infused



products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process

- h. The Applicant shall include an affidavit that it will defend, indemnify and hold harmless the Township, its officers, officials, employees and volunteers from and against any and all claims, suits, actions, or liabilities arising out of operations of the Marihuana Facility including, but not limited to, odors, noises or other nuisances.
- i. A description of all toxic, flammable, or other materials regulated by a federal, OSHA, State, or local authority, that will be used or kept at the Marihuana Facility, including the location, storage and use of such materials
- j. A Statement of the amount of the projected daily average and peak electric load anticipated to be used by the business and certification from a licensed electrician that the premises are equipped to safely accept and utilize the required or anticipated electric load for the facility.
- k. Prior to making a modification to a structure that would require a building permit or which would alter or change items required by this subsection, the Licensee shall submit to the Township and have an approved completed application for modification of premises in the form provided by the Township.
- l. Unless higher performance is required by applicable law, there must be a minimum of a one-hour fire separation wall between a Marihuana facility and any adjacent business or residence.

## **SECTION 2.7 F – SIGNAGE**

The following Signage requirements will apply to all Marihuana Facilities:

1. One pole or monument exterior sign located on a Permitted Property containing a Marihuana Facility is permitted and shall not exceed 32 square feet and shall only contain the street address of the Marihuana Facility.
2. Exterior signs located on lots containing Marihuana Facilities shall not be illuminated. Signs with flashing, oscillating or intermittent lights are prohibited.
3. No signage shall be affixed to the exterior of any building.
4. No exterior signage or advertising with the word "Marihuana", "Marijuana" or "cannabis" or any other word, phrase or symbol commonly understood to refer to Marihuana shall be permitted.

5. Warning Signs: There shall be posted in a conspicuous location inside of each facility at least one (1) legible sign containing the content of this section warning that:
  - a. The possession, use or distribution of Marihuana is a violation of federal law;
  - b. It is illegal under State law to drive a motor vehicle or to operate machinery when under the influence of, or impaired by Marihuana; and
  - c. No one under the age of eighteen (18) is permitted on the premises

## **SECTION 2.7 G – PREMISES**

The following Premises requirements will apply to all Marihuana Facilities:

1. No Marihuana Facility or Secure Transporter shall be located within One Thousand (1,000) feet of real property comprising a public or private elementary, vocational or secondary school, or church.
2. The minimum setback of Marihuana Facilities to property boundary and residential real property shall be addressed in the SUP.
3. A detailed site plan showing the Marihuana facility building accurate and to scale, surrounding buildings, wells, septic systems, roads, lanes and alternate entrances needs to be maintained with the Township.
4. All buildings need to have a security access system in order to prevent unauthorized entry.
5. No building, structure or other improvement on any portion of the Permitted Premises shall exceed twenty-five (25) feet in height above grade.
6. All buildings should be of sound construction and meet all local Township, State and federal guidelines.
7. The minimum parcel size shall be addressed in the SUP.
8. Hours of operation shall be addressed in the SUP.
9. All external lighting must be downward lighting and not cause any light pollution on surrounding properties and/or homes as per section 3.19.
10. Adequate asphalt or cement parking area for employees and driveways shall to be provided on property, follow ADA laws and in conformance with section 3.12.
11. Unpaved sections of each Marihuana Facility shall be maintained in grass and landscaping, including any portion of the Marihuana Facility within a public or street right-of-way. No fence, wall, tree, hedge or landscape planting shall be maintained in such manner as to obstruct site lines or vehicular traffic.

12. A 3-foot high earth mounding shall be provided along public road right-of-way with landscaping to partially screen buildings. A minimum 25-foot green buffer area shall be required along all public road right-of-way.
13. Outside storage of trash, trash receptacles, and ground mounted HVAC units must be visually screened on three sides with a wood or vinyl fence or masonry structure, with a gate enclosure on the fourth side. Except as otherwise provided herein, outside storage of any inventory or business-related materials is prohibited.
14. Landscaping, including lawn areas, trees and shrubbery shall be maintained in a first-class condition by cutting, trimming, feeding and weeding.
15. Each Permittee shall be responsible for the maintenance of its Facility and the improvements thereon and shall keep the exterior of its building painted and in a slightly condition. All parking areas and driveways shall be maintained in good condition and repair.

#### **SECTION 2.7 H – REQUIREMENTS SPECIFIC TO GROWER FACILITIES**

1. Shall maintain a log book and/or database indicating the number of Marihuana plants therein. Each Marihuana plant will be tagged as required by the MMMA and Medical Marihuana Facilities Licensing Act.
2. All necessary building, electrical plumbing and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting and/or watering devices that support the Grower, growing or harvesting of Marihuana are located.
3. The portion of the structure storing any chemicals such as, but not limited to, herbicides, pesticides and fertilizers shall be subject to inspections at any time and approval by the Galien Township Fire Department to insure compliance with all applicable statues, codes and ordinances. A detailed floor plan of the buildings showing where chemicals and other hazardous items are located needs to be maintained and submitted with the SUP.
4. Grower Facilities shall be free from infestation by insects, rodents, birds, or vermin of any kind.

All Grower Facilities shall comply with all other applicable requirements of the Township Ordinance, including the requirements of Section 3.13.

#### **SECTION 2.7 I - REQUIREMENTS SPECIFIC TO SAFETY COMPLIANCE FACILITIES**

1. Any Safety Compliance Facility shall maintain a log book and/or database which complies with the MMMA and Medical Marihuana Facilities Licensing Act and applicable state laws.

2. There shall be no other accessory uses permitted within the same facility other than those associated with testing Marihuana.
3. The portion of the structure storing any chemicals such as, but not limited to, herbicides, pesticides and fertilizers shall be subject to inspections at any time and approval by the Galien Township Fire Department to insure compliance with all applicable statues, codes and ordinances. A detailed floor plan of the buildings showing where chemicals and other hazardous items are located needs to be maintained and submitted with the SUP.
4. Safety Compliance Facilities shall be free from infestation by insects, rodents, birds, or vermin of any kind.

All Safety Compliance Facilities shall comply with all applicable requirements of the Galien Township Zoning Ordinance, including the requirements of Section 3.13.

#### **SECTION 2.7 J - REQUIREMENTS SPECIFIC TO PROCESSOR FACILITIES**

1. All activity related to the Processor Facility shall be done indoors.
2. Any Processor Facility shall maintain a log book and/or database which complies with the MMMS, as amended, and Medical Marihuana Facilities Licensing Act or applicable state laws.
3. All Marihuana shall be tagged as required by the MMMA, the Medical Marihuana Facilities Licensing Act or applicable state laws.
4. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure in which electrical wiring for devise that support the processing of Marihuana are located.
5. The portion of the structure storing any chemicals such as, but not limited to, herbicides, pesticides and fertilizers shall be subject to inspections at any time and approval by the Galien Township Fire Department to insure compliance with all applicable statues, codes and ordinances. A detailed floor plan of the buildings showing where chemicals and other hazardous items are located needs to be maintained and submitted with the SUP.
6. Grower Facilities shall be free from infestation by insects, rodents, birds, or vermin of any kind.

7. Processor Facilities shall produce no products other than useable Marihuana intended for human consumption.

All Processor Facilities shall comply with all other applicable requirements of the Galien Township Zoning Ordinance, including the requirements of Section 3.13.

## **SECTION 2.7 K - REQUIREMENTS SPECIFIC TO SECURE TRANSPORTERS**

1. Storage of Marihuana by a Secure Transporter shall comply with the following:
  - a. The storage facility shall not be used for any other commercial purposes.
  - b. The storage facility shall not be open or accessible to the general public.
  - c. The storage facility shall be maintained and operated so as to comply with all state and local rules, regulations and ordinances.
2. A Secure Transporter Licensee and each stakeholder shall not have an interest in a Grower Processor, Provisioning Center or State Compliance facility and shall not be a registered qualifying patient or a registered primary caregiver.
3. A Secure Transporter shall enter all transactions, current inventory, and other information as required by the state into the statewide monitoring system as required by law.
4. A Secure Transporter shall comply with all of the following:
  - a. Each driver transporting Marihuana must have a chauffer's license issued by the state.
  - b. Each vehicle shall be operated with a two-person crew with at least one individual remaining with the vehicle at all times during the transportation of Marihuana.
  - c. A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law enforcement officer upon request.
  - d. The Marihuana shall be transported by one or more sealed containers and not be accessible while in transit.
  - e. A secure transporting vehicle shall not bear markings or other indication that it is carrying Marihuana or a Marihuana infused product.
5. A vehicle used by a Secure Transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of Marihuana to determine compliance with all federal, state and local laws, rules, regulations and ordinances.

All Secure Transporters shall comply with all other applicable requirements of the Galien Township Zoning Ordinance, including the requirements of Section 3.13.

YAYS: 5

NAYS: 0

ABSENT/ABSTAIN: 0

ORDINANCE DECLARED (Adopted/Not Adopted): Adopted

GALIEN TOWNSHIP BOARD

Date: 2-21-2018

Jennifer Richter  
Jennifer Richter, Galien Township Clerk