

TOWNSHIP OF FOREST  
ZONING ORDINANCE  
ADOPTED DECEMBER 13, 2007

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ZONING ORDINANCE  
TOWNSHIP OF FOREST  
ORDINANCE NO. 110

AN ORDINANCE to regulate the use of land within the Township of Forest, Genesee County, Michigan in accordance with the authority and intent of Act 184, of the public Acts of 1943, as amended.

THE TOWNSHIP OF FOREST ORDAINS:

**ARTICLE 1: TITLE AND CITATION**

Section 1.01 -

This Ordinance shall be known and cited as the Forest Township Zoning Ordinance.

Section 1.02 - Conflicting Regulations

Whenever any provisions of this Ordinance impose more stringent requirements than are imposed by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

Section 1.03 - Severability

This ordinance and the various articles, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, clause or word is adjudged unconstitutional or invalid for any reason, by any court, such invalidity shall not affect the remaining portions or applications of this ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable.

Section 1.04 - Repeal of Previous Ordinance

Township Ordinance 100, the Zoning Ordinance adopted by the Township of Forest on September 12, 1996, and all amendments thereto, are hereby repealed.

Section 1.05 - Savings Clause

This Ordinance shall not impair or affect any act done, offense committed or right accruing, accrued, or acquired; or liability, penalty, forfeiture or punishment incurred prior to the time this Ordinance takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if this Ordinance had not been adopted. Such proceedings may be consummated under and according to the Ordinance in force at the time such proceedings are or were commenced, All prosecution, or other actions, pending at the effective date of this Ordinance and all prosecution, or other proceedings, instituted after the effective date of this Ordinance, or offenses or acts committed prior to the effective date of this Ordinance, may be continued or instituted under and in accordance with the provisions of the Ordinance in force at the time of such offense.

Section 1.06 - Vested right

Nothing in this ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent

amendment, change or modifications as may be necessary to the preservation or protection of public health, safety and welfare.

Section 1.07 - Enactment and effective date

This Ordinance is hereby declared to have been adopted by the Township Board of the Forest Township, Genesee County, Michigan at a meeting thereof, duly called and held on the 13<sup>th</sup> day of December, 2007, and is ordered to be given publication in the manner prescribed by law. This Ordinance shall become effective seven (7) days after final enactment and publication.

TOWNSHIP OF FOREST  
ZONING ORDINANCE

**ARTICLE 2: ACTIVITIES COVERED BY ORDINANCE**

Section 2.01

No building, or structure, or part thereof, shall be erected, constructed, placed, altered, or moved; and no new use or change in use shall be made of any building, structure, or land, or part thereof; except in conformity with the provisions of this Ordinance.



TOWNSHIP OF FOREST  
ZONING ORDINANCE

**ARTICLE 3: ADMINISTRATION**

Section 3.01 - Zoning Administrator

The provisions of this Ordinance shall be administered by a Zoning Administrator. The Zoning Administrator is appointed by the Township Board. The Township Board may also appoint Deputy Zoning Administrators as needed. The Zoning Administrator and Deputy Zoning Administrator's pay and terms of employment shall be set by the Township Board. The Zoning Administrator's responsibilities are:

- A. Examine, record and file applications and other documents.
- B. Conduct inspections related to zoning permits and site plans.
- C. Issue zoning permits
- D. Receive, investigate and process all complaints.
- E. Make recommendations regarding fee schedule.
- F. Provide staff support to township Planning Commission, Zoning Board of Appeals and Board on zoning matters.
- G. Provide formal reports to Township Board.
- H. Issue site plan and CUP approvals when authorized by the zoning ordinance.

Section 3.02 - Planning Commission

Establishment of the Planning Commission is authorized by PA 168 of 1959, the Township Planning Act. The Planning Commission members are appointed by the Township Board. The Planning Commission's responsibilities under this zoning ordinance are:

- A. Review and approve site plans.
- B. Hear and decide requests for conditional uses.
- C. Hear and make recommendations of zoning ordinance amendments.
- D. Prepare and adopt the township land use plans
- E. Make recommendations to the Township Board on appointment of Zoning Administrator.
- F. Initiate amendments to the zoning ordinance.
- G. Classify a use not specifically listed in Article 4 – Zoning Districts.

Section 3.03 - Zoning Board of Appeals

Establishment of the Zoning Board of Appeals is authorized by PA 110 of 2006, the Michigan Zoning Enabling Act. Details on the Zoning Board of Appeals are in Article 10. The Zoning Board of Appeals' responsibilities under this zoning ordinance are:

- A. Consider approval of requests for non-use variances. The Zoning Board of Appeals may not grant a use variance.
- B. Hear appeals of administrative decisions.
- C. Hear appeals of Planning Commission decisions on Conditional Use Permit applications.
- D. Interpret the zoning ordinance text when there is a question concerning its meaning.
- E. Interpret the zoning ordinance map if there is a question concerning the location of zoning district boundaries.

Section 3.04 - Township Board

The Township Board's responsibilities under this zoning ordinance are:

- A. Appoint members of the Zoning Board of Appeals.
- B. Hire the Zoning Administrator.

- C. Adopt the zoning ordinance and any amendments.
- D. Initiate amendments to the zoning ordinance.

#### Section 3.05 - Township Clerk

The Township Clerk's responsibilities under this zoning ordinance are:

- A. Receive request from any utility, railroad or airport that wishes notice of zoning amendments.
- B. Receive request from property owner to address proposed zoning ordinance amendments.
- C. Maintain file of zoning ordinance and all amendments.
- D. Receive petition to rescind zoning ordinance and determine the adequacy of petition.
- E. Handle any performance guarantees deposited with the township.
- F. Maintain records of Zoning Board of Appeals meetings.
- G. Accepting all applications for zoning permits, rezoning requests, site plans and similar applications.
- H. Handle posting and mailing all notices.

#### Section 3.06 - Zoning Permits

A zoning permit shall be acquired from the Zoning Administrator before any construction is undertaken, any structure is moved, or any change, in the use of any land or structure is undertaken within the Township. No structure shall be moved upon any premises in the Township until a zoning compliance permit shall have been secured. Any such structure shall fully conform to all the provisions of this Ordinance in the same manner as a new structure. No structure shall be moved to any site within the Township until the owner has posted a certificate of deposit, letter of credit, performance bond, or cash deposit in an amount specified by the Township Board, guaranteeing full compliance with the Township ordinances. The site from which a building or structure has been moved shall be graded level and all debris shall be cleared away. A zoning permit is not required if the property owner is only clearing land, interior remodeling that does not change the outer dimensions of the building or demolition of a structure.

##### A. Application

A zoning permit shall be applied for in writing on an application form provided by the Township.

##### B. Permit Issuance

A zoning permit shall be issued by the Zoning Administrator whenever the proposed use complies with the provisions of this Ordinance and any necessary Planning Commission, Board of Appeals, or Township Board approvals have been obtained.

##### C. Expiration

A zoning permit shall expire one year after the date of issuance unless the applicant has been issued a building permit. For zoning permits that do not involve construction such as a permit approving the change in the use of a building, the permit shall expire in one year unless the proposed use has been commenced within that year.

D. Current Zoning Permits

Any zoning permits issued prior to the effective date of this Ordinance shall be valid as issued and subject to the ordinance(s) in effect at that time, provided construction is commenced within ninety (90) days after the effective date of the issuance of this permit and is completed within one (1) year of the date of issuance of the building permit. Any building or zoning permit issued after the effective date of this ordinance that allows a non-conforming use or structure due to a zoning amendment adopted after issuance of the building or zoning permit shall remain valid provided construction is commenced within ninety (90) days of the effective date of the amendment and is completed within one (1) year of the date of issuance of the building or zoning permit.

E. Void Permits

Any zoning compliance permit issued in error or pursuant to an application containing any false statements shall be void.

F. Private Restrictions

The Zoning Administrator may not refuse to issue a zoning permit due to violations of private covenants, agreements, or deed restrictions.

Section 3.07 - Fees

The Township Board shall set all fees for permits and reviews required under this ordinance. The fees will be set by resolution. The Township Board may revise the fees from time to time as they determine necessary. The Township Board may also establish procedures for establishing escrow fees to cover the cost of review of applications.

Section 3.08 - Violations

A. Penalty

Any person, firm, corporation, or anyone acting on behalf of any person, firm, or corporation, who shall violate any of the provisions of this Ordinance, or who shall fail to comply with any of the required conditions of the Zoning Board Of Appeals or the Planning Commission be guilty of a municipal civil infraction as described in Township Ordinance No. 65. For the purposes of Ordinance No. 65, the zoning administrator shall be an authorized official. Each day such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

B. Nuisance Per Se

Any building or structure which is used, erected, altered, razed, or converted or any use of any premises which is begun or changed and in violation of any provision of this Ordinance, is hereby declared to be a nuisance per se.

TOWNSHIP OF FOREST  
ZONING ORDINANCE

**ARTICLE 4: DISTRICT REGULATIONS**

Section 4.01 - Districts

The Township is hereby divided into the following zoning districts:

- RA Residential Agricultural
- RU-1 Single-Family Residential
- RU-2 Multiple-Family Residential
- MHP Mobile Home Park
- NC Neighborhood/Commercial
- GC General Commercial
- LI Light Industrial
- Planned Unit Development District (See Section 4.06)

Section 4.02 - District Boundaries and Map

The boundaries of the zoning districts are drawn upon the map attached to this Ordinance and made a part hereof. The map shall be designated the Forest Township Zoning Map.

Section 4.03 - Principal Uses Permitted

All uses of land or structures listed as “principal uses permitted” shall be permitted throughout the district under which they are listed. Any use not expressly listed as a “principal use permitted” is prohibited in that district, unless approval has been obtained from the Planning Commission for the use as- a “conditional use”, or unless the Planning Commission determines the use is similar to uses allowed in a particular zoning district as outlined in Section 4.05.

Section 4.04 - Conditional Uses

A use of land or structure listed as a “conditional use” shall be permitted within the district under which it is listed, provided that Planning Commission approval has been granted pursuant to this Ordinance.

Section 4.05 - Similar Uses

The Planning Commission may determine a use not expressly listed as a use permitted by right or by conditional use permit as permitted in a given zoning district. This determination may be made based on a request by the Zoning Administrator or a property owner in the township. The hearing at which the Planning Commission will consider the request shall comply with the notice requirements for a text amendment. If the request involves a particular parcel of property the notice requirements for a rezoning shall apply.

In considering the request, the Planning Commission shall consider the following:

- A. The proposed use cannot be specifically listed in another district.

- B. The similarity of the use to those in the subject districts shall be based in part on the level of off-site impacts including traffic, light and odor generated by the uses allowed in the proposed district.

Section 4.06 - Planned Unit Development Zoning District

The Planned Unit Development zoning district is intended as a tool that a property owner can use to propose a unique design that involves a mix of land uses, preservation of natural features or clustering of land uses and allows the township to modify normal district requirements to permit the project to be developed.

A. Permitted principal uses

All permitted principal uses by right or by conditional use permit as identified in the Section 4.11 Table of Uses shall be permitted in the PUD district with the approval of the Township Board.

B. Approval Process

1. An applicant for a PUD zoning must provide a concept plan showing the following:
  - a. The dimensions of the parcel(s) the rezoning will apply to.
  - b. The general arrangement of land uses on the property.
  - c. The general configuration of interior streets, drives and parking lots
  - d. Proposed method of providing water, sewer and storm water services to the site
  - e. Location of wetlands, floodplains or other natural features.
  - f. Proposed density of any proposed residential development.
2. The applicant shall also provide a report indicating the proposed dimensional regulations to be applied to development in the PUD including:
  - a. Minimum lot area
  - b. Minimum lot width
  - c. Minimum setbacks
  - d. Maximum building height
3. The proposed concept plan shall be submitted to the Township and shall follow the process for review and approval of rezonings outlined in Article 11.
4. If the rezoning is approved, the concept plan and dimensional regulations, as approved by the Township, shall regulate development of the parcel(s).

C. Standards for Approval

In considering a proposed PUD the Planning Commission and Township Board will consider the following:

1. The proposed uses compliance with the Township Land Use Plan per Section 11.05 of this ordinance.
2. The preservation of natural features and the Township's rural character provided by the proposed development.
3. The adequacy of roads and other public infrastructure to support the proposed uses.

4. The impact of the proposed development on adjacent land uses.
5. The appropriateness of the proposed arrangement and mix of land uses and the layout of the transportation system.

D. Site Plan Approval

Site plans submitted for development of a parcel zoned PUD shall be consistent with the approved concept plan and dimensional standards. A site plan inconsistent with the PUD concept plan and dimensional standards shall not be approved unless the PUD concept plan and dimensional standards are amended to be consistent with the site plan. Amendment of an approved PUD concept plan and dimensional standards must follow the same process as original approval.

Section 4.07 - Reserved

Section 4.08 - Reserved

Section 4.09 - Reserved

Section 4.10 - Table of District Purposes

District	Purpose
RA-Residential Agricultural District	To provide areas within the township for agricultural activities and provide rural settings for single-family residences and associated uses.
RU-1 Single-Family Residential District	To establish areas where the principal use is single-family residences and associated uses
RU-2 Multiple Family Residential District	To establish areas appropriate for multiple-family dwellings
MHP-Mobile Home Park District	To establish areas suitable for mobile home parks as regulated by the Michigan Mobile Home Commission
C-Commercial District	To establish areas suitable for neighborhood commercial uses that provide convenience level goods and services, office and similar uses. The uses generally are suitable in areas close to the residential neighborhoods they serve and generate less off-site impacts than general commercial uses.
GC-General Commercial District	To provide areas suitable for general commercial uses that differ from neighborhood commercial uses by the intensity of the uses and the greater size of parcels often used.
LI-Light Industrial District	To provide suitable areas in the township for light industrial uses. This district is not intended to permit heavy industrial uses, which are inappropriate in the township due to the lack of municipal infrastructure such as water and sanitary sewers.

Section 4.11 - Table of Uses

R=Use by Right A=Accessory Use USE	RA	RU-1	RU-2	MHP	NC	GC	LI
Accessory Buildings or structures to permitted uses (see Section 14.01)	R	R	R	R		R	R
Accessory Housing (see Section 14.02)	C	C	C	C			
Adult entertainment establishments (see Section 14.03)						R	
Agricultural tourism facilities	C						
Ambulance stations, private					R	R	
Apartment buildings (see Section 14.05)			R				
Attached Condominium units			R				
Automobile service stations						C	
Bed and breakfast establishments (see Section 14.06)	C	C	C				
Campgrounds	C						
Cemeteries (see Section 14.07)	C	C					
Child care facilities					R	R	
Clubs						C	
Cluster housing/PUD's	C	C	C	C	C	C	C
Commercial Kennels	C						
Contractor's establishment						C	C
Crop Production	R	R					
Detention and penal facilities			C				
Dog kennels and the raising of fur bearing animals (see Section 14.09)	C						
Drive In and Drive Thru establishments						C	
Dry Cleaners						C	
Duplex Dwellings		C	R	C			

R=Use by Right A=Accessory Use USE	RA	RU-1	RU-2	MHP	NC	GC	LI
C=Use by Conditional Use Permit Factories engaged in manufacturing, assembling, machining or other industrial production							R
Family day care homes	R	R	R	R			
Farms, farm buildings and farm uses	R						
Financial institutions					R	R	
Fuel Distribution Facility						C	R
Funeral homes and mortuaries						R	
Golf courses (see Section 14.10)	C	C	C				
Group day care homes (see Section 14.01)	C	C	C				
Gun ranges (see Section 14.12)						C	
Hobby Farm (see Section 14.13)		C					
Home occupations (see Section 14.15)	R	R	C				
Horses, keeping of	A						
Hospitals and convalescent homes			C				
Hotels, motels, lodge halls, private clubs, auditoriums and indoor recreational establishments (see Section 14.19)						R	
Hunting preserves/sportsman club (see Section 14.15)	C						
Industries involving the processing, treatment, use or storage of explosives, toxic chemicals or radioactive materials							C
Junk, salvage or recycling yards (see Section 14.17)							C
Keeping of Dogs (3 or less)	A	A		A			
Laboratories							C
Livestock	R	C					
Logging	R						
Meat processing and slaughter houses							C



R=Use by Right A=Accessory Use USE	C=Use by Conditional Use Permit	RA	RU-1	RU-2	MHP	NC	GC	LI
Mini-storage facilities (see Section 14.18)							R	
Mobile home parks					R			
Open-air businesses (see Section 14.21)							C	
Personal service establishments							R	
Private airstrips (include heliport pads) (see Section 14.22)	C							
Professional and business offices							R	
Public or private recreation facilities (see Section 14.23)	C							
Public parks					C			
Public utility facilities								R
Quarrying of soil, sand, clay, gravel or similar material (see Section 14.24)	C							
Radio controlled airplane fields – club or business (see Section 14.25)	C							
Repair shops for consumer items							R	
Repair, service or storage facilities for automobiles, trucks, construction equipment, farm machinery and similar equipment (see Section 14.26)							C	
Residences on second floor of commercial business							C	
Restaurants						R	R	
Restaurants (with operating hours past 11:00 pm)						C	C	
Retail business							R	
Roadside produce stands	R							
Salvage yards/repo yards/automobile reclamation facility								C
Schools and churches (see Section 14.08)	C	C	C	C			R	
Senior Housing			R					

R=Use by Right A=Accessory Use USE	RA	RU-1	RU-2	MHP	NC	GC	LI
Sewage treatment plants and similar facilities (see Section 14.27)							C
Shopping Center						C	
Single Family Dwellings (see Section 14.28)	R	R	R	R			
Stables and Riding Academies	C						
State licensed residential facilities (6 or fewer)	R	R	R	R			
State licensed residential facilities (7 or more)	C	C	C				
Tattoo Parlor						C	
Taverns and other establishments serving liquor for consumption on the premises						C	
Temporary Outdoor uses	C				C	C	
Townhouses (see Section 14.29)			R				
Township and county governmental buildings, structures and facilities	C	C	C			R	
Truck terminals and commercial airports (see Section 14.30)							R
Veterinary Clinics						R	
Veterinary Hospitals						C	
Warehousing, storage or wholesale facilities							R
Wireless Communication Antenna	R	R	R	R	R	R	R
Wireless Communication towers/Radio towers (see Section 14.31)	C					C	C

Section 4.12 - Area, Setback and Height Requirements

Zoning District	Minimum Land Area Per Dwelling or Commercial or Industrial Building	Minimum Lot Width in Feet (a)(b)	Minimum Front Yard Setback in Feet (c)	Minimum Side Yard Setback in Feet (d)	Minimum Rear Yard Setback in Feet (d)	Minimum Floor Area Per Dwelling in Sq. Feet	Maximum Building Height In Feet (e)
RA	65,000 sq. ft.	150	50	15	25	960(g)	35
RU-1	40,000 sq. ft.	100	50	15(f)	25(f)	960(g)	35
RU-2	(h)	125	50	25	25	500(i)	35
MHP	Mobile Home Parks shall be built in compliance with the standards adopted by the Michigan Mobile Home Commission						
C	1 acre	200	90	25	25	-	50
I	1 acre	200	90	25	25	-	50

- (a) Measured at the minimum front yard setback.
- (b) In no case shall the length of any parcel exceed 4 times the width of the parcel.
- (c) Measured from the edge of the right-of-way.
- (d) No building shall be constructed within 90 feet of the centerline of any public or private road.
- (e) Not applicable to farm structures such as barns, silos or grain elevator.
- (f) Minimum side and rear yard setbacks for accessory buildings shall be 10 feet.
- (g) A house with two or more levels shall have a minimum floor area of 1,200 square feet.
- (h) The minimum size of a parcel on which a multiple dwelling is located shall be five acres. In no case shall there be less than 10,000 square feet of land area per dwelling unit.
- (i) An additional 150 square feet shall be required for each bedroom beyond the first. Single family homes shall contain at least 960 square feet.

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**ARTICLE 5: Parking and Loading Requirements**

Section 5.01 - General Parking Requirements

In all zoning districts, off-street parking facilities for the storage and parking of motor vehicles shall be provided as required below. The parking spaces shall be maintained and shall not be reduced so long as the main building or structure remains, unless an equivalent number of parking spaces are provided elsewhere.

A. Area for Parking Space

Parking spaces shall be 10'x20' except as modified based on angle spaces in Section 5.03F for uses other than single family and duplex residences.

B. Location of Parking Space

The parking facilities shall be located on the same lot or within five hundred (500) feet of the permitted uses requiring the parking.

C. Seating

As used in this Article for parking requirements, a seat shall mean either an individual chair or each twenty- four (24) inches of seating facilities.

D. Similar Uses and Requirements

In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is similar shall apply. The determination of what is a similar use shall be made by the Planning Commission in the case of uses requiring site plan approval and by the Zoning Administrator in all other cases. When a similar use is unclear, the Township Zoning Board of Appeals shall be responsible for establishing the parking requirements.

E. Existing Off-Street Parking

Off-street parking existing at the effective date of this Ordinance which serves an existing building or use shall not be reduced in size to less than that required under the terms of this Ordinance.

F. Fractional requirements

When units or measurements determining the number of required parking spaces result in a requirement of a fractional space, any fraction up to, and including one half (1/2) be disregarded and fractions over one half (1/2) require one (1) parking space.

G. Location of parking space for one and two family dwellings

The off-street parking facilities required for one (1) and two (2) family dwellings shall be located on the same lot as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage. Parking in addition to the minimum required may be located off site.

H. Protective screening

Protective screening will be provided for parking lots as required under the provisions of Article 13 of this Ordinance.

I. Collective provisions

Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two (2) or more buildings or principle uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table under Section 5.02 of this Ordinance. Uses accessory to the principle use shall also meet the parking requirements under Section 5.02 of this Ordinance.

J. Joint use

Parking spaces already provided to meet off-street parking requirements for one use and lying within five hundred (500) feet of another use with demonstrably offsetting hours of operation may be used to meet not more than fifty (50) percent of the off-street parking requirements of the other use, with Planning Commission approval as part of site plan review.

K. Required spaces reserved for parking

Required parking spaces shall be reserved for parking only and shall not be used for storage, outdoor sales or other uses.

L. Usable floor area

Calculations of usable floor area, for the purpose of determining parking requirements shall follow the definition of "useable floor area" in Article 17 of this Ordinance.

M. Changes in use

For changes in use which increase the number of required parking spaces, the additional parking spaces shall be provided.

N. Parking for events

For infrequent events held at places of assembly (including but not limited to churches, clubs, and lodges) which generate a higher parking demand than normal, parking may be provided in a temporary, unimproved overflow parking area on site. Parking for such events shall not be on the street.

O. Overlapping shifts

When a business's shifts overlap, adequate parking for both shifts will be provided.

P. Modifications of Parking Requirements

The Planning Commission may reduce the number of parking spaces required under this Article if during site plan review they determine that unique circumstances make application of the ordinance requirements inconsistent with the intent of this ordinance or public health, safety or welfare.

Section 5.02 - Table of Parking Requirements

The amount of required off-street parking space for new uses of land, buildings, or additions shall be determined in accordance with the following table. The space required shall be stated in the application for a zoning permit and shall be irrevocably reserved for such use.

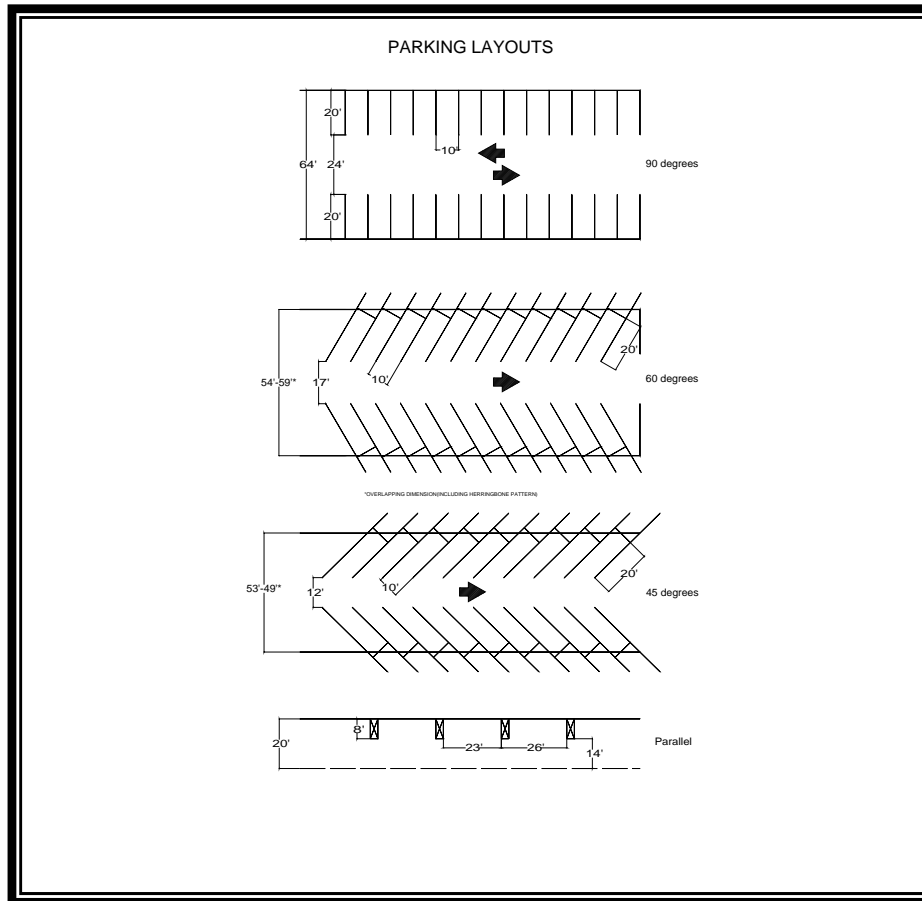
Use	Required No. of Parking Spaces	Per Each Unity of Measure as Follows:
1. Auditoriums, Assembly Halls, Theaters, Churches, Private Clubs, Lodge Halls, Schools	1	Two seats based upon maximum seating capacity in the main place of assembly therein, plus one space for every two employees.
2. Banks, Business or Professional Offices, Libraries, Museums	1	Two hundred (200) square feet of usable floor area.
3. Barber Shops, Beauty Parlors	3	Each barber or beauty operator
4. Bowling Alleys, Golf Courses	5	Each bowling lane or each hole on a golf course.
5. Furniture, appliances, and household equipment repair shops, showroom of a plumber, decorator, electrician or similar trade, clothing and shoe repair, laundry, motor vehicle salesroom, hardware stores, wholesale stores and machinery sales	1	Six hundred (600) square feet of usable floor area, plus one space for each two employees
6. Hotels, tourist homes, motels, hospitals, convalescent homes	1	Each guest bedroom and each two employees.
7. Industrial Establishments and Warehouses	1	Each employee computed on the basis of the greatest number of persons employed at any one period during the day.
8. Residential	2	Each dwelling unit.
9. Restaurant or establishments in which is conducted the sale and consumption on the premises of beverages, food, or refreshments	1	Each two seats, plus one space for each two employees. Minimum of forty (40) spaces for drive-in restaurants.
10. Service garages, auto salesrooms, auto repair, collision or bumping shops, car wash establishments	1	Two hundred (200) square feet of usable floor area, plus one space for each auto service space.
11. Retail establishments and businesses, except as otherwise specified above.	1	One hundred (100) square feet of usable floor space.

Section 5.03 - Off Street Parking Construction and Operation

The construction of any parking lot shall be in accordance with the requirements of the Building Code and the provisions of this Ordinance. Any person desiring to establish or change a parking area other than for a single family or duplex residence on a individual lot, shall submit a site plan to the Zoning Administrator for approval showing the location, design, size, shape, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits and any other features of the parking lot. The Zoning Administrator shall review all changes in use through the zoning permit process to determine if changes in parking are required. The Planning Commission shall be responsible for approving any changes in parking for uses requiring site plan review. Non-conforming parking lots shall be brought into compliance with the requirements of this ordinance whenever there is a change in use that requires additional parking, when the property owner expands or modifies the parking lot, or when the parking lot has been dormant for over a year.

- A. All such parking lots shall have a pavement cross section meeting the recommendations of the Township Engineer and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining property except through a public drain.
- B. All parking areas shall be illuminated. All illumination for or on such parking lots shall be deflected away from adjacent residential areas and streets shall be installed in such a manner as to allow the reduction of the amount of light in other than normal parking hours each day. All lighting shall conform to the requirements of Section 6.07.
- C. Side yards shall be maintained for a space of not less than six (6) feet between the side lots of adjoining residential lots and the parking area. The depth of the front yard or setback line from the street as established for houses in any block in any given residential area shall be continued and made applicable to parking space in such residential area and it shall be unlawful to use the space between such setback line and the sidewalk for the parking of motor vehicles.
- D. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.
- E. Parking space and access aisle dimensions shall comply with the minimum requirements (see Figure 5-1). Parking spaces shall be marked.
- F. Off-street parking lots shall be so arranged and marked with adequate drives and aisles for safe and convenient maneuvering giving access to parking spaces in conformance with the standards outlined (see Figure 5-1).
- G. Curbing, bumper blocks or wheel stops shall be incorporated into parking spaces around the perimeter of the parking lot.
- H. In the C-2 Zoning District, there shall be dedicated to the Township an easement to be regulated by the Township Board, upon the advice and recommendation of the Township Planning Commission, providing for vehicle access to adjacent parking lots to minimize the need for driveways to each land use area and thereby decreasing hazards to vehicular traffic. The advice and recommendation of the Township Planning Commission shall cover the design and layout of the entire parking area, including roadways, and be based on documented findings of safe ingress and egress from the public right-of-way and maneuvering within said parking area, and such other requirements as deemed necessary to provide a safe and healthy environment for the general public.

**Figure 5-1**



- I. In no case shall a parking space be permitted which would necessitate the backing of a motor vehicle into a street or over a public walk.
- J. Parking spaces for handicapped citizens shall meet Michigan Barrier Free code requirements
- K. Site plans will show areas designated for storage of snow after plowing.
- L. The proposed width of entrances and exits will be reviewed to determine adequacy, but also to prevent excessively wide entrances and exits.

**Section 5.04 - Off-Street Parking Requirements For Single Family and Duplex Residences**

Driveways and parking spaces for single family and duplex residences must comply with side yard setback requirements.

**Section 5.05 - Off-Street Loading and Unloading Area Requirements**

Off-street loading and unloading spaces for specified land uses shall be reviewed at the time of site plan review and shall be provided in accordance with the following requirements.

- A. Retail Uses: All retail sales facilities will provide one (1) loading/unloading space. All retail sales facilities exceeding 10,000 square feet in floor area shall provide two (2) loading spaces plus one (1) loading space for each additional 30,000 square feet of floor area over 10,000 square feet.



- B. Industrial Uses: All industrial land uses shall provide one (1) loading/unloading space for each 10,000 square feet of floor area, with a minimum of not less than two (2) loading spaces.
- C. The Planning Commission may reduce the number of loading/unloading spaces required by this Article if during site plan review they determine that unique circumstances make application of the ordinance requirements inconsistent with the intent of this ordinance or public health, safety or welfare.
- D. All such loading and unloading areas shall have a cross section meeting the recommendations of the Township Engineer and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such loading area shall be permitted to drain onto adjoining property except through a public drain.
- E. Screening of loading and unloading areas shall comply with the landscaping requirements in Article 13 of this ordinance.
- F. Such loading and unloading space, unless adequately provided for within a building, shall be an area at least 10 feet by 30 feet, with minimum 14 foot height clearance.

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**ARTICLE 6: General Provisions**

Section 6.01 - Accessory Buildings

- A. In the RU-1 Zoning District, accessory buildings shall be subject to the following regulations:
1. No accessory buildings shall be constructed on a parcel of land unless a dwelling is also located on that parcel.
  2. The combined floor area of all accessory buildings shall not exceed the first floor area of the dwelling.
  3. The maximum side wall height of an accessory building shall be fourteen (14) feet and the maximum overall height of an accessory building shall be twenty-five (25) feet.
  4. No accessory building shall be constructed between the road and the front of any dwelling, except on lakefront properties or parcels containing twenty (20) or more acres.
- B. In the RA zoning district, no accessory building shall be constructed between the road and the front of any dwelling, except on lakefront properties or parcels containing twenty (20) or more acres.
- C. In all other districts, accessory buildings shall comply with the setbacks for principal buildings contained in Article 4.

Section 6.02 - Accessory Housing

Owners and occupants of residential structures zoned for single-family use may apply for special approval for accessory living quarters to qualified related persons, as outlined in Article 4 and Article 14. This accessory housing may take the form of an apartment within a single-family dwelling or a mobile home located on the lot with a single-family residence.

Section 6.03 - Accessory Structures

A. General Requirements

Accessory structures (for example, tennis courts, wind generators, antennae) shall be located in the rear yard and shall comply with height, setback, and lot coverage requirements for accessory buildings, unless otherwise permitted in this Ordinance.

B. Exceptions to Accessory Structure Standards

Antennae and wind generators shall comply with the height standards specified in Section 6.06

C. Solar Panels

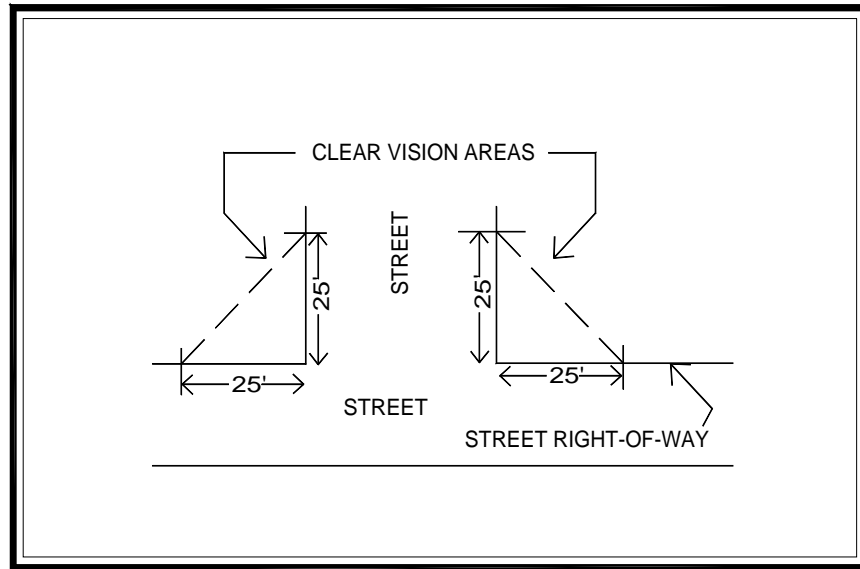
Freestanding solar panels shall be considered accessory structures and shall be located in the rear yard, subject to the setback requirements for accessory buildings.

Section 6.04 - Corner Clearance

No fence, wall, hedge, other protective barrier, or other planting of trees, shrubs, or flowers shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection, excepting that shade trees would be permitted where all

branches are not less than eight (8) feet above the road level. The area which shall remain unobstructed shall be a triangular area formed by the street property lines and a line connecting them at points twenty five (25) feet from the intersection of the street property lines extended. This shall not prohibit the establishment of shrubbery or structures thirty (30) inches or less in height from ground level (see Figure 6-1).

Figure 6-1



Section 6.05 - Entranceway structures

Entranceway structures, such as walls, columns, gates, gatehouses or similar structures that mark the entrance to nonresidential and residential developments shall be permitted within required front, side and rear yard setbacks. Such structures shall not be located in the public right-of-way without an encroachment permit from the Genesee County Road Commission.

Section 6.06 - Exceptions

The following are exceptions to the general standards in this Ordinance dealing with building height, uses, setbacks and other standard requirements.

A. Permitted height exceptions

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the zoning district in which the building is located, except that penthouses or roof structure for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smoke stacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the zoning district in which it is located; nor shall such structure have a total area greater than ten (10) percent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. In cases

where the structure is authorized by issuance of a special use permit, the Planning Commission may permit structures that exceed these standards.

B. Voting place

The provisions of the ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a Township or other public election.

**Section 6.07 - Exterior lighting**

All outdoor lighting in all zoning districts other than residential shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts, adjacent residences, and public rights-of-ways.

A. Illumination guidelines shall generally be in accordance with the following standards:

1. Street Illumination

**Table 6-1 Street Illumination**

Street Hierarchy	Nonresidential Area	
	Lux	Footcandles
Major	15	1.4
Collector	10	1.0
Local	6	0.6

2. Parking Illumination

**Table 6-2 Parking Illumination**

Level of Activity	Active Vehicular Use Areas Only		General parking and Pedestrian Areas	
	Lux	Footcandles	Lux	Footcandles
Low activity	5	0.5	2	0.2
Medium Activity	10	1.0	6	0.6
High Activity	20	2.0	10	1.0

- a. High Activity. Examples include major athletic facilities, major cultural or civic events, regional shopping centers, and fast food facilities.
- b. Medium activity. Examples include community shopping centers, office parks, hospital parking areas, transportation parking (airports, etc.), cultural, civic or reception events, and residential complex parking.
- c. Low activity. Examples include neighborhood shopping, industrial employee parking, educational facility parking, and church parking.

3. Building Exteriors

**Table 6-3 Building Exteriors**

Component	Outdoor Areas	
	LUX	Footcandles
Entry/Active Use Area	50	5.0
Vital Locations	50	5.0
Building Surrounds	10	1.0
Gardens (General)	5	0.5
Walkways	5	0.5
Monuments (Flood Lighted)	150	15.0

4. Lighting shall be positioned in such a way or shielded from adjacent property and designed to reflect continuity with the pedestrian orientation of the area in question. Outdoor lighting shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush-mounted (non-protruding) lens, directing light on-site only. Light fixtures shall be no more than twenty (20) feet above average grade. All unshielded lights such as floodlights, wall pack units, and other types of unshielded lights, and lights where the lens or bulb is visible outside of the light fixture are not permitted except in service areas where the lights will not generally be visible by the public or adjacent residential properties. Lights underneath canopies must be fully recessed into the canopy to minimize glare from the light source. All lighting shall be focused on the property on which they are located and shall not extend to adjacent property owners.
5. The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would reduce the number or size of light fixtures; not adversely impacting neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Current recommended practices of the Illuminating Engineering Society of North America (IESNA) will be used as a guideline for all site lighting decisions of the Planning Commission.

Section 6.08 - Fences

A. Fences in the RA, RU-1 and RU-2 Districts shall conform to the following requirements:

1. No fence shall be erected in excess of six (6) feet above the grade of the surrounding land.
2. Fences are not permitted which contain barbed wire, sharp instruments of any kind, or electric current, except on parcels of land which contain at least two (2) acres in the RA district.

No fence, wall, structure or planting shall be erected or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection.

Section 6.09 - Garage Sales

No more than two (2) garage sales can be operated on the same property during any calendar year. A garage sale shall not continue longer than one (1) week. As used in this section, the term “garage sale” shall include any sale of personal property from premises which are not zoned for commercial use.

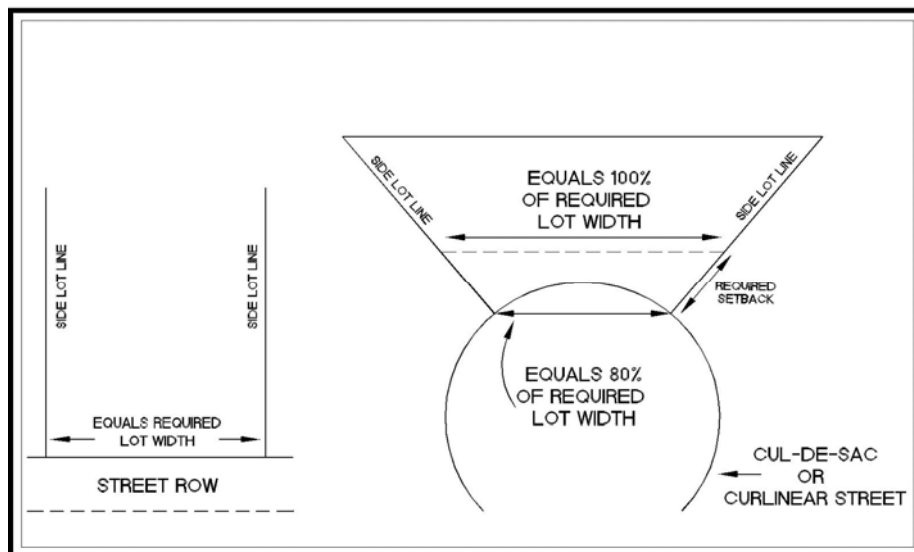
Section 6.10 - Grading and Filling of Property

The final grade surface of ground areas remaining after the construction of a building or structure, and any earth changes made in connection with use of land shall be designed and landscaped such that surface water flows away from the building or structure and, is collected or managed in a manner which avoids any increase in surface water discharge onto adjacent properties or public roads, the erosion of or public roads, the erosion of or filling of any road ditch, the blockage of any public watercourse, the creation of standing water over a private sewage disposal drainage field, and any unnecessary impoundment of surface water. The provision of this section shall be to administer and enforce pursuant to Article 8, Site Plan, when applicable. In all other cases, the Zoning Administrator shall determine whether the provisions of this section are met, provided that they first consult with the Genesee County Water and Waste and the manager of the Genesee County Road Commission (if County road right-of-way is involved) before taking any action to correct the situation. When it is determined by the Zoning Administrator after the aforementioned consultation that inadequate surface water control exists, no Certificate of Occupancy shall be issued until the situation is corrected and approved by the Zoning Administrator.

Section 6.11 - Minimum Road Frontage

All buildings shall be located on a parcel of land which has frontage on a public road or on a private road which complies with the Township Private Road Ordinance. The frontage shall be equal to the minimum lot width for the zoning district. When lots have non-parallel side lot lines due to frontage on a cul-de-sac or curvilinear street, the lot width shall be calculated at the required front yard setback. Two lots are allowed to share access off a private drive as outlined in the Private Road Ordinance, but each lot must have the required minimum frontage (see Figure 6-2).

Figure 6-2



Section 6.12 - Occupancy of Buildings Other Than Completed Dwellings

Garages, barns, accessory buildings, and basements shall not be occupied either temporarily or permanently as dwellings.

Section 6.13 - One Principle Building per Lot

No more than one principle building may be permanently established on a lot or parcel, unless specifically provided for elsewhere in this ordinance, such as a multiple-family development, site condominium or Planned Unit Development.

Section 6.14 - Performance standards

Any use established in any commercial or industrial zoning district or any commercial or industrial use operated in any zoning district shall not be permitted to carry on any activity or operation or use of land, building, equipment that produces irritants to the sensory perceptions greater than the measures listed below which are hereby determined to be the maximum permissible hazard to humans or human activity.

A. Noise

The emission of measurable noises from the premises shall not exceed sixty five (65) decibels as measured at the boundary property lines, except that where normal street traffic noises exceed sixty five (65) decibels during such periods, the measurable noise emanating from premises may equal, but not exceed such traffic noises. Sound levels in no case shall exceed seventy (70) decibels. In addition, objectionable sounds of an intermittent nature, or characterized by high frequencies even if falling below the aforementioned decibel reading shall be controlled so as not to become a nuisance to adjacent uses.

B. Vibration

Machines or operations which cause vibration shall be permitted, but no operation shall cause a displacement exceeding three thousandth (.003) of one inch as measured at the property line.

C. Odor:

The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line when diluted in the ratio of one volume of odorous air to four (4) or more volumes of clean air so as to produce a public nuisance or hazard beyond lot lines is prohibited.

D. Dust dirt and fly ash

Discharges into the air from furnaces, open burning, etc. shall be managed so that the quantity of gasborn or airborne solids generated shall not exceed two tenths (0.20) grains per cubic foot of the carrying medium at the temperature of five hundred (500) degrees Fahrenheit.

E. Method of measurement

For the purpose of determining the adequacy of such devices these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt and fly ash shall be

completely eliminated insofar as escape or emission into the open air is concerned. The Zoning Administrator may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt and fly ash have been made.

F. Smoke

It shall be unlawful to discharge into the atmosphere for any single source of emission whatsoever any smoke for any source for a period or periods aggregating more than four (4) minutes in any one-half (1/2) hour which is:

1. As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart. The Ringelmann Chart, as published by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the Unbrascopes readings of smoke densities may be used when correlated with the Ringelmann Chart.
2. Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in (1) above, except when the emission consists only of water vapor.

G. Glare and heat

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines, except during the period of construction of the facilities to be used and occupied.

H. Fire and safety hazards

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all regulations of the Forest Township, Genesee County, and with all State rules and regulations, and as established by the Fire Prevention Act, Act 207, P.A. of 1941, as amended. Further, all storage tanks for flammable liquid materials above ground shall be located not less than one hundred fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes or other type of retaining wall which will contain the total capacity of all tanks so enclosed. Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than the greater depth to the bottom of the buried tank.

I. Light

Exterior lighting shall be so installed that the surface of the source of light shall not be visible from the nearest residential zoning district boundary and it shall be so arranged to reflect light away from any residential use or adjacent road or street. In no case shall more than one foot candle power of light cross a lot line five (5) feet above the ground into a residential zoning district. Lighting shall comply with Section 6.07.

J. Gases

The scope of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated. SO<sub>2</sub> gas, as measured at the property line shall not exceed an average of three tenths (0.3) parts per million (ppm) over a twenty four (24) hour period; H<sub>2</sub>S shall not exceed one (1) ppm; fluorine shall not exceed on tenths (0.1) ppm; nitrous fumes shall not exceed five (5) ppm CO shall not exceed fifteen (15) ppm.



K. Electromagnetic radiation

Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation are hereby made a part of this Ordinance.

L. Drifted and airborne matter

The drifting or airborne transmission beyond the lot line of dust, particles, or debris from any open stock pile shall be unlawful and shall be summarily caused to be abated.

Section 6.15 - Ponds

Ponds, whether created by excavation, damming of streams or otherwise for non-agricultural uses that exceed one hundred (100) square feet of surface area shall be permitted following issuance of a zoning permit as an accessory use subject to the following standards:

- A. The minimum setback distance for the pond shall be twenty five (25) feet from any property line.
- B. There shall be a minimum of twenty five (25) feet between the outside edge of the pond and any building.
- C. All areas disturbed during construction shall be seeded with grasses and maintained in good condition to prevent erosion.
- D. The Zoning Administrator may require the installation of a fence with a self locking gate no less than four (4) foot in height to protect the health, safety, and welfare of the property owners and/or tenants, neighboring uses, and Township residents. Such fence will be required for any pond in a platted subdivision.
- E. The applicant shall demonstrate that water can be continuously maintained in the pond once it is constructed.
- F. Evidence shall be presented at the time of application that the Genesee County Drain Commissioner and Michigan Department of Environmental Quality have granted the necessary permits and/or approvals to the applicant for the construction of the pond or have released the applicant from any obligation thereto.

Section 6.16 - Prohibited Structures

No bus, motor vehicle body or similar item shall be placed on any property for use as a storage structure or other building purpose. Semi-trailers maintained in good condition may be utilized for storage in the GC and LI Districts.

Section 6.17 - Property Divisions

No property shall be divided in such a manner that the length of any resulting parcel exceeds four (4) times the width of that parcel. No property shall be divided in such a manner that any parcel is created which does not comply with the minimum standards of the zoning district.

Section 6.18 - Public Services

Certain facilities provided by public utility companies regulated by the Michigan Public Service Commission or by the Township government shall be permitted in all zoning districts. Public utility facilities permitted by this Section shall include transmission lines, sewers, mains, pumping stations, sub-stations, poles, and related equipment. Any buildings erected shall be subject to the site plan review requirements. Any radio towers and any office, warehouse,



Minor Event means a special event that compared to a major event has less impact on the neighbors and adjacent public ways and which may include temporary structures and parking considerations.

Major Event means a special event that significantly impacts the community due to one or more of the following conditions: duration of event, attendance, number and type of temporary structures, impairment to vehicular or pedestrian traffic and/or parking, or hindrances in the public way.

C. Standards

Approvals for special events shall be granted if the following criteria are met:

1. Verification that adequate provisions have been made by the applicant or others for the protection of public and private health, safety, welfare and property.
2. The location, times and dates of the activity, event or use will not unreasonably affect the use or enjoyment of private or public property and will not cause unreasonable traffic hazards or delays.
3. The activity, event or use, its duration, its repetition or its location, will not adversely impact upon the value of private property in its vicinity.
4. The requirements specified in the adopted Special Event Policy are fully met.
5. The applicant currently meets and has not in the past failed to meet all of the requirements of all Township Ordinances.
6. The activity, event or use will not constitute a public nuisance.
7. Unless waived by resolution of the Township Board, the applicant has agreed to reimburse the Township all reasonable actual costs incurred by the Township as a result of the activity, event or use.
8. The activity, event or use does not exceed ten (10) days in duration in any calendar year.
9. The applicant and all past applications of the applicant are true, accurate and complete.

D. Review

No person, entity, corporation and/or organization shall hold and/or conduct a major event within the Township without first obtaining approval from the Planning Commission. Special event inquiries shall be made to the Township Zoning Administrator. When applicable, application forms shall be submitted that contain such information and be in such form as the Township Board may.

E. Fee

The Township shall establish the application fee by resolution. The fee shall not be refundable in the event a permit is not used.

F. Regulation

No special event shall be permitted until it has been reviewed, when applicable, by the Township Departments for compliance with all State Laws, such as the Michigan Vehicle Code and Michigan Liquor Control Commission, Township Ordinances, and adopted policies and procedures.

G. Other Requirements

1. For purposes of this Section, accessory structures, regulated by the Zoning Ordinance, will not require review by the Zoning Board of Appeals when such structures are an integral part of the special event.
2. During the term of the approved special event, an applicant shall comply with all reasonable requests made by the Township to protect the public health, safety, welfare or conveniences and to protect public or private property.

Section 6.22 - For purposes of this Section, the Planning Commission may, in its discretion, allow for deviations from the applicable setbacks, parking and loading, general provisions, and other requirements provided that the applicant clearly demonstrates that the full intent and purpose of the standards of this section.

Section 6.23 - Structure Completion

The construction of a structure shall be completed on the outside within one year after the date that the building permit is granted. An applicant may be granted a one-year extension by the zoning Administrator if it can be demonstrated that significant progress has been made on the exterior of the structure during the initial one-year period.

Section 6.24 - Temporary Construction Structure/Activities

- A. Temporary construction buildings and/or construction activities shall be allowed in any zone for a period of one (1) year, with application and approval for a zoning/land use permit is obtained. Extensions may be allowed, at the discretion of the Zoning Administrator, if the temporary structure & activity is considered a necessity for the ongoing development.
- B. Temporary construction activities with or without temporary buildings shall be defined as construction activities other than actual construction of buildings approved pursuant to a building and zoning/land use permit. They include, but not by way of limitation, a construction yard for the development of a subdivision or multiple family project, a cement or asphalt making operation for street and/or road construction, and other similar activities.
- C. The Zoning Administrator shall determine, before issuing a zoning permit, whether the proposed temporary construction building and/or construction activity is necessary and if it is necessary that it should be located at the proposed location. The Zoning Administrator shall also find that the proposed activity does not place excessive burden on the septic, sanitary sewer and/or water system, nor create a hazardous fire condition. In granting the approval, the Zoning Administrator may set such conditions as appear necessary to minimize disturbance to the area and the surrounding land uses. Compliance with this Ordinance and all other applicable County ordinances, standards, rules, and regulations, and proper clean-up of the site within a set period of time as indicated on the zoning permit are required.
- D. Temporary construction activities allowed pursuant to this section shall conform to the following requirements.
  1. All roads used for ingress or egress, on or off the site, shall be kept dust free by chemical or water treatment and/or by hard topping with cement or bituminous substance. Work within the right-of-way of a public road must be permitted through the Genesee County Road Commission.
  2. Work/storage areas shall be kept clean and clear.
  3. Work areas shall be posted with the owner and operator's name and phone numbers.

4. Work yards shall be fenced or otherwise made safe.
5. Truck crossings and other means of ingress and egress shall be posted two hundred (200) feet from access point in either direction to warn motorists if deemed appropriate and permitted by the Genesee County Road Commission.
6. Working hours shall be between 7 am and 8 pm, Monday through Friday and 8 am to 7 pm Saturday. No work shall be permitted on Sundays or holidays except by special permission of the Zoning Official upon demonstration of hardship or special circumstance.

#### Section 6.25 - Temporary Housing

##### A. Camper Occupancy

No camper, as defined in this Ordinance, shall be occupied for more than fifteen (15) days during any calendar year unless approval has been granted by the Township Board for a longer period of time.

- B. The use of a camper or mobile home as a residence while constructing or reconstructing a single-family dwelling may be permitted as an accessory use as outlined in Article 4 and Article 14 of this ordinance.

#### Section 6.26 - Traffic Impact Studies

Forest Township recognizes the direct correlation between land use decisions and traffic operations. The intent of this Section is to permit accurate evaluation of expected impacts of proposed projects to assist in decision-making.

##### A. Applicability

A traffic impact analysis, statement or assessment may be required for any petition for any zoning amendment, site plan, conditional use permit or subdivision plan filed under the provisions of this Ordinance. The type of study required shall be dependent upon the type and scale of the proposal and existing traffic conditions and initiated at the request of the Planning Commission if one of the following situations exist:

1. Zoning Amendment Traffic Impact Study.
  - a. A proposed zoning amendment consistent with the Township Land Use Plan, but when the timing of the change may not be appropriate due to traffic issues. This threshold applies when a zoning amendment would permit uses that could generate 100 or more directional trips during the peak hour, or at least 1000 more trips per day, than the majority of the uses that could be developed under current zoning.
  - b. A proposed zoning amendment which is inconsistent with the Township Land Use Plan when permitted uses could generate at least one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets or over seven hundred fifty (750) trips in an average day.
  - c. A site along any corridor identified as a critical, congested, or safety management corridor by the metropolitan planning organization, long range transportation plan, or the Township Land Use Plan.

- d. Proposed amendments to the Township Land Use Plan which would contemplate or recommend uses, or change future land use categories that would generate higher traffic volumes.
  - e. The requirements of the Zoning Amendment Traffic Impact Study may be waived or modified by the Planning Commission.
2. Regional Traffic Impact Analysis. Regional Traffic Analysis: The type of study which is much more comprehensive, focusing on the impacts over a long period. In most cases, a regional traffic analysis will need to be prepared using a computer model which simulates daily traffic on the transportation network. The model projects traffic based on the expected future development pattern and roadway network. A regional traffic analysis may involve evaluation of a number of optional routes, including future roadways. Such a study may also involve a number of projects being developed separately in the same general area.
- a. A Regional Traffic Impact Analysis may be required for projects that generate over 500 peak-hour directional trips or significant traffic volumes impacting a wide geographic area.
  - b. A Regional Traffic Impact Analysis may be required for projects that are located along a "critical", safety management or "congested corridor" as defined by the metropolitan planning organization, or as identified in the Comprehensive Plan, or long range transportation plan.
  - c. The requirements of the Regional Traffic Impact Analysis may be waived or modified by the Planning Commission.
3. Development Proposal Traffic Impact Statement, or Assessment. Site plans, plats, mobile home parks and condominium projects. A traffic impact assessment is recommended for smaller scale projects which should not have a significant impact on the overall transportation system, but will have impacts at the site access. The analysis for this type of study focuses on site access points. The traffic impact statement evaluates impacts at site access points and appropriate nearby intersections.
- a. A Traffic Impact Statement may be required for any proposed development which would be expected to generate over one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day
  - b. A Traffic Impact Assessment may be required for projects that could generate 50-99 directional trips during a peak hour.
  - c. A Traffic Impact Statement may be required for any proposed development along a corridor identified in the Comprehensive Plan, or long range transportation plan, or by the metropolitan planning organization as a critical, congested, or safety management corridor which would be expected to generate over fifty (50) directional trips during the peak hour of the traffic generator or the adjacent streets, or over five hundred (500) trips in an average day.
  - d. Traffic Impact Statement or Assessment, based on the thresholds in the first and second bullets above, may be required for new phases or changes to a development where a traffic study is more than two (2) years old and roadway conditions have changed significantly (volumes increasing more than 2 percent annually).

- e. A Traffic Impact Assessment may be required for a change or expansion at an existing site where the increased land use intensity is expected to increase traffic by at least fifty (50) directional trips in a peak hour or result in at least 750 vehicle trips per day for the entire project. A Traffic Impact Statement shall be required if the traffic is expected to increase by over 100 directional trips in the peak-hour.
4. Other Traffic Impact Assessment/Statement/Analysis.
    - a. Special (conditional) land uses, planned unit developments, and other uses that are specifically required to provide a traffic impact study in the zoning ordinance. The type of study shall be based on the thresholds listed subsections one (1), two (2) and three (3), above.
    - b. A change in a Planned Unit Development (PUD) to a more intense use, which is determined by the Planning Commission on a case-by case basis or using thresholds similar to those above.
    - c. Where required by the applicable road agency to evaluate access issues.
  5. The following table is utilized for determining informational requirements for assessment, statement and/or analysis.

#### Section 6.27 - Unsafe Buildings

Nothing in this Ordinance shall prevent compliance with an order by an appropriate authority to demolish, correct, improve, strengthen, or restore to a safe condition any building declared to be unsafe.

#### Section 6.28 - Open Space Preservation Provisions of the Zoning Ordinance

Based on the requirements of Sec. 506 of the Michigan Zoning Enabling Act (PA 110 of 2006) a property owner with property zoned RA or RU-1, may, at their option, submit a proposal to cluster residential development on 50% of a parcel's area with the same number of dwelling units as might be developed on the entire parcel. The dimensional requirements of Section 4.12 shall be reduced the minimum necessary to allow the clustering. The site shall be reviewed under the procedures otherwise required by state law and local ordinances for lot splits, condominiums or subdivisions as applicable. The undeveloped portion of the site shall be protected in perpetuity from future development by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, as determined appropriate by the approving body.

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**ARTICLE 7: Non-conforming Lots, Uses, and Structures**

Section 7.01 - Continued Non-Conformities Permitted

Within the districts established by this Ordinance there are lots, structures, and uses, which were lawful before adoption of this Ordinance and future amendments, but no longer conform with requirements in this ordinance. These non-conformities may continue until they are removed.

Section 7.02 - Non-Conforming Lots of Record

A single-family dwelling and customary accessory buildings may be erected on any lot of record at the effective date of adoption of this Ordinance, provided the width, and area is not less than fifty (50%) percent of that required by this Ordinance and setback requirements are met. Construction on a non-conforming lot of record for any other use requires approval of a variance. Where two or more non-conforming lots of record are adjacent and owned by the same person as of the date of this ordinance they shall be considered one parcel and may not be divided except in compliance with this ordinance.

Section 7.03 - Non-Conforming Structures

A legal non-conforming structure may be continued, subject to the following provisions:

- A. A non-conforming structure may not be enlarged or altered in any way which increases its non-conformity. A change that increases its non-conformity is one that increases the square footage that lies within a required setback.
- B. If a non-conforming structure is destroyed by any means to an extent of more than seventy-five (75%) percent of its value, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The value of the structure for the purpose of this calculation shall be equal to twice its listed SEV. The value of improvements shall be calculated by the Township Building Inspector.
- C. A structure may not be moved on the lot or onto another lot unless it is brought into compliance with the Zoning Ordinance.

Section 7.04 - Non-Conforming Uses

A legal non-conforming use may be continued, provided:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land, additional structures, or additional parts of structures, than that occupied at the effective date of adoption of this Ordinance.
- B. If any such non-conforming use ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use shall conform to this Ordinance. This requirement does not apply to the non-conforming use of land to grow crops.
- C. No additional structures shall be erected in connection with any non-conforming use.
- D. If a structure housing a non-conforming use is destroyed by any means to an extent of more than seventy-five percent (75%) of its value, the future use of a repaired structure shall conform to this ordinance.



- E. A non-conforming use may not change to another use unless it conforms to this ordinance. For the purpose of this section the term “use” is to be defined narrowly. For example, a bookstore is a different use than a shoe store even though both are retail uses.

Section 7.05 - Repairs and Maintenance

On any building housing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building which is two times it's State Equalized Value, provided that the size or shape of the building is not changed. Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 7.06 - Change of Tenancy or Ownership

As long as there is no change in the character or nature of the nonconformity, a change of tenancy or ownership is allowed.

Section 7.07 - Illegal Nonconformities

Nonconforming uses, structures or parcels that were established in violation of the zoning ordinance in effect when at that time shall be declared illegal nonconformities and are not entitled to the status and rights accorded legally established nonconformities.

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**ARTICLE 8: Site Plan Review Requirements**

Section 8.01 - Scope

A site plan shall be prepared and submitted for any condominium project or for any project requiring condition use permit approval and every construction project, except that no site plan shall be required for single-family residences, farm buildings, or buildings which are accessory to single-family residences.

Section 8.02 - Procedure

All site plans shall be submitted to the Zoning Administrator, at least two weeks prior to the Planning Commission meeting at which they are to be reviewed; the Zoning Administrator shall review the plans for compliance with the requirements of the Zoning Ordinance. If the site plan does not comply with the Zoning Ordinance requirements, the site plan shall be submitted back to the applicant. If the application complies with the ordinance, the Zoning Administrator shall refer the site plan to the Planning Commission for review and decision. The Zoning Administrator may submit copies of the site plan to other agencies for review prior to the Planning Commission meeting as they determine necessary.

Section 8.03 - Content

Each site plan shall be drawn at an identified scale and shall include the following:

- A. Area of the site to demonstrate compliance with minimum lot area and maximum lot coverage requirement.
- B. Date, north point, and scale to allow commission members to better understand the site plan.
- C. Dimensions of all property lines to demonstrate compliance with minimum lot width and lot area requirements.
- D. Location and dimensions of all existing and proposed structures on the property or on adjacent properties within 100 feet of the property lines to demonstrate compliance with setback evaluation of impacts on adjacent property.
- E. Location and dimensions of all existing and proposed roads (including rights-of-way), driveways, sidewalks, and parking areas to allow evaluation of traffic access, pedestrian circulation and arrangement of parking.
- F. \*Location of all existing and proposed utility lines, wells, septic systems, and storm drainage to demonstrate the adequacy of proposed utilities.
- G. \*Location, dimensions and details of proposed plantings, greenbelts and landscaped areas (see Article 13) to demonstrate compliance with landscaping requirements.
- H. Exterior drawings of proposed new buildings or existing buildings to which major additions are proposed to allow evaluation of the proposed project's aesthetic characteristics.
- I. Location, dimensions, and drawings of existing and proposed signs (see Article 15) to demonstrate compliance with sign regulations.
- J. Name, address, and telephone number of the person who prepared the site plan to permit the township to contact them if they have any questions.

- K. Residential density to demonstrate compliance with density requirements.
- L. Loading/unloading areas to demonstrate compliance with loading requirements.
- M. Required and proposed setbacks to demonstrate compliance with setback requirements.
- N. \*Storm drainage calculations to allow evaluation of proposed storm drainage system.
- O. Storm water drainage flow arrows, to allow evaluation of proposed site drainage.
- P. Location and intensity of proposed lighting to demonstrate compliance with lighting requirements.
- Q. Outdoor storage or activity areas to allow evaluation of potential impact on surrounding properties.
- R. \*Existing and proposed grades at 2' intervals extending 100' from site to allow evaluation of drainage, clear vision at entrances, and potential impact on adjacent parcels.
- S. Height of buildings to demonstrate compliance with maximum height requirements.
- T. Cross section of proposed drives and parking areas to allow evaluation of adequacy of proposed pavement based on use.
- U. Location of trash receptacles to allow evaluation of adequacy of trash collection and disposal on site.
- V. Designation of fire lanes to allow fire department to evaluate adequacy of fire lane layout.
- W. Type, quantity, location and secondary containment of hazardous materials to evaluate any potential hazard to ground water.
- X. Other information determined necessary by the Planning Commission to determine compliance with this ordinance.
- Y. Planning Commission may waive information requirements by general rule or on a case by case basis when it determines the information is not necessary to determine compliance with this ordinance.
- Z. Information with an asterisk (\*) is not required if the applicant is submitting a plan for preliminary review only.**

#### Section 8.04 - Planning Commission Review

- A. Site plans are reviewed by the Planning Commission in a two step process. The preliminary review is intended to identify Zoning Ordinance issues not related to site engineering issues such as storm drainage. This is to prevent the applicant from investing in development on detail site plans when the site does not meet basic ordinance requirements. Following preliminary approval, the applicant is responsible for preparing more detailed plans for final site plan approval. The two step process is at the option of the applicant, who may wish to submit a full site plan for the Planning Commission's initial meeting in the hope of getting approval in one meeting.
- B. Site plans approved by the Planning Commission shall be designated by the signature of the Planning Commission Chairperson. If the site plan is approved with conditions requiring changes to the site plan, a revised site plan meeting the conditions shall be provided to the township and signed by the Planning Commission Chairperson.
- C. Once a site plan is approved by the Planning Commission, all development shall be in compliance with that plan unless an amendment to the site plan is approved by the Planning

Commission following the process outlined above or a minor change is approved by the Zoning Administrator. A minor change is any that:

1. does not increase building size by over 100 square feet;
2. does not require a variance;
3. does not result in an increase in the number of required parking spaces, and
4. does not affect a condition of approval.

#### Section 8.05 - Standards

In determining whether to approve, modify, or deny a site plan, the Planning Commission shall consider the following:

- A. Adequacy of pedestrian and vehicular traffic ingress, egress, circulations, and parking.
- B. Adequacy of landscaping to protect adjoining properties and enhance the environment of the community and compliance with landscape requirements.
- C. Location and design of proposed structures so as to ensure that detrimental effects on adjacent properties will be minimized.
- D. Adequacy of all proposed utilities including storm drainage and sanitary sewer.
- E. Location and design of signs so as to prevent highway visibility obstructions, driver distractions, encroachments, and adverse impacts on the community environment.
- F. Compliance with all provisions of the Zoning Ordinance including design standards.
- G. The site will be designed to minimize the threat from the storage, handling or processing of hazardous materials.
- H. Compliance with all federal, state, county or local ordinance or regulation pertinent to the site plan.

#### Section 8.06 - Performance Guarantee

The Planning Commission may require a performance guarantee to ensure completion of improvements determined necessary to meet the requirements of this ordinance. The guarantee is not intended to ensure completion of the complete project. Examples of improvements for which a performance guarantee might be required include paving an access road or parking lot, landscaping improvements or reclamation of a gravel mining site. A cash deposit, certificate of deposit, bank letter of credit or surety bond shall be posted with the Township as a guarantee that the improvement will be completed in accordance with the approved site plan. The bond shall be for 110% of the estimated cost of the improvement. The zoning administrator may release 50% of the bond with 60% of the work has been completed, with the remainder of the bond released when the improvement has been finished and approved.

#### Section 8.07 - Time For Completion

For projects that do not require a building permit, the approved use must have commenced within one year of approval for the site plan to remain valid. For projects that require a building permit, the permit must be applied for and granted within one year of approval of the site plan. Each site plan shall be fully complied with and all construction completed within one (1) year of the date the building permit is issued unless an extension has been granted by the Planning Commission. For multi-phase projects expected to take several years to approve, the Planning

Commission may grant conceptual approval of the overall project and final approval of the portion expected to be completed in the first phase. Concept approval gives long term approval over the general layout and arrangement of the site but each phase must meet the zoning ordinance requirements in place when final site plan approval for that phase is requested.

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**ARTICLE 9: Conditional Use Permit Procedures Approval of the Planning Commission**

Section 9.01 - Application

For all conditional uses, a written application shall be submitted to the township clerk. Such application shall contain a description of the proposed use, a legal description and street location of the property on which the proposed use would be located, the signature of the property owner, and the signature of the petitioner (if different from the property owner). Attached to the application shall be eight (8) copies of a site plan meeting the requirements of Section 8.03 unless the Zoning Administrator determines more than eight (8) copies are required. The application shall be submitted 30 calendar days prior to the Planning Commission meeting at which it is to be reviewed.

Section 9.02 - Hearing Notice

Requests for conditional use permits may be heard and decided at any regular or special meeting of the Planning Commission, provided the petitioner has presented all required information and proper notice has been given. Notices of public hearing on conditional use permits shall be sent to the person requesting the conditional use permit and to owners and occupants of property within 300 feet from the property lines of the property which is the subject of the request for approval regardless of whether those parcels are located in the township. In the case of a conditional use permit for property within a half (½) mile of the boundary of the Village of Otisville, the Village of Otter Lake or any of the surrounding townships, notice shall also be provided to that municipality's Planning Commission. Notice shall be sent by regular mail and shall be sent to the property owners as shown on the latest tax assessment roll. A notice shall also be published once in a local newspaper. All notices shall be given not less than fifteen (15) days prior to the hearing. The notice shall include the following:

- A. A description of the nature of the request.
- B. The street address of parcel that is the subject of the request. If the property does not have a street address, the parcel's tax description will be used.
- C. When and where the amendment public hearing will be held.
- D. When and where written comments can be sent.
- E. When and where a copy of the request can be reviewed.

Section 9.03 - Planning Commission Public Hearing

- A. The Zoning Administrator may submit copies of conditional use permit application and site plan to other agencies for review prior to the Planning Commission public hearing as they determine necessary.
- B. Copies of the conditional use permit application, site plan and any relevant reports or other information shall be sent to the Planning Commission members at least one week prior to the public hearing.
- C. The Planning Commission shall provide the applicant and other members of the public an opportunity to speak prior to making a decision on the conditional use request.

- D. In considering the request, the Planning Commission shall first consider approval of the conditional use permit. If the Planning Commission approves the conditional use permit, it will then consider approval of the site plan using the standards in Article 8.
- E. The Planning Commission may vote to approve a conditional use permit, approve with conditions, deny or postpone. If the Planning Commission chooses to postpone a decision they must indicate the information they are waiting on to make the decision and the date, time and location of the next meeting that the request will be considered. A motion to approve, approve with conditions or deny shall include a finding of facts demonstrating compliance with the standards for approval.

#### Section 9.04 - Standards

Requests for conditional use permits shall be granted or denied based on the following standards:

- A. The location, size and character of the proposed use shall be in harmony with, and appropriate to the surrounding neighborhood.
- B. The proposed use shall not result in the creation of a hazardous traffic condition.
- C. The site layout, intensity of use, and time periods of use shall not be such as to create a nuisance due to dust, noise, smell, vibration, smoke, or lighting.
- D. All requirements of the zoning ordinance including dimensional requirements, general provisions and specific design requirements are complied with.
- E. The proposed use is consistent with the goals and policies of the Township Land Use Plan.

#### Section 9.05 - Conditions

- A. The Planning Commission may place conditions on approval of a conditional use permit including conditions that require conformance with the standards of another local, county or state agency such as, but not limited to, the County Drain Commissioner, County Health Department and the Michigan Department of Environmental Quality.
  - 1. Would ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
  - 2. Would protect the natural environment and conserve natural resources and energy.
  - 3. Would ensure compatibility with adjacent uses of land.
  - 4. Would promote the use of land in a socially and economically desirable manner.
- B. In determining appropriate conditions, the Planning Commission shall ensure that:
  - 1. There is a rough proportionality between the cost to the developer to provide an improvement in relationship to the impact to be mitigated.
  - 2. There is a reasonable connection between the condition imposed and the impact it is mitigating.

#### Section 9.06 - Expiration

Planning Commission approval for a conditional use permit shall expire one (1) year from the date of the meeting at which permission is granted unless the premises has actually been occupied by the approved use.

Section 9.07 - Changes

Following approval of a conditional use permit, any change to another use requiring conditional use permit approval, any expansion of the use or any change affecting a condition of approval of the conditional use permit must be approved following the process for consideration and approval outlined above. The Planning Commission may require site plans for conditional uses show the full extent of the future development.

Section 9.08 - Re-applications

In the case of a conditional use permit request that is denied, the request may not be resubmitted for one year from the date of denial unless the Planning Commission finds that there has been a significant change in conditions or a significant change in the request.

Section 9.09 - Revocation of Conditional Use Permit

If the zoning administrator determines that a use is in violation of the approved conditional use permit, they shall take enforcement as authorized under Article 3 of this ordinance. If the zoning administrator determines it necessary, they may request the Planning Commission to authorize a hearing on the conditional use permit. If the Planning Commission authorizes the public hearing, notices meeting the requirements of Section 9.02 shall be provided. At the public hearing the Planning Commission will determine if the property has been developed and operated in compliance with the conditional use permit issued for the property and in compliance with Section 9.04. If the property is not in compliance, the Planning Commission may revoke the conditional use permit.



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**ARTICLE 10: Zoning Board of Appeals**

Section 10.01 - Membership

There is hereby established a Zoning Board of Appeals as authorized by Section 601 of the Michigan Zoning Enabling Act, as amended. The Zoning Board of Appeals shall consist of five members appointed by the Township Board. One member shall be a member of the Township Board. One member shall be a member of the Planning Commission. The remaining members shall be electors who are not employees or contractors of the Township. Each member shall be appointed for a term of three years, except that the term of office of the members who are also members of the Township Board or Planning Commission shall terminate if their membership on the Township Board or Planning Commission terminates before the end of the three-year term. The Zoning Board of Appeals shall elect a Chairman, Vice-Chairman, and Secretary. The Township Board member may not serve as Chairman. The Zoning Board of Appeals shall adopt rules of procedures. Two alternate members may also be appointed by the Township Board to serve for three-year terms. An alternate member may be called to serve on the Zoning Board of Appeals whenever a regular member abstains due to conflict of interest or whenever a regular member is unable to attend meetings for over 30 consecutive days. An alternate member shall continue to serve on a case until a final decision is made.

Section 10.02 - Powers

The Zoning Board of Appeals shall have the following powers.

- A. Consider approval of requests for non-use variances. The Zoning Board of Appeals may not grant a use variance.
- B. Hear appeals of administrative decisions.
- C. Hear appeals of Planning Commission decisions on Conditional Use Permit applications.
- D. Interpret the zoning ordinance text when there is a question concerning its meaning.
- E. Interpret the zoning ordinance map if there is a question concerning the location of zoning district boundaries.

Section 10.03 - Appeals

An appeal may be taken to the Zoning Board of Appeals by any person wishing to appeal any final administrative decision of the Zoning Administrator or the Planning Commission, including conditional land use decisions. Appeals must be filed within 30 days of the date of administrative decision. In considering the request the Zoning Board of Appeals shall have all the powers of the official or body whose decision is being appealed.

Section 10.04 - Variances

The Zoning Board of Appeals shall have the power to grant variances from any requirement of the zoning ordinance other than the uses allowed in a particular zoning district. In consideration of a non-use variance request, the Zoning Board of Appeals shall find that the request has demonstrated practical difficulty in complying with the provision by meet all of the following requirements.

- A. The requirement for which the variance is being granted would unreasonably prevent the Owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.
- B. Granting the variance would do substantial justice to the applicant as well as other property owners in the zoning district and a lesser relaxation of the standard would not provide substantial relief to the applicant while being more consistent with justice to others.
- C. The problem that causes the need for the variance is due to circumstances unique to the property and not part of general conditions in the area.
- D. The problem that resulted in the need for the variance was not created by the applicant or previous owners of the property.
- E. Issuance of the variance would ensure that the spirit of the ordinance is observed, public safety secured and substantial justice done.

#### Section 10.05 - Interpretation

The Zoning Board of Appeals shall have the power to interpret the zoning ordinance on request. Each interpretation shall establish precedent to future treatment of the issue being addressed. To promote consistent enforcement of this ordinance, a record of all interpretations by the Zoning Board of Appeals shall be maintained and included as an appendix of this ordinance.

##### A. Interpretation of Text

- 1. When interpreting text the Zoning Board of Appeals shall use the rules of interpretation included in Article 16, Definitions.
- 2. When determining the classification of a use the Zoning Board of Appeals cannot interpret a specific use is included in a general classification if the use is listed separately in that zoning district or another district. For example, the Zoning Board of Appeals cannot interpret that the use "drug store" is included in the general term "retail establishment" if drug store is listed separately in the zoning ordinance.

##### B. Interpretation of Zoning Map

When interpreting the location of zoning district boundaries the Zoning Board of Appeals shall use the rules of interpretation included in Article 4, Zoning Districts.

##### C. Classifications of Non-conformity

Where there is a question whether a structure, lot or use is a legal non-conformity, the Zoning Board of Appeals may make the determination.

##### D. Recommendation by the Planning Commission

Before an interpretation request is heard by the Zoning Board of Appeals the request shall be heard by the Planning Commission for their recommendation to the Zoning Board of Appeals.

##### E. Authority to Change a Non-conforming Use to Another Non-conforming Use

The Zoning Board of Appeals may allow a legal non-conforming use to be changed to another non-conforming use provided the new use is less non-conforming. That determination shall be made based on the impact of the current and proposed uses such as traffic, noise, light, odor, and the expected impacts of uses allowed in the district. For example, a restaurant is a non-conforming use in a single family residential district. The

applicant wishes to change the use to a book store, also a non-conforming use. In evaluating the request the Zoning Board of Appeals would evaluate whether the impacts of the bookstore such as traffic, noise, light and odor are more similar to the uses allowed in the single-family residential district than a restaurant.

#### Section 10.06 - Procedures

##### A. Applications

Applications for a variance, appeal or interpretation shall be submitted to the township clerk not less than 30 days prior to the Zoning Board of Appeals meeting at which it is to be considered.

##### B. Notice

Notice of the hearing of an appeal shall comply with Section 9.02 of the zoning ordinance except for the notice to property owners and residents within 300 feet. Those requirements shall only be applied to matters that involve a specific parcel.

##### C. Zoning Board of Appeals Decision

1. Following the hearing on an issue brought before them the Zoning Board of Appeals may only reverse an administration decision or grant an applicant's request by a majority vote of the members of the Zoning Board of Appeals. If there is less than 2/3 majority of members, the applicant may request the matter be postponed. The request to postpone the item must be made prior to beginning of the hearing on the request.
2. In making a decision on a request, the Zoning Board of Appeals shall state the basis for their decision, including any findings of fact and how those facts relate to the standards used by the Zoning Board of Appeals in making their decision.
3. The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of the filing of a complete request application unless an extension is agreed to by the applicant.

#### Section 10.07 - Conditions

A. In making a decision, the Zoning Board of Appeals may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Ordinance.

A. The Zoning Board of Appeals may place conditions on an affirmative decision when such conditions:

1. Would ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
2. Would protect the natural environment and conserve natural resources and energy.
3. Would ensure compatibility with adjacent uses of land.
4. Would promote the use of land in a socially and economically desirable manner.

B. In determining appropriate conditions, the Zoning Board of Appeals shall ensure that:

1. There is a rough proportionality between the cost to the developer to provide an improvement in relationship to the impact to be mitigated.

2. There is a reasonable connection between the condition imposed and the impact it is mitigating.

Section 10.08 - Expiration of Variance Approvals

Any variance shall expire if the building permit has not been issued and construction begun based on the variance within one year of the Zoning Board of Appeals granting it.

Section 10.09 - Re-Submission

An application to the Zoning Board of Appeals may not be resubmitted for at least one year following its denial unless the Zoning Board of Appeals finds that there has been a change in conditions or a significant change in the nature of the request.

TOWNSHIP OF FOREST  
ZONING ORDINANCE

**ARTICLE 11: Amendments**

Section 11.01 - Initiation of Amendments

Proposed amendments to the text of the Ordinance or zoning map may be initiated by the Township Planning Commission or the Township Board by resolution. The Zoning Board of Appeals may not initiate a zoning amendment but may recommend an amendment to the Planning Commission or Township Board. An individual may request a rezoning, provided they are the fee owner of the premises concerned or else have the fee owner's permission. An application for rezoning shall be submitted to the Township Clerk along with a fee, as established by the Township Board.

Section 11.02 - Notice of Hearing

The Planning Commission shall hold a public hearing on any zoning amendment initiated before action on the amendment is taken by the township board. Notice of the public hearing shall be published in a newspaper of general circulation in the Township. The publication shall be made not less than 15 days before the date of the hearing. Notice shall also be mailed to each electric, gas and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected and the airport manager of each airport, that registers its name and mailing address with the township clerk. If property is proposed to be rezoned, notice shall also be delivered personally or by mail to the owner of the property proposed for rezoning and the owners and occupants of all property within 300 feet of the property proposed to be rezoned regardless of whether those parcels are located within the township. In the case of a rezoning of property within a half (½) mile of the boundary of the Village of Otisville, the Village of Otter Lake or any of the surrounding townships, notice shall also be provided to that municipality's Planning Commission. The notice shall include:

- A. A description of the nature of the request.
- B. The street address of parcel that is the subject of the request in the case of a rezoning. If the property does not have a street address, the parcel's tax description will be used.
- C. When and where the amendment public hearing will be held.
- D. When and where written comments can be sent.
- E. When and where a copy of the request can be reviewed.

Section 11.03 - Planning Commission Hearing and Recommendations

After conducting the required public hearing, the Township Planning Commission shall adopt recommendations as to the approval or denial of the proposed amendment to the Ordinance. The Planning Commission shall transmit its recommendation along with a summary of comments received at the public hearing.

Section 11.04 - Township Board

Upon receipt of the recommendations of the Township Planning Commission, the Township Board shall undertake consideration of the proposed rezoning or text amendment.

- A. If they wish to, the Township Board may hold a public hearing on the amendment. If they choose to hold a public hearing, the Township Board must meet the notice requirements outlined in Section 11.02.
- B. If the Township Board proposes any changes to the amendments they may, at their option, send the changes back to the Planning Commission for their review.
- C. If a property owner submits a request to the Township Clerk by certified mail to be heard regarding a proposed amendment, the Township Board must provide an opportunity for that person to speak on the amendment prior to making a decision.
- D. An amendment to the zoning ordinance requires approval by a majority of the members of the Township Board, not just a majority of the members attending the meeting.
- E. Following adoption of the zoning amendment, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days of adoption. The notice shall include:
  1. A summary of the regulatory effect of the amendment or the actual text of the amendment.
  2. The effective date of the ordinance. This date may be as few as seven (7) days after the publication of the ordinance.
  3. The place and time where a copy of the ordinance may be purchased or inspected.
- F. If within seven (7) days after publication of an amendment to the ordinance, the Township Board is presented with a notice of intent to file a petition opposing the amendment from a registered elector residing in the Township, a petition may be filed with the Township Clerk within thirty (30) days following publication of the ordinance. If a petition signed by a number of registered electors residing in the Township, equal to not less than ten (10) percent the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, is filed with the Township Clerk, a referendum on the ordinance amendment shall be held.

Section 11.05 - Standards for Approval

In reviewing any proposed amendment the Planning Commission and Township Board shall consider the following:

- A. In the case of a proposal to amend the zoning ordinance text the Township shall find:
  1. The change is necessary to clarify a provision of the ordinance, or
  2. The change is necessary to correct a mistake in the ordinance, or
  3. The change is necessary to implement a goal or policy of the Township Land Use Plan, or
  4. The change is necessary to improve administration of the ordinance or to better serve the community.
  5. In addition to one (1) or more of the above findings, the Planning Commission must determine that the requested amendment is in compliance with the Township Land Use Plan or that a mistake in the plan or changes in conditions or township policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.

- B. In the case of a proposed zoning map amendment (rezoning) the Township shall find one of the following:
1. The requested amendment is in compliance with the Township Land Use Plan or that a mistake in the plan or changes in conditions or township policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.
  2. The property cannot be reasonably used as it is currently zoned and the proposed request represents the most suitable alternative zoning classification based on the Land Use Plan.

#### Section 11.06 - Conditional Rezoning

A. Intent

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (PA 100 of 2006) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. Approval of a conditional rezoning does not guarantee approval of any Conditional Use Permit which may be required as part of the conditional rezoning project, and review of the special use permit must follow the procedures outlined in Article 9 before development can begin.
5. Approval of a conditional rezoning does not guarantee approval of any variance which may be required as part of the conditional rezoning project, and review of the variance must follow the procedures outlined in Article 10 before development can begin.
6. Approval of a conditional rezoning does not guarantee approval of any site plan which may be required as part of the conditional rezoning project, and review of the site plan must follow the procedures outlined in Article 8 before development can begin.
7. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered

voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs after the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing and a new recommendation, with notice as required by this article.

C. Planning Commission Review

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 11.05 of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. Township Board Review

After receiving the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 11.05 of this Ordinance. Should the Township Board propose amendments to the proposed conditional rezoning and amendments are acceptable to and offered by the owner, then the rezoning application shall be referred to the Planning Commission for a new public hearing and a new recommendation, with notice as required by this article.

E. Approval

1. If the Township Board finds the owner's rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions provided said conditions conform with this section. The Statement of Conditions shall be incorporated into the ordinance adopted by the Township Board.
2. The Statement of Conditions shall:
  - a. Be prepared as a notarized Affidavit prepared and signed by the owner.
  - b. Contain a legal description of the land to which it pertains.
  - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land unless otherwise specified by this section.
  - d. Include any diagram, plans or other documents submitted that are necessary to illustrate the implementation of the Statement of Conditions.
  - e. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The zoning map shall also include a listing of all lands rezoned with a Statement of Conditions.



F. Compliance with Conditions

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall be deemed a nuisance per se and shall constitute a violation of this Zoning Ordinance and be punishable accordingly.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use

Unless another time period is specified in the Ordinance rezoning the subject land, the site plan for approved development shall be submitted within two (2) years after the rezoning took effect. In cases where a site plan is not required, the approved use of land or buildings must have commenced within one year unless another time period is specified in the ordinance rezoning the subject land. These time limitations may upon written request be extended by the Township Board if:

1. It is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and
2. The Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy. All applicable project completion deadlines in this ordinance related to site plans, special use permits and variances shall apply.

H. Reversion of Zoning

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in Section 405 (2). The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

I. Subsequent Rezoning of Land

When land that is rezoned with a Statement of Conditions is rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. If a Statement of Conditions has been recorded, upon the owner's written request, the Township Clerk shall record with the Genesee County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

J. Amendment of Conditions

1. During the time period for commencement of an approved development or use specified pursuant to Subsection G or during any extension granted by the Township

Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

2. The Statement of Conditions may be amended in the same manner as was prescribed for the original rezoning and Statement of Conditions.

K. Township Right to Rezone

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act

L. Failure to Offer Conditions

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

TOWNSHIP OF FOREST  
ZONING ORDINANCE

**ARTICLE 12: Condominium Projects**

The intent of these requirements is to ensure that all condominium projects are developed in compliance with standards applicable to similar forms of development under Township ordinances.

Section 12.01 - Review

Pursuant to authority conferred by Section 141 of the Condominium Act, all condominium projects shall require site plan approval by the Planning Commission before site improvements may be initiated and shall follow the process outlined in the Article.

Section 12.02 - Submission Requirements

All condominium project site plans shall be submitted for review as required by the site plan review requirements of this ordinance and Section 66 of the Condominium Act, and include the following additional information:

- A. A Copy of the "Exhibit B" condominium subdivision plan (this may replace the site plan normally required for site plan review provided it meets the information requirements of Section \_\_\_\_).
- B. A copy of the master deed and a copy of all restrictive covenants to be applied to the project.

Section 12.03 - District Requirements

The development of all condominium projects shall observe the applicable yard setback and minimum floor area requirements for structures within the zoning district within which the project is located. In site condominium projects the condominium unit and its associated limit common element shall be treated as a lot for the purpose of calculating lot size, width and setback. The dwelling unit density in a conventional condominium consisting of individual single-family dwellings shall be no greater and spacing no less than would be permitted if the parcel were subdivided.

Section 12.04 - Condominium Design Standards

A. Streets

All streets in a condominium subdivision shall conform to the Genesee County Road Commission standards for subdivision streets. Public streets may be required where necessary to provide continuity to the public road system.

B. Utility Improvements

Utilities shall comply with the requirements of the township's subdivision control and utility ordinances and any infrastructure standards adopted by the township board.

C. Utility Easements

The condominium subdivision plan shall include all necessary easements granted to Forest Township for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character for the purpose of providing public utilities, including

the conveyance of sewage, water and storm water run-off across, through, and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.

D. Engineering Reviews

Copies of an "as built" survey shall be provided to the Township demonstrating compliance with applicable Township ordinances.

Section 12.05 - Survey Requirements

Conventional condominiums shall comply with the monumenting requirements contained in the Condominium Act, PA 59 of 1978. Site condominium shall comply with the following requirements which are intended to ensure that monumentation is equivalent to the monumentation requirements of a subdivision plat.

- A. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the subdivision if the angle's points can be readily reestablished by reference to monuments along the sidelines of the streets.
- B. All monuments used shall be made of solid iron or steel at least half ( $\frac{1}{2}$ ) inch in diameter and thirty six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
- C. Monuments shall be located in the ground at all angles in the boundaries of the site condominium; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the site condominium and at the intersection of alleys with the boundaries of the site condominium; at the points of curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
- D. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plat and referenced to the true point.
- E. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least half ( $\frac{1}{2}$ ) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- F. All required monuments shall be placed flush with the ground where practicable.
- G. The corner of each area consisting of a unit and the associated limited common area reserved for that unit, and treated as a "lot" under this ordinance shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and half ( $\frac{1}{2}$ ) inch diameter, or other markers approved by the Township.
- H. The Township Planning Commission may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition the proprietor deposits with the Township cash, certified check, or irrevocable bank letter of credit payable to the Township, whichever the proprietor selects, in an amount not less than one hundred dollars (\$100.00) per monument and not less than four hundred dollars (\$400.00) in total, except that lot corner markers shall be at the rate of not less than twenty five dollars (\$25.00) per markers. Such cash, certified

check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed within the time specified as required. If the proprietor defaults, the Township shall promptly require a surveyor to locate the monuments and markers as certified on the plat, as required by this ordinance. The Township shall be reimbursed for the cost of such work by the proprietor's deposits. Additionally, in the event the Township incurs costs in excess of the amount deposited, such costs will be charged against the proprietor.

TOWNSHIP OF FOREST  
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**ARTICLE 13: Landscape Standards**

Section 13.01 - Intent

The intent of this article is to promote the public health safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping as buffer zones between zoning districts, along roadways, between adjacent buildings at entrances to developments and in parking lots.

The standards of this article are intended to guide and encourage the protection and enhancement of the environment through requirements for site design and the use of landscape materials. Applicants are encouraged to provide landscaping in addition to the minimum requirements of this ordinance to improve the function, appearance and value of their property.

Section 13.02 - Application

The requirements in this article shall apply to all uses for which site plan review is required under Article 8 of this ordinance. No site plan shall be approved unless it provides landscaping consistent with the provisions of this Article.

If the Planning Commission determines that dimensional conditions or other relevant characteristics unique to the parcel would prevent development of required buffer zones, off street parking area, landscaping or green belts, or make full compliance with the requirements unnecessary, it may grant an exception from the landscaping provisions of this article. The Planning Commission may increase the requirements in unique conditions.

The following are minimum landscape standards and nothing will preclude the developer and Township from agreeing to more stringent standards. If applicable this determination will be made during site plan review.

A. Landscape Plan Required

A separate detailed landscape plan shall be submitted as part of a site plan review. The landscape plan shall include, but not be limited to the following items:

1. The plan will be drawn to an identified scale adequate to read the information presented.
2. Proposed plant location, spacing species (common and botanical name).
3. Existing and proposed contours on-site and 100 feet beyond the site at intervals not to exceed two (2) feet.
4. Straight cross section including slope, height and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
5. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain existing natural drainage patterns.
6. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed materials.

7. Identification of existing trees and species proposed to be saved. Clearly reference on the plan the total number of trees proposed to be preserved.
8. Site plan review for pre-existing sites shall clearly identify the proposed building and/or parking expansion and label the net percent site increase and calculated landscape requirement.

**Section 13.03 - Minimum Buffer Zones**

**A. Level of Use**

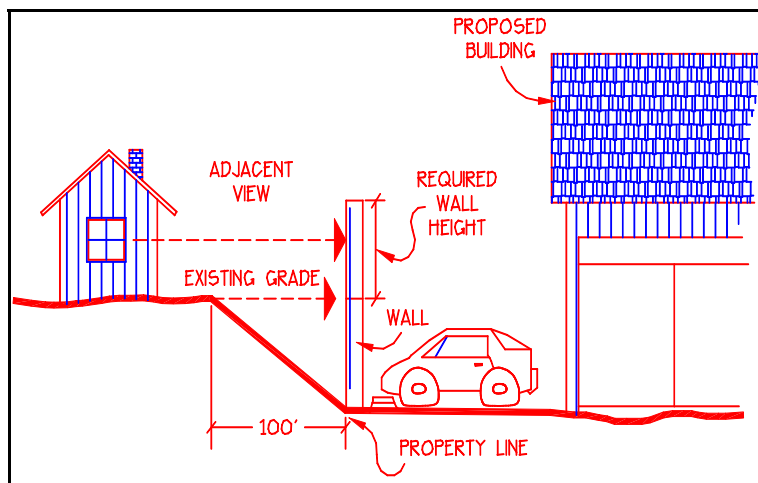
For the purposes of determining the density and type of coverage in the required buffer zone, zoning districts have been classified based on level of use, as follows:

LEVEL OF USE	USES
Level 1	Single Family Residences and Duplexes
Level 2	Multi Family Residences
Level 3	Uses allowed in the C district and institutional uses allowed in the RA, RU-1 and RU-2 districts
Level 4	Uses allowed in the GC district that are not allowed in the C district
Level 5	Uses allowed in the LI district that are not allowed in other districts

**B. Buffer Zone**

A buffer zone shall be provided within the setback between the subject site and all adjacent properties according to Table 13-1 below. Walls/fences and berms with a height greater than 40 inches shall typically be prohibited along a public street right of way or in a front yard unless specifically approved by the Planning Commission. The height requirement of a wall/fence or berm shall be measured from the existing grade at the principal structure (within 100 feet of the property line) nearest to that property, to the top of the proposed berm or wall on the applicant's site (see Figure 13-1). All walls/fences shall meet the standards described Section 13.03.D. Buffers utilizing a combination of plant materials, berming and walls/fences shall be encouraged.

**Figure 13-1**



**Table 13-1 Buffer Zone Requirements**

Level Of Use Of Subject Site	Level Of Use Of Adjacent Site				
	Level 1*	Level 2*	Level 3	Level 4	Level 5
Level 1	None	A or 5 foot high wall/fence/berm	A or a 5 foot high wall/fence/berm	A or 5 foot high wall/fence/berm	A or 8 foot high wall/fence/berm
Level 2	A or 5 foot high wall/fence/berm	None	A or a 5 foot high wall/fence/berm	A or 5 foot high wall/fence/berm	A or 8 foot high wall/fence/berm
Level 3	A or 5 foot high wall/fence/berm	A or a 5 foot high wall/fence/berm	None	B	B
Level 4	A or 5 foot high wall/fence/berm	A or 5 foot high wall/fence/berm	B	None	A or 5 foot high wall/fence/berm
Level 5	A or 8 foot high wall/fence/berm	A or 8 foot high wall/fence/berm	B	None	None

A = One (1) canopy tree, two (2) evergreen trees and four (4) large shrubs per each twenty (25) linear feet along the property line. All property line distances shall be rounded upward to the nearest foot. The Planning Commission may revise the required combination of evergreen and deciduous trees to address public safety and ensure adequate buffering of adjacent uses.

B = One (1) evergreen tree and four (4) large shrubs per each twenty five (25) linear feet along the property line. All property line distances shall be rounded upward to the nearest foot. The Planning Commission may revise the required combination of evergreen and deciduous trees to address public safety and ensure adequate buffering of adjacent uses.

\*Where the adjacent property, including property across a public street or private road, is zoned or used as single family residential, the Planning Commission may require additional landscaping (trees, shrubs, wall or berm) along the property line or within the site to sufficiently screen the parking lot, vehicle headlights, loading zones, outdoor display areas, storage yards, accessory structures, or use.

**C. Parking and Storage**

1. Parking lot screens will be designed with a hedge, wall/fence, berm or combination thereof, forming a continuous screen at least forty (40) inches in height above parking lot grade. The parking lot screen shall be located in the buffer zone to provide maximum screening of the parking lot.



2. All loading and unloading areas which are bordering side or rear yard setbacks of residential districts, shall be screened by a vertical screen consisting of structural or plant materials no less than 6 feet in height. Screening shall be sufficient to contain blowing debris and screen the loading and unloading areas from adjacent property owners.
3. Storage areas (including areas for storage of refuse) which are adjacent to residential districts, shall be screened on three sides by a fence or wall no less than 6 feet in height.

D. Wall or Fence Standards

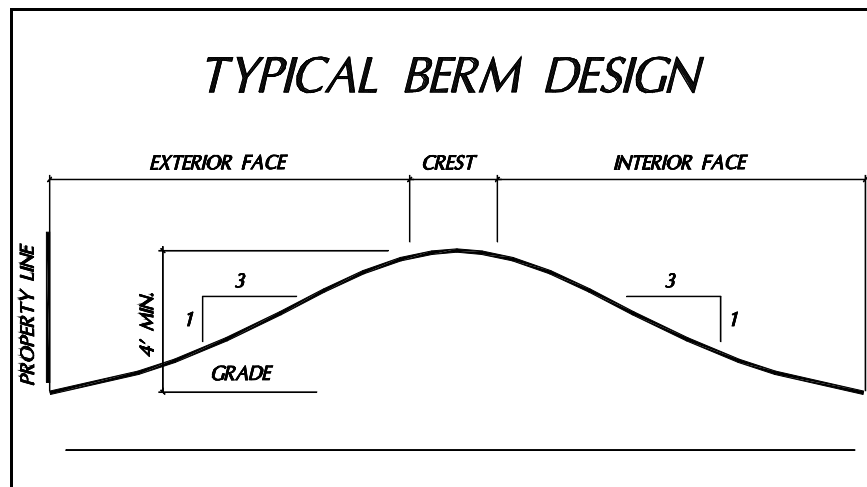
Required walls or fences shall comply with the standards listed below.

1. Walls or fences shall be located so as to abut the applicant's property except where underground utilities interfere or where this Ordinance requires conformance with yard setback lines.
2. Walls or fences must be maintained in good condition by the property owner.
3. The finished side or most visibly attractive side of a wall or decorative wood fencing shall face the exterior of the property line. Posts shall be on the side of the wall or fence facing the interior of the lot or parcel of land upon which the wall or fence is constructed.
4. The fence must be of an obscuring type approved by the Planning Commission.

E. Berm Standards

Required berms shall be constructed as landscaped earth mounds with a crest area at least three (3) feet in width. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the berm may be constructed as a earthen slope or retained by means of a wall, terrace or other means acceptable to the Zoning Administrator or planning commission depending on who has site plan approval. Whenever an earthen slope is provided, it shall be constructed with a slope not to exceed one (1) foot of vertical rise to three (3) feet of horizontal distance (1:3) (see Figure 13-2). Free form naturalistic contouring and berm shaping is encouraged.

Figure 13-2



Section 13.04 - Required Parking Lot Trees and Parking Lot Islands

A. Parking Lot Tree Table

ZONING DISTRICT	Number of parking spaces
C, GC, LI	1 canopy tree per 7 spaces

B. Tree location

All of the required parking lot trees shall be placed within the parking lot envelope, described as the area including the parking lot surface and extending fifteen (15) feet from the edge of the parking lot. Evergreen trees may be used for part of the landscaping on the outer edge of the parking area, provided they will not pose a traffic hazard. Only deciduous canopy trees are permitted within the interior of the parking area. All parking lot tree calculations and interior parking lot tree requirements shall be rounded up.

C. Tree Base

Each tree shall be surrounded by an area of grass or living ground cover at least one hundred fifty (150) square feet in size to provide for adequate resources of air and water. Tree plantings shall also be protected from automobiles with curbing or other suitable device.

D. Parking Lot Trees

Required parking lot trees shall be credited towards required in Section 13.05.

E. Design of Parking Lot Islands

All parking lot islands shall be curbed. Islands shall be at least one hundred fifty (150) feet in area. Each island shall be at least ten (10) feet wide, with a depth two (2) feet shorter than the depth of the adjacent parking space. Islands shall have a minimum of ten (10) feet at the ends facing main aisles. A minimum radius shall be one (1) foot where island is not adjacent to main traffic aisle.

Section 13.05 - Green Belts Required Along the Public Right of Way

A green belt shall be planted adjacent to the right of way of any public street. The green belt plantings shall be planted within the required setback. The Planning Commission may allow such planting to be placed anywhere within the front yard if there is no front yard parking. The green belt shall meet the following standards:

A. Use of Living Material

The green belt shall include only living materials and planting beds, except for approved sidewalks, signs, driveways and essential services.

B. Density of Trees

The green belt shall include one (1) deciduous canopy or coniferous tree per thirty (30) linear feet of the frontage including any openings for driveways, sidewalks, or

easements. This requirement may be reduced or waived by the planning commission with the showing of necessity by the applicant.

C. Use of Evergreens

The planning commission may approve substitution of evergreen trees for up to fifty percent (50%) of the required green belt trees upon determining evergreens would be consistent with the existing character of the area.

D. Vision Triangle

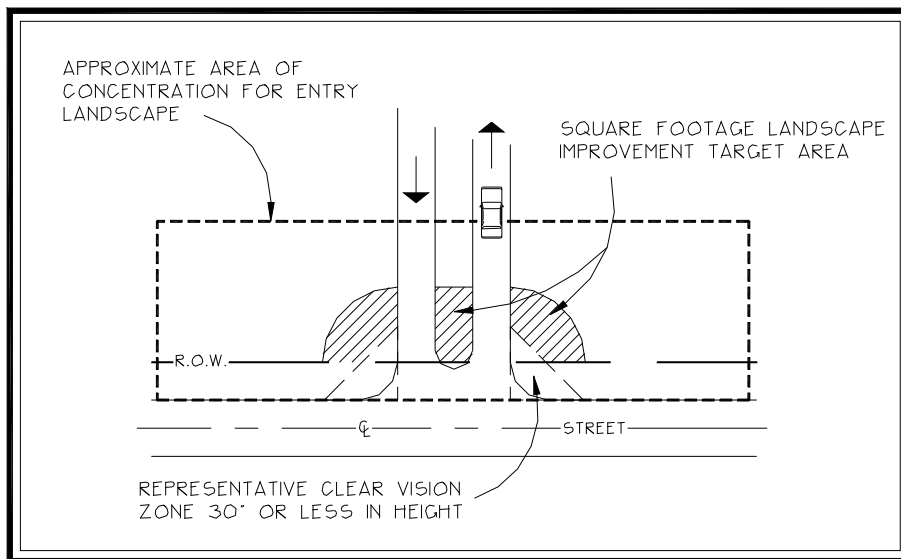
Landscaping materials arrangement shall insure adequate site visibility for motorists, adequate clearance for pedestrians and vehicles, and accessibility to fire hydrants. Plant materials within the twenty five (25) foot site distance triangle shall not be more than thirty (30) inches in height.

Section 13.06 - Residential Development Entry Landscaping

Landscaping shall be required at vehicular entry points for residential developments including subdivisions, condominium developments, multi-family developments, retirement communities and other developments.

- A. For residential developments which do not otherwise require landscaping as defined in Section 13.05 of this Ordinance, vehicular entry points shall require landscaping. This shall consist of a minimum of three hundred (300) square feet of landscaping area.
- B. Plant material and planting design is encouraged to be ornamental in character. Deciduous canopy trees and large evergreens will not be credited for ten (10) percent entry landscape requirements. Shredded hardwood, bark mulch, stone mulch, or vegetative ground covers shall be utilized within required landscape areas. Grass, lawn or sod will not be credited for entry landscape requirements.

Figure 13-3



Section 13.07 - Minimum Standards for Installation and Maintenance

A. Installation

Landscaping shall be installed in a sound workman like manner and conform to the American Standard for Nursery Stock ANSI Z60.1. If building or paving construction is completed during a planting season, then no certificate of occupancy will be issued unless the landscaping meets the requirements herein provided. If building or paving construction is completed in an off planting season, the certificate of occupancy will be issued only after the owner provides a performance bond to ensure installation of required landscaping in the next planting season.

B. Material Removal

Tree stakes, guy wires and tree wrap are to be removed by the applicant after one year.

C. Maintenance

Greenbelt areas and plant materials required by this ordinance shall be kept free from refuse and debris. Plant materials shall be maintained in a healthy growing condition, neat and orderly in appearance in perpetuity from the time of planting. If any plant material required by this Ordinance dies or becomes diseased, they shall be replaced by the applicant/owner within thirty (30) days of written notice from the Township or within an extended time period as specified in said notice.

Section 13.08 - Compliance for Pre-Existing Sites

In any case where site plan review is required and the existing building and/or parking area is being increased by at least twenty five percent (25%) over the originally approved site plan the landscaping requirements shall be applied at a rate of 2% of the requirements for each 1% increase in the size of the building or parking area. If the use is being changed to a more intense use, as determined by the Planning Commission, the site shall be brought into full compliance with the landscape standards herein.

Section 13.09 - Enforcement

A violation of any provision of this Section or non compliance with written notifications pertaining to this Section shall constitute a violation of this Ordinance as addressed in Article 3.

Section 13.10 - Plant Material Specifications

All plant material shall be free of disease and insects at time of planting, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen ANZI Z60.1.

Section 13.11 - Required Vegetation

When a landscaped buffer strip is required in this ordinance, or stipulated as a condition for a Conditional Use Permit pursuant to Article 9 of this Ordinance, the following requirements shall be fully complied with:

A. Buffer Strip

Each required landscaped buffer strip shall be at least fifteen (15) feet in width. If trees are planted said trees shall be at least 1 ¾ inches in caliper and shall be maintained such that withered or dead trees are replaced within a period not to exceed eight (8) months.

B. Plant Material Spacing

1. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
2. Where plant materials are placed in two or more rows. Plantings shall be staggered in rows.
3. Evergreen trees shall be planted not more than thirty (30) feet on centers and shall not be less than five (5) feet in height.
4. Narrow evergreens shall be planted not more than six (6) feet on centers and shall not be less than three (3) feet in height.
5. Tree-like shrubs shall be planted not more than ten (10) feet on centers and shall be not less than four (4) feet in height.
6. Large deciduous trees shall be planted not more than thirty (30) feet on centers and shall not be less than eight (8) feet in height.

C. Suggested Plant Materials

1. Evergreen Trees: Minimum five (5) feet in height, Juniper, Fir, Spruce, Hemlock, Pine, Douglas Fir.
2. Narrow Evergreens: Minimum three (3) feet in height. Column Hinoki, Cypress, Blue Columnar. Chinese Juniper Pyramidal, Red Cedar, Swiss Stone, Pine Pyramidal, Irish Yew, Douglas, Arbor Vitae Columnar, Giant Arbor Vitae.
3. Ornamental Trees Minimum five (5) feet in height, Flowering Crab, Mountain Ash, Redbud Hornbeam, Magnolia, Dogwood, Rose of Sharon, Hawthorn.
4. Large Deciduous Shrubs: Minimum six (6) feet in height, Honeysuckle, Mock-Orange, Lilac, Cotoneaster, Euonymus, Viburnum, Forsythia, Ninebark, Hazelnut, Privet, Sumac.
5. Large Deciduous Trees: Minimum eight (8) feet in height. Oak, Hackberry, Planetree (Sycamore), Sweet Gum, Linden, Ginkgo (male species), Birch, Honey Locust, Ash.

D. Prohibited Trees

The following trees are not permitted to be used to meet the requirements of this article as they split easily. Their wood is brittle and breaks easily, they bear fruit or seed pods that can stain vehicles, drives and sidewalks and they are unusually susceptible to disease or insect pests.

E. Common Names

1. Box elder
2. Red Maple
3. Silver Maple

4. Horse Chestnut
5. Hickories
6. Catalpa
7. Hawthorns
8. Black Walnut
9. Mulberry
10. Poplars
11. Willows
12. American Elm
13. Siberian Elm
14. Slippery Elm, Red Elm

Section 13.12 - Drives and Accessways

Necessary drives and accessways from public rights-of-way through such buffer strips shall be permitted, provided that such accessways shall not be subtracted from the lineal dimension used to determine the required number of plants.

FOREST TOWNSHIP  
ZONING ORDINANCE

**ARTICLE 14: DESIGN STANDARDS**

Section 14.01 - Accessory Building

In the RU-1 Zoning District, accessory buildings shall be subject to the following regulations:

- A. In the RU-1 Zoning District, no accessory buildings shall be constructed on a parcel of land unless a dwelling is also located on that parcel.
- B. In the RU-1 Zoning District, the combined floor area of all accessory buildings shall not exceed the first floor area of the dwelling.
- C. In the RU-1 Zoning District, the maximum side wall height of an accessory building shall be fourteen (14) feet and the maximum overall height of an accessory building shall be twenty-five (25) feet.
- D. In the RA and the RU-1 Zoning Districts, no accessory building shall be constructed between the road and the front of any dwelling, except on lakefront properties or parcels containing twenty (20) or more acres.

Section 14.02 - Accessory Housing

Owners and occupants of single family residences in the RA, RU-1, RU-2 and MHP zoning districts may apply for a conditional use permit for accessory living quarters either by installation of a mobile home or other accessory unit on site or remodeling of a residence to create a separate self-contained dwelling for qualified related persons, subject to the following restrictions:

- A. All improvements and alterations must meet all codes applicable to construction work on residential structures.
- B. Adequate parking space to accommodate any additional residents projected to occupy the accessory unit shall be provided.
- C. Adequate septic and well-water facilities to accommodate the additional residents projected to occupy the accessory unit shall be provided.
- D. There shall be no visible change in the exterior design of the dwelling containing the accessory unit which would alter the single-family appearance.
- E. The Township Planning Commission may waive rear yard, side yard, and other dimensional requirements in approving an application to build an accessory unit.
- F. Qualified related persons shall be defined as persons who are parents, grandparents, children, uncles, aunts, nieces, or nephews to the occupants.
- G. The applicant must establish the existence of a hardship rendering the accessory unit reasonably necessary for the accommodation of the qualified related person. The following situations may qualify:
  - 1. The qualified related person is deemed by way of a written opinion from a licensed physician to be unable to safely reside without access to the benefits of an accessory unit living arrangement; or
  - 2. A court has determined that the qualified related person is unable to safely reside without access to the benefits of an accessory until living arrangement.

- H. With respect to existence of conditions defined as “hardship” herein, the Township shall require the occupant to provide continuing evidence of such hardship at least once (1) each calendar year.
- I. Economic hardship alone shall not constitute sufficient hardship under this section.
- J. The Township may require an affidavit signed by the property owners acknowledging the limitations on occupancy under any approval granted pursuant to this section. Any such affidavit may be recorded with the Register of Deeds.
- K. The Township shall have the right to inspect the accessory unit to determine if it is being occupied by persons having no demonstrated hardship or by persons not qualifying as related.
- L. When the Township determines that the hardship which justified the construction of the accessory unit no longer exists, then there shall be a notice of termination transmitted by the Township to the responsible property owner. Thereafter, the owner or occupant must remove any detached accessory housing within sixty (60) days. In the case of additions to existing structures, the added unit must be converted back to single-family use within sixty (60) days or the owner must certify that the accessory unit is vacant and submit a proposed timetable for conversion of the attached accessory unit back to single-family use. The Township may in its discretion either approve or disapprove the proposed timetable.
- M. In granting a permit, the Zoning Administrator shall require that a cash deposit, surety bond or letter of credit be provided to the Township in an amount not less than Two Thousand (\$2,000.00) Dollars to guarantee the removal of the mobile home from the premises upon the termination of the temporary permit and to reimburse the Township for any costs it may incur in enforcing the removal of the mobile home.
- N. The Planning Commission shall have the right to revoke a conditional use permit for an accessory unit when the following occurs:
  - 1. The accessory unit fails to conform to approved construction plans.
  - 2. The occupant fails to provide evidence of continuing hardship.
  - 3. Non-qualified persons are allowed to occupy the accessory unit.

Section 14.03 - Adult Entertainment Establishments.

Adult entertainment establishments are permitted by right in the GC zoning district provided:

No such establishment shall be approved if it is within:

- A. Five hundred (500) feet of any building containing a residential dwelling or rooming unit.
- B. Five hundred (500) feet of any public or private school.
- C. Five hundred (500) feet of any church or other religious facility or institution;
- D. Five hundred (500) feet of any public park.
- E. One thousand (1,000) feet of any other adult use.

Section 14.04 - Adult Foster Care Large Group Homes (13- 20 Persons) and Adult Foster Care Small Group Homes (7- 12 Persons)

Adult foster care large group homes with thirteen (13) to twenty (20) adults are permitted by right in the RU-2 zoning district and adult foster care small group homes with seven (7) to twelve



(12) adults are permitted by right in the RU-2 zoning districts and by conditional use permit in the RU-1 and MPH districts provided:

- A. The facility will meet the residential density requirements for the zoning district it is located in based on one dwelling unit per six household members.
- B. The facility shall maintain a valid state license to operate as an adult foster care small or large group home.

Section 14.05 - Apartment Buildings

Apartment buildings are permitted by right in the RU-2 zoning district provided:

- A. Permitted Density – Density shall be based on the provisions of Section 4.12 of this ordinance.
- B. Building Length - Multiple family buildings shall not exceed one hundred and fifty (150) feet in overall length, measured along the front line of connecting units, inclusive of any architectural features which are attached to or connect the parts of the building together (see illustration).
- C. Building Spacing - The minimum distance between any two (2) buildings shall be based on the following table:

Relationship Between Buildings	Minimum Distance Between Buildings
Front to Front	70 ft.
Front to Rear	70 ft.
Rear to Rear	70 ft.
Side to Side	30 ft.
Front to Side	50 ft.
Rear to Side	50 ft.

- D. Street Address - The address of each dwelling unit must be clearly posted so that the unit can be readily identified from the roadway or adjacent parking area.
- E. Access and Circulation - Multiple family developments shall comply with the following requirements for access and circulation:

1. Access to Roads

RU-2 developments shall have direct access to a paved collector or arterial road. However, alternate means of access may be permitted by the Planning Commission upon finding that, due to special circumstances, substantial improvements in traffic safety could be achieved by reducing the number of driveways. Furthermore, an alternate means of access shall be permitted only if one or more of the following conditions exist:

- a. The property directly across the street from the development under consideration is zoned for multiple family or non-residential use, or
- b. The property directly across the street is developed with permanent uses other than single family residences, or

- c. The proposed development is in an area which, based on study by the Planning Commission, will eventually be used for purposes other than single family use.

## 2. Emergency Access

All dwelling units, including those under construction, shall be readily accessible by fire and emergency vehicles from a paved public street, paved private access road, or other approved paved area. Private roads or driveways dedicated as fire lanes shall be posted with signs indicating "Fire Lane, No Parking." To facilitate emergency vehicle access, the following guidelines shall be complied with:

- a. All roadways shall be paved and bi-directional allowing for both ingress and egress. A boulevard may be utilized to provide bi-directional traffic movement, provided that the median strip is a minimum of twenty-five (25) feet in width, and the width of each paved moving lane in each direction is at least fifteen (15) feet.
- b. Streets with no outlet shall be terminated with a cul-de-sac, designed in accordance with standards established and periodically updated by the Township Engineer and kept on file in the Building Department. Such streets with no outlet shall not exceed one thousand (1,000) feet in length.
- c. Gatehouses and/or barricades at entrances to private roadways shall be designed so as not to impede fire and emergency vehicle access.

## 3. Street Dimensions

On-site streets and drives shall comply with the standards in Section 2.10, subsection C.

## F. Sidewalks

Sidewalks shall be provided within the development, located no less than five (5) feet from and parallel to access drives. Such sidewalks shall provide convenient access to community buildings and between parking areas and dwelling units. The sidewalks shall be designed and constructed in accordance with the recommendations of the township engineer.

## G. Parking

In addition to the requirements set forth in Article 5, multiple family developments shall comply with the following requirements:

### 1. Distance from Dwelling Units

Parking shall be located within one hundred and fifty (150) feet of the dwelling units the parking is intended to serve, measured along the sidewalk leading to the parking lot.

### 2. Parking for Community Building

Parking shall be provided for community buildings as specified in Article 4.00.

## H. Lighting

All parking areas, building entrances, sidewalks, and ramps shall be illuminated to ensure the security of property and the safety of persons using such areas, in accordance with the requirements set forth in Section 6.07.

## I. Landscaping

Multiple family developments shall be landscaped in accordance with Article 13.

J. Open Space

Open space shall be provided in any multiple family development containing eight (8) or more units. The open space shall comply with the following requirements:

1. Size

Total open space required shall be based on the number and size of units, as indicated in the following chart, provided that each development shall contain a minimum of ten thousand (10,000) square feet of open space.

Type of Unit	Open Space Required per Unit
Efficiency unit	170 sq. ft. per unit
1 bedroom unit	250 sq. ft. per unit
2 bedrooms or more	350 sq. ft. per unit

2. Location

Open space shall be located conveniently in relation to the majority of dwelling units intended to be served. Swamp areas, marshy areas, and similar limited-use areas shall not be included in the required open space.

3. Use of Open Space

Uses permitted within the required open space include picnic and sitting areas, playground and park space, play equipment, tennis courts, shuffleboard courts, and similar outdoor recreation facilities.

4. Phasing

Open space improvements shall be completed in proportion to the number of units constructed in each phase.

K. Garages

Garages shall be permitted for each unit, in accordance with the provisions of this ordinance.

L. Antennae

Each multiple family building shall be permitted to erect one (1) antenna, subject to the requirements in Section 6.03.

Section 14.06 - Bed and Breakfast

Bed and breakfast establishments are permitted by Conditional Use Permit in the RA, RU-1 and RU-2 zoning districts provided:

- A. The residence is the principal single family detached dwelling unit on the property and is owner-occupied at all times.
- B. The maximum stay for any occupants of Bed and Breakfast operations shall be fourteen (14) days.
- C. Paved parking shall be provided at a ratio as set by the Zoning Administrator.
- D. Bed and breakfast establishments may not have more than five (5) rental sleeping rooms.
- E. Each operator shall keep a list of names of all persons staying at the bed and breakfast operation. Such list shall be available for inspection by township officials at any time.

- F. Breakfast is the only meal that may be served to overnight bed and breakfast guests, and this meal shall comply with restrictions of the State and County Health Departments for nonresidential uses. There shall be no separate cooking facilities for the bed and breakfast stay.
- G. The rental sleeping rooms shall have a minimum size of one hundred twenty (120) square feet for each two (2) occupants, with an additional thirty (30) square feet for each additional occupant to a maximum of four (4) occupants per room. At no time shall a bed and breakfast operation utilize more than twenty-five percent (25%) of the total floor area of the dwelling, excluding garages, porches and basements. Each sleeping room used for the bed and breakfast operation shall have a separate smoke detector alarm.
- H. Signs for a bed and breakfast operation shall meet the requirements for a home occupation found in Article 16 of this ordinance.
- I. No premises shall be utilized for a bed and breakfast operation unless there are at least two (2) exits to the outdoors from such premises.
- J. A minimum lot width of one hundred (100) feet will be required for all bed and breakfast operations.

#### Section 14.07 - Cemeteries

Cemeteries are permitted by Conditional Use Permit in the RA and RU-1 zoning districts provided:

The following regulations shall apply to the establishment of new cemeteries or expansion of existing cemeteries:

- A. Location - No portion of any cemetery that is located in a wetland or within the 100-year flood boundary shall be developed or platted for grave sites.
- B. Accessory Buildings - A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery master plan, which shall be subject to Planning Commission approval.
- C. Setbacks - No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than one hundred (100) feet to the boundary line of any residential or commercial district. A crematorium located within a cemetery shall be setback a minimum of four hundred (400) feet from the boundary line of any residential district.
- D. Location of Entrances - Entrances to cemeteries shall be off of a major or secondary thoroughfare, and shall be designed to minimize traffic congestion.
- E. Screening - Screening shall be provided along all property lines abutting a residential district or street in a residential district, in accordance with Article 13.

#### Section 14.08 - Churches

Churches are permitted by right in the GC district and by Conditional Use Permit in the RA, RU-1, RU-2 and MHP districts provided:

- A. The site shall have direct access to county primary road
- B. All structures shall be a minimum of 50' from a parcel in a residential zoning district. For structures that are exempt from the height requirements of this ordinance, the structure shall be setback from all lot lines a minimum of one-half (1-1/2) times the height of the structure.

Section 14.09 - Dog kennels and the raising of fur bearing animals.

Dog kennels and the raising of fur bearing animals are permitted by Conditional Use Permit in the RA zoning district provided:

- A. All animals shall be housed, fenced and maintained in a manner consistent with state law. Kennels shall be constructed with a drained concrete floor and approved septic system or other provision for safe, sanitary collection and disposal of waste.
- B. All pens and runways in dog kennels shall be screened from view from any residences or roads by buildings or greenbelt plantings.
- C. Dog kennels shall be set back a minimum of one hundred (100) feet from each property line and one hundred fifty (150) feet from the road.
- D. The property on which the dog kennel is located must have an occupied residence on the premises.
- E. There shall be a maximum of ten (10) animals per caretaker.
- F. In the case of commercial kennels, dogs shall be kept within an enclosed building during the normal sleeping hours of 9:00 p.m. to 7:00 a.m. The building shall be constructed of sound deadening walls and ceilings.
- G. The minimum lot size for a private kennel shall be ten (10) acres and for a commercial kennel shall be forty (40) acres.
- H. Commercial kennels shall be allowed in areas where due to the general low density of residences and large parcel sizes, nuisances from noise can be minimized.
- I. In order to avoid an over concentration of kennels, no commercial kennel may be within one (1) mile of an existing commercial kennel.

Section 14.10 - Golf Courses

Golf courses are permitted by Conditional Use Permit in the RA, RU-1 and RU-2 zoning district provided:

- A. Setbacks and Fairway Width - The principal and accessory buildings shall be set back at least seventy-five (75) feet from all property lines. Fairways and driving ranges shall have sufficient width and shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course. The minimum width for fairways shall be one hundred (100) yards subject to review by the Planning Commission. Fairways shall be designed so that existing or future dwelling units are located a minimum of two hundred (200) feet from the center of the fairway.
- B. Access - Golf courses and country clubs shall have direct access onto a public or approved private road.
- C. Shelter Buildings - At least one (1) shelter building with toilet facilities shall be provided per nine holes. The shelter shall meet all requirements of the Genesee County Health Department and the Township Building Code.
- D. Building Setbacks - Buildings shall be setback a minimum of 200 feet from any property line that abuts a residential district.
- E. Turf Maintenance Plan - The proposed turf maintenance plan and chemical application plan for the first year and for long term turf maintenance shall be submitted for review.

- F. Chemical Storage - Detailed plans for chemical storage shall be provided. Buildings in which chemicals are stored shall be designed to contain spills and shall not have floor drains that discharge into a septic system or other pathway to the groundwater. Plans for emergency containment and clean-up shall also be provided.
- G. The following regulations shall apply to Driving Ranges:
1. Minimum Dimensions and Setbacks - Driving ranges shall have sufficient width and length and shall be designed in such a manner as to prevent golf balls from being hit outside the perimeter of the driving range. The minimum length of the driving range shall be 300 yards, measured from the tee to the end of the range. Tees shall be set back at least 25 yards from each side property line, unless the applicant can demonstrate that golfers will be oriented toward the center of the range so that golf balls will not be hit beyond the side property lines.
  2. Screening or Slopes - The Planning Commission may require a landscaped buffer or fencing along the perimeter to screen the driving range from adjacent properties or to prevent balls from being hit outside of the driving range. Screening shall comply with the standards in Article 13. The Planning Commission may also require that the sides of the driving range slope upward and be rough mowed so as to intercept stray golf balls.

Section 14.11 - Group Day Care Homes are permitted in the RA, RU-1 and RU-2 zoning districts provided:

- A. Is located not closer than 1,500 feet to any of the following:
1. Another licensed group day-care home.
  2. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
  3. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
  4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
- B. Has appropriate fencing for the safety of the children in the group day-care home as determined by the Planning Commission.
- C. Maintains the property consistent with the visible characteristics of the neighborhood.
- D. Does not exceed 16 hours of operation during a 24-hour period. The Planning Commission may impose conditions that limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
- E. Meets sign regulations for home occupations.
- F. Meets parking requirements for group day-care homes

Section 14.12 - Gun Ranges

Gun ranges are allowed by Conditional Use Permit in the GC zoning district provided:

- A. Location Requirements: Indoor or outdoor shooting ranges are permitted by Special Use Permit in the A-1, A-11/2, and A-2 Districts and indoor only by Special Use Permit in the B-2

and B-3 Districts. A site plan meeting the requirements of Article 14 and any additional requirements of this Section shall be submitted.

B. Site Requirements: Minimum lot area shall be twenty (20) acres for outdoor facilities and five (5) acres if the facility is located within a building or underground.

C. Buffering Requirements:

1. Minimum front, side and rear yard setbacks shall be two hundred fifty (250) feet in the agricultural districts and the same as the district in the B-2 and B-3 Districts.

D. Performance Standards:

1. All federal, state and county codes and ordinances in regard to firearms shall be strictly adhered to. In addition, the requirements of the Sport Shooting Ranges Act, Public Act 269 of 1989, as amended, shall be adhered to.

2. A site plan for the range, whether indoor or outdoor, shall be submitted clearly indicating all safety provisions to assure that any missile fired within the confines of a shooting range shall not carry into or over an adjacent district or area.

3. The operator shall have the County Sheriff and MDNR review and comment on the site plan prior to submitting it to the Zoning Administrator.

4. Rifle and pistol ranges shall have adequate backstops that meet the approval of the Planning Commission.

5. A six (6) foot high chain link fence shall be provided around any outdoor shooting area to assure that individuals will not unknowingly trespass on the property, particularly where firearms are being discharged. Signs designating the area as a shooting range shall be clearly posted.

6. Hours of operation shall be between 9:00 a.m. and 7:00 p.m.

7. The intensity level of sounds shall not exceed seventy-five (75) decibels (dBA) at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the common lot line when adjacent to a dwelling or a residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.

8. The layout of the shooting range shall follow guidelines available from public and nonprofit organizations maintained in the office of the Zoning Administrator, which are designed to enhance public safety, minimize accidents, guarantee insurance coverage and minimize liability.

9. Section 2a of the Sport Shooting Range Act No 269 of 1989 mandates that facilities as defined in the Act that existed before the effective date of the Act (1989) be allowed to expand and replace existing facilities and the level of activity at the facility. The limitations on nonconformities in Article 7 of this Ordinance are superseded by the Sport Shooting Act.

10. The gun range shall have a range master on duty to ensure gun safety at all times.

#### Section 14.13 - Hobby Farms

Hobby farms are permitted by Conditional Use Permit in the RU-2 district provided:

1. The parcel shall be over ten (10) acres in size.

2. Not more than one (1) farm animal per two (2) acres is permitted.

3. The area provided for the farm animal including stable and pasture shall be a minimum of 100' from an adjacent residence or 85' from the lot line of an adjacent parcel. The Planning Commission may increase this setback based on the nature of the animals to be housed, surrounding land use, prevailing winds and existing natural features.

#### Section 14.14 - Home Occupations

Home occupations are permitted by right in the RA and RU-1 zoning districts and by Conditional Use Permit in the RU-2 zoning district provided:

- A. The home occupation must be conducted entirely within an existing building. No exterior alterations to buildings shall be made to accommodate the home occupation.
- B. The home occupation shall be clearly incidental and secondary to the use of the premises as a residence.
- C. No noise, odor, fire hazard, or traffic congestion shall be created beyond that which is normal in a residential area.
- D. No outdoor storage or display of merchandise, materials, or items to be repaired shall be allowed.
- E. Only one advertising sign shall be allowed as provided for in Section 16.04 of this ordinance.
- F. The home occupation shall not involve more than one (1) employee who does not reside on the premises.

#### Section 14.15 - Hunting Preserve/Sportsman Club

Hunting preserves and sportsman clubs are permitted by Conditional Use Permit in the RA district provided:

- A. Site Requirements: Minimum lot area shall be 80 acres.
- B. Buffering Requirements: Minimum front, side and rear yard setbacks within which no shooting is permitted shall be three hundred (300) feet.
- C. Performance Standards:
  1. All federal, state and county codes and ordinances in regard to firearms and the operation of a hunting preserve shall be strictly adhered to.
  2. A site plan for the hunting preserve showing the location of all proposed structures and uses shall be submitted to the Planning Commission. The site plan shall clearly indicate all safety zones to assure that any missile fired within the hunting preserve shall not carry into or over an adjacent district or area.
  3. The operator shall have the County Sheriff and MDNR review and comment on the site plan prior to its review by the Planning Commission.
  4. Rifle, shotgun and pistol ranges shall comply with the requirements for a shooting range in this Section 14.27.
  5. A six (6) foot high chain link fence shall be provided around the entire property to assure that individuals will not unknowingly trespass on the property, particularly where firearms are being discharged. Signs designating the area as a hunting area shall be clearly posted not more than fifty (50) feet apart and affixed to the fence.
  6. Hours of operation shall be between 1/2 hour before sunrise and 1/2 hour after sunset.



Section 14.16 - Indoor Commercial Recreation.

Indoor commercial recreation establishments are permitted in the GC zoning district provided:

- A. The site shall be located on, or shall take principal access from a state highway or county primary road.
- B. Minimum site area shall be one (1) acre.
- C. No building shall be located within fifty (50) feet of a lot line of adjoining residentially planned, zoned or used property.
- D. Whenever parking areas are adjacent to land in a residential district, a minimum of a five (5) foot high wall shall be provided along the side of the parking area adjacent to the residentially planned, zoned or used land.
- E. Based on the nature of the use and nuisance potential to adjoining property owners, the Planning Commission and Township Board may stipulate noise standards beyond those stipulated otherwise in this Ordinance.
- F. Operating hours for all uses shall be determined by the Planning Commission and Township Board based on the nature of the use and the nuisance potential to adjoining property owners. The maximum range of hours for all establishments is Monday through Sunday 7:00 a.m. to midnight.

Section 14.17 - Junk, Salvage, Recycling Yards

Junk, salvage and recycling yards are permitted by Conditional Use Permit in the LI zoning district provided:

In addition to other regulations set forth in this Ordinance, all junk, salvage and recycling yards shall conform to the following requirements:

- A. Direct ingress and egress from a paved road.
- B. A minimum lot size of 20 acres.
- C. The required site plan shall also contain a description of the location and nature of any materials processing operations to be conducted within the yard, and the location and nature of equipment for such operations.
- D. Yard materials shall be stored in organized rows with open intervals at least twenty (20) feet wide between rows for purposes of fire protection, emergency access and visitor safety.
- E. Yard materials shall not be stored in piles higher than the top of the fence surrounding the yard. Automobiles, trucks, and other vehicles shall not be stacked to a height or in a manner that prohibits fire protection, emergency access or does not protect the safety of visitors.
- F. The yard shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin.
- G. The yard, when established and located within one thousand (1,000) feet of any existing residential district or land being used for residential purposes, as measured on a straight line distance, shall not be open for business and shall not operate at any time other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays; between 7:00 a.m. and 12:00 noon on Saturdays
- H. All liquids contained in automobiles and other vehicles shall be drained from the same immediately after such vehicles are brought to the yard. Such liquids shall be temporarily

stored in containers approved by the local fire authority until properly disposed of according to law. The applicant shall provide a written procedure for draining, storage and disposal.

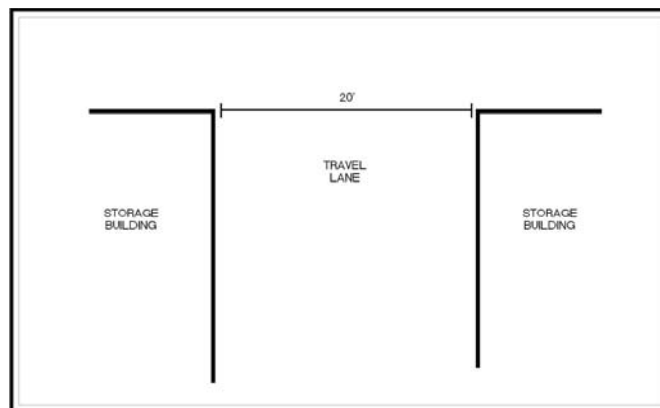
- I. All drives, parking areas, and loading/unloading areas shall be paved, watered, or treated so as to limit nuisances caused by dust on neighboring properties and public roads.
- J. No portion of the site shall project into the required front yard.
- K. There shall be not more than one (1) entranceway from each public street that adjoins the yard.
- L. The site shall be screened by a seven (7) foot high solid fence.
- M. Wrecking and processing operations are permitted in a yard but shall be described in the application for the special land use so that the Planning Commission and Board of Commissioners can implement standards and conditions to protect the health, safety and welfare of the community.

**Section 14.18 - Mini-Storage Facilities**

Mini-Storage Facilities are permitted by right in the GC district provided:

- A. No activity other than the rental of storage units and the rental of outside storage space for recreational vehicles, boats and watercraft shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.
- B. Only the sale of incidental supplies and similar material related to the self-storage business shall be allowed from the facilities office.
- C. The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited inside the storage units. Fuel stored in motor vehicle tanks of cars, boats or other motorized devices may be subject to separate regulation by the proprietor.
- D. All batteries shall be disconnected from motor vehicles, boats, lawn mowers or similar property to be stored inside a storage unit.
- E. Other than the storage of recreational vehicles, boats and watercraft, all storage shall be contained within a building. All outdoor vehicle storage shall be screened from the view of neighboring properties and public roads in accordance with Article 13 of this ordinance, or by an obscuring fence, if one is determined necessary by the Planning Commission.
- F. Storage units shall be separated by driveways a minimum of twenty (20) feet in width (see Figure 14-1).

**Figure 14-1**



- G. The local fire authority or designated representative is to review the site plan for all issues related to vehicle access and fire safety.
- H. A residence for a caretaker or watchman is permissible and is subject to reasonable conditions that may be imposed by the Planning Commission and Board of Commissioners as well as the following:
  - 1. The caretaker or watchman's residence must have at least the minimum square footage of living space to meet the zoning ordinance's requirements for a unit in a multiple-family dwelling, not including the office space for the self storage facility.
  - 2. Exterior design of the caretaker or watchman's residence is subject to the review and approval of the Planning Commission and Township Board.
  - 3. The caretaker or watchman's residence is subject to all area and setback requirements of the district that it is located in.
  - 4. The maximum height of the caretaker or watchman's residence shall be twenty-four (24) feet or two (2) stories.
- I. Parking Requirements: One (1) space for every one hundred fifty (150) self-storage units with a minimum of three (3) spaces to be provided adjacent to the office.
- J. Direct ingress and egress shall be from a paved road.

#### Section 14.19 - Motels or Hotels

Motels and hotels are permitted by right in the GC zoning district provided:

- A. A site shall contain no less than two (2) acres of land and no less than one thousand (1,000) square feet of lot area shall be available per guest unit.
- B. Each unit shall contain not less than two hundred and fifty (250) square feet of heated/air-conditioned floor area per guest unit.
- C. All buildings shall be setback no less than fifty (50) feet from all perimeter parcel lines, while one hundred (100) feet is required when adjacent to residentially zoned, planned or occupied land.
- D. Accessory uses may include, but not be limited to meeting rooms, ballrooms, restaurants, bars, recreational uses, and gift shops.
- E. Cooking and/or kitchen facilities may be provided in new hotels/motels upon demonstration by the applicant that the provisions of all applicable fire prevention and building codes have been complied with.
- F. All parking areas of greater than five (5) spaces shall be set back from residentially planned, zoned or occupied parcel by no less than twenty-five (25) feet for rear and side yards.
- G. Ingress and egress shall be from a County primary or a State highway road.

#### Section 14.20 - Occupancy of Campers and Temporary Mobile Homes

Occupancy of a camper and temporary mobile homes as an accessory use is permitted in the RA, RU-1, RU-2 and MHP districts provided:

- A. Camper Occupancy - No camper, as defined in this Ordinance, shall be occupied for more than fifteen (15) days during any calendar year unless approval has been granted by the Township Board for a longer period of time.

B. Use of Campers and Temporary Mobile Homes as a Residence While Constructing a Single-Family Dwelling

1. A permit may be issued by the Zoning Administrator for a camper or a mobile home to be occupied as a temporary dwelling for a period up to six (6) months while a single-family dwelling is being constructed. Additional six-month extensions of the permit may be granted by the Zoning Administrator providing that reasonable progress is being made on construction of the single-family dwelling. No more than three (3) such six-month extensions may be permitted.
2. In granting a permit, the Zoning Administrator shall require that a cash deposit, surety bond or letter of credit be provided to the Township in an amount not less than Two Thousand (\$2,000.00) Dollars to guarantee the removal of the mobile home from the premises upon the termination of the temporary permit and to reimburse the Township for any costs it may incur in enforcing the removal of the mobile home. In the case of a camper, a minimum of Five Hundred (\$500.00) Dollars shall be required.
3. Prior to placing a temporary mobile home on a premises, the applicant must have installed an adequate well, septic system, and electrical power source for the single-family home being constructed. The temporary mobile home must be connected to the well, septic system, and electric power.
4. A camper may be placed on premises prior to the installation of the well, septic system, and electrical power but must be removed from the premises if the well, septic system, and electric power source are not connected to the camper within six (6) months of the date the camper is placed on the property.
5. Prior to placing either a camper or temporary mobile home on a premises, all necessary building permits must have been acquired for the construction of the single-family dwelling.
6. Prior to placing a temporary mobile home on premises, the basement, foundation, or footings for the single-family dwelling must have been completed.
7. A camper or mobile home permitted for temporary use pursuant to this section need not comply with the single-family dwelling requirements of this Ordinance.
8. The temporary mobile home must be removed from the property before the expiration of the temporary mobile home permit.
9. The applicant must execute and record an affidavit guaranteeing that the temporary mobile home will be removed from the premises at the expiration of the permit period.

Section 14.21 - Open Air Business

Open-Air Businesses, whether operated year round or on an intermittent basis are permitted by Conditional Use Permit in the GC district provided:

- A. Lot Area - The minimum lot size for open-air businesses shall be one (1) acre.
- B. Driveway Location - The nearest edge of any driveway serving an open-air business shall be located at least sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way) and at least twenty (20) feet from any side property line.
- C. Parking Setback - Parking shall be setback a minimum of ten (10) feet from any road right-of-way line.
- D. Lot Width - The minimum lot width for open-air businesses shall be two hundred (200) feet.

- E. Loading and Parking - All loading and parking areas for open-air businesses shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent roads.
- F. Outdoor Display of Vehicles - The outdoor display of new or used automobiles, boats, mobile homes, recreational vehicles, trailers, trucks, or tractors which are for sale, rent, or lease shall comply with the requirements in Section 8.02, sub-section C.
- G. Plant Material Nursery - Nurseries which deal with plant materials shall comply with the following:
  - 1. Plant storage and display areas shall comply with the minimum setback requirements for the district in which the nursery is located.
  - 2. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.

Section 14.22 - Private Airstrips

Private Airstrips are permitted by conditional use permit in the RA zoning district provided:

- A. Site Requirements: Lodges, schools, churches, or other public meeting places shall not be within five hundred (500) feet of said strip or hanger. No concentrated animal feeding operation shall be within one thousand (1,000) feet of the landing strip or hanger, or within the flight path of planes landing or taking off.

Section 14.23 - Public or private recreation facilities, campgrounds, and golf courses.

Public or private recreation facilities and campgrounds are allowed by Conditional Use Permit in the RA zoning district and golf courses are allowed by Conditional Use Permit in the RA, RU-1 and RU-2 zoning districts provided:

- A. The site shall be located on a public or approved private road.
- B. Minimum site size shall be forty (40) acres.
- C. All development features shall be located so as to minimize the possibility of any adverse affect upon adjacent property. This shall include a minimum setback of one hundred (100) feet from property lines for all development features.
- D. Activities shall be adequately screened from abutting property.
- E. Related accessory commercial uses may be permitted in conjunction with the recreation use when it is clearly incidental to the main recreational character of the property.

Section 14.24 - Quarrying of soil, sand, clay, gravel or similar materials.

The quarrying of soil, sand, clay, gravel or similar materials is permitted in the RA zoning district by Conditional Use Permit provided:

- A. Each application for special approval shall contain the following:
  - 1. Names and addresses of property owners and proposed operators of the premises.
  - 2. Legal description of the premises.
  - 3. Detailed statement as to method of operation, type of machinery or equipment to be used and estimated period of time that the operation will continue.
  - 4. Detailed statement as to the type of deposit proposed for extraction.

5. Reclamation plan and detailed statement as to the proposed use of the land after quarrying or fill operations are complete.

B. Site Requirements

1. Each site shall be a minimum of 40 acres in size.
2. A hydrogeological report of the proposed excavation site shall be provided unless waived by the Planning Commission. The report shall include at a minimum:
  - a. General description of the subsurface conditions, including general soil types and depths.
  - b. Depth of water table throughout the planned excavation area, and if applicable, the name of the aquifer impact.
  - c. A statement of the environmental impacts of the proposed excavations, including but not limited to the impact of the proposed excavation upon existing area wells.
  - d. A statement of the necessity to install monitoring wells.

C. Operational Requirements.

1. In operations involving deep excavations, the operator shall provide adequate safeguards to protect the public safety. These safeguards may include fencing, locked gates, and warning signs.
2. The Planning Commission may require that any gravel or dirt roads used for the purpose of ingress and egress to said excavation site be kept dust free by hardtopping or chemical treatment.
3. The completed slopes of the banks of any excavation shall in no event exceed a minimum of three (3) feet to one (1) foot (three foot horizontal to one foot vertical).
4. No cut or excavation shall be made closer than two Hundred (200) feet from the centerline of the nearest road right-of-way nor nearer than fifty (50) feet to the nearest property line. The Planning Commission may prescribe more strict requirements in order to give sublater support to surrounding property where soil or geologic conditions warrant it.

- D. The Planning Commission shall, to insure reclamation of the site or completion of other site improvements, require the permittee to furnish a bond in an amount necessary to cover the cost of those improvements, unless the Planning Commission determines the nature of the improvements do not necessitate a bond.

Section 14.25 - Radio Controlled Airplane Fields

Radio controlled airplane fields are permitted by Conditional Use Permit in the RA district provided:

- A. The airfield must be under the control of an incorporated Remote Control (RC) airplane club, which will be the holder of the conditional use permit and will be responsible for enforcement of the conditional use permit rules.
- B. RC MODEL AIRCRAFT - Both fixed wing aircraft and helicopters must weigh less than twenty pounds. Helicopters must have a six and one half-foot rotor span or less.
- C. RC MODEL AIRCRAFT ENGINES - The following categories of aircraft engines are allowed; Glow, Ignition, Diesel, Compressed Gas, Two and Four Stroke Internal Combustion,

Electric, Elastic, Gravity. The following categories of aircraft engines are not allowed; Ram Jets, Turbines, Solid and Liquid Fuel Rockets.

- D. RC MODEL ENGINE MUFFLER/SILENCERS/PROPELLERS - All model engines must have an adequate muffler/silencer/propeller combination to meet the sound limit of 89 decibels at 25 feet.
- E. RC MODEL AIRCRAFT RADIOS - In order to prevent radio dysfunction causing equipment damage and possible injury, all remote control aircraft radios must meet the Federal Communications Commission Code of Federal Regulations part 95 sub-part C and E dealing with personal radio service bands and part 97 dealing with amateur radio service bands, and CFR 47 part 15 dealing with 2.4 GHz spread spectrum bands.
- F. Model Requirements - All models must comply with the AMA safety requirements, (rounded spinners or prop nuts, no metal props, no knife edge wings, etc.).
- G. Setbacks - Flying areas shall be a minimum of 200' from a residence. Areas for spectators and parking are to be a minimum of 65 feet from the edge of the runway

Section 14.26 - Repair, Service, Storage of Automobiles and similar equipment

Facilities for the repair, service, storage of automobiles and similar equipment are permitted by Conditional Use Permit in the GC zoning district provided:

In addition to other regulations set forth in this Ordinance, all automobile repair, service or storage facilities shall conform to the following requirements:

- A. The portion of the property used for vehicular traffic, including parking, shall be separated from landscaped areas and sidewalks by a curb.
- B. The entire area used for vehicle service shall be paved. Areas utilized for temporary storage of vehicles awaiting repair may be graveled at the discretion of the Planning Commission.
- C. Hydraulic hoist, service pits, lubricating, greasing, washing and repair equipment and operations shall be located within a completely enclosed structure.
- D. The maximum widths of all driveways at the right-of-way line shall be no more than thirty (30) feet.
- E. The angle of a driveway intersection with the street from the curb line to lot line shall be not less than ninety (90) degrees.
- F. The distance of any driveway from any property line shall be at least twenty (20) feet, measured at the tangent points of the drive edge and the street curb return.
- G. The distance between curb cuts shall be no less than forty (40) feet, measured between the tangent points of the drive edges and the street curb returns.
- H. Outdoor storage of trash, including new or discarded vehicle parts, shall be contained within a solid, unpierced enclosure.
- I. Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be prohibited.
- J. Sales of used cars and other motorized vehicles on the premise shall be prohibited except with approval of the Planning Commission and issuance of the required state license.
- K. Temporarily stored vehicles awaiting repair shall be stored in such a manner as not to be visible during non-business hours. In addition, vehicles awaiting repair or service are not

permitted to be stored in required parking spaces for a period of more than one business day.

- L. Used oil and other hazardous waste shall be disposed of in accordance with state law.

Section 14.27 - Sewage treatment plants and similar facilities.

Sewage treatment plants and similar facilities are permitted by Conditional Use Permit in the LI zoning district provided:

- A. Must comply with all regulations of the State of Michigan.
- B. Must be completely enclosed by an obscuring wall, fence, or greenbelt.

Section 14.28 - Single-Family Dwelling Requirements

Single family dwellings are permitted by right in the RA, RU-1, RU-2 and MHP zoning districts. All single- family dwellings located outside mobile home parks shall comply with the following minimum standards:

- A. Minimum Size - Each dwelling shall contain the minimum number of square feet specified in Section 4.12 prior to any alterations or additions.
- B. Minimum Width - Each dwelling shall be no less than twenty-four (24) feet in width for at least forty feet (40) of its length.
- C. Foundation - Each dwelling shall be provided with adequate foundation support. At a minimum, this shall include an approved foundation which extends at least 42 inches below grade and extends around the complete outside perimeter of the dwelling. A crawl space of not less than 24 inches shall be provided under at least fifty (50%) percent of the ground floor area. Adequate additional support in the form of columns or beams shall be provided as required by the building inspector. Each dwelling shall be securely anchored to the foundation.
- D. Storage Facilities - Each dwelling shall have either a basement, garage or storage building containing at least one hundred (100) square feet of storage area constructed at the same time a the dwelling.
- E. Roof - Each dwelling shall have a roof with at least a 3-12 pitch.
- F. Construction Code - Each dwelling and dwelling addition shall comply with current building code requirements.

Section 14.29 - Townhouses

Townhouses consisting of 3 or 4 units per building are permitted by right in the RU-2 district provided:

- A. Minimum land area per unit

The following lot area regulations are applicable to apartment buildings three stories and less in height and to townhouses:

Size of Dwelling Unit					
Height	Efficiency	1 Bedroom	2 Bedroom	3 Bedroom	4+ Bedroom
Townhouse	3,600 sq. ft.	2,600 sq. ft.	4,000 sq. ft.	4,400 sq. ft.	4,800 sq. ft.



B. Minimum floor area

Dwelling units shall comply with the following floor area regulations:

Size of Dwelling	Minimum Floor Area
Efficiency	360 sq. ft.
1 Bedroom	500 sq. ft.
2 Bedroom	620 sq. ft.
3 Bedroom	760 sq. ft.
4+ Bedroom	840 sq. ft., plus 80 sq. ft. for each additional bedroom

C. Spacing between buildings

The minimum spacing between multiple-family or townhouse building shall be in accordance with the following regulations:

Orientation	Minimum Spacing
Front to Front	50 ft.
Front to Rear	50 ft.
Rear to Rear	50 ft.
Side ot Side	20 ft.
Front to Side	35 ft.

The setback from a side street lot line on the side facing a street shall not be less than 50 percent of the required front yard setback if dwellings on the same side of the block fronting on the side street. If there are no dwellings fronting on the side street, the minimum side yard setback shall be 10 feet. See Section 14.01 for regulations applicable to detached accessory buildings.

Michigan Department of Environmental Quality (MDEQ) flood plain regulations, Genesee County Health Department regulations for on-site sewage disposal and water supply and other state and federal regulations may require greater setbacks or lot areas than required under above. In such cases, those agencies' regulations and standards shall apply.

Section 14.30 - Truck Terminals

Truck terminals are permitted by right in the LI zoning district provided:

- A. A two hundred (200) foot setback line shall be required along any boundary line which separates the site from a zoning district that permits residential development or from an existing residential property.
- B. To the maximum extent possible, loading and unloading docks shall be located on the side of the building furthest removed from the closest residential structure.
- C. Truck terminals shall be accessed from an all-weather road.

Section 14.31 - Wireless Telecommunication Towers.

Wireless telecommunication towers are permitted by Conditional Use Permit in the RA and GC zoning districts provided:

- A. The parcel of land shall be sufficiently large to contain the full length of the tower in all directions in the event it comes down. This setback from lot lines may be reduced by the Planning Commission if the applicant provides certification by a structural engineer that the tower is "self-collapsing".
- B. The tower shall be dismantled if not actively utilized for a period of one year.
- C. All towers shall be fenced with chain link at least six feet in height.

TOWNSHIP OF FOREST  
ZONING ORDINANCE

**ARTICLE 15: RESERVED**

TOWNSHIP OF FOREST  
ZONING ORDINANCE

**ARTICLE 16: Signs**

Section 16.01 - Purpose

The purpose of this article is to regulate the location, size, lighting and other characteristics of signs erected in Forest Township in order to promote traffic safety, avoid light nuisances and to prevent signs from having a blighting influence on the community.

Section 16.02 - Permits Required

No sign shall be constructed, displayed or altered in Forest Township without a zoning permit verifying that the sign complies with this zoning ordinance.

Section 16.03 - Exempt Signs

The following signs do not require a zoning permit, but are required to comply with the requirements of this ordinance.

**Table 16-1 Exempt Signs**

Sign Type	Location Allowed		Regulations
	Residential	Comm/Ind	
Political Signs	X	X	<ul style="list-style-type: none"> <li>▶ Cannot overhang or encroach on ROW or obstruct vision of motor vehicles</li> <li>▶ May not exceed 32 sq feet</li> <li>▶ Must be removed within 10 days after election</li> </ul>
Real Estate Signs (on and off premise)	X	X	<ul style="list-style-type: none"> <li>▶ Cannot overhang or encroach on ROW or obstruct vision of motor vehicles</li> <li>▶ May not exceed 16 sq feet</li> </ul>
Produce and Personal Property "For Sale" Signs	X	X	<ul style="list-style-type: none"> <li>▶ Cannot overhang or encroach on ROW or obstruct vision of motor vehicles</li> <li>▶ May not exceed 16 sq feet</li> </ul>
Garage Sale and Yard Sale Signs	X	X	<ul style="list-style-type: none"> <li>▶ Cannot overhang or encroach on ROW or obstruct vision of motor vehicles</li> <li>▶ May not exceed 9 sq feet</li> <li>▶ Must be removed within 5 days after sale</li> </ul>
Window Signs		X	Counts toward the wall coverage requirements for wall signs

Sign Type	Location Allowed		Regulations
	Residential	Comm/Ind	
Historical markers	X	X	Exempt if approved by a governmental agency such as the State Historic Preservation Office
On-Premise Directional Signs	X	X	<ul style="list-style-type: none"> <li>▶ Cannot overhang or encroach on ROW or obstruct vision of motor vehicles</li> <li>▶ May not exceed 4 sq. ft. in size</li> <li>▶ One per driveway</li> <li>▶ The number of signs may be increased by the Planning Commission during site plan review based on demonstrated need</li> </ul>
On-Premise Temporary Development Sign	X	X	<ul style="list-style-type: none"> <li>▶ Cannot overhang or encroach on ROW or obstruct vision of motor vehicles</li> <li>▶ May not exceed 32 sq. ft. in size</li> <li>▶ May not be illuminated</li> <li>▶ Must be maintained in good condition.</li> <li>▶ Must be removed when development is completed and lots sold</li> </ul>

Section 16.04 - Permitted Signs

The following signs are allowed in Forest Township under the conditions specified.

Sign Type	Location Allowed		Regulations
	Residential	Comm/Ind	
On Premise Commercial Industrial and Other "facility" Signs	x	x	<ul style="list-style-type: none"> <li>▶ Cannot overhang or encroach on ROW or obstruct vision of motor vehicles</li> <li>▶ Any direct illumination shall be shielded from view of public roads or adjacent property</li> <li>▶ No more than one free-standing sign per business, except corner lots which may have one sign per lot road frontage of 300' or greater</li> <li>▶ No more than 150 sq feet in area unless wall sign</li> <li>▶ Wall sign may cover 100% of side it</li> </ul>

Sign Type	Location Allowed		Regulations
	Residential	Comm/Ind	
			<p>is located on but may not extend above or beyond wall</p> <ul style="list-style-type: none"> <li>▶ Roof signs are prohibited</li> <li>▶ Up to 2 temporary signs are permitted, not more than 16 sq feet in area</li> <li>▶ Video signs may constitute up to 1/3 of sign area. Video sign may not be flashing type, must meet ordinance lighting requirements and receive site plan approval</li> </ul>
Home Occupation Signs	X		<ul style="list-style-type: none"> <li>▶ Cannot overhang or encroach on ROW or obstruct vision of motor vehicles</li> <li>▶ May not exceed 16 sq. ft.</li> <li>▶ May be wall mounted or free-standing</li> <li>▶ Must meet side yard setback requirements</li> </ul>
Off Premise Signs	x	x	<ul style="list-style-type: none"> <li>▶ Cannot overhang or encroach on ROW or obstruct vision of motor vehicles</li> <li>▶ Any direct illumination shall be shielded from view of public roads or adjacent property</li> <li>▶ Cannot be closer than 660 feet from any other sign</li> <li>▶ No more than 150 sq feet in area.</li> </ul>
Entrance Signs for Subdivisions, Apartment Complexes, Mobile Home Parks and Similar Developments	X	X	<ul style="list-style-type: none"> <li>▶ Cannot overhang or encroach on ROW or obstruct vision of motor vehicles</li> <li>▶ No more than 32 sq. ft. in area</li> <li>▶ No more than one per entrance</li> </ul>

Section 16.05 - Non-Conforming Signs

All non-conforming signs except billboards regulated by the Highway Advertising Act shall comply with the provisions of Article 7 of this ordinance.

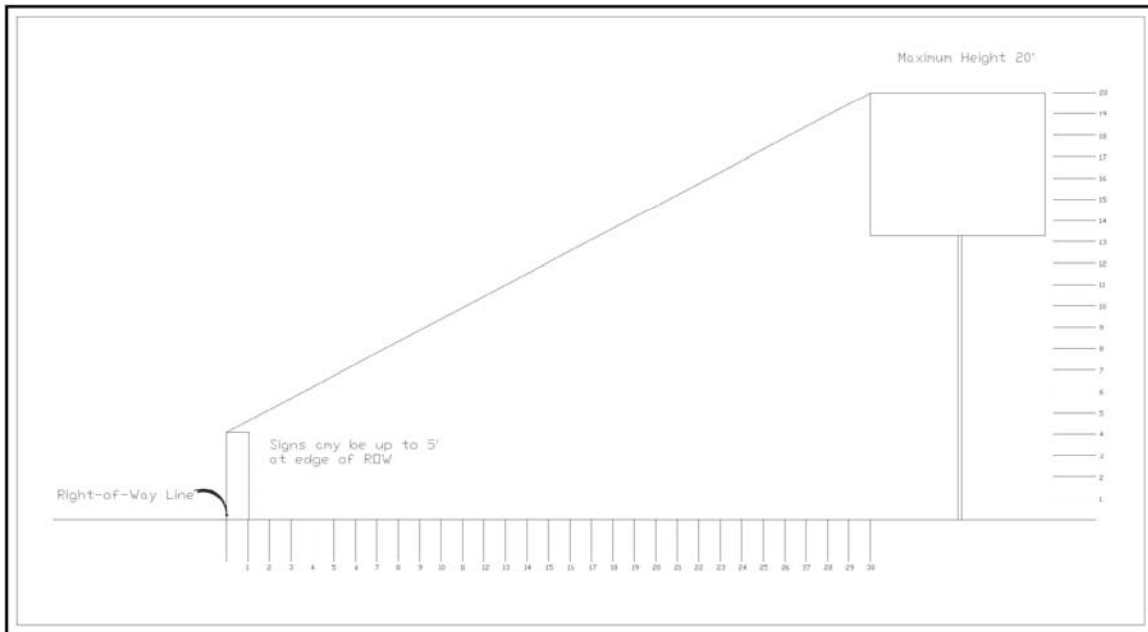
**Section 16.06 - Maintenance**

- A. All signs for which a permit is required and all supports thereof shall:
  - 1. Be kept in compliance with the plans and specifications filed and approved for issuance of the sign permit.
  - 2. Be kept and maintained in a safe condition.
  - 3. At all times conform to all provisions of this ordinance.
- B. The Zoning Administrator has the authority to inspect any sign requiring a permit at any given time to ensure compliance with the requirements of this ordinance.
- C. The Zoning Administrator may require the repair or removal of a sign requiring a permit within seven (7) days upon the finding that any of the following conditions exist:
  - 1. The sign is found to be unsafe.
  - 2. The sign is in a condition that does not comply with this ordinance.
  - 3. The sign was established as an accessory use for a principal use which has ceased to exist for a period of six (6) months.

**Section 16.07 - Sign Height**

The maximum height of free standing signs shall be five (5) feet when at the edge of the right of way and may be one (1) foot higher for each two (2) feet off the right of way that the leading edge of the sign is located, but in no case shall signs be greater than twenty (20) feet in height.

**Figure 16-1**



**Section 16.08 - Shopping Center Signs**

Signs for shopping centers with three or more businesses may combine their allowed free-standing signs into one sign, which may be up to 300 square feet in area.

TOWNSHIP OF FOREST  
ZONING ORDINANCE

**ARTICLE 17: Definitions**

Section 17.01 - Definitions

For the purpose of this Ordinance, certain terms are herewith defined. Terms not herein defined shall have the meanings customarily assigned to them.

ACCESSORY BUILDING. A building related to and secondary to the main use of the premises, but not attached to the main structure.

ACCESSORY HOUSING. A dwelling unit, pursuant to Section 14.02, constructed or placed on a parcel of land where a single-family dwelling already exists. The accessory housing may be a separate dwelling or may be attached to the existing single-family dwelling.

ACCESSORY USE. A use naturally and normally incidental and subordinate to the main use of the premises.

ACCESSORY STRUCTURE. Anything constructed or erected which requires permanent location on the ground or attachment to something having such location which is subordinate to the principle building on the same lot.

*Examples include:* Above ground swimming pool, fence and freestanding signs. An accessory structure does not include physical improvements that are flush with the ground such as patios, sidewalks and driveways.

ADULT ENTERTAINMENT ESTABLISHMENT USES. Any use of land, whether vacant or combined with structures or vehicles thereon by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting "Specified Sexual Activities" or "Specified Anatomical Areas".

1. Adult entertainment use are limited to the following:

- a. An **adult motion picture** theater is an enclosed building with a capacity of fifty (50) or more persons used for presenting material which has a significant portion of any motion picture or other display depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
- b. An **adult mini-motion picture theater** is an enclosed building with a capacity for less than fifty (50) persons used for presenting material which has as a significant portion of any motion picture or other display depicting, describing or presenting "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons therein.
- c. An **adult motion picture arcade** is any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe or relate to "Specified Sexual Activities" or "Specified Anatomical Areas."
- d. An **adult book store** is a use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, or other printed or recorded material which has as a significant portion of its content or exhibit matter or actions depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" or an



- establishment with a substantial segment or section devoted to the sale or display of such material.
- e. An **adult cabaret** is a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where a significant portion of such performances show, depict or describe "Specified Sexual Activities" or "Specified Anatomical Areas."
  - f. An **adult motel** is a motel wherein matter, actions or other displays are presented which contains a significant portion depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
  - g. An **adult massage parlor** is any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with "Specified Sexual Activities" or where any person providing such treatment, manipulation or service related thereto exposes "Specified Anatomical Areas."
  - h. An **adult model studio** is any place where, for any form of consideration or gratuity, figure models who display "Specified Anatomical Areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar education institution.
  - i. An **adult sexual encounter center** is any business, agency, or person who, for any form of consideration or gratuity, provides a place where three (3) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in "Specified Sexual Activities" or exposing "Specified Anatomical Areas."
  - j. An **adult retail establishment** is an establishment in which as a significant portion of its content or exhibit matter consists of, the following: books, magazines and other periodicals, movies, videotapes, compact discs, digital versatile discs, novelty items, games, greeting cards, and other materials which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas"
2. **Significant Portion** — As used in the above definitions, the phrase "significant portion" shall mean and include:
    - a. Any one (1) or more portions of the display having continuous duration in excess of five (5) minutes; and/or,
    - b. The aggregate of portions of the display having a duration equal to ten (10) percent or more of the display.
    - c. The aggregate of portions of the collection of any materials or exhibits composing the display equal to ten (10) percent or more of the display.
  3. **Display** — As used in the above definitions, the word display shall mean any single motion or still picture, presentation, dance or exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, computer generated images, video cassettes or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.
  4. **Specified Sexual Activities** — As used in the above definitions, the phrase "specified sexual activities" shall mean and include:

- a. Human genitals in a state of sexual stimulation or arousal;
  - b. Acts of human masturbation, sexual intercourse or sodomy;
  - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
5. **Specified Anatomical Areas** — As used in the above definitions, the phrase "specified anatomical areas" shall mean and include:
- a. Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; and, 3) female breast below a point immediately above the top of the areola;
  - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**AGRICULTURAL TOURISM FACILITIES.** Commercial facilities are designed to attract visitors through the sale of agricultural byproducts and the sale of gifts, arts and crafts and other similar products. These facilities can also include the provision of agricultural-related activities such as hay rides, sleigh rides and petting zoos.

**AIRPORTS, COMMERCIAL.** A transportation facility to accommodate the take-off, landing, shelter, supply, service and repair of aircraft, and the receiving and discharging of passengers and cargo

**AIRSTRIPS, PRIVATE.** A private transportation facility, closed to the public, to accommodate the take-off and landing of aircraft. The runway is made of sod and not paved with any type of material.

**ALTERATIONS.** Any change, addition or modification in construction of the structural members of a building, such as walls, partitions, columns, beams, or girders.

**AMBULANCE STATION, PRIVATE.** A facility for the stationing of ambulances and their crew (A place where ambulances are maintained and dispatched when needed).

**APARTMENTS.** Any multi-family structure containing five (5) or more dwelling units.

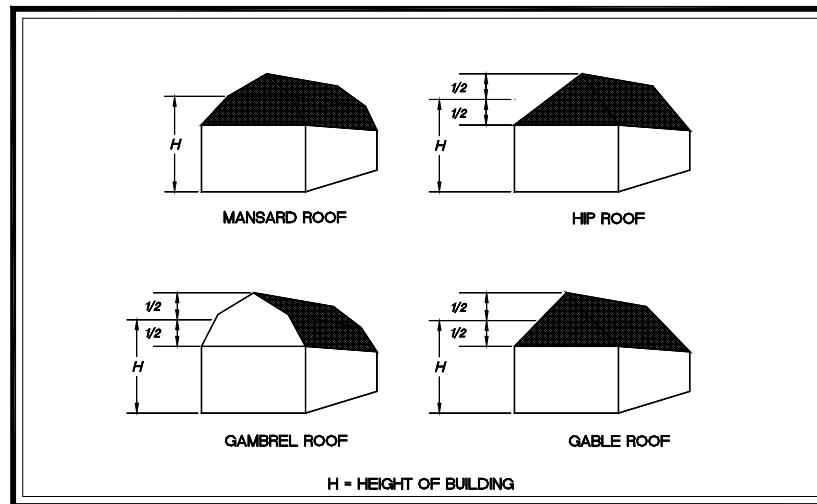
**AUTOMOBILE SERVICE STATIONS.** A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust-proofing, where the primary use of the premises is such, or high speed washing thereof. The term covers such uses as quick oil change facilities and muffler/brake replacement facilities provided no major repairs as described above are undertaken

**BED AND BREAKFAST ESTABLISHMENTS.** A house, or portion of a house where short-term lodging rooms and meals are provided. A bed and breakfast is distinguished from a motel or hotel in that it shall have only one (1) set of kitchen facilities, employ only those living in the house or up to one (1) additional employee, and have a facade consistent with the surrounding homes. Typically these are residential type homes.

**BUILDING.** A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support of enclosure of persons, animals, or personal property. This shall include tents, awnings, vehicles, trailers, or mobile homes situated on private property and used for purposes of a building.

**BUILDING HEIGHT.** The vertical distance measured from the established grade at the center of the front of the building to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs (see Figure 17-1).

Figure 17-1



**CAMPER.** Any tent, motor home, travel trailer, van, truck camper, or any similar conveyance or facility which is commonly used for camping purposes.

**CAMPGROUNDS.** A parcel or tract of land under the control of a person or company on which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters in tents or other recreational vehicles. Campgrounds include a children's camp and adult foster care camp.

**CEMETERIES.** Land used or intended to be used for the burial of the deceased, and dedicated for cemetery purposes, including columbariums, crematories, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

**CLUBS.** An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit. A club must be recognized or certified as a non-profit organization.

*Examples include:* Fraternal organizations, Lion Club, Kiwanis, American Legion, Eagle Clubs, Knights of Columbus, Masonic Temple, Moose Lodge, other lodges or clubs that are engaged in not for profit activities and other similar clubs compatible with the above organizations.

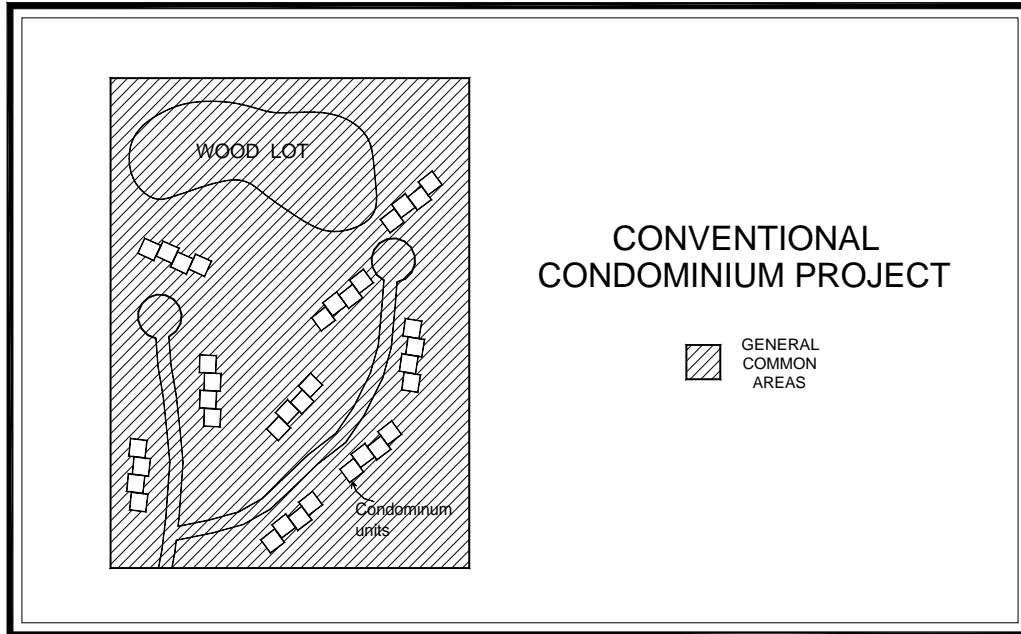
**CONDITIONAL USE PERMIT.** Authority granted by the Planning Commission for a specific use on a specific parcel authorized by Conditional Use Permit in the zoning district in which the parcel is located.

**CONDOMINIUM ACT.** Michigan Public Act 59 of 1978, as amended.

**CONDOMINIUM MASTER DEED.** The condominium document recording the condominium project as approved by the Township, to which is attached as exhibits and incorporated by reference the approved by-laws for the project and the approved condominium subdivision plan for the site.

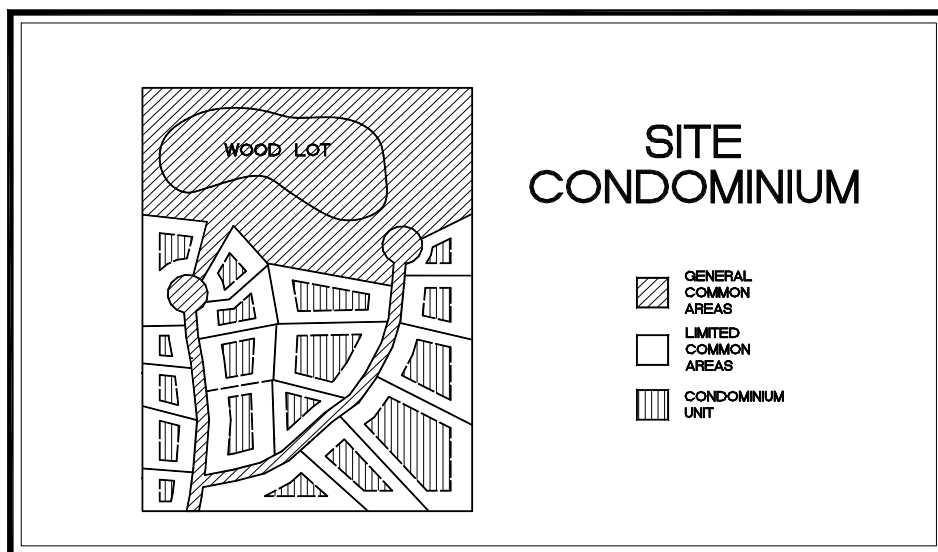
**CONDOMINIUM PROJECT, CONVENTIONAL.** A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area (see Figure 17-2).

Figure 17-2



**CONDOMINIUM PROJECT, SITE.** A development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common elements, constitutes the equivalent of a lot (see Figure 17-3).

Figure 17-3



**CONDOMINIUM SUBDIVISION PLAN.** The Site plan illustrating the existing site features and all proposed improvements pursuant to the requirements for site plan review and pursuant to the requirements of Section 66 of the Condominium Act.

**CONDOMINIUM UNIT.** That portion of the condominium project designed and intended for separate ownership and use, as V described in the master deed.

**CONTRACTOR ESTABLISHMENT.** A facility for the operation of a building contractor or similar business, including office facilities, including outdoor storage of equipment and supplies.

Examples include: Heating and cooling contractors, landscape contractors, remodeling contractors and pest control contractors.

**CONVALESCENT HOME.** Establishments primarily engaged in providing in-patient nursing and health related personal care, other than a private home, in which one (1) or more adults who are aged or physically impaired by accident, disease, or otherwise disabled are received for care and supervision for extended periods. Establishments of this type include: nursing homes, subacute care facilities, homes for the aged, intermediate care facilities, hospice, and rest homes.

**CUL-DE-SAC.** A street or alley that is closed at one end.

**DAY CARE CENTER, COMMERCIAL.** Facilities (publicly or privately operated), other than a private home, having as their principal function the receiving of one (1) or more preschool or school age children (under the age of eighteen (18)) for care, maintenance, and supervision. Day care centers include facilities that provide care for not less than two (2) consecutive weeks, despite the number of hours per day of care. Day care centers receive minor children for care for periods of less than twenty four (24) hours a day, where the parents, relatives, or legal guardians are not immediately available. Day care centers are also commonly known as child care centers, day nurseries, child care facilities, nursery schools, parent cooperative preschools, play groups, or drop-in centers. These may also include intergenerational day care facilities for both children and the elderly.

**DRIVE-THRU ESTABLISHMENTS.** An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to conveniently make deposits or receive other services, or obtain goods without leaving their motor vehicles, and then proceeding elsewhere. Distinguished from a drive-in establishment by the absence of parking while the service is being provided or brought to the customers. These establishments do not include drive-through fast food restaurants.

*Examples include:* Banks, drug stores, photo shops, grocery or party stores, and related businesses. A drive-through window, or motor vehicle oriented pick-up window, even if accessory to the principal use, shall subject the use to all the standards applicable to uses in which the drive-through aspect is a principal feature of the use and other retail and business service establishments similar to and compatible with the above uses.

**DRIVE-IN ESTABLISHMENTS.** A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle. These establishments do not include drive-in fast food restaurants.

**DWELLING, DUPLEX.** A building used or designed as a residence for two (2) families.

**DWELLING, SINGLE-FAMILY.** A building used or designed exclusively as. a residence for one (1) family.

**DWELLING UNIT.** Any house, building, mobile home, or portion thereof which is designed for or occupied as a residence or sleeping quarters for a person, persons, or family as a single unit.

**ERECTED.** The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required to construct a building. Excavations, fill, or drainage relating to the construction or placement of a structure shall be considered a part of erecting.

**EXCAVATING.** The removal of sand, stone, gravel or dirt from its natural location.

**FAMILY DAY CARE HOMES.** Private homes in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

**FARM.** All of the associated land, operated as a single unit on which farming is carried on, including livestock and poultry raising, feedlots, dairying, crop production, forestry, tree and shrub nurseries, greenhouses, sod farms, truck gardens and similar enterprises involving agricultural production. This shall include portable sawmills used for the purpose of processing the wood grown on the farm on which the sawmill is located.

**FARM BUILDING.** Any building or structure, other than a dwelling, which is customarily used on farms for the pursuit of their agricultural activities.

**FILLING.** The depositing or dumping of any matter onto or into the ground, except for agricultural, gardening, or landscaping purposes.

**FLOOR AREA.** The sum of the gross horizontal areas of the several floors, of the building measured from the exterior faces of the exterior walls. The “floor area” of a building shall include the basement floor area when more than one-half (1/2) of the basement height is above the finished lot grade.

**FUEL DISTRIBUTION FACILITIES.** A facility that stores fuel for transport to retailers. Fuel is not sold to the general public on-site.

**FUNERAL HOMES OR MORTUARIES.** A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used for preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; and d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

**GOLF COURSES.** A tract of land for playing golf, with tees, greens, fairways and hazards such as sand traps and surface water. A miniature golf course is not included in the general term “golf courses” as defined in this Ordinance.

**GROUP DAY CARE HOMES.** Private homes in which more than six (6) but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care homes includes homes that give care to an unrelated minor child for more than four (4) weeks during a calendar year.

**GUN RANGES.** Facilities defined in the Sport Shooting Range Act No. 269 of 1989, as amended, and/or facilities designed, operated, or used for any form of shooting including ranges for archery, rifles, shotguns, pistols, black powder or other similar projecting of weapons, and skeet, trap, silhouettes, and other types of target facilities.

HOBBY FARM. The use of property for the non-commercial raising of farm animals.

HOME OCCUPATION. Any business activity operated out of a home which involves on-site advertising or customers coming to the premises.

HOTELS. A building used as a temporary abiding place of individuals or groups of individuals in which there are more than five (5) sleeping rooms sharing a common entrance to the structure.

INDOOR RECREATION ESTABLISHMENT. Indoor entertainment establishments providing recreation that diverts, amuses, entertains, or provides entertainment or other hospitality that may include food service or accommodations, but does not include drive-through establishments. Additional regulations apply to indoor establishments that serve alcohol.

INDOOR RECREATION, COMMERCIAL. Indoor commercial recreational uses include, but are not limited to: bowling alleys, ice or roller blade rinks, indoor soccer fields and racquet courts, and athletic clubs.

*Examples include:* Bowling alleys, billiard halls, arcade or video game rooms, archery range (indoor) and other indoor entertainment establishments similar to and compatible with the above establishments.

JUNK. Any motor vehicles, machinery, appliances, product, merchandise, scrap metals or other scrap or cast off materials that are deteriorated, or are in a condition which cannot be used for the purpose that the product was manufactured.

JUNK YARD. Any property used for the storage, keeping, dismantling, or abandonment of junk outside of an enclosed building.

KENNEL, COMMERCIAL. Any lot or premises on which four (4) or more dogs, six (6) months or older are bred, boarded or kept for commercial purposes, or on which over eight (8) dogs are kept for any purpose.

KENNEL, PRIVATE. Any lot or premises on which four (4) or more dogs, six (6) months old or older, are kept for non-commercial purposes.

LABORATORIES. A place devoted to experimental, routine study or basic study such as testing and analytical operations and in which manufacturing of a product or products, except prototypes, is not performed

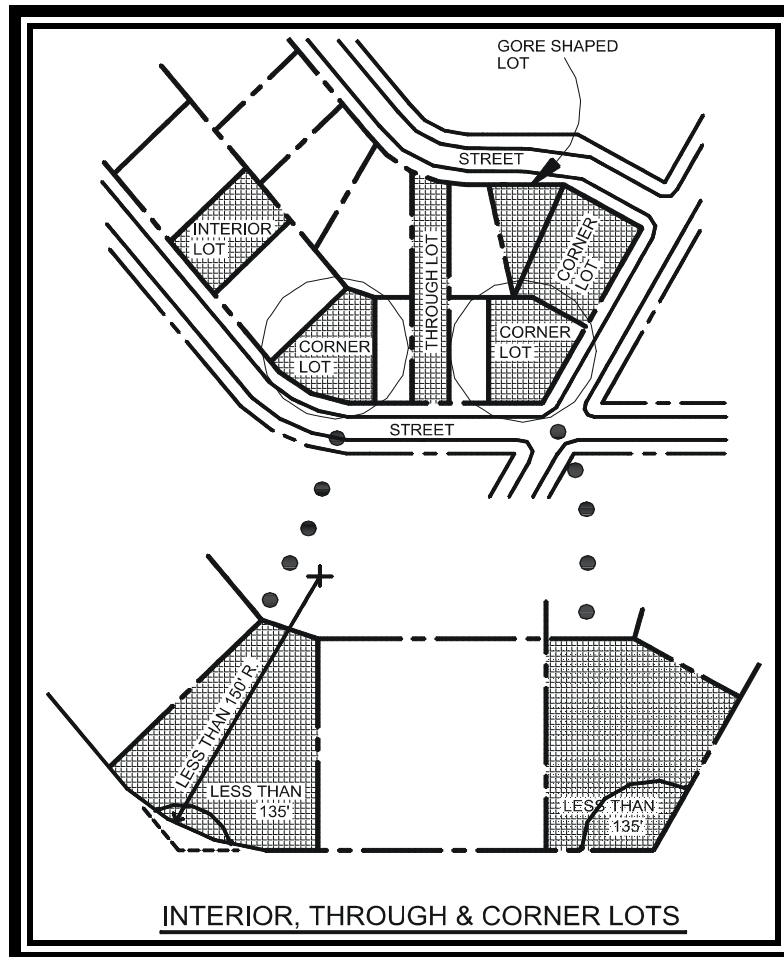
LIVESTOCK. Horses, cattle, sheep, goats, mules, donkeys, hogs, and other hooved animals.

LOT. A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) main building with its accessory buildings, and providing the open spaces, parking spaces, and loading spaces required by this Ordinance. In the case of a site condominium, each condominium unit and its contiguous associated limited common area shall constitute a lot.

LOT AREA. The total horizontal area within the lot lines of a lot.

LOT, CORNER. A lot located at the intersection of two (2) streets or a lot bounded on two sides by a curving street, any two (2) chords of which form an angle of one hundred thirty five (135) degrees or less. The point of intersection of the tangents described above (see Figure 17-4).

Figure 17-4



**LOT COVERAGE.** That part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

**LOT DEPTH.** The mean horizontal distance from the front street line to the rear lot line.

**LOT, GORE SHAPED.** A triangular shaped lot. (See Figure 17-4).

**LOT, INTERIOR.** A lot other than a corner lot with only one (1) lot line fronting on a street (see Figure 17-4).

**LOT, LAKE.** A lot having frontage on a natural or man-made lake excluding rivers, streams, channels and ponds.

**LOT LINE, FRONT.** In the case of an interior lot, abutting upon on public or private street, the front lot line shall mean the line separating such lot from such street right-of-way. In the case of a through lot, the front lot shall be that line separating said lot from that street which is designated on the zoning permit. In the case of a corner lot, both street lot lines are front lot lines.

**LOT LINE, REAR.** 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, a line ten (10) feet in length entirely within the lot parallel to, or approximately parallel, and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of



determining depth or rear yard. In cases where none of these definitions are applicable, the Zoning Administrator shall designate the rear lot line.

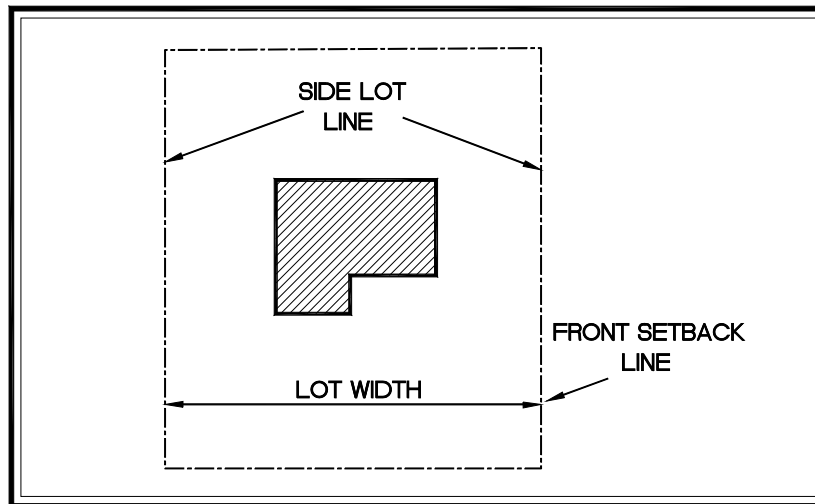
**LOT LINE, SIDE.** Any lot line not a front lot line or rear lot line

**LOT LINES.** The property lines bounding the lot.

**LOT, THROUGH.** A lot having its front and rear yards each abutting a street or road. Expressways do not constitute a road for the purpose of this definition (see Figure 17-4).

**LOT WIDTH.** The continuous horizontal distance between the side lot lines, measured at the required front yard setback or the actual front yard setback, whichever is less (see Figure 17-5).

Figure 17-5



**LOT OF RECORD.** Any parcel of land which is separately described in a deed, land contract, or similar legal document evidencing a conveyance of ownership and recorded with the Genesee County Register of Deeds.

**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 person. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service or an "Adult Massage Parlor" defined elsewhere in this article.

**MEDICAL CARE ESTABLISHMENTS.** Healthcare facilities that provide medical, dental, surgical, preventive health services and other related services to patients as well as establishments providing support to health professionals and patients such as medical laboratories, medical suppliers and other service establishments involved with medical services.

*Examples include (Small) :* Medical or dental clinics, doctor or dentist offices, medical or dental labs, blood collection facilities, x-ray and related scanning facilities, emergency medical care facilities, sales of medical supplies and prosthetics, drug stores, pharmacies, chiropractors, physical therapists, rehabilitation therapists, nurses, or physicians and other

medical service establishments similar to and compatible with the above use. Such facilities are five thousand (5,000) square feet in size or less.

*Examples include (Large):* Sanitariums, hospitals, medical clinics and other medical service establishments similar to and compatible with the above use.

**MEAT PROCESSING AND SLAUGHTER HOUSES.** Any building used for the slaughter or the preparation of live animals for food consumption or other uses and for processing animals and the parts thereof to make them saleable for food or other uses. Retail sales shall be limited to items slaughtered on the premises of the establishment.

**MINI-STORAGE FACILITIES.** A building or series of buildings containing separate storage spaces of varying sizes leased or rented as individual leases on a lot that may also include outdoor storage spaces.

**MOBILE HOME.** (includes house trailer, trailer coach, and double- wide mobile home). A dwelling unit designed for long term occupancy and designed to be transported after fabrication on its own wheels or as one or more units. This includes all units which could be licensed under the provision of Act 300 of the Public Acts of 1949, as amended.

**MOBILE HOME PARK.** Any parcel of land which has been designed, improved or used for the placement of three or more mobile homes.

**NON-CONFORMING BUILDING.** A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the building setback, building height, building size or similar provisions of this Ordinance in the zoning district in which it is located.

**NON-CONFORMING LOT.** A parcel of land thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the lot area, lot width or similar provisions of this Ordinance in the zoning district in which it is located

**NON-CONFORMING USE.** A use of land or structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the use requirements of this Ordinance in the zoning district in which it is located.

**OFFICE ESTABLISHMENTS.** Office establishments are characterized by activities conducted in an office setting and generally focusing on business, government, professional, financial or other related services. Accessory uses may include cafeterias and health facilities established primarily to service the needs of employees on the premises.

*Examples include (large):* Office buildings, industrial parks, corporate headquarters

*Examples include (small):* Professional offices such as banks, credit unions, savings and loan associations and other financial and business services institutions, insurance offices, non-inventory sales, stock brokerage firms administrative, corporate headquarters, dentist, doctors, chiropractors, lawyers, engineers, radio studio without broadcasting towers and photographic studios. Such facilities are five thousand (5,000) square feet in size or less.

**OPEN AIR BUSINESS.** A retail business activity which is conducted entirely or partially outside an enclosed building,

*Examples include:* Drive-in theaters, fuel or propane sales, race tracks, vehicle sales, farm machinery sales, and fruit markets.

**PARKING SPACE.** An area of not less than nine and one-half (9½) feet wide by twenty (20) feet long, designed for the parking of a motor vehicle, such space being exclusive of necessary

drives, aisles, entrances, or exits and being fully accessible for the storage or parking of permitted vehicles.

**PERSONAL SERVICE ESTABLISHMENTS.** Personal service establishments are primarily engaged in providing services involving the care of a person or his or her personal goods, apparel or other belongings.

*Examples include:* Barber, beauty and nail shops or salons, nails, watch and shoe repair, tailor shops, locksmith, coin operated laundromats, laundry or dry cleaning customer outlets (pick-up stations only), laundry pick-up stations, self-serve dry cleaning center and the like, tanning, fitness or health clubs, physical culture or health establishments, reducing salons, gymnasiums, printing, tuxedo rental, tattoo parlors, masseurs, steam baths, upholstering, photographic studios and animal grooming and other uses similar to and compatible with the above establishments.

**PLANNED UNIT DEVELOPMENTS.** A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

**PLANNING COMMISSION.** The duly appointed Planning Commission of Forest Township, as authorized by Michigan Public Act 168 of 1959.

**PUBLIC PARKS AND PLAYGROUNDS.** An area or parcel open to the general public and reserved for the recreational, educational or scenic purposes.

*Examples include:* Play fields, play grounds and other recreational facilities.

**PUBLIC UTILITY FACILITIES.** A building or structure within which a public utility or transportation service deemed necessary for the public health, safety or general welfare (or some other essential service) is provided to the public by an entity under public franchise or ownership, including but not limited to facilities created for the generation, transmission and/or distribution of electricity, gas steam, communications, television, and water; the collection and treatment of sewage and solid waste; and the provision of roads, rails, air or mass transportation for the general public use. Accessory uses may include offices, truck and large equipment parking, fueling and maintenance and other related facilities.

*Examples include:* Electric transformer stations and substation; electric transmission towers; municipal sewage treatment plant and municipal building; and gas regulator and pumping station and municipal utility pumping stations and other uses similar and compatible with the above. These installations do not include outdoor storage yards

**QUARRYING.** The removal of sand, clay, gravel, soil or similar material from its natural location for sale or use on a parcel of land other than the parcel on which the material was originally located. This shall not include material excavated for purposes of digging basements.

**RELIGIOUS INSTITUTIONS.** Institutions that primarily provide meeting areas for religious activities for the general public. They may be associated with a convent (group housing) or provide caretaker housing or a parsonage on-site as an accessory use.

*Examples include:* Churches, synagogues, temples and mosques and other institutions similar to and compatible with the above establishments. Schools, day care centers, homeless shelters, soup kitchens and other uses sometimes associated with religious institutions are separate principal uses.

**RESTAURANTS.** An establishment serving prepared food or beverages for consumption on the premises and which may or may not include accessory "take-out" services.

**ROADSIDE PRODUCE STAND.** A temporary or seasonal outdoor sales area accessory to an agricultural operation which sells products grown or produced on the premises.

**SCHOOLS.** Any building or part thereof which is designed, constructed, or used for education or instruction including vocational, K-12 or other educational purposes.

*Examples include:* Elementary, junior high and high schools, colleges, universities and vocational schools.

**Non-profit:** Public (including charter schools), parochial or other private elementary, intermediate, and/or high schools offering courses in general education.

**For-profit:** Schools including public trade or similar private schools and colleges, offering courses of instruction.

Other educational institutions similar and compatible with the above uses.

**SENIOR HOUSING.** Housing type that provides individual dwelling units to allow seniors to live independently with regard to cooking, housekeeping, laundry and general activities of daily living.

**SETBACK.** The distance between a building and a road centerline or a property line.

**SHOPPING CENTER.** A group of commercial establishments planned and developed as a unit with off-street parking provided on the property and related in its location, size and type of shops to the trade area which the center serves.

**SIGN.** Any device designed to inform, advertise or attract attention.

**SIGN AREA.** The total of the surface of one side of a sign computed in square feet. The total shall be determined by multiplying the total height of the sign surface by the total width of the sign surface area.

**SIGN, PERMANENT.** Any sign designed or intended to be placed on a parcel of land for more than six (6) months.

**SIGN TEMPORARY.** Any sign designed or intended to be placed on a parcel of land for less than six months. Also any sign which is not permanently attached to real estate in accordance with the construction requirements of the building code.

**SINGLE-FAMILY DETACHED CONDOMINIUM.** A condominium unit which is physically separated from any other condominium unit and which is designed and intended for occupancy by a single family.

**STABLES AND/OR RIDING ACADEMIES.** An accessory building in which horses are cared for and kept for either private and/or public use.

**STATE LICENSED RESIDENTIAL FACILITY.** A structure constructed for residential purposes that is licensed by the State pursuant to the Adult Foster Care Facility Licensing Act (MCLA 400.701, *et seq.*) or the Child Care Organizations Act (MCLA 722.111, *et seq.*) that provides resident services or care for persons under twenty four (24) hour supervision for persons in need of that supervision or care. A "State Licensed Residential Facility" that receives special zoning treatment as a residential use may include an adult foster care family home, adult foster care small group home with six (6) or fewer persons or a foster family home.

**STRUCTURE.** Anything constructed, erected, or placed on a parcel of land which is permanently located in the ground or attached to something having a permanent location. This shall include buildings, mobile homes, pre-manufactured units, modular units, and similar items.

Any structure located on the same premises for more than six months shall be deemed to be permanently located within the meaning of this definition.

SWIMMING POOL. The term “swimming pool” shall mean any structure or container intended for swimming, located either above or below grade designed to hold water to a depth of greater than twenty- four (24) inches. Ponds shall not be deemed to be swimming pools.

TAVERNS AND SIMILAR ESTABLISHMENTS. A business serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches, snacks and other prepared food may also be sold.

TEMPORARY OUTDOOR USE. A use carried out in an open uncovered area or temporary structure, which is discontinued when the designated time period, activity, or use for which the temporary structure was erected, has ceased.

TOWNHOUSE. A multi-family structure containing 3 or 4 dwelling units

TOWNSHIP BOARD. The duly elected or appointed Township Board of the Township of Forest.

TRAVEL TRAILERS. (including recreational vehicles, camping trailers, truck campers, and motor homes). Vehicular-type portable structures, primarily designed as temporary living accommodations for recreational camping or travel use. These vehicles can either be towed, hauled, or affixed to another vehicle and driven from one site to another without requiring a special transportation permit for travel.

TRAVEL TRAILER PARK. Any parcel of land designed, improved, or used for the placement of three (3) or more travel trailers or tents (used for recreation, camping or travel use) for overnight accommodations. The purpose for which a parcel of land or a building is designed, arranged, or intended or the purpose for which it is occupied, maintained, or leased.

TRUCK TERMINAL. A facility for the receipt, transfer, short term storage and dispatching of goods transported by truck

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

USABLE FLOOR AREA. Usable floor area, for the purposes of computing parking needs for off-street parking spaces, is net floor area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage of merchandise, or for utilities shall be excluded from this computation of “Usable Floor Area.” Measurement of floor area shall be the sum of horizontal areas of all of the floors of the building, measured from the interior faces of the exterior walls.

VARIANCE. An authorization permitting change in the requirements of this Ordinance by the Zoning Board of Appeals in cases where the general requirements of this Ordinance and the literal enforcement of such would result in a practical difficulty upon the variance applicant.

VETERINARY CLINIC. A facility for the examination and treatment of animals, excluding temporary boarding facilities.

VETERINARY HOSPITALS. A facility for the examination and treatment of animals, including temporary boarding facilities.

WHOLESALE AND WAREHOUSING. Wholesale and warehousing establishments or places of business that are primarily engaged in the selling of merchandise to retailers or storing of merchandise, to industrial, commercial, institutional, or professional business users, to other wholesalers, or acting as agent or broker and buying merchandise for, or selling merchandise to

such individuals or companies. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, fueling and maintenance.

*Examples include:* The sale of wholesale or warehousing of automotive equipment, dry goods and apparel, groceries and related products, raw farm products except livestock, electrical goods, hardware, plumbing, heating equipment and supplies, machinery and equipment, petroleum bulk stations and terminal, tobacco and tobacco products, beer, wine and distilled alcoholic beverages, paper and paper products, furniture and home furnishings and parcel delivery services, any commodity the manufacture of which is permitted in this zoning district.

WIRELESS COMMUNICATION ANTENNAE. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals and radio frequencies.

WIRELESS COMMUNICATIONS TOWERS. A radio, telephone or television transmission, reception or relay structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure, used for the transmission or reception of radio, televisions, microwave, or any other form of telecommunication towers and any tower erected by a public entity for hazard warning or other communication purpose.

YARD. An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward.

ZONING ADMINISTRATOR. The administrator of this Ordinance appointed by the Forest Township Board.

ZONING BOARD OF APPEALS. The duly appointed Zoning Board of Appeals for the Township of Forest.

ZONING PERMIT. Written verification from the Township Zoning Administrator or their designee, that a proposed land use, new construction, addition, or excavation or grading of property complies with the terms of this ordinance. The instances where a zoning permit is required are outlined in Section 7.02.