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**Gaines Township  
Genesee County, Michigan**

**Zoning Ordinance  
No. 101-96**

Adopted: July 3, 1996

Effective: August 15, 1996

Updated Through Ordinance No. 144, March 4, 2020

**GAINES TOWNSHIP, GENESEE COUNTY  
ZONING ORDINANCE**

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**GAINES TOWNSHIP, GENESEE COUNTY  
ZONING ORDINANCE**

**THE TOWNSHIP OF GAINES ORDAINS:**

**TITLE**

An Ordinance originally enacted pursuant to Public Act No. 184 of 1943 , as amended, (being the Township Zoning Act) governing the unincorporated portions of Gaines Township, Genesee County, Michigan, to provide for the regulation of land development and the establishment of one (1) or more districts within the zoning jurisdiction which regulate the use of land and structures to meet the needs of the township’s citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements, and to promote public health, safety, and welfare; to provide for the regulation of land development and the establishment of districts which apply only to land areas and activities involved in a special program to achieve specific land management objectives and avert or solve specific land use problems, including the regulation of land development and the establishment of districts in areas subject to damage from flooding or beach erosion; and to adopt land development regulations designating or limiting the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles. This Ordinance is continued in effect and the continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of the Ordinance shall be done pursuant to P.A. 110 of 2006, as amended (the Michigan Zoning Enabling Act, MCL 125.3101 *et seq*) hereinafter referred to as the “Zoning Act” or the “MZEA”. Any references in this Ordinance to “Township Zoning Act” are hereby changed to refer to “Zoning Act”.

Amended per Ordinance No. 92, adopted August 4, 2010

**ARTICLE I**  
**PURPOSE, INTERPRETATION, CONFLICTING REGULATIONS**

**Sec. 1.01 Purpose:** The purpose of this Ordinance is to promote the public health, safety, morals, and general welfare; to encourage the use of lands in accordance with their character and adaptability; and to limit the improper use of land; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, and with reasonable consideration among other things to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building, and population development, as studied and recommended within a general plan by the Gaines Township Planning Commission, and endorsed, and regulations adopted, therefore, by the Gaines Township Board.

**Sec. 1.02 Interpretation:** The provisions of this Ordinance shall be considered as minimum standards and requirements within each respective zoning district and shall not preclude the establishment of higher, or more restrictive standards, or requirements for the authorization of any conditional use permit, where such higher or more restrictive standards or requirements are found necessary by the Township Planning Commission to attain the intent of this Ordinance.

**Sec. 1.03 Conflicting Laws, Ordinances, Regulations, or Restrictions:** Conflicting laws of a more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be considered as a minimum, and such conflicting laws of a more restrictive nature shall supersede any provisions of this Ordinance. Conflicting ordinances of the Township which are of a less restrictive nature are superseded by the provisions of this Ordinance. Except for those situations where the law allows this Ordinance to be more or less restrictive than the Zoning Act, if there is any conflict between the provisions of this Ordinance and the Zoning Act, the provisions of the Zoning Act shall supersede the provisions of this Ordinance.

Amended per Ordinance No. 92, adopted August 4, 2010

**ARTICLE II  
CONSTRUCTION OF LANGUAGE AND DEFINITIONS**

**Sec. 2.01 Construction of Language:** For the purposes of this Ordinance, certain terms of words used herein shall be interpreted as follows:

- A. The word "person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.
- B. The present tense includes the future tense, and the singular number includes the plural, and the plural number includes the singular.
- C. The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or occupied.
- D. The word "shall" is mandatory, the word "may" is permissive.
- E. The particular shall control the general.
- F. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- G. A "building" or "structure" includes any part thereof.

Amended per Ordinance No. 92, adopted August 4, 2010

**Sec. 2.02 Definitions:**

**Abandoned Solar Energy System:** Any Solar Energy System that remains nonfunctional or inoperative to the extent that it is not used to generate electrical energy for a continuous period of 180 days.

**Accessory Structure:** A detached structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

**Accessory Use:** A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

**Adult Entertainment 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."

A. Adult entertainment use shall include, but not be limited to the following:

1. **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.
2. **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 a significant portion of any motion picture or other display depicting, describing or presenting "specified sexual activities" or "specified anatomical areas."
3. **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."
4. **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 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.
5. **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."
6. **An adult motel** is a motel wherein matter, actions or other displays are presented which contain a significant portion depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas."



7. **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."
8. **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.
9. **An adult sexual encounter center** is any business, agency, or person who, for any form of consideration or gratuity, provides a place where three 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."

B. **Significant Portion** - As used in the above definitions, the phrase "significant portion" shall mean and include:

1. Any one or more portions of the display having continuous duration in excess of five (5) minutes;
2. The aggregate of portions of the display having a duration equal to ten (10) percent or more of the display; and/or,
3. 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.

C. **Display** - As used in the above definitions, the work 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, 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.

D. **Specified Sexual Activities** - As used in the above definitions, the phrase "specified sexual activities" shall mean and include:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

E. **Specified Anatomical Areas** - As used in the above definitions, the phrase "specified anatomical areas" shall mean and include:

1. 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; and,
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Adult Foster Care Facility:** A governmental or nongovernmental establishment subject to State licensing procedures as may be required having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care facility does not include a nursing home, a home for the aged, an alcohol or a substance abuse rehabilitation center, a hospital for the mentally ill, released from and assigned to a correctional facility or similar facilities.

**Adult Foster Care Family Home:** A private residence subject to State licensing with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days per week, and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

**Adult Foster Care Large Group Home:** An adult foster care facility subject to State licensing with the approved capacity to receive at least thirteen (13), but not more than twenty (20) adults who shall be provided supervision, personal care, and protection, in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

**Adult Foster Care Small Group Home:** An adult foster care facility subject to State licensing with the approved capacity to receive twelve (12) or fewer adults who shall be provided supervision, personal care, and protection, in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

**Agritourism Enterprise:** A farm enterprise operated for the enjoyment and education of the public that may also generate additional farm income by promoting farm products. Agritourism enterprises are further classified as follows:

- A. **Agritourism Enterprise, Class I** - An agritourism enterprise, limited to u-pick operations.
  
- B. **Agritourism Enterprise, Class II** - An agritourism enterprise, including: educational tours; historical agricultural exhibits; educational classes, lectures and seminars; petting farms, animal display and pony rides; outdoor mazes of agricultural origin, such as straw bales or corn; wagon, sleigh and hayrides; nature trails; outdoor picnic areas; the use or rental of farm buildings for special events; and, other similar uses. Overnight sleeping accommodations, except for a bed and breakfast, are specifically excluded from this classification.

**Aircraft Landing Strip (Private):** The use of land for the landing or taking off of aircraft by a proprietor residing in a housing unit contiguous to the site of the aircraft landing strip, and may include facilities for the shelter of aircraft but does not include the boarding or care of aircraft owned by anyone other than occupants of the housing unit in common ownership with the aircraft landing strip.

**Airport:** An airport licensed by the Michigan department of transportation, bureau of aeronautics under section 86 of the aeronautics code of the state of Michigan, 1945 PA 327 (MCL 259.86).

**Altered:** Any change in the use of or in the supporting members of a building such as bearing walls, columns, posts, beams, girders, and similar components.

**Area, Floor:** Floor area shall constitute the total floor area occupied by a use and measured to include all space used primarily or incidentally for such use. Floor area shall not include those areas included within the "altered" definition.

**Area, Sales:** Sales area shall only include that area customarily open and accessible to the public.

**Basement:** A space having one half or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than seven (7.0) feet (see Figure 1).

# BASEMENT & STORY DEFINITIONS

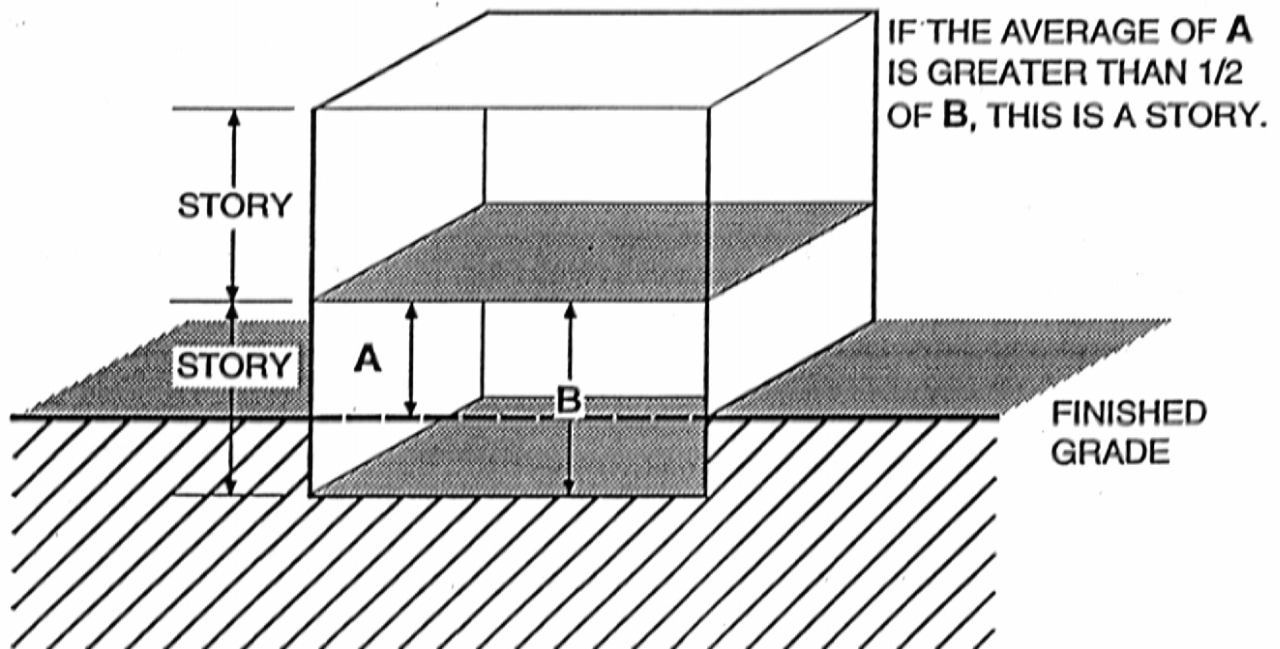
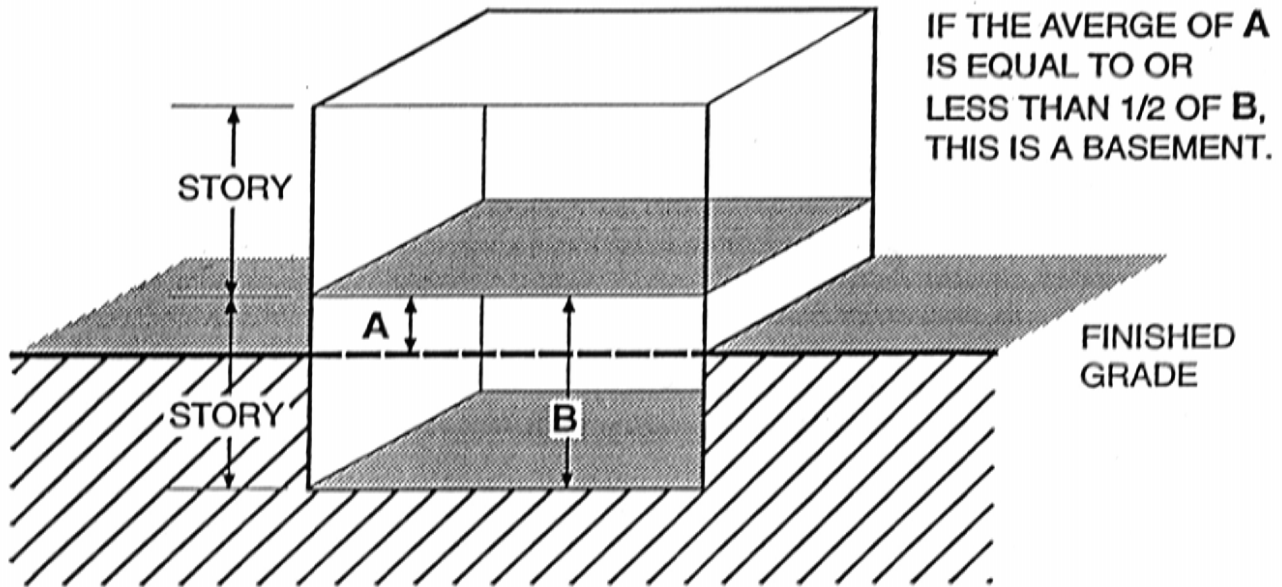


FIGURE 1

**Block Face:** A block face is defined as and consists of those properties fronting along an existing right-of-way and located between the intersections of existing streets, or between intersections and dividers such as rivers, railroads, and other similar natural or man-made features.

**Board of Zoning Appeals:** The Board of Zoning Appeals as provided under provisions of the Township Rural Zoning Act, being Act 184, Public Acts of 1943, as amended, with powers and duties as defined herein, and referred to alternatively as the Board.

**Buildable Land:** The space remaining after the minimum setbacks, natural rivers, open space, floodplain areas, wetland, and natural features buffer requirements of this ordinance or State or Federal regulations have been complied with.

**Building:** Any structure (excluding fences) having a roof or walls and built for, or capable of, the shelter or enclosure of persons, animals, chattels, or property of any kind.

**Building Envelope:** That area remaining after required setbacks have been applied to a parcel of land on which a structure can be placed.

**Building, Height Of:** The vertical distance from the grade at the center of the front of the building to the highest point of the roof surface in a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gable, hip and gambrel roofs (see Figure 2).

**Building Integrated Photovoltaic System:** A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semitransparent skylight systems, roofing materials, and shading over windows.

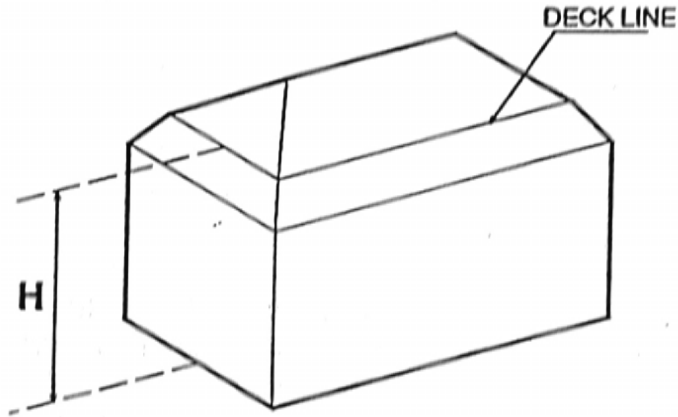
**Building Permit:** An authorization issued by the Township Building Inspector to move, erect or alter a structure within the Township in conformity with the provisions of this Ordinance.

**Building Site:** All lots to be created by split, condominium, or plat, or to be considered for a building and land use permit, must have sufficient land area, exclusive of any wetlands or to meet Genesee County Health Department Standards as well as required buffers, floodplain areas, and zoning district setbacks and off-street parking requirements as specified in this Ordinance, State or Federal regulations. This provision shall not apply to previously recorded lots of record upon which one single-family house is proposed to be built.

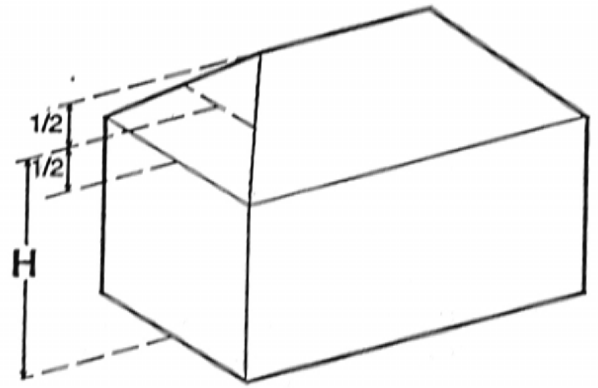
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# BUILDING HEIGHT REQUIREMENTS

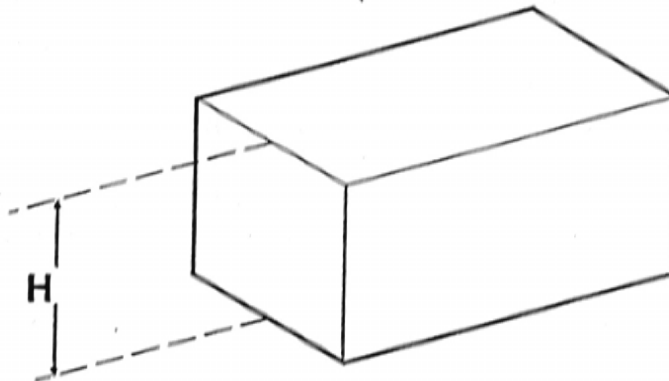
H = HEIGHT OF BUILDING



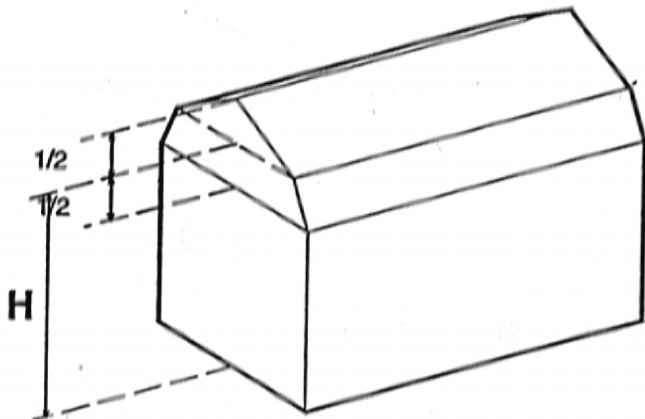
MANSARD ROOF



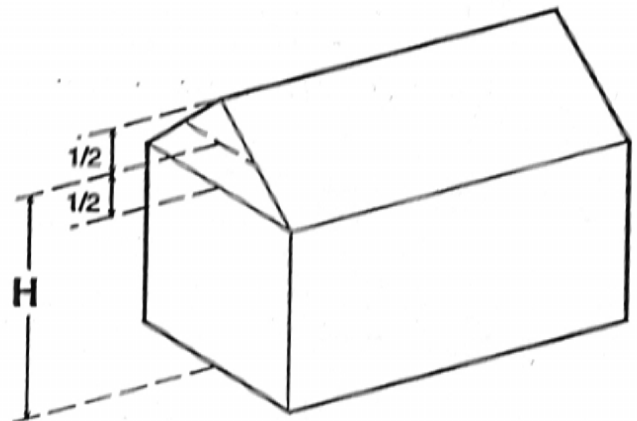
HIP ROOF



FLAT ROOF



GAMBREL ROOF



GABLE ROOF

**Cellar:** A cellar is that portion of a structure with not less than three (3) walls thereof, partly below grade and so located so that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling with a ceiling height of less than seven (7.0) feet.

**Cluster Residential Development:** A development designed for a site containing unique topographical, environmental, agricultural, or natural areas or designed as a method for infilling an appropriate parcel which is surrounded by existing development.

**Commercial Park and Recreation Area/Facility:** A park or recreation facility operated as a business and open to the public for a fee.

**Common Elements:** The portions of a condominium project other than the condominium units.

**Common Elements - General:** The common elements other than the limited common elements.

**Common Elements - Limited:** A portion of the common elements reserved in the master deed for the exclusive use of other than all of the co-owners.

**Community Master Plan or General Plan:** The comprehensive community master plan for the Township of Gaines.

**Conditional Use:** A conditional use is a use of land for an activity which, under usual circumstances, would be detrimental to other land uses permitted within the same district, but which is permitted because of circumstances unique to the location of the particular use and which use can be conditionally permitted without jeopardy to uses permitted outright within such districts. Conditional uses, as described in this Ordinance, are the same as "special land uses" as described in the Zoning Act.

**Conditional Use Permit:** An authorization approved by the Township Planning Commission to use a parcel of land and/or structure for a conditional use.

**Condominium Act:** Public Act 59 of 1978, as amended.

**Condominium, Detached:** A condominium development consisting of single-family detached residential dwelling units (also known as a site condominium).

**Condominium Documents:** All those documents required by the Michigan Condominium Act, Act 59 of 1978, as amended.

**Condominium Project:** A plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act, Act 59 of 1978, as amended.

**Condominium Subdivision:** A subdivision as defined in the Township subdivision regulations.

**Condominium Subdivision Plan:** Site, survey, and utility plans; floor plans; and sections, as appropriate showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries, and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location, and approximate size of common elements.

**Condominium Unit:** That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

**Convalescent or Nursing Home:** A structure with sleeping rooms where persons are housed or lodged and are furnished with meals and nursing or limited medical care and possesses a State license.

**Corral or Barnyard; Grazing and Pasturing:** A corral or barnyard is defined as being a pen for confining nondomestic animals or livestock but not including an area for grazing and pasture. A grazing area or pasture is defined as that area containing no more than one (1) cow or horse per acre or six (6) smaller animals per acre on a minimum of ten (10) acres.

**Cul-de-sac:** A street terminated at one (1) end, with a turning radius.

**Day Care:** Day care homes and centers are defined as follows:

- A. **"Family Day Care Home":** Whenever the term "family day care home" is used in this ordinance it shall mean "family care home", which is defined in Public Act 116 of 1973 as a private home in which one (1) but fewer 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 child care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.
- B. **"Group Day Care Home":** Whenever the term "group day care home" is used in this ordinance it shall mean "group child care home", which is defined in Public Act 116 of 1973 as a private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for



periods of less than twenty-four (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 child care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

- C. **"Day Care Center"**: A "Day Care Center" or a "Child Care Center" means a facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods of less than twenty-four (24) hours a day, where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before or after school program, or drop-in center. Child care center or day care center does not include any of the following:
- a. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three (3) hours per day for an indefinite period or for not more than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12) month period.
  - b. A facility operated by a religious organization where children are in the religious organization's care for not more than three (3) hours while persons responsible for the children are attending religious services.
  - c. A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
  - d. A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.

**Development Site:** (Refer to definition of Zoning Lot)

**District:** Each part, or parts, of the unincorporated area of the Township for which specific zoning regulations are prescribed.

**Dwelling:** A structure or portion thereof which is used exclusively for human habitation.

**Dwelling, Single-Family Detached:** A detached residential dwelling unit with or without an attached garage, other than a mobile home, designed for and occupied by one (1) family only and surrounded by open space or yards on all sides.

**Dwelling, Single-Family Attached (Townhouse):** A residential structure or group of structures, each of which contains three (3) or more attached single-family dwelling units with individual rear and/or front yards designed as an integral part of each single-family dwelling unit. There are no units located over another unit(s) and each unit is separated by one (1) or more common fire resistant walls.

**Dwelling, Single-Family Semi-Detached:** A single-family dwelling attached to one (1) other single-family dwelling by a common vertical wall and each dwelling located on a separate lot. The dwelling units are side by side as opposed to one (1) on top of the other.

**Dwelling, Two-Family (Duplex):** A structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common exterior stairwell, if any, to both dwelling units.

**Dwelling, Multi-Family:** A residential structure or group of structures, each of which contains three (3) or more attached single-family dwelling units and shares common front and/or rear yards. Dwelling units can be located on top of each other, provided the maximum number of stories in any structure will be three (3).

**Dwelling Unit:** One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically independent of any other group of rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities. But in no case shall a travel trailer, automobile chassis, or tent be considered a dwelling.

**Easement:** A permanent grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

**Elderly/Senior Citizen Housing:** A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons sixty-two (62) years of age or older, or couples where either spouse is sixty-two (62) years of

age or older and is in conformity with applicable State and Federal laws. This does not include a foster care, home for the aged, or nursing home.

**Employee Load Factor:** Employee load factor is that number equal to the maximum number of employees that can be employed at any one time in a particular structure or parcel of land, and refers to the basis upon which the number of parking spaces required is determined.

**Essential Services:** The erection, construction, alteration, or maintenance by public utilities or any governmental department or commission of underground, surface or overhead gas, electrical, steam, or water transmission or communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection with, but not including buildings. For purposes of this Ordinance, wireless communication facilities (commonly known as “cellular” or “cell” towers) are not considered to be essential services.

**Family:** An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or a collective group of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature, or for an anticipated limited duration of a school term or terms, or other similar determinable period.

**Farm:** A tract of land used for agriculture, horticultural, truck gardening, nursery, or other similar purposes for growing crops or plants and/or for the raising of cattle, swine, horses or other non-domesticated animals, and uses incidental thereto.

**Farm Building:** An accessory structure that is dedicated to the exclusive use of farming i.e., the storage of a farm product, hay, straw, or farm machinery, combines, tractors, etc. Further, it shall be on a tract of land that is dedicated as a farm and is actively used as such.

**Farm Market:** A place or an area designed and used for the display and sale of vegetables, fruit, plants, flowers and other produce from farms and other agricultural enterprises, including the display and sale of other incidental merchandise generally associated with or related to farm produce and products, small arts and crafts items and other permitted merchandise.

**Feedlot:** Feedlots shall be construed to be any facility or enclosed area where farm animals are fed and maintained for more than four (4) hours out of twenty-four (24) hours at density greater than four (4) heads per acre for cattle and horses, ten (10) heads per acre for smaller animals, or more than thirty (30) fowls per acre.

**Floodplain:** Lands which are subject to periodic flooding and have been defined by the Soil Conservation Service of the U.S. Department of Agriculture to have alluvial soil deposits indicating that such flooding has taken place, or as defined by any technically qualified engineer and accepted by the Township Board as such a floodplain.

**Floor Area, Gross:** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The "floor area" of a building shall not include the basement floor area except when more than one-half (1/2) of the basement height is above grade. "Floor area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven (7) feet, ten (10) inches or more, interior balconies, and mezzanines. Any space devoted to off-street parking or loading shall not be included in "floor area" (see Figure 3).

**Frontage:** All property fronting on one (1) side of a street between a street and right-of-way, water-way, end of a dead end street, or township boundary, calculated as the horizontal straight line distance between side lot lines, measured between the two (2) points where the front setback line intersects the side lines. (See also definition for Lot Width.)

**Garden Apartments:** A residential structure, or group of structures, each of which contain three (3) or more attached one-family dwelling units and share common front and/or rear yards.

**Home Occupation:** Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes which does not exceed more than twenty-five percent (25%) of the structure, excluding the garage, does not change the character thereof, and in connection with which there is no display, no stock in trade, no outside storage, and no outside display. Home occupations shall not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odors, unsanitary or unsightly conditions, excessive traffic, fire hazards and the like, involved in or resulting from such occupation, profession or hobby.

# FLOOR AREA TERMINOLOGY

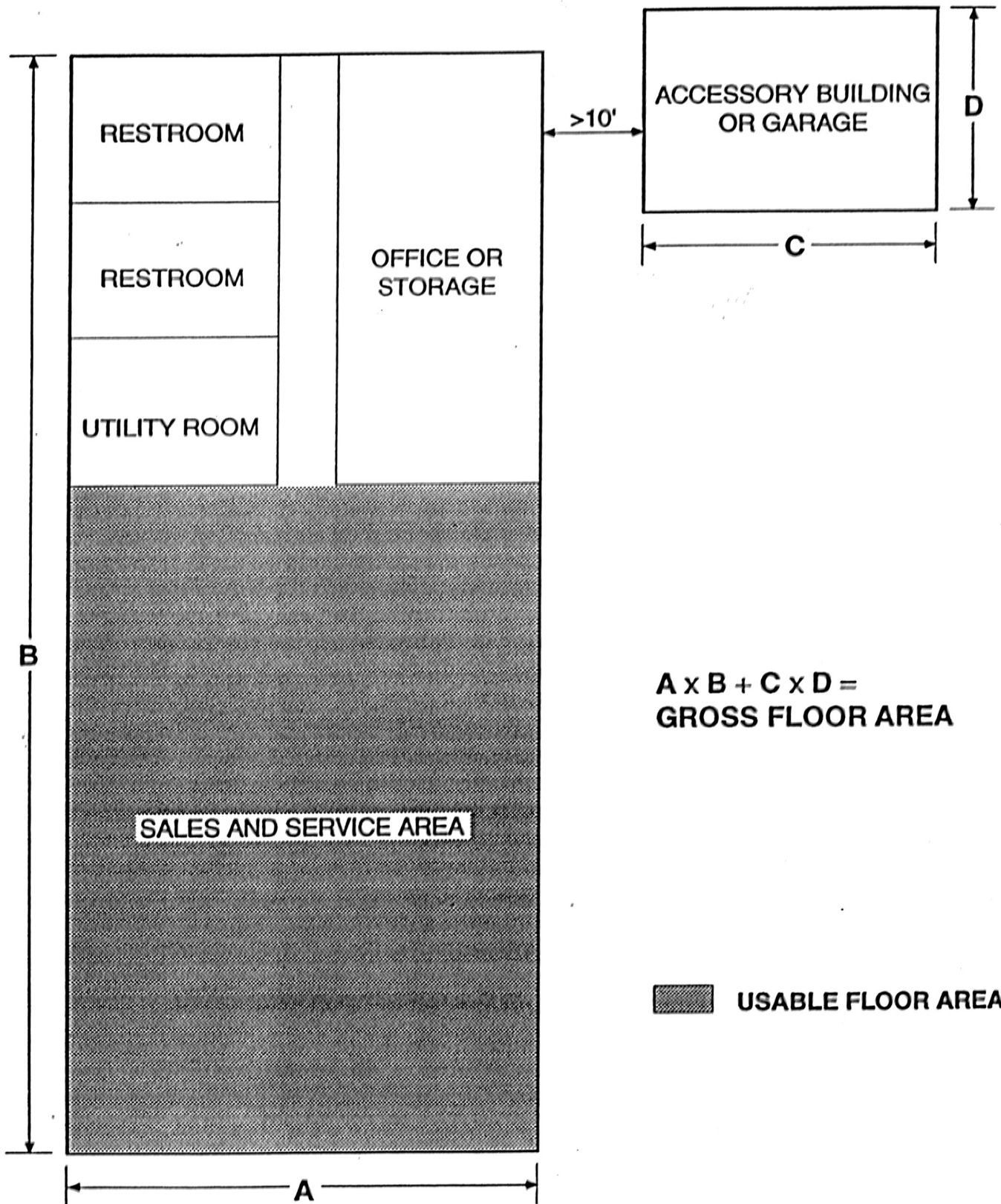


FIGURE 3

**kennel:** The housing or keeping of more than three (3) dogs, cats or other household pets, which are more than four (4) months old, on a lot or in a structure by one (1) family or by a commercial operation for a fee and/or compensation.

**Lake:** Bodies of water five (5) acres or greater, as defined by state law.

**Loading Space, Off-Street:** Space logically and conveniently located for bulk pickups and deliveries, scaled for delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in the computation of required off-street parking space.

**Lot:** A parcel of land generally maintaining a symmetrical size and shape from its front to its rear occupied or intended for occupancy by a use permitted by the zoning ordinance, including one main building and its accessory buildings, and at least meeting the minimum zoning requirements for area, coverage, yard and other open spaces as required herein. Such lot shall have continuous frontage on an improved public street or an approved private street and meet the requirements of Section 3.13. Further, a lot may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of contiguous lots of record, or contiguous portions of lots of record.
- D. A parcel of land described by metes and bounds.

**Lot Area:** The total horizontal area within the lot lines of the lot.

**Lot, Corner:** A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees (see Figure 4).

**Lot Coverage:** The part or percentage of the lot occupied by buildings including accessory buildings.

**Lot Depth:** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines (see Figure 5).

# CORNER, INTERIOR AND DOUBLE FRONTAGE LOTS

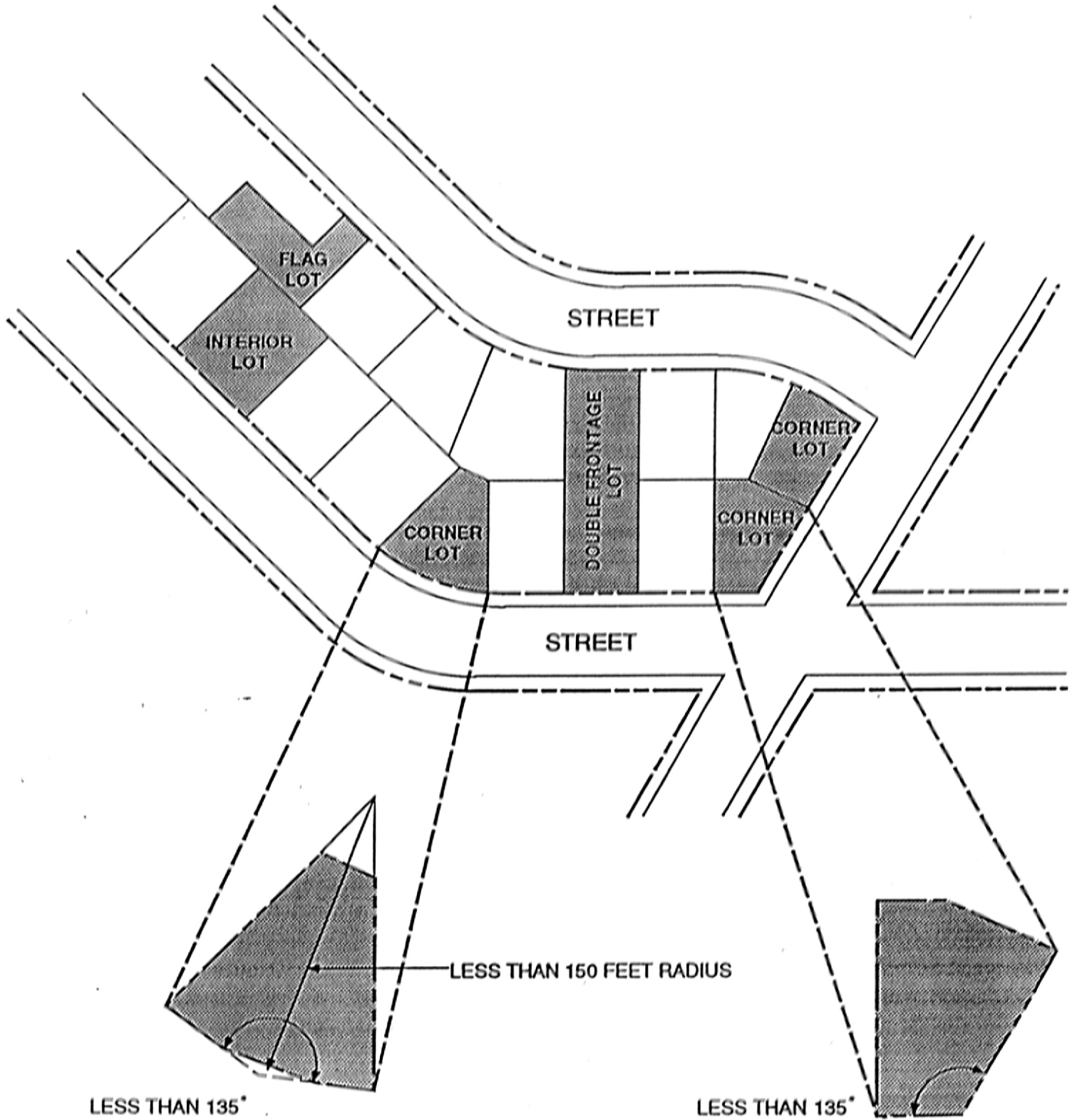


FIGURE 4





**Lot, Double Frontage:** Any interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required for them (see Figure 4). The minimum lot width requirements of the district where the lot is located shall be met for each frontage and not combined.

**Lot, Interior:** Any lot other than a corner lot (see Figure 4).

**Lot Lines:** The lines bounding a lot as defined herein:

- A. **Front Lot Line:** In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot or double frontage lot it is that line separating said lot from either street (see Figure 5).
- B. **Rear Lot Line:** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot (see Figure 5).
- C. **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line (see Figure 5).

**Lot Width:** The horizontal straight line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines (see Figure 5).

**Lot, Zoning:** A single tract of land, located within a single block which, at the time of filing for a building permit, is designated by its owner or developed as a tract to be used, developed, or built upon as a unit, under single ownership or control.

A zoning lot shall satisfy this ordinance with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the county register of deeds, but may include one (1) or more lots or record.

**Lot of Record:** A lot which is part of a subdivision recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**Manufactured Housing:** A dwelling fabricated in an off-site manufacturing facility for installation or assembly at the building site and bearing a label certifying that it is built in compliance with federal standards.

**Mobile Home:** A detached single-family structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

**Mobile Home Park:** A park licensed under provisions of the Mobile Home Commission Act, being Act 96 of 1987, as amended. Furthermore, a mobile home park is a parcel or tract of land under the control of a person or corporation upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

**Modular Home:** Factory built housing certified as meeting the United States Department of Housing and Urban Development (HUD) standards as applicable to modular housing.

**Motels:** An establishment providing sleeping accommodations to the general public which may or may not provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

**Nonconforming Lot:** A lot with dimensions which conflict with the provisions of this Ordinance.

**Nonconforming Structure:** A structure conflicting with the regulations of the district in which it is located.

**Nonconforming Use:** A use of land or a structure for purposes which conflict with the provisions of this Ordinance.

**Office:** A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files, and communication equipment.

**Parking Space, Off-Street:** For the purpose of this ordinance, an off-street parking space shall consist of a space adequate for parking an automobile, with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, and located on a lot with the land use to which it is related.

**Photovoltaic Device:** A system of components that generates electrical energy from incidental sunlight by means of photovoltaic effect, whether or not the device is able to store the electric energy produced for later use.

**Planned Unit Development:** An integrated and coordinated development of various residential land uses, with or without retail stores, service stations, drugstores, personal service offices, and restaurants, but excluding any manufacturing or wholesale activity, and developed in accordance with the conditions as prescribed under provisions of this ordinance (refer to Article XV).

**Plat:** A map or chart of a subdivision of land.

**Pond:** Bodies of water less than five (5) acres and having a depth greater than 24 inches.

**Principal Structure:** Any building for any primary land use or use subject to conditional review, as defined in each zoning classification, not including accessory structures.

**Private Noncommercial Park and Recreation Area/Facility:** A park or recreation facility operated by a nonprofit organization and open only to bonafide members and guests of such nonprofit organizations.

**Public Park and Recreation Area/Facility:** A park and recreation facility open to the general public.

**Public Utility:** Any person, firm, corporation, municipal department or board, duly authorized under state or municipal regulation to furnish, and furnishing, transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal and other services to the public.

**Restaurant:** Shall include the following:

- A. **Standard Restaurant:** Any establishment whose principal business is the sale of food, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

1. Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
2. A cafeteria-type operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building.

B. **Fast-Food Restaurant:** Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building, by means of a drive-up or drive-through window or by carry-out with consumption off the premises, and whose design or principal method of operation includes both of the following characteristics:

1. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposal containers either directly to the customer or by means of a drive-through or drive-up window.
2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

C. **Drive-in Restaurant:** A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics:

1. Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a carhop or by other means which eliminate the need for the customer to exit the motor vehicle, including by means of a drive-through or drive-up window.
2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, and permitted.

D. **Carry-Out Restaurant:** An establishment that by design of the physical facilities, service, or packaging sells prepared ready-to-eat foods intended primarily to be consumed off the premises.

**Right-of-Way:** A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil, or gas pipeline, water line, sanitary sewer, storm sewer, and other similar uses.

**Roadside Stands:** (see Farm Market)

**Roof:** The outside top covering of a building (see Figure 2).

**Sanitary Landfills:** Any parcel of land used for the dumping of refuse for the purposes of disposing of such refuse licensed by the State of Michigan, and operated in accordance with the Solid Waste Management Act, Act 641 of the Public Acts of 1978, as amended, and the Hazardous Waste Management Act, Act 64 of the Public Acts of 1979, as amended.

**Service Station:** Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where; in addition, the following services may be rendered and sales made, and no other:

- A. Sale and servicing of spark plugs, batteries, and distributors and distributor parts;
- B. Tire servicing and repair, but not recapping or regrooving;
- C. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
- D. Radiator cleaning and flushing;
- E. Greasing and lubrication;
- F. Replacing or repairing of carburetors, fuel pumps, oil pumps, and lines;
- G. Emergency wiring repairs;
- H. Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
- I. Adjusting and repairing brakes;

- J. Sale of cold drinks, packaged foods, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operation; and,
- K. Provision of road maps and other informational material to customers; provision of restroom facilities.

Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. A service station is not a repair garage or a body shop.

**Setback:** Distance from the centerline of streets to the building line for the purpose of defining limits within which no building or structure, or any part thereof, shall be erected or permanently maintained.

**Shopping Center:** A group or groups of three (3) or more commercial establishments developed in accordance to an overall plan and design and built as an interrelated project.

**Sign:** Any device designed to inform or attract the attention of persons not on the premises on which the sign is located; excepting, however, the following which shall not be included within this definition:

- A. Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises, or other identification of premises not having commercial connotations, nor having the tendency or purpose to attract attention to any location where there is any use other than solely and strictly residential living;
- B. Flags and insignia of any government, except when displayed in connection with commercial promotion;
- C. Legal notices; identification, informational, or directional signs erected or required by governmental bodies;
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- E. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

**NOTE: Other sign definitions are located in the Sign Regulations.**

**Sign Area:** The area of a sign consisting of the entire surface of any regular geometric form, or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of such area.

**Sign, On-Site:** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

**Sign, Off-Site:** A sign other than an on-site sign.

**Solar Array:** Any number of photovoltaic devices connected together to provide a single output of electrical energy or other energy.

**Solar Energy System, Large Scale:** A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by photovoltaic devices or other conversion technology, for the sale, delivery or consumption of the generated energy by more than one end-user, and typically the power output of that system is equal to or greater than 1 megawatt. Large scale solar energy systems may be a primary or an accessory use.

**Solar Energy System, Small Scale:** A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether photovoltaic devices or other conversion technology, primarily for consumption by a single end user at the same property upon which the solar energy system is located. The power output of the system shall not exceed 150 kilowatts. Small scale solar energy systems shall only be an accessory use to a primary use.

**Solid Waste:** Unwanted or discarded material including waste material with insufficient liquid content to be free flowing.

**Standard Sheet:** A sheet which measures 8-1/2" x 11" or consists of multiples of such dimensions such that a larger sheet can be folded into such dimensions.

**Story:** That part of a building included between the surface of any floor and the surface of the floor or roof, next above. When the distance from the average established grade to the ceiling of a portion of a structure partly below such grade is greater than the distance from the average established grade to the floor, such portion shall constitute a story.

**Street, Public:** A public thoroughfare which affords a principal means or access to abutting property, and with a right-of-way sixty-six (66) feet or more.

**Structure:** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures, include buildings, mobile homes, walls, fences, billboards, and poster panels.

**Subdivision:** The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale or lease of more than one (1) year, or of building development, where the act of division creates five (5) or more parcels of land each of which is ten (10) acres or less in area; or five (5) or more parcels of land each of which is ten (10) acres or less in area are created by successive divisions within a period of ten (10) years as prescribed by the Subdivision Control Act, Act 288 of 1967, P.A., as amended.

**Temporary Anemometer Tower:** A structure, including all accessory facilities, temporarily erected, on which an instrument for measuring and recording the speed of wind is mounted for the purpose of documenting whether a site has wind resources sufficient for the operation of a wind energy conversion system.

**Townhouse:** A residential structure, or group of structures, each of which contains three (3) or more attached one-family dwelling units with individual rear yards and/or front yards designed as an integral part of each one-family dwelling unit.

**Township:** The Township of Gaines, Genesee County, Michigan.

**Township Board:** The Township Board of the Township of Gaines, Genesee County, Michigan.

**Township Planning Commission:** The Gaines Township Planning Commission as established by the Gaines Township Board under provisions of the Township Planning Commission Act, being Act 168, Public Acts of 1959, as amended, and referred to alternatively as the Commission.

**Travel Trailer:** A vehicular, portable structure built on a chassis, designed to be used as temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet and a length not to exceed forty (40) feet.

**Undefined Terms:** Any term not defined herein shall have the meaning of common or standard use.

**Wetland:** Land characterized by the presence of water at a frequency and duration sufficient to support, and, that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:



- A. Contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or stream.
- B. Not contiguous to the Great Lakes, and inland lake or pond, or a river or stream; and more than five (5) acres in size; except this subdivision shall not be of effect, except for the purpose of inventorying, in counties of less than one hundred thousand (100,000) population until the Michigan Department of Natural Resources certifies to the commission of natural resources it has substantially completed its inventory of wetlands in that county.
- C. Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and five (5) acres or less in size if the Michigan Department of Natural Resources determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the owner; except this subdivision may be utilized regardless of wetland size in a county in which subdivision (B) is of no effect; except for the purpose of inventorying, at the time.

**Variance:** An authorization permitting change in the requirements of this ordinance by the Board of Zoning Appeals in cases where the general requirements of this Ordinance and the literal enforcement of such would result in an unnecessary and undue hardship upon the variance applicant and subject to the granting provisions of Article XX of this Ordinance.

**Wind Energy Conversion System (WECS):** A system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.

**Wind Energy Conversion System, On-Site:** A wind energy conversion system which has a rated capacity of not more than 100 kilowatts (kW) and which is primarily intended to reduce on-site consumption of utility power.

**Wireless Communication Antenna (WCA):** Any antenna used for the transmission or reception of wireless communication signals excluding those used exclusively for dispatch communications by public emergency agencies, ham radio antennas, satellite antennas, those which receive video programming services via multipoint distribution services which are one (1) meter (thirty-nine (39) inches) or less in diameter and those which receive television broadcast signals.

**Wireless Communication Facilities (WCF):** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals and may include, but is not limited to radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone

transmission equipment building and commercial mobile radio service facilities. Citizen band radio facilities, short wave facilities, ham, amateur radio facilities, and satellite dishes, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority are not included in this definition.

**Wireless Communication Support Facilities (WCSF):** A monopole, guyed, or lattice type tower designed for the attachment of or as support for wireless communication antennas or other antennas.

**Yard:** A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward; provided, however, that yard accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

**Yard, Front:** A yard extending between side lot lines across the front of a lot and adjoining a public or private street (see Figure 5).

**Yard, Side:** A yard extending from the rear line of the required front yard and being between the principal structure and side lot line to the rear yard, or, in the absence of any clearly defined rear yard, to the point on the lot farthest from the intersection of the lot line involved with the public street (see Figure 5).

**Yard, Rear:** A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards (see Figure 5).

**Zero Lot Line:** The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

**Zoning Act; MZEA:** Whenever used in this ordinance, the term "zoning act", "township zoning act", or "MZEA" shall mean the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being MCL 125.3101 *et seq.*

**Zoning District:** A zoning district is a portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which contain yard, open spaces, lot area, and other requirements as established by this Ordinance.

Amended by Ordinance 101-96, adopted July 1, 1998; Ordinance No. 73, adopted January 1, 2004; and, Ordinance No. 84, adopted October 5, 2005; and, Ordinance 91, adopted December 2, 2009; and, Ordinance No. 92, adopted August 4, 2010; and, Ordinance No. 144, adopted March 4, 2020.

**ARTICLE III  
GENERAL PROVISIONS**

**Sec. 3.01 Scope:** Except as elsewhere provided in this Ordinance, no structure, or part thereof, shall hereafter be erected, constructed, reconstructed, or altered in any manner; and no structure, land, premises, or part thereof, shall be used for a purpose and, no open space surrounding any structure shall be reduced or encroached upon, other than as permitted by the provisions of this Ordinance, for the district in which such structure, land, or premises is located.

**Sec. 3.02 District Boundaries:** The boundaries of these districts are hereby established as shown on a map entitled "Zoning District Map," Gaines Township, Genesee County, Michigan, which accompanies and is hereby made a part of this Ordinance. Except where specifically designated on said map, the district boundary lines are intended to follow lot lines, the center lines of creeks, streams, or rivers, the center lines of streets or alleys as extended, railroad right-of-way lines, section lines, one-quarter (1/4) section lines, one-eighth (1/8) section lines or the corporate limit line, all as they existed at the time of the enactment of this Ordinance; except as otherwise specifically described; but, where a district boundary line does not coincide with rear lot lines, said boundary lines shall be dimensioned on the Zoning District Map.

Amended by Ordinance No. 75, adopted August 4, 2004; Ordinance No. 76, adopted August 4, 2004; and Ordinance No. 78, adopted May 4, 2005.

**Sec. 3.03 Building Regulations:**

- A. No structure shall be erected, altered, or moved within or into this Township except in conformity with all of the regulations pertaining to such structure and pertaining to the district within which such structure is located, or to be located.
- B. No structure shall be erected, altered, or moved within or into this Township without having been issued previously a building permit authorizing such erection, alteration, or movement.
- C. No building permit shall be issued unless a site plan showing compliance with all requirements of this Ordinance has been approved by the Building Official or, in the case of a use requiring approval of the Township Planning Commission, approval by such Commission, or, in the case of an existing structure, a finding by the Building Official that the structure is in conformance with all existing ordinances and regulations, or the alteration of moving will permit compliance with all such ordinances and regulations; provided, however, nothing in this section shall prevent the issuance of a building permit following a variance duly granted by the Board of Zoning Appeals.

- D. No structure shall hereafter be erected or altered 1) to exceed the height or bulk; 2) to accommodate or house a greater number of families; 3) to occupy a greater percentage or lot area; and, 4) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.
- E. No part of a yard, or other open space, or off-street parking or loading space, required for or in connection with, any land use or structure for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other land use or structure, except as otherwise specifically permitted under provisions of this Ordinance.
- F. Except as otherwise provided in this Ordinance, no yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- G. No structure shall be constructed within any state or federally designated floodplain of any natural water course, such as to diminish the capacity of the floodplain to store runoff, or to impede the free flow of such runoff, unless approval is granted by the Michigan Department of Environmental Quality or its successor agency. Approval by the Gaines Township Planning Commission shall also be required in instances where site plan approval is required pursuant to Article XVIII. Such structures shall meet all Federal requirements for the issuance of Federal flood insurance coverage, if available.

Amended by Ordinance No. 84, adopted October 5, 2005.

**Sec. 3.04 Construction or Contracts Under Permits Issued Prior to this Ordinance:**

Any structure for which a building permit has been issued and construction of the whole, or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and applications on which said building permit was granted, provided the construction permitted by such permit shall have been prosecuted and completed within one year from the date of issue of such building permit.

**Sec. 3.05 Building Permits:**

- A. Issuance: A building permit shall be obtained from the Building Official before any construction, erection, alteration, or addition to any structure may be undertaken or before any structure is relocated into or within the Township. No permit shall be valid until the required fee has been paid. For each building permit so issued, a fee shall be paid to the Township Treasurer based on an affidavit of construction value as provided by the Building Official in accordance with valuations and fees set by the Gaines Township Board. In the event that a building permit is not issued, the fee so paid shall be returned to the payer thereof.
- B. Completion: A building permit shall become void unless operations are commenced within six (6) months from date of issuance, unless such time is extended by the Building Inspector for reasons that the construction was delayed by causes beyond the control of the applicant. All structures shall be completed on the outside in conformance with the building code and with finish materials, such as wood, brick or brick veneer, shingle, concrete, or similar performance tested material and all building permits shall expire one (1) year after the date of issue provided that the Building Official may, on application, renew a permit for not-to-exceed one (1) additional year (consisting of two (2), six (6) month extensions), if a satisfactory degree or progress in construction is shown. All permits or renewals thereof shall be in writing.
- C. Violations and Cancellation of Permit:
1. Should the Building Inspector determine that the construction is not proceeding according to the plan filed or is in violation of any provision of this code, or any other applicable ordinance, regulations, or law, he/she shall so notify the permit holder and further construction shall be stayed until correction has been effected and approved by the Building Inspector upon notice and request for reinspection duly made.
  2. Should the permit holder fail to comply with any applicable requirements, at any stage of construction, the Building Inspector is hereby empowered to cancel the building permit issued and shall cause notice of such cancellation to be securely posted upon said construction and at a location of ready visibility. Posting of such notice shall be considered sufficient notification to the permit holder of cancellation thereof. No further work shall be undertaken, or permitted upon such construction until a new building permit is issued.

3. Any permit holder whose construction shall have been stayed under subparagraph 1 above, or whose building permit shall have been cancelled under subparagraph 2 above, shall not be granted a certificate of occupancy until the stay or correction have been satisfactorily addressed.

C. Subdivision Control Act:

No building permit shall be issued for the construction of any structure on any lot, tract, or parcel of land subdivided in violation of Act 288 of Michigan Public Acts of 1967, as amended or as in violation of Gaines Township Ordinance No. 31 as amended or any other law or ordinance.

**Sec. 3.06 Single-Family Dwelling Requirements:**

The intent of these requirements is to regulate single-family dwellings, to prescribe uniform standards, to provide for inspection and enforcement, to provide conditions and limitations for the construction and occupancy thereof, to protect surrounding areas from depressed property values and to protect the safety, health, and welfare of the residents and occupants thereof. These regulations do not apply to mobile home parks.

- A. No person, firm or corporation shall construct, build, or place a single-family dwelling on any lot without first obtaining a building permit from the Township.
- B. Before a building permit may be issued for the construction of a single-family dwelling, the applicant must first petition the Township Building Official for a permit and shall submit two (2) sets of lot layout plans which shall contain the following information:
  1. Statistical Data Including: Name and address of owner, size of lot, zoning classification, location of sewer and water, results of perk test, square feet and number of rooms together with any other requirements as are reasonable and that the Building Official may require.
  2. Plan: A plan drawn to scale of 1" = 20' showing the proposed layout of home, with driveway, auto parking, landscaping, well and septic locations and any other information the Building Official deems necessary.

- C.
  - 1. The plan shall be filed with the Township Building Official.
  - 2. The Township Building Official shall review the plan and communicate his or her approval or recommend plan modification to the applicant. In cases where modifications have been recommended, the applicant shall submit a new plan to the Building Official for review.
  - 3. The Township Building Official shall approve the plan only upon a finding that the proposed construction will not, upon the facts shown, cause undue hardships, create an unsafe or hazardous health or safety conditions and that the proposed home should not depress real property values (or be inconsistent with aesthetics of the immediate surrounding neighboring homes as determined by Section 3.06, G, 6).
  - 4. The final plan, as submitted by the applicant, may be disapproved for any inadequacy found to be detrimental to the character or real property values of the neighborhood or detrimental to the public health, safety, and general welfare.
  - 5. Any such disapproval may be appealed to the Township Board of Appeals, unless such appeal is properly directed to the Board of Construction Appeals.
- D. All single-family dwellings shall be subject to the requirements of the Township Zoning and Building Code, as amended. All such dwellings shall also be subject to all laws and ordinances that pertain to such dwellings.
- E. The following general requirements are necessary to facilitate the orderly placement of new dwellings in single-family districts in conjunction with existing dwellings; to assure adequate construction and health standards; to provide for the development of safe, economical housing in the community; and to maintain property values.
  - 1. Single-family dwellings, including attached additions, and detached accessory structures shall comply with the minimum lot size, floor area, and setback requirements, and height limitations for the district in which the dwelling is proposed.
  - 2. A single-family dwelling shall be constructed to meet or exceed the requirements of the Township Building Code or the current United States Department of Housing and Urban Development (HUD) Mobile Home Construction and Safety Standards, as may be amended, whichever is applicable. Each modular or mobile home dwelling must bear an approved HUD certification label.

3. All dwellings shall be firmly anchored to a permanent foundation to restrain potential displacement resulting from wind velocity. The foundation shall be designed to completely enclose the perimeter of the dwelling and all attached additions, and shall be constructed in conformance with the Township Building Code. If the dwelling is a mobile home, it shall, in addition, also comply with the manufacturer's pillar placement and load bearing capacity specifications, as may be applicable.
  4. All dwellings shall be connected to either municipal sanitary sewer and water service, to private on-site facilities, or to individual well and septic systems as may be approved by the County Health Department.
  5. Prior to installation of a modular or mobile home dwelling on the permanent foundation, as required herein, any wheels and towing mechanism, including tongue, hitch assembly, and any other towing - apparatus shall be completely removed. Axles may remain, although tires shall be removed.
- F. The following miscellaneous requirements shall apply to all dwellings constructed.
1. The width of a dwelling shall be a minimum of twenty-four (24) feet, as measured across at least seventy-five (75%) percent of the structure's length.
  2. All dwellings shall be surmounted by a pitched roof of 4:12, and having minimum six (6) inch overhangs on all sides. The minimum distance from eaves to ridge shall be ten (10) feet.  
  
The pitched roof shall be securely attached to and exclusively supported by the dwelling.  
  
Any type of roofing materials generally acceptable for, and applied in a manner resulting in appearance similar to, traditionally site-built dwellings in the vicinity may be employed on the roof of the dwelling, attached additions, and detached accessory structures.
  3. Dwellings shall have no fewer than two (2) exterior doors, one (1) of which shall enter upon a main living area of the dwelling, with the other located in either the rear or side.



4. Steps designed to provide safe, convenient access to each exterior door shall be provided to the door area, or to porches accessible to the door area, when required by a difference in elevation between the door sill and the surrounding grade.

Steps, porches, and foundations shall be constructed in conformance with the Township Building Code, as amended.

5. Additions attached to the dwelling shall be constructed in conformance with the requirements of the Township Zoning Ordinance, Township Building Code, HUD Mobile Home Construction and Safety Standards, and/or other laws and ordinances, as applicable.
6. Detached accessory buildings shall be located on the lot or parcel in conformance with regulations for the placement of accessory buildings of this zoning ordinance and shall be constructed in conformance with the Township Building Code, as amended.
7. The dwelling shall contain storage area whether in a basement located under the dwelling, in an attic area, in closet areas or in a separate structure being of standard construction similar to, or of better quality than, the principal dwelling. Such storage shall be in addition to the space for the storage of automobiles and shall be equal to not less than fifteen (15%) percent of the minimum square footage requirement. In no case, however, shall more than two hundred (200) square feet of storage area be required by this provision.
8. Interior walls of the dwelling shall have a minimum height, from floor to ceiling, of eight (8) feet.
9. Mechanical equipment or other utility hardware on the roof, ground, or buildings shall be screened from view of public rights-of-way.

Amended by Ordinance No. 101-96, adopted July 1, 1998.

**Sec. 3.07 On-Site Sewage Disposal Systems:**

Before any building permit shall be issued under the terms of this Ordinance, the applicant shall obtain the endorsement in writing from the Genesee County Health Department approving his/her plan for any on-site sewage disposal system in accordance with state law, county regulations, or Township Ordinance, whichever is the most restrictive and in accordance with the applicable regulations of the Genesee County Sewage Disposal District No. 1.

**Sec. 3.08 Water Supply:**

- A. Every building or structure hereafter erected or moved upon any premises and used in whole or in part for dwelling, recreational, business, commercial, or industrial purposes shall be provided with a safe, adequate, and sanitary water supply. All plumbing work relating to the water supply system shall conform to the standards of material and installations set forth by the Michigan State Plumbing Code, a copy of which is on file in the Township Clerk's office.
  
- B. Where a public water system is not available, each fixture from which water for human consumption may be obtained shall be supplied from a system which meets the minimum requirements of the State of Michigan, the Genesee County Health Department, and the Michigan Department of Health.

**Sec. 3.09 Extraction (Sand, Soil, and Gravel Removal):**

A. General

- 1. Sand, soil, and gravel mining or extraction, similar removal operations, land stripping and landfills (does not include sanitary landfills) may be permitted as a Conditional Use within any zoning district subject to the approval of the Township Planning Commission upon a finding that the proposed use meets the requirements of this Ordinance and Federal and State regulations.
  
- 2. The purpose of these requirements is to provide for the use of lands which have significant gravel and/or sand deposits and which, if mined for such deposits or filled under the regulations of Article XV of this Ordinance, would not constitute a hazard to the public health, safety, and welfare.
  
- 3. The regulations are intended to result in: mining, excavation and soil removal operations that will not be detrimental to the public health, safety, and welfare; and operations which will be conducive to and result in the reclamation of the land so that it will be suitable for other purposes. These requirements shall not apply to: 1) The excavation and earth fill for on-site building construction purposes pursuant to a duly issued building permit; 2) The construction of a private pond as part of a landscaping or aesthetic improvements to an existing single-family residence; and 3) Where the moving, grading or leveling of materials is carried on by the landowner for the immediate use or development of the same or adjacent parcel of land.

B. Permit Procedures

1. An application for the approval of a sand, soil, or gravel removal mining or extractive Conditional Use Permit shall be made by an owner of an interest in the land on which the use is to be located, to the Township Clerk accompanied by the necessary fees, financial guarantees and documents.
2. The application shall be accompanied by a site plan as required by Article XIX, as well as the following information:
  - a. Name of the owner, or owners, of land from which removal is to be made.
  - b. Name and address of the applicant(s) making a request for such permit.
  - c. Name and address of the person, firm, or corporation who or which will be conducting the actual removal operation.
  - d. Location, size, and legal description of the total land area proposed for such use.
  - e. Location of the processing plant (if any).
  - f. Type of materials or resources to be removed or to be brought to the site.
  - g. Proposed method of removal or filing, general haul route, and whether blasting or other use of explosives will be required.
  - h. General description of equipment to be used.
  - i. Any buildings, structures, sheds or trailers which are to be constructed or brought onto the site.
  - j. The estimated time to complete total operations.
  - k. The total area (in acres) proposed to be excavated, mined or removed in the first year of operation, and in subsequent years.
  - l. A reuse plan, drawn to a scale of 1"=50' placed on a standard sheet and containing the following information:

- 1) A description of the land use activities proposed to be located on the site upon completion of mining, extraction, and landfill operations.
  - 2) A description of the zoning district classification required for use of the site for the uses intended.
  - 3) A description and location of the street, drainage on-site and downstream, water and sanitary sewer facilities required to serve the uses intended.
3. The Township Planning Commission may submit the engineering, designs, and site plans to the Michigan Department of Natural Resources, County Drain, Health or Road Commissions, or other State or Federal agencies to determine that the designs meet all applicable requirements.
  4. If County, State, or Federal permits are necessary, such approvals must be submitted to the Township by the applicant prior to the granting of a building permit.
  5. Site development regulations and standards subject to Article XV.

**Sec. 3.10 Sanitary Landfills:**

A. General

1. Because of the associated traffic, environmental, functional, location, and site development issues, sanitary landfills shall be permitted only as a conditional use in either: the AG-1, AG-2, or M-1 Districts. This section is also designed to ensure that certain minimum standards of construction and operation are held.
2. Upon receipt of an application accompanied by all required application data, the Township Planning Commission may authorize the development and operation of a sanitary landfill as a method of solid waste disposal providing such use does not constitute a hazard to the public health, safety, and welfare.
3. This section, as well as the site development standards of Article XV, shall also apply to any solid or liquid waste transfer or holding facility, incinerator, sanitary landfill, processing plant, or other solid or liquid waste handling or disposal facility utilized in the disposal of waste.

- B. The Gaines Township Planning Commission may impose reasonable conditions in connection with the issuance of a Conditional Use Permit, including, but not limited to:
1. Reclamation and rehabilitation of land.
  2. Bonding and financial responsibility.
  3. Insurance.
  4. Hours of operation.
  5. Scale of operation.
  6. Improvements - fencing - landscaping.
  7. Covered loads and litter.
  8. Abatement of litter, odor, smoke, fumes, and dust.
  9. Other conditions and safeguards for the public health, safety, and welfare and the protection of individual property and rights. Any breach of the conditions set forth in the permit shall invalidate the permit and the Commission may forthwith cause a revocation and a cease and desist order.
  10. Site development regulations and standards subject to Article XV and Gaines Township Ordinance No. 55 as amended (Licensing and Regulations of Landfill Operations).
  11. Site plan review requirements listed below:
- C. Site Plan Review:
1. The applicant shall make application in accordance with Section 18.01 and Section 18.02 and must pay a fee (see Schedule of Fees) for the review.
  2. In addition to the requirements of 18.01 and 18.02, the following information shall be submitted:
    - a. Name and address of owners and operators of the facility.
    - b. Location, size, and legal description.

- c. Topographic and cross section drawings showing present elevations, natural water courses, streams, floodplains, and wetlands.
- d. Soil borings and other data, including a hydrogeological report, to show suitability of site and evidence that groundwater will not be affected.
- e. Location and description of buildings and equipment to be used on site with a statement of impact on air, water, and noise pollution.
- f. An environmental impact report assessing the impact of the site on the groundwater, soils, surface water, floodplains, wetlands, and any endangered or threatened species, as well as the anticipated environmental impact due to construction and/or operation of a sanitary landfill on the surrounding area.
- g. Ingress and egress from a paved section line road.
- h. Financing.
- i. Buffering and landscaping.
- j. The progressive phase unit filling and reclamation plan for the total project. Each phase unit plan shall include the following information:
  - Method and direction of land-filling;
  - Surface overburden stripping and stockpiling;
  - Provision for grading, re-vegetation, and stabilization that will minimize soil erosion and sedimentation.
  - Method of site monitoring after closure.
- k. Each phase unit plan shall clearly indicate the scope and nature of the operation and timetable for same, together with the re-establishment of vegetation, grading, etc., and that same shall be accomplished prior to moving to the next phase of operation. To insure the performance of the rehabilitation of the site, the Planning Commission may, after proper notification, utilize the financial guarantee posted.
- l. Proposed use of parcel after completion.

- m. Evidence of compliance with PA 641 of 1978, as may be amended (the Solid Waste Management Act) PA 64 of 1979, as amended, (the Hazardous Waste Management Act) and Gaines Township Ordinance 55, as amended, (Licensing and Regulations of Landfill Operations) must be provided by the applicant.
- n. Proof that the plan will not impair the health, safety, and welfare of the public is required including possible alternatives for the use and any required mitigation which shall be described.
- o. Data describing the relationship to any airports licensed by the state of Michigan/FAA that are located within five (5) miles of the site.
- p. Modification of Plan: The general site plan may be modified by application to the Planning Commission provided same meets with all standards and is in compliance with the conditions provided by the Planning Commission and conforms with existing laws. The plan may be modified by the Planning Commission if:
  - To correct an oversight;
  - To conform with existing or new laws; and,
  - To allow for new conditions should the plan be impossible to maintain or if the plan is not accomplishing the intent of the permit.

**Sec. 3.11 Pond and Lake Construction:**

A. Intent

The regulations set forth in this section are designed to provide for the regulation of ponds and lakes and to specify the conditions and circumstances under which such ponds and lakes may be developed in order to protect the health, safety, and general welfare of the residents of the community, preserve ecologically important features, and to prohibit development which, unregulated, may have an adverse impact upon the safety, health, and welfare of the Township.

B. General Provisions

1. It shall be unlawful for any person, firm, corporation, or partnership, or other organization or entity to construct a pond or lake within the Township without first securing a construction permit from the Building Official.
2. Water shall be maintained in all pond and lake excavations.
3. The pond(s) or lake(s) shall not exceed thirty-five (35%) percent of the lot area on which they are situated.
4. All soil and similar materials excavated during the construction of the pond and lake shall remain on the property unless the extraction provisions for sand, soil, and gravel removal are followed subject to Section 3.09.

C. Application and Review Procedures

1. Application shall be made to the Township Clerk. Applications shall contain the name and address of the applicant, a legal description of the property upon which the pond or lake will be established, and a plan prepared containing the data required under Section 18.02, Article XVIII, Site Plan Review.
2. Evidence shall also be presented at the time of application that the Genesee County Drain Commission and the Michigan Department of Environmental Quality have granted the necessary permits and/or approvals to the applicant for the construction of the pond or lake or have released the applicant from any obligation thereto.
3. The applicant shall also, at the time of application, provide evidence in the form of a notarized affidavit or sealed drawings from a licensed excavator, civil engineer, or similar allied professional that water can be continuously maintained in the pond or lake once it is constructed, that the drainage pattern of the site will preclude drainage of water onto adjacent property toward buildings, and that the natural or man-made drainage pattern of the area will remain unaffected.

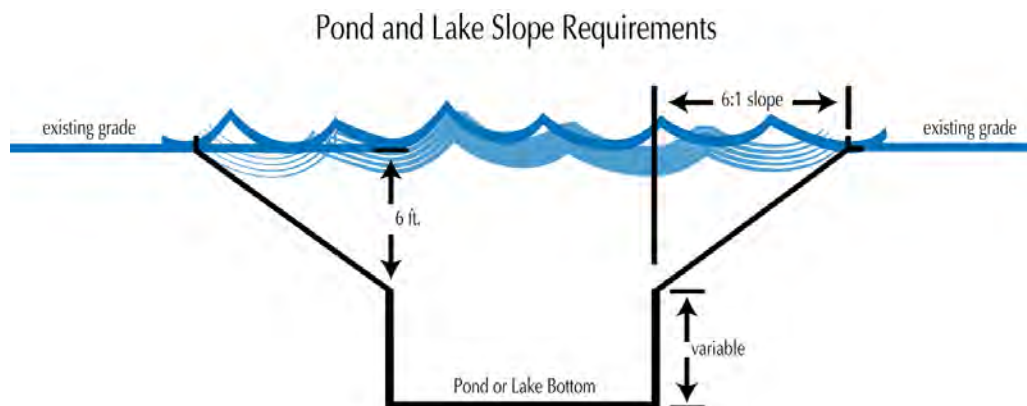


4. All ponds and lakes greater than one (1) acre shall be subject to review and approval by the Planning Commission in accordance with the review process procedures described in Sections 18.01 and 18.03, Article XVII, Site Plan Review. The Building Official shall be the reviewing and approving party for all other applications. In such event, the Building Official shall review the submitted plans and communicate his or her approval, approval with conditions, or disapproval of the plan not more than ninety (90) days after Township Clerk receipt of the application. Applications not acted upon by the Building Official within this ninety (90) day period shall automatically be considered to be approved unless an extension of time is mutually agreed to by the applicant and the Building Official.

D. Design Requirements

Private ponds and lakes shall be permitted as an accessory use provided they meet the following requirements:

1. The minimum setback distance for the pond or lake shall be a minimum of fifty (50) feet from any property line
2. There shall be a distance of not less than twenty-five (25) feet between the outside edge of the pond or lake and any building.
3. There shall be a distance of not less than two hundred (200) feet from any overhead transmission lines.
4. Slopes of the excavation shall not exceed a ratio of six (6) feet horizontal to one (1) foot vertical up to a point where the water depth is six (6) feet (see illustration).



5. All areas disturbed during construction shall be seeded with grasses and maintained in good condition to prevent erosion.

6. Either the Township Building Official or Planning Commission may, at their discretion, require the installation of a fence around the pond no less than four (4) feet in height where, in their opinion as a result of their review of the plan pursuant to Section 3.11 C above, such pond would pose an attractive nuisance to neighboring uses.
7. The parcel, upon the construction and installation of the pond or lake shall permit the pre-existing natural water carrying characteristics of the property to continue.
8. The outside edge of the pond or lake shall not be nearer than fifty (50) feet to an existing County drain easement.
9. The proposed lake or pond shall not be located within two hundred (200) feet of a public right-of-way, approved private road easement serving more than two (2) dwellings, or school site.
10. The proposed pond or lake shall not be located within fifty (50) feet of an existing wetland.

E. Pond Construction Notification and Plan Re-submittal Requirements

1. The applicant shall notify the Township Building Official of the date pond construction will commence and of the date pond construction is completed. The Township Building Official shall maintain a record of such dates and the means by which such notification was provided by the applicant.
2. The applicant shall provide immediate notification to the Building Official of unforeseen field conditions encountered during construction which may result in modification to the approved site plan. These conditions shall include, but not necessarily be limited to, unrecorded agricultural drainage tiles, soil conditions, or underground utilities. Such discovery shall result in the immediate cessation of all construction work and the submittal of a revised site plan to either the Planning Commission or Building Official as may be required by Section 3.11, C, 4. This requirement shall not prohibit the applicant from taking appropriate measures to secure the construction site from trespass or to undertake actions approved by the Building Official deemed necessary to prevent damage to persons or property on the subject site or on neighboring lands.

3. The revised plan shall present proposals for any necessary site remediation or repair, including the re-routing of underground drainage tiles, and/or alterations to the original plans for the design and construction of the pond. Construction work shall only recommence upon approval of a revised plan.

F. Limitations

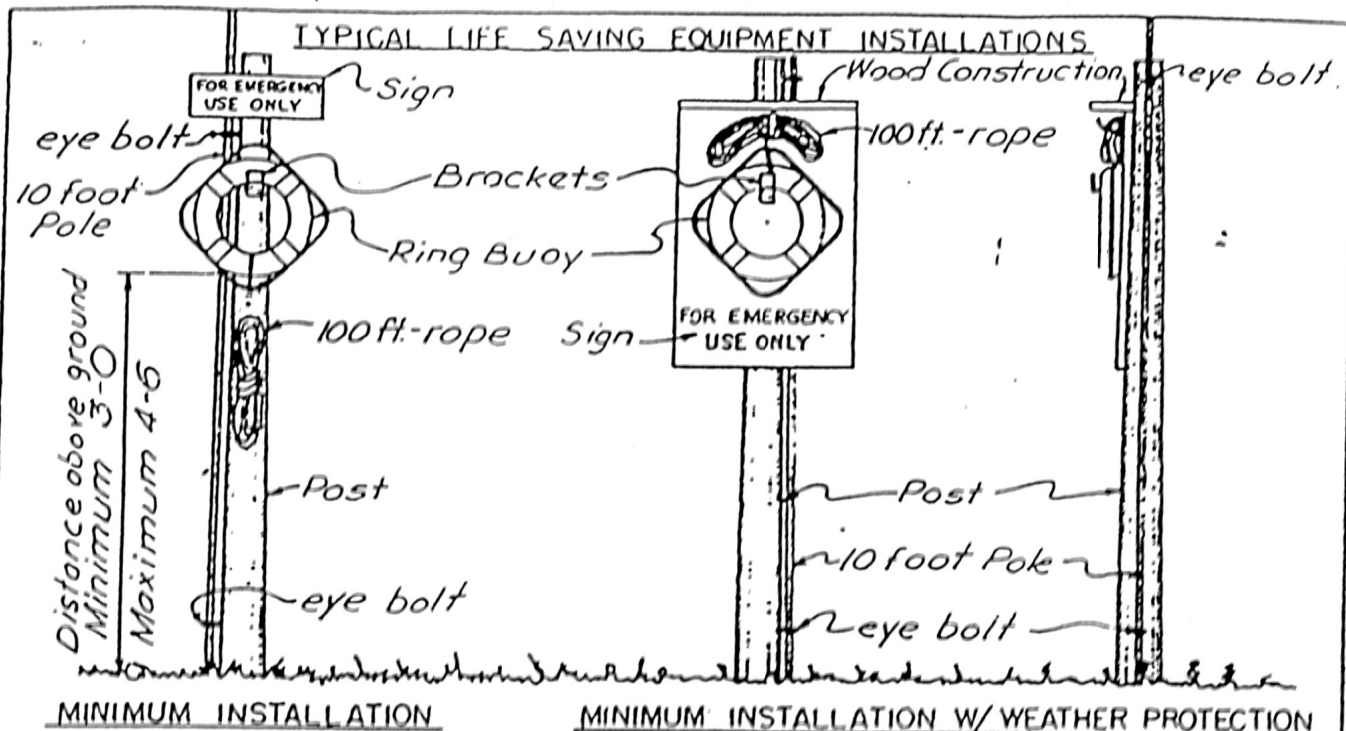
1. Pond or lake construction shall not commence earlier than 7:00 a.m. and shall not continue after 8:00 p.m. on weekdays and Saturdays nor shall construction take place on Sundays. The Building Official may further limit the hours and/or days of operation upon finding that such limitation is required to avoid disturbing the use and enjoyment of adjacent properties.
2. Equipment for pond or lake construction shall not exceed noise levels described in Section 13.13, Control of Noise.
3. No pond or lake shall be located upon, cross, or extend beyond an existing property line.
4. Construction of a pond or lake shall be completed within twelve (12) months of the issuance of the construction permit. Extensions up to, but not exceeding, twelve (12) months may be granted only by the Building Official for cause shown.
5. The requirements contained herein shall not relieve the applicant from complying with other land development or environmental standards established by the Township or by other public agencies having jurisdiction.

G. Safety Requirements

1. For the protection of the general public, appropriate safety measures shall be provided. Such measures include warning signs, rescue facilities, fencing, safety ramps, etc. The nature and extent of such safety measures shall be determined by either the Planning Commission or the Township Building Official as a result of their review of the plan pursuant to Section 3.11, C above. (Examples of some of these measures are shown in Figure 6.)

H. Fees Required

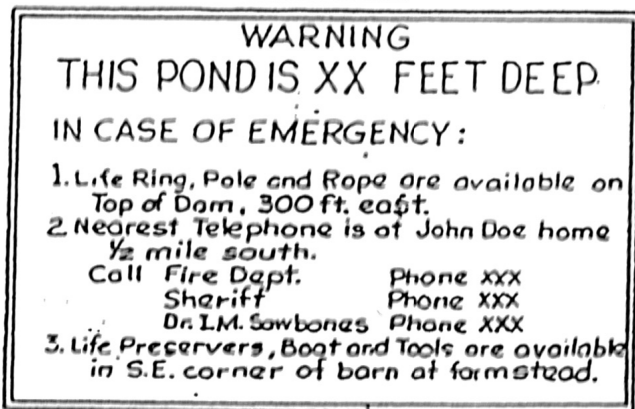
1. Fees for the review of applications for the purpose of obtaining a construction permit for a pond or lake shall be established by resolution of the Township Board.



- Notes: 1. Locate in a conspicuous spot near the pond where readily available in case of emergency.  
 2. Keep vegetation cut short near installation.

WARNING SIGNS

GENERAL



SPECIFIC DANGER AREAS

CAVING BANKS

SHALLOW WATER

OVERHANGING BANKS

STEEP SLOPES

PIPE INTAKE

Notes:

1. Use dark lettering on white background.
2. Use large size lettering. Largest letters should be 2" or larger. Smallest letters 1".
3. Preserve face of sign by coating with clear preservative.
4. Post signs where easily seen when approaching pond.
5. Keep vegetation cut short around signs.

FIGURE 6

2. A performance bond shall be required in accordance with Section 18.07. A maintenance bond as established by resolution of the Township Board shall also be required to be posted with and retained by the Township Board for a period of one (1) calendar year commencing with the date of completion to evaluate the performance of the pond and its impact on natural or man-made drainage systems of the site and area. Such bond shall be released upon a positive determination of the Building Official that the assurances provided by the applicant with respect to Section 3.11, C, 3 above have been met.

Amended by Ordinance No. 101-96, adopted July 1, 1998; and, Ordinance No. 73, adopted January 7, 2004.

**Sec. 3.12 Nonconforming Lots, Nonconforming Uses of Land, Nonconforming Structures, and Nonconforming Uses of Structures and Land:**

It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, except as may be provided below in this Section or as may be permitted by Article XX.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted generally in the district involved.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

A. Nonconforming Lots

1. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Yard requirement variances may be obtained through approval of the Board of Zoning Appeals.
2. Upon application to the Township Board, the Board may, at its sole discretion, permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements provided in this Ordinance. Said application shall be filed with the Township Clerk on forms provided by the Township. Approval of any such application shall be subject to the following provisions:
  - a. Any newly created lot must be capable of accommodating a structure that is in conformance with the building area, setback, and side yard requirements set forth in this Ordinance.
  - b. Any lot created under these provisions shall be at least eighty (80) feet in width.
  - c. In the event that a lot created under these provisions is less than twenty-four thousand (24,000) square feet in area, then any structure constructed on the lot shall have direct hookup to the public sanitary sewer system.

B. Nonconforming Uses of Land

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;

2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;
3. If such nonconforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

C. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity.
2. Should such structure be destroyed by any means to an extent of more than sixty-five (65) percent of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance, provided that the restoration or repairing shall have commenced and is diligently prosecuted within one (1) year after the date of destruction.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.

D. Nonconforming Uses of Structure and Land

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Board of Zoning Appeals, either by general rule or by specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
5. If a property owner abandons a nonconforming use or structure, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. The owner's intent to abandon or no longer continue the nonconforming use of the land or structure shall be established by a preponderance of the evidence which shall consider the following:
  - a. Whether utilities have been disconnected.
  - b. Whether any signs have been removed or have fallen into disrepair.
  - c. Whether any fixtures within and outside the building have been removed.
  - d. Whether the property has fallen into disrepair or is considered "blighted".
  - e. Whether U.S. Mail delivery has been terminated or mail is forwarded to another address.
  - f. Whether the classification of the property for tax purposes has been changed to reflect another use.



- g. Whether any license associated with the use has expired.
  - h. Whether there are any other similar changes to the non-conforming structure or use.
  - i. Action to determine if a non-conforming use was intended to be discontinued by the owner may be delayed if any of the following is ongoing:
    - 1. Ownership or possession of the property is the subject of a pending Probate Court proceeding;
    - 2. The property is the subject of an insurance settlement dispute; or
    - 3. The property is the subject of an ongoing criminal investigation.
6. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

E. Repairs and Maintenance

On any building devoted in whole or in part to any 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 or for exterior aesthetic improvements to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance 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.

F. Conditional Uses Not Nonconforming Uses

Any Conditional Use which is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

G. Change of Tenancy or Ownership

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and land in combination.

## H. Preferred Class of Nonconforming Use

1. Notwithstanding the above enumerated provisions of Section 3.12 of this Ordinance, certain nonconforming uses may be entitled to the status of "Preferred Class of Nonconforming Use," pursuant to the following conditions:
  - a. The use does not adversely affect the public health, safety, and welfare.
  - b. The use does not adversely affect the purposes of the district in which it is located.
  - c. No useful purpose would be served by the strict application of the provision or requirements of this Ordinance with which the use does not conform.
  - d. A nonresidential use in a residential district shall not be eligible for preferred status.
2. The structure housing a Preferred Nonconforming Use may be enlarged or altered provided such alteration is approved by the Board of Appeals. The property owner shall seek approval of the "Preferred" status of the use of the structure from the Board of Appeals. The property owner, upon approval of preferred status shall then submit a site plan pursuant to requirements in Article XVIII for review and approval by the Planning Commission.
- I. Appeal of Decision. Any party aggrieved by any order, determination, or decision of the Building Inspector, Zoning Administrator, the Planning Commission, the Township Board or the Zoning Board of Appeals made under this Article with respect to a non-conformity may obtain a review of that decision in the Genesee County Circuit Court, which review shall be in accordance with section 606 of the MZEA.

Amended per Ordinance No. 92, adopted August 4, 2010

### **Sec. 3.13 Lot, Height, Yard Projection and Corner Lot Requirements (also see Definitions Section):**

- A. Lot Area: In the determination of a lot area where a structure is to be erected, altered, or used, no road right-of-way shall be included in the computation of the required minimum lot area.

- B. Lot Width: Width of a lot shall be as described in the definitions section of this Ordinance; provided, however, that the width of lots on cul-de-sacs, eyebrows, and the radius of curves shall not be less than eighty (80) percent of the minimum required width.
- C. Height Limitations: The limitations affecting the height of structures shall not apply to the appurtenant appendages and structures such as parapet walls not exceeding three (3) feet in height, farm buildings, chimneys, smokestacks, church spires, flagpoles, communication and water towers, masts and aerials, public monuments, penthouse for mechanical equipment, and water tanks; provided, however, such appendages and structures shall comply with all other provisions of this or any other applicable Ordinance; and provided the Planning Commission may specify a height limit for any such structure as a conditional use permitted.
- D. Yard Projections: All front, side, and rear yards shall be the minimum distance measured from the principal structure to the respective front, side, or rear lot line. All projections three (3) feet or less in depth shall be excluded from said measurement.
- E. Corner Lots: For the purposes of determining setbacks, a corner lot shall maintain the minimum required front yard setback on both road or street frontages. The required rear yard setback shall be applied to the yard opposite of the building's street address.
- F. Any parcel of land which is occupied by a use or building shall front its full width on, and provide direct access to, a public street or approved private road.
- G. It shall be unlawful for any person to sell, divide, or partition any lot, outlot or other parcel of land, unless such lot, outlot, or parcel of land fronts its full width on a dedicated street or public road or on a private road that has been approved by the Township Board that has been improved to local standards, except where such parcel becomes part of an adjacent parcel complying with the provisions of this ordinance.

Amended by Ordinance No. 84, adopted October 5, 2005.

**Sec. 3.14 Exceptions Regarding Yard and Lot Area Requirements, Voting Place, Lots Adjoining Alleys, Access Through Yards, and Lots Having Lake or River Frontage:**

Lot area and yard requirements normally required within this Ordinance may be excepted based upon the following provisions:

- A. Lot Width: A single-family dwelling may be constructed on any preexisting officially platted and recorded nonconforming lot which is less than the minimum width required by this Ordinance provided that the structure complies with all other requirements herein.
- B. Lot Area: A single-family dwelling may be constructed on any preexisting officially platted and recorded nonconforming lot which has less than the minimum area required by this Ordinance, provided that the structure shall comply with all other requirements of this Ordinance.
- C. Front Yards: In all residential districts, the front yard requirements shall not be less than the average depth of existing developed front yards on lots within four hundred (400) feet of said lot and within the same block face.
- D. Side Yards:
1. The required combined width of side yards on lots with a width of less than one hundred (100) feet and recorded as such prior to the date of the adoption of this Ordinance, and located in a residential district, may be reduced three (3) inches for each foot or major fraction thereof by which the width of such lot is less than one hundred (100) feet, provided that the minimum side yard shall not be less than five (5) feet for eighty (80)-foot lots and ten (10) feet for one hundred (100)-foot lots and the combined width of both side yards shall not be less than fifteen (15) feet.
  2. The least width of a required side yard may be measured to the centerline of any adjoining alley, but no structure shall be erected within five (5) feet of the alley right-of-way line.
- E. Rear Yards:
1. Any platted and recorded lot less than two hundred (200) feet deep and located in a residential district, may have three (3) inches deducted from the required rear yard depth, for every foot the lot is less than two hundred (200) feet deep, provided no rear yard shall be less than fifteen (15) feet.
  2. The required rear yard depth may be measured to the centerline of any adjoining alley, but no building shall be erected within five (5) feet of the alley right-of-way line.
- F. Voting Place: The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

- G. Lots Adjoining Alleys: In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.
- H. Access Through Yards: For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard. In no case shall access be provided through another parcel, unless they are under the same ownership.
- I. Lots Having Lake or River Frontage: Those residential lots and/or parcels having lake or river frontage and abutting a public thoroughfare shall maintain the yard on the lake or river side as an open, unobscured yard, excepting that a covered and/or uncovered boat well shall be permitted after review and approval of plans by the Board of Zoning Appeals. Accessory structures shall be permitted in the setback between the abutting road right-of-way and the main building providing the front yard setback required in Section 14.01 of this Ordinance is met.

**Sec. 3.15 Rights-of-Way and Setbacks:** Rights-of-way shall be as specified herein with setbacks measured from the centerline of abutting right-of-way to the nearest point at which a structure can be located.

- A. Except as provided below, the following shall apply in all zoning districts:
 

Section Line and Quarter-Section Line Roads: One hundred (100) foot setback from center line of the road. Local thoroughfares, internal subdivision streets, condominium streets, and cluster subdivision streets: sixty-six (66) feet right-of-way, and sixty-three (63) foot setback from the center line of the road.
- B. Provided, however, that when structures have been built upon a majority of the parcels in the block face with a lesser setback than permitted by this Ordinance, a structure may be built to the setback of the mean average of the structures on lots within four hundred (400) feet of said lot within the same block face; provided further, that the setback on corner lots on the side streets shall not reduce the buildable width on parcels of land to less than that required to place a twenty-four (24)-foot wide building and required setbacks on a lot.

**Sec. 3.16 Clear Vision Zone:** There shall be a clear vision zone at all corners of intersecting roads, or road junctions, consisting of a triangular area defined by the point of intersection of the right-of-way lines and the two (2) points extended along such lines a distance of twenty-five (25) feet from the point of intersection, and within which area no obstruction to vision, excluding existing topography shall be permitted from a height of two (2) feet to eight (8) feet above centerline elevation of abutting streets except that not more than two (2) trees with trunks of not more than thirty (30) inches in diameter each, and clear of any branches for such heights may be located within such area; provided, however, that this section shall not prohibit the requirement of a greater clear vision area where such is necessary in view of permitted traffic, anticipated traffic volumes, or geographic conditions, as may be required by the Genesee County Road Commission.

However, this provision shall not affect any yard where the natural ground elevation is more than four (4) feet above the centerline elevation.

**Sec. 3.17 Lot Grades:**

- A. All structures shall be constructed or located with a ground elevation such as to provide a sloping grade to cause the surface drainage to flow away from the walls of such structures, while also not negatively affecting abutting properties.
- B. Grades on any lot upon which new construction or earth movement is to be carried out shall be related to existing grades and drainage systems such as to provide adequate drainage and not jeopardize such existing drainage systems, and shall be approved by the Building Official and such other authorities having jurisdiction over such system.

**Sec. 3.18 Curb Cuts and Driveways:** Curb cuts and driveways may be located only upon approval by the Building Official and such other county and state authorities as required by law; provided, however, such approval shall not be given where such curb cuts and driveways shall cause an unreasonable increase in traffic hazards.

A clear vision zone shall be provided when driveways intersect with a public right-of-way. The clear vision zone shall be measured in the following manner:  
The triangular areas referred to above are:

- a. The area formed at the corner intersection of a public right-of-way and a driveway, two (2) sides of the triangle area being ten (10) feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two (2) sides.

- b. The area formed at a corner intersection of two (2) public rights-of-way lines, the two (2) sides of the triangular area being twenty-five (25) feet in length measured along the abutting public rights-of-way lines and the third side being a line connecting these two (2) sides.

**Sec. 3.19 Essential Services:**

- A. The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical and telephone transmission systems, including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith shall be permitted and excluded from the provisions of this Ordinance. All utility installations shall be carried out in accordance with the Standard Rules and Regulations of current adoption of the Michigan Public Service Commission.
- B. Publicly owned and operated buildings including public utility buildings and structures, telephone exchanges, transformer stations, substations, gas regulator stations, utility maintenance yards, and other buildings which would normally occupy a lot or parcel or the equivalent thereof shall be considered conditional uses in all districts and subject to the requirements of Article XIX and Article XVIII. Such facilities shall provide secure fencing in compliance with Section 3.34 and shall be landscaped with a greenbelt and other required general landscaping per Section 3.32.

**Sec. 3.20 Temporary Living Quarters:**

- A. Nothing in this Ordinance shall prohibit the use of a mobile home upon a lot while construction is diligently pursued (maximum one (1) year) as a temporary residence meeting all requirements of this Ordinance; provided, however, all health requirements affecting the provisions of water and sanitary sewer services are complied with and approved by the Building Official; and provided further, that all such construction is completed within one (1) year from the issuance of the building permit; unless the building permit has been extended.
- B. All provisions of this section must be approved by the Gaines Township Board of Zoning Appeals.
- C. The temporary quarters shall be removed within thirty (30) days of the issuance of the occupancy permit, except in the instance where temporary living quarters are utilized by a related senior citizen or a disabled relative.

**Sec. 3.21 Echo Housing (Elderly Citizen Housing Option):** The temporary placement of one mobile home upon the same lot as a single-family dwelling with the intent of providing temporary living quarters for a related senior citizen or disabled relative or to be used as temporary living quarters for a caretaker of a related senior citizen or disabled relative living in the single-family dwelling, must be approved by the Board of Zoning Appeals, subject to the following:

- A. An approval by the Board of Zoning Appeals shall be valid for a period of not more than one (1) year. As part of any approval, the Board of Appeals shall document, in writing, how the temporary echo housing use meets the intent of the ordinance to provide temporary living quarters for a related senior citizen or disabled relative.
- B. Prior to the expiration of the one (1) year approval, to continue the temporary echo housing use, the applicant must apply to the Building Official for renewal. The Building Official shall only approve those renewal requests which continue to meet the original written justification for approval granted by the Board of Zoning Appeals. Such renewal shall be valid for a period of not more than one (1) year. Additional one (1) year renewals may be approved by the Building Official in accordance with this subsection.
- C. If at the time of a renewal request, or any other time within an approval period, the Building Official finds evidence that the temporary echo housing use no longer meets the original written justification for approval granted by the Board of Zoning Appeals, the use approval may be revoked by the Building Official. In such case, written notice shall be given by the Building Official and the use must cease within sixty (60) days from the date of the written notice. Appeals to this provision, or requests to continue the temporary echo housing use under new or changed circumstances, may be taken to the Board of Zoning Appeals.

Amended per Ordinance No. 144, adopted March 4, 2020.

**Sec. 3.22 Storage in Front Yard:** Nothing in this Ordinance shall permit the storage or parking of any vehicle or nonpermanent structure within the required front yard of any lot within a residential district, except that the parking of a licensed operable passenger vehicle on a driveway located on private property shall not be prohibited.

**Sec. 3.23 Temporary Uses:** The following temporary uses shall be reviewed and approved by either the Planning Commission and/or Building Official, as described below. All other temporary uses, except as otherwise noted in this Section shall be reviewed and approved by the Board of Zoning Appeals.

- A. Nothing in this Ordinance shall prevent the use of a travel trailer, a mobile home, or other similar structure in any district as a temporary construction field office for a period not-to-exceed the period of construction; provided, however, such structure is not used for overnight sleeping accommodations



and adequate arrangements for sanitary facilities are made and provided further, that the temporary field office has been certified as such and conforming to this Ordinance by the Building Official. The period of construction shall not exceed the time limit of the building permit for construction being undertaken.

B. Transient Amusement Enterprises (not-to-exceed ten (10) days in duration)

1. Circuses, carnivals, or other transient amusement enterprises may be permitted in any district upon approval by the Township Planning Commission based upon a finding that the location of such an activity will not adversely affect adjoining properties, nor adversely affect public health, safety, morals, and the general welfare; provided, however, the Planning Commission may require a posting of a bond running to the Township in an amount sufficient to hold the Township free of all liabilities incident to the operation of such activity and to indemnify any adjoining land owner for any damages resulting from the operation of such activity and which damages shall be provable before the court having jurisdiction over the premises on which the damages occurred and payable through such court. Such bond shall be limited to one (1) year in duration.

2. The Building Official and Fire Department shall review all proposed circuses, carnivals, or other transient amusement enterprises for compliance with conditions set by the Planning Commission and other local ordinances and shall also verify that said use(s) are in compliance with such ordinances before issuing a permit.

C. Commercial sidewalk and/or tent sales, Christmas tree sales, and other similar outdoor retail sales, shall be reviewed and approved by the Building Official. However, no review and approval is required for these uses if the sales area is equal to or less than two-hundred (200) square feet and does not include permanent structures.

Amended per Ordinance No. 144, adopted March 4, 2020

**Sec. 3.24 Temporary Occupancy:** When a part of the building is ready for occupancy, a temporary occupancy permit may be issued, provided that the premises comply with health and fire standards required under this Ordinance or any other ordinance, regulations, or statute.

**Sec. 3.25 Personal Construction Authority:** Nothing in this Ordinance shall be construed as prohibiting an owner, tenant, occupant, or land contract vendee from doing his or her own building, erecting, altering, plumbing, electrical installation, etc., provided the minimum requirements of the BOCA Code, State Electrical and Plumbing Codes of the State of Michigan, the applicable Genesee County Health Department regulations and all other applicable Township, County, State, and

Federal regulations are complied with.

**Sec. 3.26 Zoning District Map:** The land areas and sizes of dwellings assigned to the zoning districts, the designation of same, and the boundaries of said districts are shown on the map attached hereto and made part of this Ordinance, said map being designated as the Zoning District Map showing use districts and building districts in the unincorporated portions of this Township and said map and the proper notations, references, and other information shown thereon shall be as much a part of this Ordinance as if the matters and information set forth by said map were all fully described herein.

**Sec. 3.27 Zoning Districts:** For the purpose of this Ordinance all of the unincorporated area of the Township is divided into the following use zoning districts:

- AG-1 - Prime Agricultural District
- AG-2 - Agricultural Estate District
- RR - Rural Residential District
- RS - Residential Suburban District
- RM - Multiple-Family District
- MHP - Mobile Home Park District
- MXD - Mixed-Use District
- C-1 - Office Commercial District
- C-2 - Neighborhood Commercial District
- C-3 - General Commercial District
- M-1 - Light Manufacturing District

**Sec. 3.28 Unstable Soils Areas:** Before a building permit is issued for any structure requiring a site plan and located within those areas of the Township defined by the Genesee County Soil Survey as an "unstable soil," on Table 6 "Engineering Interpretations," which area might not be suitable for the proposed use of the land, or located in areas designated as made land, borrow pits, gravel pits, or other human influenced conditions, such application shall be subject to the Conditional Use Provisions of Article XIX, for approval by the Township Planning Commission and subject to whatever conditions are necessary to permit the location, construction, and use of the structure without undue hazard to the occupants and users of such structure.

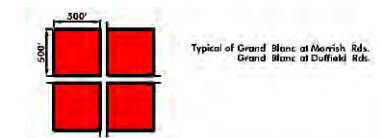
**Sec. 3.29 Communication and Water Towers:** Television, radio, or microwave transmission towers and water towers shall be permitted in all zoning districts as a conditional use upon approval of the Gaines Township Planning Commission, subject to the provisions regulating conditional uses outlined in Article XIX and subject to Article XV. Wireless communication facilities shall be permitted in all zoning districts as specified in Section 3.42.

## Zoning Districts Map

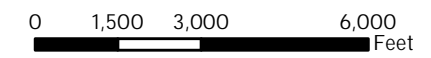
Amended through March 2020

Zoning Districts:

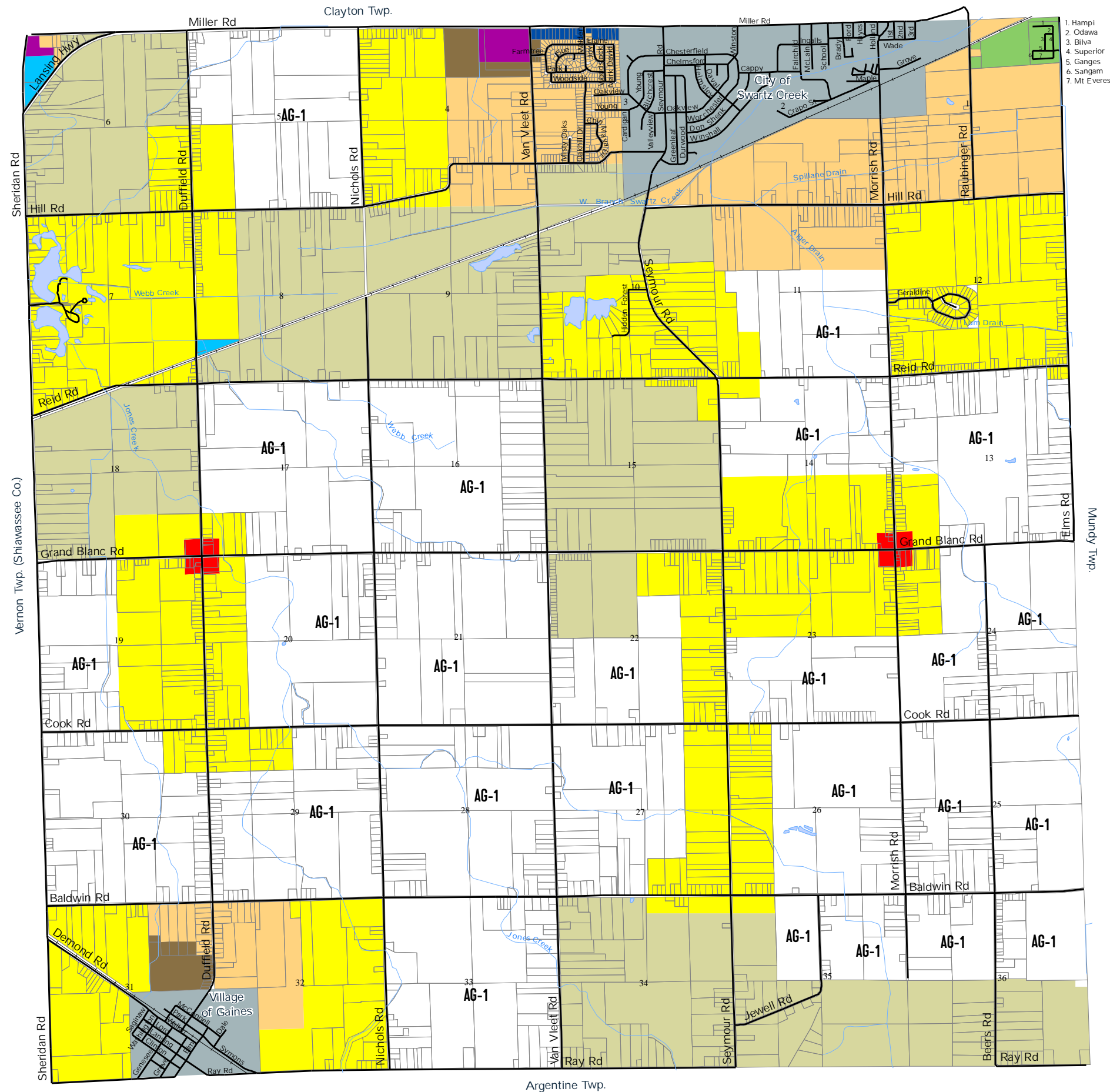
- AG-1 AG-1 Prime Agriculture
- AG-2 Agricultural Estate
- RR Rural Residential
- RS Residential Suburban
- RM Multiple Family
- MHP Mobile Home Park
- MXD Mixed-Use District
- C-1 Office/Commercial
- C-2 Neighborhood Commercial
- C-3 General Commercial
- M-1 Light Manufacturing



- Roads
- Railroads
- Parcels
- Cities/Villages
- Streams and Creeks
- Water Bodies



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**Sec. 3.30 Screening of Trash Storage Areas:**

Outside trash containers shall be required in the RM, C-1, C-2, C-3, and M-1 districts, as well as for nonresidential uses (excluding farms) located in all districts, provided that they comply with the following requirements:

- A. Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exists from principal buildings nearby.
- B. A solid ornamental screening wall or fence shall be provided around all sides of trash containers which shall be provided with a gate for access and be of such height as to completely screen said containers, the minimum height of which shall not be less than six (6) feet.
- C. Landscaping shall be provided adjacent to the screening wall or fence. Landscaping shall consist of narrow evergreen plant material, subject to Section 3.33.
- D. The trash container(s), the screening wall or fence, and the surrounding ground area shall be maintained in a neat and orderly appearance, free from rubbish, waste paper, or other debris. This maintenance shall be the responsibility of the owner of the premises on which the containers are placed.
- E. There shall be compliance with all Township, County, and State health ordinances and statutes.
- F. Trash storage areas shall be located in the rear yard.

**Sec. 3.31 Minimum Size of Dwelling:** Every dwelling erected, with the exception of mobile homes within mobile home parks, shall conform to the schedule of regulations minimum square footage standards. Mobile homes within mobile home parks shall comply with the requirements of Article IX.

**Sec. 3.32 Landscaping:**

- A. Intent: Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of Gaines Township. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses. Screening is important to protect less-intensive uses from the noise, light, traffic, litter and other impacts of intensive nonresidential uses. The purpose of this section is to set minimum standards for the protection and enhancement of the environment through requirements

for the design and use of landscaping, greenbelts, and screening.

- B. Scope of Application: The requirements set forth in this section shall apply to all uses requiring site plan review. No site plan shall be approved unless said site plan shows landscaping consistent with the provisions of this section. Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance bond has been posted in accordance with the provisions set forth in Section 18.07.

In cases where the use of an existing building changes or an existing building is changed or otherwise altered or reoccupied, all of the standards set forth herein shall be met.

The requirements of this section are minimum requirements, and nothing herein shall preclude a developer and the township from agreeing to more extensive landscaping.

- C. Landscaping Design Standards: Except as otherwise specified in the general requirements for each zoning district, all landscaping shall conform to the following standards:

1. General Landscaping: All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening are required:
  - a. All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks and similar site features may be incorporated with Planning Commission approval.
  - b. A mixture of evergreen and deciduous trees shall be planted at the rate of one (1) tree for each three thousand (3,000) square feet or portion thereof of landscaped open-space area.
  - c. Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
  - d. In consideration of the overall design and impact of the landscape plan, the Planning Commission may reduce or waive the requirements outlined herein for general landscaping, or for landscaping in greenbelt areas, on berms, or as part of a screen, provided that any such adjustment is in keeping with the intent of the Ordinance, and more specifically,

with the intent of Section 3.32A.

- e. The total landscaped area shall be the basis for determining the required number of trees or shrubs, irrespective of the portion which is devoted to patios, terraces, sidewalks, or other site features.
2. Greenbelt Buffer: Where required, greenbelts and greenbelt buffers shall conform to the following standards:
    - a. A required greenbelt or greenbelt buffer may be interrupted only to provide for roads or driveways for vehicular access.
    - b. Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except that paving may be used in areas of intensive pedestrian circulation.
    - c. A minimum of one (1) deciduous tree or evergreen tree shall be planted for each thirty (30) lineal feet or portion thereof of required greenbelt length. Required trees may be planted at uniform intervals, at random, or in groupings.
    - d. For the purpose of determining required plant material, required greenbelt area length shall be measured along the length of the greenbelt area.
  3. Berms: Where required, earth berms or landscaped berms shall conform to the following standards:
    - a. The berm shall be at least three (3) feet above the grade elevation, and shall be constructed with slopes no steeper than one (1) foot vertical for each four (4) feet horizontal with at least a two (2) foot flat area on the top. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.
    - b. The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape.
    - c. A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) linear feet or portion of required berm.
    - d. Eight (8) shrubs per tree may be planted as substitute for trees required in "c" above.

- e. Required trees and shrubs may be planted at uniform intervals, at random, or in groupings.
  - f. For the purpose of determining required plant material, required berm length shall be measured along the length of the berm.
4. **Parking Lot Landscaping:** Off-street parking areas shall be landscaped as follows:
- a. An area equal to at least five (5) percent of the total parking area shall be used for interior landscaping, in off-street parking areas containing greater than twenty (20) spaces. Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.
  - b. Parking lot landscaping shall be no less than five (5) feet in any single dimension and no less than one hundred fifty (150) square feet in any single area and shall be protected from parking areas with curbing, or other permanent means to prevent vehicular encroachment onto the landscaped areas.
  - c. The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping.
  - d. Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.
  - e. A minimum of one (1) deciduous tree shall be planted in each landscaped area.
5. **Evergreen Screening:** Where required, evergreen screening shall consist of closely-spaced plantings which form a complete visual barrier that is at least six (6) feet above ground level within five (5) years of planting.
6. **Landscaping of Rights-of-Way and Other Adjacent Public Open-Space Areas:** Public rights-of-way and other public open-space areas adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable ground cover and maintained by the owner of the adjacent property as if they were part of required landscaped areas and greenbelts.

**Sec. 3.33 Plant Materials:** Whenever in this Ordinance planting is required, it shall be planted within six (6) months from the date of completion of the building or improvement, and shall thereafter be reasonably maintained with permanent plant materials.

Trees Prohibited:

- a. Box Elder
- b. Soft Maples (Red-Silver)
- c. Elms
- d. Poplars
- e. Willows
- f. Horse chestnut (nut bearing)
- g. Tree of heaven
- h. Catalpa

**Sec. 3.34 Fences:** Fences are permitted, or required subject to the following:

- A. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not extend into the front of the lot nearer than the front of the house or the required minimum front yard, whichever is greater. In addition, no solid (opaque) fence located within the front yard shall exceed two (2) feet in height within a clear vision zone or four (4) feet otherwise.
- B. Recorded lots having a lot area in excess of two (2) acres and a frontage of at least two hundred (200) feet, and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts, are excluded from these regulations.
- C. Fences shall not contain barbed wire, razor wire, electric current or charge of electricity. Agricultural uses may provide barbed wire or fencing containing an electric current or charge of electricity when the fence is utilized to contain livestock. Barbed wire fences may be permitted for enclosing public utility facilities and M-1 uses when being utilized for public safety. If used, barbed wire shall be no closer than six (6) feet to the ground.
- D. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas and essential services, situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.



E. All fences in any zoning district shall comply with the requirements of the Building Code as it applied to fence installation and materials.

**Sec. 3.35 Residential Entranceway Structures:** In all residential districts, so called entranceway structures including, but not limited to, walls, columns, and gates marking entrances to single-family subdivisions or multiple-housing projects may be permitted and may be located in required yard, except as provided in Section 3.16 provided that such entranceway structures shall comply to all codes of the Township, and shall be approved by the Building Official and a permit issued.

**Sec. 3.36 Open Parking and Storage in all Districts Except Where Permitted:**

A. Intent: The regulations set forth in this section are intended to prevent the storage or accumulation of unusable, inoperable, or unsightly motor vehicles, machinery, or building materials that could be hazardous to the safety of children, encourage the propagation of rats or rodents, mosquitoes, and other annoying and dangerous insects, or detract from the orderly appearance of Gaines Township.

B. General Requirements:

1. **Motor Vehicle Parking and Storage:** Subject to the requirements of Section 3.22, no motor vehicle shall be kept, parked or stored in any district zoned for residential use, unless the vehicle is in operating condition and properly licensed for actual use, or is kept inside a building. However, these provisions shall not apply to any motor vehicle ordinarily used but temporarily out of running condition. If a motor vehicle is being kept for actual use, but is temporarily unlicensed, the Building Official may grant the owner a period of up to three (3) months to procure a license.
2. **Machinery and Building Materials Storage:** Unusable, rusty, or inoperable machinery, equipment, or parts of machines not suited for use upon the premises, or old and/or used building materials shall not be kept or stored outside of a building. However, building materials intended to be used to improve the premises may be stored outside if piled off the ground so as not to become a suitable environment for rats or rodents. The temporary storage of building materials to be used for the purpose of new construction shall also be permitted provided the materials are utilized in accordance with the time frames set in Section 3.05. In no case shall usable or unusable machinery, building materials, or other items be stored on a permanent basis in a truck trailer or other type of trailer, with or without its wheels.

**Sec. 3.37 Recreational Vehicle Storage:**

- A. The open parking or storage of trailers, boats or similar vehicles on lands not specifically designated for such parking and storage shall be permitted for a period of up to twenty-four (24) hours. However, a travel trailer may be parked in the rear yard of a single-family lot for a period of up to four (4) weeks provided a permit has first been secured from the Building Official.
- B. Residents of Gaines Township may store their own trailer, boats, and similar vehicles on their own property for an indefinite period of time, provided the vehicles are in operable condition and are not stored within any required front or side yard setback area. Such vehicles shall be subject to applicable provisions concerning accessory buildings as set forth in Section 3.38.
- C. A travel trailer parked or stored on a residential lot shall not be connected to sanitary facilities and shall not be occupied on a continuous basis.
- D. A mobile home shall not be considered a travel trailer, motor home, or any other type of recreational vehicle.

**Sec. 3.38 Accessory Buildings, Structures, and Uses:** Accessory buildings, structures, and uses except as otherwise provided in this Ordinance, shall be subject to the following regulations:

- A. Accessory buildings, structures, and uses customarily incidental to permitted uses in each district shall be permitted. Accessory buildings, structures, and uses customarily incidental to conditional uses in each district shall be permitted as conditional uses, subject to Article XIX of this Section.
- B. Accessory buildings and structures shall not be erected in any required side yard setback nor in any required front yard setback. Additionally, accessory buildings and structures shall not be erected in any side or front yard where it would obstruct the view of or sit directly in front of the primary building.
- C. Accessory buildings shall not occupy more than twenty-five (25) percent of a required rear yard.
- D. No detached accessory building shall be located closer than ten (10) feet to any main building nor shall any accessory building or structure be located closer than ten (10) feet to any rear lot line.
- E. Height of Accessory Buildings:
  - 1. Detached accessory buildings and structures in agricultural or residential districts, except as provided for in the scheduled of regulations shall be subject to the following:

- a. A detached accessory building or structure shall not exceed one (1) story or fifteen (15) feet in height on lots of twenty-four 24,000 square feet or less. On such lots, the vertical exterior surface of an accessory building, not forming a part of the roof, shall not exceed a height of nine (9) feet, measured from grade to the top plate of the wall.
    - b. A detached accessory building or structure shall not exceed two and one-half (2-1/2) stories or twenty-five (25) feet on lots greater than twenty-four thousand (24,000) square feet.
  - 2. Detached accessory buildings and structures in office, commercial, and manufacturing districts are permitted subject to the following.
    - a. Detached accessory buildings or structures in districts may be constructed to equal the permitted maximum building height in said districts, subject to Board of Zoning Appeals review and approval, if the accessory building or structure exceeds two and one-half (2-1/2) stories or twenty-five (25) feet in height.
- F. Except as otherwise indicated, accessory buildings are not permitted in required front yard setbacks as defined in this Ordinance.
- G. Household animal enclosures, dog runs, central air conditioning units, heat pumps, and other mechanical system components that could or are likely to produce noise, odors, and other nuisances, shall not be located within forty (40) feet to an adjoining property owner's sleeping area where windows and/or doors on the adjacent property would be exposed to the nuisance.

Amended by Ordinance No. 84, adopted on October 5, 2005.

**Sec. 3.39 Review and Approval of Condominium Developments:**

- A. Initial Information: Concurrently with notice required to be given to the Gaines Township, pursuant to Section 71 of PA 59 of 1978, as amended (the Condominium Act), a person, firm, or corporation intending to develop a condominium development in the Township shall provide the following information:
  - 1. The name, address, and telephone number of:
    - a. All persons, firms, or corporations with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).

- b. All engineers, attorneys, architects, or registered land surveyors associated with the project.
    - c. The developer or proprietor of the condominium development.
  2. The legal description of the land on which the condominium development will be developed together with any proposed expansion plans and appropriate tax identification numbers.
  3. The acreage content of the land on which the condominium development will be developed.
  4. The purpose of the development (for example, residential, commercial, industrial, etc.).
  5. Approximate number of condominium units to be developed on the subject parcel.
  6. Whether or not a public water system is contemplated.
  7. Whether or not a public sewer system is contemplated.
- B. Information to be Kept Current: The information shall be furnished to the Building Official or their designated representative and shall be kept updated until such time as a Certificate of Occupancy has been issued.
- C. Site Plans for New Projects: Prior to recording of the Master Deed required by Section 72 of PA 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to Article XVIII of this Ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.
- D. Site Plans for Expandable or Convertible Projects: Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to Article XVIII of this Ordinance.
- E. Master Deed, Restrictive Covenants, and "As Built" Survey to be Furnished: The condominium development developer or proprietor shall furnish the Township Building Official with the following: one (1) copy of the recorded master deed, one (1) copy of all restrictive covenants, and two (2) copies of an "as built" survey. The "as built" survey shall be reviewed by the Township Building Official for compliance with Township Ordinances. Fees for this review shall be established by resolution of the Township Board.

- F. Monuments Required: All condominium developments, which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided in this subsection.
1. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inches in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
  2. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound 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. 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 condominium development if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
  3. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
  4. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
  5. All required monuments shall be placed flush with the ground where practicable.
  6. All units corners and the intersection of all limited common elements and all common elements shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
  7. The Township Planning Commission may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit to Gaines Township, whichever the proprietor selects in an amount to be established by the Township Board, by resolution. 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 as required within the time specified.

- G. Compliance with Federal, State, and Local Law: All condominium developments shall comply with Federal and State statutes and local ordinances.
- H. Occupancy of Condominium Development: The Township may allow occupancy of the condominium development before all improvements required by this ordinance are installed provided that cash, a certified check, or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the Township.
- I. Single-Family Detached Condominiums:
  - 1. Single-family detached condominium project shall be subject to all requirements and standards of the applicable AG-1, AG-2, RR, and RS zoning districts.
  - 2. The design of a single-family detached condominium project shall be subject to the design layout standards of Gaines Township, as provided by Article II of Township Subdivision Regulations .
  - 3. The construction of a single-family detached condominium project shall be in accordance with the improvements and engineering design standards of the Gaines Township, as presented in Articles I and II, respectively, of the Township Subdivision Regulations.
- J. Final Documents to be Provided: After submittal of the condominium plan and by-laws as part of the master deed, the proprietor shall furnish to the Township Building Official a copy of the site plan on a mylar sheet of at least 13" x 16" with an image not to exceed 10-1/2" x 14".

**Sec. 3.40 Keeping of Pets, Livestock, and Horses (Including Private Kennels):**

- A. The keeping of more than three (3) dogs and/or cats or the keeping of poultry, hogs, horses, livestock or other nondomesticated animals is prohibited within any RM Zoning District and on any lot of less than ten (10) acres in any other zoning district, subject to the conditions specified below. (For regulations pertaining to mobile home parks see Article IX and the Mobile Home Commission Rules.)
- B. Any litter of dogs or cats which causes the aforesaid limit of three (3) to be exceeded shall not constitute a violation of this provision for a period of four (4) months after birth; and provided further, however, that no more than two

- (2) such litters shall be allowed to remain on said premises within any consecutive twelve (12) month period.
- C. The requirements of Article XV shall apply to commercial kennels (those properties where more than three (3) dogs and/or cats are kept).
- D. The minimum land area required for the keeping of livestock shall be ten (10) acres except as otherwise provided by this ordinance.
- E. The keeping of horses for recreational purposes shall be permitted in the AG-1, AG-2, RR, and RS Districts contingent on the approvals of a conditional use permit upon a land area of less than ten (10) acres provided that such use shall be for the private personal use of the owner or lessee of such land, and shall not constitute a commercial occupation nor a public stable.
1. At least two (2) acres of pasture shall be provided for each horse kept. The pasture area shall not be located within one hundred (100) feet of an abutting residential dwelling unit.
  2. Foals born on parcels where horses are presently kept may be kept on said parcel for two (2) years even though such additional horses may increase the number of horses on such parcel beyond the one (1) horse per two (2) acres of pasture limitation, but in no case shall there be more than one (1) horse and one (1) foal per two (2) acres of pasture.
- F. The requirements of Article XV shall apply to public riding stables.
- G. No barns, pens, or corrals used for the keeping of horses or other livestock shall be located closer than two hundred (200) feet from all property lines or less than one hundred fifty (150) feet from all street right-of-way lines; provided further that the minimum side yard setback shall be reduced to one (1) foot for each additional foot that the barn, pen, or corral is set back from the existing right-of-way over one hundred (150) feet; provided further that the side yard setback shall not be reduced below a minimum of fifty (50) feet.

**Sec. 3.41 Residential Occupancy by Unrelated Individuals:**

The collective number of unrelated individuals domiciled together in single-family dwelling unit the AG-1, AG-2, RR, and RS Districts, whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit shall not exceed six (6) persons. This requirement is intended to avoid the occupation of single-family dwelling units in single-family neighborhoods by any society, coterie, club, fraternity, sorority, association, or other assembly of persons that may appreciably effect the low density and residential character of such zoning districts.

**Sec. 3.42 Wireless Communication Facilities:**

- A. Purpose and Intent: The general purpose and intent of these regulations is to regulate the establishment of wireless communication support facilities (WCSF) in recognition of the public need and demand for advanced telecommunication and information technologies and services balanced against the impacts such facilities may have on properties within the Township. It is the further purpose and intent of these regulations to:
1. Provide for the appropriate location and development criteria for wireless communication support facilities and wireless communication antenna within the Township;
  2. Allow and encourage the location of wireless communication support facilities in industrial zoning districts;
  3. Minimize the adverse effects of such facilities through careful design, siting, and screening criteria;
  4. Maximize the use of existing and future wireless communication support facilities and encourage multiple uses on such facilities;
  5. Protect the character of residential areas throughout the Township from the effects of wireless communication facilities; and,
  6. Promote the public health, safety, and welfare.
- B. Wireless Communication Antenna (WCA)
1. To encourage co-location and to minimize the number of WCSFs within the Township, WCAs shall be considered a permitted accessory use when placed on or attached to any structure which constitutes a principle use, including existing WCSFs, provided that any WCA shall not extend more than twenty (20) feet above the tallest portion of the structure on or to which it is attached and, provided further, that the height of any WCA shall not exceed one hundred (100) feet unless:
    - a. Located on a lawfully existing or approved WCSF; or
    - b. Located on a structure existing prior to the adoption of this regulation; or
    - c. Located on a structure which has received a height variance.
  2. WCAs shall require no personnel on the premises except as necessary for maintenance and repair.



3. If a WCA requires an accessory equipment storage structure, it shall not be greater than fifteen (15) feet in height and shall meet all requirements for accessory structures specified under Section 3.38.
4. WCAs shall not be allowed on any site used as a single-family dwelling unit.
5. All WCAs shall be designed to blend into or meet the aesthetic character of the principal (primary) structure where reasonably practical, taking into consideration the location of the WCA and the line of sight angle and distance from the right-of-way and neighboring uses.
6. No accessory equipment structure or area shall be allowed in any rights-of-way which creates a public safety hazard.
7. The installation of a WCA in any zoning district must be reviewed by the Planning Commission. The Planning Commission shall review all such requests and shall approve such requests that meet the requirements of this section. Such review by the Planning Commission shall be without notice.
8. A WCA proposed to be located on a historic landmark or in a designated historic district may be denied if the WCA would detract from the historic character of the historic landmark or district.
9. This section shall not exempt the applicant from such other governmental review and permitting procedures (i.e., FCC, FAA, etc.).

C. Wireless Communication Support Facilities (WCSF)

1. General Criteria
  - a. All WCSF shall be constructed in compliance with all applicable construction codes, which include the Electronics Industries Association/Telecommunications Industry Association (EIA/TIA) Structural Standards of Steel Antenna Towers and Antenna Supporting Structures.
  - b. The WCSF shall comply with all applicable Federal Aviation Administration (FAA) requirements.
  - c. The WCSF shall not be used for advertising purposes and shall not contain any signage except signage which shall show the identify of the service provider and emergency telephone numbers.

- d. The WCSF may be located on a zoning lot containing other principal uses. The WCSF may be located within an area smaller than the minimum lot size of the applicable zoning district provided the zoning lot complies with the applicable minimum lot size for the existing principal use or is a legal nonconforming or grandfathered lot. The area within which the WCSF is located shall be the area subject to the requirements of this section, rather than the entire zoning lot, unless otherwise provided herein.
- e. The WCSF shall meet all requirements of the zoning district in which it is located which are not inconsistent with this section. Minimum yard requirements shall be measured from the boundary of the zoning lot the closest portion of the WCSF, or the accessory equipment or storage area, whichever is closer.
- f. The WCSF shall have a landscaped buffer so that the base of the WCSF and accessory equipment structure or storage area shall be screened from any right-of-way, residential use, or residential zoning district. Such landscaped buffer may be placed on the site in a manner which will maximize the aesthetic and environmental benefits, while at the same time providing the visual buffer required herein. Such landscaped buffer shall consist of hedges planted leaf to leaf which shall reach a height of not less than six (6) feet at maturity and conifer trees planted on fifteen (15) foot centers along the approved buffer of a species approved by the Planning Commission unless safety requirements of the principal use requires otherwise (i.e., utility substations).
- g. The construction of the WCSF shall be of monopole design unless it can be demonstrated that such design is not feasible to accommodate the co-location needs of future wireless communication providers.
- h. The application shall contain information showing the geographic search area within which the proposed WCSF must be located and shall also provide locations of all structures of similar height within and adjacent to the search area.
- i. If co-location is not part of the application, then the applicant must demonstrate in the application as to why co-location is not possible.
- j. This section shall not exempt the applicant from such other governmental review and permitting procedures (i.e., FCC, FAA, etc.).

- k. WCSFs shall not have a shiny or metallic finish.
- l. Not less than one (1) off-street parking space shall be provided on-site for use by service and public safety vehicles, designed and constructed in accordance with the requirements of Section 17.01, C.
- m. Adequate ingress and egress to the WCSF by means of clearly limited and defined drives no less than twelve (12) feet wide and of asphalt or concrete construction shall be provided.

2. Replacement of Existing Wireless Communication Support Facilities (WCSF)

An existing WCSF which was lawful at the time of its construction may be replaced for purposes of accommodating co-location of additional WCA, or otherwise, provided that:

- a. The replacement WCSF shall not exceed a total height of one hundred fifty (150) feet or, if the existing WCSF has an approved height greater than one hundred fifty (150) feet, the replacement WCSF shall not exceed the prior approved height.
- b. The replacement WCSF shall be located within the same zoning lot as the existing WCSF and shall be located so as to maximize compliance with existing minimum yard requirements.
- c. The applicant shall cause the existing WCSF to be removed within ninety (90) days of completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the existing WCSF shall be removed within one hundred eighty (180) days of the Township's final construction inspection of the replacement WCSF.
- d. If the location of the replacement WCSF is such that the existing WCSF must be moved before the replacement WCSF is constructed, temporary portable antennae support facilities may be used, but must be removed within thirty (30) days of the completion of the replacement WCSF and the relocation or installation of the WCA. In any event, the temporary portable antennae facilities must be removed within sixty (60) days of the Township's final construction inspection of the replacement WCSF.

- e. The replacement WCSF shall meet all criteria and requirements in subsection C, 1, described above.
  - f. The installation of a replacement WCSF in any zoning district must be reviewed by the Planning Commission. The Planning Commission shall review all such requests and shall approve such requests that meet the requirements of this section. Such review by the Planning Commission shall be without notice.
3. Review Criteria for all new WCSFs, except replacement WCSFs.
- a. A new WCSF shall not be approved unless it can be demonstrated by the applicant that there is a need for the new WCSF which cannot be met by placing a WCA on an existing WCSF or on other structures or replacement of an existing WCSF. Information concerning the following factors shall be considered in determining that such need exists:
    - (1) Insufficient structural capacity of existing WCSFs or other suitable structures and infeasibility of reinforcing or replacing an existing WCSF;
    - (2) Unavailability of suitable locations to accommodate system design or engineering on an existing WCSF or other structures;
    - (3) Radio frequency interference or other signal interference problems at existing WCSF or others structures;
    - (4) The cost of using an existing WCSF or other structure exceeds the costs of permitting and constructing a new WCSF;
    - (5) The denial of the application for a proposed WCSF will result in unreasonable discrimination among providers of functionally equivalent personal wireless communication services and/or will have the effect of prohibiting the provision of personal wireless communication services.
    - (6) The refusal of owners or parties who control WCSFs or other structures to permit a WCA to be attached to such WCSFs or structures.
    - (7) Other factors which demonstrate the reasonable need for the new WCSF.

- b. The applicant must include a statement in the application of its good faith intent to allow the co-location of WCA of other entities, provided that the cost of modifying the WCSF to accommodate the co-location WCA is borne by the co-locating entity.
- c. The applicant shall send a written notice to all potential users of the new WCSF offering an opportunity for co-location. The list of potential uses shall be provided by the applicant based on known entities who have requested approval of a WCSF in the past, current FCC license holders, and any other entities requesting to be included on the list. Copies of the notice letters shall be provided to the Township at the time the application is filed. If, during a period of thirty (30) days after the notice letters are sent to potential users, a user or users request, in writing, to co-locate on the new WCSF, the applicant shall accommodate the request(s), unless co-location is not reasonably possible based on the criteria of this subsection.
- d. New WCSFs shall meet the following additional criteria:
  - (1) The WCSF shall not exceed one hundred fifty (150) feet in height;
  - (2) All WCSFs over one hundred (100) feet in height shall be designed for co-location.
  - (3) All WCSFs which are located in a zoning district allowing residential development, are within two hundred fifty (250) feet of a lot used for a residential use, or are within two hundred fifty (250) feet of a residential zoning district as measured from the base of the WCSF shall be subject to conditional use review procedures of this Ordinance specified in Article XIX and the additional criteria of Section C, 4 below.
  - (4) The WCSF shall meet all general criteria and requirements of subsection C, 1.
  - (5) The installation of a WCSF must be reviewed by the Planning Commission. The Planning Commission shall review all such WCSFs and shall approved such WCSFs that meet the requirements of this section. Such review by the Planning Commission shall be without notice.

e. Application Requirements for New Wireless Communication Support Facilities (WCSF):

- (1) A site plan prepared in accordance with Article XVII (Site Plan Review Procedures) shall be submitted, showing the location, size, screening, and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
- (2) The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed. The purpose of landscaping is to provide screening for the structure base, accessory buildings, and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities which may be unsafe. Fences shall not exceed a height of eight (8) feet and not contain barbed wire, razor wire, electric current, or charge of electricity.
- (3) The application shall include a certification by a State of Michigan licensed and registered professional engineer of the applicant with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure (WCSF) and other facilities.
- (4) The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in paragraph C, 5 below. In this regard, the security shall be in form of cash, surety bond, letter of credit, or an agreement in a form approved by the Township Supervisor establishing the land in question as security for removal.
- (5) The application shall include a map showing existing and known proposed WCSFs within the Township, and further showing existing and known WCSFs within areas surrounding the borders of the Township in the

location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility.

- (6) The name, address, and phone number of the person to contact for engineering, maintenance, and other notice purposes. This information shall be continuously updated during all times the WCSF is on the premises.

4. Additional Criteria for New WCSFs Located in Zoning Districts Allowing Residential Development. The installation of a new WCSF in any zoning district allowing residential development shall also be subject to the following:

- a. WCSFs shall meet all criteria and requirements of subsections C, 1 and C, 3 of this section;
- b. WCSFs shall be located on lots of not less than two (2) acres or more;
- c. WCSFs shall be accessory uses and shall be located on property owned and used by:
  - (1) federal, state, or local government entities
  - (2) schools, collages, and universities
  - (3) utility companies
  - (4) cemeteries
  - (5) golf courses and associated facilities (public and private)
  - (6) publicly owned parks and recreational areas
- d. If the WCSF is not entirely surrounded by commercial or industrial uses, a written justification of the need for this site showing why other non-residential sites are not suitable;
- e. WCSFs proposed to be located on a historic landmark or in a designated historic district may be denied if the WCSF detracts from the historic character of the historic landmark or district;
- f. The Planning Commission may require a visual/line of site analysis to enable the Township to assess impacts. Such analysis may require the applicant to provide visualization of

the WCSF on-site which may include graphic representations or other acceptable methods to demonstrate the visual character of the proposed WCSF.

5. Removal of Abandoned WCSFs

Any WCSF which is abandoned shall immediately be removed or demolished. For the purposes of this section, abandoned shall mean that no WCA or other commercial antenna has been operational and located on the WCSF for one hundred eight (180) days or more. Where the removal or demolition of an abandoned WCSF has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the WCSF or the Township may place a lien on the property to cover costs for the removal of the WCSF. A lien on the property shall be superior to all other liens except taxes.

6. Variances and Appeals

Variances from this section may be requested from the Board of Appeals. Requests for additional height to any permitted or previously approved WCSF may be granted by the Planning Commission to provide for the co-location of additional WCA so long as such additional height does not exceed thirty (30) feet. Appeals of a Planning Commission decision shall be taken to the Board of Appeals.

**Sec. 3.43 Temporary Anemometer Towers:**

A temporary anemometer tower, as defined in this Ordinance may be allowed as an accessory use in all Districts, subject to the following.

- A. Prior to the installation of a temporary anemometer tower, a building permit from the Township must first be obtained after review and approval by the Building Official.
- B. Anemometer towers shall have a maximum height of one-hundred (100) feet.
- C. Anemometer towers shall not be allowed in the front yard.
- D. The distance between an anemometer tower and any property line shall shall be not less than the height of the tower.



- E. The applicant shall be required to remove the temporary anemometer tower and restore the site after completion of the wind site assessment, which shall not exceed a six (6) month period from the date of building permit approval.

**Sec. 3.44 On-Site Wind Energy Conversion Systems:**

- A. Intent. The purpose of this Section is to provide a regulatory plan for the designation of properties suitable for the location, construction and operation of an on-site wind energy conversion system (WECS) in Gaines Township, to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by on-site wind energy conversion systems.
- B. On-Site Wind Energy Conversion Systems, as defined in this Ordinance, may be allowed as an accessory use in all Districts, subject to the following:
  - 1. Maximum Height. An on-site WECS shall have a maximum height of one-hundred forty (140) feet, measured from the base of the system to the top of the blade in its vertical position.
  - 2. Property Setbacks. The distance between an on-site WECS tower and any property line shall be not less than the height of the tower including the top of the blade in its vertical position.
  - 3. Location. An on-site WECS shall not be allowed in the front yard.
  - 4. Sound Pressure Level Standards. An on-site WECS shall not exceed fifty-five (55) dBA at the property line closest to the on-site WECS. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds fifty-five (55) dBA, the standard shall be ambient dBA plus five (5) dBA.
  - 5. Construction Codes and Interconnection Standards.
    - a. An on-site WECS shall comply with all applicable state construction and electrical codes and local building permit requirements.
    - b. An on-site WECS shall comply with Federal Aviation Administration (FAA) requirements; the Michigan Airport Zoning Act (PA 23 of 1950); the Michigan Tall Structures Act (PA 259 of 1959); and any other State or Federal regulations.

- c. An interconnected on-site WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.

6. Safety Standards

- a. An on-site WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over-speeding.
- b. An on-site WECS shall be equipped with lighting protection.
- c. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for an on-site WECS employing a horizontal axis rotor.
- d. All on-site WECS towers must be unclimbable by design Or protected by anti-climbing measures such as fences.

7. Visual Impact

- a. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. However, appropriate warning signs and owner identification may be allowed on buildings or other structures associated with an on-site WECS.
- b. An on-site WECS tower may be monopole or monotube construction. Guy wires shall not be permitted as part of the on-site WECS.
- c. An on-site WECS shall be finished in a single, non-obtrusive, non-reflective matte color.

8. Illumination. No illumination of the turbine or tower shall be allowed Unless required by the FAA.

9. Abandonment. An on-site WECS that has not been operated for a continuous period exceeding six (6) months shall be considered abandoned. The on-site WECS tower and all related facilities shall be removed by the property owner or lessee within six (6) months of being notified by the Township of such abandonment. Failure to remove the WECS tower and all related facilities within six (6) months shall be grounds to remove the WECS at the owner's expense.

- C. Review Process. Prior to the establishment of an on-site WECS, a site plan shall be submitted for review and approval by the Planning Commission in accordance with the requirements of Article XVIII. In addition to the submittal of a site plan containing the required information outlined in Section 18.02, the following additional shall be submitted:
1. Plans showing the location of proposed turbine towers, underground and overhead wiring, access roads, and all new infrastructure above ground related to the project.
  2. Standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer.
  3. Line drawings of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to applicable electrical codes.
  4. Certifications that the applicant has complied or will comply with All applicable Local, State and Federal laws and regulations.

Amended per Ordinance No.91, adopted December 2, 2009

**Sec. 3.45 Building Integrated Photovoltaic Systems:**

The purpose and intent of this regulation is to allow building integrated photovoltaic systems to be deployed on buildings that do not impact the aesthetic appearance of the building or structure and may not be noticeable to the average resident looking at the structure. No zoning approval is required for building integrated photovoltaic systems.

Amended per Ordinance No. 144, adopted March 4, 2020.

**ARTICLE IV  
PRIME AGRICULTURAL DISTRICT (AG-1)**

The following regulations shall apply to all Prime Agricultural Districts:

**Sec. 4.01 Purpose:** This district is established to regulate those areas of the Township whose best use is for agricultural production and related activities. The regulations of this district are designed to conserve, stabilize, and enhance farming and related resource utilization activities, to minimize conflicting uses of parcels, lots, and structures detrimental to or incompatible with these activities, and to generally discourage uses of parcels, lots, and structures which require paved roads, drainage and other public facilities which are different in type and quantity than those normally required for agricultural activities. The district, in seeking to conserve areas for agricultural uses, is designed to prevent urban sprawl and the fragmentation of agricultural resources through insensitive subdivision design.

**Sec. 4.02 Uses Permitted:** No structure or part thereof shall be erected, altered, or used and no land may be used except for one (1) or more of the following purposes:

- A. Farming, including the raising or growing of forages and sod crops; grains and feed crops; dairy and dairy products; livestock, including breeding and grazing; fruits; vegetables; plants, trees, shrubs and nursery stock; and similar bona fide agricultural enterprises or use of land and structure.
- B. Truck gardening, involving the growing of fruits and vegetables that are intended to be distributed and sold to consumers as fresh produce.
- C. Greenhouses and nurseries subject to Article XV.
- D. Private and public riding stables subject to Article XV.
- E. Agritourism Enterprise, Class I, subject to Article XV.
- F. Animal hospitals subject to Article XV, but not including animal mortuaries or crematoriums.
- G. Kennels subject to Article XV.
- H. Sale and service of machinery used in agricultural production.
- I. Facilities for the centralized bulk collection, storage, and distribution of agricultural products to wholesale and retail markets.
- J. Facilities for the storage and sale of seed, fertilizer, and other products essential to agricultural production.

- K. Facilities for the research and testing of agricultural products and techniques.
- L. Single-family residential dwellings.
- M. Bed and breakfast operations subject to Article XV.
- N. (Reserved for Future Use)
- O. Family day care homes.
- P. Adult foster care family homes and adult foster care group homes consisting of six (6) or less residents.
- Q. Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses.
- R. Home Occupations subject to Article XV.
- S. Small Scale Solar Energy Systems subject to Article XV.
- T. Farm markets subject to Article XV.
- U. Any other use which the Planning Commission determines to be of the same general character as, and compatible with, the above permitted uses.

Amended by Ordinance No. 101-96, adopted July 1, 1998; and, amended by Ordinance No. 144, adopted March 4, 2020.

**Sec. 4.03 Conditional Uses Permitted:** Structures and parts thereof may be erected, altered, or used, and land may be used for one or more of the following purposes subject to the approval of the Township Planning Commission and subject to the conditional use provisions outlined in Article XIX.

- A. Auction sales establishments subject to Article XV.
- B. Retail establishments designed to cater to the touring public and including such uses as cider mills, antique dealers, woodworking and quilt shops, and collectibles and craft stores subject to Article XV.
- C. Campgrounds and travel trailer parks subject to Article XV.
- D. Aircraft Landing Strips (Private) subject to Article XV.
- E. Adult foster care small group homes for seven (7) to twelve (12) persons subject to Article XV.
- F. Churches, synagogues, and other places of worship subject to Article XV.
- G. Cluster residential development subject to Article XV.

- H. Sanitary landfills subject to Article XV and Section 3.10.
- I. Shooting ranges/gun clubs/archery ranges, subject to Article XV.
- J. Large Scale Solar Energy Systems subject to Article XV.
- K. Agritourism Enterprise, Class II, subject to Article XV.
- L. Accessory buildings, structures, and uses customarily incidental to any of the above conditional uses.

Amended by Ordinance No. 101-96, adopted July 1, 1998; and, amended by Ordinance No. 144, March 4, 2020.

**Sec. 4.04 Parking:** Except as otherwise provided in this Ordinance, parking shall be provided as required in Article XVII.

**Sec. 4.05 Area:** Except as otherwise provided in this Ordinance, the minimum lot area provisions of Section 14.01 shall apply.

**Sec. 4.06 Front Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 4.07 Side Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 4.08 Rear Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 4.09 Height of Structures:** Except as otherwise provided in this Ordinance, the height provisions of Section 14.01 shall apply.

**ARTICLE V**  
**AGRICULTURAL ESTATE DISTRICT (AG-2)**

The following regulations shall apply to all Agricultural Estate Districts:

**Sec. 5.01 Purpose:** The Agricultural Estate District is intended to provide for continued agricultural use and residential activities of a rural character in areas that are presently without public water and sanitary sewer facilities and are likely to remain without such services for an extended period of time. Such areas have significant natural features and unique natural resources that should be conserved in the interest of property values and the tax base of the Township. This District is also established to provide a buffer between areas developed as farms and farm residences and more suburban land uses.

**Sec. 5.02 Uses Permitted:** No structure or part thereof shall be erected, altered, or used and no land may be used except for one (1) or more of the following purposes:

- A. Farming, including the raising or growing of forages and sod crops; grains and feed crops; dairy and dairy products; livestock, including breeding and grazing; fruits; vegetables; plants, trees, shrubs and nursery stock; and similar bona fide agricultural enterprises or use of land and structure.
- B. Truck gardening, involving the growing of fruits and vegetables that are intended to be distributed and sold to consumers as fresh produce.
- C. Greenhouses and nurseries subject to Article XV.
- D. Private and public riding stables subject to Article XV.
- E. Agritourism Enterprise, Class I, subject to Article XV.
- F. Kennels subject to Article XV.
- G. Single-family residential dwellings.
- H. Bed and breakfast operations subject to Article XV.
- I. (Reserved for Future Use)
- J. Family day care homes.
- K. Cemeteries subjected to Article XV.
- L. Adult foster care family homes and adult foster care small group homes consisting of six (6) or less residents.

- M. Accessory structures and uses customarily incidental to any of the above permitted uses.
- N. Home Occupations subject to Article XV.
- O. Small Scale Solar Energy Systems subject to Article XV.
- P. Farm markets subject to Article XV.
- Q. Any other use which the Planning Commission determines to be of the same general character as, and compatible with, the above permitted uses.

Amended by Ordinance No. 101-96, adopted July 1, 1998; and amended by Ordinance No. 144, adopted March 4, 2020.

**Sec. 5.03 Conditional Uses Permitted:** Structures and parts thereof, may be erected, altered, or used, and land may be used for one (1) or more of the following purposes subject to the approval of the Township Planning Commission and subject to the conditional use provisions outlined in Article XIX.

- A. Auction sales establishments subject to Article XV.
- B. Retail establishments designed to cater to the touring public and including such uses as cider mills, antique dealers, woodworking and quilt shops, and collectibles and craft stores subject to Article XV.
- C. Campgrounds and travel trailer parks subject to Article XV.
- D. Aircraft Landing Strips (Private) subject to Article XV.
- E. Adult foster care small group homes for seven (7) to twelve (12) persons subject to Article XV.
- F. Churches, synagogues, and other places of worship subject to Article XV.
- G. Cluster residential development subject to Article XV.
- H. Animal hospitals subject to Article XV, but not including animal mortuaries or crematoriums.
- I. Sanitary landfills subject to Article XV and Section 3.10.
- J. Agritourism Enterprise, Class II, subject to Article XV.
- K. Accessory buildings, structures, and uses customarily incidental to any of the above conditional uses.

Amended by Ordinance No. 101-96, adopted July 1, 1998; and, amended by Ordinance No. 144, adopted March 4, 2020.

**Sec. 5.04 Parking:** Except as otherwise provided in this Ordinance, parking areas as required in Article XVII shall be provided.



- Sec. 5.05 Area:** Except as otherwise provided in this Ordinance, the minimum lot area provisions of Section 14.01 shall apply.
- Sec. 5.06 Front Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.
- Sec. 5.07 Side Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.
- Sec. 5.08 Rear Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.
- Sec. 5.09 Height of Structures:** Except as otherwise provided in this Ordinance, the height provisions of Section 14.01 shall apply.

**ARTICLE VI  
RURAL RESIDENTIAL DISTRICT (RR)**

The following regulations shall apply to all Rural Residential Districts :

**Sec. 6.01 Purpose:** The Rural Residential District is intended to provide land for orderly residential growth, residential activities of a semi-rural character, and continued agricultural activities in areas that are presently without public water and sanitary sewer facilities and are likely to remain without such services for an extended period of time. It is further intended that the District protect and stabilize the essential characteristics of these areas in order to promote and encourage suitable environments for low density family life and to maintain and to preserve the semi-rural character of the Township.

**Sec. 6.02 Uses Permitted:** No structure or part thereof shall be erected, altered, or used, and no land shall be used except for one (1) or more of the following purposes:

- A. Single-family detached dwellings.
- B. Farming as described in Article IV, Section 4.02,A on a minimum of ten (10) acres.
- C. Publicly owned and operated parks, parkways, and recreational facilities.
- D. Bed and breakfast operations, subject to Article XV.
- E. Family day care homes.
- F. Adult foster care family homes and adult foster care small group homes consisting of six (6) or less residents.
- G. Home Occupation subject to Article XV.
- H. Farm markets subject to Article XV.
- I. Agritourism Enterprise, Class I, subject to Article XV.
- J. Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses.

Amended by Ordinance No. 101-96, adopted July 1, 1998; and, amended by Ordinance No. 144, adopted March 4, 2020.

**Sec. 6.03 Conditional Uses Permitted:** Structures and parts thereof, may be erected, altered, or used, and land may be used for one (1) or more of the following purposes subject to the approval of the Township Planning Commission and subject to the conditional use provisions outlined in Article XIX:

- A. Adult foster care small group homes for seven (7) to twelve (12) persons subject to Article XV.
- B. Aircraft landing strips (Private) subject to Article XV.
- C. Animal hospitals subject to Article XV, but not including animal mortuaries or crematoriums.
- D. Cemeteries, subject to Article XV.
- E. Cluster residential development subject to Article XV.
- F. Churches, synagogues, and other places of worship subject to Article XV.
- G. Colleges, universities, and institutions of higher learning subject to Article XV.
- H. Driving ranges and golf courses subject to Article XV.
- I. Greenhouses and nurseries subject to Article XV.
- J. Group day care homes subject to Article XV.
- K. Private (noncommercial) recreation areas, institutional or community recreation center, nonprofit swimming pool clubs, subject to Article XV.
- L. Public and private schools, subject to Article XV.
- M. Small Scale Solar Energy Systems subject to Article XV.
- N. Agritourism Enterprise, Class II, subject to Article XV.
- O. Accessory buildings, structures, and uses customarily incidental to any of the above conditional uses.

Amended by Ordinance No. 101-96, adopted July 1, 1998; and, amended by Ordinance No. 144, adopted March 4, 2020.

**Sec. 6.04 Parking:** Except as otherwise provided in this Ordinance, parking area as required in Article XVII shall be provided.

**Sec. 6.05 Area:** Except as otherwise provided in this Ordinance, the minimum lot area provisions of Section 14.01 shall apply.

**Sec. 6.06 Front Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 6.07 Side Yard:** Except as otherwise provided in the Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 6.08 Rear Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 6.09 Height of Structures:** Except as otherwise provided in this Ordinance, the height provisions of Section 14.01 shall apply.

**ARTICLE VII  
RESIDENTIAL SUBURBAN DISTRICT (RS)**

The following regulation shall apply to all Residential Suburban Districts:

**Sec. 7.01 Purpose:** The Residential Suburban District is designed to provide an environment for primarily single-family residential development at suburban or urban densities, if the necessary public utilities are available. It is the intent of this district to encourage a suitable environment for family life by permitting facilities and institutions that are compatible with neighborhood activities. Conversely, the district prohibits any use whose physical scale and associated traffic volumes would be detrimental to the health, safety and welfare of neighborhood residents.

**Sec. 7.02 Uses Permitted:** No structure or part thereof shall be erected, altered, or used, and no land shall be used except for one (1) or more of the following:

- A. All uses permitted in the RR District, as found in Section 6.02, and subject to the requirements noted in such district provisions, except as noted in Section 3.38 and as otherwise provided herein.
- B. Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses.

**Sec. 7.03 Conditional Uses Permitted:** Structures and parts thereof, may be erected, altered, or used, and land may be used for one (1) or more of the following purposes subject to the approval of the Township Planning Commission and subject to the conditional use provisions of Article XIX:

- A. Two family residential structures subject to Article XV.
- B. Business and professional office uses which are clearly secondary to the primary single-family residential use and subject to Article XV.
- C. Planned unit developments subject to Article XV.
- D. Day care centers, child care centers, nursery schools, day nurseries subject to Article XV.
- E. Adult foster care small group homes for seven (7) to twelve (12) residents subject to Article XV.
- F. Churches, synagogues, and other places of worship, subject to Article XV.
- G. Cemeteries, subject to Article XV.
- H. Group day care homes subject to Article XV.

- I. Small Scale Solar Energy Systems subject to Article XV.
- J. Agritourism Enterprise, Class II, subject to Article XV.
- K. Accessory buildings, structures, and uses customarily incidental to any of the above conditional uses.

Amended by Ordinance No. 101-96; adopted July 1, 1998; and, amended by Ordinance No. 144, adopted March 4, 2020.

**Sec. 7.04 Parking:** Except as otherwise provided in this Ordinance, parking areas as required in Article XVII shall be provided.

**Sec. 7.05 Area:** Minimum lot area shall be as provided in Section 14.01 except as otherwise provided in this Ordinance.

**Sec. 7.06 Front Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 7.07 Side Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 7.08 Rear Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 7.09 Height of Structures:** Except as otherwise provided in this Ordinance, The height provisions of Section 14.01 shall apply.

**ARTICLE VIII  
MULTIPLE FAMILY DISTRICT (RM)**

The following regulations shall apply to all Multiple-Family Residential Districts:

**Sec. 8.01 Purpose:** The multiple-family district is designed to provide sites for multiple-family dwellings and related uses. The multiple-family district is an appropriate transition zone between predominantly single-family residential districts and nonresidential districts.

**Sec. 8.02 Uses Permitted:** No structure or part thereof shall be erected, altered, or used, and no land shall be used except for one or more of the following:

- A. Two-family residential structures subject to Article XV.
- B. Multiple-family developments (including townhouses) subject to Article XV.
- C. Convalescent or nursing homes subject to Article XV.
- D. Elderly housing and congregate care facilities subject to Article XV.
- E. Family day care homes.
- F. Adult foster care family homes and adult foster care small group homes consisting of six (6) or less residents.
- G. Adult foster care small group homes for seven (7) to twelve (12) residents subject to Article XV.
- H. Adult foster care large group homes consisting of thirteen (13) to twenty (20) residents subject to Article XV.
- I. Group day care homes.
- J. Home Occupation subject to Article XV.
- K. Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses.

Amended by Ordinance No. 101-96, adopted July 1, 1998.

**Sec. 8.03 Conditional Uses Permitted:** Structures and parts thereof may be erected, altered, or used, and land may be used for one or more of the following purposes subject to the approval of the Township Planning Commission and subject to the conditional use provisions of Article XIX.

- A. Planned unit developments subject to Article XV.
- B. Public and private schools subject to Article XV.
- C. Hospitals subject to Article XV.
- D. Business and professional office uses subject to Section 10.02(A) and Article XV.
- E. Churches, synagogues, and other places of worship subject to Article XV.
- F. Day care centers subject to Article XV.
- G. Small Scale Solar Energy Systems subject to Article XV.

Amended by Ordinance No. 101-96, adopted July 1, 1998; and, amended by Ordinance No. 144, adopted March 4, 2020.

**Sec. 8.04 Site Plan Review:** All proposed structures or uses of land or structures shall be subject to the site plan review procedures of Article XVIII.

**Sec. 8.05 Area:** Minimum lot area shall be as provided in Section 14.01 except as otherwise provided in this Ordinance.

**Sec. 8.06 Parking:** Except as otherwise provided in this Ordinance, parking areas shall be provided as required in Article XVII.

**Sec. 8.07 Front Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 8.08 Side Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 8.09 Rear Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 8.10 Height of Structures:** Except as otherwise provided in this Ordinance, the provisions of Section 14.01 shall apply.



**ARTICLE IX  
MOBILE HOME PARK DISTRICT (MHP)**

**Sec. 9.01 Purpose:** The Mobile Home Park District is intended to encourage the appropriate location and suitable development of mobile home parks. In keeping with the occupancy characteristics of contemporary mobile homes, this Article establishes density standards and permitted uses that reflect the basic needs of potential residents.

The following regulations shall apply to Mobile Home Park Districts:

**Sec. 9.02 Uses Permitted:** No structure or part thereof shall be erected, altered, or used and no land shall be used except for one (1) or more of the following:

- A. Mobile home park developments subject to all minimum requirements and standards as established in the Mobile Home Commission Act, Act 96 of 1987 as amended, and all rules promulgated pursuant to Act 96, as may be amended, unless otherwise provided herein.
- B. On-site signs in accordance with the requirements of Section 9.09(M).
- C. Clubhouse, swimming pool, and recreation facilities for the use of park residents.
- D. Family day care homes.
- E. Adult foster care family homes and adult foster care small group homes consisting of six (6) or less residents.
- F. Home Occupation subject to Article XV.
- G. Accessory uses and structures, such as managers offices, laundry facilities, tool or storage sheds, and other services for the residents of the park, shall be permitted. Adequate parking for such services shall be provided, as required by the Michigan Mobile Home Commission rules, as amended. The park manager may display mobile homes and accessories for sale, provided the accessories are contained within a mobile home or an approved permanent structure. Such sales are to permit the development of the park and are not intended to be a retail operation. Such sales shall cease with the total development of the park. Only one (1) mobile home, either occupied or for sale shall be allowed on each individual lot, within the park.

Amended by Ordinance No. 101-96, adopted July 1, 1998.

**Sec. 9.03 Conditional Uses Permitted:** Structures and parts thereof may be erected, altered, or used, and land may be used for one (1) or more of the following purposes subject to the approval of the Township Planning Commission and subject to the conditional use provisions of Article XIX.

- A. Adult foster care small group homes for seven (7) to twelve (12) residents subject to Article XV.
- B. Group day care homes subject to Article XV.
- C. Small Scale Solar Energy Systems subject to Article XV.

Amended by Ordinance No. 101-96, adopted July 1, 1998; and, amended by Ordinance No. 144, adopted March 4, 2020.

**Sec. 9.04 Site Plan Review:** All proposed structures or uses of land or structures shall be subject to the site plan review procedures below.

- A. Application: Prior to the establishment of a new use, change of use, addition to an existing use, or the erection of any building in the MHP zoning district, subject to the conditions listed below, a site plan shall be submitted and approved, approved with conditions, or disapproved by the Planning Commission in accordance with the Ordinance requirements of this article.
  - 1. Every site plan submitted to the Township Clerk for review by the Planning Commission shall be a complete application and in accordance with the requirements of this ordinance. Twelve (12) copies of the site plan shall be submitted with the application.
  - 2. Upon receipt of complete application and twelve (12) copies of the site plan, the Township Clerk shall forward the package to the Site Plan Review Committee within fifteen (15) days for their review.
  - 3. The Site Plan Review Committee shall either forward the application package to the Planning Commission if it is complete and in compliance or return the application package to the applicant with a list of deficiencies. **Forwarding of the site plan shall not be considered as approval or recommendation of approval of the site plan by the Site Plan Review Committee.** No site plan and application package may proceed to the Planning Commission without first receiving approval for completeness and compliance by the Site Plan Review Committee.
  - 4. All applications for site plan review shall be made at least three (3) weeks prior to the next regularly scheduled Planning Commission meeting.

5. Once a site plan and application package has been approved by the Site Plan Review Committee, it shall be forwarded to the Planning Commission for their review and decision. Notice shall be forwarded to the Township Clerk for agenda and notification purposes.
6. Every site plan submitted for review shall be in accordance with the requirements of this Ordinance.

B. Data Required: Site plans shall contain the following information:

1. The date, north arrow and scale. The scale shall be not less than one (1) inch equals fifty (50) feet for property under three (3) acres and at least one (1) inch equals one hundred (100) feet for those three (3) acres or more.
2. All lot and/or property lines are to be shown and dimensioned.
3. The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property.
4. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, and recreation areas.
5. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
6. The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, or architectural firm(s) responsible for the preparation of the site plan.
7. The name and address of the property owner or petitioner.
8. The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
9. Size and location of existing and proposed utilities including proposed connections to public sewer or water supply systems, if available. If a public sewer system is unavailable, the park shall connect to a state approved sewage system.
10. Location of all fire hydrants, if applicable.
11. The number of mobile home sites proposed.

12. Illustrate and describe all surface drainage facilities which must meet the requirements and standards of Part 4 of the MDPH Rules.
  13. Utility and other easements.
  14. Clusters of trees, as well as existing individual trees over twenty-four (24) inches in diameter.
  15. Existing wetlands.
  16. Floodplains, drainage courses, lakes, ponds, drains, rivers, and streams, including their water surface elevation, floodplain elevation, and normal high water elevation.
  17. List of soils on the site utilizing the Soil Conservation Service's most recent "Soil Survey of Genesee County."
  18. Proposed sign locations.
  19. All required setbacks for front, side, and rear yards as required in Section 9.06(B).
- C. A copy of the final construction plan shall be submitted to the Township upon approval by the Department of Commerce.
- D. Review Process: The Planning Commission shall review the submitted site plan and communicate its approval, approval with conditions, tabling, or disapproval of the site plan not more than sixty (60) days of receipt of the plan by the Township. A meeting may be postponed by mutual agreement of the Township and the developer. In cases where modifications have been recommended, the applicant shall resubmit a site plan incorporating those modifications to the Planning Commission for its review any required modifications shall be directed to the specific elimination of unsafe or hazardous health or safety conditions. Upon receipt of the modified site plan, the Planning Commission shall evaluate the changes which have been made and, if deemed acceptable, shall communicate its approval or disapproval of the site plan to the applicant within not more than 45 days after receipt of the modified site plan. Such modified site plan may be disapproved for any inadequacy found to be detrimental to the public health, safety, and general welfare.

The Planning Commission shall approve a site plan only upon a finding that the proposed use will not, upon the facts known at the time of submission of the site plan, cause undue hardship, or create unsafe or hazardous health or safety conditions to the general public.

- E. Noncompliance: Any suspected noncompliance with the preliminary plan, shall be reported to the Manufactured Housing Division of the Department of Commerce for remedy along with all pertaining evidence.
- F. Fees Required: Fees for the review of site plans shall be established by resolution of the Township Board.
- G. Basis for Approval:
  - 1. In the process of reviewing the site plan, the Planning Commission shall consider:
    - a. Impact on adjacent single-family residential or site condominium developments in terms of traffic, water and sewer availability, storm water runoff, and public safety.
    - b. The location and design of driveways providing vehicular ingress to, and egress from, the site in relation to streets giving access to the site and in relation to pedestrian traffic.
    - c. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
      - 1) Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
      - 2) Satisfactory and harmonious relations between the development of the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
    - d. The Planning Commission may further require landscaping, fences, or walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
    - e. The installation, erection, and construction of transmission systems for essential services.

**Sec. 9.05 Area, Height, and Placement Regulations within the Mobile Home Park:**

- A. Lot Size: "The mobile home park shall be developed with sites averaging 5,500 square feet per mobile home unit. This 5,500 square feet for any one site may be reduced by twenty (20%) percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land

gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code."

- B. Floor Space: There shall be not less than seven hundred twenty (720) square feet of floor area within each mobile home. The floor area of any porch, sun deck, or other structure shall not be used to meet the seven hundred twenty (720) foot requirement.
- C. Internal Yard Setbacks: The placement of mobile homes within a mobile home park shall observe the following setback requirements:
  - 1. Twenty (20) feet from any part of an attached or detached structure of an adjacent mobile home which is used for living purposes.
  - 2. Ten (10) feet from an on-site parking space of an adjacent mobile home site.
  - 3. Ten (10) feet from an attached or detached structure or accessory building which is not used for living purposes.
  - 4. Fifty (50) feet from a permanent building.
  - 5. Ten (10) feet from the edge of an internal road.
  - 6. Seven (7) feet from a parking bay.
  - 7. Seven (7) feet from a common pedestrian walkway.
- D. Maximum Heights: The maximum height of any clubhouse building shall not exceed twenty-five (25) feet, or two (2) stories in height. Storage or service buildings shall not exceed fifteen (15) feet, or one (1) story in height.

**Sec. 9.06 Development Standards for the Mobile Home Park:**

- A. Minimum Site Size: Each mobile home park must have a site of not less than fifteen (15) acres of land.
- B. Park Setbacks:
  - 1. Front Yards: No mobile home or any structure within a mobile home park (other than an identification sign) shall be located closer than fifty (50) feet to any public road right-of-way.

2. Side Yards: No mobile home or any structure within a mobile home park shall be located closer than ten (10) feet from any side lot line of the mobile home park.
  3. Rear Yards: No mobile home or any structure within a mobile home park shall be located closer than ten (10) feet from any rear lot line.
- C. Access to Public Roads: All access to the park shall be from paved public thoroughfares. Two (2) access points shall be provided to the public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of interior park roads shall be interpreted as satisfying this requirement. Ingress/egress to or from mobile home parks shall not be provided by means of a subdivision or site condominium street.
- D. Paving: All internal roads and parking facilities shall be provided with a paved surface in compliance with the standards of the AASHTO Specifications referenced in Rule 922 of the [Michigan] Mobile Home Commission Rules. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to prevent the drainage of water onto adjacent property or toward buildings. No portion of any off-street parking area may be allowed to encroach into sidewalk areas.
- E. Parking: A minimum of two (2) parking spaces shall be provided for each mobile home unit. In addition, a minimum of one (1) parking space for every three (3) mobile home sites shall be provided for visitor parking. Adequate room shall be provided for vehicles to safely maneuver through the park when on-street parking is provided.
- F. Sidewalks: Sidewalks, which meet the standards established in Rule 928 of the [Michigan] Mobile Home Commission Rules, and AASHTO Standards shall be installed along one (1) side of all internal collector roads within the park and to the public right-of-way and to all service facilities including, but not limited to, central laundry, central parking, and central recreation/park areas. Sidewalks shall also be required along that portion of a site fronting along public thoroughfares. Walks connecting the entrance of each mobile home to the balance of the park walk system shall be designed per Mobile Home Commission rules.
- G. Utilities: The installation of utilities within a mobile home park shall be in accordance with the following requirements:
1. All electrical, telephone, and utility service shall be underground and specifically designed in conformance with the standards established in Rules 932(a), 934(a), 935(a), 937(2)(a), and 940 of the Mobile Home

Commission. When separate meters are installed, each meter shall be located in a uniform manner.

2. All gas distribution lines shall be located underground. Each mobile home lot so served shall have the service line located underground to a connection point below the mobile home. Any line running between such connection point and the mobile home shall be supported so it cannot be abraded by the pad surface. If fuel oil is used, it shall be supplied from a central storage tank, with underground distribution and service lines to the individual mobile home sites, and shall be subject to the same requirements given herein for gas lines. The use of independent bottled gas service for individual mobile homes is prohibited. All heating systems shall be designed and installed in accordance with Rules 934 and 940 of the Mobile Home Commission.
3. Service roadway and parking lights shall be installed so as to permit the safe movement of vehicles and pedestrians at night. All lighting shall be so located and shielded as to direct the light away from adjacent properties. All site lighting shall meet the requirements of the Michigan Mobile Home Commission Rules.
4. Minimum standards for plumbing, heating, and electrical systems shall be those either set forth by the United States Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards or by ANSI (American National/Standards Institute) for mobile homes predating HUD. Prior to occupancy of any mobile home, the Township Building Inspector, State Electrical Inspector, State Plumbing Inspector, and State Mechanical Inspector shall inspect and approve the plumbing, heating, and electrical systems.
5. All mobile home sites and all other buildings within the park shall be connected to the water system of the Township, if it is available to the park, or to another state approved system. The park water system shall conform to parts 2-4 of the Michigan Department of Public Health (MDPH) Mobile Home Park Standards.
6. All mobile home sites and all other buildings within the park shall be connected to the sanitary sewerage system of the Township, if it is available to the park, or to other state approved systems. The park sanitary sewerage system shall conform to MDPH Mobile Home Park standards.
7. All storm sewers shall be constructed in accordance with parts 2-4 of the MDPH Mobile Home Park Standards by the developer.



- H. Skirting: Skirting shall be installed around all mobile homes. Such skirting shall be compatible aesthetically with the appearance and construction of the mobile home. All skirting shall be installed prior to the issuance of a Certificate of Occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed ninety (90) days. All skirting shall meet the specifications established by the Michigan Mobile Home Commission Rules.

Individual mobile homes shall be skirted around the perimeter of the mobile home unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Mobile Home Commission Rules. All skirting shall be manufactured of fire-resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.

- I. Storage: The developer shall provide a central storage facility or shall permit or provide individual utility sheds for each mobile home site. Any utility sheds placed on individual mobile home sites shall be maintained in good condition and kept painted. Utility sheds shall be placed in side or rear yard areas.
- J. Storage/Parking: If boats, boat trailers, and utility trailers are permitted to be parked within a mobile home park, adequate parking spaces for such vehicles shall be provided in a central or collective parking area. This area shall be in addition to the Automobile Parking Requirements of this Ordinance and shall be adequately fenced, locked or secured, and visually buffered or screened by means of landscaping.
- K. Installation: Each mobile home site shall conform with Mobile Home Commission requirements of Rule 602 for installation of mobile homes.

**Sec. 9.07 Landscaping, Ground Cover, and Open Space:** Mobile home parks shall be landscaped as follows:

- A. Exposed ground surfaces in all parts of the mobile home park shall be paved or covered with stone or other solid material or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface in all parts of every mobile home parks shall be graded and equipped to drain all surface water in a safe, efficient manner.
1. If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development. If the park abuts a nonresidential development, the park need not provide screening.

2. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.
- B. The landscaping screening shall consist of evergreen trees or shrubs of a minimum three (3) feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices subject to prior approval may be utilized if they conceal the mobile home park as effectively as the required landscaping described above and provided the screening is kept in good repair.
  - C. Open space shall be provided as required by Rule 946 of the Mobile Home Commission and shall be designated on the site plan. Should recreational areas also be proposed, these shall also be shown on the plans.

**Sec. 9.08 Public Health and Safety:**

- A. Fire hydrants shall be installed in all mobile home parks for which public water systems are available and shall be in compliance with the requirements and provisions of the current local fire code, including the requirement that there be no more than five hundred (500) feet between hydrants as measured along adjacent roadways within the mobile home park.
- B. For the protection of the public safety, an orderly street name system and numbering system shall be established by the mobile home park owner and a plan of this system shall be verified with the Township Fire Department. Mobile home space numbers shall be located uniformly on each space, mobile home unit or identification marker, throughout the mobile home park and street names shall be adequately marked.
- C. Dogs, cats, or other domestic or house pets shall not be permitted to run at large or to commit any nuisance within the park.
- D. Cooking shelters, barbecue pits, fireplaces, and wood burning stoves or incinerators shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the site and on neighborhood property. Open fires shall not be allowed except in facilities provided and all such fires must be attended. No fuel shall be used or items burned which emit dense smoke or objectionable odors.
- E. Individual fuel oil, liquid petroleum, or other fuel tanks shall not be permitted to be stored in or under any mobile home unit in a mobile home park.
- F. Each mobile home site shall be provided with approved garbage containers per Mobile Home Commission rules. The containers shall be kept in a sanitary condition at all times.

1. It shall be the responsibility of the mobile home park operator to ensure that garbage containers do not overflow.
  2. Exterior property areas shall be maintained free from organic and inorganic material that might become a health, accident, or fire hazard.
- G. Park grounds shall be maintained in a neat condition at all times.
- H. Every park shall be equipped at all times with fire extinguishing equipment in good working order, of a type, size, and number and so located within the park as to be in compliance with the applicable regulations of the Rules 702a and 703 of the Mobile Home Commission.
1. No open fire shall be permitted at any place which may endanger life or property.
  2. No fire shall be left unattended at any time.
  3. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with regulations of the state police.
- I. There shall be no storage of any kind underneath any mobile home and each mobile home shall be maintained in a clean and presentable condition at all times.
- J. No personal property shall be stored outside or under any mobile home. Storage sheds may be used but need not be supplied by the owner of the mobile home development.
- K. Two (2) access points shall be provided to the public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of interior park roads shall be interpreted as satisfying this requirement.
- L. Each mobile home shall have a safe and unobstructed primary exit and an emergency exit located away from the primary exit.

**Sec. 9.09 Miscellaneous Provisions:**

- A. **Removal of Towing Mechanisms:** Towing mechanisms shall be removed from the mobile home dwelling at the time of dwelling installations and stored so as not to be visible from the exterior of the mobile home park.
- B. The grounds of a mobile home park shall be graded to drain properly.

- C. No home occupations shall be conducted in any mobile home, except as permitted or approved as a conditional use.
- D. The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home development is prohibited. New or used mobile homes located on lots within the mobile home development to be used and occupied on that site may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a used mobile home by a resident of the mobile home development provided the development permits the sale.
- E. All requirements of Act No. 96 of the Public Acts of 1987, as amended, shall apply.
- F. The owner or operator of any mobile home park shall be responsible for all street construction and street maintenance within the confines of the mobile home park shall be responsible for all snow removal within the confines of the mobile home park and shall be responsible for picking up trash and garbage within the confines of the mobile home park.
- G. No mobile home shall be occupied by more than one (1) family.
- H. No mobile home shall be occupied for dwelling purposes unless the mobile home is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary or prior to building official inspection and permit approval.
- I. Street lighting shall be provided and paid for by the owner of the park and shall be approved by the Mobile Home Commission as to the adequacy of illumination.
- J. Street name signs shall be provided by the owner at all street intersections in accordance with Mobile Home Commission requirements. Park street names shall not duplicate or be confusingly similar to the name of any existing street within the areas served by the Post Office or the Township Fire Department.
- K. Fences on individual home sites shall be uniform in height, not-to-exceed thirty-six (36) inches, and shall be constructed in such a manner as to provide firemen an access to at least two (2) gates.

- L. There shall be a maximum of one (1) sign per road frontage with an entrance which shall bear only the name of the mobile home park. Such a sign shall be located from the street a distance equal to the setbacks established in Rule 944(2) of the Mobile Home Commission rules and may be lighted, provided that the source of light is not visible and is not of the flashing or intermittent type. One (1) sign, not exceeding thirty-two (32) square feet in area shall be permitted for the first entrance provided to the park. For multiple entrances, a sixteen (16) square foot sign shall be permitted at each entrance after the first. Signs may be double-faced, but each side of the sign shall have identical copy and be flush with the other side.
- M. Expandable units on mobile homes may be utilized, provided that the minimum spacing between mobile homes as herein provided is maintained.

**Sec. 9.10 Site Constructed Buildings and Dwellings:**

- A. Site constructed buildings within the mobile home park such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings shall be reviewed by the Township at the time of submittal for a building permit, per the requirements of applicable building codes and required Mobile Home Commission setbacks.
- B. Site built single-family dwellings may be located in a mobile home park as follows:
  - 1. One single-family dwelling may be permitted for the exclusive use of the mobile home park owner or manager in a park of thirty (30) acres or less.
  - 2. Two single-family dwellings may be permitted for the exclusive use of the park owner, manager, or caretaker in a park in excess of thirty (30) acres.
  - 3. Any such dwellings shall comply in all respects with the requirements for single-family dwellings in the RS, Residential District.

**ARTICLE IX-A  
MIXED-USE DISTRICT (MXD)**

The following regulation shall apply to all Mixed-Use Districts:

**Sec. 9A.01 Purpose:** The Mixed-Use District is intended to provide for a range of housing types and a limited amount of compatible nonresidential use. This District is intended to protect existing residential uses while allowing for the opportunity to transition to compatible public and institutional uses and limited office and service uses. Nonresidential uses should be limited in size, serving the office and service needs of residents of the surrounding area and travelers along the corridor. This District is intended to be serviced by public sanitary sewer and water infrastructure.

**Sec. 9A.02 Uses Permitted:** No structure or part thereof shall be erected, altered, or used, and no land shall be used except for one (1) or more of the following:

- A. All uses permitted in the RR District, as found in Section 6.02, and subject to the requirements noted in such district provisions, except as noted in Section 3.38 and as otherwise provided herein.
- B. Two family residential structures subject to Article XV.
- C. Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses.

**Sec. 9A.03 Conditional Uses Permitted:** Structures and parts thereof, may be erected, altered, or used, and land may be used for one (1) or more of the following purposes subject to the approval of the Township Planning Commission and subject to the conditional use provisions of Article XIX:

- A. Adult foster care small group homes for seven (7) to twelve (12) residents subject to Article XV.
- B. Adult foster care large group homes consisting of thirteen (13) to twenty (20) residents subject to Article XV.
- C. Business and professional office uses subject to Section 10.02(A), and business activities of a local or neighborhood character subject to Section 10.02(B), provided that:
  - 1. Such uses shall be conducted within an enclosed building only.
  - 2. When adjacent to a residential use or district, a greenbelt buffer shall be provided.
  - 3. Lighting shall be down shielded away from neighboring uses.

4. Access shall be by means of paved public roads. No access shall be provided by subdivision or site condominium streets.
- D. Cemeteries, subject to Article XV.
  - E. Churches, synagogues, and other places of worship, subject to Article XV.
  - F. Convalescent or nursing homes subject to Article XV.
  - G. Day care centers, child care centers, nursery schools, day nurseries subject to Article XV.
  - H. Elderly housing and congregate care facilities subject to Article XV.
  - I. Group day care homes subject to Article XV.
  - J. Multiple-family developments (including townhouses) subject to Article XV.
  - K. Planned unit developments subject to Article XV.
  - L. Public and private schools subject to Article XV.
  - M. Accessory buildings, structures, and uses customarily incidental to any of the above conditional uses.

**Sec. 9A.04 Parking:** Except as otherwise provided in this Ordinance, parking areas as required in Article XVII shall be provided.

**Sec. 9A.05 Area:** Minimum lot area shall be as provided in Section 14.01 except as otherwise provided in this Ordinance.

**Sec. 9A.06 Front Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 9A.07 Side Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 9A.08 Rear Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 9A.09 Height of Structures:** Except as otherwise provided in this Ordinance, the height provisions of Section 14.01 shall apply.

Amended by Ordinance No. 144, adopted March 4, 2020.

**ARTICLE X  
OFFICE/COMMERCIAL DISTRICT (C-1)**

The following regulations shall apply to Office/Commercial Districts:

**Sec. 10.01 Purpose:** The Office/Commercial District is intended to provide locations for low intensity professional offices and commercial uses. The office/commercial zone provides a suitable transition between residential and nonresidential uses. The regulations established as part of this Article are intended to insure that future development is compatible with residential uses by requiring attractive buildings and landscaped sites, permitting uses that generate a minimal amount of traffic and offering limited hours of operation.

**Sec. 10.02 Uses Permitted:** No structure or part thereof shall be erected, altered, or used and no land shall be used except for one (1) or more of the following:

A. Professional and business offices and similar activities employing a predominantly clerical staff which is not engaged in retail sales on the premises of articles or products of a tangible nature and where no heavy or noisy machinery is utilized in the operation of the business. Permitted use shall include the following, subject to Article XV:

1. Abstract office.
2. Accountant.
3. Advertising.
4. Appraiser.
5. Architect.
6. Bank and/or trust company.
7. Bonding company.
8. Brokerage house.
9. Building contractor office (not including equipment or material storage).
10. Building and loan association.
11. Buildings, office.



12. Chiropodist.
13. Chiropractor.
14. Christian science practitioner.
15. Collection agency office.
16. Commission house, office.
17. Credit reporting bureau.
18. Credit union office.
19. Dentist.
20. Detective agency.
21. Doctor.
22. Electric light and power company or telephone company, office and billing.
23. Engineer office.
24. Finance companies, loan offices.
25. Insurance office.
26. Lawyer.
27. Office service (stenographic service, letter preparation, addressing and mailing, duplicating, multigraphing, mimeographing, machine tabulation, research, and statistical).
28. Osteopath.
29. Real estate sales office.
30. Medical or dental clinics.
31. Animal hospitals without outdoor runs and subject to Article XV.
32. Farm bureau office.
33. Stockbroker office.

34. Small Scale Solar Energy Systems subject to Article XV.

Amended by Ordinance No. 144, adopted March 4, 2020.

- B. Business activities of a local or neighborhood character, conducted within an enclosed building only, providing necessary services for day-to-day operation of a household and which can be supported economically by a small neighborhood area, including the following:
1. Bakery shop where no baking is done on the premises.
  2. Barber and beauty shop.
  3. Cigar shop.
  4. Cleaning and dyeing distribution shop (no processing).
  5. Delicatessens.
  6. Dressmaker, custom.
  7. Drugstore.
  8. Florist, retail sales.
  9. Laundry, collecting shop, self-service laundry, hand laundry.
  10. Newsstand.
  11. Shoe repair.
  12. Standard restaurants not serving alcoholic beverages.
  13. Stationery store.
  14. Tailor shop catering to custom tailoring and minor cleaning and pressing activities.
  15. Any other use which the Planning Commission determines to be of the same general character as, and compatible with, the above permitted uses.
  16. Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses.

**Sec. 10.03 Conditional Uses Permitted:** Structures and parts thereof may be erected, altered, or used, and land may be used for one or more of the following purposes subject to the approval of the Township Planning Commission and subject to the conditional use provisions of Article XIX.

- A. Carry-out, fast food, or drive-in restaurants, subject to Article XV.
- B. Mortuary establishments or funeral homes subject to Article XV.
- C. Colleges, universities and other institutions of higher learning subject to Article XV.
- D. Local store selling at retail, fish, fruit, food, hardware, meats (no butchering) and vegetables, and beer and wine under SDM license.
- E. Day care centers subject to Article XV.
- F. Accessory buildings, structures, and uses customarily incidental to any of the above conditional uses.

**Sec. 10.04 Site Plan Review:** All proposed structures or uses of land or structures shall be subject to the site plan review procedures of Article XVIII.

**Sec. 10.05 Merchandise Displays:** Merchandise may be displayed or stored only within the established building setback line but not on public property.

**Sec. 10.06 Parking:** Parking areas shall be provided as required in Article XVII; provided further that there shall be provided 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.

**Sec. 10.07 Loading and Unloading:** Except as otherwise provided in this Ordinance, loading and unloading areas as required by Article XVII shall be provided.

**Sec. 10.08 Area:** Except as otherwise provided for in this Ordinance, minimum lot area shall be that necessary to provide the required setbacks plus the necessary structure areas, including areas for parking, servicing and driveways; provided, however, no area shall be used for a parking area where the use of such area results in headlight glare into any adjacent residential district which cannot be corrected by adequate plantings or fencing.

Where headlight glare can be minimized by plantings or fencing, the Township Planning Commission shall require adequate plantings or fencing which shall be provided before the premises are used.

**Sec. 10.09 Front Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 10.10 Side Yard:** Except as elsewhere provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 10.11 Rear Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 10.12 Height:** Except as otherwise provided in this Ordinance, the provision of Section 14.01 shall apply.

**Sec. 10.13 Landscaping:** Except as otherwise provided in this Ordinance, landscaping shall be provided as required in Sections 3.32 and 3.33.

**ARTICLE XI  
NEIGHBORHOOD COMMERCIAL DISTRICT (C-2)**

The following regulations shall apply to Neighborhood Commercial Districts:

**Sec. 11.01 Purpose:** The Neighborhood Commercial District is designed to meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas. The District is also intended to encourage the planned clustering of commercial activities necessary to serve a limited population density and geographic area.

**Sec. 11.02 Uses Permitted:** No structure or part thereof shall be erected, altered, or used and no land shall be used except for one (1) more of the following:

- A. Any use as a matter of right in the C-1 District and as indicated in Section 10.02.
- B. Business and commercial activities, conducted within an enclosed building only of a general character of large service activity and normally depending for support on more than a neighborhood area and including the following:
  - 1. Art, antique, book, curio, gift, or novelty shop.
  - 2. Auction or secondhand store.
  - 3. Blueprinting or photostating.
  - 4. Cafe or standard restaurant, or tea room not serving alcoholic beverages.
  - 5. Catering establishment.
  - 6. Clothing store.
  - 7. Convenience store.
  - 8. Dairy products, retail sales.
  - 9. Dancing schools.
  - 10. Delicatessen.
  - 11. Dental laboratory.

12. Dress shop.
13. Drygoods store.
14. Floor covering and wallpaper store.
15. Funeral home or mortuary.
16. Hardware store.
17. Interior decorating store.
18. Intoxicating liquor, package sales.
19. Jewelry store.
20. Kennel for boarding only of dogs, cats, and other household pets, but not including animal hospital, subject to Article XV.
21. Local store selling at retail, fish, fruit, food, hardware, meats (no butchering), vegetables and beer and wine under SDM license.
22. Millinery store.
23. Motels, hotels, or motor inns subject to Article XV.
24. Nursery or greenhouse.
25. Pawn shop.
26. Pet shop, bird shop, or taxidermist.
27. Photographer.
28. Supermarket.
29. Weaving, custom.
30. Open air displays and sales subject to Article XV.
31. Small Scale Solar Energy Systems subject to Article XV.
32. Any other use which the Planning Commission determines to be of the same general character as, and compatible with, the above permitted uses.

33. Accessory buildings, structures, and uses customarily incidental to any other the above permitted uses.

Amended by Ordinance No. 144, adopted March 4, 2020.

**Sec. 11.03 Conditional Uses Permitted:** Structures and parts thereof may be erected, altered, or used, and land may be used for one (1) or more of the following purposes subject to the approval of the Township Planning Commission and subject to the conditional use provisions of Article XIX.

- A. Business and commercial activities similar to and including the following:
  1. Self-storage facilities subject to Article XV.
  2. Automobile service stations, muffler shops, transmission repair shops subject to Article XV.
  3. Bowling alley, billiard or pool hall, subject to Article XV.
  4. Cafe or standard restaurant serving alcoholic beverages, subject to approval by the state of Michigan for the liquor license.
  5. Carry-out, fast food, or drive-in restaurants, subject to Article XV.
  6. Cleaning establishment using not over two (2) cleaning units neither of which shall be rated more than forty (40) pounds capacity and using cleaning fluid of nonexplosive and nonflammable nature at temperature below 138.2 degrees Fahrenheit, and which meets requirements for Class IV Cleaning Establishments as state in National Fire Code.
  7. Drive-in business of retail or service nature, subject to Article XV.
  8. Gasoline filling station, subject to Article XV.
  9. Rescue mission or revival church, subject to Article XV.
  10. Tavern selling beer and/or wine and/or spirits for consumption on the premises, subject to state of Michigan liquor licensing.
  11. Shopping centers subject Article XV.
  12. Accessory buildings, structures, and uses customarily incidental to any of the above conditional uses.

- Sec. 11.04 Site Plan Review:** All proposed structures or uses of land or structures shall be subject to the site plan review procedures of Article XVIII.
- Sec. 11.05 Merchandise Displays:** All merchandise display shall be subject to the same setback as required for any structure within this District.
- Sec. 11.06 Parking:** Parking areas shall be provided as required in Article XVII; provided further that there shall be provided 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.
- Sec. 11.07 Loading and Unloading:** Except as otherwise provided in this Ordinance, loading and unloading areas, as required by Article XVII shall be provided.
- Sec. 11.08 Area:** Except as otherwise provided for in this Ordinance, minimum lot area shall be that necessary to provide the required setbacks plus the necessary structure areas, including areas for parking, servicing and driveways; provided, however, no area shall be used for a parking area where the use of such area results in headlight glare into any adjacent residential district which cannot be corrected by adequate plantings or fencing.
- A. Where headlight glare can be minimized by plantings or fencing, the Township Planning Commission shall require adequate plantings or fencing which shall be provided before the premises are used.
- Sec. 11.09 Front Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.
- Sec. 11.10 Side Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.
- Sec. 11.11 Rear Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.
- Sec. 11.12 Height:** Except as otherwise provided in this Ordinance the height provisions of Section 14.01 shall apply.
- Sec. 11.13 Landscaping:** Except as otherwise provided in this Ordinance, landscaping shall be provided as required in Sections 3.32 and 3.33.



**ARTICLE XII**  
**GENERAL COMMERCIAL DISTRICT (C-3)**

The following regulations shall apply to all General Commercial Districts:

**Sec. 12.01 Purpose:** The General Commercial District is designed to provide sites for more diversified business uses than permitted in the Neighborhood Commercial District. Uses permitted in the General Commercial District typically serve the needs of a large geographic and population base and generate large volumes of traffic. The characteristics of these high intensity uses requires special development standards in order to minimize adverse impacts on adjacent properties and the community as a whole.

**Sec. 12.02 Uses Permitted:** No structure, or part thereof, shall be erected, altered, or used and no land shall be used except for one (1) or more of the following:

- A. Any use permitted as a matter of right within the C-2, Neighborhood Commercial District, as indicated, in Section 11.02.
- B. Art, antique, book, curio, gift or novelty shop.
- C. Auditoriums, dance halls, and ballrooms.
- D. Automobile dealers (new and used).
- E. Bakeries, where baking is done on the premises.
- F. Broadcasting or recording studio, radio or television.
- G. Cafe, standard restaurant, or tea room not serving alcoholic beverages.
- H. Casket and monument sales.
- I. Catering establishment.
- J. Clothing store.
- K. Clubs or lodges (nonprofit fraternal or religious association).
- L. Department store and/or variety store.
- M. Dress shop.
- N. Drive-in business of retail or service nature, subject to Article XV.
- O. Dry goods store.

- P. Fast food, carry-out, drive-in, and drive-through restaurants subject to Article XV.
- Q. Floor covering and wallpaper store.
- R. Furniture and/or appliance store.
- S. Interior decorating store.
- T. Intoxicating liquor, package sales.
- U. Jewelry store.
- V. Millinery store.
- W. Motels, hotels, and motor inns subject to Article XV.
- X. Pet shop, bird shop, or taxidermist, but not including an animal mortuary.
- Y. Pawn shop.
- Z. Photographer.
- AA. Parking, public, for which a charge is made.
- BB. Recreational vehicle sales.
- CC. Food stores or supermarkets.
- DD. Trailer sales and rentals.
- EE. Turkish bath.
- FF. Weaving, custom.
- GG. Shopping centers, subject to Article XV.
- HH. Automobile service stations, muffler shops, transmission repair shops, subject to Article XV.
- II. Gasoline filling station, subject to Article XV.
- JJ. Small Scale Solar Energy Systems subject to Article XV.
- KK. Any other use which the Planning Commission determines to be of the same general character as, and compatible with, the above permitted uses.

- LL. Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses.

Amended by Ordinance No. 144, adopted March 4, 2020.

**Sec. 12.03 Conditional Uses Permitted:** Structures and parts thereof may be erected, altered, or used, and land may be used for one or more of the following purposes subject to the approval of the Township Planning Commission and subject to the conditional use provisions of Article XIX.

- A. Restaurants, bars and lounges serving alcoholic beverages, subject to the approval of the state of Michigan for the liquor license.
- B. Auction sales establishments, subject to Article XV
- C. Bowling alleys and billiard and pool halls, subject to Article XV.
- D. Permanent carnival, circus, or amusement enterprise, subject to Article XV.
- E. Drive-in theaters, subject to Article XV.
- F. Fairgrounds, subject to Article XV.
- G. Indoor theaters, subject to Article XV.
- H. Ice skating or roller skating rink, subject to Article XV.
- I. Golf driving ranges, subject to Article XV.
- J. Ambulance bases/stations/facilities, subject to Article XV.
- K. Medical satellite facilities and related retail facilities, subject to Article XV.
- L. Automobile paint and body shops subject to Article XV.
- M. Race tracks, subject to Article XV.
- N. Rodeos and rodeo arenas, subject to Article XV.
- O. Stadiums, subject to Article XV.
- P. Vehicle wash establishment, subject to Article XV.
- Q. Wholesale items for retail sale, subject to Article XV.
- R. Adult entertainment uses, subject to Article XV.

- S. Commercial park and recreation areas/facilities, subject to Article XV.
- T. Hospitals, subject to Article XV.
- U. Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses.

**Sec. 12.04 Site Plan Review:** All proposed structures or uses of land or structures within this District shall be subject to provisions of Article XVIII.

**Sec. 12.05 Merchandise Displays:** All merchandise display shall be subject to the same setback as required for any structure within this District.

**Sec. 12.06 Parking:** Except as otherwise provided for in this Ordinance, parking areas shall be provided as required in Article XVII.

**Sec. 12.07 Loading and Unloading:** Except as otherwise provided in this Ordinance, loading and unloading areas as required in Article XVII shall be provided.

**Sec. 12.08 Area:** Minimum lot area for a Shopping Center development shall be five (5) acres, except as otherwise provided for in this Ordinance, all other uses shall be subject to the requirements of Section 14.01, except as otherwise provided for in this Ordinance.

**Sec. 12.09 Front Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 12.10 Side Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 12.11 Rear Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 12.12 Height:** The height of any structure shall be related to the fire fighting capabilities of the Township.

**Sec. 12.13 Landscaping:** Except as otherwise provided in this Ordinance, landscaping shall be provided as required in Sections 3.32 and 3.33.

**ARTICLE XIII  
LIGHT MANUFACTURING DISTRICT (M-1)**

The following regulations shall apply to Light Manufacturing Districts:

**Sec. 13.01 Purpose:** The Light Manufacturing District is intended to provide suitable locations for uses that may generate any of the following: noise, glare, odor, dust vibration, air and/or water pollutants, or fire, explosive or radiation hazards. This district has been designed to permit the development of industrial uses which are generally compatible and to establish performance standards to protect nearby residential, commercial and agricultural areas from negative environmental impacts. Certain uses that would interfere with the efficient operation of industrial uses have been excluded from this District.

**Sec. 13.02 Uses Permitted:** No structure, or part thereof, shall be erected, altered, or used and no land shall be used except for one (1) or more of the following:

- A. Amusement parks including but not limited to games of skill and chance, merry-go-rounds, ferris wheels, penny arcade, shooting gallery subject to Article XV.
- B. Amusement enterprises subject to Article XV.
- C. Chemist shop.
- D. Animal hospitals subject to Article XV.
- E. Animal mortuaries and crematoriums, subject to Article XV.
- F. The following uses which must be conducted wholly within an enclosed building except for on-site delivery vehicles:
  - 1. The manufacturing, compounding, processing and packaging or treatment of bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries, condiments, (except fish, meat, fowl, vegetables, vinegar and yeast).
  - 2. The manufacturing, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planing mill), yarns, and paint not requiring a boiling process.

3. The manufacturing of musical instruments, toys, novelties, rubber or metal stamps.
  4. The manufacturing to pottery, figurines, or similar ceramic products, using previously pulverized clay.
  5. The manufacturing of and maintenance of electric and neon signs, billboards, commercial advertising structures, sheet (light) metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like.
  6. Blacksmith shop or machine shop, wrought iron shop, excluding punch presses over twenty (20) tons rated capacity, drop hammer, welding shop and automobile screw machines subject to Article XV.
  7. Laundry, cleaning and dyeing works and carpet or rug cleaning.
  8. Distribution plants, parcel delivery service, ice and cold storage plants.
  9. Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts, such as condensers, crystal holders, and the like.
  10. Laboratories, experimental or testing.
  11. Poultry, rabbit killing, or other meat slaughtering.
  12. Public utility service yard or electrical receiving transforming station.
- F. Building material sales yard, including but not limited to rock, sand, gravel and the like (excluding concrete mixing) subject to Article XV.
- G. Contractors yard subject to Article XV.
- H. Retail lumber yard including incidental millwork subject to Article XV.
- I. Coal yard.
- J. Express office/truck terminals subject to Article XV.
- K. Plumbing or sheet metal supply.
- L. Freight yards.
- M. Industrial park subject to Article XV.
- N. Self-storage warehouses, subject to Article XV.

- O. Municipal utilities.
- P. Wholesale items for retail sales.
- Q. Outdoor storage subject to Article XV.
- R. Movers, terminal garage, and storage.
- S. Small Scale Solar Energy Systems subject to Article XV.
- T. Any other use which the Planning Commission determines to be of the same general character as, and compatible with, the above permitted uses.
- U. Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses.

Amended by Ordinance No. 144, adopted March 4, 2020.

**Sec. 13.03 Conditional Uses Permitted:** Structures and parts thereof, may be erected, altered, or used, and land may be used for one or more of the following purposes subject to the approval of the Township Planning Commission and subject to the conditional use provisions of Article XIX.

- A. Restaurants carry-out, fast food, drive-in or drive-through restaurants subject to Article XV.
- B. Motels, hotels, and motor inns, subject to Article XV.
- C. Automobile service stations, subject to Article XV.
- D. Paint and body shops, muffler shops, transmission repair shops subject to Article XV.
- E. Race tracks subject to Article XV.
- F. Vehicle wash establishments subject to Article XV.
- G. Baseball or football stadium, subject to Article XV.
- H. Aircraft landing strips (Private) subject to Article XV.
- I. Airports, private or public, subject to Article XV.
- J. Sanitary landfills, subject to Article XV.
- K. Junk yards, subject to Article XV.

L. Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses.

**Sec. 13.04 Site Plan Review:** All proposed structures or uses of land or structures shall be subject to the site plan review provisions of Article XVIII.

**Sec. 13.05 Parking:** Except as otherwise provided for in this Ordinance, parking areas shall be provided as required in Article XVII.

**Sec. 13.06 Loading and Unloading:** Except as otherwise provided for in this Ordinance, loading and unloading areas, as required in Article XVII.

**Sec. 13.07 Area:** Except as provided in this Ordinance, the Minimum lot area for any manufacturing use shall be four (4) acres; provided further that if the intended use of the land is within an industrial park, the minimum lot size shall be one (1) acre; provided further that the maximum building coverage for any industrial use shall not exceed thirty (30) percent.

**Sec. 13.08 Front Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 13.09 Side Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 13.10 Rear Yard:** Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.

**Sec. 13.11 Height of Structures:** Except as otherwise provided in this Ordinance, the height provision of Section 14.01 shall apply.

**Sec. 13.12 Smoke Control:** No individual or individuals shall cause, suffer, or allow to be discharged in the atmosphere from any source, smoke, the shade or appearance of which is equivalent to or greater than that density described as No. 2 of the Ringleman Chart; provided, however, that smoke, the shade or appearance of which is equivalent to but not darker than No. 2 of the Ringleman Chart for a period or periods aggregating four (4) minutes in any thirty (30) minutes shall be permitted; and provided further that smoke, the shade or appearance of which is equivalent to but not darker than No. 3 of the Ringleman Chart for a period or periods aggregating three (3) minutes in any fifteen (15) minutes shall also be permitted when building of new fire or when breakdown or malfunctioning of equipment occurs such as to make it evident that the emission was not reasonably preventable.

**Sec. 13.13 Control of Noise:** At no point on the boundary of any non-industrial district shall the sound pressure level of any operation exceed the described levels in the designated octave bands below:



<u>Octave Band in Cycles per Second</u>	<u>Maximum Permitted Sound Level in Decibels (dBA)</u>
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1,200	46
1,200 to 2,400	40
2,400 to 4,800	34
Above 4,800	32

**Sec. 13.14 Control of Odors:** There shall be no emission of odorous matter in such quantities as to be offensive at lot boundary lines.

- A. Any process which may involve the creation or emission of any odor shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.
- B. There is hereby established as a guide in determining such quantities of offensive odors, Table III, (Odor Thresholds) in Chapter 5 "Air Pollution Abatement Manual" copyright 1951, by Manufacturing Chemists' Association, Inc., Washington, D.C.

**Sec. 13.15 Control of Glare or Heat:** Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot lines.

**Sec. 13.16 Control of Vibrations:** No vibration which is discernible to the human sense of feeling shall be perceptible without instruments at any point beyond the lot line.

**Sec. 13.17 Control of Radioactivity or Electrical Disturbance:** There shall be no activities which emit dangerous or harmful radioactivity. There shall be no electrical disturbance (except from domestic household appliances) adversely effecting the operation of any equipment located beyond the property of the creator of such disturbance.

**Sec. 13.18 Landscaping:** Except as otherwise provided in this Ordinance, landscaping shall be provided as required in Sections 3.32 and 3.33.

**ARTICLE XIV  
SCHEDULE OF REGULATIONS HEIGHT, BULK, DENSITY, AND AREA BY ZONING  
DISTRICT**

**Sec. 14.01 Density, Area, Height, Bulk, and Placement Regulations**

**Sec. 14.02 Footnotes to Schedule of Regulations:**

- A. Nonfarm lots of one (1) acre or more may be created in the AG-1, AG-2 and RR Districts. In such instances, the standards of the RR District shall apply. The minimum acreage for farmlots in the RR District shall be ten (10) acres.
- B. Minimum front yard setback is measured from the centerline, based upon information and standards set forth by the Genesee County Road Commission and shall be provided as required in Section 3.16 of this ordinance.
- C. In all agricultural, residential, and industrial districts, the required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives. For regulations pertaining to the MHP District, see Article IX.
- D. All yards abutting upon a public street shall be considered as front yard for setback purposes.
- E. The minimum floor area per dwelling unit shall not include area of basements, breezeways, porches or attached garages.
- F. The maximum height permitted for general and specialized farm buildings and structures such as silos and windmills shall not exceed one hundred (100) feet. Furthermore, the minimum setback for these structures and buildings shall be one hundred (100) feet.
- G. Land areas where a building is to be erected, altered, or used, shall be developed in accordance with the following schedule:

<u>MINIMUM LOT AREA REQUIRED</u>	<u>MINIMUM LOT WIDTH REQUIRED</u>	<u>UTILITY SERVICE AVAILABLE</u>
1 acre	125	None
24,000 sq. ft.	110	Only Public Sewer or Only Public Water
10,000 sq. ft.	80	Public Sewer and Public Water

**ARTICLE XIV  
SCHEDULE OF REGULATIONS  
HEIGHT, BULK, DENSITY, AND AREA BY ZONING DISTRICT**

**Section 14.01 Density, Area, Height, Bulk, and Placement Regulations:**

The following regulations regarding lot sizes, yards, setbacks, building heights, and densities apply within the Zoning Districts as indicated, including the regulations contained in Section 14.02, Footnotes. No principle building(s) shall be erected, nor shall an existing principle building(s) be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building(s) be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such principle building(s) is located. No portion of a lot used in complying with the provisions of this Ordinance for yards, courts, lot area occupancy, in connection with an existing or projected principle building(s) or structure, shall again be used to qualify or justify any other principle building(s) or structure existing or intended to exist at the same time. For standards applicable to accessory buildings and structures, see Section 3.38.

ZONING DISTRICT	MIN. LOT AREA		MAX. BUILDING HEIGHT (F)		MAX. BUILDING LOT COVERAGE IN PERCENT	MIN. YARD SETBACK (PER LOT IN FT.)(E)(S)			MIN. LIVABLE FLOOR AREA SQ. FT. PER UNIT (E)
	AREA(A)	WIDTH IN FT.(Q)	IN STORIES	IN FEET		FRONT (D)(E)	EACH SIDE	REAR	
AG-1	20 acres	660	2-1/2	25	10	(C)	50	75	1,200
AG-2	10 acres	330	2-1/2	25	10	(C)	25	50	1,200
RR	1 acre	125	2-1/2	25	20	(C)	10	35	1,200
RS	(G)	(G)	2-1/2	25	30	(C)	10	25	950
RM	(H)	100	3	30	30	(C)	(I)	(I)	efficiency 450 1 Bdr. - 700 2 Bdr. - 800 3 Bdr. - 1,000 4 Bdr. - 1,200
MHP	(J)	(J)	(J)	(J)	(J)	(J)	(J)	(J)	(J)
MXD	(G)	(G)	2-1/2	25	30	(B)(K)	10(U)(R)	25(M)(R)	950
C-1	---	---	2-1/2	25	30	(B)(K)	20(L)(N)(R)	35(M)(R)	---
C-2	---	---	1	30	30	(B)(K)	20(L)(N)(R)	35(M)(R)	---
C-3	---	---	1	30	30	(B)(K)	20(L)(N)(R)	35(M)(R)	---
M-1	4 acres (T)	150	1	30	30	(B)(C)	20(L)(O)	35(M)(O)(P)	---

- H. The minimum land required for each dwelling unit in the RM District shall be in accordance with the following schedule:

<u>DWELLING UNIT TYPE</u>	<u>MINIMUM LAND AREA REQUIRED (SQUARE FEET)</u>
Efficiency and 1 bedroom unit	3,500
2 bedroom unit	4,500
3 or more bedroom unit	5,500

The land area used for computing densities shall include the rights-of-way for all roads whether public or private. A minimum of five (5) acres shall be required for all multiple-family sites created after the effective date of the ordinance.

- I. Each side and rear yard shall be a minimum of thirty (30) feet and this space shall be increased by two (2) feet for each ten (10) feet or part thereof by which said dwelling structure exceeds forty (40) feet in overall dimension along the adjoining lot line. Maximum building length shall be two hundred (200) feet.
- Where two (2) or more multiple, row or townhouse dwelling structures are erected on the same lot or parcel, a minimum distance between any two (2) structures shall be thirty (30) feet.
- J. Mobile home park developments are subject to the minimum requirements and standards as established in Article IX of this Ordinance and the Mobile Home Commission Act, Act 96, P.A. 1987, and any and all rules and regulations promulgated pursuant to Act 96, as may be amended.
- K. Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveway, and the nearest edge of the proposed right-of-way line.
- L. No side yards are required along the interior side lot lines of the District, or adjacent to other nonresidential use districts except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines or district(s) contain windows, or other openings, side yards of not less than ten (10) feet shall be provided, with appropriate landscaping.
- M. Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements; except in the instance of "C-1" and "MXD" Districts loading space shall be provided in the ratio of five (5) square feet per front foot of building.

- N. Off-street parking shall be permitted in a required side yard setback provided that there shall be maintained an evergreen screen or berm between the nearest point of the off-street parking area and the side lot line, when said property line abuts any residential district.
- O. No building shall be located closer than one hundred (100) feet to the outer perimeter (property line) of such district when said property line abuts any residential district.
- P. All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six (6) feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent residential, office or business district or from a public street.
- Q. A lot depth to lot width ratio of 4:1 shall be the maximum permitted for all parcels or lots of ten (10) acres or less.
- R. No building shall be located closer than fifty (50) feet to the outer perimeter (property line) of such district when said property line abuts any residential district.
- S. No residential uses shall be permitted to be located closer than fifty (50) feet from the right-of-way of an active railroad. Please refer to the Mobile Home Commission rules for regulations pertaining to Mobile Home Park location in relation to active railroads.
- T. Minimum lot size within industrial parks shall be one (1) acre.
- U. Off-street parking shall be permitted in a required side yard setback provided that there shall be maintained an evergreen screen or berm between the nearest point of the off-street parking area and the side lot line, when said property line abuts any residential use or district.

Amended by Ordinance No. 144, adopted March 4, 2020.

**Sec. 14.03 Lot Size Averaging:** Lot size averaging may be permitted if the Planning Commission determines that it will provide a better relationship of lots to the topography, vegetation or other natural or man-made features. Lot size averaging is the allowance for variation in lot area and width in a development, but with the average lot area meeting the minimum area as required in Section 14.01 for that particular Residential District.

In the case where lot size averaging is permitted:

- 1. The number of lots shall not exceed the number allowed for the zoning district in which the development is located.

2. Reduction of lot area or width below the minimum required for the zoning district may be permitted by the Planning Commission for not more than one-third (1/3) of the total number of lots in the development.

**Sec. 14.04 Open Space Preservation Provisions:**

A. Purpose

The purpose of this section is to provide an alternative means of development to the landowner on land which is residentially zoned that would create the same number of home sites, but cluster the homes on no more than 50 percent of the land, while leaving the unused land perpetually in an undeveloped state by means of a construction easement, plat dedication, restrictive covenant or other legal means that runs with the land as required by Section 16(h) of state Public Act 184 of 1943, as amended (the Township Zoning Act).

These regulations are intended to provide flexibility in certain zoning requirements to preserve the natural features in open space which might be lost through more traditional subdivision development. Only land that is zoned at a density equivalent to 2 or fewer dwelling units per acre or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre, are eligible for application of the provisions of this Section.

B. Definitions

For purposes of this Section, the following terms shall apply:

1. *Adjust acreage parcel:* means the net parcel area after the acreage of all lakes, ponds, streams, 50% of regulated wetlands, property within a 100 year flood plain, public rights-of-way, and utility easements are deducted.
2. *Density:* means the number of dwelling units situated on or to be developed on the adjusted acreage parcel. Density of a site shall be based upon the total dwelling unit count achieved from a concept layout plan prepared by the applicant and accepted by the Township showing the subject site as a single-family detached development meeting the design requirements established for the zoning district in which it is located. (Please refer to Article XIV, Schedule of Regulations.) Actual density shall also be determined by compliance with all setbacks, parking, open space and other site design requirements. The resulting development yield, determined through such computation shall be distributed throughout not more than 50 percent of the subject site's buildable area. All remaining land area shall perpetually remain in an undeveloped state pursuant to Section 14.04, C, 3 below.

3. *Open Space Preservation Area*: means any undeveloped land area within the boundaries of the parcel within an open space residential development, which is designated and intended to conserve on a permanent basis environmental features for the common use or enjoyment of the residents of the development or the public or dedicated to an agricultural use. Such open space may contain accessory structures and improvements appropriate for recreational purposes, as provided by ordinance, such as recreational trails, picnic areas, children's play areas, greenways or lineal parks. The following are not to be considered open space by this definition:
- Golf courses
  - The area of any street right-of-way to be dedicated to the public
  - Access easements for private roads or underground or overhead utilities
  - The required setback surrounding an existing residential structure that is not located on an individual lot or condominium site
  - Parking and loading areas

C. Eligibility Criteria

In selecting the open space overlay option, the applicant must present a proposal for residential development that meets each of the following:

1. *Open Space*. To be eligible for open space overlay option, the proposed development shall contain at least 50% of the land area which will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restricted covenant, or other legal means that runs with the land.
2. *Unified Control*. The proposed development shall be under single ownership or control such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
3. *Protection From Development in Perpetuity*. The applicant shall guarantee to the satisfaction of the township that all open space preservation areas will remain perpetually in their undeveloped state

as required. Further, subdivision open space lands or their use for other than recreation, conversation, or agricultural shall be prohibited.

4. *Density Impact.* The proposed type and density use shall not result in an unreasonable increase in the need for or impact upon public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted in this zoning ordinance, and shall not place an unreasonable impact upon the subject site and surrounding land, surrounding property owners and occupants, and/or the natural environment.
5. *Community Master Plan.* The proposed development shall be consistent with and further the implementation of the Township Master Plan, as may be amended.

D. Flexibility Allowances.

1. Subject to the limitations specified below, the Planning Commission may grant specific departure from their requirements of the zoning ordinance for yard setback, lot area and/or width, and bulk standards as part of the approval process to encompass flexibility and creativity consistent with the open space preservation concept, provided such modification results in enhanced buffering from adjacent land uses or public rights-of-way, or further preservation of natural features.

Regulatory modifications are not subject to variance approval by the zoning board of appeals. No part of an open space community plan may be appealed to the zoning board of appeals. Any deviation of an approved plan shall require approval from the planning commission. This provision shall not preclude an individual lot or dwelling unit owner from seeking a variance following final approval of an open space community, provided such variance does not invoke alterations to open space areas as shown on the approved open space plan.

2. A plan submitted in connection with this Section shall be subject to the following limitations:
  - a. The minimum floor area for all units constructed under this option shall be at least equal to the minimum floor area requirements for the single-family residential district in which the project is to be constructed.
  - b. The maximum number of units attached shall not exceed four (4) units per building. The maximum number of buildings allowed in any one (1) cluster shall not exceed four (4) buildings.



- c. The exterior design of the structures shall be compatible with existing single family structures located in the general area of the project in regards to architectural style, size, overall floor area and heights. Variety in the design of individual units shall be provided by the use of design details which do not appear to be continuous or repetitious. An exterior design pattern which is repetitious throughout the project shall not be permitted.
- d. Yard requirements shall be provided under this option as follows:
  - (i) Minimum spacing between buildings shall be determined by the number of living units that are arranged in any group as shown on the following table.

<u>No. of Living Units Per Building</u>	<u>Minimum Distance (Feet Between Buildings)</u>
1 unit and 1 unit	10
1 unit and 2 units	10
1 unit and 3 units	20
1 unit and 4 units	20
2 units and 2 units	10
2 units and 3 units	20
2 units and 4 units	20
3 units and 3 units	20
3 units and 4 units	20
4 units and 4 units	20

- (ii) All such grouping shall be so situated as to have one (1) side of the building abutting onto open space, not less than thirty (30) feet in width.
- (iii) Any side of a building adjacent to an interior road shall not be nearer to such road than twenty (20) feet, measured from the edge of the nearest travel lane.
- (iv) Any side of a building adjacent to a public right-of-way shall not be nearer to such public right-of-way than fifty (50) feet.

- (v) This nature of development, when abutting a front yard of an existing recorded subdivision which is not a part of a project plan submitted under this section, shall cause all dwelling units facing such subdivision to relate through its front or entrance façade and shall treat such side of the groupings as front yards.
- (vi) No building shall be located closer than thirty (30) feet to the outer perimeter (property line) of the site.

E. The maximum height of buildings under this option shall be thirty-five (35) feet.

Amended by Ordinance No. 79, adopted September 7, 2005.

**ARTICLE XV  
SITE DEVELOPMENT REQUIREMENTS**

**Sec. 15.01 Application:** Those uses permitted and conditional uses permitted enumerated in any zoning district shall be subject to the site development requirements and conditions specified below:

A. Ambulance/Bases/Stations/Facilities:

1. A greenbelt buffer shall be provided when located adjacent to a residential use or district.
2. Access shall be provided only by means of a paved public road. No access shall be provided by subdivision or site condominium streets.
3. Lighting shall be downshielded away from neighboring uses.

B. Adult Entertainment Uses:

1. No adult entertainment use shall be located within one thousand (1,000) feet of any other adult entertainment use nor within six hundred (600) feet of any of the following uses:
  - a. All Class "C" establishments licensed by the Michigan Liquor Control Commission.
  - b. Pool or billiard halls.
  - c. Coin-operated amusement centers.
  - d. Teenage discos or dance halls.
  - e. Ice or roller skating rinks.
  - f. Pawn shops.
  - g. Indoor or drive-in movie theaters.
  - h. Any public park.
  - i. Any church.
  - j. Any public or private school having a curriculum including kindergarten or any one or more of the grades, one (1) through twelve (12).

Such distance shall be measured along the centerline of the street or streets or address between two fixed points on the centerlines determined by projecting straight lines at right angles from the part of the above listed uses nearest to the contemplated location of the structure containing the adult entertainment use, and from the contemplated location of the structure containing the adult entertainment use nearest to a use listed above.

2. No adult entertainment use shall be located within five hundred (500) feet of any area zoned residential. Such required distances shall be measured by a straight line between a point on the boundary line of a zoned residential area nearest to the contemplated structure or contemplated location of the structure containing the adult entertainment use to a point on the contemplated structure or contemplated location of the structure containing the adult entertainment use nearest to the boundary lines of a zoned residential area.
3. All adult entertainment uses shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding building.
4. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, show window, or other opening.

C. Adult Foster Care Large Group Home For Thirteen (13) to Twenty (20) Residents:

1. A State licensed adult foster care large group home shall not be located within seven hundred fifty (750) feet of another similar State licensed facility.
2. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit or other accessory uses.
3. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
4. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.

5. A landscaped buffer shall be provided along all property lines that abut a less intense land use and around the visible perimeters of all parking and loading/unloading areas.
  6. All exterior lighting of entryways, parking spaces, or loading/unloading areas shall not reflect onto adjacent properties and, preferably, should be motion activated.
- D. Adult Foster Care Small Group Home for Seven (7) to Twelve (12) Residents:
1. A State licensed adult foster care large group home shall not be located within seven hundred fifty (750) feet of another similar State licensed facility.
  2. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit or other accessory uses.
  3. The property (architecture and landscaping) shall be maintained in a manner that is consistent with the character of the neighborhood.

If the proposal does not meet any of the above criteria, a variance may be sought according to the procedures outlined in this ordinance.

- E. Aircraft Landing Strip (Private) (See also Airports):
1. Minimum parcel size and lot dimension configuration must be adequate to permit a runway easement of at least two hundred fifty (250) feet by two thousand (2,000) feet.
  2. The Planning Commission shall be assured that there is a clear and unobstructed glide slope approach to the airstrip and that no obstruction falls within the required glide slope as per Michigan Aeronautics Commission rules.
- F. Airports (Public or Private)(See also Aircraft Landing Strips):
1. Minimum parcel size and configuration must be adequate to accommodate the whole of any proposed landing area and facilities required by the Michigan Aeronautics Commission rules and regulations. Proof of the applicant's ability to comply with these rules and regulations shall be provided to the Planning Commission prior to any public hearing.

2. The principle means of access to an airport shall be from a hard surfaced section line road which shall connect the airport to local emergency services serving the airport.
  3. All landing areas shall be readily accessible to fire and emergency vehicles. A compacted gravel emergency vehicle access road may be required, at the discretion of the Planning Commission.
  4. No landing area shall be constructed within five hundred (500) feet of an existing dwelling unit nor shall any dwelling unit be permitted to be constructed within five hundred (500) feet of a landing area.
  5. The Planning Commission shall be assured that there is a clear and unobstructed glide slope approach to all airports and that no obstruction falls within the required approach zones as per Michigan Aeronautics Commission rules.
  6. The airport shall meet all requirements of Public Act 259 of 1959, the Michigan Tall Structures Acts.
- G. Permanent Amusement Enterprises Including Amusement Parks and Similar Facilities, But Excluding Race Tracks (see Section 3.23 for transient and temporary operations):
1. All parking shall be provided off-street parking and located within the boundaries of the development.
  2. All access shall be provided only to a paved section line road.
  3. All sides of the development abutting any residential zoning district or existing residential development shall maintain a twenty (20) foot greenbelt buffer between the residential area and the proposed development to limit from view activities within the development.
- H. Animal Hospital (Veterinary Clinic):
1. All activities shall be within an enclosed building.
  2. All buildings shall be set back a minimum of one hundred (100) feet from any abutting residential district.
  3. The minimum lot size and setback requirements of Section 15.01, Kennels, Commercial, shall apply when outside runs are provided.
- I. Animal Mortuaries and Crematoriums:

1. Shall be subject to the requirements of Sections 13.12, 13.13, 13.14, 13.15, and 13.16.

J. Auction Sales Establishments:

1. All parking shall be provided as off-street parking within the boundaries of the development.
2. There shall be maintained a minimum landscaped green space of twenty (20) feet between any part of the development and any residential development or district.

K. Automobile, Paint and Body Shop, Muffler Shop, Transmission Repair Shop (See also Automobile Service Station): All necessary steps shall be taken to ensure that any resulting dust, flushing, fumes, gas, noise, odor, smoke, vapor or vibration do not create a condition more detrimental to the surrounding area(s) than would result from other permitted uses. The following special requirements and regulations governing the erection of automobile repair garages are hereby established.

1. Such use shall always be located on a plot of ground having frontage along a public street of not less than one hundred fifty (150) feet and having a minimum area of not less than two (2) acres.
2. All repair work must be carried out within an enclosed building.
3. No automobile repair garage shall be erected within a two hundred (200) foot radius of any residential district.
4. Outdoor storage of rubbish, junked equipment or parts is prohibited unless such rubbish, junked equipment or parts is stored adjacent to the principal building in an obscure location that is enclosed with a masonry screening wall. When such screening is provided, such rubbish, junked equipment or parts shall not be stacked or heaped higher than the height of the screening wall nor exceed ten percent (10%) of the total yard area, excluding area taken up by structures. The screening wall shall not be higher than six (6) feet.
5. An automobile repair garage use shall not include the parking or storage of dismantled, nonlicensed or nonrepairable vehicles of any kind, unless ordered by a law-enforcement agency. The storage, sale or rental of mechanical equipment, new or used cars, motorcycles, minibikes or similar vehicles, wrecked or otherwise, shall not be considered a use or accessory use to an automobile repair garage.

6. All temporary outdoor storage of vehicles for repair shall not be located within fifty (50) feet of a public right-of-way or a residential district nor stored for more than thirty (30) days.
- L. Automobile Service Stations and Gasoline Filling Stations (See also Automobile Paint and Body Shop, Muffler Shop, Transmission Repair Shop):
1. Minimum Lot Area: A service station site shall be required to have a minimum area of twenty thousand (20,000) square feet. On a corner lot, minimum frontage on the streets shall be one hundred-fifty (150) feet each. In addition, there shall be a requirement of two thousand (2,000) square feet extra for each and every additional service bays over three. On interior sites, minimum frontage shall be one hundred fifty (150) feet with a depth of one hundred (100) feet from the road right-of-way.
  2. Parking: There shall be two parking spaces per service bay with three (3) additional spaces.
  3. Minimum distance from the rear or side property line for buildings shall be twenty-five (25) feet only if a masonry wall of acceptable size and quality is erected.
  4. Minimum Clear Visionary Area: The clear visionary area for traffic, especially at corner service stations, shall be kept perpetually clear of buildings, product displays, parking and other like uses. Only sign poles shall be permitted in the visionary area.
  5. Curb-Cut Regulations: A minimum of one hundred fifty (150) feet of frontage is required for two (2) curb-cuts. No drive or curb opening shall be located nearer than twenty-five (25) feet to any intersection or adjacent residential property line. No drive shall be located nearer than thirty (30) feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where, in the opinion of the Planning Commission, or the Genesee County Road Commission it may produce a safety hazard.
  6. Landscaping: Landscaping requirements for service stations located next to a residential area are that eight (8) to ten (10) year old nursery stock be used for primary accent. In addition, mounding should be utilized at the property line. An opaque wall of wood or masonry of at least six (6) feet in height should be used for background. Variations, such as indentations for trees and combinations within wooden materials, are desirable.



7. Waste: A compactor shall be placed inside the building if at all possible. The compactor could be used for refuse such as the usual papers and cans needed for service station operation. Any waste storage area must be screened with an enclosure which is convenient and will provide full easy access for servicing.
  8. Appeals: Appeals should be considered within the range and purpose, spirit, and intent of the code. Innovative suggestions should not be discouraged by the letter of the code.
  9. On-site signs shall be permitted in accordance with regulations outline in Article XVI.
  10. Ingress and egress drives shall not be more than thirty (30) feet in width.
  11. A raised curb of six (6) inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.
  12. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
  13. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than twenty (20) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
  14. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot masonry wall and shall comply with requirements for location of accessory buildings. No storage may be extended above the height of the wall. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted unless ordered by a law enforcement agency. All storage areas shall not exceed thirty percent (30%) of the lot area, not including areas covered by buildings.
  15. The storage sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is expressly prohibited.
- M. Bed and Breakfast Operations (Tourist Home): A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment where:

1. Not more than forty-nine (49) percent of the total floor area of the dwelling unit shall be used for bed and breakfast sleeping rooms.
2. There shall be no separate cooking facilities used for the bed and breakfast stay.

N. Bowling Alleys, Billiards, and Pool Halls:

1. A greenbelt buffer shall be provided when located adjacent to a residential use or district.
2. Lighting shall be down shielded away from neighboring uses.
3. Access shall be by means of paved public roads. No access shall be provided by subdivision or site condominium streets.

O. Business and Professional Offices:

1. When adjacent to a residential use or district, a greenbelt buffer shall be provided.
2. Lighting shall be down shielded away from neighboring uses.
3. Access shall be by means of paved public roads. No access shall be provided by subdivision or site condominium streets.

P. Business and Technical Schools:

1. Necessary steps shall be taken to ensure that any resulting dust, flushing, fumes, gas, noise, odor, smoke, vapor, or vibration do not create a condition more detrimental to the surrounding area.
2. Any outdoor storage of rubbish, junked equipment, or parts is prohibited unless it is properly screened with a five (5) foot masonry wall. The material being stored shall not be stacked higher than the screening wall.
3. In the case of vehicle mechanics, any temporary outdoor storage of vehicles for repair shall not be located within fifty (50) feet of a public right-of-way or a residential district nor shall storage be for more than thirty (30) days.

Q. Campgrounds and Travel Trailer Parks: Campgrounds shall be developed only in accordance with Act 171, P.A. 1970, As may be amended and administrative rules and regulations promulgated subsequent to the act, as may be amended and the following local regulations:

1. The proprietor of the travel trailer park shall be deemed to be in violation if any person shall park any tent, camper, or trailer in violation hereof.
  2. All camping sites for tents, campers, and travel trailers shall have a central water supply system with potable water under pressure piped to within three hundred (300) feet of each trailer, tent, or camper site and with fire hydrants and adequate hose available within one hundred fifty (150) feet of each campsite. If a public water supply system is available within five hundred (500) feet of any portion of the land, then the water supply system shall be connected thereto.
  3. An enclosed toilet and sewage facility approved by the Michigan State and County Health Departments with hot and cold running water available herein shall be provided in every private park for travel trailer, tent, or camper. Such facility shall be located not farther than three hundred (300) feet from every campsite within the park. If public sewer shall be available within five hundred (500) feet of any such park, the park sewer system shall be connected thereto.
  4. No vehicle, tent, travel trailer, or camper shall be allowed within the park except upon an approved camper site.
  5. The proprietor of any travel trailer, tent, or camper park shall not permit any person not properly parked and registered upon an approved camp site within the park to use any facilities of the park.
  6. No travel trailer, tent, camper, vehicle, or structure other than a single-family residence shall be placed, parked or erected within fifty (50) feet of any property line of a private park for travel trailers, tents, or campers.
  7. No structure within such camping park shall have any office or other commercial facility connected thereto or part thereof, unless that office or commercial facility shall be specifically and only for the use of the park and approved by the Township Planning Commission.
- R. Carry-Out Restaurant, Fast-Food Establishment, Drive-In or Drive-Through Restaurant:
1. No drive-in, drive-through, or carry-out restaurant shall be located within five hundred (500) feet from an elementary, junior, or senior high school or a public park.

2. Points of vehicular ingress and egress shall be limited to an adjacent paved section line road or shared service drive only and site plans shall be reviewed by the Planning Commission for location and design of curb cuts, service drive, and driveways and for layout of parking lots.
3. The minimum width of driveways at the property line shall be twenty-four (24) feet, and not greater than thirty (30) feet.
4. The minimum distance of any driveway to property line shall be seven (7) feet.
5. The minimum distance between driveways on the site shall be seventy-five (75) feet measured from the two (2) closest driveways' curbs.
6. The minimum distance a driveway into the site shall be from a street intersection shall be sixty (60) feet measured from the intersection of the street right-of-way to the nearest end of the curb radius.
7. Motor-vehicle oriented businesses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
8. The entire parking area shall be paved with a permanent surface of concrete or asphalt and shall be graded and drained in accordance with County standards and specifications. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the paved parking or driveway area by a raised curb or other equivalent barrier.
9. Concrete curbing, six (6) inches in height, shall be properly placed and maintained along or parallel to all property lines, except where bumper guards are required and except across approved driveways, so as to prevent vehicular encroachment onto or over the public right-of-way and to prevent vehicular encroachment onto or over the adjoining property, or vehicular damage to the adjoining buildings.
10. All outside trash receptacles, except those intended for use by the customer, shall be located within an enclosure constructed of opaque masonry materials six (6) feet in height and shall be provided with opaque gates of the same height.

11. During the period when a drive-in/drive-through restaurant or carry-out restaurant is vacated, closed, or otherwise not opened for business for more than thirty (30) consecutive days, the owner, franchise holder, or lessee shall be subject to complying with the following regulations:
  - a. Vehicular parking and storage shall be prohibited at all times anywhere on the premises and the owner, franchise holder, or lessee shall post a sign or signs on the premises, giving notice that all parked or stored vehicles are subject to ticketing and removal by the Township at vehicle owner's expense. In addition, the owner, franchise holder, or lessee, whoever is in possession, is subject to ticketing if unlawfully parked or stored vehicles are permitted on the premises by consent of owner, franchise holder, or lessee. The Township shall have the right of entry to subject property for the purpose of accomplishing said ticketing and removal.
  - b. The ground shall be kept free of rubbish and debris, and the grass, if any, shall be well kept and cut as necessary so as to present a neat and attractive appearance at all times.
  - c. Within sixty (60) days of such closing, all curb cuts across driveway entrances and all other points of ingress and egress to the premises shall be closed to vehicular traffic by properly placed and secured precast concrete wheel stops or the equivalent, as may be approved by the appropriate Township agency.

S. Cemeteries:

1. Cemeteries shall have a minimum lot size of ten (10) acres and a minimum frontage on a public thoroughfare of three hundred (300) feet.
2. All buildings and accessory buildings shall be located no less than two hundred (200) feet from the property lines.

T. Child Care Centers, Day Care Centers, Nursery Schools, and Day Nurseries:

1. For each child cared for there shall be provided, equipped and maintained, on the premises, a minimum of one hundred fifty (150) square feet of usable outdoor play area (minimum total area of five thousand (5,000) square feet per facility.)
2. The outdoor play area shall be suitably fenced and screened by a heavily planted greenbelt from any abutting residential uses.

3. The facility shall have frontage and direct access to a public thoroughfare.

U. Churches, Synagogues, and Other Places of Worship:

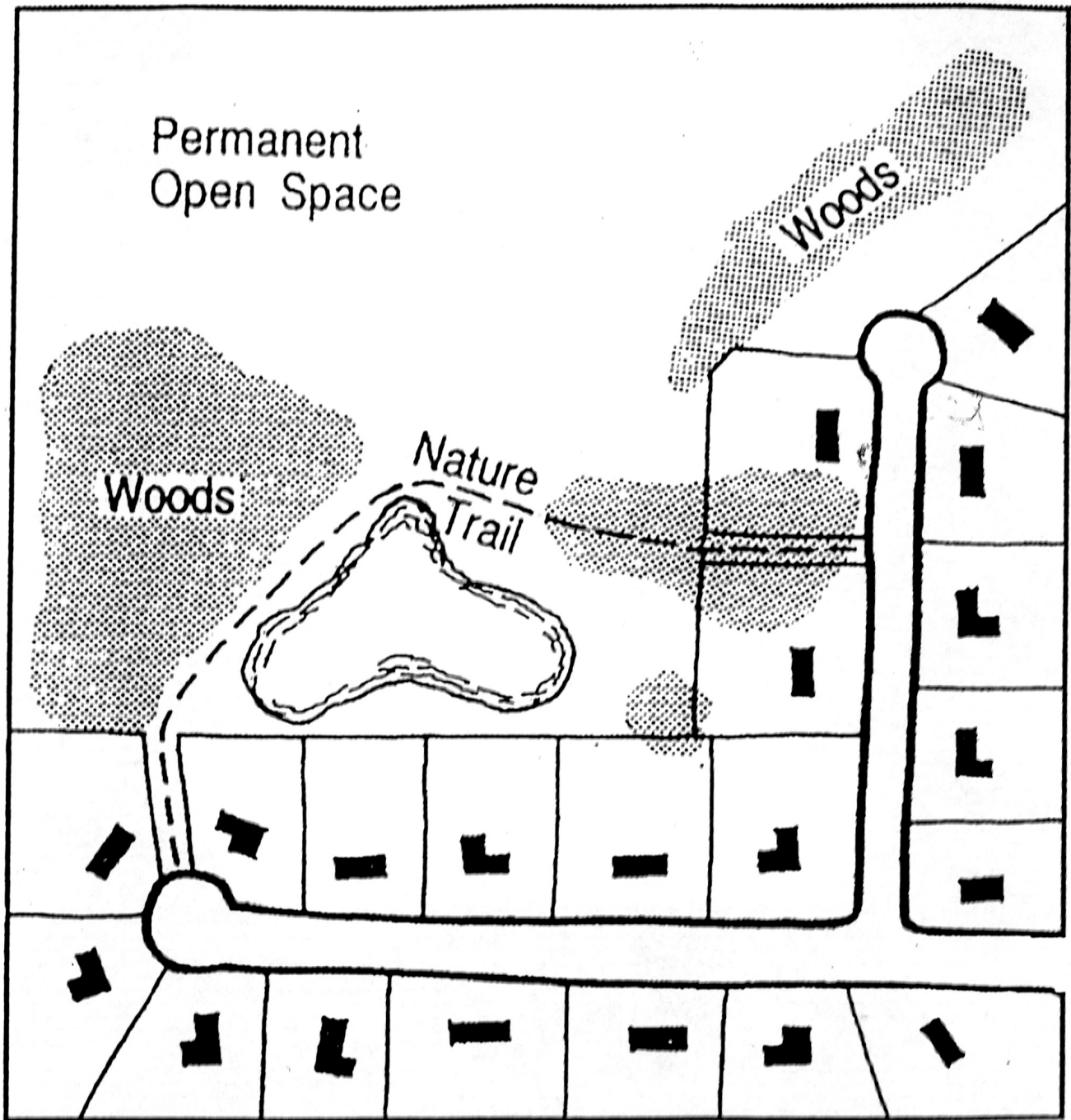
1. Minimum lot width shall be two hundred and fifty (250) feet.
2. Minimum lot area shall be three (3) acres.
3. Off-street parking shall be prohibited within the front setback area and within twenty (20) feet of the rear or side property line.
4. An obscuring greenbelt buffer shall be provided between the parking area and the side property lines.
5. The property shall have frontage on and direct access to a paved section line road.

V. Clubs and Fraternal Organizations:

1. Such uses shall front upon and have direct access to a public thoroughfare.
2. A minimum site size of three (3) acres shall be required.
3. Only commercial uses ancillary to the club function shall be permitted.
4. Land not utilized for buildings, parking, etc., shall be landscaped.
5. All parking shall be located in the side or rear yard.
6. Minimum lot width shall be two hundred and fifty (250) feet.

W. Cluster Residential Developments:

1. Intent: The intent of the cluster residential development option is to permit a procedure for alternative residential options in those areas of Gaines Township where unique topographical or natural features exist or to provide infill development opportunities where undeveloped land lies to the rear of residences which front section and quarter section roads. It is also the intent of the cluster residential option to promote and preserve open space as a method of maintaining scenic and rural characteristics of the Township (see Figure 7).
2. Cluster Residential General Requirements:



# CLUSTER DESIGN

FIGURE 7

- a. Cluster residential development options are only possible in the AG-1, AG-2, RR, and RS Districts and are subject to review and approval by the Township Planning Commission and Township Board approval is also required when the cluster development involves the subdivision process.
- b. The proposed residential cluster shall consist of a tract of land at least ten (10) acres in area. Unless otherwise indicated, the standards for the RR (Rural Residential) District shall apply.
- c. Each residential cluster development shall have one (1) property line abutting an external public roadway a minimum of sixty-six (66) feet. All residential cluster development ingress and egress shall be directly onto or from that road.
- d. Except as otherwise provided in this Section, each lot or building site shall meet the minimum lot area requirements for the district where it is located. In no case shall the overall development density exceed that permitted in the zoning district.
  - 1) The minimum lot size may be reduced in the AG-1, AG-2, or RR Districts to one-half (1/2) acre provided the acreage associated with the lot area reduction is placed into common open space.
  - 2) In those districts where the minimum lot size may be reduced to one-half (1/2) acre, this may be permitted only as long as adequate area is provided to meet all public health requirements. Variations in lot size are permitted if topographic features or public service availability warrants. Planning Commission review and approval is required for alternative lot sizes.
- e. The building envelope area shall not be less than eight thousand (8,000) square feet in any case.
- f. Septic field, well facilities, and driveways may be located outside the building envelope, however, accessory structures and buildings shall be located within the building envelope.
- g. No building envelope may be placed closer than fifty (50) feet to the building envelope on any adjacent lot/building site, nor closer than thirty (30) feet from any internal road right-of-way.



- h. Whenever possible on those tracts where the cluster residential abuts undeveloped land or properties the common open space should be designed to be adjacent to the undeveloped areas.
- i. A fifty (50) foot buffer shall be provided along all external public roadways.
- j. Cluster residential developments may be proposed as platted subdivisions, metes and bounds subdivisions, or site condominiums.

Platted cluster subdivisions shall provide internal public road(s) that meet the Genesee County Road Commission requirements and standards. Metes and bounds or site condominium cluster residential developments shall provide internal public road(s) that meet the Genesee County Road Commission requirements and standards and Ordinance No. 45 of Gaines Township, subject to Township Board Approval. A maintenance agreement, acceptable to the Township shall be provided.

Lots/sites within a cluster residential development shall front on the applicable internal road.

- k. Fencing shall be restricted to the building envelope.
- l. One ground sign constructed out of stone, wood, and/or brick may be located at each entrance. These sign(s) shall not be illuminated and shall not exceed four (4) feet in height or thirty-two (32) square feet in area. Appropriate landscaping shall be provided around the sign.
- m. Front yards may be staggered to provide for a maximum variety in the size of such yards. The minimum average setback distance shall not be less than the front yard setback requirement for the applicable district.
- n. Lot frontage shall be measured at the road right-of-way line, may be reduced up to ten (10) percent from the frontage requirement for the applicable zoning district. In no case, however, shall more than twenty (20) percent of the lots in the subdivision have reduced frontages.

- o. All other requirements pertaining to height, setback, density, parking, landscaping, and other design features of the zoning district where the cluster development is proposed shall conform to the regulations of that district.
- p. The Township Planning Commission may review and approve alternative designs which meet the intent of these regulations and the standards of approval.

3. Cluster Development: Standards for Approval:

- a. An approved preliminary plat or condominium subdivision for a cluster development shall provide for a total environment better than that which could be achieved under standard regulations. If in the opinion of the Planning Commission, the proposed plan could be improved with respect to the criteria listed below by the reasonable modification of the location of cluster open space or buildings or configurations of lots, streets and parking areas, the proposed plan shall be so modified or it will be denied. In acting on a proposed plan, the Planning Commission shall give particular consideration to the following criteria.
  - 1) Individual lots, buildings, streets, and parking areas shall be designed and situated to minimize alteration of the natural site features to be preserved.
  - 2) The usefulness of cluster open space intended for recreation or public use shall be determined by the size, shape, topographic, and location requirements of the particular purpose proposed for the site.
  - 3) Open space shall include irreplaceable natural features located on the parcel, such as but not limited to stream beds, significant stands of trees, wetlands, and individual trees of significant size.
  - 4) Open space intended for a recreation or public use shall be easily accessible to pedestrians. Accessibility shall meet the needs of the handicapped and older citizens.
  - 5) The suitability of open space intended for scenic value and purposes shall be determined by its visibility from a significant number of units or buildings.

- 6) Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.
  - 7) Individual lots, buildings, and units shall be arranged and situated to relate to surrounding properties, to improve the view from and the view of buildings, and to lessen area devoted to motor vehicle access.
  - 8) Individual lots, buildings, units, and parking areas shall be situated to avoid the adverse effects of shadows, noise, and traffic.
- b. An approved preliminary plat for a cluster development shall be the basis for the final plat submitted for approval under the provisions of the Gaines Township Subdivision Ordinance.
  - c. The requirements for final plat approval in Ordinance 31-A shall not apply to condominium subdivisions, except that a deposit in the form of cash, certified check, irrevocable bank letter of credit, or bond payable to Gaines Township to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage facilities, within a length of time agreed upon from the date of final approval of the condominium subdivision plan by the Planning Commission and Township Board. Nothing in this section shall be construed as requiring a condominium subdivision to obtain plat approval under Ordinance 31-A, as amended. If, however, a condominium subdivision is to be converted into a subdivision as defined in Act 288 of 1967, all procedures contained in Act 288, and in Gaines Township Ordinance 31-A, shall be followed.

4. Open Space Requirements:

- a. Open space in cluster developments shall not include areas devoted to public or private vehicular streets or any land that has been, or is to be, conveyed to a public agency via a purchase agreement for such uses as parks, schools or other public facilities.
- b. Only the Following Land Uses: parks, ornamental parks such as botanical gardens, extensive areas with tree cover, hedge rows, fence rows, wetlands, lowlands along streams, and other natural features worthy of scenic preservations may be set aside as common land for open space.

- c. The cluster residential development shall consist of at least twenty-five (25) percent open space.
  - d. Private Ownership: Cluster open space shall be protected by legal arrangements, satisfactory to the Planning Commission, sufficient to assure its maintenance and preservation for whatever purpose it is intended. Covenants, deed restrictions, or condominium master deed shall specify ownership of the cluster open space; method of maintenance; responsibility for maintenance; maintenance taxes and insurance; any compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the Township Board; and other specifications deemed necessary by the Planning Commission and Township Board.
  - e. Views of the cluster residential development from exterior roads shall be minimized through the use of existing vegetation and topography, along with additional berms and landscaping. Landscaping in common open spaces and buffering shall consist of native species.
  - f. All common open space shall be permanently restricted from future development and indicated so in the deed restrictions or condominium association bylaws.
5. Cluster Development Plats and/or Plans: A cluster development may not be constructed except in accord with a subdivision plat or condominium subdivision plan.
- a. Applicants are authorized to submit informal pre-preliminary plans, including location maps, sketch plans, and other such information as is necessary, and to seek advice from and confer with the Township Planning Commission, prior to formal submission of a preliminary subdivision plat or condominium plan.
  - b. A preliminary subdivision plat or condominium subdivision plan shall be filed and processed in accord with the procedures set forth in this ordinance and in Ordinance No. 31-A, as amended of the Gaines Township Subdivision Ordinance.

- c. All condominium subdivision plans shall conform to the plan preparation and informational requirements, review and approval procedures, and design, layout and improvement standards in Ordinance 31-A as amended.

X. Colleges, Universities, and Other Institutions of Higher Learning:

1. Any use permitted herein shall be developed only on sites of at least forty (40) acres in area, and shall not be permitted on any portion of a recorded subdivision plat.
2. All vehicular access to said site shall be from a paved section line road.
3. No building shall be closer than one hundred (100) feet to any property line.
4. Public sewer and water shall be provided.

Y. Commercial Park and Recreation Areas/Facilities:

1. All parking shall be provided as off-street parking within boundaries of the development.
2. All access shall be provided only to paved section line road.
3. Access to any residential street shall be prohibited.
4. Lighting for night time activities shall be permitted at the discretion of the Planning Commission, under such conditions and limitations that are appropriate so as not to interfere with existing or potential adjoining land uses.

Z. Communication and Water Towers:

1. Commercial and public communication and water towers shall have setbacks for each tower from adjacent rights-of-way and/or property lines of not less than one (1) times the height of each tower above the ground. An open weave wire fence six (6) feet in height shall be constructed on the boundary property lines.

2. Residential radio towers, citizens band radios, ham operations, and/or all-citizens residential radios, and attendant facilities shall be permitted in the agricultural and residential districts only if said uses comply with the area maximum height requirements when attached to the roof of any principal residence. Freestanding towers shall be located centrally on the lot with a dimension of not less than one (1) times the height of the attendant tower as measured from the base to all points of each property line.
3. On-site landscaping to a minimum height of six (6) feet shall be provided around structures.

AA. Convalescent Homes and Nursing Homes:

1. Minimum lot size shall be three (3) acres.
2. The lot location shall be such that at least one (1) property line abuts a paved section line road. The ingress and egress for off-street parking areas for guests and patients shall be directly from said paved section line road.
3. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.
4. The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of open space for every bed used or intended to be used. This open space shall be landscaped and may not include off-street parking areas, driveways, and accessory uses or areas.
5. Public sewer and water shall be provided to the facility.

BB. Drive-in Retail and Service Businesses:

1. A greenbelt buffer shall be provided when located adjacent to a residential use or district.
2. Lighting shall be down shielded away from neighboring uses.
3. Access shall be by means of paved public roads. No access shall be provided by subdivision or site condominium streets.
4. Adequate vehicle stacking space shall be provided for the drive-in which does not adversely interfere with off-street parking.

CC. Drive-In Theater (See also Indoor Theaters):

1. The lot location shall be such that at least one (1) property line abuts a paved section line road and shall be at least five hundred (500) feet from any residential district. There shall be at least one (1) exit and one (1) entrance to the lot which shall be directly onto said road. Access to any residential street shall be prohibited.
2. The premises shall be enclosed with a solid screen fence eight (8) feet in height. The solid screen fence shall be of a permanent material of metal, brick, or masonry.
3. All points of entrance or exit shall be located no closer than two hundred fifty (250) feet to any street or road intersection (as measured to the nearest intersection right-of-way line).
4. Space shall be provided, on-premises, for fifty (50) waiting vehicles to stand at the entrance to the facility.
5. The theater screen shall not be placed closer than one hundred (100) feet from any public street right-of-way and shall be so constructed as to not be visible to a public thoroughfare or any residential district.
6. Such use shall be located on a parcel of at least twenty (20) acres in size.
7. Ingress and egress drives shall be paved.

DD. Driving Ranges:

1. All parking shall be provided as off-street parking within the boundaries of the development.
2. There must be maintained a minimum open green space of fifty (50) feet between the property line and any adjacent district. In addition, on those sides abutting a residential district, there shall be provided and maintained a landscaped greenbelt consisting of plant materials eight (8) feet in height or greater, or fencing eight (8) feet in height or greater, sufficient to contain golf balls on the site.
3. Lighting for night time activities shall be permitted at the discretion of the Planning Commission, under such conditions and limitations that are appropriate so as to not interfere with adjoining land uses.

EE. Elderly Housing and Congregate Care Facility:

1. All housing for senior citizens shall be constructed on parcels of at least three (3) acres and may provide for the following:
  - a. Cottage type one-story dwellings and/or apartment type dwelling units.
  - b. Common service areas containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
2. Minimum dwelling unit size shall be three hundred fifty (350) square feet per unit (not including kitchen and sanitary facilities).
3. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site not including any dedicated public right-of-way.
4. Public water and sewer shall be provided to the facility.

FF. Extraction (Sand, Soil, and Gravel Removal) Site Development Regulations and Standards:

1. No mining, landfill, stockpiling of material, or processing shall take place closer than one hundred fifty (150) feet to any property line. If the circumstances of the site indicate that the one hundred fifty (150) foot setback requirement would not be adequate to protect abutting property, the Township Planning Commission shall require such greater distance to adjacent property. If deemed necessary to protect adjacent property, the Township Planning Commission may require a fence along such property.
2. No mining or landfill shall be carried on closer than one hundred fifty (150) feet of the right-of-way of a dedicated street, road, or highway, or the edge of the traveled portion of an existing and nondedicated street, road, or highway, except that mining may be conducted within such setback area in order to reduce or raise the final elevation thereof to be in substantial conformity to the existing elevation of such street, road, or highway. Any area excavated along a street, road, or highway within the one hundred fifty (150) foot setback area shall be backfilled within twelve (12) months after completion of excavation to result in elevation in substantial conformity to the adjoining street, road, or highway.



3. Site barriers or fences shall be provided along all boundaries of the site which lack natural screening conditions through existing contours, tree, or shrub growth or distance from the roads. Such barriers shall consist of one of the following:
  - a. Earth berms constructed to a height of six (6) feet above the mean elevation of the centerline of the adjacent public highway or six (6) feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees, or shrubs.
  - b. Planting of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four (4) feet in height at the time of planting and which grow to not less than six (6) feet in height at maturity and sufficiently spaced to provide effective site barriers when six (6) feet in height.
4. Both permanent and/or temporary processing plants and their accessory structures shall not be located closer than two hundred fifty (250) feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower elevation than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus nor to the stockpiling or loading and transportation equipment.
5. All equipment and facilities used in the landfilling, processing, or transporting of sand, gravel, or stone shall be constructed, maintained, and operated in such manner as to eliminate, insofar as practicable, noises, vibrations, or dust which are injurious or unduly annoying. Dust and noise emitted from any operations shall be controlled according to the performance standards in the Zoning Ordinance.
6. The Township Planning Commission shall require such other performance standards where because of peculiar conditions they deem it necessary for the protection of health, safety, morals, and well being of the citizens of the Township.
7. Temporary stockpiling of topsoil or overburden near road intersections and similar operational problems shall be subject to approval of the Township Planning Commission.
8. If pumping or draining of water from a quarry operation is anticipated, the applicant shall provide adequate data and research to indicate:

- a. that water wells and the water supply of surrounding properties are not adversely affected;
  - b. that drainage of water will not adversely affect nor create damage to adjacent or downstream properties; and
  - c. that the drainageways are adequate in design and construction to handle the excess water from this operation without damage to any other properties.
9. Slopes of an excavation site shall not exceed an angle with the horizontal dimension of 45 degrees during the period of operation.

10. Reclamation and Rehabilitation

Reclamation and rehabilitation of mining areas in accordance with the Reuse Plan shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation and reclamation shall be accomplished concurrently with the mining or excavation operations. The Planning Commission may require a performance bond to assure that the Reuse Plan is implemented. Substantial completion of reclamation or rehabilitation shall be effected within two (2) years after termination of mining or excavation activity. Inactivity for a twelve (12) month consecutive period shall constitute, for this purpose, termination of mining activity.

- a. Finished slopes of the excavation shall not exceed a ratio of four (4) feet horizontal to one (1) foot vertical.
  - b. Finished slopes for any pond or water body left at an excavation site shall not exceed a ratio of four (4) feet horizontal to one (1) foot vertical.
11. No internal roadway shall be closer than one hundred fifty (150) feet from any residential property line.

GG. Fairgrounds:

- 1. Minimum site size shall be forty (40) acres.
- 2. All parking shall be provided as off-street parking within the boundaries of the development.
- 3. All access shall be provided only to a paved section line road.

4. All sides of the development not abutting a public thoroughfare shall be provided with a twenty (20) foot greenbelt planting as to limit from view activities within the development.
5. Access to any residential street shall be prohibited.

HH. Golf Courses, Public or Private (See also Driving Ranges):

1. A shelter building with toilet facilities shall be provided which meets all requirements of the County Health Department and the Township Building Code.
2. The site shall be so planned as to provide all access directly onto or from a section line road.
3. The site plan shall be laid out to achieve a relationship between the section line road and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
4. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings and structures shall be not less than two hundred (200) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the planning commission may modify this requirement.
5. Whenever a swimming pool is to be provided said pool shall be provided with a protective fence six (6) feet in height, and entry shall be by means of a controlled gate.
6. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

II. Greenhouses and Nurseries:

1. The parking area shall be designed so as not to disrupt abutting residential development with noise or headlights.
2. There shall be side yard setbacks of at least thirty-five (35) feet on either side of the greenhouse.
3. All loading and parking shall be provided off-street.

4. The storage or display of any materials shall conform to all building setback requirements of a structure.
5. The storage of any soil, fertilizer, or other loose, unpackaged materials shall be contained so as to prevent any adverse affects on adjacent uses.

JJ. Group Day Care Homes:

1. A group day care home shall not be located closer than one thousand five hundred (1,500) feet to any of the following facilities as measured along a street, road, or other public thoroughfare, excluding an alley:
  - a. Another licensed group day care home.
  - b. An adult foster care large group home licensed by the State of Michigan.
  - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
  - d. 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.
2. All outdoor plan areas shall be enclosed by a nonclimbable fence that is at least forty-eight (48) inches high.
3. The property (landscaping and architecture) shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling nor should the front yard be the location of play equipment, except on a corner lot.
4. One (1) identification sign shall be permitted. Such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the day care operator and an address.
5. One (1) off-street parking space shall be provided for each nonfamily employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used to fulfill this requirement.

6. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period, and activity shall be limited between the hours of 10:00 p.m. and 6:00 a.m.

KK. Home Occupations:

1. No person other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purpose by the occupants. Provided further that not more than twenty-five (25) percent of the total actual floor area of any story is used for home occupation purposes.
3. No home occupation shall be conducted in any accessory structure.
4. There shall be no change in the outside appearance of the structure or premises or any visible evidence of the conduct of such home occupation, other than one (1) sign. The sign shall not exceed two (2) square feet in area, shall be nonilluminated, and mounted flat against the wall of the dwelling unit. There shall be no off-site indication of a business operation.
5. There shall be no sale of any goods manufactured elsewhere in connection with such home occupation.
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no non-FCC (Federal Communications Commission) licensed equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Amended by Ordinance No. 101-96, adopted July 1, 1998.

LL. Hospitals:

1. Minimum lot area shall be ten (10) acres.

2. The lot location shall be such that at least one (1) property line which abuts a public thoroughfare. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said public thoroughfare. No access shall be provided by means of a residential street.
3. The building height of hospital shall be no more than four (4) stories or forty-five (45) feet.
4. Minimum main and accessory building setbacks shall be one hundred (100) feet from any property line.
5. Public water and sewer shall be provided to the facility.

MM. Hotels, Motels, and Motor Inns:

1. A greenbelt buffer shall be provided when located adjacent to a residential use or district.
2. Lighting shall be down shielded away from neighboring uses.
3. Access shall be by means of paved public roads. No access shall be provided by subdivision or site condominium streets.

NN. Ice Skating and Roller Skating Rinks:

1. A greenbelt buffer shall be provided when located adjacent to a residential use or district.
2. Lighting shall be down shielded away from neighboring uses.
3. Access shall be by means of paved public roads. No access shall be provided by subdivision or site condominium streets.

OO. Indoor Theaters:

1. A greenbelt buffer shall be provided when located adjacent to a residential use or district.
2. Lighting shall be down shielded away from neighboring uses.
3. Access shall be by means of paved public roads. No access shall be provided by subdivision or site condominium streets.

PP. Industrial Park:

1. Permitted uses shall include all uses permitted by right within the M-1 District. Conditional uses may be permitted, subject to the conditional use provisions of Article XIX.
2. The minimum required land area for an industrial park shall be twenty (20) contiguous acres.
3. The development of an industrial park shall be in accordance to an overall plan for development of the park, which plan shall be approved by the Township Planning Commission.
4. The developer shall provide within the industrial park, a sanitary sewage system which shall be of sufficient size and design to collect all sewage from structures within the industrial park, which system shall connect with Township system. If sewers are not available, the park's sanitary sewer system shall be designed so as to dispose of all sewage and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the State of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner and the Township.
5. The developer shall provide within the industrial park a storm drainage system which shall be of sufficient size and design as will in the opinion of the Township's Engineer collect, carry off, and dispose of all predictable surface water run-off within and draining into the industrial park, and shall be so constructed as to conform with the statutes, ordinances, and regulations of the State of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner and the Township.
6. If a public water system is not available, the developer shall provide within the industrial park a potable water system which shall be of sufficient size and design to supply potable water to each of the structures to be erected in the development.
  - a. The developer shall also provide a fire hydrant within four hundred (400) feet of each structure.
  - b. Such water system shall conform to the statutes, ordinances, and regulations of the State of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner and the Township.
7. All industrial parks shall have direct access to a paved state or county primary highway.

8. Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the industrial park without undue congestion or interference with normal traffic flow.
  - a. All points of vehicular access to and from public streets shall be located not less than two hundred (200) feet from the intersection of any public street lines with each other.
9. No part of any parking access and/or service area may be located closer than one hundred fifty (150) feet of any residential property line.
10. Parking, loading, or service areas used by motor vehicles shall be located entirely within the boundary lines of the industrial park.
11. Any industrial park adjoining any residential development shall be provided with a buffer of at least sixty (60) feet which buffer shall be provided adjacent to the property line. Such buffer shall be planted with evergreen and other suitable plantings and used for no other purposes. A landscaped planting area shall also be provided along all street frontage which shall not be less than sixty (60) feet in width.
12. Lighting facilities shall be required where deemed necessary for the safety and convenience of employees and visitors.
  - a. These facilities will be arranged in such a manner so as to protect abutting streets and adjacent properties from unreasonable glare or hazardous interference of any kind.
13. Maximum building coverage on any lot within the industrial park shall not exceed thirty (30) percent.
14. Minimum lot sizes within an industrial park shall be one (1) acre.

QQ. Junk Yards:

1. Minimum lot size shall be ten (10) acres.
2. The setback from the front property line to the area upon which junk materials are stored shall be not less than one hundred (100) feet and shall be provided with a greenbelt buffer. A greenbelt buffer shall also be provided when the junk yard is adjacent to a residential use or district.



3. Junk yards shall be screened from the roadway and from any adjoining property by an obscuring fence eight (8) feet in height. Said fence shall be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it. A solid masonry wall at least eight (8) feet in height, shall be required when adjacent to a street or highway.
4. All activities and materials shall be kept within the enclosed area formed by the obscuring fence. Material shall not be stacked or piled above the plane established by the top of the obscuring fence.
5. All structures, off street parking and fencing and used material storage yards shall be set back not less than fifty (50) feet from any street or highway right-of-way.
6. All roads, driveways, and parking lots used by the general public shall be paved, and loading and unloading areas within any junk yard shall be paved, oiled, watered or chemically treated so as to limit for adjoining lots and public roads, the nuisance caused by wind-borne dust.

RR. Kennels (Commercial):

1. Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear, or side yard setback area.
2. All view of the kennels and any related runs or accessory facilities shall be fully screened from view from beyond the property boundaries of the site in question.
3. All applicants shall address to the Township satisfaction, kennel cleanliness, water runoff, noise, and odor control when applying for a kennel permit.

Amended by Ordinance No. 87 adopted November 7, 2007

SS. Lumber, Building Material, Planning Mills, and Storage Yards:

1. The open storage of material shall be setback at least one hundred (100) feet from any public road right-of-way.
2. Open storage shall be screened on all sides by an opaque fence of at least eight (8) feet in height and all outdoor stored material shall not be piled or stored so as to exceed the height of the opaque fence.

3. Lumber yards and planning mills shall be located in the interior of the district so that no property line shall form the exterior boundary of a residential district.

TT. Medical and Dental Clinics/Satellite Medical Facilities:

1. A greenbelt buffer shall be provided when located adjacent to a residential use or district.
2. Lighting shall be down shielded away from neighboring uses.
3. Access shall be by means of paved public roads. No access shall be provided by subdivision or site condominium streets.

UU. Mini-Warehouse or Self Storage Facility:

1. The minimum size of the site devoted to such use shall not be less than three (3) acres.
2. Building separation between self-storage buildings on the same site shall be fifteen (15) feet, as measured from side-to-side or front to rear, or equal to the building height, whichever is greater.
3. The total lot coverage of all structures shall be limited to fifty (50) percent of the total lot area.
4. A sight-proof barrier shall be provided around the perimeter of the development. Said barrier shall be located at the setback line and may consist of either the solid facades of the storage structures or a fence. If a fence is provided, it shall be a minimum of six (6) feet in height and shall be constructed of brick, stone, masonry units, or wood products which are determined by the Building Inspector to be durable and weather resistant.
5. A ten (10) foot landscaped greenbelt shall be provided between the property line and required barrier along all street frontages. A five (5) foot landscaped greenbelt shall be provided between the property line and barrier where the site abuts any residential district.
6. Parking shall be provided in the ratio of one (1) space for each two thousand (2,000) square feet of gross building area. At a minimum, two (2) parking spaces must be assigned to, and located conveniently to, each individual storage building. In addition, two (2) spaces for the resident manager, and one (1) additional space for each additional employee shall be provided adjacent to the rental office.

7. Internal driveway aisles shall be a minimum of twenty-four (24) feet in width.
8. All off-street parking areas and driveways shall be hard surfaced and drained in accordance with Article XVII.
9. All ingress and egress from this site shall be directly onto a collector or major thoroughfare.
10. Building height shall not exceed one (1) story fifteen (15) feet, except that a caretaker or resident manager's unit may be allowed a building height of two (2) stories twenty-five (25) feet.
11. No single storage building shall exceed five thousand (5,000) square feet.
12. All storage on the property shall be kept within an enclosed building except as approved by the Planning Commission.
13. The use of the premises shall be limited to storage only, and shall not be used for any auction, or sales, or storage and transfer business; for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except, that limited sales to tenants of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire protection code, or toxic materials are expressly prohibited.

VV. Mortuary Establishments or Funeral Homes:

1. Adequate assembly area shall be provided off-street for vehicles to be used in the funeral procession.
2. Such assembly area will be in addition to required off-street parking.
3. A caretaker's residence may be provided within the main building of the mortuary establishment.
4. If a mortuary establishment or funeral home contains a crematorium, it shall be subject to the requirements of Sections 13.12, 13.13, 13.14, and 13.15.

WW. Multiple-Family Residential Developments (Including Townhouses):

1. No building shall exceed two hundred (200) feet in length.
2. Dual paved access throughout a multiple-family site is required for emergency vehicle access. A boulevard may be utilized for dual access, provided the median strip is a minimum of twenty-five (25) feet in width. No dead-end street shall be more than six hundred (600) feet in length and a suitable turning space shall be provided for vehicles such as school buses, fire trucks, other emergency vehicles, etc., at the terminus of all dead-end streets. Entrances to private roadways shall not have locked gates or barricades that would impede fire and safety vehicle apparatus response.
3. All access to the development shall be from paved public thoroughfares. Ingress/egress to or from multiple-family residential developments (including townhouses) shall not be provided by means of a subdivision or site condominium street.
4. All main access drives in a multiple site shall be free of on-street parking. The minimum width of pavement on an access drive shall be twenty-four (24) feet.
5. All multiple-family residential developments shall demonstrate to the Planning Commission's satisfaction that safe and adequate water supply and sanitary disposal can be provided onto the site without adversely affecting surrounding property owners.
6. Parking within the required side and rear yards shall be permitted, except that parking lots, or access drives adjacent to single-family districts must be located a minimum of five (5) feet from the property line.
7. No building shall be located closer than twenty-five (25) feet from internal access roads nor shall the longer dimension of a building be located closer than twenty (20) feet from parking areas or parking service drives. The shorter dimension of a building or an end wall without windows or doors may be located to within five (5) feet of parking areas or drives.
8. All dwelling units shall be readily accessible by fire and emergency vehicles from a paved public street, paved private access road or an approved paved area. Private roadways dedicated as fire lanes shall be posted with signs indicating "fire lane, no parking."

9. No entrance to a dwelling unit or building shall be more than one hundred fifty (150) feet from a parking lot, measured along the sidewalk leading to the parking lot.
10. Where multiple family zones abut a limited access freeway and/or railroad rights-of-way, a visual and noise buffer composed of one of the following must be provided:
  - a. A combination of dense evergreen plantings and earth mounding both totaling a minimum of eleven (11) feet in height shall be provided. Plantings shall be placed so as to reach their prescribed height and create a continuous unpierced buffer within two growing seasons.
  - b. An eleven (11) foot masonry wall shall be erected as a noise buffer.
  - c. A living unit shall not be constructed within two hundred (200) feet of a freeway or railroad right-of-way.
11. Any community building located on a multiple site shall have one (1) parking space per each ten (10) dwelling units.
12. Internal site sidewalks shall be provided and located five (5) feet from and parallel to access drives, and also located to provide convenient access to community buildings and parking areas from dwelling units. The size of sidewalks shall be five (5) feet wide.
13. Street and yard lights, attached to standards approved by the township, shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night, and shall be effectively related to buildings, trees, walks, steps, and ramps. Such lights shall be utilized at least during the period of one (1) hour after sundown to one (1) hour before sunrise.
14. Maximum structure coverage shall not exceed thirty-five (35) percent of the site area.
15. To provide adequate fire protection, the following shall be required:
  - a. A means for providing adequate fire protection and suppression shall be provided by the developer to the satisfaction of the Township Planning Commission and Fire Department.
  - b. Where public water is available, water mains and fire hydrants shall be installed prior to construction above the foundation.

Where well water is being utilized, water lines and fire emergency water storage shall be installed prior to construction above the foundation.

- c. Prior to construction of multiple residential buildings and other large structures, a hard and sufficient roadbed shall be provided to accommodate access of heavy fire fighting equipment to the immediate job site at the start of construction and maintained until all construction is completed.
  - d. Free access from the street to fire hydrants, water storage sites, and to outside connections for standpipes, sprinklers, or other fire extinguishing equipment, whether permanent or temporary, shall be provided and maintained at all times.
  - e. The contractor shall provide scheduled daily cleanup of scrap lumber, paper products, corrugated cardboard and other debris caused by his construction. If debris is stored in a pile, it shall be located at a distance well away from the structure.
  - f. Special attention should be given to temporary storage buildings and field offices because of combustible loading and generally poor housekeeping. Temporary buildings shall not be grouped together, and a reasonable separation shall be provided to minimize the fire exposure probability.
16. The distance between any two (2) structures within any multi-family garden apartment, or townhouse development shall be not less than forty (40) feet and shall be further subject to the requirements of Footnote J in the notes to the Schedule of Regulations.
17. Any garden apartment or townhouse development adjoining any single-family residential district or any developed nonresidential district shall be provided with a buffer planted with evergreen and other suitable plantings.
- a. A landscape planting area shall also be provided along all street frontage which shall not be less than thirty (30) feet in width.
18. All garden apartment and townhouse developments shall be served with public sewer facilities.
19. A minimum of ten (10) percent of the total site area shall be developed for recreation and park purposes.

20. Provision shall be made for safe and efficient egress and ingress to public streets and highways serving any garden apartment or townhouse development which shall be designed to minimize congestion and interference with normal traffic flow.
21. The site shall be developed and facilities shall be provided in such a manner so as to insure adequate drainage.
22. Trash containers shall be provided in accordance with Section 3.30.
23. Multiple-family dwellings which meet the definition of "covered multi-family dwellings" as defined in the Federal Fair Housing Amendments Act of 1988 shall be designed and constructed in accordance with the Federal Fair Housing Amendments Act of 1988.

XX. Open Air Displays and Sales:

1. Minimum lot area shall be thirty thousand (30,000) square feet.
2. Minimum lot width shall be two hundred fifty (250) feet.
3. Lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise.
4. In the case of retail car sales, house trailers or boat lots:
  - a. Minimum lot area shall be forty-five thousand (45,000) square feet.
  - b. All areas subject to vehicular use shall be paved with a durable dust free surfacing, with appropriate bumper guards where needed.
  - c. Lighted parking areas shall not create a nuisance for nearby properties.
  - d. Access to the outdoor sales area shall be at least sixty (60) feet from the intersection of any two (2) streets as measured from the right-of-way line.
5. In the case of sales of cut trees intended to be displayed during the christmas season, a temporary permit shall be obtained from the building department which shall require that all christmas trees as well as any poles, lights, wires, or other items incidental to this use shall be removed from the premises by December 31, and no trees shall be

stored or displayed nearer the street than the front property line, furthermore, that off-street parking shall be provided in accordance with the regulations for open air business uses.

- XX. Outdoor Storage: All outdoor storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, and other supplies, shall be located within an area not closer than one hundred fifty (150) feet from any street right-of-way line. The storage of lumber, coal, or other combustible material shall not be less than twenty (20) feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time.

All open storage areas shall be screened from all streets, and on all sides which abut any residential or commercial district, by a solid six (6) foot permanent wall or fence and all stored materials shall not be piled to a height of more than eight (8) feet.

- YY. Planned Unit Developments: A planned unit development may be permitted as a conditional use provided such development is found not detrimental to the public health, safety, and the general welfare of the occupants and the community and complies with the following minimum requirements:

1. General Requirements:
  - a. The minimum required land area for a planned unit development shall be twenty (20) contiguous acres.
  - b. The developer shall provide within the planned unit development a sanitary sewage system which shall be of sufficient size and design to collect all sewage from all present and proposed structures in the planned unit, shall connect with the Township system, and shall be otherwise constructed and maintained in conformity with the statutes, ordinances, and regulations of the State of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner, and the Township.
  - c. The developer shall provide within the planned unit development a storm drainage system which shall be of sufficient size and design as will, in opinion of the Township's Engineer collect, carry off, and dispose of all predictable surface water run-off within the development and any adjoining contributory areas, and shall be so constructed as to conform with the statutes, ordinances and regulations of the State of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner and the Township.



- d. If a public water system is not available, the developer shall provide within the planned unit development a potable water system which shall be of sufficient size and design to supply potable water to each of the structures to be erected in the development.
  - 1) The developer shall provide a hydrant within two hundred and fifty (250) feet of each structure.
  - 2) Water systems shall conform to the statutes, ordinances, and regulations of the State of Michigan, the Genesee County Health Department, the Genesee County Drain Commissioner and the Township.

2. Permitted Uses:

All permitted and conditional uses in the RS and RM Districts with the exception of hospitals.

3. Parking: Parking as provided according to Article XVII shall be required.

4. Density and Design Standards:

a. Area limitations for various uses: Within a planned unit development, the following percentages of the total land area shall be devoted to the specified uses:

- 1) A maximum of eighty (80) percent for residential use; land devoted to residential use shall be deemed to include those streets, alleys, parking areas, private open spaces and courts which abut and service primarily residences or groups of residences, but it shall not include useable open space which is available for use by the general public or by persons who do not live in the residences or groups of residences immediately adjacent to us, unless otherwise provided herein. Should a PUD proposal include recreational open space uses such as golf courses, this required eighty (80) percent may be lowered at the discretion of the Planning Commission.
- 2) A maximum of ten (10) percent for business/commercial uses and required parking; provided, however, that these business/commercial uses shall not be developed until after the residential uses have been developed.

- 3) A maximum of twenty (20) percent for all non-residential uses and required parking; provided, however, that open air recreational uses, other open space uses and land devoted to streets shall not be included in determining non-residential use.
- 4) A minimum of twenty (20) percent for open air recreational uses and other useable open space.
  - (a) Useable open space shall be defined as an open area designed and developed for common use by the occupants of the development or by others for recreation (whether commercial, private or public), household services activities such as clothes drying, which space is effectively separated from automobile traffic and parking and is readily accessible; the term shall not include space devoted to streets and parking.
- b. Residential Density: The density of residences shall not exceed eight (8) units per acre of the land within the development which is devoted to residential use and useable open space.
- c. Lot size: There shall be no minimum lot size, no minimum percentage of lot coverage and no minimum lot width for any unit; provided, however, that in areas of single-family and/or townhouse structures which are to be sold and for which the care and maintenance of the grounds and exteriors associated with such structures will be the responsibility of the purchaser of such structure or parts of such structures, such areas shall be platted with applicable and recordable provisions of the Subdivision Regulations. For purposes of determining overall densities within the planned unit development, the number of units located in such platted areas shall be included. Minimum lot setbacks shall be as provided in the Schedule of Regulations for the RS District.
- d. Height: The height of any structures within a planned unit development shall be related to the location of the structure such as to equal the distance to the adjacent property line; provided, however, the height limitation shall be related to the fire fighting capability of the Township and provided further that this provision shall not effect any structure of less than thirty-five (35) feet.

- e. Location of Structures: The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood.
- f. Protection of Open Spaces: Open spaces between structures, including those spaces being used as public or private recreational areas, shall be protected by adequate covenants running with the land or by conveyances or dedications, as the Planning Commission shall specify.
- g. Roads and Parking Areas: The dimensions and construction of roads, alleys and parking areas within the development, whether or not dedication of them to the Township is contemplated, shall conform with all applicable state, county, and township ordinances and the design requirements of Genesee County.

5. Procedure:

- a. Before any conditional use permit or building permit is issued for land or a building in a planned unit development, the developer shall obtain approval by the Township Planning Commission of an overall plan for development of the land. For this purpose he shall submit to the Planning Commission a plan which shall show the following:
  - 1) shall state the acreage to be devoted to specific uses;
  - 2) shall set forth the proposed density of dwelling units;
  - 3) shall include a public thoroughfare plan and a public utility plan;
  - 4) and shall include a separate plan showing the location of parks, open recreation areas, and other open spaces, schools and other public or community uses.
- b. The criteria for approval of any planned unit development shall be those which are included within the Conditional Use Permit Review Procedure Section of this Ordinance (Article XIX). Criteria shall include the desirability of the planned unit development's design in terms of traffic safety, health, drainage, densities, land use relationships of proposed uses to each other and uses adjacent to the site and its overall relation to the Community Development Plan.

- c. If the plan is approved by the Planning Commission, the developer shall thereafter submit a detailed plan, containing all the information required of this Ordinance, prepared by a registered planner, surveyor, architect and engineer.
  - 1) The Planning Commission shall review the detailed plan to determine that it complies with this Ordinance and with the overall plan originally submitted by the applicant for the section in which the proposed structure is located.
  - 2) Approval of any detailed plan shall lapse unless construction is started in that section within one (1) year of Planning Commission approval.
  - 3) No conveyance of land within the development may be made until the developer has substantially complied with all Township regulations and has obtained the approval of the Township Building Inspector.

**ZZ. Private (Noncommercial) Recreation Areas; Institutional or Community Recreation Center; Nonprofit Swimming Pool Clubs:**

- 1. The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve areas beyond the immediate neighborhood shall have at least one (1) property line abutting a section line road, and the site shall be so planned as to provide all vehicular access onto a paved public thoroughfare.
- 2. Front, side, and rear yards shall be at least eighty (80) feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls or greenbelt buffer used to obscure the use from abutting residential districts.
- 3. Off-street parking shall be provided so as to accommodate not less than one-half (1/2) of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will therefore be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal

membership, the off-street parking requirement shall be determined by the Planning Commission on the basis of usage.

4. Whenever a swimming pool is constructed under this Ordinance, said pool area shall be provided with a protective fence and entry as required by the adopted BOCA Code as amended, for Gaines Township. All applicable state laws and regulations shall also be complied with.

AAA. Public and Private Schools:

1. Any public or private school shall have five (5) acres plus one (1) acre for every one hundred (100) students.
2. Any public or private school shall be located on a paved road with an existing or proposed right-of-way of eighty-six (86) feet or greater.
3. For private schools, the principal building shall be located no less than seventy-five (75) feet from all property lines.

BBB. Race Tracks (Including Midget Auto, Karting, Horse, and Snowmobile):

1. Because race tracks develop concentrations of vehicular traffic in terms of ingress and egress from their parking area and cause noise levels which may project beyond the property so used, they shall be permitted only in the C-2, C-3, and M-1 Districts when located adjacent to a paved public thoroughfare and shall be located on a parcel of land which is abutting land zoned for commercial or industrial purposes on all sides, and shall be subject further to the following conditions and such other controls as deemed necessary by the Planning Commission to promote health, safety and general welfare:
  - a. All parking shall be provided as off-street parking within the boundaries of the development.
  - b. All access shall be provided only to paved section line roads.
  - c. All sides of the development not abutting a public thoroughfare shall be provided with a twenty (20) foot greenbelt planting as to limit from view activities within the development.
  - d. Access to any residential street shall be prohibited.

CCC. Recording and Broadcasting Studios:

1. All structures and parking areas shall be located fifty (50) feet from any adjacent residential district.

2. There shall be maintained between the side property line and any structure or parking area an obscuring greenbelt buffer within the fifty (50) foot setback.
3. When a recording or broadcast studio also has a communication tower, any commercial and public communication towers shall have setbacks for each tower from adjacent rights-of-way and/or property lines of not less than one (1) times the height of each tower above the ground. Fencing shall comply with Federal Communications Commission regulations.

DDD. Riding Stable, Public:

1. The rearing or housing of horses, mules, ponies and other similar equine animals, where permitted, shall be required to provide a land area of at least ten (10) acres, but not less than two (2) acres per animal on the premises.
2. Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than sixty (60) feet to any dwelling on adjacent premises.
3. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
4. Private stables shall conform to these requirements and Section 3.40.

EEE. (Reserved for Future Use)

Amended by Ordinance No. 144, adopted March 4, 2020.

FFF. Rodeo Arenas:

1. Minimum site area shall be 40 acres.
2. All parking shall be provided as off-street parking within the boundaries of the development.
3. All access shall be provided only to paved section line roads.
4. All sides of the development not abutting a public thoroughfare shall be provided with a twenty (20) foot greenbelt planting as to limit from view activities within the development.
5. Access to any residential street shall be prohibited.

GGG. Sanitary Landfill Development Regulations:

1. Site Development and Operational requirements:

- a. Minimum Site Area: A minimum of forty (40) acres shall be required to utilize any site for landfill operation.
- b. Setbacks:
  - 1) Adjacent to residential district 500 feet
  - 2) Adjacent to agricultural district 400 feet
  - 3) Public right-of-way 300 feet
  - 4) Adjacent to commercial district 300 feet
  - 5) Adjacent to industrial district 150 feet
- c. Fencing: The entire perimeter of any landfill or other waste disposal area shall be fenced and enclosed by a six (6) foot high chain link fence along property lines to deter trespassers and contain debris. Additional fencing whenever it becomes necessary to control rubbish or debris shall be required.
- d. Ingress and Egress Requirements: There shall be no more than one (1) entrance to the landfill site and such entrance shall be provided with a gate not less than six (6) feet high and shall be securely locked at close of each day or whenever the site is unattended. Entrance to a landfill shall be from a paved section line road.
- e. Solid waste shall spread in layers, compacted, and covered each day with earth or another invert material.
- f. Sanitary landfills shall be kept free of rodents, remain smokeless, and odor free.
- g. Sanitary landfills shall not locate in or be closer than one thousand (1,000) feet from any regulated wetland or from a boundary of a 100-year floodplain.
- h. Sanitary landfills shall notify the Michigan Aeronautical Commission and/or Federal Aviation Administration (FAA) if the proposed site is within five (5) miles of a licensed airport. A

copy of such notice, as well as a response shall be provided to the Township.

HHH. Shooting Ranges/Gun Clubs/Archery Ranges:

1. Such parcel of land must be adequately fenced, that being a fence of at least six (6) feet in height and posted through both symbol and written statement so as to inform the public of the nature of the facility at frequent intervals not to be greater than fifty (50) feet apart.
2. All rifle ranges, gun clubs, and archery ranges shall conform to the then current National Rifle Association (NRA) design standards and guidelines.
3. All federal, state, county, and township codes and ordinances in regard to firearms shall be strictly adhered to.
4. A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission for review in compliance with Article XVIII and clearly indicate all safety provisions assuring that any projectile fired within the confines of a gun club shall not carry into or over any adjacent district or area.
5. All sides not abutting a public thoroughfare shall be provided with a twenty (20) foot greenbelt planting as to limit from view, activities within the development.
6. All ingress and egress from said parcel must be directly from a public road. Access to the site by a local subdivision street or site condominium street is strictly prohibited.
7. Off-street parking must be provided.
8. No on-street parking shall be permitted.

III. Shopping Center Development:

1. The proposed development shall be constructed in accordance with an overall plan, shall be designed as a single architectural unit with appropriate landscaping, and shall provide initially for the construction of a minimum of fifteen thousand (15,000) square feet of floor area.
2. All buildings shall be arranged in an integral development.
3. Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the center without undue congestion to or interference with normal traffic flow. All points



of vehicular access to and from public streets shall be located not less than one hundred (100) feet from the intersection of any public street lines with each other.

4. No part of any parking access and/or service area may be located closer than forty (40) feet of any property line adjacent to a residential district.
5. Parking, loading, or service areas used by motor vehicles shall be located entirely within the lot lines of the shopping center and shall be physically separated from public streets.
6. Any shopping center development adjoining any residential development shall be provided with a buffer of at least forty (40) feet which buffer shall be provided adjacent to the property line.
  - a. Such buffer shall be planted with evergreen and other suitable plantings and used for no other purposes.
  - b. A landscaped planting area shall also be provided along all street frontage which shall not be less than twenty (20) feet in width.
7. All shopping center developments shall have access to a paved state or county primary highway.
8. The site shall be developed and facilities shall be provided in such a manner so as to insure adequate drainage.
9. Lighting facilities shall be required where deemed necessary for the safety and convenience of shopper and employees. These facilities will be arranged in such a manner so as to protect abutting streets and adjacent properties from unreasonable glare or hazardous interference of any kind.

JJJ. Stadiums:

1. All parking shall be provided as of-street parking within the boundaries of the development.
2. All access shall be provided only to paved section line roads.
3. All sides of the development not abutting a public thoroughfare shall be provided with a twenty (20) foot greenbelt plantings to limit from view activities within the development.
4. Access to any residential street shall be prohibited.

KKK. Tourist Oriented Retail Establishments Such As, But Not Limited To, Cider Mills, Antique Dealers, Woodworking, Quilt Shops, and Craft Stores:

1. All parking shall be hard-surfaced with either asphalt or concrete and be provided as off-street parking within the boundaries of the development.
2. All structures and parking areas shall maintain a fifty (50) foot setback from adjoining residential districts.
3. A greenbelt buffer shall be established in the fifty (50) foot setback between the use and any residential district.
4. The parking area shall be designed so as not to cause any detrimental effects to nearby residential development such as from noise or headlights.

LLL. Two-Family Structures:

1. Minimum lot size shall meet the requirements of Article XIV and in no case be less than one-half (1/2) acre for a two-family structure.
2. Each unit shall contain a minimum livable floor area of seven hundred twenty (720) square feet.

MMM. Truck Terminal/Express Offices:

1. Shall have direct access solely to either a paved section line road, County primary road, or state trunkline. Access to a residential street shall not be permitted.
2. Parking shall not be allowed in the front yard setback.
3. No loading shall be permitted in the front yard.

NNN. Vehicle Wash Establishments:

1. Minimum lot size shall be twenty thousand (20,000) square feet.
2. All washing activities must be carried on within a building.
3. Vacuuming activities may be carried out only in the rear yard and at least fifty (50) feet distant from any adjoining residential use.
4. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley

shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.

5. There shall be provided two (2) vehicle stacking spaces for each self-serve wash stall.
6. There shall be provided fifteen (15) stacking spaces for each mechanical wash lane.
7. All off-street parking areas and maneuvering lanes shall be drained so as to preclude drainage of water onto adjacent property and public rights-of-way.

OOO. Welding Shop, Blacksmith Shop, Machine Shop, Wrought Iron Shop:

1. The use shall conform with Sections 13.04 through 13.20 of the M-1 District regulations.

PPP. Wholesale Items for Retail Sales (such as but not limited to, a furniture warehouse which sells a small amount of their stock from the warehouse):

1. The designated retail sales area within the wholesale establishment shall be no larger than twenty-five (25) percent of the usable floor area of the wholesale establishment.
2. Off-street parking for customers, over and above the number of spaces required for the wholesale establishment may be permitted within the required front yard provided that such off-street parking is not located within twenty (20) feet of the front lot line and provided further that there shall be maintained a minimum unobstructed landscaped setback of ten (10) feet between the nearest point of the visitor parking area, exclusive of access driveways, and the front lot line.
3. All parking shall be maintained on site.

QQQ. Small Scale Solar Energy Systems:

A small scale solar energy system, as defined in this ordinance, may be permitted by the Planning Commission in the AG-1, AG-2, C-1, C-2, C-3 and M-1 Districts. Small scale solar energy systems within the RR, RS, RM and MHP Districts may be permitted by the Planning Commission as a conditional use. Small scale solar energy systems are further subject to the following requirements:

1. Intent. The purpose of these regulations is to regulate the construction, location, and operation of small scale solar energy

systems that are accessory uses to a site's primary use and subject to reasonable conditions that will protect the public health, safety, and welfare.

2. Accessory Use. The small scale solar energy system shall be considered an accessory use to a principal use allowed within the zoning district.
3. Location. Small scale solar energy systems shall not be constructed or installed in the front yard of any lot, nor within any required yard setback area.
4. Size. For residentially zoned parcels, ground mounted systems may not exceed 1,000 square feet in area utilized for solar panels and electrical equipment. For all other zoning districts, ground mounted systems may not exceed 10,000 square feet in total area.
5. Height. In residentially zoned districts, small scale solar energy systems attached to pitched roofs may not extend above the existing peak of the roof. In commercially and industrial zoned districts, small scale solar energy systems attached to flat roofs may not extend more than five feet above the parapet, and they must be setback three feet from edges of the roof. In any event, roof mounted solar energy systems shall not exceed the maximum building height for the zoning district in which it is located. Ground mounted solar energy systems shall be restricted to a maximum height of twelve (12) feet when oriented at a maximum tilt as measured from the existing grade.
6. Buffering. At the discretion of the Planning Commission, all small solar energy systems may require buffering by the planting of shrubs measuring thirty-six (36) to forty-eight (48) inches tall at planting along the length of the each of the sides of the area utilized for solar panel arrays. The shrubs shall be planted on five-foot centers.

Amended by Ordinance No. 144, adopted March 4, 2020.

#### RRR. Large Scale Solar Energy Systems:

A large scale solar energy system, as defined in this ordinance, may be permitted by the Planning Commission as a conditional use in the AG-1 District, subject to the following requirements:

1. Intent. The purpose of these regulations is to allow and promote the use of renewable energy as an alternative energy source and to provide associated place, land development, installation, and construction regulations for large scale solar energy systems facilities subject to reasonable conditions that will protect the public health,

safety, and welfare. These regulations establish minimum requirements for large scale solar farm facilities while promoting a renewable energy source in a safe, effective, and efficient manner.

2. **Minimum Lot Size.** A large scale solar energy system shall not be allowed on a parcel having a size of less than ten (10) acres.
3. **Maximum Size of Development and Separation Distance.** As stated in Section 4.01, the intent of the AG-1 District is to conserve, stabilize, and enhance farming and related resource utilization activities and to minimize conflicting uses of parcels, lots, and structures detrimental to or incompatible with these activities. To ensure that the intent of the AG-1 District is achieved, no large scale solar energy system shall exceed a size of more than forty (40) acres. For the purposes of this requirement, the size of the development shall include all area dedicated to the solar energy system, including solar arrays, access drives, required screening, related accessory structures and equipment, and land area within any perimeter fencing. Further, no large scale solar energy system shall be located within one thousand (1,000) feet of any other large scale solar energy system, measured by a straight line distance between the nearest point of the property lines containing the large scale solar energy systems.
4. **Height Restrictions.** For ground mounting, all photovoltaic panels and support structures located on a large scale solar energy system facility shall be restricted to a maximum height of twelve (12) feet when orientated at a maximum tilt as measured from the existing grade. For roof mounting, large scale solar energy systems attached to a flat roof may not extend more than five feet above the parapet, and they must be setback three feet from edges of the roof. In any event, the solar array shall not exceed the maximum building height for the zoning district in which it is located.
5. **Setbacks.** All photovoltaic solar panels and support structures associated with such facilities (excluding perimeter fencing) shall be setback a minimum of forty (40) feet from a side or rear property line and meet the front yard setback requirement for the roadway it is adjacent to per requirements found at Sec. 3.15. All solar arrays and electrical equipment must be setback not less than sixty-five (65) feet from any adjacent residential structure.
6. **Maximum Lot Coverage.** Maximum lot coverage restrictions shall not apply to photovoltaic solar panels. Any other regulated structures on the parcel are subject to the maximum lot coverage restrictions of the underlying zoning district.

7. Safety/Access. A six (6) foot tall security fence shall be placed around all electrical equipment not included on the individual solar panel arrays. The use of barbed wire and electrical fences are expressly prohibited.
8. Noise. No large scale solar energy systems shall exceed fifty-five (55) dBA as measured at the property line.
9. Glare. Large scale solar energy system facilities shall be located or placed so that concentrated solar glare shall not be directed toward or onto adjoining properties or roadways at any time of the day.
10. Landscaping. The conditional approval use application for large solar energy systems shall include a proposed landscaping and screening and buffering plan prepared by a licensed landscape architect. This plan will be reviewed through the conditional use review procedures process to assure that the proposed facility is appropriately landscaped in relation to adjacent land uses and road rights-of-way.
11. Electrical Interconnections. The use of above ground transmission lines is prohibited within the site.
12. Additional Standards for Conditional Approval Uses. In addition to the conditional use and site plan requirements found in Article XVIII (Site Plan Review Procedures) and Article XIX (Conditional Use Review Procedures), the applicant shall address the following topics in the application for large scale solar energy system applications:
  - a) Project Description and Rationale: Identify the type, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, developmental phases (and potential future expansions) and expected markets for the generated energy.
  - b) Analysis of On-site Traffic: Estimated construction jobs and estimated permanent jobs associated with the development.
  - c) Visual Impacts: Graphically demonstrate the visual impact of the project using photos and renderings of the project with consideration given to setbacks and proposed landscaping.
  - d) Environmental Analysis: Identify impacts on surface water quality and any impacts to County drains and/or established natural and private drainage features in the area.

- e) Waste: Identify any solid or hazardous waste generated by the project.
- f) Lighting: Provide plans showing all lighting within the facility. No light may adversely affect adjacent parcels. Site lighting shall not exceed 0.1 footcandles when adjacent to residentially used property or 1.0 footcandles on any other property.
- g) Transportation Plan: Provide a proposed access plan during construction and operational phases. Show proposed project service road ingress and egress locations onto adjacent roadways and the layout of the facility service road system. Due to infrequent access following construction, it is not required to pave or curb the solar panel access drive.
- h) Public Safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the general public that may be created.
- i) Sound Limitations: Identify noise levels at the property lines of the project when completed and operational.
- j) Telecommunications Interference: Identify any electromagnetic fields and communications interference that may be generated by the project.
- k) Abandonment and Decommissioning: Following the operational life of the project, or at the time the project becomes obsolete or an abandoned solar energy system, as determined by the Township Building Official or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the large scale solar energy system and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Conditional Use Review Permit. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. Any solar array or combination of photovoltaic devices that become an abandoned solar energy system shall be removed under the Decommissioning Plan. The ground must be restored to its original condition within 180 days of becoming an abandoned solar energy system, or decommissioning, whichever occurs first. If decommissioning is not completed within a 180-day period, the Township Board

shall have the authority to complete any decommissioning and restoration activities necessary to restore the property to the condition in existence prior to the installation of the large scale solar energy system or any components thereof. Any costs incurred by the Township in pursuing such activities shall be at the expense of the applicant. The Decommissioning Plan shall include the life of the project, estimated decommissioning costs net of salvage value in current dollars, and method of ensuring that funds will be available for decommissioning and restoration.

- l) Continuing Security: If any large scale solar energy system is approved for construction under this Section, the applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Township and applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the large scale solar energy system. Such financial security shall be kept in full force and effect during the entire time that the large scale solar energy system exists or is in place, and such financial security shall be irrevocable and non-cancelable.
  - (1) Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a large scale solar energy system exists or is in place shall constitute a material and significant violation of the Conditional Use Permit and this Ordinance, and will subject the large scale solar energy system, applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Conditional Use Review Permit.
- m) Transfer of Ownership/Operation: Prior to a change in the ownership or operation a large scale solar energy system, including, but not limited to, by the sale or lease of that system or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the large scale solar energy system, and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the large scale solar energy



system shall not be permitted to operate that system until compliance with the terms of this Ordinance has been established.

- n) Township Review: Because of the ever-changing technical capabilities of the photovoltaic solar panels and of new technology in general, the Township Planning Commission shall have the authority to review and consider alternatives to both the dimensional and physical requirements in this Section as a part of the conditional use review process.

Amended by Ordinance No. 144, adopted March 4, 2020.

### SSS. Farm Markets:

A farm market, as defined in this ordinance, may be permitted by the Building Official in the AG-1, AG-2, RR and RS Districts, subject to the following requirements:

1. At least fifty (50) percent of the products marketed and offered for sale at a farm market (measured as an average over the farm market's marketing season or up to a five-year timeframe) must be grown or produced on and by the affiliated farm. For purposes of this requirement, affiliated means a farm under the same ownership or control (e.g. leased) as the farm market whether or not the farm market is located on the property where production occurs.
  - a. For purposes of determining the percentage of products being marketed, the primary measure will be fifty (50) percent of the retail space used to display products offered for retail sale during the affiliated farm's marketing season. If measurement of retail space during the marketing season is not feasible, then the percent of the gross sales dollars of the farm market will be used, as follows:
    - 1.) At least fifty (50) percent of the gross sales dollars of products sold at the farm market need to be from products grown or produced on and by the affiliated farm. For processed products, at least fifty (50) percent of the products' main "namesake" ingredient must be produced on and by the affiliated farm. For example, the apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.
2. Retail sales subordinate and related to the farm market may be allowed, provided such sales comprise no more than fifty (50) percent of the products offered.

3. On-site vehicle parking shall be provided on the farm market property in an amount sufficient to accommodate the reasonably anticipated number of farm market patrons. The on-site parking shall be arranged so as to avoid the accumulation of parked cars on nearby streets. Parking and driveway surfaces may be vegetative, pervious surface or hard surface.
4. Farm market buildings equal to or less than two-hundred (200) square feet in size shall be located not closer than fifteen (15) feet from the street right of way line or any other property line. Farm market buildings greater than two-hundred (200) square feet in size shall comply with the minimum required setback distances for the district in which such building is located.
5. Signs shall comply with the requirements of Article XVI.
6. A zoning permit is not required for a farm market with a sales area equal to or less than two-hundred (200) square feet and which does not include permanent structures. Such farm markets must adhere to all other requirements of this Section.

Amended by Ordinance No. 144, adopted March 4, 2020.

TTT. Agritourism Enterprises, Class I:

A Class I Agritourism Enterprise, as defined in this ordinance, may be permitted by the Building Official in the AG-1, AG-2, RR and RS Districts, subject to the following requirements:

1. There shall be no more than one (1) freestanding or ground sign, not to exceed sixteen (16) square feet of sign area.
2. Class I agritourism enterprises shall have frontage on a public road.
3. On-site vehicle parking shall be provided on the property in an amount sufficient to accommodate the reasonably anticipated number of agritourism patrons and/or employees. The on-site parking shall be arranged so as to avoid the accumulation of parked cars on nearby streets. Parking and driveway surfaces may be vegetative, pervious surface or hard surface.
4. The application shall be administratively reviewed by the Building Official. In lieu of a complete site plan required by Article XVIII, the application shall include:

- a. A site plan, drawn to scale, showing all of the features of the proposed use, including the area and location to be used; the amount of off-street parking area; the setback from the street right-of-way line and property lines; the setback from any buildings on the site; the specific location of the elements of the use; and other information required by the Building Official.
  - b. A written narrative describing the use in detail, including the proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; and other information describing the use and which will assist the Building Official in determining whether the application should be approved.
5. If the proposed Class I Agritourism Enterprise would cause undue impacts to surrounding properties related to drainage, traffic, noise, or other general health and safety issues, as determined by the Building Official, review and approval by the Planning Commission as a Conditional Use in accordance with Article XIX shall be required.

Amended by Ordinance No. 144, adopted March 4, 2020.

#### UUU. Agritourism Enterprises, Class II:

A Class II Agritourism Enterprise, as defined in this ordinance, may be permitted by the Planning Commission as a conditional use in the AG-1, AG-2, RR and RS Districts, subject to the following requirements:

1. On-site vehicle parking shall be provided on the property in an amount sufficient to accommodate the reasonably anticipated number of agritourism patrons and/or employees. The on-site parking shall be arranged so as to avoid the accumulation of parked cars on nearby streets. Parking and driveway surfaces may be vegetative, pervious surface or hard surface.
2. There shall be no more than two (2) freestanding or ground signs, neither sign to exceed sixteen (16) square feet of sign area.
3. The parcel or parcels on which the use is located shall be owned and operated by a single proprietor or entity, and they must be at least ten (10) acres in size.
4. Adequate trash receptacles shall be provided and shall be completely obscured from view by an earth berm, evergreen screen, or an obscuring wall or fence. The Planning Commission may waive the screening requirement in specific cases where cause can be shown that no good purpose would be served by the screening requirement.

5. Screening, consisting of an earth berm, evergreen screen, or an obscuring wall or fence, shall be provided on those sides abutting or adjacent to a residential use. The Planning Commission may waive the screening requirement in specific cases where cause can be shown that no good purpose would be served by the screening requirement.
6. The Fire Marshall or Building Official shall establish a maximum capacity for meetings, training, educational or similar events which shall be appropriate to the site and facilities in terms of safe capacity in buildings, parking area and sanitation limitations of the site.
7. The Planning Commission may establish hours of operation for Class II agritourism enterprises, or specific elements thereof, consistent with the character of the land uses in the vicinity, and may further approve an enforcement mechanism to ensure that the established hours of operation are adhered to.
8. Class II agritourism enterprises shall have frontage on a public road.
9. The Planning Commission shall solicit comments on the site plan from the Fire Marshall and Building Official related to compliance with applicable safety and building codes, and may further approve a regular inspection process to ensure that the applicable safety and building codes are adhered to.
10. The applicant shall secure and maintain all required state and local permits, including but not limited to, public health and building code requirements.

Amended by Ordinance No. 144, adopted March 4, 2020.

## ARTICLE XVI SIGNS

**Sec. 16.01 Intent:** The Township finds that signs and other visual outdoor advertising tends to promote commerce and are related to the health, safety, and/or general welfare of the residents of the Township, and that the preservation of the existing character of the Township requires regulation of signs and of other visual outdoor advertising. The Township finds that failure to regulate the size, location, and construction of signs and other outdoor advertising may have an adverse effect upon the promotion of business and commerce in the Township, may lead to poor identification of businesses, may have an adverse effect upon the existing aesthetic character of the Township, and may cause deterioration of business and residential areas of the Township. Therefore, the purpose of this Section and the subsections thereunder is to permit such signs and visual outdoor advertising as will not, by reason of their size, location, or manner of display, endanger public health and/or safety; confuse or mislead traffic; or obstruct vision necessary for traffic and pedestrian safety; and further, to regulate signs and other visual outdoor advertising in such a way as to prevent the placement of signs, and such other visual outdoor advertising in a manner that will conceal or obscure other signs and other visual outdoor advertising on adjacent businesses; to keep the number of signs and sign messages at a minimum level reasonably necessary to identify a business and its products; to keep signs within a reasonable scale with respect to the buildings to which they relate; and further, to prevent off-premise signs from conflicting with business, residential and public land uses, and to prohibit signs and other visual outdoor advertising which will have an adverse effect upon the existing aesthetic character of not only the Zoning District in which they are located, but also upon the overall existing aesthetic character of the Township.

**Sec. 16.02 Sign Definitions:**

**Abandoned Sign:** A sign which advertises a bona fide business, lessor, owner, product or activity no longer conducted or available upon the premises where such sign is displayed.

**Accessory Sign:** A sign which is accessory to the main or principal use of the premises.

**Animated Sign:** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**Banner:** Any sign printed or displayed upon cloth or other flexible material, with or without frames. National, state or municipal flags, shall not be considered banners.

**Beacon:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one (1) or more beams that rotate or move.

**Billboard:** A sign that directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

**Building Marker:** Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

**Bulletin Board/Announcement Sign:** A sign related to a public school, parochial school, private school, public park or recreation facility, church or other religious institution, which identifies activities or events to take place involving the patrons of such specific use.

**Canopy Sign:** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

**Changeable Copy Sign:** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.

**Community Events Sign:** A temporary sign announcing local community events sponsored by a public, quasi-public, church, charitable, or other similar organization.

**Construction Sign:** A sign erected on a site designated on a valid building permit issued by the Township Building Inspector, which advises the public of the pertinent facts regarding the construction of the building and site improvements.

**Development Entry Signs:** A sign (either freestanding or wall) which identifies the name of the residential development or the developer, or type of residential structures included in the development, and which is harmonious with the vicinity, where located.

**Flashing Sign:** An illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

**Freestanding Sign/Ground Sign:** A sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.

**Historical Marker or Sign:** A sign commissioned by either a local, state, or federal historical organization or agency which designates or describes an historic site, event, place, person, organization, structure, building, or group of structure or buildings which are determined historically significant.

**Identification Sign:** A sign stating the name or description of the use of the premises on which the sign is located.

**Illuminated Sign:** Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

**Incidental Sign:** A sign, generally informational, that has a purpose secondary to the use of the zoning lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives.

**Inflatable Sign:** A sign consisting of a balloon or other gas filled figure.

**Institutional Bulletin Boards:** A sign which displays the name of a religious institution, school, library, community center, or similar public or quasi-public institution, and the announcement of its services or activities.

**Marquee:** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**Marquee Sign:** Any sign attached to, in any manner, or made a part of a marquee.

**Monument Sign:** A sign attached to a permanent foundation and not attached or dependent for support from any building, pole, posts, or similar uprights.

**Nameplate Sign:** A small sign not exceeding two (2) square feet in area delineating the name of the residential property owner and/or address of the property, but containing no advertising whatsoever.

**No accessory Sign:** A sign which is not accessory to the main or principal use of the premises.

**Nonconforming Sign:** Any sign that does not conform to the requirements of this Ordinance.

**Pennant:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**Political Campaign Signs:** A sign or poster announcing candidates seeking political office and/or political data pertinent there to.

**Portable Sign:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; sign converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

**Private Traffic Direction Signs:** A sign directing traffic movement onto or within a premise located entirely there upon and containing no advertising message or symbol.

**Professional Sign:** A small sign not exceeding two (2) square feet in area delineating the name of the professional business, or organization and/or the address of the property, but containing no advertising whatsoever.

**Projecting Sign:** A sign other than a wall sign suspended from or supported by a building or structure and projecting therefrom, including marquee signs.

**Public Sign:** Any sign erected by a state, county, or local authority having lawful jurisdiction over public property or right-of-way for the purpose of traffic control, public safety, or public information.

**Real Estate Sign:** A sign placed upon a property advertising that particular property for sale, rent, or lease.

**Residential Development Sign:** A sign placed on the premises of a subdivision, or other real estate development site, to identify a proposed start of development, the participants of such development (such as owner, contractor, architect, leasing agent, etc.), and relative date of availability.

**Residential Sign:** Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the Zoning Ordinance.

**Roof Sign:** Any sign erected and constructed wholly on and over the roof of a building supported by the roof structure.

**Subdivision Sale Sign:** A sign promoting the sale of lots or homes within a subdivision for which final plat approval has been received.

**Swinging Sign:** Signs which are designed or constructed to move or pivot as a result of wind pressure for the purpose of attracting attention.

**Suspended Sign:** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.



**Temporary Sign:** Any sign that is used only temporarily and is not permanently mounted.

**Wall Sign:** A sign erected or fastened against the wall of a building with the exposed face of the sign in a plane approximately parallel to the plane of such wall and not extending more than fourteen (14) inches beyond the surface of the portion of the building wall on which erected or fastened.

**Sec. 16.03 General Conditions:** Except as otherwise provided, the following conditions shall apply in all districts:

- A. Prior to the erection or structural alteration of a sign, a building permit shall be secured from the Building Official. A scale drawing of the outside dimensions of the sign or the total area encompassed by a line around all lettering or symbols shall be presented to the building Official so that he may ensure that the provisions of this Ordinance are met. Evidence shall also be presented to the effect that the sign will be securely attached to the building or supporting structure and will not present a hazard. For freestanding signs, a site development plan of the intended location of the sign and a scale drawing of the total sign structure shall also be presented to the Building Official.
- B. Illumination of signs shall be so shaded and shielded as not to interfere with the vision of persons on adjacent roadways or neighboring properties.
- C. No sign, except those maintained by the township, county, state, or federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement; however, projecting canopy and awning signs may be permitted subject to the following requirements:
  - 1. Such approval shall only be granted by the Planning Commission.
  - 2. Any such structure shall not extend closer than twenty-four (24) inches to any vehicular parking space or moving vehicle lane.
  - 3. Any such structure shall not conflict with necessary sight distances for proper vehicular and pedestrian movements.
  - 4. Any such structure shall not conflict with any existing or proposed landscape feature, traffic control device, adjacent properties and signs and pedestrian movements.
  - 5. The height, location, materials, construction, and signage involved in any such structure shall specifically be subject to review and approval by the Planning Commission.

6. The structure shall be maintained in such a manner as to continue its original appearance and provide proper safety to the persons and property it may affect.
7. Signs may be double-faced, but each side of the sign shall have identical copy and be flush with the other side.

**Sec. 16.04 Residential and Agricultural Districts:** On-site signs may be permitted in residential and agricultural districts as follows:

- A. One professional sign or nameplate sign not more than two (2) square feet in area which shall be nonilluminated.
- B. One nonilluminated temporary sign pertaining to the lease or sale of the premises upon which it is placed, not exceeding twelve (12) square feet in total area, provided that it shall be removed within fifteen (15) days after the consummation of a lease or sale transaction.
- C. A sign or signs aggregating not more than twelve (12) square feet in area indicating the name of a church on the premises, its pastor and its activities.
- D. One temporary sign having a maximum area of twenty-four (24) square feet announcing the sale of lots or structures in any one subdivision, for a maximum period of one (1) year.
- E. Signs permitted in the residential and agricultural districts shall not be erected closer to any adjacent street right-of-way line provided that a nameplate sign not more than two (2) square feet in area, as regulated above, may be placed anywhere within the front yard.
- F. One (1) freestanding ground sign or wall sign, not over sixteen (16) square feet in area with a maximum height of six (6) feet, may announce the sale of farm products grown on the premises.
- G. Development entry signs not exceeding thirty-two (32) square feet for one (1) entrance and sixteen (16) square feet for each additional entrance after the first.

**Sec. 16.05 Commercial and Manufacturing Districts:** On-site signs may be permitted in the commercial and manufacturing districts as follows:

No on-site sign shall be permitted which is not accessory to the business conducted on the property. Such sign may only be erected on an exterior wall providing all of the following requirements are met:

- A. No business establishment shall have a total of more than two (2) such signs, provided the total sign area for all signs permitted on the face of any wall shall not exceed fifteen (15) percent of the area of the face of the wall upon which such sign or signs are attached.
- B. All such signs shall be flat, attached and parallel to the face of any building wall complying with the following requirements:
1. No such sign shall extend farther than fifteen (15) inches from the face of the building upon which it is attached, provided, however, that where a sign extends more than three (3) inches from the face of said wall, the bottom of said sign shall not be closer than eight (8) feet from the ground level below said sign.
  2. The maximum height of any single on-site sign shall not exceed twelve (12) feet and the maximum width shall not exceed sixty (60) percent of the width of the wall to which said sign is attached.
- C. No such sign shall be lighted by means of flashing or intermittent illumination. All lights used for the illumination of business establishments, or for the illumination of business structures or areas surrounding them or for the illumination or display of merchandise or products of business establishments shall be completely shielded from the view of vehicular traffic using the road or roads abutting such business properties, such that direct glare shall not be a hazard to such traffic.
- Floodlights used for the illumination of said premises, or any sign thereon whether or not such floodlights are attached to or separate from the structures on which such sign is attached, shall not be directed in such a manner as to adversely affect adjoining or nearby properties or traffic.
- D. No on-site sign, as permitted, shall extend or project above the highest elevation of the wall to which it is attached, provided however, signs may project above said wall when they are an integral part of such wall.
- E. One (1) freestanding sign per business establishment or shopping center complex advertising the name of said establishment or shopping center complex including any special company or brand name, insignia or emblem and special announcement of services, provided that such sign shall not exceed eighty (80) square feet in area and be located on the same property upon which said business establishment or shopping center is located, and shall be located such that no part of such structure extends over the public domain and shall be located or constructed so as not to obscure vision and contribute to hazardous conditions.

- F. Customary lettering or other insignia which are a structural part of the dispensing of petroleum products, consisting only of the brand name of gasoline sold, leaded warning sign, a price indicator, and any other sign required by law, and not exceeding a total of four (4) square feet on each pump; and if illuminated, such signs shall not be the flashing or intermittent type and shall not in any manner constitute a traffic hazard with respect to adjacent streets or intersections.

**Sec. 16.06 Permitted Signs in All Districts:**

- A. Highway signs erected by the U.S. Government, State of Michigan, Genesee County, or Gaines Township.
- B. Governmental use signs erected by governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings.
- C. Directional signs in conjunction with drives or off-street parking areas, provided any such sign does not exceed four (4) square feet in area, is limited to traffic control functions, and does not obstruct traffic vision.
- D. Historic markers or signs designating sites recognized by federal, state, or local historical commissions and/or organizations, as centennial farms, historic sites, or historical landmarks.
- E. Placards posted to control or prohibit hunting and/or trespassing within the Township.
- F. Essential service signs denoting utility lines, railroad lines, hazards, and precautions.
- G. Memorial signs or tablets which are either: 1) cut into the face of a masonry surface; or, 2) constructed of bronze or other incombustible material when located flat on the face of a building.
- H. Temporary signs (up no more than two (2) weeks) advertising noncommercial rummage sales, garage sales, or other similar used merchandise sales.
- I. Temporary signs (up no more than forty-five (45) days) promoting political parties or candidate so long as such signs are promptly removed after the completion of election activities.

- J. Special decorative displays or signs used for holidays, public demonstrations or promotion of civic welfare or charitable purposes when authorized by the Planning Commission. In considering such authorization, the Planning Commission shall consider the following standards:
1. The size, character, and nature of the display or sign.
  2. The duration or time period during which the display or sign will be utilized.
  3. The purpose(s) for which the sign display is to be erected.
  4. The arrangements made for the removal of the sign or display after the termination of its usefulness.
  5. The effect of the proposed sign or display on light and air circulation for lots which are both adjoining and in the surrounding neighborhood of the proposed sign or display.
  6. Whether or not the sign or display will constitute a traffic hazard.
- K. Construction signs showing names of building contractors, professional firms, and lending institutions on sites under construction not to exceed twenty-four (24) square feet in area. The sign shall be confined to the site of the construction, construction shed, or trailer and shall be removed within fourteen (14) days of the beginning of the intended use of the project.
- L. Portable signs, pennants, spinners, and streamers for a period of not more than thirty (30) days for a total of three (3) special events per year provided the following conditions are met:
1. They do not exceed fifty (50) square feet in area on any side.
  2. They are not located closer than ten (10) feet to a street right-of-way.
  3. They may be illuminated provided such lights are not flashing or intermittent and are not placed or designed such that they can be confused with, or appear similar to, a highway sign or traffic safety device and are connected to an electrical outlet approved by State code.
  4. No portable sign shall exceed ten (10) feet in height.
  5. No portable sign shall be located in such a manner as to interfere with vehicular or pedestrian traffic flow, visibility, or safety.

- M. Temporary signs (up no more than thirty (30) days) announcing a community event.
- N. Flags and banners up to a maximum of ten (10) on a zoning lot. Requests for more than ten (10) require Planning Commission approval.
- O. Building markers.
- P. Incidental signs.

**Sec. 16.07 Prohibited Signs:**

- A. Permanent inflatable signs and beacons.
- B. Signs which incorporate, in any manner or are illuminated by, any flashing or moving lights other than for the conveyance of noncommercial information which requires periodic change, such as temperature or stock averages.
- C. Permanent exterior banners, pennants, spinners and streamers, other than a sign as permitted by Section 16.05,L, above.
- D. Permanent signs painted directly on structures, or signs painted on, attached, or affixed to any tree, rock, or similar organic or inorganic natural matter or feature.
- E. Exterior string lights used in the connection with a commercial premise, other than holiday decorations.
- F. Any sign which is structurally or electrically unsafe.
- G. Any business sign or sign structure now or hereafter existing which no longer advertises a bona fide business conducted or a product sold.
- H. Any sign on a trailer or unlicensed motor vehicle which is parked in front of a business for the purpose of advertising a business, or product, or service, of a business located on the premises where such vehicle or trailer is parked.
- I. Any sign structure or frame no longer containing a sign.
- J. Off-site signs or billboards.
- K. Marquee and roof signs.

**Sec. 16.08 Nonconforming Signs:** Nonconforming signs shall not:

- A. Be re-established after the activity, business, or usage to which it relates has been discontinued for ninety (90) days or longer.

- B. Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type, or design of the sign.
- C. Be re-established after damage or destruction, if the estimated expense of reconstruction exceeds fifty (50) percent of the replacement cost as determined by the Building Official.

**ARTICLE XVII  
OFF-STREET PARKING AND LOADING**

**Sec. 17.01 Off-Street Parking and Off-Street Loading Space Requirements:**

A. Off-street parking spaces shall be provided for each land use activity in accordance with the following minimum schedule. In those cases where the specific use is not shown, the requirements of a use determined most similar by the Planning Commission shall be utilized for determining required off-street parking and loading.

1. Residential Uses

Multiple-Family	Two (2) parking spaces for each efficiency or one (1) bedroom dwelling unit; and 2-1/2 parking spaces for each two (2) bedroom and three (3) bedroom dwelling unit; and three (3) parking spaces for each four (4) bedroom unit.
Single-Family	Two (2) spaces per unit.
Motels, Hotels, and Motor Inns	One (1) space per room.
Rooming Houses, Fraternity, Houses, Dormitories, Etc.	One (1) space per bed or each one hundred (100) square feet, whichever will require the larger number of parking spaces.
Mobile Home Parks	See Article IX.
Travel Trailer Parks	One (1) space per site.



2. Institutional and Public Assembly Uses

Nursery, Elementary,  
Schools

One (1) space per class-room plus and Junior High five (5) spaces or one (1) space per three (3) seats or per twenty-one (21) square feet of assembly hall, whichever will require the largest number of parking spaces.

High Schools and  
Colleges With  
Dormitory Facilities

4.5 spaces per classroom, plus one (1) space per three (3) seats or twenty-one (21) square feet of assembly space, whichever will require the largest number of parking spaces.

Colleges Without  
Dormitory Facilities

Ten (10) spaces per class-room, plus one (1) space per three (3) seats or twenty-one (21) square feet of assembly space whichever will require the largest number of parking space.

Stadia and Sport  
Area

One (1) space per three (3) seats.

Swimming Pools

One (1) space per three (3) seats, or per forty (40) square feet of pool surface, whichever will require the largest number of parking spaces.

Assembly Halls,  
Churches,  
Mortuaries,  
Theaters

One (1) space per 2.5 seats or per twenty-one (21) square feet of assembly space, whichever will require the largest number of parking spaces.

Hospitals

Three (3) spaces per bed.

Convalescent Homes,  
Homes for the Aged

1.5 space per bed.

3. Commercial Uses

Business Offices,  
Except as Otherwise  
Specified Herein

One (1) space per  
seventy-five (75) square  
feet of floor area.

Professional Offices  
of Architects,  
Attorneys,  
Accountants,  
Engineers, Real  
Estate Brokers, Etc.

One (1) space per one  
hundred (100) square  
feet of floor area  
but not less than  
three (3) spaces.

Medical and Dental  
Clinics

1.33 spaces per one  
hundred (100) square feet of floor  
area, but not less than ten (10)  
spaces.

Retail Stores, Except  
as Otherwise  
Specified Herein

One (1) space per one  
hundred (100) square  
feet of sales area, with a minimum  
of five (5) spaces.

Retail Stores of  
Appliances,  
Furniture, Motor  
Vehicles, Hardware,  
Lumber, and Building  
Materials

One (1) space per three  
hundred (300) square  
feet of sales area, but  
not less than ten (10)  
spaces.

Restaurants and  
Bars

One (1) space per twenty-  
five (25) square feet of sales area.

Beauty or Barber  
Shops

Three (3) spaces per one  
hundred (100) square feet of floor  
area.

Service Shops

One (1) space per thirty (30)  
square feet of sales area, with a  
minimum of three (3) spaces.

Bowling Alleys

Seven (7) spaces per lane.

3. Commercial Uses (Continued)

Poolrooms, Bow and Arrow, and Other Recreation Facilities

One (1) space per ten (10) square feet of office space plus two (2) spaces per hoist, but a minimum of five (5) spaces.

4. Parking for industrial uses shall be provided as follows:

- a. For individual establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing, publishing, or similar uses, one (1) parking space shall be provided for each employee during the shift with the largest number of employees working, plus five (5) spaces, or one (1) space for each five-hundred (500) square feet of gross floor area (whichever is greater).
- b. For warehouses, storage buildings and similar uses, one (1) space shall be provided for each fifteen hundred (1,500) square feet of gross floor area.
- c. Parking requirements for administrative offices shall be in addition to any such industrial use requirement.

5. Exception: The parking requirements for all uses proposed on a lot shall be cumulative, unless the Planning Commission shall find that the parking requirements of a particular land use occur at different hours from those of other continuous land uses, such that such particular land use parking requirements can be advantageously used during other nonconflicting hours by the other contiguous land uses, in which event the required parking spaces for such particular land uses may be reduced by the Planning Commission to a minimum of the greatest number of spaces required for any of such contiguous land uses.

B. Off-street loading spaces for specified land use shall be provided in accordance with the following requirements:

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

2. Industrial Uses: All industrial land uses shall provide one (1) loading space for each ten thousand (10,000) square feet of floor area, with a minimum of not less than two (2) loading spaces.
3. All loading spaces shall be located and designed to avoid creating traffic hazard to public use of all public rights-of-way.
4. A site plan showing the loading area layout and dimensional requirements shall be submitted to the Planning Commission for approval before the building permit for the structure for which the loading facility is required is issued, by the Building Inspector.

C. Off-street Parking Space Layout, Standards, Construction, and Maintenance: Whenever the off-street parking requirements in Sec. 17.01 above require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed, and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Inspector. Applications for a permit shall be submitted to the Building Department in such form as may be determined by the Building Inspector and shall be accompanied with two (2) sets of Planning Commission approved site plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
2. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements and the following parking layouts diagram:

PARKING PATTERN	MANEUVERING LANE WIDTH	PARKING SPACE WIDTH	PARKING SPACE LENGTH	TOTAL WIDTH OF ONE TIER OF SPACES PLUS MANEUVERING LANE	TOTAL WIDTH OF TWO TIERS OF SPACES PLUS MANEUVERING LANE
0° (PARALLEL PARKING)	12 FEET	8 FEET	22 FEET	20 FEET	28 FEET
30° to 53°	13 FEET	9 FEET	19 FEET	33 FEET	53 FEET
54° to 74°	18 FEET	9 FEET	19 FEET	39 FEET	60 FEET
75° to 90°	24 FEET	9 FEET	19 FEET	43 FEET	60 FEET

# PARKING LAYOUT

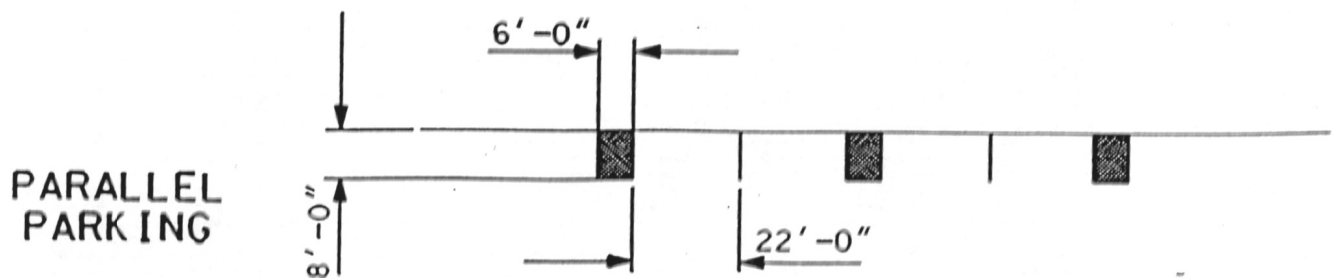
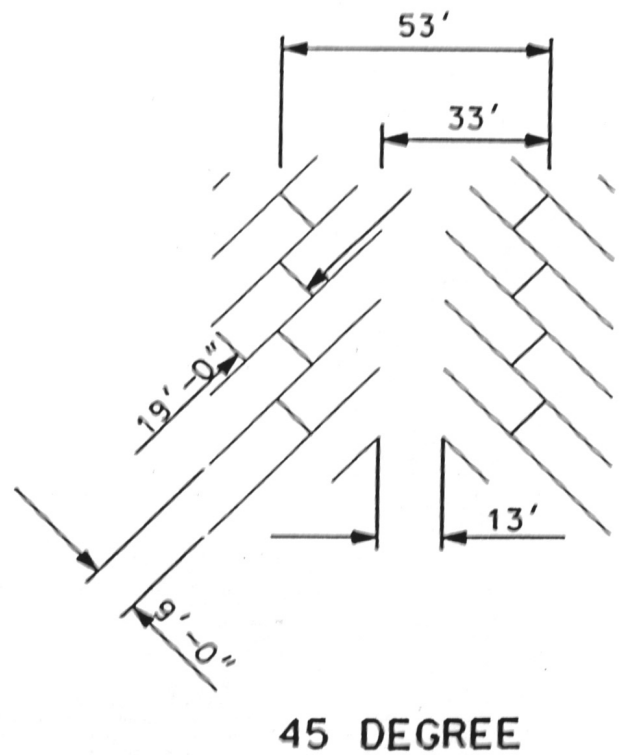
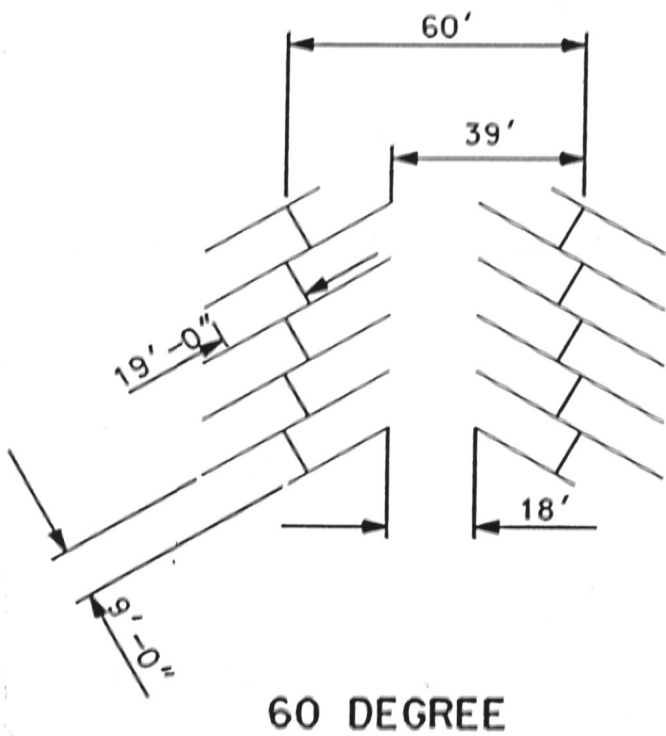
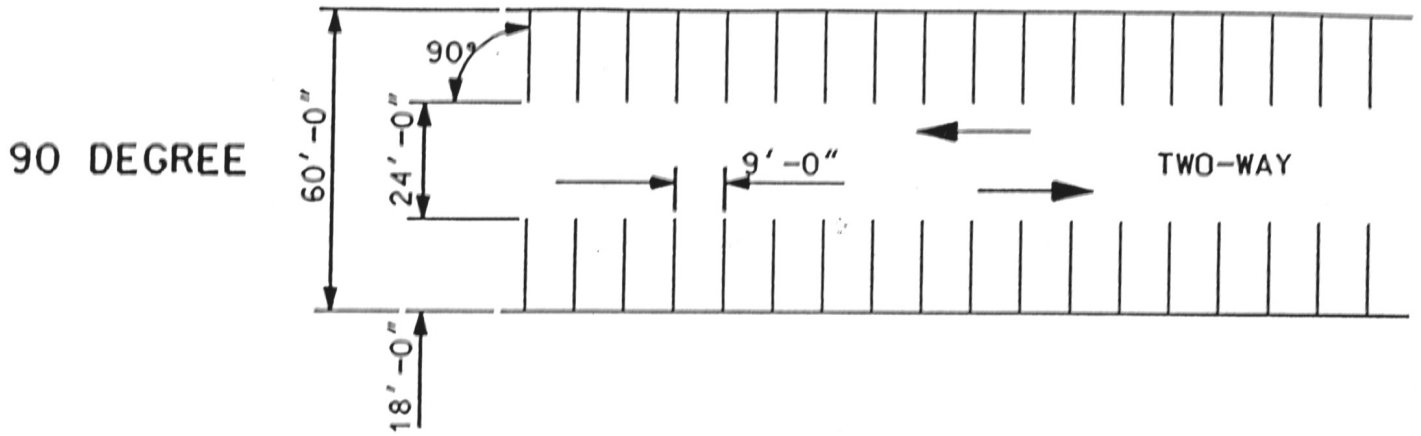


FIGURE 8

3. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited, except for single-family and two-family residential uses.
4. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.

Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.

5. All maneuvering lane widths shall permit one-way traffic movement, except that the ninety degree (90°) pattern may permit two-way movement.
6. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any single-family residential district.
7. The off-street parking area shall be provided with a continuous and obscuring wall not less than four feet, six inches (4'-6") in height measured from the surface of the parking area. This wall shall be provided on all sides where the adjacent zoning district is designated as a residential district. The Planning Commission at its discretion may approve landscaped buffer in lieu of a wall.

When a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material, and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.

8. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be surfaced in accordance with specifications as approved on the site plan. The parking area shall be surfaced within one year of the date of the occupancy permit is issued.

Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.

9. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
10. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than twenty (20) feet from such alley line in order to permit a wider means of access to the parking area.
11. Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall conform to the Michigan barrier-free parking requirements as set forth and identified by above grade signs and painted pavement as reserved for physically handicapped persons.

<u>Total Parking in Lot</u>	<u>Required Number of Accessible Spaces</u>
up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 over 1,000

Parking spaces for the physically handicapped shall be a minimum of twelve (12) feet wide or be not less than ninety-six (96) inches wide and be adjacent to an access aisle not less than sixty (60) inches wide, and must meet all other applicable requirements as to size as set forth in the Michigan Barrier-Free Parking Requirements.

**ARTICLE XVIII**  
**SITE PLAN REVIEW PROCEDURES**

**Sec. 18.01 Application:**

- A. Prior to the establishment of a new use, change of use, addition to an existing use, or the erection of any building in a zoning district, subject to the conditions listed below, a site plan shall be submitted and approved, approved with conditions, or disapproved by the Planning Commission in accordance with the Ordinance requirements of this article.
1. Site plan reviews are required for all permitted principal uses and structures in all zoning districts (except for the single-family detached and two-family dwellings and their accessory uses) and all special condition uses in all zoning districts.
  2. Every site plan submitted to the Township Clerk for review by the Planning Commission shall be a complete application and in accordance with the requirements of this ordinance. Twelve (12) copies of the site plan shall be submitted with the application.
  3. Upon receipt of a complete application and twelve (12) copies of the site plan, the Township Clerk shall forward the package to the Site Plan Review Committee within fifteen (15) days for their review. No site plan and application package may proceed to the Planning Commission without first receiving approval for completeness by the Township Clerk.
  4. (Reserved for Future Use.)
  5. All applications for site plan review shall be made at least three (3) weeks prior to the next regularly scheduled Planning Commission meeting.
  6. (Reserved for Future Use.)
  7. Every site plan submitted for review shall be in accordance with the requirements of this Ordinance.

Amended by Ordinance No. 84, adopted October 5, 2005.

**Sec. 18.02 Data Required:** Site plans shall contain the following information:

- A. The date, north arrow and scale. The scale shall be not less than one (1) inch equals fifty (50) feet for property under three (3) acres and at least one (1) inch equals one hundred (100) feet for those three (3) acres or more.



- B. All lot and/or property lines are to be shown and dimensioned. All required and provided setbacks shall be shown.
- C. The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property.
- D. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, parking areas (show dimensions of a typical parking space), unloading areas, and recreation areas.
- E. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
- F. The name and firm address of the professional civil engineering or architectural firm(s) responsible for the preparation of the site plan.
- G. The name and address of the property owner or petitioner.
- H. The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
- I. Size and location of existing and proposed utilities including proposed connections to public sewer or water supply systems.
- J. Location of all fire hydrants, if applicable.
- K. A summary schedule should be affixed, if applicable, which gives the following data:
  - 1. The number of dwelling units proposed, to include the number, size, and location of one-bedroom units, two-bedroom units, etc.
  - 2. The residential area of the site in acres and in square feet, including the breakdowns for any subareas or staging areas (excluding all existing rights-of-way).
- L. Size and location of all surface drainage facilities.
- M. Existing and proposed contour shall be shown on all site plans (two (2) foot interval minimum) as may be required by the Township Engineer.
- N. Utility and other easements.
- O. Clusters of trees, as well as existing individual trees over 24 inches in diameter.
- P. Existing wetlands.

- Q. Floodplains, drainage courses, lakes, ponds, drains, rivers, and streams, including their water surface elevation, floodplain elevation, and normal high water elevation.
- R. List of soils on the site utilizing the Soil Conservation Service's most recent "Soil Survey of Genesee County."
- S. Proposed sign locations.
- T. For multiple-family development site plans, there shall be shown typical elevation views of the front and side of each type of building proposed, as well as typical dimensioned floor plans for each type of dwelling unit.

**Sec. 18.03 Review Process:** The Planning Commission shall review the submitted site plan and communicate its approval, approval with conditions, tabling, or disapproval of the site plan, not more than sixty (60) days after the meeting where the Planning Commission took up the plan as an agenda item. In cases where modifications have been recommended, the applicant shall resubmit a site plan incorporating those modifications to the Planning Commission for its review. Any required modifications shall be directed to the specific elimination of unsafe or hazardous health or safety conditions. Upon receipt of the modified site plan, the Planning Commission shall evaluate the changes which have been made and, if deemed acceptable, shall communicate its approval or disapproval of the site plan to the applicant within not more than forty-five (45) days after receipt of the modified site plan. Such modified site plan may be disapproved for any inadequacy found to be detrimental to the public health, safety, and general welfare. The Planning Commission shall approve a site plan only upon a finding that the proposed use will not, upon the facts known at the time of submission of the site plan, cause undue hardship, or create unsafe or hazardous health or safety conditions to the general public. Should the site plan be tabled, the Planning Commission shall notify the applicant of the date, time, and place when it will be next reviewed.

- A. The Planning Commission shall review the submitted site plan and, except for cases where a modified site plan is required, shall approve, approve with conditions, table, or disapprove the site plan not more than sixty (60) days after the meeting at which the Planning Commission took up the plan as an agenda item.
- B. In cases where modifications have been recommended, the applicant shall resubmit a site plan incorporating those modifications to the Planning Commission for its review. Any required modifications shall be directed toward the specific elimination of unsafe or hazardous health or safety conditions and toward compliance with all conditions required by this Zoning Ordinance.

- C. Upon receipt of the modified site plan, the Planning Commission shall evaluate the changes which have been made and shall approve, approve with conditions, or disapprove the site plan not more than forty-five (45) days after receipt of the modified site plan.
- D. A decision rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in this Zoning ordinance, other statutorily authorized and properly adopted Township planning documents, other applicable ordinances, and state and federal statutes.
- E. A site plan shall be approved if it contains the information required by this Zoning Ordinance and is in compliance with the conditions imposed under this Zoning Ordinance, other statutorily authorized and properly adopted Township planning documents, other applicable ordinances, and state and federal statutes.

**Sec. 18.04 Revocation:** Any site plan approval shall be revoked when construction of said development is not in conformance with the approved plans, in which case the Planning Commission shall give the applicant notice of intention to revoke such approved plans at least ten (10) days prior to review of the violation by the Planning Commission. After conclusion of such review, the Planning Commission shall revoke its approval of the development if the Commission feels that a violation in fact exists and has not been remedied prior to such hearing. The approval by the Planning Commission of any site plan under the provisions of this Ordinance shall expire and be considered automatically revoked one (1) year after the date of such approval unless actual construction has commenced and is proceeding in accordance with the terms and conditions of a valid building permit. If such construction activity ceases for any reason for a period of more than one (1) year, any subsequent use of said land shall be subject to review and approval of a new site plan for said property in conformance with the regulations specified by this ordinance, or hereafter adopted except that the Planning Commission may, at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions. Any extension request shall be applied for and granted prior to the expiration of any prior approval.

**Sec. 18.05 Fees Required:** Fees for the review of site plans shall be established by resolution of the Township Board.

**Sec. 18.06 Basis for Approval:**

- A. In the process of reviewing the site plan, the Planning Commission shall consider:
  - 1. Impact on adjacent single-family or site condominium developments in terms of traffic, water, and sewer availability, storm water runoff, and public safety.

2. The location and design of driveways providing vehicular ingress to, and egress from, the site in relation to streets giving access to the site and in relation to pedestrian traffic.
3. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
  - a. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets;
  - b. Satisfactory and harmonious relations between the development of the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
4. The Planning Commission may further require landscaping, fences, and walls in pursuance of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
5. In approving the site plan, the Planning Commission may require marginal access drives be provided by the developer at his expense. The developer shall be liable for the design and quality of the marginal access drive. This provision does not indicate that the Planning Commission may alter any requirements of any Township ordinance.
6. The installation, erection, and construction of transmission systems for essential services.
7. The Planning Commission may require marginal access drives for all subdivisions or condominium developments having residential lots facing onto paved section line roads or County primary roads. Where practical, the Planning Commission shall require a rear lot relationship to major thoroughfares.
8. Where the Township has adopted specific area or neighborhood improvement or redevelopment plans and recommendations involving, but not limited to, public rights-of-way, utilities and storm drainage, parking facilities, building placement, access drives, floor space density allocations, building facade and architectural treatment, no site plan and/or building permit shall be approved unless there is general compliance with such Township Plan.
9. The applicant must demonstrate that the site plan meets the standards of other governmental agencies, where applicable.

10. The site plan must demonstrate a best effort to preserve the integrity of the land, the existing topography and the natural drainage pattern.

**Sec 18.07 Performance Guarantees:**

- A. To ensure compliance with the Zoning Ordinance and any condition imposed thereunder, the Planning Commission may require that a cash deposit, certified check, or irrevocable bank letter of credit acceptable to the Township Supervisor covering the estimated cost of improvements identified in Section 18.07.A.3 below associated with a project for which site plan approval is sought, be deposited with the Township Clerk to ensure faithful completion of the improvements and also be subject to the following:
  1. The performance guarantee shall be deposited at the time of the issuance of the building permit authorizing the activity of the project. The Township may not require the deposit of the performance guarantee prior to the time when the Township is prepared to issue the permit. The Township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning of said public improvements.
  2. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act 288 of the Public Acts of 1967, as amended.
  2. As used in this section, "improvements" mean those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping, and surface drainage. Improvements do not include the entire project which is the subject of zoning approval.

Amended by Ordinance No. 84, adopted October 5, 2005; and Ordinance No. 92, adopted August 4, 2010.

**ARTICLE XIX**  
**CONDITIONAL USE REVIEW PROCEDURES**

**Sec. 19.01 Application:**

- A. The uses identified as conditional uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utilities needs, and other similar characteristics) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.
- B. The Township Planning Commission, as provided herein, shall have the authority to approve conditional use permits, subject to such conditions of design, operation, and appropriate and reasonable safeguards as the Township may require for any conditional use included in the various provisions of this Zoning Ordinance.

**Sec. 19.02 Data Required:**

- A. Application for any conditional use permit as provided under the provisions of this Ordinance shall be made to the Township Clerk by filing an official conditional use permit application form; submitting required data, exhibits, and information; and depositing the required fee as established by resolution of the Township Board, and as may be amended from time-to-time. No portion of such fee shall be reimbursable to the applicant unless approved by the Township Board.
- B. An application for a conditional use permit shall contain the following:
  - 1. Applicant's name, address and telephone number.
  - 2. Address and tax description number of the subject parcel.
  - 3. A signed statement that the applicant is the owner of the subject parcel, or is acting as the owner's representative.
  - 4. A certified survey drawing of the subject parcel.
  - 5. A complete site plan containing all of the applicable data outlined in Article XVIII site plan review.
  - 6. Supporting statements, evidence, data, information and exhibits which address those standards and requirements for assessing special condition use permit applications outlined in Sections 19.03 and 19.04, below.

7. If requested by the Planning Commission, the applicant will supply an environmental impact statement dealing with air, water, sound pollution, storm water runoff, vehicular traffic, and any other subject pertaining to the environment which may be specified.

**Sec. 19.03 Public Hearing Requirement Procedures:**

- A. An application for the approval of a conditional use shall be made, by an owner of an interest in the land on which the conditional use is to be located, to the Township Clerk accompanied by the necessary fees and documents as provided herein.
- B. The application shall be referred within ten (10) days after receipt by the Township Clerk to the Township Planning Commission for its review and action, as set forth hereinafter.
- C. Upon receipt of an application for a use requiring conditional approval, the Planning Commission shall hold a public hearing, notice of which shall be given as follows:
  1. Notice of the hearing shall be published in a newspaper of general circulation in the Township not less than 15 days before the date of the hearing.
  2. Notice shall be given as provided under subsection 4 below to the owners of the property that is the subject of the special land use request.
  3. Notice shall also be given as provided under subsection 4 below to all persons to whom real property is assessed within 300 feet of the property that is the subject of the conditional use request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

4. The notice under subsections 2 and 3 above is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service not less than 15 days before the date of the hearing. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
  5. The notice shall do the following:
    - a. Describe the nature of the conditional use request.
    - b. Indicate the property that is the subject of the conditional use request. The notice shall include the listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
    - c. State when and where the conditional use request will be considered.
    - d. Indicate when and where written comments will be received concerning the conditional use request.
- D. The Commission shall hear any person wishing to express an opinion on the application and review the conditional use permit application at its next regular meeting, following receipt of the application provided such regular meeting provides adequate time to notify adjacent property owners and post a notice of public hearing, as required.

Amended per Ordinance No. 92, adopted August 4, 2010

**Sec. 19.04 Standards for Approval:**

- A. The Planning Commission shall review the particular circumstances and facts applicable to each proposed conditional use in terms of the following standards and requirements and shall make a determination as to whether the use proposed to be developed on the subject parcel meets the following standards and requirements:
1. Will be harmonious with and in accordance with the general objectives of the future land use plan.
  2. Will be designed, constructed, operated, maintained, in harmony with existing and intended character of the general vicinity and so that such use will not change the essential character of that area.



3. Will not be hazardous or disturbing to existing or future neighboring uses.
  4. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
  5. Will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
  6. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
  7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.
  8. Will be consistent with the intent and purposes of this Ordinance.
- B. If the facts regarding the conditional use being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this Zoning Ordinance will be met by the proposed use, the Planning Commission shall not approve the conditional use.

In approving the conditional use permit, the Planning Commission may require such reasonable conditions of use as it deems necessary to protect the best interests of the Township and the general vicinity, to achieve the objectives of this Ordinance and to assure that the general public health, safety, and welfare will not be infringed upon.

The Planning Commission may deny, approve, or approve with conditions, a request for conditional use approval. The decision on a conditional use shall be incorporated in a statement of findings and conclusions relative to the conditional use which specifies the basis for the decision and any conditions imposed.

- C. Upon holding a public hearing and review of the conditional use request, the Planning Commission shall within thirty (30) days advise, in writing, the applicant, the Building Inspector, and the Township Clerk of its findings and decision. A copy of the statement of findings and conclusions required by Section 19.03(B) above shall satisfy this requirement. Any conditions imposed shall remain unchanged except upon the mutual consent of the Planning Commission and the applicant, and the Planning Commission shall maintain a record of all conditions that are changed. All records of proceedings hereunder shall be kept and made available to the public as required by state law.
- D. Any conditional use permit granted under this Zoning Ordinance shall become null and void and all fees forfeited unless construction and/or use is commenced within twelve (12) months of the date of issuance of said conditional use permit, except that the Planning Commission may at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve (12) month extensions. Requests for extensions must be applied for and granted prior to the expiration of a previously granted conditional use permit.

A violation of any requirement, condition, or safeguard imposed hereunder shall be considered a violation of this Zoning Ordinance and constitute grounds for termination of a previously granted conditional use permit.

- E. Upon the transfer of any interest in the property, or control of the property, to which a conditional use permit has been granted, the person to whom the interest or control has been transferred to shall appear before the Planning Commission within three (3) months of such transfer. The purpose of such appearance shall be to ensure that the previously approved conditional use will not be altered, enlarged or changed by the new person and that such new person is aware of the exact nature of the previously granted approval. This transfer provision shall not apply to transferring conditional uses from one property to another.
- C. The conditional use review and site plan review may occur concurrently with the mutual consent of the landowner and the Planning Commission. A conditional use review shall not occur concurrently or before a rezoning.

Amended per Ordinance No. 92, adopted August 4, 2010

**Sec. 19.05 Reapplication:**

No application for a conditional use permit, which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of one (1) year from the date of such denial, except on the grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid, or in the case of a substantial change in the request, as determined by the Planning Commission.

**ARTICLE XX  
BOARD OF ZONING APPEALS**

**Sec. 20.01 Creation and Membership:** There is hereby established a Board of Zoning Appeals which shall perform such duties and exercise such powers as set forth herein. The Board of Zoning Appeals shall consist of five (5) members, appointed by the Township Board, as follows:

- A. One member shall be a member of the Planning Commission.
- B. The remaining members, and any alternate members appointed pursuant to subsection F, below, shall be electors of the Township residing outside of incorporated cities and villages, and shall be representative of the population distribution and of the various interests present in the Township.
- C. Of the remaining members, one regular or alternate member shall be a member of the Township Board.
- D. No employee or contractor of the Township Board may be a member of the Board of Zoning Appeals.
- E. No elected officer of the Township may serve as chairman of the Board of Zoning Appeals.
- F. The Township Board may appoint to the Board of Zoning Appeals not more than 2 alternate members for the same term as regular members. An alternate member may be called to serve as a member of the Board of Zoning Appeals in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Board of Zoning Appeals has the same voting rights as a regular member.
- G. A member of the Board of Zoning Appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties.
- H. A member of the Board of Zoning Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

- I. The terms of office for members appointed to the Board of Zoning Appeals shall be for 3 years, except for members serving because of their membership on the Planning Commission or the Township Board, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than one month after the term of the preceding member has expired.
- J. A vacancy on the Board of Zoning Appeals shall be filled for the remainder of the unexpired term in the same manner as the original appointment.
- K. The Board of Zoning Appeals shall not conduct business unless a majority of the regular members of the Board of Zoning Appeals are present.

Amended per Ordinance No. 92, adopted August 4, 2010

**Sec. 20.02 Board of Zoning Appeals; Powers; Meetings:**

**A. Powers**

- 1. The Board of Zoning Appeals shall hear and decide questions that arise in the administration of this Zoning Ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a zoning board of appeals. The Board of Zoning appeals shall also hear and decide on matters referred to it or upon which it is required to pass under this Zoning Ordinance. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Zoning Ordinance.
- 2. The Board of Zoning Appeals shall not have jurisdiction to hear appeals from conditional use or planned unit development decisions. Appeals in such matters must go to circuit court.
- 3. The concurring vote of a majority of the members of the Board of Zoning Appeals is necessary to reverse an order, requirement, decision, or determination of an administrative official or body, to decide in favor of the applicant on a matter upon which the Board of Zoning Appeals is required to pass under this Zoning Ordinance, or to grant a variance under this Zoning Ordinance.
- 4. All decisions of the Board of Zoning Appeals shall be in writing and Shall include a statement of findings and conclusions in support of The Board's decision.

5. A member of the Board of Zoning Appeals who is also a member of the Planning Commission, or the Township Board, shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission, or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

**B. Meetings**

1. Meetings of the Board of Zoning Appeals shall be held at the call of the chairperson and at other times as the Board of Zoning Appeals in its rules of procedure may specify. The chairperson or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.
2. All meetings and hearings of the Board of Zoning Appeals shall be held in compliance with the Michigan Open Meetings Act.
3. The Board of Zoning Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question or, if a member is absent or fails to vote, indicating said fact, and such record shall be filed in the office of the Township Clerk and shall be a public record.

Amended per Ordinance No. 92, adopted August 4, 2010

**Sec. 20.03 Variance Review Procedures:**

**A. Intent**

These variance review procedures are instituted to provide an opportunity for the relaxation of the terms of the Zoning Ordinance through a variance, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, or his predecessors in title, a literal enforcement of the Ordinance would result in an unnecessary and undue hardship. As used in the section, the Board of Zoning Appeals shall have the power to authorize specific variances from such requirements as lot area, width and depth regulations, building height and square footage regulations, such requirements as the number of off-street parking and loading space, and sign regulations, and other similar dimensional or count requirements as specified in the Ordinance. The establishment or expansion of a use otherwise prohibited shall not be allowed by variance.

B. Procedures

1. An application for the approval of a variance shall be made, by an owner of an interest in the lot, to the Township Clerk accompanied by the necessary fees and documents as provided in this Ordinance.
2. The application shall be accompanied by a site plan drawn to the scale of 1"=20' and placed on a standard sheet and containing the following information:
  - a. Dimensional elements for which a variance is requested.
  - b. Dimensional relationships of the subject lot to the structures on all adjacent lots.
3. The application shall be accompanied by an affidavit by the applicant explaining:
  - a. How the strict enforcement of the provisions of the Township Zoning Ordinance would cause an unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same Zoning District.
  - b. The conditions and circumstances unique to the property which are not similarly applicable to other properties in the same Zoning District.
  - c. The conditions and circumstances unique to the property were not created by the owner or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
  - d. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same Zoning District.
  - e. Why the requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.
4. The Board of Zoning Appeals shall hold a hearing on the variance request and the Township Clerk shall give notice of the time and place of the hearing as follows:
  - a. Notice of hearing shall be published in the newspaper of general circulation in the Township not less than 15 days before the date of the hearing.

- b. Notice shall be given as provided under subsection “d” to the owners of the property that is subject of the request.
- c. Notice shall also be given as provided under subsection “d” to all persons to whom real property is assessed within 300 feet of the property that is subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure conatins more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
- d. The notice under subsection “b” and “c” is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.
- e. A notice under this section shall do all of the following:
  - 1. Describe the nature of the request.
  - 2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - 3. State when and where the request will be considered.
  - 4. Indicate when and where written comments will be received concerning the request.

5. If there is sufficient time to give notice as required above, the Board of Zoning Appeals shall consider the application at a regular or special meeting called for that purpose within sixty (60) days following receipt of the variance request by the Township Clerk. Upon taking up the application, the Board's consideration of it may be adjourned to a subsequent meeting as may be necessary to enable the Board to make a fully informed decision, or upon the request of the applicant.
6. The Board shall approve, with or without conditions, or disapprove the variance application and shall communicate its action, in writing, to the applicant, the Township Board, the Building Inspector, and the Township Planning Commission within two (2) weeks from the time of the meeting at which it made its decision on the application.

The Board shall not approve an application for a variance unless it has found that:

- a. The strict enforcement of the Zoning Ordinance would cause practical difficulties and deprive the applicant of rights enjoyed by all other owners owning property within the same zoning district.
- b. The conditions and circumstances are unique to the subject property and are not similarly applicable to other properties in the same zoning district.
- c. The conditions and circumstances unique to the property were not created by the applicant or owner, or his or her predecessor in title, within the time following the effective date of the provisions alleged adversely affect the use of such property.
- d. The requested variance will not confer special privileges that are denied other properties similarly situated in the same zoning district.
- e. The requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.
  - 1) The strict enforcement of the Zoning Ordinance would cause unnecessary hardship and deprive the owner of rights enjoyed by all other owners owning property within the same Zoning District.



- 2) The conditions and circumstances are unique to the subject property and are not similarly applicable to other properties in the same Zoning District.
  - 3) The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
  - 4) Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same Zoning District.
  - 5) Why the requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.
7. A variance granted under this Ordinance shall not permit a use not otherwise permitted within the Zoning District, upon the property for which a variance is being requested.
  8. The Building Inspector shall, upon receipt of the notice of approval and upon application by the applicant, accompanied by a receipt duly executed by the Township Treasurer attesting to the payment of all required fees, issue a building permit or such other approval permitting the variance, subject to all conditions imposed by such approval.

C. Variance Reapplication

An application for a variance which has been denied wholly or in part by the Board of Zoning Appeals shall not be resubmitted for a period of one (1) year from the date of denial, except on grounds of new evidence of changed conditions found by the Board of Zoning Appeals to be valid.

**Sec. 20.04 Appeals Procedures:**

- A. Appeals Generally. An appeal to the Board of Zoning Appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of this state or the Township. The officer or administrative agency from which the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all papers constituting the record upon which the appeal is taken.
- B. Time for Appeal. An appeal under this section shall be taken within such time as prescribed by the Board of Zoning Appeals by general rule, by filing with the body or officer from whom the appeal is taken and with the Board of zoning Appeals a notice of appeal specifying the grounds for the appeal.

- C. Stay of Proceedings. An appeal to the Board of Zoning Appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the Board of Zoning Appeals or a circuit court.
- D. Appeal of Administrative Decision; Request for Interpretation. If the Board of Zoning Appeals receives a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, the Board of Zoning Appeals shall conduct a public hearing on the request. Notice of the hearing shall be given as required under Subsection F, below. However, if the request does not involve a specific parcel of property, notice need only be published as provided in Subsection F(1), below, and given to the person making the request as provided in Subsection F(2), below.
- E. At a hearing a party may appear personally or by agent or attorney. The Board of Zoning Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.
- F. Notice of the public hearing shall be given as follows:
1. Notice of the hearing shall be published in a newspaper of general circulation in the Township not less than 15 days before the date of the hearing.
  2. Notice shall be given as provided under subsection 4, below, to the owners of property that is subject of the request.
  3. Notice shall be given as provided under subsection 4, below, to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

4. The notice under subsection 2 and 3, above, is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.
  5. A notice under this section shall do all of the following:
    - a. Describe the nature of the request.
    - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
    - c. State when and where the request will be considered.
    - d. Indicate when and where written comments will be received concerning the request.
- G. No matter which has been the subject of an appeal which has been denied in whole or in part by the Board of Zoning Appeals shall be resubmitted for a period of one (1) year from the date of such denial, unless the Board of Zoning Appeals is satisfied that the appeal is based on new evidence which was not available at the time of the previous appeal, changed conditions, or that there is a substantial change in the request.

**Sec. 20.05 Temporary Use Procedures:**

A. Intent

The Board of Zoning Appeals shall have the authority to grant temporary use permits for uses intended for the property for:

1. Temporary uses not otherwise described in Section 3.23.
2. Temporary uses described in Section 3.23 that exceed the specified time restrictions set forth in that said section.
3. Temporary living quarters and ECHO Housing as described in Sections 3.20 and 3.21.

B. Procedures

The application for a temporary use permit shall be accompanied by plans and specifications including the required copies of the plot plan drawn to scale, showing the following:

1. The shape, location, and dimensions of the lot, including the shape, size, and location of all buildings or other structures already on the lot, off-street parking layout, and the location of any designated fire lanes.
2. The materials to be utilized in and the shape, size, and location of all buildings and structures to be erected or moved onto the lot, including all tents, tables, stands, or display racks.
3. The anticipated automobile traffic flow to and from the lot and any adjacent thoroughfares, loss of off-street parking spaces, if any, as well as the anticipated flow of pedestrian traffic upon lot sidewalks.

C. Standards for Approval

A temporary use permit shall only be granted if the Board of Zoning Appeals determines that the proposed use, including the erection of any temporary building or structure, will:

1. Provide adequate light and ventilation between buildings and structures.
2. Provide adequate automobile and pedestrian traffic flow and provide adequate off-street parking.
3. Provide adequate lot access for fire protection purposes.
4. Not adversely affect the stability and integrity of the zoning plan prescribed by this Ordinance or otherwise interfere with the protection of public health, safety, and general welfare.
5. Not be incompatible with or otherwise adversely affect the physical character of the community and, in particular, the surrounding area with a distance of one thousand (1,000) feet.

6. When the proposed temporary use is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district in which the temporary special use is to be located, including all requirements pertaining to lot size, height, setback, open space ratio, maximum percentage of covered lot area, and off-street parking. In no instance shall signs, parking, buildings, produce, or other site features occupy a public right-of-way.

**Sec. 20.08 Fees:** The Township Board may, from time to time, prescribe and amend by resolution, a schedule of fees to be charged to applicants for appeals to the Board of Zoning Appeals. At the time the notice for appeal is filed, said fee shall be paid to the Township Clerk who shall forthwith pay over to the Township Treasurer to the credit of the general revenue fund of the Township.

**Sec. 20.10 Miscellaneous:** No order of the board permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit, without any time extensions of such permit.

**Sec. 20.11 Appeals:** Any party aggrieved by a decision of the Board of Zoning Appeals may appeal to the Genesee County Circuit Court. An appeal to the circuit court must be filed within 30 days after the Board of Zoning Appeals issues its decision in writing signed by the chairperson, or signed by the members of the Board of Zoning Appeals, if there is no chairperson, or within 21 days after the Board of Zoning Appeals approves the minutes of its decision.

**ARTICLE XXI  
ADMINISTRATION AND ENFORCEMENT**

**Sec. 21.01 Enforcement:** The provisions of this Ordinance shall be administered and enforced by the Building Official or by such deputies of his department as the zoning inspector may delegate to enforce the provisions of this Ordinance.

**Sec. 21.02 Duties of Building Official:** The Building Official shall have the power to grant zoning compliance and occupancy permits, and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Official to approve any plans or issue any permits or Certificates of Occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

The Building Official shall make and keep all records required necessary and appropriate to the office.

Under no circumstances is the Building Official permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Official.

The Building Official shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

**Sec. 21.03 Plot Plan:** The Building Official shall require that all applications for permits shall be accompanied by three (3) sets of plans and specifications which include a plot plan, drawn to scale, showing the following:

- A. The actual shape, location, and dimensions of the lot.
- B. The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structures already on the lot.
- C. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

- D. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance, other Township Ordinances, State and Federal laws and regulations are being observed.

At the discretion of the Building Official, a topographic survey may be required. Such survey shall be prepared by a registered land surveyor licensed to practice in the State of Michigan.

**Sec. 21.04 Permits:** The following shall apply in the issuance of any permit:

- A. **Permits Not to be Issued:** No building permit shall be issued for the erection, alteration, or use of any building or structure, or part thereof, or for the use of any land which is not in accordance with all provisions of this Ordinance, all other Township ordinances, State, and Federal laws and regulations.
- B. **Permits for New Use of Land:** No land heretofore vacant shall hereafter be used, or an existing use of land be hereafter changed to a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.
- C. **Permits for New Use of Buildings:** No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a Certificate of Occupancy is first obtained for the new or different use.
- D. **Permits Required:** No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any structural changes in stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Township Building Code, housing law, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features, such as the replacement of windows or roofs with similar materials.

**Sec. 21.05 Certificates:** No land, building, or part thereof, shall be occupied by, or for any use, unless and until a Certificate of Occupancy shall have been issued for such use by the Building Official.

**Sec. 21.06 Fees:** Fees for inspection and the issuance or permits or certificates of copies thereof, required or issued under the provisions of this Ordinance, may be collected by the Building Official in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

**Sec. 21.07 Declaration of a Zoning Moratorium:** Notwithstanding any other provision of this Zoning Ordinance, the Township Board may, by resolution, declare a moratorium on the issuance of any permit under this ordinance, the processing of any permit application hereunder, the processing of any rezoning request, the processing of any site plan review, special land use request, or the processing of any other application made under this zoning ordinance.

Such a moratorium may be declared by the Township Board only under the following conditions:

- A. The Township Board finds, based on facts appearing in the public record before it, that such a moratorium is necessary to protect the public health, safety and welfare and that no other action short of imposing such a moratorium can adequately protect the public health, safety and welfare;
- B. The moratorium is for a limited period of time, not to exceed eighteen (18) months, but may be extended for no more than a six (6) month period upon a new and separate finding of the facts required by subsection a, above;
- C. The moratorium is limited in its scope and area of application so as to only affect those matters and that area necessary to protect the public health, safety and welfare;
- D. The resolution declaring the moratorium shall be published in a newspaper of general circulation within the Township;
- E. The resolution declaring the moratorium shall specify the effective date of such moratorium which may be the date of publication or another date following such publication; and
- F. The resolution declaring the moratorium shall be adopted by a vote of No fewer than five (5) members of the Township Board.



## ARTICLE XXII AMENDMENTS

The Township Board may, upon recommendation from the Township Planning Commission, amend, supplement or change the regulations of this Ordinance or the district boundaries on the official zoning map, pursuant to the authority of and the procedures set forth in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (MCL 125.3101 *et seq.*).

### **Sec. 22.01 Initiation of Amendments:**

- A. A proposal for an amendment to the text of the Zoning Ordinance may be initiated by any person upon the filing with the Township Clerk an application requesting such an amendment together with the fees for same established by resolution of the Township Board.
- B. A proposal for an amendment to the official zoning map may be initiated by any person upon the filing with the Township Clerk an application requesting such amendment together with the fees for same established by resolution of the Township Board. The application shall be accompanied by a map mat a scale of not less than 1"=50' showing the subject parcel in relation to adjoining parcels of land. The application shall be signed by the title holder of the property for which the amendment is requested, or by another person who is authorized in writing to submit such request by the title holder of the property for which the amendment is requested.
- C. A proposal for an amendment to the Zoning Ordinance may be initiated by a Township Board resolution referring such proposal to the Planning Commission, or by the Planning Commission on its own motion.
- D. An amendment to conform a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for under this Ordinance or the Zoning Act.

Amended per Ordinance No. 92, adopted August 4, 2010

### **Sec. 22.02 Procedure:**

- A. Upon receipt of an application, together with the required fees, for an amendment to this Zoning Ordinance or the official zoning map as provided in subsection A, above, the Township Clerk shall transmit said application to the Planning Commission.

- B. Before taking the final action on the application, the Planning Commission shall hold a public hearing on the request. Notice of the public hearing shall be given by the Township Clerk as follows:
1. Notice of the hearing shall be published in a newspaper of general circulation in the Township not less than 15 days before the date of the hearing.
  2. Notice shall be given as provided under subsection 4, below, to the owners of property that is the subject of the request.
  3. Notice shall also be given as provided under subsection 4, below, to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. This requirement does not apply when a group of adjacent properties numbering 11 or more is proposed for rezoning.
  4. The notice under subsection 2 and 3, above, is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
  5. A notice under this section shall do all of the following:
    - a. Describe the nature of the request.

- b. Indicate the property that is subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used. The requirement for listing street addresses does not apply when a group of adjacent properties numbering 11 or more is proposed for rezoning.
  - c. State when and where the request will be considered.
  - d. Indicate when and where written comments will be received concerning the request.
  - e. The places and times at which the proposed text and any maps Of the Zoning Ordinance may be examined.
6. Notice of the time and place of the public hearing shall also be given by mail 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 for the purpose of receiving the notice of public hearing.
- C. Following such public hearing, the Planning Commission shall transmit a summary of comments received at the hearing and the proposed zoning ordinance amendment, including any zoning maps and recommendations, to the Township Board.

Amended per Ordinance No. 92, adopted August 4, 2010

**Sec. 22.03 Township Board Action:**

- A. After receiving the recommendation and report of the Township Planning Commission, the Township Board may hold additional public hearings if it wishes. If the Township Board holds a public hearing on the proposal zoning amendment it give notice of such public hearing in the same manner as provided in Section 22.02, above. If, after holding such public hearing, the Township Board proposes changes to the amendment as received from the Planning Commission, it shall refer the changes back to the Planning Commission for their recommendation along with a deadline for their comments to be sent back to the Township Board.

- B. The Township Board shall grant an opportunity to be heard on a proposed ordinance provision or amendment to an interested property owner who requests a hearing by certified mail, addressed to the Township Clerk. A hearing under this subsection is not subject to the notice requirements for a public hearing under the Zoning Act or Section 22.02 of this Ordinance, except that notice of the hearing shall be given to the interested property owner in the manner required in Section 22.02 (4) and (5).
- C. Adoption of the zoning ordinance amendment requires approval of a majority of the membership of the Township Board.

Amended per Ordinance No. 92, adopted August 4, 2010

**Sec. 22.04 Reapplication:**

No application for a rezoning, which has been denied in whole or in part by the Township Board shall be resubmitted for a period of one (1) year from the date of such denial, unless the Township Board is satisfied that the application is based on new evidence which was not available at the time of the previous application, changed conditions, or that there is a substantial change in the application.

Amended per Ordinance No. 92, adopted August 4, 2010

**Sec. 22.05 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 the Zoning Act 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 land district.
4. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
5. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if such variance is ultimately granted by the Board of Zoning Appeals in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
7. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily in writing 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 subsequent to 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 with appropriate notice and a new recommendation.

C. Planning Commission Review

1. The Planning Commission, after public hearing, notice of which is given in accordance with the Zoning Act, and consideration of the factors for rezoning set forth in 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 in writing by the owner.

2. In performing its review under this section, the Planning Commission may retain whatever planning and legal assistance it needs to permit it to adequately review the proposed conditional rezoning and the conditions to be attached thereto as well as the proposed Statement of Conditions which would be attached to the conditional rezoning as set forth in Subsection E, below.
3. The cost of such legal and/or planning assistance shall be borne by the owner(s) of the subject property and the Township may require that the estimated cost of such legal and/or planning assistance be deposited with the Township prior to retaining such assistance. Following completion of the conditional rezoning process, any sums deposited with the Township in excess of the sum required for such legal and/or planning assistance shall be refunded forthwith to the owner(s). Likewise, any sums owed by the owner(s) to the Township in excess of those deposited shall be paid forthwith.

D. Township Board Review

1. After receipt of 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 limited to, a consideration of the factors for rezoning set forth in this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner in writing, then the Township Board shall, in accordance with Section 405 of the Michigan Zoning Enabling Act refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.
2. In performing its review under this section, the Township Board may retain any additional planning and legal assistance it needs to permit it to adequately review the proposed conditional rezoning and the conditions to be attached thereto as well as the proposed Statement of Conditions which would be attached to the conditional rezoning as set forth in Subsection E, below.

3. The cost of such legal and/or planning assistance shall be borne by the owner(s) of the subject property and the Township may require that the estimated cost of such legal and/or planning assistance be deposited with the Township prior to retaining such assistance. Following completion of the conditional rezoning process, any sums deposited with the Township in excess of the sum required for such legal and/or planning assistance shall be refunded forthwith to the Township in excess of those deposited shall be paid forthwith.

E. Approval

1. If the Township Board finds the rezoning request and offer of conditions acceptable and all fees due from owner(s) have been paid, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
  - a. Be in a form recordable with Register of Deeds of Genesee County or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
  - 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.
  - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference shall specify where the document may be examined.
  - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of Genesee County.

- f. 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 Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of Genesee County. The owner(s) of the subject land shall reimburse the Township for the cost of such recording, as well as any other costs provided for in this Ordinance, prior to implementing the use authorized by the conditional rezoning.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new land use district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions

1. Any person who establishes a development or commences a use upon a 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 constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
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 approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation 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 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.

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 the Zoning Act. The reversion process shall be confirmed by the Township Board after receiving a report from the Zoning Administrator, concurred in by the Planning Commission after notice to the owner(s) of the subject property, that the approved development and/or use of the rezoned land did not occur within the time frame specified under Section 2204-7 above.

I. Subsequent Rezoning of Land

When land that is rezoned with a Statement of Conditions is thereafter 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 Section 2204-8 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. The Township Clerk shall record with the Register of Deeds of Genesee County 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 Section 2204-7 above or during any extension thereof 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 thereafter 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 Zoning 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.

Amended per Ordinance No. 92, adopted August 4, 2010

**ARTICLE XXIII  
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 modification as may be necessary to the preservation or protection of public health, safety, and welfare.

**ARTICLE XXIV  
ENFORCEMENT, PENALTIES, AND OTHER REMEDIES**

- Sec. 24.01 Violations:** Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred (\$500) dollars and the costs of prosecution or, shall be punished by imprisonment in the county jail for a period not-to-exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.
- Sec. 24.02 Public Nuisance Per Se:** Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.
- Sec. 24.03 Fines, Imprisonment:** The owner of any building, structure or premises or part thereof, where any condition in violation of this ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and, upon conviction thereof, shall be liable to the fines and imprisonment herein provided.
- Sec. 24.04 Each Day a Separate Offense:** A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.
- Sec. 24.05 Rights and Remedies are Cumulative:** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

**ARTICLE XXV  
REPEAL OF PRIOR ORDINANCE**

The Zoning Ordinance adopted by the Township known as Ordinance No. Z-101, Z-101-2, and Z-101-3 and all other amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

**ARTICLE XXVI  
SEVERABILITY CLAUSE**

This Ordinance and the various parts, sections, subsections, provisions, sentences, and clauses therefore are hereby declared to be severable. If any part, section, subsection, provision, sentence, or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby.

**ARTICLE XXVII  
ADOPTION AND EFFECTIVE DATE**

**Sec. 27.01 Effective Date:** This Ordinance shall take effect thirty (30) days following publication hereof as provided by law.

**Sec. 27.02 Certification of Clerk:** I, Sharon Cowell, Gaines Township Clerk, do hereby certify that this Ordinance is a true copy of that Ordinance No.101-96, duly adopted by the Gaines Township Board at a meeting on the 3RD day of July, 1996, A.D. and effective August 15, 1996.

Ms. Sharon Cowell, Gaines Township Clerk