

CHARTER TOWNSHIP OF GENESEE GENESEE COUNTY, MICHIGAN

**ORDINANCE NO. 2020-603**

AN ORDINANCE AMENDING THE GENESEE TOWNSHIP  
ORDINANCES BY THE REVISION AND READOPTION OF THE  
TOWNSHIP ZONING ORDINANCE AND PROVIDING THE PENALTY  
FOR THE VIOLATION THEREOF

**THE CHARTER TOWNSHIP OF GENESEE ORDAINS:**

**SECTION I**

This ordinance shall be known as and may be cited as the Charter Township of Genesee  
ZONING ORDINANCE.

**SECTION II**

Ordinance# 475 is hereby amended as follows:

**Article I**  
**In General**

**Section 100 Title**

This Ordinance shall be known and may be cited as the GENESEE TOWNSHIP ZONING ORDINANCE.

**Section 101 Purpose**

This chapter's provisions are established pursuant to the authority conferred by the Township Zoning Act, Act 184 of the Public Acts of 1943, as amended, and other Public Acts of the State of Michigan. As described in Public Act 184 of 1943, the purpose of a zoning ordinance is to:

1. Promote public health, safety, and general welfare.
2. Encourage the use of lands in accordance with their character and adaptability, and to limit the improper use of land.
3. Conserve natural resources and energy.
4. Meet the needs of residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land.
5. Insure that uses of land are situated in appropriate locations and relationships.
6. Avoid the overcrowding of population.
7. Provide adequate light and air.
8. Lessen congestion on public roads and streets.
9. Reduce hazards to life and property.
10. Facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements.
11. Conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

The zoning ordinance shall be made 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.

**Section 102 Rules of Construction**

The following rules of construction apply to the text of this chapter:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this chapter and any caption or illustration the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A building or structure includes any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained

- for," or "occupied for."
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
  8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
    - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
    - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
    - c. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
  9. Any reference to the term "building code" shall refer to the current edition of the Michigan Building Code.
  10. Terms not defined in Article II shall have the meaning customarily assigned to them.
  11. "Township" shall refer specifically to the Charter Township of Genesee.

### **Section 103 Vested Rights**

Nothing in this chapter shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification of 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.

### **Section 104 Severance Clause**

Sections of this chapter shall be deemed to be severable and should any section, paragraph or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

### **Section 105 Effective Date**

The following Zoning Ordinance was approved by the Township Planning Commission on August 19, 2020, following a Public Hearing on July 21, 2020. The following Zoning Ordinance was adopted by the Township Board of Trustees at its second reading on October 13, 2020, first reading being September 24, 2020, with an effective date of October 21, 2020. Two notices of adoption of this Zoning Ordinance were published in a newspaper having general circulation in Genesee Township on September 30, 2020, and October 21, 2020. A public hearing having been held, the provisions of this chapter are hereby given immediate effect, pursuant to the provisions of Act 184 of the Public Acts of Michigan of 1943, as amended.

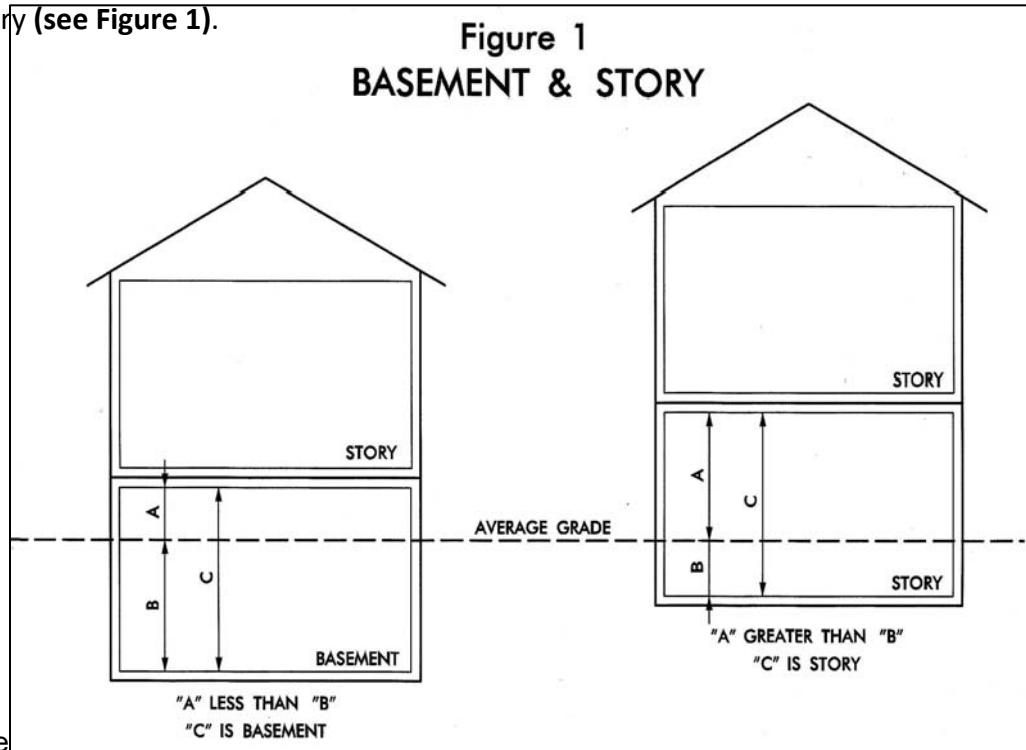
**Article II**  
**Definitions**

1. Accessory Building or Structure: A supplemental building or structure on the same lot as the main building occupied by or devoted exclusively to an accessory use, but not for dwelling, lodging, or sleeping purposes. Where an accessory building is attached to a main building in a substantial manner, such as a common wall or roof, the accessory building shall be considered a part of the main building.
2. Accessory Use: A garage, carport, shed, pole barn, or other similar use naturally and normally incidental and subordinate to the main use of the land or building.
3. Adult Day Care:
  - 1-6 persons: These facilities provide temporary care for less than a twenty- four (24) hour period for persons over the age of eighteen (18) in a supervised environment. There shall be no more than six (6) clients cared for on the property at any given time.
  - 7-12 persons: These facilities provide temporary care for less than a twenty- four(24) hour period for persons over the age of eighteen (18) in a supervised environment. There shall be no more than twelve (12) clients cared for on the property at any given time.
4. Adult Entertainment Business: A business or commercial enterprise engaging in any of the following:
  - a. Adult Arcade: Any place to which the public is permitted or invited where coin operated 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 or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing Specified Sexual Activities or Specified Anatomical Areas.
  - b. Adult Bookstore or Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:
    - i. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
    - ii. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises thirty- five percent (35%) or more of sales volume or occupies thirty- five percent (35%) or more of the floor area or visible inventory within the establishment.

- c. Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features:
  - i. Persons who appear in a state of nudity;
  - ii. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
  - iii. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
  - iv. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience of customers.
- d. Adult Motel: A hotel, motel or similar commercial establishment that:
  - i. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
  - ii. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
  - iii. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- e. Adult Motion Picture Theater: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- f. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- g. Specified Anatomical Areas: Are defined as:
  - i. Less than completely and opaquely covered human genitals, pubic regions, buttocks, anus, and female breast below a point immediately above the top of the areola; and
  - ii. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
- h. Specified Sexual Activities: Means and includes any of the following:
  - i. The fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast;
  - ii. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
  - iii. Masturbation, actual or simulated; or
  - iv. Excretory functions as part of or in connection with any of the activities set

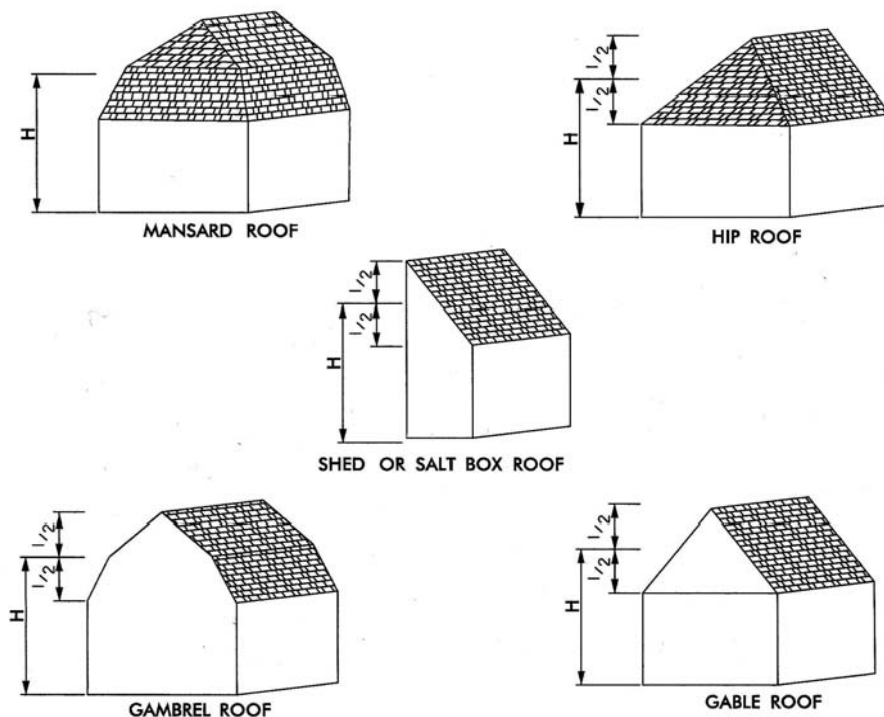
forth in (i) through (iii) above.

5. Agriculture: The use of land as a "Farm" or "Farm Operation" as defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended.
6. Airport: A parcel of land and accommodating service and/or storage buildings utilized for airplane traffic. An airport may include taxi strips, parking aprons, necessary weather indicators and appropriate lighting.
7. Alley: A public way which affords a secondary means of access to abutting property but is not intended for general traffic circulation.
8. Alterations: Any change, addition or modification in construction or type of use of occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to as "altered" or "reconstructed."
9. Architectural Features: Architectural features of a building shall include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys, decorative ornaments, and other similar features.
10. Automobile Repair: Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning; salvage or storage facility.
11. Automobile Sales Area: Any space used for display, sale or rental of motor vehicles, in new or used and operable condition.
12. Automobile Wash Establishment: A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.
13. Average: For the purpose of this Ordinance, the term, "average" will be an arithmetic mean.
14. Basement: At least two sides of a building which are partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story (see Figure 1).



15. Bed and Breakfast Facility: Any family occupied dwelling used as a bed and breakfast facility as defined in Section 125.1504b of Michigan Public Act 230 of 1972, as amended.
16. Bedroom: A dwelling room used or intended to be used by human beings for sleeping purposes.
17. Billboard: A piece of construction upon which a sign or advertisement is displayed for the purpose of informing the general public, but not including bulletin boards used to display official court or public office notices (see also Sign definition).
18. Board of Appeals: As used in this Ordinance, this term means the Genesee Township Zoning Board of Appeals.
19. Buffer Strip: See Greenbelt definition.
20. Building: Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or property of any kind.
21. Buildable Area: The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been complied with.
22. Buildable Width: The width of a lot left for building after required side yards are provided.
23. Building Height: The building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of a mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping the ground level is measured at the average wall line (**see Figure 2**).

**Figure 2  
BUILDING HEIGHT**



24. Building permit: Written authority as issued by the Building Official, or his/her authorized agent, on behalf of the Township permitting the construction, moving, exterior alteration or use of a building in conformity with the provisions of this Ordinance.
25. Bulk Station: A place where crude petroleum, gasoline, naphtha, benzyl, kerosene, benzene, or any other liquid are stored for wholesale purpose, where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.
26. Campgrounds: Any parcel or tract of land, under the control of any person where sites are offered for the use of the public or member of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.
27. Child Care Organization: Means a facility for the care of children under 18 years of age, as licensed and regulated by the State under Act 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358(11) et seq.), as amended, and associated rules promulgated by the State Department of Licensing and Regulatory Affairs. Such organizations shall be further defined as follows:
  - a. Family day care home means a private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care homes include homes that give care to an unrelated minor child for more than four weeks during a calendar year.
  - b. Group day care home means a private home in which more than six, but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.
28. Church: A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.
29. Clinic: A building or group of buildings where human patients are admitted for examination and treatment by more than one professional, such as a physician, dentist, or the like, except that human patients are not lodged overnight.
30. Club: Buildings and facilities owned or operated by corporation, association, person or persons, for social, educational, or recreational purposes.
31. Condominium Unit: That portion of a condominium subdivision designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed. A condominium unit is not a lot or parcel as those terms are used in this Ordinance.
32. Convalescent or Nursing Home or Senior Assisted Living Home: A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders and who

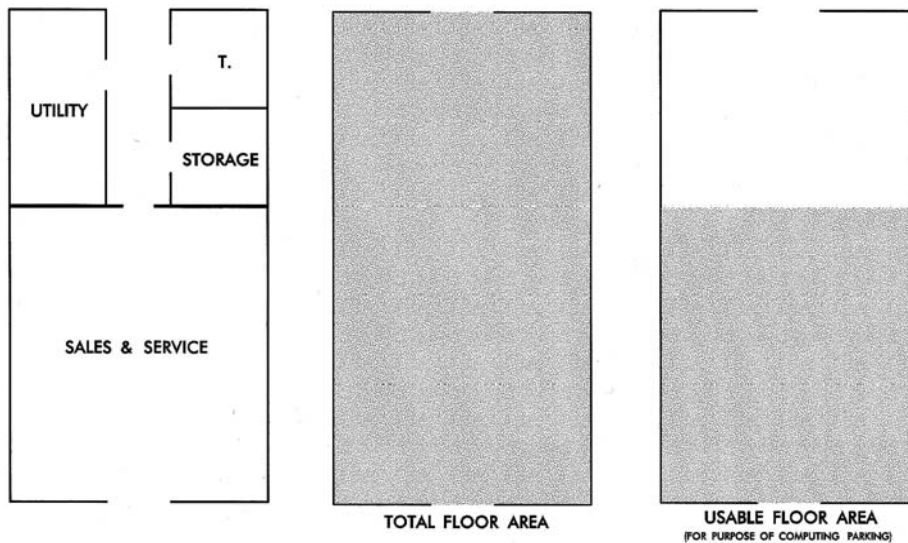


require continuous nursing care and supervision. Said home shall conform and qualify for license under State law.

33. Drive-Through Business: Any restaurant, bank or business with an auto service window.
34. Dwelling Unit: A building or portion of a building, either site-built or pre-manufactured, that has sleeping, living, cooking and sanitary facilities and can accommodate one (1) family, either permanently or transiently. In the case of buildings that are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall any side of a dwelling unit be less than twenty-four (24) feet in width. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.
  - a. Single-Family Dwelling: A detached building containing not more than one (1) dwelling unit designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.
  - b. Two-Family Dwelling: A building containing not more than two (2) separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.
  - c. Multiple-Family Dwelling: A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.
35. Efficiency Unit: A dwelling unit for one individual or small family consisting of one (1) room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred and fifty (350) square feet of usable floor area.
36. Erected: Includes built, constructed, reconstructed, extension, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general land improvements that are not required for a building or structure, shall not be considered to fall within this definition.
37. Essential Services: The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, water towers, wireless communication antennas, electric transmission towers, water or sewage treatment plants, electric substations, gas regulator stations, and other major public utility structures are not included within this definition.
38. Excavating: The removal of sand, stone, gravel, or soil.
39. Family: A group of two or more persons related by blood, marriage, or adoption, including foster children, together with not more than one additional person not related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit.

40. Farm: All of the contiguous neighboring or associated land operated as a single unit on which legitimate agriculture as defined by the Michigan Right to Farm Act, Public Act 93 of 1981, as amended, is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees.
41. Fence: Any permanent or temporary means, partition, structure or gate erected as a dividing structure, barrier, or enclosure, and not part of a structure requiring a building permit.
42. Garage or Pole Barn-Private: A building used primarily for the storage of vehicles, boats, and domestic animals for the use of the occupants of a lot on which such building is located.
43. Garage-Public: A building, or part thereof, designed or used for equipping, servicing, repairing, hiring, storing, or parking motor vehicles. The term repairing does not include the rebuilding, dismantling or storage of wrecked or junked vehicles.
44. Gas and Oil Processing Facilities: Any facility and/or structure used for, or in connection with, the production, processing or transmitting of natural gas, oil, or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the Geological Survey Division, Department of Environmental Quality or Public Service Commission; not including industrial facilities such as cracking plants, large oil storage facilities and heavy industrial operations and facilities.
45. Gasoline Service Station: Any land, building or structure used for sale or retail of motor vehicle fuels, oils, or accessories, or installing or repairing parts and accessories, but not including repairing or replacing of motors, doors, or fenders, or painting motor vehicles.
46. Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.
- To calculate average grade for an uneven grade lot, use the following equation:
- $$AG = (G1 + G2 + G3 + G4) / 4$$
- AG = Average grade for the lot  
 G1 = Average grade for side 1  
 G2 = Average grade for side 2  
 G3 = Average grade for side 3  
 G4 = Average grade for side 4
47. Greenbelt: A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer area in carrying out the requirements of this Ordinance.
48. Ground Floor Area: The square footage of floor space measured from exterior to exterior wall, but not including enclosed and unenclosed porches, breezeways, or garages, attic and basement. **(See Figure 3).**

**Figure 3  
FLOOR AREA**



49. Hazardous Substances: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or other injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.
50. Home Occupation: An occupation, profession, activity, or use that is clearly an incidental or secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.
51. Hospital: An institution providing health services, primarily for in- patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out- patient departments, training facilities, central service facilities, clinics and staff offices.
52. Hotel or Motel: A building occupied or predominantly temporary residence by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms and in which rooms there is no provision for cooking.
53. Industrial Park: A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.
54. Intensive Livestock Operation: Any farm or farm operation engaged in raising, breeding, or

feeding beef or dairy cattle, horses, swine, sheep, goats, poultry/fowl, turkeys/ducks, or other livestock in concentrations of 500 or more animal units, including any buildings, structures, excavations, or enclosed areas directly involved therein, including land used for pasture or feedlot purposes, and any animal waste storage structures, excavations, or areas directly connected to or associated with such operations.

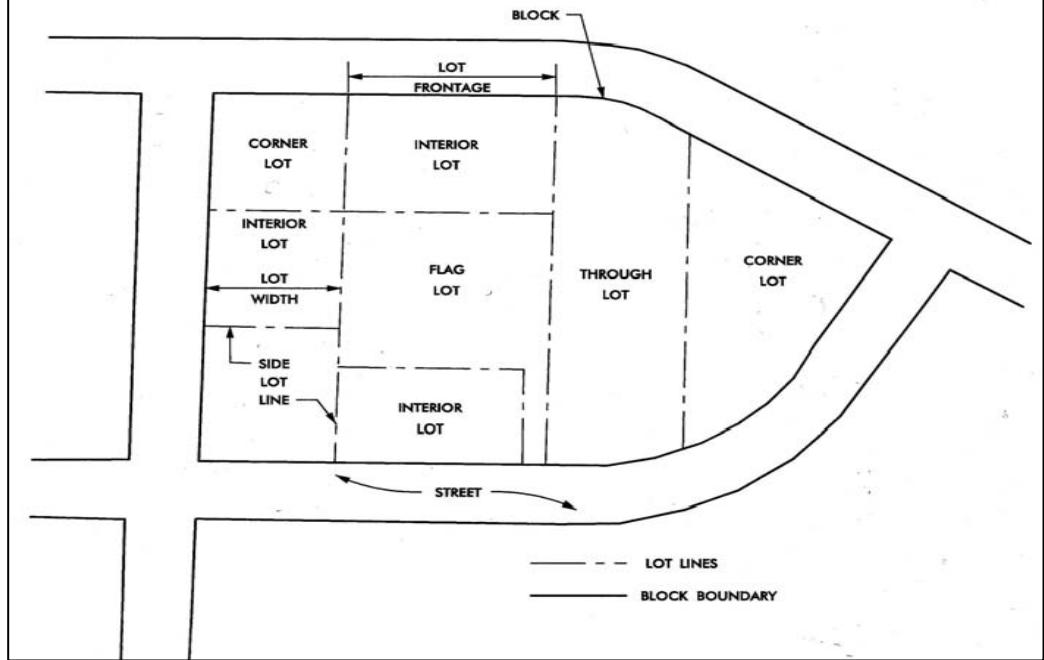
For purposes of this Ordinance, an animal unit shall be construed as a unit of measure used to compare relative differences in the manure, pollutants, nutrients, etc., production characteristics of animal wastes, with the following equivalencies applicable to various animals.

Species	Animal Unity
Slaughter and Feeder Cattle	1.0
Mature Dairy Cattle	1.4
Horses	2.0
Swine weighing over 55lb.	0.4
Sheep/Goats	0.1
Turkeys	0.01
Chickens w/ liquid manure system	0.03
Ducks	0.2

The equivalency for types of livestock not specifically listed above shall be stated as equivalency for the type of animal which is most similar in terms of characteristics of animal wastes, as determined, if necessary, by the Board of Appeals.

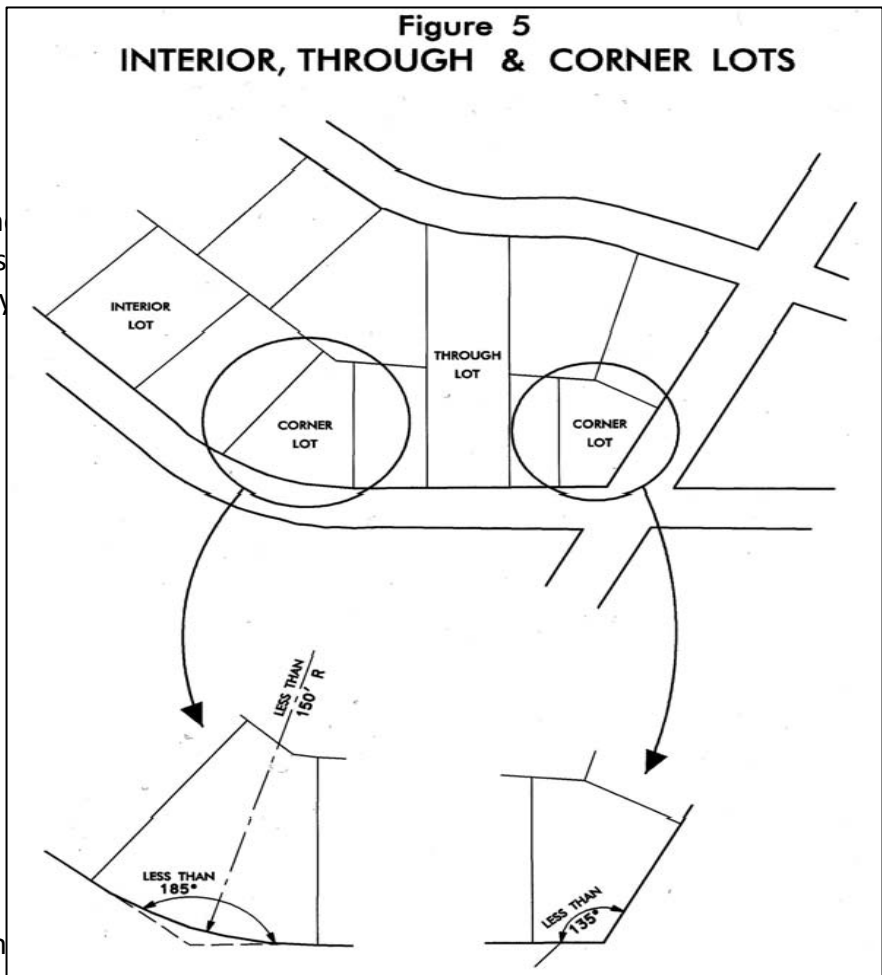
- 55. Junkyard: The use of premises or building for storage or abandonment, keeping, collecting, baling, of inoperable automobiles, trucks, tractors and other such vehicles and parts thereof, scrap building materials, scrap contractor's equipment, tanks, cases, barrels, boxes, piping, bottles, drums, glass, rags, machinery, scrap iron, paper and any other kind of scrap or waste material.
- 56. Kennel, Commercial: Any lot or premises on which four (4) or more dogs or cats, four (4) months of age or older are kept temporarily or permanently for the purpose of breeding or boarding for a fee.
- 57. Loading Space: An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off- street parking.
- 58. Lot: The parcel of land occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane **(see Figure 4)**.

**Figure 4  
TYPES OF LOTS**



**Figure 5  
INTERIOR, THROUGH & CORNER LOTS**

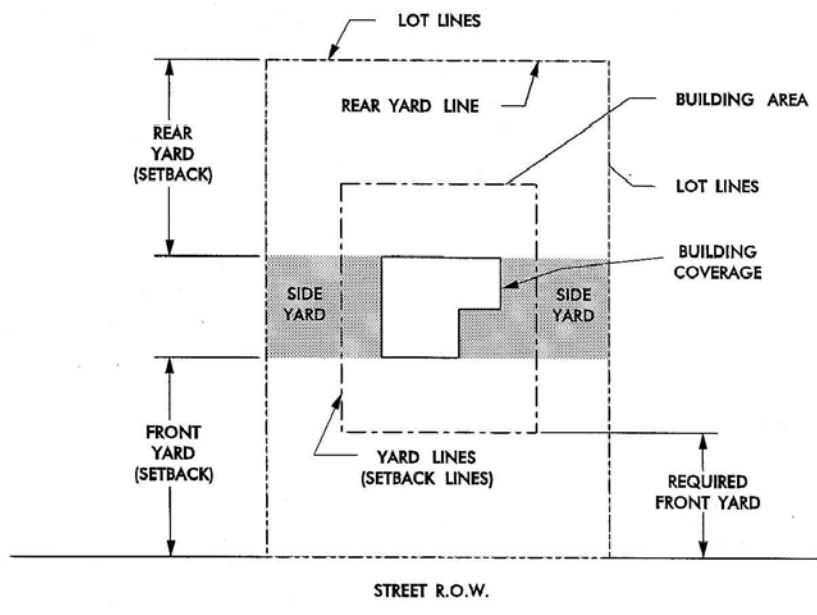
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- b. Front lot line: In the case of an interior lot abutting upon one public or private street, the front lot line shall be the line separating such lot from the street right-of-way. In the case of a corner lot, the front lot lines shall be the lines separating said lot from both streets. In case of a row of double frontage lots, one street shall be designated as the front street for all lots in the plat and in the request for zoning permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front. In the case of a lot having frontage upon a lake, river, or stream, the water frontage shall be considered the front lot line (see Figure 6).

**Figure 6  
LOT LINES & SETBACKS**



- c. Interior Lot: A lot other than a corner lot with only one (1) lot line fronting on a street.
- d. Lot Coverage: The part or percent of the lot occupied by buildings or structures

- including accessory buildings or structures.
- e. Lot Depth: The horizontal distance between front and rear lot lines, measured along the median between side lot lines.
  - f. Lot of Premises: The parcel of land occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane.
  - g. Lot of Record: A parcel of land defined by a legal description and recorded in the office of the Genesee County Register of Deeds on or before the effective date of this Ordinance.
  - h. Lot Width: The horizontal distance between the side lot lines, measured at the two (2) points where the building setback line intersects the side lot line.
  - i. Rear Lot Line: The lot line being opposite the front lot line. In the case of a lot irregularly shaped 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.
  - j. Side Lot Line: Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
  - k. Through Lot: A lot other than a corner lot having frontage on two (2) more or less parallel streets.
  - l. Waterfront Lot: A lot having frontage directly upon a river, stream, or a natural or man-made lake. The portion adjacent to the water is considered the front of the lot.
  - m. Zoning Lot: A contiguous tract of land which at the time of filing for a zoning permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership.
59. **Manufactured Home:** Factory-built single-family structure that is manufactured under the authority of 42 U.S.C., Sections 5401 to 5426 (National Manufactured Home Construction and Safety Standards Act 1974), is transportable in more than one section, is built on a permanent chassis and does not have hitch, axles, or wheels permanently attached to the body frame.
60. **Massage Establishments:** Any establishment where massages are administered for pay, including, but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include hospital, nursing home, medical clinic, or the office(s) of a physician, surgeon, chiropractor, osteopath, physical therapist, or massage therapist duly licensed by the State of Michigan, nor a barber shop or beauty shop in which massages are administered only to the scalp, the face, the neck, or the shoulders. This definition shall not be construed to include a public or nonprofit organization such as a school, park department, YMCA or YWCA operating a community center, swimming pool or other educational, cultural, recreational facilities for residents of the area.
61. **Master Plan or Comprehensive Plan:** The statement of policy by the Township Planning Commission relative to the agreed-upon desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing in

summary form the community's conception of how it should grow in order to bring about the very best community living conditions.

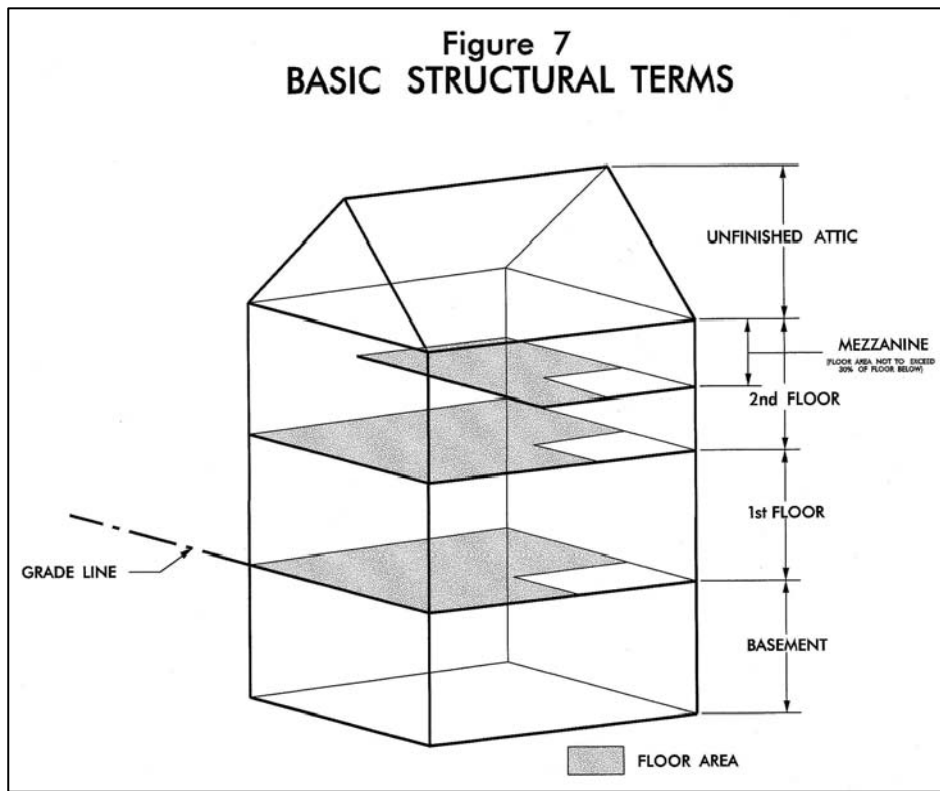
62. Migratory Labor: Temporary or seasonal labor employed in planting, harvesting, or construction.
63. Mobile Home: See Manufactured Home definition.
64. Motor Home: See Recreational Vehicle definition.
65. Native Vegetation Strip: See Greenbelt definition.
66. Non-Conforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance or Amendments thereto that does not conform to the use regulations of the Zoning District in which it is located.
67. Nuisance Factor: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as noise; dust; heat; electronic or atomic radiation; objectionable effluent; noise or congregation of people, particularly at night; and passenger traffic.
68. Nursery: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery does not include space used for the sale of fruits or vegetables.
69. Off Street Parking Lot: A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted access and egress to at least two (2) vehicles.
70. Open Air Business: Includes any use operated for profit, substantially in the open air, including:
  - a. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services.
  - b. Outdoor display and sale of garages, motor homes, mobile home, snowmobiles, farm implements, swimming pools and similar activities.
  - c. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
  - d. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature, golf driving ranges, children's amusement park or similar recreation uses.
  - e. Flea market.
71. Park: Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which are open to the general public for recreational purposes.
72. Parking Space: An area of definite length and width exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.
73. Pick-up Camper: See Recreational Vehicle definition.
74. Place of Worship: See Church definition.



75. Planned Unit Development (PUD): 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.
76. Porch, Enclosed: A covered entrance to a building or structure which is totally enclosed or screened, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.
77. Porch, Open: A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or integral roof with principal building or structure to which it is attached.
78. Principal Use: The main use of land or structures, as distinguished from a secondary or accessory use.
79. Professional Office: The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like.
80. Public Sewer Systems: A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.
81. Public Utility: Any person, firm, corporation, municipal department board, or commission fully authorized to furnish and furnishing, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services, or sewage disposal.
82. Recreational Vehicle: A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers; provided, however, that any such vehicle or unit which is forty (40) feet or more in overall length and connected to water or sewer facilities shall be considered a mobile home and shall be subject to all regulations of this Ordinance applicable to a mobile home.
83. Retail Store: Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.
84. Roadside Stand: An accessory and temporary farm structure operated for the purpose of selling local agricultural products, which are raised or produced on the same farm premises.

85. School: A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.
86. Setback: The distance between a building or structure (excluding any uncovered steps or unenclosed or uncovered porches) and a front, side, or rear lot line.
87. Sexually Oriented Business: See Adult Entertainment Business.
88. Shopping Center: A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.
89. Sign: An identification, description, illustration or device affixed to, or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, person, activity, institution, or business.
  - a. Off Premise Sign: Any sign, including billboards, relating to subject matter not conducted on the premises on which the sign is located.
  - b. On Premise Sign: An advertising sign relating in its subject matter to the premises on which it is located, or to products, accommodations, service, or activities on the premises.
90. Site Condominium Projects: Site condominium projects are developments in which land is divided into condominium units consisting of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Site condominium projects are created and recorded under the provisions of the Condominium Act, Public Act 59 of 1978, as amended. Site condominium projects can be used for residential, office, industrial, business, recreational, use as a time- share unit or any other type of use.
91. Special Exception: Approval by the Township Planning Commission of a use of land in a district that is not antagonistic to other land uses in the district when such use is specified in this Ordinance for that district upon such approval.
92. Stable, Commercial: A structure used to house horses for commercial purposes. Commercial purposes include riding stables, riding academies, and the breeding, raising and/or training of horses with the expectation of sale at a profit or for racing. Commercial purposes do not include the housing and training of horses by an individual property owner or member of his immediate family for showing or competition by the individual or member of his immediate family, provided, however, that there not be more than one horse per acre of land in the parcel.
93. Story: That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it (**see Figure 7**).

**Figure 7**  
**BASIC STRUCTURAL TERMS**



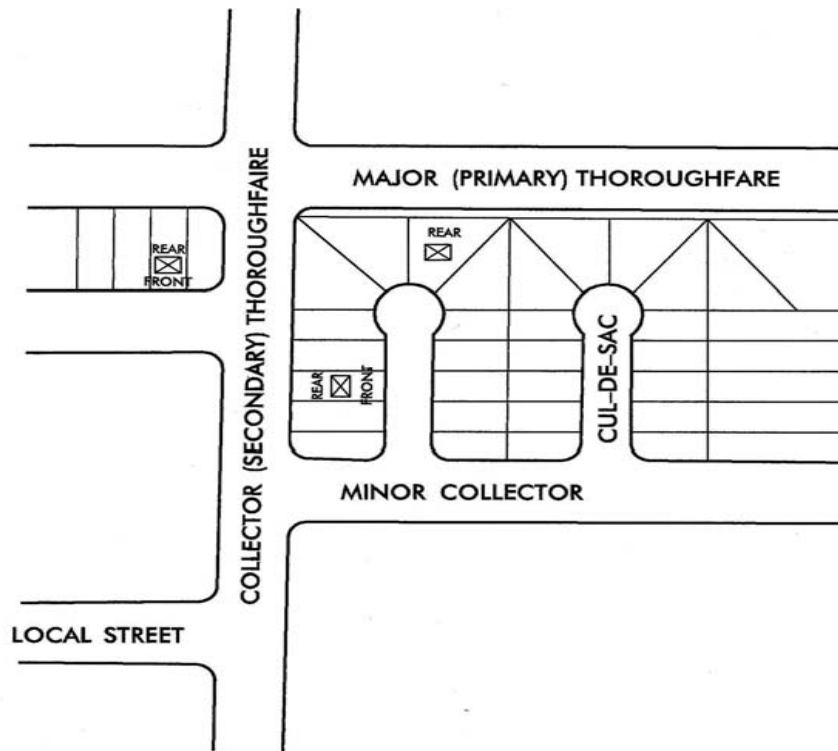
a. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty percent (50%) of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty-four (24) feet or more.

b. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or if it is used for business purposes.

c. An attic shall be deemed a full story when more than fifty percent (50%) of the floor area has a ceiling height of at least seven feet-six inches (7'6").

94. Street, Highway, Road: A thoroughfare that affords the principal means of access to abutting property (see Figure 8).

**Figure 8**  
**STREET HIERARCHY**



95. Structure: A construction or building, the use of which requires permanent location on the ground or attached to something having permanent location on the ground
96. Temporary Building and Use: A structure or use permitted by this Zoning Ordinance to exist during periods of construction of the main building or for special events.
97. Theater, Indoor: Any building used primarily for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge.
98. Theater, Outdoor: Any other place used for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge, but not including athletic events.
99. Tourist Home: See Bed and Breakfast definition.
100. Trailer Coach: See Recreational Vehicle definition.
101. Travel Trailer: See Recreational Vehicle definition.
102. Undevelopable Land: Land which has soil types or a high water table condition which present severe limitations on septic tanks and tile fields and on which no septic tank and tile field can be legally constructed and to which no public sewer is

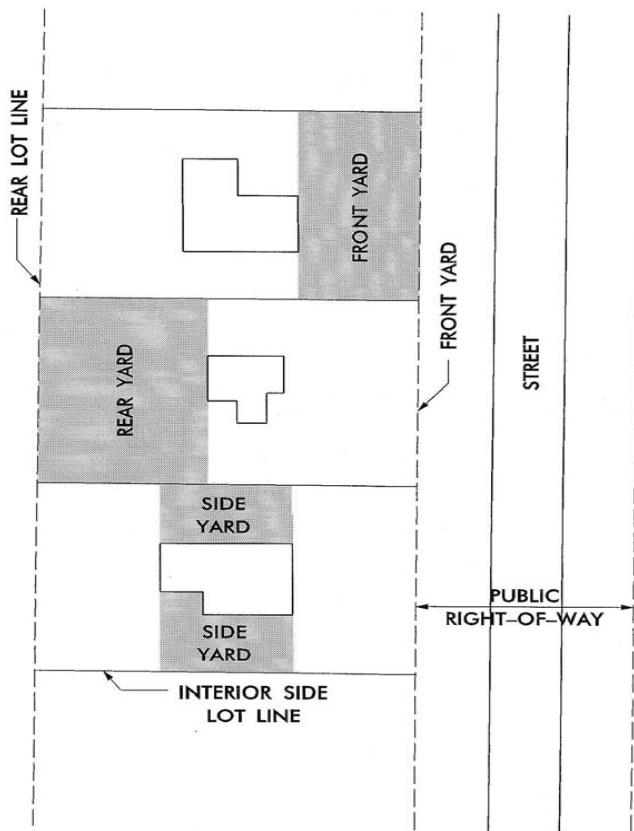
extended.

103. Use: The lawful purpose of which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this Ordinance.

104. Variance: A modification of literal provisions of this Ordinance which the Board of Appeals is permitted to grant when strict enforcement of said provision would cause undue hardship owing to circumstances unique to the individual property in which the variance is sought.

105. Yard: A space open to the sky between a building and the lot lines of the parcel of land on which the building is located, unoccupied or unobstructed by an encroachment or structure except as otherwise provided by this Ordinance (see Figure 9).

**Figure 9  
YARDS**



- a. Front Yard: A yard across the full width of the lot extending from the front line of the principal building to the front lot line, or highway-right-of-way line as the case may be.
- b. Rear Yard: A yard extending across the full width of the lot from the rear line of the building to the rear lot line.
- c. Side Yard: A yard extending between the side lot line and the nearest side of

the building.

106. Zoning Administrator: The official designated by the Genesee Township Board of Trustees to administer and enforce the provisions of this Ordinance or his/her designee.

**Article III**  
**Zoning Districts and Map**

**Section 300 Districts Enumerated**

For the purpose as defined in **Section 101**, Genesee Township of Genesee County shall be divided into the following Zoning Districts:

1. Agricultural/Rural Residential – A-R
2. Single-Family Residential District – R-1
3. Single-Family/Two-Family Residential District – R-2
4. Multiple-Family Residential District – R-3
5. Manufactured Home Park District – R-4
6. Neighborhood Commercial District – C-1
7. Highway Commercial District – C-2
8. Light Industrial District – I-1
9. Heavy Industrial District – I-2

**Section 301 Boundaries**

1. The boundaries of these districts are hereby established as shown on the zoning map, and which map with all notations, references, and other information shown thereon shall be as much part of this chapter as if fully described in this article.
2. Unless shown otherwise, the boundaries of the district are lot lines, section lines, the centerlines of streets, alleys, roads or such lines extended, and the corporate limits of the Township.
3. Where, due to the scale, lack of detail or illegibility of the zoning map accompanying, there is any uncertainty, contradiction or conflict as to the intended location of any district boundaries, shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, by the Board of Appeals.

**Section 302 District Boundaries Interpreted**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.

5. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (5) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
7. Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1)--(6) of this section, the Board of Appeals shall interpret the district boundaries.
8. Insofar as some or all of the various districts may be indicated on the zoning map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

### **Section 303 Zoning of Vacated Areas**

Whenever any street, alley or other public way within the Township shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zone district as the property to which it attaches.

### **Section 304 District Requirements**

All buildings and uses in any district shall be subject to the provisions of **Articles XIV** and **XV** of this chapter.



**Article IV**  
**A-R Agricultural/Rural Residential District**

The following provisions shall apply to the A-R Agricultural/Rural Residential District.

**Section 400 Intent**

This district provides for the continuance of farming, ranching, and commercial gardening activities on land being utilized for these purposes. The district is also intended for very low density single-family housing as well as the preservation of natural open space lands and lands that are unsuitable for development due to constraints such as flooding, or lack of infrastructure.

When land in the Agricultural/Residential District is needed for urban purposes, it is anticipated that the zoning will be changed to the appropriate zoning district(s) to provide for orderly growth and development in accordance with the Master Plan.

**Section 401 Uses Permitted by Right**

1. Single-family dwellings
2. Farms, crop and livestock, including truck gardens, tree farms, and other specialty crops, but excluding the raising of fur bearing animals
3. Roadside stands
4. Churches and other places of worship
5. Forestry and wildlife preserves
6. Golf courses
7. Publicly owned buildings and community facilities, including schools
8. Publicly owned and operated parks and playgrounds
9. Bed and breakfast facilities
10. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.

**Section 402 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1704** of this zoning ordinance.

1. Airports and aircraft landing fields
2. Animal sales yards
3. Telecommunication towers
4. Cemeteries, including columbarium, mausoleums and crematories
5. Circus and carnival lots
6. Theaters, outdoor
7. Stables, commercial
8. Fur bearing animals, raising of

9. Gas and oil processing facilities
10. Resorts
11. Childcare organization
12. Hospitals
13. Clinics
14. Convalescent or nursing homes or senior assisted living homes
15. Radio-TV stations, studios
16. Rifle ranges
17. Campgrounds and travel trailer parks
18. Real estate offices (sales) in connection with a specific development for a period not more than that specified at the time special approval is granted
19. Sawmills-temporary use not to exceed one (1) year
20. Home occupations
21. Kennels, commercial
22. Campgrounds
23. Intensive livestock operations Gravel pits subject to conditions outlined in **Section 1507**.
24. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception.

#### **Section 403 Area and Bulk Regulations**

See **Article XIII** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

**Article V**  
**R-1 Single-Family Residential District**

The following provisions shall apply to the R-1 Single-Family Residential District.

**Section 500 Intent**

The intent of this district is to provide for low density, single-family residential development and related public and semi- public buildings, facilities, and accessory structures, consistent with the essentially rural character of the Township.

The provisions of this district are intended to protect and stabilize existing single-family developments and to encourage future single-family developments to occur on vacant land suitable for development, contiguous to existing residential land, with adequate public services and utilities.

Encroachment by non-residential uses and activities considered capable of adversely affecting the low density residential character of this district is discouraged.

**Section 501 Uses Permitted by Right**

1. Single-family dwellings
2. Family day care home
3. Golf courses
4. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.

**Section 502 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1704** of this zoning ordinance.

1. Churches and other places of worship
2. Bed and breakfast facilities
3. Group day care home
4. Home occupations Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception.

**Section 503 Area and Bulk Regulations**

See **Article XIII** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

**Article VI**  
**R-2 Single-Family / Two-Family Residential District**

The following provisions shall apply to the R-2 Single Family/Two Family Residential District.

**Section 600 Intent**

The purpose of this district is to provide for stable, quality single-family and two-family residential developments at slightly increased densities, along with related public and semi-public buildings, facilities, and accessory structures. Districts of this nature are generally found in more established urbanized areas with existing public services and facilities, and serve as buffers or transitions between lower density residential areas and higher or non-residential areas.

**Section 601 Uses Permitted by Right**

1. Single-family dwellings
2. Two-family dwellings
3. Family day care home
4. Churches and other places of worship
5. Publicly owned and operated recreation areas, parks and playgrounds
6. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.

**Section 602 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1704** of this zoning ordinance.

1. Bed and breakfast facilities
2. Group day care home
3. Home occupations
4. Publicly owned buildings and community facilities, including schools
5. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception.

**Section 603 Area and Bulk Regulations**

See **Article XIII** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

**Article VII**  
**R-3 Multiple-Family Residential District**

The following provisions shall apply to the R-3 Multiple-Family Residential District.

**Section 700 Intent**

The intent of this district is to provide for an efficient and economic use of land through a mixture of single-family, two-family, and multiple-family housing types together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with such residential developments.

The provisions of this district are intended to provide for the development of such projects with characteristics that are compatible with surrounding areas, while preserving open space and other natural features. It is the intent of this district to locate residential developments near concentrations of nonresidential activities and facilities such as employment centers, with adequate access to major transportation arteries and existing public facilities and services.

**Section 701 Uses Permitted by Right**

1. Single-family dwellings
2. Two-family dwellings
3. Multiple-family dwellings
4. Family day care home
5. Publicly owned and operated parks and playgrounds
6. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.

**Section 702 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1704** of this zoning ordinance.

1. Bed and breakfast facilities
2. Convalescent or nursing home or senior assisted living home
3. Group day care home
4. Home occupations
5. Hospitals
6. Churches
7. Publicly owned buildings and community facilities, including schools
8. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception.

### **Section 703 Area and Bulk Regulations**

See **Article XIII** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

**Article VIII**  
**R-4 Manufactured Home Park District**

The following provisions shall apply to the R-4 Manufactured Home Park District

**Section 800 Intent**

The intent of this district is to preserve the interests of alternate types of residential developments by providing for manufactured housing developments and to protect the residents of any manufactured home development.

**Section 801 Uses Permitted by Right**

1. Manufactured home parks, subject to the requirements established by the Mobile Home Commission Act, Public Act 96 of 1987, as amended, and the National Mobile Home Construction and Safety Standards Act of 1974.
2. Accessory uses, buildings, or structures customarily incidental to Manufactured Home Parks such as, clubhouses, swimming pools, common playground areas, laundry facilities, storage or out buildings, and Manufactured Home Park offices.

**Section 802 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1704** of this zoning ordinance.

1. Home occupations
2. Publicly owned buildings and community facilities, including schools
3. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception

**Section 803 Area and Bulk Regulations**

See **Article XIII** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

**Section 804 Other Regulations**

See **Section 1417** of this Ordinance which further regulates Manufactured Home Parks.

**Article IX**  
**C-1 Neighborhood Commercial District**

The following provisions shall apply to the C-1 Neighborhood Commercial District.

**Section 900 Intent**

The intent of this district is to provide for a limited number of existing or potential low intensity office, business, and commercial facilities intended to serve diverse local needs.

The provisions of this district are intended to permit the continuance of existing and compatible business and commercial developments that benefit from being in close proximity to each other and surrounding residential districts, and to prevent larger strip commercial or general business developments. The provisions of this district also intend to avoid undue traffic congestion on minor streets by directing such developments to abut upon or have relative access to major transportation arteries. Encroachment by industrial, residential or other uses considered capable of adversely affecting the localized commercial and business characteristics of the district are discouraged.

**Section 901 Uses Permitted by Right**

1. Administrative, executive, governmental, and professional offices
2. Clinics
3. Any generally recognized retail business which supplies such commodities as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods or hardware
4. Any personal service establishment which performs such services as, but not limited to: shoe repair, tailor shops, beauty/barber shops, interior decorators, photographers
5. Child care organizations
6. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.

**Section 902 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1704** of this zoning ordinance.

1. Gasoline service station
2. Restaurants, except drive-through
3. Hospitals
4. Single-family dwelling on same parcel as a C-1 use
5. Hotels or motels
6. Dry cleaners and self-service laundries
7. Clubs
8. Accessory uses, buildings and structures customarily incidental to the uses permitted



by special exception.

**Section 903 Area and Bulk Regulations**

See **Article XIII** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

**Article X**  
**C-2 Highway Commercial District**

The following provisions shall apply to the C-2 Highway Commercial District.

**Section 1000 Intent**

The intent of this district is to provide for areas that are designed for the commercial needs that appeal to a wider community interest than those found in the neighborhood business district. The general character of this district comprises a broad range of retail and service uses, entertainment uses, community facilities, and general office uses.

The provisions of this district are intended to encourage general commercial development to locate along major arteries particularly adjacent to major intersections where such development could most adequately serve the needs of the community's residents and those of the traveling public, without excessive quantities of strip development. The district discourages encroachment by industrial, residential or other uses considered capable of adversely affecting the general business characteristics of this district.

**Section 1001 Uses Permitted by Right**

1. Antique shops
2. Appliance sales and service
3. Art galleries
4. Bakeries
5. Bowling alleys
6. Administrative, executive, governmental, and professional offices
7. Carpentry, plumbing, electrical sales, service and contracting offices
8. Clinics
9. Clubs
10. Curio stores
11. Florist shops
12. Furniture Stores
13. Golf driving range and miniature golf
14. Grocery stores
15. Hardware stores
16. Jewelry stores
17. Libraries
18. Museums
19. Hospitals
20. Hotels or motels
21. Malls/strip malls
22. Music shops

23. Nurseries
24. Parking lots
25. Pet sales and supply
26. Printing, publishing, blueprint, photocopy shops
27. Radio and TV sales and service
28. Real estate offices
29. Restaurant, including drive-through
30. Second-hand stores, excluding outside sales or displays
31. Single-family dwellings on same parcel as business
32. Sporting goods shops
33. Swimming pools-public
34. Taverns and bars
35. Theaters, indoor
36. Upholstering, interior decorating
37. Other similar retail businesses or service establishments which generally provide commodities or services for more than one neighborhood (as distinguished from those which primarily serve residents of the surrounding neighborhood) which are judged by the Planning Commission to be similar in character to those enumerated.
38. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.

**Section 1002 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1704** of this zoning ordinance.

1. Automotive sales and service
2. Automobile wash establishments
3. Boat sales and services
4. Building material sales
5. Farm machinery sales and services
6. Laundromats, laundries and dry cleaning establishments
7. Kennels, commercial
8. Manufactured and mobile home and travel trailer sales and service
9. Mini/self storage facilities
10. Gasoline service stations
11. Snowmobile sales and service
12. Telecommunication towers or facilities, alternative tower structures, water towers, wireless communication antennas, electric transmission towers, water or sewage treatment plants, electric substations, gas regulator stations, and other major public utility structures.
13. Adult entertainment businesses
14. Accessory uses, buildings and structures customarily incidental to the uses permitted by special exception.

### **Section 1003 Area and Bulk Regulations**

See **Article XIII** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

**Article XI**  
**I-1 Light Industrial District**

**Section 1100 – Intent**

The I-1 Light Industrial District is designed to accommodate wholesale activities, warehousing and industrial operations whose external physical effects are restricted to the area of the I-1 district and have no detrimental effect on the surrounding properties. An I-1 district is structured to permit, along with specified uses, the manufacturing, assembly, treatment and processing of finished and semifinished products from previously prepared material.

**Section 1101 Uses Permitted by Right**

In an I-1 Light Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter:

1. Any use with the principal function of research, design and experimental product development when conducted within a completely enclosed building.
2. The following uses shall be permitted:
  - a. Warehousing and wholesale establishments.
  - b. The manufacture, compounding, processing, packaging or treatment of such products, including bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die gauge, and machine shops.
  - c. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
  - d. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.
  - e. Manufacture or assembly of electrical appliances, electronic instruments and devices and radios and phonographs.
  - f. Laboratories: experimental, film or testing.
  - g. Manufacturing and repair of electric or neon signs, light sheet metal products, heating and ventilating equipment, cornices and eaves.
3. Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities, including lumberyards, building materials, outlets, upholsterer, cabinetmaker, outdoor boat or house trailer, automobile, or agricultural implement sales; and uses which serve convenience needs of the industrial district, including eating and drinking establishments, banks, credit unions, automobile service stations, hotels or motels, bowling alley, trade or industrial schools, or medical or other offices serving the I-1 Light Industrial District.
4. Other uses similar to the above uses.
5. Accessory uses, buildings, and structures customarily incidental to the uses permitted by right.

**Section 1102 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process

outlined in **Section 1704** of this zoning ordinance.

1. Adult entertainment businesses.
2. Accessory uses, buildings, and structures customarily incidental to the uses permitted by special exception.

### **Section 1103 Area and Bulk Regulations**

See **Article XIII** of this Ordinance limiting the height and bulk of buildings, providing the minimum size of lot by permitted land use and providing minimum yard setback requirements.

**Article XII**  
**I-2 Heavy Industrial District**

**Section 1200 Intent**

The I-2 Heavy Industrial District is established for manufacturing, assembling and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding properties.

The I-2 Heavy Industrial District is so structured to permit, in addition to I-1 light industrial uses, the manufacturing, processing and compounding of semifinished or finished products from raw materials.

**Section 1201 Uses Permitted by Right**

In an I-2 Heavy Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter.

1. All principal uses permitted in an I-1 Light Industrial District.
2. Trucking facilities.
3. The manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials including bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood and yarns.
4. Storage and transfer of electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants. Water and propane tank holders. Railroad transfer and storage tracks. Railroad rights-of-way. Freight terminals.
5. Storage facilities for building materials, sand, gravel, stone, lumber or storage of contractor's equipment and supplies.
6. Central dry cleaning plants or laundries.
7. Automotive repair garages, auto engine and body repair, and undercoating shops when completely enclosed.
8. Kennels, commercial
9. Heating and electric power generating plants.
10. Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods or products which shall conform with the performance standards set forth in **Section 1513** of this chapter.
11. Accessory uses, buildings, and structures customarily incidental to the uses permitted by right.

**Section 1202 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1704** of this zoning ordinance.

1. Auto salvage and storage facilities
2. Gas and oil processing facilities
3. Telecommunication towers
4. Lumber and planing mills when completely enclosed and when located in the interior of the district.
5. Junkyards, provided such are entirely enclosed within an eight-foot high obscuring wall. No burning shall be permitted on such site and all industrial processes shall be conducted within a completely enclosed building.
6. Accessory uses, buildings, and structures customarily incidental to the uses permitted by special exception.

**Section 1203 Area and Bulk Regulations**

See **Article XIII** of this Ordinance limiting the height and bulk of buildings, providing the minimum size of lot by permitted land use and providing minimum yard setback requirements.



**Article XIII**  
**Schedule of Regulations**

**Section 1300 Purpose**

It is the purpose of the zoning ordinance to regulate the size, bulk, height and types of uses and structures in various districts to protect the general health, safety, and welfare of residents living or working within such districts. The following Schedule of Regulations stipulate the minimum allowable areas for land and buildings in each district as defined in this Ordinance.

No structure shall be erected, nor shall an existing building be altered or enlarged unless it conforms with the minimum area and setback requirements and maximum building heights as established for each district of this Ordinance.

**Section 1301 Footnotes to Schedule of Regulations**

1. A maximum lot ratio of one to four (lot depth cannot exceed four times the lot width) shall be maintained for all new lots created. This ratio will not apply to existing lots. The depth of lot shall be measured within the boundaries of the lot from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement. The width of a parcel shall be measured within its boundaries from parcel boundary lines, which are perpendicular to the abutting road right-of-way.
2. The roof pitch for all single-family dwellings shall be no less than four (4) on twelve (12).
3. The minimum floor area per dwelling unit shall not include areas of basements, utility rooms, breezeways, porches, or attached garages. All floor areas required can be in single or multiple floors.
4. The minimum floor space per dwelling unit shall be:
  - a. Efficiency 350 sq. ft.
  - b. One-bedroom apartment 500 sq. ft.
  - c. Two-bedroom apartment 700 sq. ft.
  - d. Three-bedroom apartment 800 sq. ft.
  - e. Four-bedroom apartment 880 sq. ft.
5. A manufactured home park shall comply with all requirements as established in the Mobile Home Commission Act, Public Act 96 of 1987, as amended.
6. A zero side yard setback can be permitted in C-1 and C-2 districts if a fire wall with no opening is constructed between two properties.

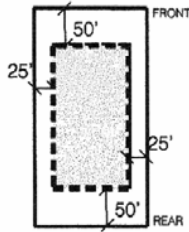
**Table A**  
**Schedule of**  
**Regulations\***

Zoning District	Minimum Lot Size		Maximum Building Height (2)		Minimum Yard Setbacks In Feet			Minimum Floor Area per Dwelling Unit in Sq. Ft. (3)	Maximum Building Coverage of Lot
	Area	Width in Ft. (1)	Stories	Feet	Front	Minimum Side Each	Rear		
A-R Agricultural/ Residential District	1 Acre	150	3	40	50	25	50	1,200	35%
R-1 Single-Family Residential District	12,000 Sq. Ft.	100	2-1/2	35	35	15	25	1,000	30%
R-2 Single-Family/ Two-Family Residential District	9,600 Sq. Ft.	80	2-1/2	35	35	10	25	1,000	35%
R-3 Multiple-Family Residential District	1 Acre	120	3	40	50	15	50	(4)	35%
R-4 Manufactured Home Park District (5)	--	--	--	--	--	--	--	--	--
C-1 Neighborhood Commercial District	30,000 Sq. Ft.	120	3	40	50	15 (6)	25	--	35%
C-2 Highway Commercial District	30,000 Sq. Ft.	100	3	40	50	15 (6)	25	--	35%
I-1 Light Industrial District	30,000 Sq. Ft.	100	3	40	50	15	25	--	35%
I-2 Heavy Industrial District	1 Acre	120	3	40	50	25	50	--	35%

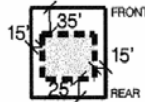
\* See **Section 1301** for footnotes  
See **Figure 10** for setback illustrations

# Figure 10 SETBACK ILLUSTRATIONS

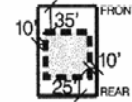
A-R Agricultural/Residential District  
1 Acre Minimum  
150' Wide x 290' Deep



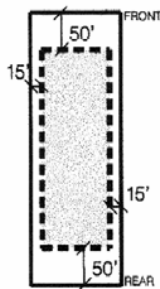
R-1 Single-Family Residential  
12,000 Sq. Ft. Minimum  
100' Wide x 120' Deep



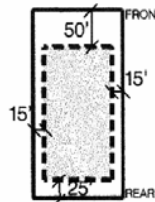
R-2 Single-Family /Two-Family Residential District  
9,600 Sq. Ft. Minimum  
80' Wide x 120' Deep



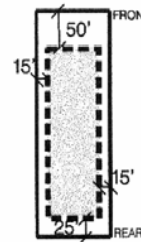
R-3 Multiple-Family Residential District  
1 Acre Minimum  
120' Wide x 363' Deep



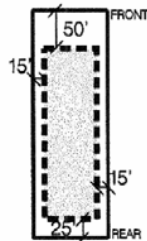
C-1 Neighborhood Commercial  
30,000 Sq. Ft. Minimum  
120' Wide x 250' Deep



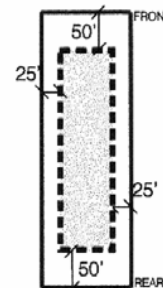
C-2 Highway Commercial  
30,000 Sq. Ft. Minimum  
100' Wide x 300' Deep



I-1 Light Industrial  
30,000 Sq. Ft. Minimum  
100' Wide x 300' Deep



I-2 Heavy Industrial  
1 Acre Minimum  
120' Wide x 363' Deep



**ARTICLE XIV**  
**SPECIAL PROVISIONS**

**Section 1400**

The following uses, due to their special nature, require additional standards to ensure compatibility with the character of the district they are located in. For this reason, the following uses shall be controlled by the provisions of this Article, in addition to the provisions of the district they are listed under.

**Section 1401 Adult Entertainment Businesses**

1. No adult entertainment business shall be permitted in a location in which any principal or accessory structure, including signs, is within 1,500 feet of any principal or accessory structure of another adult entertainment business.
2. No adult entertainment business shall be established on a parcel that is within 400 feet of any parcel zoned A-R, R-1, R-2, R-3, or R-4.
3. No adult entertainment business shall be established on a parcel within 1,500 feet of any residence, park, school, childcare facility, or place of worship. The distance shall be measured in a straight line from the nearest property line upon which the proposed adult entertainment business is to be located to the nearest property line of the residence, school, childcare facility, or place of worship.
4. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
5. The proposed use must meet all applicable written and duly adopted standards of the Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
6. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not be visible from neighboring properties or adjacent roadways.
7. Any sign or signs proposed for the adult entertainment business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
8. Entrances to the proposed adult entertainment business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business. Lettering no less than two (2) inches in height shall state: 1) "Persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."

9. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
10. Hours of operation shall be limited to 10:00 a.m. to 12:00 midnight.
11. All off-street parking areas shall be illuminated during all hours of operation of the adult entertainment business, and until one hour after the business closes.
12. Any booth, room or cubicle available in any adult entertainment business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
  - a. Is handicap accessible to the extent required by the Americans with Disabilities Act;
  - b. Is unobstructed by any door, lock or other entrance and exit control device;
  - c. Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
  - d. Is illuminated by a light bulb of wattage of no less than twenty-five (25) watts;
  - e. Has no holes or openings in any side or rear walls.

#### **Section 1402 Airports and Aircraft Landing Fields**

1. Privately owned and maintained non- commercial aircraft landing strips, more or less parallel to a public road, shall be set back from such road for a minimum distance of two hundred (200) feet. Where a privately owned landing strip is situated more or less perpendicular to a public road, such landing strip shall be separated from said road by a distance of at least four hundred (400) feet.
2. All privately owned and maintained aircraft landing strips shall be at least two hundred fifty (250) feet from the nearest residential dwelling unit and at least one thousand (1,000) feet from all other buildings not designed as accessory structures for said aircraft landing field.
3. All other aircraft landing fields or airports must conform to applicable Federal and State regulations and be approved by appropriate Federal and State agencies prior to submittal of a site plan to the Planning Commission.

#### **Section 1403 Automobile Wash Establishments**

1. All washing activities must be carried on within a building.
2. Vacuuming activities may be carried out only in the rear yard and at least fifty (50) feet distant from any adjoining residential use.
3. The entrances and exits of the washing 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.

## **Section 1404 Bed and Breakfast Facilities**

1. Building Requirements, the structures in which the bed and breakfast operation is located must meet the following requirements
  - a. The building must meet the minimum size requirements for that particular zone.
  - b. The building must have a minimum of two exits.
  - c. Each bedroom must be located in the principal structure on the property. No bed and breakfast bedrooms are allowed in outbuildings.
  - d. External changes or modifications for the purpose of accommodating the bed and breakfast operation are prohibited.
  - e. Bed and breakfast bedrooms shall not be located in basements or other below ground areas.
  - f. Sleeping and bath areas rented to paying guests on an overnight basis shall not occupy greater than 30 percent of the usable floor area of the dwelling.
  - g. Guests at bed and breakfast facilities must have access to indoor restroom facilities in the building.
  - h. Minimum of one (1) parking space shall be required for each room rented out. No off-street parking shall be permitted in the setback area.
2. Other Requirements
  - a. Comply with the requirements as established in Section 125.1504b, of Michigan Public Act 230 of 1972, as amended.
  - b. A single, non-illuminated, non-animated sign which identifies the bed and breakfast facility of not more than four square feet in area may be erected on the front wall of the building. One freestanding, non-illuminated, non- animated sign of not more than four square feet shall be permitted.
  - c. The bed and breakfast facility must be the principal residence of the owner of the facility.
  - d. Bed and breakfast facilities must comply with state health department rules and requirements regarding food service.

## **Section 1405 Campgrounds and Travel Trailer Parks**

Minimum lot size shall be ten (10) acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or travel trailer park. Each lot shall be provided with at least one (1) public telephone.

## **Section 1406 Child Care Organizations**

All Child Care Organizations shall require State licensing, as specified in Public Act 116 of 1973, as amended.

## **Section 1407 Convalescent or Nursing Homes or Senior Assisted Living Homes**

Convalescent or nursing homes or senior assisted living homes shall be designed and constructed in accordance with State regulations.

**Section 1408 Drive-Through Businesses**

1. The main and accessory buildings shall be set back a minimum of forty (40) feet from any adjacent right-of-way line or residential property line.
2. A six (6) foot high obscuring wall shall be provided adjacent to any residential district.

**Section 1409 Garage or Yard Sales**

Not more than three (3) garage or yard sales shall be conducted by a household of the Township during a calendar year. Said garage or yard sale shall not exceed three (3) days duration. Temporary signs for the sale shall be removed at the end of the sale.

**Section 1410 Gasoline Service Stations**

1. The service area of any automobile service station shall consist of such capacity as to allow space for at least three (3) automobiles per gasoline pump.
2. Gasoline pumps shall be set back a minimum of twenty-five (25) feet from any street or right-of-way line.
3. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed within a building.
4. When adjoining residentially zoned property, a six (6) foot screening fence shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All masonry walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles.
5. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot screening fence and shall comply with requirements for location of accessory buildings. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted for a period exceeding fourteen (14) days.
6. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.

**Section 1411 Golf Courses and Country Clubs**

1. Minimum lot size shall be forty (40) acres.
2. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

**Section 1412 Home Occupations**

While the Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to ensure that any home occupation is compatible with other permitted uses in residential districts and to maintain and preserve the residential character of the neighborhood.

1. The home occupation shall be clearly incidental and subordinate to the principal use of the premises for residential purposes. The exterior appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner which would

- substantially alter the premises' residential character.
2. The home occupation is conducted by the person or persons occupying the premises as their principal residence. Non-resident persons shall not be employed. Such use shall not occupy more than twenty-five percent (25%) of the ground floor area of the dwelling unit. No accessory building shall be used in the home occupation.
  3. The dwelling has no exterior evidence, other than one (1) non-illuminated sign not exceeding four (4) square feet and attached either to the dwelling or to the mailbox, to indicate that the dwelling is being utilized for a non-residential purpose, and such sign is in conformance with the requirements of this Ordinance.
  4. No occupation shall be conducted upon or from the premises, which would constitute a nuisance or annoyance to adjoining residents by reason of noise, dust, glare, heat, smoke, fumes, odor, vibrations or electrical disturbance. There shall be no discharge of polluting materials, fluids or gases into the ground or surface water, soil or atmosphere.
  5. Vehicular and pedestrian traffic generated by the home occupation shall not exceed that which would normally be expected in a residential neighborhood, and the need for parking shall be met off street.
  6. The home occupation shall not be open to the public earlier than 8:00 a.m. nor later than 8:00 p.m.
  7. There shall be no open display of goods, materials or services in connection with a home occupation, no sale of pre-packaged products produced off premises, and no customer/patron off-street parking shall be permitted within the setback area.
  8. Any such home occupation shall be subject to special approval by the Board of Appeals and inspection by the Building Official or his/her authorized agent as appropriate and must comply with Section 1704. The permit for it may be terminated for failure to comply with the Zoning Ordinance.

### **Section 1413 Intensive Livestock Operations**

1. Area and Location Requirements
  - a. The property shall have a minimum lot area of 40 contiguous acres under common ownership.
  - b. The property shall have a minimum lot frontage of 660 feet.
  - c. All non-residential buildings, structures, enclosed areas (including land used for pasture or feedlot purposes), and equipment associated with the conducting of an intensive livestock operation, including animal shelter and waste storage areas, structures, excavations, shall be located at least 100 feet from any property boundary.
  - d. All buildings, structures, enclosed areas (including land used for pasture or feedlot purposes), and equipment associated with the conducting of an intensive livestock operation, including animal shelter and waste storage areas, structures, and excavations:
    - i. shall be located at least 1,320 feet (one-quarter mile) from the boundaries of any property zoned other than A-R Agricultural / Rural Residential District pursuant to the Township Zoning Ordinance, at the time application for the special exception permit is made.



- ii. shall be located at least 2,640 feet (one-half mile) from the boundaries of any existing recorded residential plat in the Township.
  - e. All buildings, structures, enclosed areas, and equipment associated with the conducting of an intensive livestock operation, including animal shelter and waste storage areas, structures and excavations, shall be located at least 100 feet from the right-of-way of any public roadway; provided, that lands used only for pasture purposes shall not be subject to this requirement.
2. **Operational and Waste Management Requirements**  
 An Intensive Livestock Operation shall be operated and maintained at all times in accordance with the recommendations set forth in the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities (GAAMPS) as adopted by the Michigan Agricultural Commission.
3. **Groundwater Quality/Flow Evaluation**  
 As a condition for issuance of a special exception use permit, the owner or operator of the proposed intensive livestock operation shall install 1 to 4 two-inch groundwater monitoring wells within 100 feet of each animal waste storage structure or area, with the exact number and location of such monitoring wells to be determined by the Planning Commission to facilitate the purposes of the water sampling requirements set forth in this subsection. Prior to approval, the owner or operator shall cause a sample of water from the upper groundwater aquifer to be extracted from each monitoring well and tested by a governmental agency or an independent private laboratory for background organic and inorganic chemical contamination and shall provide the results of such testing to the Township. In addition, as a condition of special exception use approval, an intensive livestock operation shall submit to further periodic groundwater sampling and testing from the monitoring wells by an appropriate governmental agency or independent private laboratory at the request of the Township at reasonable intervals.
- In coordination with the pre-approval water sampling requirements set forth in the preceding paragraph of this Ordinance, and to enable the Planning Commission to properly evaluate the suitability of a specific site for intensive livestock purposes, in the course of reviewing an application for an intensive livestock operation the Planning Commission shall require a report from an engineer disclosing the flow of groundwater beneath the site in question based on existing available hydrogeological data compiled by governmental agencies, educational institutions, or other public entities. In addition, the applicant shall submit to the Planning Commission any hydrogeological study and supporting data obtained by the applicant, or prepared on behalf of the applicant, for the site in question.
4. **Maximum Animal Unit Limitations**  
 No intensive livestock operation shall have more than 2,000 animal units without a review of the permit by the Planning Commission.

**Section 1414 Junk Yards**

1. No parcel shall be used for dumping or disposing of scrap, iron, junk, automobiles or parts of automobiles, garbage, rubbish, refuse, slag, or other industrial waste or byproducts unless appropriate licenses for a waste disposal facility have been obtained from the State of Michigan.
2. None of the materials mentioned in Section 1 hereof shall be dumped, deposited or buried on any parcel.
3. The provisions of Section 1 and Section 2 of this Article shall not apply with respect to scrap held for resale by a scrap dealer.
4. No parcel shall be used for the operation of a scrap yard unless such parcel shall have an area under one ownership of at least 20 acres.
5. 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 no less than fifty (50) feet from the side property lines, and said area shall be screened from the roadway and from any adjoining residential or business uses 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, posted bills, or advertising symbols painted on it.
6. All structures and fencing and used material storage yards shall be set back not less than one hundred (100) feet from any street or highway right-of-way.
7. The hours of outdoor operation of any junkyard or recycling facility shall be limited to between 6:00 a.m. and 6:00 p.m. weekdays and 9:00 a.m. and 5:00 p.m. weekends.

#### **Section 1415 Kennels, Commercial**

1. All kennels shall be operated in conformance with all County and State regulations.
2. For dog kennels, the minimum lot size shall be five (5) acres for the first ten (10) dogs and an additional one (1) acre for each ten (10) additional animals.
3. Buildings wherein animals are kept, animal runs and/or exercise areas shall not be located nearer than five hundred (500) feet to any adjacent occupied dwelling or any adjacent building used by the public.

#### **Section 1416 Livestock and Domestic Animals**

1. The keeping of cows, sheep, pigs, hogs, goats, horses or other such livestock is prohibited on any parcel of land less than five (5) acres in size, provided the number of such animals shall not exceed one (1) animal per first five (5) acres, and one (1) animal per two and a half (2.5) acres thereafter. Domestic animals, such as cats, dogs, and rabbits, may be kept on any parcel less than five (5) acres, provided the number of such animals shall not exceed four (4) animals per each acre of land.
2. Fowl shall be permitted within Zoning Districts R-1 through R-4 of Township after application to and receipt of permit from the Township and only upon the following conditions:
  - a. Fowl shall include, but is not limited to, chicken hens, ducks, geese, hen turkeys. Fowl shall NOT include tom turkeys, roosters and peacocks or any other such bird or poultry

- of similar nature.
- b. General regulations
    - i. A permit may be obtained from the Township; the cost of same shall be determined by the Township Board and amended by resolution of same from time to time.
    - ii. Fowl shall be cared for following Generally Accepted Agricultural Management Practices (GAAMPS).
    - iii. No more than four (4) Fowl may be kept.
    - iv. No roosters may be kept.
    - v. No person shall slaughter any Fowl outside on any residential property.
  - c. Housing/ keeping of Fowl
    - i. Fowl shall be kept in a fully enclosed structure with a cover at all times; no free range allowed.
    - ii. Structures housing fowl shall be located in the rear yard or no less than 40 feet from the front property line on a side lot of any residential structure.
    - iii. Structures housing fowl shall be located no closer than ten (10) feet from any property line of an adjacent property.
    - iv. An enclosure housing fowl shall not be located closer than twenty (20) feet from any residential structure on an adjacent property.
    - v. All enclosures for the keeping of fowl shall be constructed or repaired to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure and to prevent access by predatory animals.
    - vi. All feed and other items associated with the keeping of fowl that are likely to attract or become infested with or infected by rats, mice or other rodents shall be properly contained to prevent the same from gaining access to or coming into contact with them.
    - vii. Hen coops must be cleaned to control for odor created by accumulation of waste. Collected waste shall be contained and placed in waste bins for curbside pickup.
  - d. Violation of this ordinance shall be punishable by revocation of permit and/or by civil infraction punishable by a fine of up to \$500.00 at the discretion of the Township.

#### **Section 1417 Manufactured Home Parks**

Manufactured Home Parks as permitted in the R-4 Manufactured Home Park District shall comply with the following conditions:

1. Manufactured Home Parks shall comply with all the regulations and requirements of the Mobile Home Commission Act, Public Act 96 of 1987, as amended and the National Mobile Home Construction and Safety Standards Act of 1974, as amended.
2. The layout of the manufactured housing development and support facilities shall be in accordance with acceptable planning and engineering practices and shall provide for the convenience, health, safety, and welfare of the residents.

3. An obscuring wall or fence not less than four (4) nor more than six (6) feet in height, or a greenbelt buffer of not less than ten (10) feet in width, or combination of both, shall be provided on all sides of the manufactured housing park development, with the exception of that portion providing ingress and egress to the development.
4. Units shall be attached to a Michigan Manufactured Housing Commission approved foundation or basement and anchoring system, and shall be installed according to manufacturer's setup instructions.
5. No manufactured home site or any building in a manufactured home park shall be located closer than fifty (50) feet to the right-of-way line of a public thoroughfare nor closer than twenty (20) feet to any other manufactured home park property line

**Section 1418 Open-Air Businesses**

1. Minimum lot area shall be 30,000 square feet.
2. Minimum lot width shall be one hundred twenty (120) 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 all cases of car sales lots:
  - a. All areas subject to vehicular use shall be paved with durable dust-free surfacing, with appropriate bumper guards where needed.
  - b. Lighted parking areas shall not create a nuisance for nearby properties.
5. In the case of a plant materials nursery the storage or materials display areas shall meet all the yard setback requirements applicable to any building in the district.
6. All loading activities and parking areas shall be provided on the same premises (off-street). The storage of soil, fertilizer or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

**Section 1419 Open Space Preservation**

Land zoned for residential development may be developed as specified by Public Act 177 of 2001 (Section 16h), referred to as Open Space Preservation Act or Cluster Zoning Act. This new Act allows developers, at their choice, an option to cluster new homes on smaller lots and then to surround the home sites with permanently preserved open space.

**Section 1420 Planned Unit Development**

1. A planned unit development shall be permitted by special exception in accordance with the process outlined in **Section 1704** of this Zoning Ordinance. A planned unit development project shall be recognized as a Conditional Use and controlled by the guidelines thereof and the regulations hereinafter set forth.
2. The purpose of these regulations is to permit greater regulation of land development; encourage innovation in land use and variety in design, layout and type of structures constructed, achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage useful open space;

and provide better housing, employment and shopping opportunities particularly suited to the needs of the residents of the Township.

3. Planned unit development projects shall be allowed only within the R-1, R-2, R-3, R-4, C-1, and C-2 Districts.
4. Application Procedure. In addition to the requirements in **Section 1704**, the following shall apply to planned development applications:
  - a. The applicant, prior to filing application for Special Exception, shall meet with the Planning Commission for a preliminary review of the proposed development. Such review shall be informal and does not require notice as in **Section 1704** nor final drawings.
  - b. An area plan shall be included showing the site and its relation to major streets, schools, park and recreation areas, community facilities, and nearby residential, commercial, or industrial land use areas.
  - c. The Planning Commission shall review the preliminary plan for the criteria established in this ordinance and shall return it to the petitioner with comments or as disapproved. Disapproval shall be based only upon the site being located in an area shown on the master plan as non-residential, or in areas without adequate utilities or roadway access. In areas of question, the Planning Commission may ask for further analysis of commercial markets, roadway capacity or markets for specific housing proposed on the site. The Commission may also request that an Environmental Assessment be prepared. Such an Assessment shall usually be required for projects located in areas whose natural features could affect or be affected by the project, wetlands, floodplains, bedrock areas, unique natural areas or unstable soils areas, or for large sized projects.
  - d. After the preliminary plan has been reviewed by the Planning Commission, the petitioner shall then file for a special exception in accordance with **Section 1704**. The developer shall also file with the Planning Commission a development schedule indicating:
    - i) The approximate date when construction of the project can be expected to begin.
    - ii) The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
    - iii) The anticipated rate of development.
    - iv) The approximate dates when the development of each of the stages in the development will be completed.
    - v) The area and location of open space that will be provided at each stage.
  - e. Action by the Planning Commission and the Township Board shall be based on one of the following:
    - i) Approval of the plan as conforming to the ordinance and all applicable requirements and design standards.
    - ii) Approval with conditions for modifications in design or layout.
    - iii) Disapproval as based on excessive density, inadequate buffers, or protection of adjoining land, inadequate utilities, or inadequate roadway access.
  - f. The Planning Commission when granting the Conditional Use Permit for a planned

unit development special exception project may direct the order of development and determine the percentage of completion of a phase of development before the next phase of development may be commenced. The Township Board may concur with the direction of the Planning Commission or it may change the order of phase development and the percentage of completion of a phase of development and the percentage of completion of a phase of development before the next phase of development may be commenced.

- g. If not construction has begun in the Planned Unit Development within two years from the approval of the final development plan, the plan shall lapse and be no longer effective.

5. General Requirements

- a. The minimum area for planned developments shall be:

- i) Residential – 15 acres
- ii) Commercial – 5 acres
- iii) Mobile Home Park
  - 1. Extension of existing park – 20 acres
  - 2. A new park – 80 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 if available 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. Such system shall be reviewed and approved by an Engineer designated by Township, or selected by developer and approved by the Township, prior to submission for site plan review by the Planning Commission.

- c. The developer shall provide within the planned unit development a storm drainage system which shall be of sufficient size and design to carry off and dispose of all predictable surface water runoff 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. Such system shall be reviewed and approved by the designated or approved Engineer as set forth in subsection (b), above, prior to submission for site plan review by the Planning Commission.

- 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.
  - i) The developer shall provide a fire hydrant within four hundred (400) feet of each structure.
  - ii) Water systems shall conform to the statutes, ordinances, and regulations of the State of Michigan, the Genesee County Drain Commission, the Genesee County

Health Department, and the Township.

- iii) Such water system shall be reviewed and approved by the designated/approved Engineer prior to submission for site plan review by the Planning Commission.

6. Permitted Uses

a. Residential projects limited to R-1, R-2, R-3, and R-4 Districts.

- i) Single, two or three family attached or detached dwellings and accessory buildings.
- ii) Multiple family dwellings and accessory buildings.
- iii) Manufactured home parks.
- iv) Public park or recreation area or private park or recreation area solely for the use of tenants of the project and which may include a golf course, swimming pool, tennis court, ski slope, toboggan run, ice skating rink and other similar recreational uses, but which may not include any use or activity which produces noise, glare, odor, hazards, smoke, fumes, or other pollutants detrimental to existing or prospective occupants or to the general public.
- v) Municipal and/or community facilities.
- vi) Institutions for public or private instruction for five or more persons per group.
- vii) Church, temple, synagogue, parsonage or parish house, convent.
- viii) Commercial or business activity designed to serve a local neighborhood and in particular, the residents of the project. Allowed are neighborhood oriented retail sales, retail service, professional offices, medical clinics, and services, and restaurants. Not allowed are wholesale sales or services, general merchandise stores such as department stores, discount department stores, furniture stores, automotive or automotive parts, gas stations automotive repairs or service, drive-in establishments such as drive-in cleaners, banks, or restaurants, and commercial activities of a similar nature. Single structures may not exceed 25,000 square feet of ground floor area. Allowed uses include the following and those of a similar nature:
  - 1. Grocery and food stores
  - 2. Drug stores and pharmacies
  - 3. Clothing and apparel stores
  - 4. Financial institutions
  - 5. Cleaning and laundry
  - 6. Florist
  - 7. Doctor or dentist, attorney, or other professional office
  - 8. Restaurant, not including drive-in restaurants providing in-the-car service
  - 9. Medical clinic

b. Commercial Projects limited to C-1 and C-2 Districts

- i) Neighborhood commercial uses as allowed in a C-1 District for portions of the project located in a C-1 District.
- ii) Highway commercial uses as allowed in a C-2 District for portions of the project located in a C-2 District.
- iii) Multiple family dwellings and accessory buildings.

7. Density and Design Standards
  - a. Density of dwellings
    - i) The gross density of a project containing dwellings shall not exceed that as set forth in **Article XIII**.
    - ii) Within residential portions of projects, densities shall not exceed the following:
      1. Single family dwellings: 10 units per net acre
      2. 2 or 3 family dwellings: 12 units per net acre
      3. Townhouse: 14 units per net acre
      4. Garden apartments: 16 units per net acre
      5. Apartments, 3 floors or less: 16 units per net acre
      6. Apartments, more than 3 floors: 30 units per net acre
      7. Manufactured home park: as set forth in **Article XIII**.
  - b. Densities of commercial projects shall not exceed the following ratios of gross building floor area to net site area (FAR):
    - i) Commercial structures FAR1
    - ii) Office Structures FAR3
  - c. Design standards.
    - i) Area limitations for residential projects: Within a planned project containing residential uses, the following percentages of the total land area shall be devoted to specified uses:
      1. A maximum of 20% of the net site area including drives and parking area (less public right-of-way) may be devoted to commercial activities. Such activities shall conform to all other sections of this ordinance relating to commercial activities. Pedestrian and vehicular access from residential areas of the site shall be provided. At least 100 feet of frontage on a public right-of-way shall be included within any commercial area. There shall be no joint usage of parking areas with residential portions of the site.
      2. Residential areas must occupy at least 80% of the site including drives and parking areas (less public rights-of-way). Such area include at least the following amounts of contiguous, useable open space to be made available to project residents for recreational activities:
        - Under 50 dwellings: 1 acre
        - For each additional 65 dwelling units: 1 acre
    - ii) Required open space in commercial projects containing residential uses shall be located adjacent to and have direct access from residential areas or structures. The following shall be provided:
      1. Under 50 dwellings units: 1 acre
      2. For each additional 65 dwelling units: 1 acre
    - iii) Lot size: For residential projects there shall be no maximum 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 purchasers of such structure or portions



thereof, 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. A fifteen (15) foot front yard only setback shall apply. Minimum lot area for single or two family attached or detached residences shall be three thousand five hundred (3,500) square feet.

- iv) Height: There shall be no height limitation on structures. Proposed structure heights may be justified by the use of section sketches to indicate the visual effects of the structure on surrounding areas.
- v) Location of structures: The following minimums shall be observed for locations of structures on the site.
  - 1. No primary structure shall be placed closer than a distance equal to its height from a lot line.
  - 2. No freestanding primary structures shall be placed closer together than a distance equal to the average of their heights.
  - 3. No surface off-street parking area shall be placed closer than 2 (two) feet from a ground floor door or window opening directly to the parking area. Otherwise no parking shall be placed closer than 5 (five) feet from a primary structure.
  - 4. No drive may be located less than 10 (ten) feet from a residential structure, or 5 (five) feet from a commercial or office structure.
  - 5. No primary structure may be placed closer than 25 (twenty-five) feet from a perimeter lot line.
- vi) The following shall apply to protection of open spaces:
  - 1. Areas shown for public park or recreation shall be deeded to an appropriate Township of County agency and such areas shall be so reserved on the drawing and on any subdivision plats.
  - 2. Provisions for maintenance and protection from encroachment shall be provided on the subdivision plat or the deed for privately retained park and open space areas.
  - 3. No required front, side, or rear yard, roadway, or parking area or building setback shall be included in the required open space.
- vii) 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.
- viii) Off-Street Parking: Off- street parking shall be provided according to the standards in **Section 1512**. Required parking shall be provided for each functional area; single family, multiple family, or commercial; and access to such parking must be directly from public streets and not through another functional area.
- ix) Number of Structures: there shall be no limit to the number of structures on a lot or parcel and ownership may be individual, joint, or common.
- x) Signs.

1. One project identification sign shall be permitted for each road frontage of the project containing an access drive. Maximum area of the sign shall be 100 square feet.
  2. Other signs shall be attached to buildings. No sign shall extend to less than 8 feet from the ground nor project more than five feet above a wall.
  3. Signs larger than 50 square feet may not be used except for project identification or for identification of primary tenant.
- xi) Circulation: The circulation plan shall provide direct vehicular access to parking terminals. The internal circulation system should be kept to a minimum and should not isolate functional areas. Joint use, whenever possible, should be made of parking areas, by similar establishments or uses. Similarly, the number of access points to exterior streets should be kept to a minimum, and should preferably be located to ensure controlled, safe vehicular entry and exit from the project. Easements should be used where necessary from uses to common parking areas and drives.
- xii) Manufactured Home Parks: The design standards set forth in **Section 1417** shall apply to the Manufactured Home Park portion of a planned unit development project.

#### **Section 1421 Swimming Pools – Public / Private**

Swimming pools, spas, and hot tubs are permitted as an accessory use in all zoning districts subject to applicable setback regulations established for accessory uses, buildings and structures. Swimming pools, spas and hot tubs located out of doors, whether constructed in, on, or above the ground, shall be provided with a fence or other barrier that complies with all provisions of the International Swimming Pool and Spa Code, as amended from time to time, and the International Building code as applicable to swimming pools. Fences or other barriers must be approved by the Building Inspector before a swimming pool, spa, or hot tub will be approved for use or occupancy.

#### **Section 1422 Roadside Stands**

1. The gross floor area of the temporary building shall be not less than thirty- two (32) square feet but not more than two hundred and fifty (250) square feet.
2. Suitable containers for rubbish shall be placed on the premises for public use.
3. The temporary building shall be located not less than twenty-five (25) feet from the public road right-of-way. Its height shall be no more than one (1) story.
4. Adequate off-street parking shall be provided.

#### **Section 1423 Stables, Commercial**

1. For breeding, rearing and housing of horses, mules and similar domestic animals, the minimum lot size, shall be ten (10) acres.
2. Structures used as a stable shall not be located nearer than sixty (60) feet to any property line and not nearer than one hundred fifty (150) feet to any adjoining

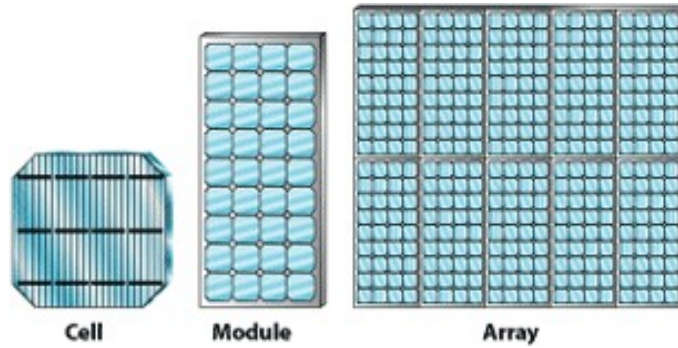
- building.
3. Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than sixty (60) feet to any dwelling on adjacent premises.
  4. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.

## **Section 1424 SOLAR ENERGY SYSTEMS**

### **1. Definitions**

- a. **ACCESSORY SOLAR ENERGY SYSTEM:** An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.
- b. **BROWNFIELD PROPERTY:** land in an area for redevelopment or reuse that's complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant.
- c. **GLARE:** The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
- d. **PRINCIPAL SOLAR ENERGY SYSTEM:** An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.
- e. **SOLAR EASEMENT:** A solar easement means a right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.
- f. **SOLAR ENERGY:** Radiant energy (direct, diffuse and/or reflective) received from the sun.
- g. **SOLAR PANEL:** That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.
- h. **SOLAR RELATED EQUIPMENT:** Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.
- i. **SOLAR ARRAY:** A grouping of multiple solar modules with purpose of harvesting solar energy.

- j. SOLAR CELL: The smallest basic solar electric device which generates electricity when exposed to light.
- k. SOLAR MODULE: A grouping of solar cells with the purpose of harvesting solar energy.



**ACCESSORY SOLAR ENERGY SYSTEMS (ASES)**

- I. Regulations Applicable to All Accessory Solar Energy Systems:
  - i. ASES that have a maximum power rating of not more than 15kW shall be permitted as a use by right in all zoning districts. ASES that have a power rating more than 15kW shall comply with the requirements of Section 4 - Principal Solar Energy Systems.
  - ii. Exemptions
    - 1. ASES with an aggregate collection and/or focusing area of 25 square feet or less are exempt from this ordinance.
    - 2. ASES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing ASES whether or not existing prior to the effective date of this Section that materially alters the ASES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
  - iii. The ASES layout, design, installation, and ongoing maintenance shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the MI Uniform Construction Code as enforced by the Township, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
  - iv. Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards of the Township codes under

which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by the Township in accordance with applicable ordinances.

- v. Accessory Solar Energy Systems must be installed in accordance with and obtain all necessary permits from the US Government, State of Michigan, and Genesee Township, and comply with standards of the State of Michigan adopted codes.
- vi. All on-site utility, transmission lines and plumbing shall be placed underground to the extent feasible.
- vii. The owner of an ASES shall provide the Township written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.
- viii. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.
- ix. Glare
  - 1. All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
  - 2. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
- x. Prior to the issuance of a zoning permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.
- xi. Decommissioning
  - 1. Each ASES and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
  - 2. The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.
  - 3. The ASES owner shall, at the request of the township, provide information concerning the amount of energy generated by the ASES in the last 12 months.
- xii. Permit Requirements

1. Zoning/building permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.
  2. The zoning/building permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.
  3. The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning/Code Enforcement Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.
- m. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:
- i. A roof mounted or wall mounted ASES may be located on a principal or accessory building.
  - ii. The total height of a building with an ASES shall not exceed by more than 1 foot above the maximum building height specified for principal or accessory buildings within the applicable zoning district.
  - iii. Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
  - iv. Solar panels shall not extend beyond any portion of the roof edge.
  - v. Roof mounted solar panels may be located on front-facing roofs as viewed from any adjacent street when approved as a conditional use. The applicant shall demonstrate that, due to solar access limitations, no location exists other than the street-facing roof, where the solar energy system can perform effectively.
  - vi. For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the applicable Michigan Construction/Building Codes and adopted building code of the township that the roof or wall is capable of holding the load imposed on the structure.
- n. Ground Mounted Accessory Solar Energy Systems:
- i. Setbacks
    1. The minimum yard setbacks from side and rear property lines shall be equivalent to the principal structure setback in the zoning district.
    2. Ground mounted ASES are prohibited in front yards, between the principal building and any road right of way.
  - ii. Height: Ground mounted ASES shall not exceed 9 feet in height above

the ground elevation surrounding the systems.

- iii. Coverage
  - 1. The total surface area of the arrays of ground mounted ASES on the property shall not exceed more than 200 sq ft per acre.
  - 2. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the municipal stormwater management regulations.
- iv. Screening - Ground mounted ASES shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a decorative fence meeting requirements of the zoning ordinance may be used.
- v. Appropriate safety/warningsignage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.
- vi. Ground-mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

## **2. PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)**

### **a. Regulations Applicable to All Principal Solar Energy Systems:**

- i. PSES shall be permitted only as follows:
  - 1. PSES shall be permitted by special exception with Planning Commission Review in Township areas qualifying as Brownfield properties.
  - 2. In non-Brownfield designated properties, Applicant shall submit application provided by Township to the Township Zoning Administration for consideration by the Township Board.  
The Township Board shall review the application according to the criteria set forth in the Genesee Township Zoning Ordinance, Article XVII, Section 1704, Special Exception Use Permits.
- ii. Exemptions:

PSES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing PSES, whether or not existing prior to the effective date of this Section that materially alters the PSES shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
- iii. The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards

Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), , Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with all applicable State building and construction codes and as enforced by the Township and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

- iv. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
- v. The owner of a PSES shall provide the Township written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.
- vi. No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.
- vii. Glare
  - 1. All PSES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
  - 2. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
- viii. No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES.
- ix. The PSES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Township. The PSES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.
- x. Decommissioning
  - 1. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures, foundations, electrical equipment and internal or perimeter access roads, restoration of soil and vegetation, and a plan ensuring financial resources will be available to fully decommission the site.



2. The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation.
  3. The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owner's expense.
  4. At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security in the form a bond in favor of the Township equal to 125 percent of the costs to meet the decommissioning plan.
- xi. Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit
  - xii. the development on or growth of any trees or vegetation on such property.
  - xiii. Permit Requirements
    1. PSES shall comply with the Township subdivision and land development requirements. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations.
    2. The PSES owner and/or operator shall repair, maintain and replace the
    3. PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.
- b. Ground Mounted Principal Solar Energy Systems:
- i. Minimum lot size shall be 10 acres
  - ii. Setbacks shall be 100 feet from all property lines and road rights-of-way.
  - iii. Ground mounted PSES shall not exceed 12 feet in height.
  - iv. Impervious Coverage
    1. The area beneath the ground mounted PSES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations for the applicable Zoning District.

2. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with all state, local, and federal stormwater management regulations.
  3. PSES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management.
- v. Ground mounted PSES shall be screened from adjoining residential uses or zones according to the standards found in this ordinance.
  - vi. Ground-mounted PSES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.
  - vii. Security
    1. All ground-mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
    2. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding the PSES informing individuals of potential voltage hazards.
  - viii. Access
    1. At a minimum, a 25' wide access road must be provided from a state or township roadway into the site.
    2. At a minimum, a 20' wide cartway shall be provided between the solar arrays to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.
  - ix. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.
  - x. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.

**ARTICLE XV**  
**GENERAL PROVISIONS**

**Section 1500 Introduction**

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern.

**Section 1501 Effect of Zoning**

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

**Section 1502 Accessory Buildings**

1. Where the accessory building is structurally attached to the main building, it shall be subject to all zoning requirements of main building and in no instance be larger than total square footage of main building.
2. Accessory structure guidelines are as follows:
  - a. Properties under one acre: Building accessory to residential buildings not exceeding 12 feet in wall height may occupy not more than 25% of a required rear yard, or 40% of the total rear yard, provided that in no instance shall the accessory building exceed the total square footage of the main building.
  - b. Properties from 1.01 acres to 1.99 acres: Building accessory to residential building not exceeding 12 feet in wall height may occupy not more than 25% of a required rear yard, or 40% of the total rear yard, provided that in no instance shall the accessory building exceed one and one half times the total square footage of the main building.
  - c. Properties 2.00 acres and above (platted subdivisions): Buildings accessory to residential building not exceeding 12 feet in wall height may occupy not more than 25% of a required rear yard, or 40% of the total rear yard, provided that in no instance shall the accessory building exceed two times the total square footage of the main building, not to exceed 3000 square feet.
  - d. Properties 2.00 acres and above (meets and bounds): Buildings accessory to residential buildings not exceeding 15 feet in wall height may occupy not more than 25% of a required rear yard, or 40% of the total rear yard, provided that in no instance shall the accessory building exceed two times the total square footage of the main building, not to exceed 3600 square feet.
3. No detached building accessory to a residential building shall be located closer than 10 feet to any main building, or any other accessory structure including pools nor shall it be located closer than 5 feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, closer than one foot to such rear lot line. In no instance shall any accessory building be located within a dedicated

- easement or public right-of-way.
4. No detached accessory building in R-1, R-2, R-3 or R-4 platted subdivisions shall exceed one story or 12 feet wall height. Accessory buildings in R-1, R-2, R-3 or R-4 that have over 2 acres of land and are not in a platted subdivision shall not exceed 15 feet in bearing wall height or 30 feet in overall height. Accessory buildings in all other district may be constructed to equal to the permitted maximum height of structures in such districts, subject to the Planning Commission review and approval.
  5. When a building accessory to a residential building is located on a corner lot, the side lot lines of which is substantially a continuation of the front lot line of the lot, such building shall not project beyond the front yard setback required on the lot.
  6. In the event of a principal structure being located more than one hundred fifty feet (150') from the roadway, an accessory building may be located outside of a rear or side yard so long as the accessory structure complies with all front and side yard setback requirements.
  7. No accessory building shall be constructed prior to the construction of the main building.
  8. Accessory buildings shall not be occupied for dwelling purposes nor used for any business profession, trade or occupation.
  9. No accessory building shall be occupied or utilized unless the principle structure to which it is accessory is occupied or utilized.
  10. The placement and design of any accessory building shall not have an impact on storm water run-off. The Building and Zoning Department may require grading plans or a site plan to insure compliance. All accessory buildings must comply with Genesee County Ordinances in effect.
  11. There shall be a maximum of one (1) detached accessory building on all lots with the following exceptions:
    - a. One (1) detached garage and one (1) detached accessory building may be erected on, any lot less than two (2) acres in size. The total area of the two accessory buildings must comply with the maximum coverage and size requirements.
    - b. On lots over two (2) to (5) acres in size, (2) additional accessory buildings may be permitted provided the total area of all accessory structures complies with the maximum coverage and size requirements.
    - c. On lots over 5 acres in size (3) additional accessory buildings may be permitted provided the total area of all accessory structures complies with the maximum coverage and size requirements.
    - d. Agricultural buildings on property that are in complete compliance with the Michigan Right to Farm Act, Public Act 93 of 1981 as amended, and are used solely for agriculture use do not require building permits, however a zoning permit is required for setbacks.

### **Section 1503 Corner Clearance**

In all districts, no fence, wall, shrubbery, sign or other obstruction to vision above a height of 30 inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of 25 feet from their point of intersection.

#### **Section 1504 Exterior Lighting**

All outdoor lighting in all use districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences.

#### **Section 1505 Fences, Walls, and Hedges**

Fences are permitted, or required subject to the following:

1. 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 toward the front of the lot nearer than the front of the house or the required minimum front yard setback whichever is greater.
2. No wall or hedge planting shall exceed a height of three (3) feet within any residential front yard. Clear vision fences are permitted in front yards, but shall not exceed four (4) feet in height. On a corner lot or parcel, no fence, wall, or planting shall be allowed except as may be permitted by the Zoning Administrator who shall be reasonably assured that such fence, wall, or planting will not interfere with traffic visibility across a corner.
3. Fences in residential districts shall not contain barbed wire, razor wire, or be charged with electricity in any fashion.
4. Fences in commercial and industrial districts shall not exceed eight (8) feet in height measured from the surface of the ground. Provided, however, that upon application and good cause shown the Planning Commission may authorize suitable fencing of any height the Commission determines to be reasonable under the facts and circumstances presented by the applicant.
5. Fences in which public or institutional parks, playgrounds, or public landscape areas 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.
6. A construction (fence) permit shall be secured prior to erection, construction, replacement or substantially repairing of any fence in any zoning district, other than on property used for agricultural purposes. No permit shall be required for fences six (6) feet or lower in height.
7. It shall be the obligation and sole responsibility of persons erecting fences in this Township to determine the location of property lines.
8. Sight Zones: Within the limits of sight zones, fences, and hedges shall not exceed two (2) feet in height above grade, except that such restrictions shall not apply to clear vision fences. Such sight zones shall be determined as follows:
  - a. Street/Road Corners: The triangle formed by legs measured twenty- five (25) feet on each side of a street/road corner, measured from the point of intersection of the right-

- of-way lines.
- b. The right triangles formed on each side of driveways, measured ten (10) feet along the property line or right-of-way line for one leg, and the outside edge(s) of the driveway for the other leg.
  9. Fence material shall be painted or stained with a uniform color on both sides and the finished side of the fence shall face out.
  10. Where a lot borders a lake or stream, fences in the waterfront yard shall not exceed three (3) feet in height nor otherwise unreasonably restrict views of the water from adjacent properties.
  11. Fences shall be maintained so as to not endanger life or property and shall not be in a stage of disrepair in the opinion of the Code Enforcement Official.
  12. The regulations set forth in this Section shall not apply to fences erected on lands in Agricultural districts, the primary use of which land is the operation of a farm as herein defined.

### **Section 1506 General Exceptions to Area, Height, and Use**

1. **Essential Services**  
Essential Services, as defined in Article II, shall be permitted as authorized and regulated by law and other ordinances of the township. It is the intention of this article to exempt such essential services from the application of this Ordinance.
2. **Voting Place**  
The provisions of this chapter 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.
3. **Height Limit**  
The height limitations of this chapter shall not apply for farm buildings, chimneys, church spires, flagpoles, public monuments or wireless transmission towers; provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a special exception use.
4. **Lots Adjoining Alleys**  
In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this chapter, one-half the width of such alley abutting the lot shall be considered as part of such lot.
5. **Access Through Yards**  
For the purpose of this chapter, 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 serving the like function, and not in excess of nine inches above the grade upon which placed, shall for the purpose of this chapter not be considered to be a structure, and shall be permitted in any required yards.

### **Section 1507 Gravel, Soil, Sand, Clay, Stone, or Similar Materials: Removal, Filling**

1. It shall be unlawful for any person, firm, corporation, partnership, or any other

organization or entity to strip any top soil, sand, clay, gravel, stone, or similar material or to use lands for filling, or expand an existing operation in the A-R, I-1, and I-2 Districts without first submitting an application and securing approval and a permit from the Planning Commission.

2. No permits will be required for the following:
  - a. Excavations for building construction purposes, pursuant to a duly issued building permit.
  - b. Minor or incidental grading or leveling of the above materials for the use or development provided no soil erosion conditions result.
3. Application: A separate permit shall be required for each separate site. No such excavations shall be permitted in the R-1, R-2, R-3, R-4, C-1, and C-2 Districts. Each application for a permit shall be made in writing to the Zoning Administrator, and shall contain the following information as a condition precedent to the obligation to consider such request.
  - a. Names and addresses of parties involved.
  - b. Legal description of the premises.
  - c. Description of method of operation, machinery or equipment to be used, estimated period of time that such operation will cover, and hours of operation.
  - d. Statement as to the type of material to be excavated or deposited.
  - e. Proposed method of filling an excavation and/or other means to be used to allow for the reclamation of land to a usable purpose.
  - f. Any State or County permit, if applicable
  - g. Such other information as may be reasonably required by the Planning Commission to base an opinion as to whether a permit should be issued or not.
4. The applicant shall present accurate plans, topography data, and/or other information to clearly indicate the condition of the land prior to any excavation or fill, and how it is to appear after said excavation or fill is terminated. The intent of this requirement is to show before and after data on how the land will be made reusable or otherwise returned to a usable condition.
5. If it is determined that there is a reasonable danger involved for persons and property, adequate fencing and other measures may be required to insure the protection of health, safety and general welfare.
6. Such excavation activities shall not occur in the floodplain of any lake, river, stream or body of water, and shall require a soil erosion and sediment control permit.
7. Permits: After reviewing all of the information submitted by the applicant and such other information as may be in the hands of the Planning Commission, said Commission shall determine whether or not a permit shall be issued.

### **Section 1508 Hazardous Substances**

All businesses or industries that store, use or generate hazardous substances as defined in this Ordinance, in quantities greater than 25 gallons or 220 pounds per month whichever is less, shall meet all state and federal requirements for storage, spill prevention, record keeping,

emergency response, transport and disposal of said hazardous substances. No discharge to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

## **Section 1509 Landscaping**

### **1. Purpose**

The purpose of this section is to promote the public health, safety and welfare by establishing minimum standards for the amount, design, installation and maintenance of landscaping. Landscaping is considered by the Township to be an important element of land development which is a critical factor in maintaining an attractive community character and conserving the value of land and buildings in the Township. In addition to the enhancement of property values, landscaping serves a public purpose by:

- a. Acting as a buffer between adjacent land uses.
- b. Creating privacy between neighboring lots.
- c. Reducing noise pollution, air pollution, and glare.
- d. Reducing flooding by increased floodwater retention.

The landscape standards of this section are considered the minimum necessary to achieve the objectives noted above. In several instances, the standards are intentionally flexible to encourage creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

### **2. Applicability**

The standards contained in this section shall be applicable to all development which requires a site plan or special exception use permit subject to the following limitations:

- a. These regulations shall not apply to single-family and two-family dwellings.
- b. Expansion or renovation of existing uses that require site plan approval shall adhere to the landscaping requirements of this section insofar as practical. The Planning Commission shall have the authority to increase, decrease or otherwise modify the landscaping requirements of this section.

### **3. General Landscaping Requirements**

A minimum of twenty percent (20%) of the parcel shall be landscaped open space. Open space areas shall be landscaped with a minimum of one (1) evergreen tree or shrub for every 1,000 square feet, plus a minimum of one (1) deciduous tree for every 2,000 square feet. A minimum of 33% of the required open space shall be located between the front building line and the right-of-way line. Corner lots shall have 66% of the required open space between the front building line and right-of-way line.

The following additional landscaping requirements shall be met:

- a. No landscape area shall be used for parking purposes.
- b. No synthetic plant materials such as artificial grass, shrubs, trees, or flowers shall be used to fulfill any landscaping requirements.
- c. Berms, whenever utilized, shall be designed and landscaped to minimize



erosion. Berms adjacent to public right-of-way shall have a slope no greater than 3:1 unless designed as part of a retaining wall.

- d. All landscaping materials shall consist of healthy specimens compatible with local climate, soil characteristics, drainage, and water supply. All plant material shall be reasonably resistant to drought and disease.
- e. Grass or other living plants shall be primary ground cover in required landscaped areas. Both sod planting and seeding are acceptable.
- f. Landscaping plans shall be submitted as part of the site plan review process.

#### 4. Parking Lot Landscaping

- a. All off-street parking areas except those serving a four family dwelling or less, shall be landscaped according to the following minimum requirements:
- b. Landscape islands within parking lots should generally be at least one (1) parking space in size, with no landscape island less than fifty (50) square feet in area.
- c. Landscape islands shall be no less than five (5) feet wide.
- d. The square footage of landscaped islands within a parking lot shall equal a total of at least sixteen (16) square feet per parking space.
- e. There shall be a minimum of one (1) tree planted in the parking area for every ten (10) parking spaces within parking lots with more than twenty (20) spaces.
- f. Within parking lots, landscape islands should be located to define parking areas and assist in clarifying appropriate circulation patterns.
- g. A landscape island shall be located at the terminus of all parking rows, and shall contain at least one tree.
- h. All landscape islands shall be protected by monolithic curbs or wheel stops and remain free of trash, litter, and car bumper overhangs.
- i. Perimeter landscaping around parking lots shall not be included in the landscaping requirements.

#### 5. Greenbelts and Screening

The following districts require a greenbelt, wall, fence, or landscaped area on sides of properties whose lot lines abut or are adjacent to a residential property or district.

- a. C-1 and C-2 Districts. Four-foot high wall, fence or greenbelt/landscaped area pursuant to specifications of this section
- b. I-1 and I-2 Districts. Five-foot high wall, fence or greenbelt/landscaped area pursuant to specifications of this section.

The following are additional requirements concerning screening elements such as greenbelts, walls, fences, and landscaped areas.

- a. Required walls and fences shall be located on lot lines except where underground utilities interfere or where this chapter requires conformance with front yard setback lines in abutting residential districts.
- b. Wall and fence requirements may be substituted with greenbelt/landscaping strips consisting of shrubbery, trees and other plant items designed to obscure the use from the abutting residential district. The Planning Commission shall determine the sufficiency of such greenbelt/landscaping screening matter pursuant to the guidelines of this chapter.

- c. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter and except such openings as may be approved by the Planning Commission. All walls required in this section shall be constructed of materials approved by the Planning Commission to be durable, weather-resistant, rustproof and easily maintained; and wood or wood products shall be specifically excluded.
- d. Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of 42 inches below a grade approved by the Planning Commission, and shall be not less than four inches wider than the wall to be erected. Masonry walls may be constructed with openings above 32 inches above the grade, provided such openings are not larger than 64 square inches, and provided that the openings shall be so spaced as to maintain the obscuring character required.
- e. The Planning Commission may waive or modify the requirements of this section where cause can be shown that no good purpose would be served, and provided that in no instance shall a required wall or greenbelt strip be permitted to be less than four feet in height.
- f. Refuse Containers
- g. Refuse containers for other than single-family and two-family uses shall be screened from view. Screening shall consist of a six (6) foot high opaque wall or fence.

**Section 1510 Lot Proportion**

The width of any lot, parcel, or land division created after the effective date of this Ordinance shall not be less than twenty-five percent (25%) of the lot or parcel depth.

**Section 1511 Non-Conforming Uses**

- 1. Intent
  - a. The lawful use of any building or land at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance. It is the intent of this section to permit these nonconformities to continue until they are removed, but not to encourage their continuation. It is further the intent of this section 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. Nonconforming uses are declared by this section to be incompatible with permitted uses in the districts involved.
- 2. Nonconforming lots of record
  - a. In any district, a structure and accessory building may be erected on a lot which fails to meet the district requirements for bulk regulations, provided that said lot existed at the effective date of this Ordinance or any affecting amendment. However, the proposed structure and accessory building must still meet the yard dimensions and requirements for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Appeals.
  - b. If two or more vacant lots or combinations of vacant lots and portions of vacant lots

with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of such parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

3. Nonconforming uses of land

Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- a. 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
- b. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- c. If any such nonconforming use of land ceases for any reason for a period of more than one 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.
- d. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

4. 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, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- b. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- c. 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 moved.

5. Nonconforming uses of structures or of structures and premises in combination

If a lawful use of a structure, or of a structure and land in combination exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains

otherwise lawful, subject to the following provisions:

- a. 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.
  - b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
  - c. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use, provided that the Board of Appeals, either by general rule or by making findings in the 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 Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
  - d. 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, and the nonconforming use may not thereafter be resumed.
  - e. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 12 consecutive months or for 18 months during any three-year period (except when government action impeded access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
  - f. When nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage or dilapidation to an extent of more than 50 percent of the replacement cost at time of destruction.
6. Completion of the Construction of Nonconforming Uses  
To avoid undue hardship, nothing in this section 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 the ordinance from which this section is derived and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.
7. Repairs and maintenance
- a. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 20 percent of the current replacement cost of the nonconforming

structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

- b. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located. 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.

8. Special Exception Uses are Conforming

Any use which is permitted as a special exception in a district under the terms of this chapter shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

9. Change of Ownership

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises, provided there is no change in the nature or character of such nonconforming uses.

### **Section 1512 Parking**

1. Purpose and Scope

- a. The purpose of this chapter is to prescribe regulations for off-street parking of motor vehicles, recreational vehicles, trucks, and trailers in residential and non-residential zoning districts, to ensure by the provisions of these regulations that adequate parking and access is provided in a safe and convenient manner, and to afford reasonable protection to adjacent land uses from light, noise, air pollution, and other effects of parking areas.
- b. The following general provisions apply to parking:

2. General Parking Provisions

- a. At the time any building or structure is erected, enlarged, or increased in capacity, or uses established, off- street parking and loading spaces shall be provided in all zoning districts according to the requirements of this Ordinance.
- b. No parking or loading area or space which exists at the time of the adoption of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.
- c. Parking areas must be in the same zoning classification as the property it serves.

3. Off Street Parking Requirements

Off-street parking required in conjunction with all land and building uses shall be provided as prescribed in this section:

- a. For uses not specifically mentioned in this section, off-street parking requirements shall be determined from the requirements for similar uses, as determined by the Planning Commission.
- b. Any area once designated as required off-street parking shall never be changed to any

other uses unless and until equal required facilities are provided elsewhere. Off-street parking existing at the effective date of the ordinance from which this chapter was derived in connection with the operation of an existing building, shall not be reduced to an amount less than would be required in this section for such building or use.

- c. Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. However, in cases of dual functioning of off- street parking where operating hours do not overlap, the Board of Appeals may grant a special exception based on the peak hour demand.
- d. Required off-street parking shall be for the use of occupants, employees, visitors and patrons, and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale or the repair of vehicles is prohibited. Off-street parking, whether public or private, for nonresidential uses shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major street.
- e. When units or measurements determining the number of required parking spaces result in the requirements of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.
- f. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule **(Table B)**.

**Table B**  
**Minimum Off-Street Parking Requirements**

Use	Parking Space	Per Unit of Measure
1. <u>Residential:</u>		
a. One-family, two-family	2	For each dwelling unit.
b. Multiple-family	2	For each dwelling unit.
c. Residential housing for the elderly	1	For each two units of resident housing, plus one space for each employee.
2. <u>Institutional:</u>		
a. Churches or temples	1	For each four seats or six feet of pews in the main unit of worship.
	1	For each one bed.
b. Hospitals	1	For each two beds.
c. Homes for the aged and convalescent homes	1	For each employee, teacher or administrator; in addition to the requirements of the gymnasium.
d. Elementary and junior high schools	1	For each teacher, employee, administrator, plus one for each ten students in addition to the requirements of the gymnasium.
Senior high schools	1	For each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
e. Private clubs, lodges	1	For each two member families or individual members.
f. Private golf, tennis and sporting clubs	6	For each one golf hole, plus one for each one employee.
g. Golf courses open to the general public (except miniature or par-3 golf courses)	1	For each five members or one for each two beds, whichever is greater.
h. Fraternity or sorority	1	For each three seats or six feet of benches.
i. Stadiums, sports arenas, or similar place of outdoor assembly	1	For each three seats, plus one for each two employees.
j. Theaters, auditoriums		

**Table B**  
**Minimum Off-Street Parking Requirements (Continued)**

Use	Parking Space	Per Unit of Measure
3. <u>Business and Commercial:</u>		
a. Planned commercial or shopping center located in a C-2 district	1	For each 100 square feet of usable floor area.
b. Auto wash	1	For each 1 employee, in addition reservoir parking spaces equal in number to 5 times the maximum capacity of the auto wash for automobiles awaiting entrance to the auto wash shall be provided. Maximum capacity of the auto wash for the purpose of determining the required reservoir parking shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20.
c. Beauty parlor or barber shop	2	For each of the beauty or barber chairs.
d. Bowling alleys	5	For each one bowling lane.
e. Dancehalls, pool, billiard parlors, roller or skating rinks, exhibition halls, and assembly halls without seats	1	For each three persons allowed within the maximum occupancy load as established by local, county, state fire, building or health codes.
f. Restaurants	1	For each 100 square feet of usable floor space.
g. Furniture and appliance retail stores, household equipment, repair shops, showroom of a plumber, decorator, electrician, clothing and shoe repair, cleaners and laundry, and other similar trades	1	For each 800 square feet of usable floor area. For that floor area used in processing, one additional space shall be provided for each two persons employed therein.
h. Automobile service stations	2	For each lubrication stall, rack or pit; plus one for each gasoline pump.
i. Laundromat, and coin-operated dry cleaners	1	For each two machines.



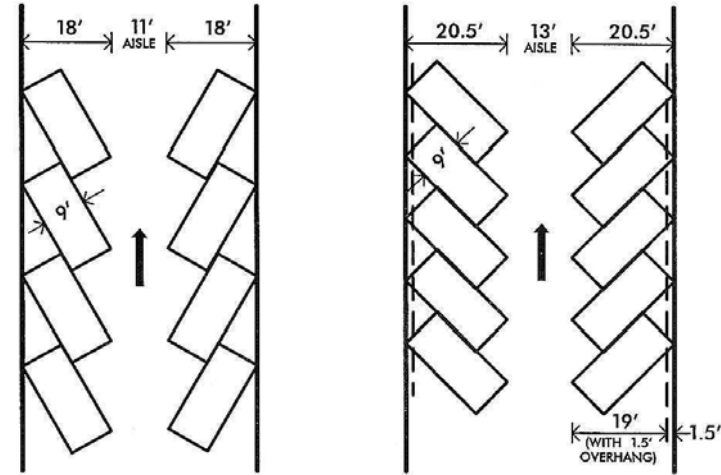
**Table B  
Minimum Off-Street Parking Requirements (Continued)**

Use	Parking Space	Per Unit of Measure
j. Miniature and par-3 golf Courses	3	For each one hole, plus one for each one employee.
k. Mortuary establishment	1	For each 50 square feet of usable assembly room floor space, parlors and slumber rooms.
l. Hotel or motel	1	For each one occupancy unit, plus one for each employee.
m. Automobile sales and Service	1	For each 200 square feet of usable floor space of sales room, plus one for each one auto service stall in the service room.
n. Retail stores	1	For each 150 square feet of usable floor space.
o. Banks	1	For each 100 square feet of usable floor space.
p. Business offices	1	For each 200 square feet of usable floor space.
q. Professional offices of doctors, dentists, or similar professions	1	For each 100 square feet of usable floor area in waiting rooms, and one for each examining room, dental chair or similar use area.
4. <u>Industrial:</u>		
a. Industrial establishments	5	Plus one for every 1 1/2 employees in the largest working shift, or one for every 550 square feet of usable floor space, or whichever is determined to be greater. Space on site shall also be provided for all construction workers during periods of plant construction.
b. Wholesale establishments	5	Plus one for every one employee in the largest working shift, or one for every 1,700 square feet of usable floor space, whichever is greater.

4. **Configuration Standards for Off- Street Parking**

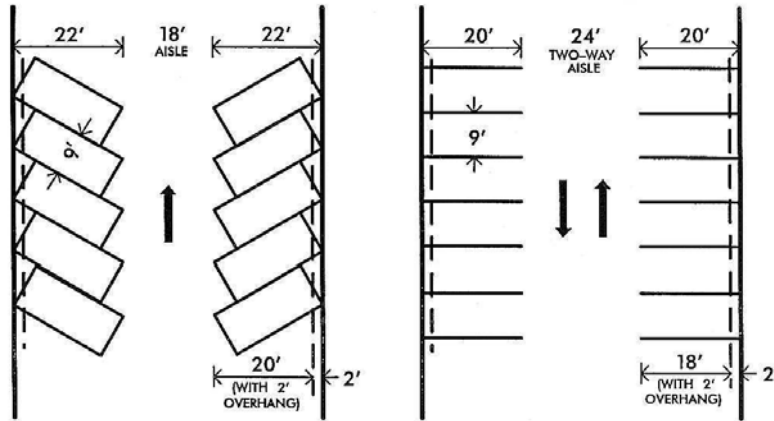
All off-street parking lots as required in this section shall be laid out, constructed and maintained in accordance with **Figure 11** and the following standards and regulations:

**Figure 11**  
**PARKING LAYOUTS**



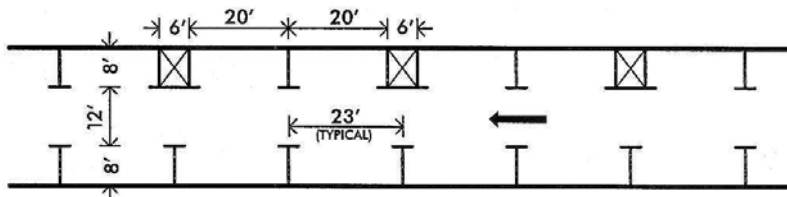
**30 DEGREE**  
(NO OVERHANG NEEDED)

**45 DEGREE**



**60 DEGREE**

**90 DEGREE**



**PARALLEL (ONE-WAY)**

- a. No parking lot shall be constructed unless and until a permit therefore is issued by the Zoning Administrator. Application for a permit shall be submitted in such form as may be determined by the Zoning Administrator, and shall be accompanied with two sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
  - b. Plans for the layout of off- street parking facilities shall be in accord with the following minimum dimensional requirements as shown in **Figure 11**.
  - c. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
  - d. 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 other than single- family residential use shall not be across land zoned for single-family residential use.
  - e. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
  - f. Each entrance and exit to an off- street parking lot in a non- residential zoned area shall be at least 25 feet distant from any adjacent property located in any residential district.
  - g. Parking lots in non-residential districts shall install a continuous chain link fence or greenbelt strip on all sides contiguous to the adjoining residential district. The greenbelt strip shall include landscape materials of shrubs and trees that will result in substantial screening of the parking lot and vehicles from the abutting residential districts.
  - h. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Planning Commission. The parking area shall be surfaced within one year of the date the 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, and plans shall meet the approval of the building inspector.
  - i. 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.
  - j. The Planning Commission, upon application of the property owner to the Zoning Administrator, may modify the fence or greenbelt requirements pursuant to this chapter where it is shown that under such unusual and unique circumstances, no good purpose would be served by such requirements.
  - k. Off-street parking lots shall also conform to the parking lot landscaping standards as set forth in **Section 1408** of this ordinance.
5. Loading and Unloading Standards for Off-Street Parking
- a. On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise,

there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided in accordance with **Table C** and as follows:

- b. All spaces shall be laid out in the dimension of at least ten by 50 feet, or 500 square feet in area, with clearance of at least 14 feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in the I-1 and I-2 Districts shall be provided according to the loading and unloading standards as given in **Table C**.

*Table C*  
**Loading and Unloading Standards**

Gross Floor Area (in square feet)	Minimum Loading and Unloading Space Required
0--1,400	None
1,401--20,000	One space
20,001--100,000	One space, plus one space for each 20,000 square feet in excess of 20,001 square feet
100,001 and over	Five spaces

## Section 1513 Performance Standards

No use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy and operation, which standards are hereby established as the minimum requirements to be maintained within such area

1. Smoke
  - a. It shall be unlawful for any person to cause or permit to be discharged into the atmosphere from any single source of emission, smoke of a density equal to or darker than No. 2 of the Ringelmann chart except:
    - i. Smoke of a density equal to but not darker than No. 2 on the Ringelmann chart may be emitted for not more than three minutes in any 30-minute period.
    - ii. Smoke of a density equal to but not darker than No. 3 of the Ringelmann chart may be emitted for not more than three minutes in any 60-minute period, but such emissions shall not be permitted on more than three occasions during any 24-hour period.
  - b. Method of Measurement. For the purpose of grading the density of smoke, the Ringelmann chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this chapter, shall be the standard. However, the umbrascope readings of smoke densities may be used when correlated with the Ringelmann chart.
2. Dust, Dirt and Fly Ash
  - a. No person shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using such process or furnace or combustion device, recognized and approved equipment means, methods, devices or contrivance to reduce the quantity of gasborne or airborne solids or fumes emitted into the open air, which is operated in conjunction with such process, furnace or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.
  - b. Method of Measurement. For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50% at full load. The foregoing requirement shall be measured by the ASME Test Code for dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The building inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.
3. Open Storage
  - a. The open storage of any industrial equipment, vehicles, and all materials, including wastes, shall be screened from public view, from a public street and from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles, and materials stored.
  - b. Whenever such open storage is adjacent to a residential zone in either a front, side, or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or wood fence of at least six feet in

height.

4. Glare and radioactive materials  
Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
5. Fire and Explosive Hazards  
The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with the state rules and regulations, as established by state law.
6. Noise  
Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.
7. Odors  
Creation of offensive odors shall be prohibited.

#### **Section 1514 Private Roads**

1. Purpose  
The purpose of this section is to regulate the construction, maintenance, and use of private roads in the Township, and to promote and protect the public health, safety and welfare.
2. Applicability  
The provisions of this section shall apply to the creation, construction, extension and/or the alteration of all private roads in the Township
3. Fees
  - a. The Township Board shall establish by resolution a schedule of fees to be charged to proprietors with respect to the administration, review and inspection of private roads.
  - b. Proprietors making application for the creation, construction, extension and/or the alteration of private roads shall be required to post either a performance or cash bond, or irrevocable letter of credit, in an amount deemed appropriate by the Township to be sufficient for completion of the road, said bond or irrevocable letter of credit to be discharged upon final approval of the private road and payment of all fees.
4. Minimum Design Standards for Private Roads
  - a. The design and construction of all private roads shall comply with the most recently published American Association of State Highway and Transportation Officials (AASHTO), standards for the criteria applicable to the private road, subject to the approval of the Township.
  - b. If the private road provides direct access to a County road, approval of the road connection placement and design must be approved by the Genesee County Road Commission prior to Township approval. If the private road provides direct access to a state highway then Michigan Department of Transportation (MDOT) approval must be obtained.
  - c. Private roads with only one connection to a County road or state highway or another approved private road meeting the requirements of this section shall not be longer than

two thousand six hundred forty (2,640') feet.

- d. All private roads shall be designated by name, subject to approval of the Township and the Genesee County Road Commission. The proprietor shall furnish and erect street name and stop signs at all intersections with both public and private roads. The design of the signs shall be the same as those used by the Genesee County Road Commission for similar purposes. Signs marked "Private Road" shall be erected and maintained by the proprietor at the entrance to all private roads of the development.
- e. All private cul-de-sacs shall have a maximum length of 1,000 feet, minimum street width of 18 feet, minimum right-of-way width of 40 feet, minimum turnaround radius of 40 feet, and minimum right-of-way radius of 48 feet.

5. Non-Conforming Private Roads Standards

Notwithstanding any other provisions of this section, private roads, or easements which are contained in land divisions approved by the Township prior to the enactment of this Ordinance, shall continue to meet the specification approved at the time of application. Upon expansion, reconstruction, or alteration of an existing private road, new construction shall comply with the most recently published American Association of State Highway and Transportation Officials (AASHTO) standards for the criteria applicable to the private road. This provision shall be certified on the private road construction documents.

6. Location

- a. A plan of construction, maintenance, and continuing maintenance, including maintenance of road surface, ditches, drainage, repair of potholes, reconstruction, re-paving, snow removal and liability insurance shall be presented by the proprietor. This plan shall guarantee the maintenance in perpetuity of said road, without cost to the Township.
- b. A mandatory Homeowners Association, defined as a private non-profit corporation, or other non-profit legal entity established by the developer to manage and support the activities of a housing development, including road maintenance, shall also be established.
- c. All maintenance plans shall either be set forth in deed restrictions for each parcel of the development or placed in a master deed for the condominium development and shall run with the land in perpetuity. The deed restrictions or master deed shall, at a minimum, guarantee that the Township has no liability for drainage, ditches, and maintenance of the road, nor any liability arising out of the existence and/or condition of the road or the use of the road.
- d. The association shall be responsible for ownership, maintenance, liabilities and payment of taxes on all private roadways and all common areas, including open spaces, in perpetuity.
- e. A Special Assessment District may also be formed by the developer and Township to ensure that the Association's obligations are met without liability or expense on the part of the Township.
- f. A document describing the private road and the provisions for maintenance shall be recorded with the register of deeds and provided to all purchasers within the development. The maintenance provisions shall apportion the maintenance responsibilities among the benefiting and/or abutting property owners and shall run with

the land. The proposed maintenance agreement shall be reviewed and approved by the Township Attorney prior to being recorded with the Township Clerk and the Genesee County Register of Deeds providing for:

- i. A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.
- ii. A workable method of apportioning the costs of maintenance and improvements to current and future users.
- iii. A notice that no public funds of Genesee Township are to be used to build, repair, or maintain the private road.
- iv. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Maintenance of Private Roads Act, PA 139 of 1972, as amended.)
- v. All conditions and requirements concerning public roads shall be deemed the same for private roads, i.e., location on a public road, setbacks (front yard measured from the right-of-way or easement line), etc.

7. Review and Inspection

- a. The Zoning Administrator shall submit one (1) copy of the application and road plans to the Genesee County Road Commission for approval of any approaches to public roads or the MDOT for any approaches to state highways and two (2) copies to the designated Township Engineer for review. There shall be an inspection of the sub-base and a final inspection and other inspections as required by the Township Engineer. All inspections and review costs shall be the responsibility of the applicant.
- b. Review of the plan shall include documentation to the Township that public services will serve the dwellings that use the road such as postal service, garbage service, school buses, fire, and ambulance with the standards established in this Ordinance.

8. Permits

- a. Issuance of Occupancy Permits. No final occupancy permit shall be issued for any parcel until the private road has been constructed and approved in accordance with the standards established in this section.
- b. Issuance of Private Road Certificate of Compliance. A Private Road Certificate of Compliance shall be issued by the Zoning Administrator upon receiving certification from the engineer in charge of the project that construction has been completed in conformance with the standards set forth herein.
- c. A permit shall be obtained as to compliance with the Michigan Soil Erosion and Sedimentation Control Act prior to the commencement of private road construction.
- d. Permits shall be obtained from the County Road Commission or MDOT before entrances are constructed onto any county or state rights-of-way.
- e. A permit shall be obtained from the County Drain Commissioner, if necessary.

**Section 1515 Required Area or Space**

Neither lot nor lots in common ownership, nor yard, court, parking space or any other place shall be divided, altered or reduced to be less than the minimum allowable dimensions as defined in this Ordinance. If such areas are already less than the minimum allowable



dimensions, they shall not be divided, altered or reduced further.

**Section 1516 Site Condominium Projects**

Site Condominium Projects, as defined by **Article II** of this Ordinance, may be permitted in any Zoning District for the uses permitted in that particular district.

**Section 1517 Temporary Use of Recreational Vehicles as Dwellings**

Travel trailers, motor homes and other similar recreational vehicles designed with sleeping accommodations shall not be occupied for transient purposes for a continuous period exceeding thirty (30) days per each one hundred twenty (120) day period unless connected to electrical service and District Health Department approved sanitary facilities. Temporary occupancy of such vehicles connected to electrical and sanitary facilities shall not exceed ninety (90) days in any calendar year. Permits for temporary use shall be obtained from the Zoning Administrator.

**Article XVI**  
**Board of Appeals**

**Section 1600 Authority**

There is hereby established a Board of Appeals, the membership, powers and duties of which are described in Michigan Public Act 184 of 1943, as amended. The Board of Appeals shall be appointed by the Township Board of Trustees and perform its duties and exercise its powers as provided in the above Act in such a way that the objectives of this Ordinance shall be observed, the public health, safety and welfare assured and justice served.

**Section 1601 Board Membership**

The Genesee Township Board of Appeals shall consist of five (5) members in accordance with the following recommendations:

1. The first member shall be a member of the Planning Commission.
2. One (1) member may be a member of the Township Board of Trustees.
3. The remaining members of the Board of Appeals shall be selected from the electors of the Township.
4. An employee or contractor of the Township may not serve as a member or employee of the Board of Appeals.
5. An elected officer of the Township shall not serve as chairperson of the Board of Appeals.

**Section 1602 Terms of Office**

Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board of Trustees, whose terms shall be limited to the time they are members of the Planning Commission or Township Board of Trustees, respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

Members of the Board of Appeals may be removed by the Township Board of Trustees for non-performance of duty or misconduct in office, upon written charges and after a public hearing. A member shall disqualify himself/herself from any vote in which he/she has a conflict of interest. Failure to do so shall constitute misconduct in office.

**Section 1603 Rules and Regulations**

The Board may adopt rules and regulations, copies of which shall be made available to the public at the office of the Board.

1. Meetings of the Board shall be held within a reasonable time following the presentation of matters to the Board for its consideration and at such other times as the Board may determine. The time and place of meetings shall be specified by the Board in its rules and regulations.
2. The presence of three (3) members, out of the five (5) total, shall constitute a quorum. At all times, a minimum of three (3) concurring votes, the simple majority of the five (5) members, shall be necessary to grant a variance, or to reverse an administrative decision.
3. The Board shall keep minutes of its proceedings which shall record all of the following:
  - a. Any action or decision of the Board and the vote of each member.
  - b. The absence or failure of a member to vote.
  - c. Any other official action.
4. All records shall be filed promptly in the office of the Township Clerk and shall be a public record.
5. The Board may call on any other officers or Boards of the Township for assistance in the performance of its duties.
6. For a period of ninety (90) days following a decision by the Board, no reconsideration of that decision shall be given unless the Board, in its sole discretion, determines that there has been a material change in applicable facts and circumstances.

#### **Section 1604 Jurisdiction**

The Board of Appeals, in conformity with the provisions of this Ordinance and of Act 184 of 1943, as amended, shall act upon all questions as they arise in the administration of this Zoning Ordinance including:

1. Interpretation of the Zoning Map.
2. Interpretation of the Zoning Text.
3. Appeals of any decision of an official or body charged with the administration of the Zoning Ordinance.
4. Issuance of a variance to deviate from the requirements of this Zoning Ordinance.

#### **Section 1605 Granting of Variances**

Except as otherwise specifically provided by this Ordinance, the Board of Appeals may grant a variance from such provisions of this Ordinance as, building setback requirements, height and bulk requirements, parking requirements, landscaping requirements, and sign regulations. An issuance of a variance shall occur only if the Board finds from reasonable evidence that **all** of the following facts and conditions exist:

1. There are practical considerations regarding the property that will not allow the building/structure to be erected without causing an excessive burden to the development of the property.
2. The condition or situation of the property is unique and not shared by neighboring properties in the same zone and amending the ordinance text or rezoning is not a reasonable solution.
3. A variance would not be significantly detrimental to adjacent property and the surrounding neighborhood.
4. The practical difficulty was not created by an action of the applicant and either existed at the time of adoption of the requirement from which the variance is requested, or is necessary as the result of governmental action such as a road widening.
5. The variance is the minimum necessary to permit reasonable use of the land and buildings.

### **Section 1606 Procedure**

The following procedure shall be followed for an ordinance interpretation, appeal of an administrative decision, or variance request:

1. An appeal from any ruling of the Zoning Administrator or other administrative officer or body administering any portion of this Ordinance may be requested by any person or any governmental department affected or aggrieved.
2. An application for a variance authorized by this Ordinance may be requested by any person or governmental department having any legal interest in the property concerned.
3. The Board of Appeals shall not consider any application or appeal without the payment by the applicant to the Township Treasurer of a fee, if any, as determined by resolution of the Township Board. Such application or appeal shall be filed with the Zoning Administrator who shall transmit the same, together with all plans, specifications and other papers pertaining to the application or appeal, to the Board of Appeals.
4. When an application or appeal has been filed in proper form and with the required data, the Secretary of the Board shall place the application or appeal upon the calendar for hearing and cause notices stating the time, place and object of the hearing to be served. Notices shall be sent seven (7) days prior to the hearing to all property owners within 300 feet of the property in question, as shown on the last tax assessment roll. Any interested party may appear at such hearings in person or by agent or by attorney.
5. At any public hearing, the Board may adjourn in order to permit the obtaining of additional information, or to send out additional notices to other property owners that it decides may be interested in the application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of the hearing unless the Board so decides.

**Section 1607 Decision of the Board**

1. A variance shall expire two (2) years from the date it is granted, unless a building permit has been acquired and construction undertaken pursuant to the variance or unless the Zoning Board of Appeals has prescribed another date for expiration.
2. The Board shall decide all applications and appeals within 30 days after the final hearing. A copy of the Board’s decision shall be transmitted to the applicant, and to the Zoning Administrator. Such decision shall be binding upon the Zoning Administrator and be observed by him/her, and he/she shall incorporate the terms and conditions of the same in the permit to the applicant whenever a permit is authorized by the Board.

**Section 1608 Stay of Proceedings**

An appeal taken to the Board shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board of Appeals after notice of appeal that a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the Board of Appeals or by the Circuit Court on application, after notice to the Zoning Administrator.

**Section 1609 Final Action on Appeals**

The decision of the Board of Appeals shall not be final, and any person aggrieved by any such decision shall have the right to petition to the Circuit Court on questions of law and fact.

## ARTICLE XVII

### ADMINISTRATION AND ENFORCEMENT

#### **Section 1700 Enforcement of Chapter**

The provisions of this Ordinance shall be administered and enforced by a Zoning Administrator, as designated by the Township Board, or by such deputies of his/her department as the Zoning Administrator may delegate to enforce the provisions of this chapter.

#### **Section 1701 Duties of the Zoning Administrator**

1. The Zoning Administrator shall receive all applications for development or redevelopment pertaining to this Ordinance. The Zoning Administrator shall review all applications, site plans, and other material for new developments, special exception permits, rezonings, and variances, to ensure that all the requirements of this Ordinance have been met. The Zoning Administrator shall then forward the necessary information to the bodies in charge of the requested action.
2. The Zoning Administrator 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 restrictive covenants or private agreements which may occur upon the granting of such permit.

#### **Section 1702 Site Plans**

1. A written application and site plan shall be submitted to the Zoning Administrator in the case of any:
  - a. New development or redevelopment, including accessory buildings
  - b. Rezoning request
  - c. Variance request
  - d. Request for a special exception use permit
2. All site plans shall be produced in seven (7) copies, drawn to scale, showing the following:
  - a. Legal description of the site.
  - b. A scale of not less than one inch equals 50 feet if the subject property is less than three acres and one inch equals 100 feet if three acres or more.
  - c. Date, north point and scale.
  - d. The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
  - e. The location of all existing and proposed structures on the subject property and all existing structures within 100 feet of the subject property.
  - f. The location of all existing and proposed drives and parking areas.
  - g. Landscaping Plan
  - h. Signage Plan

- i. The location and right-of-way widths of all abutting streets and alleys.
- j. The names and addresses of the architect, planner, designer or engineer responsible for the preparation of the site plan.
- k. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

### **Section 1703 Site Plan Review**

1. Circumstances Requiring Site Plan Review:
  - a. The following provisions in this section shall apply to all site plan review procedures unless otherwise provided in this ordinance, specifically Sec. 1702. The procedures of this section shall be minimum requirements, and additional procedures may be required by this ordinance or by the Planning Commission.
  - b. Zoning review (rather than site plan review) is required whenever there is a change of ownership or change of use within a multiple tenant space having previously received site plan approval, so long as the use does not differ from an approved use for that zoning. In instances where this applies, the Building Official, together with the Zoning Administrator, are hereby authorized to and shall make the review and issue an approval or disapproval. Any interested party may appeal any decision made during this zoning review to the Planning Commission within 7 days of notification of the decision.
  - c. Administrative Review
    - i. Administrative site plan review (rather than site plan review) is required whenever there is a change of ownership, or change of use within the parameters of a permitted use within that zoning district when exterior construction is not being done or the construction of an enclosed structure to be used exclusively for storage provided that the structure does not exceed the following size limitations.
      - (1) Where the parcel is less than 5 acres, the structure cannot exceed 2% of the area of the subject parcel.
      - (2) Where the parcel exceeds 5 acres, the structure cannot exceed 2% of the first 5 acres plus ½% per acre, but in no event shall the structure exceed 10,000 square feet in total size.
      - (3) In the event the structure does exceed these size limitations then site plan review shall be required.
    - ii. Administrative site plan review is also applicable to the construction of structures used for recreational purposes that are unenclosed except for columns supporting the roof, or exterior construction that does not require a building permit.
    - iii. The Building Official, together with the Zoning Administrator, are hereby authorized to and shall make the review and issue an approval or disapproval. Any interested party may appeal any decision made during the administrative site plan review by the Building Official and Zoning Administrator to the Planning Commission within 7 days of notification of the decision.
  - d. Site plan review with Planning Commission approval is required when there is a change of use

in conjunction with exterior construction that requires a building permit, additional use of an attached building or portion of building with a prior approved site plan on file of a use permitted in the same zoning district, development of a property, or construction of a previously developed property, except as provided in subsections (b) and (c) hereof. Whenever a site plan review is required by the provisions of this ordinance, 12 copies of the site plan to an architectural or engineering scale, including all items required together therewith, shall be submitted to the Planning Commission to permit study of all elements of the plan. The Planning Commission may prepare forms and require the use of such forms in site preparation.

2. Review Procedure

- a. All proper applications, fees, and site plans, required as stated within this Ordinance, shall be submitted by the petitioner (property owner or designated agent) to the office of Zoning Administrator in seven (7) copies.
- b. Upon determining that the proposed use complies with the ordinance, and all other pertinent codes and ordinances of the Township, the Zoning Administrator shall cause the request for approval to be put on the agenda of the next regularly scheduled Planning Commission meeting, provided that such meeting is scheduled to be held at least forty-eight (48) hours after the applicant has submitted the site plan to the Zoning Administrator's office. If the regularly scheduled Planning Commission meeting is to be held within forty-eight (48) hours of such submittal by the applicant, the Zoning Administrator shall schedule the applicant's hearing for the next following regularly scheduled Planning Commission meeting.
- c. The Planning Commission shall have the responsibility to approve, approve with specified changes and/or conditions, or disapprove the applicant's request, using the criteria for site plan review included in this Ordinance as a basis for its decision. Any conditions or changes stipulated by the Planning Commission shall be recorded in the minutes of the meeting and a copy of said conditions or changes given to the applicant and Zoning Administrator. An approved site plan request shall contain the signatures of the Chairman of the Planning Commission, Zoning Administrator and the developer or agent.
- d. Of the seven (7) copies of the site plan submitted by the applicant, one (1) copy shall be kept on file by the Planning Commission, one (1) copy retained in the Zoning Administrator's office and one (1) copy retained by the applicant.

3. Criteria for Site Plan Approval

The Planning Commission shall approve a site plan if it determines that:

- a. The proposed project complies with the requirements of this Ordinance.
- b. The proposed project promotes the intent and purposes of this Ordinance.
- c. The proposed project is compatible with adjacent land uses and the natural environment.
- d. The proposed project has no adverse impact on public services and amenities including transportation and public utilities.
- e. The proposed project complies with all other applicable State and Federal statutes.

4. Performance Guarantee

- a. To insure compliance with the provisions on this Ordinance and any conditions imposed



thereunder, the Planning Commission or Township Board may require that a performance guarantee be deposited with the Township to insure faithful completion of improvements, in accordance with Section 16f of the Township Zoning Act 184 of 1943, as amended.

- b. "Improvements" means those features and actions associated with a project which are considered necessary by the Township to protect natural resources, or the health, safety, and welfare of the residents of the Townships or inhabitants of the proposed project, including roadways, lighting, utilities, sidewalks, screening, landscaping, and surface drainage.

5. Fees

- a. Accompanying the request for approval of a site plan, a fee set by the Township Board shall be submitted.
- b. Said fee is for the purpose of defraying administrative costs in processing the request for approval. Such fee may be used for reimbursing another party retained by the Planning Commission for expert consultation relative to the application.

6. Site Plan Amendments

An approved site plan may be submitted for minor amendment to the Zoning Administrator for review and signature by the Planning Commission Chair. If, in the judgment of either the Zoning Administrator or the Planning Commission Chair, the site plan amendment is major, the provisions of this section shall be followed.

7. Revocation

- a. The approval by the Planning Commission of any site plan under the provisions of this section shall expire and be considered automatically revoked two (2) years after the date of the approval unless actual construction has commenced and is proceeding in accordance with the issuance of a valid building permit or unless another revocation date has been prescribed by the Planning Commission.
- b. If the Zoning Administrator shall find that the conditions and stipulations of an approved site plan are not being adhered to, the Planning Commission shall give notice to the applicant of its intent to revoke the prior approval given to the site plan. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the Chairman of the Planning Commission. Said letter shall be received by the applicant fourteen (14) days prior to the stated date of revocation and shall contain the reasons for revoking the site plan approval.
- c. If the applicant notifies the Planning Commission within fourteen (14) days of the receipt of the letter of his/her intent to rectify the violation, the Planning Commission, through official act, may defer the revocation.

8. Appeal

The decision of the Planning Commission may be appealed by the property owner or his/her designated agent to the Township Board of Appeals. Request for appeal shall be made by written letter from the applicant to the Chairman of the Board of Appeals within fourteen (14) days of disapproval, approvals by modification, or revocation of the site plan by the Planning Commission.

**Section 1704 Special Exception Use Permits**

1. Purpose
  - a. Special exception uses are those uses of land which are essentially compatible with the uses permitted in a zoning district, but possess characteristics of locational qualities which require individual review and restriction in order to ensure compatibility with the character of the surrounding area, public services and facilities and adjacent uses of land.
  - b. The intent of this Section is to establish equitable procedures and criteria, which shall be applied in the determination of requests to establish special exception uses. The criteria for decisions provided for under the provisions of this Section shall be in addition to this Ordinance, as well as all other regulations in this Ordinance which are applicable to the special exception use under consideration.

2. Procedure

The following steps shall be taken by the applicant, zoning officials and review body when considering a proposed special exception use:

- a. All applications for special exception use permits shall be filed with the Township Zoning Administrator and shall include the required site plan, fee and any other pertinent information upon which the applicant intends to rely for a Special Exception Use Permit.
- b. The Zoning Administrator shall, after preliminary review, forward the complete application to the Planning Commission for review of the special exception use.
- c. The Township Planning Commission shall review the site plan according to the criteria in Section 1703 of this article. In addition, the Planning Commission shall review the proposed special exception use according to the criteria set forth in this section.
- d. In the case that a discretionary decision must be made, the Planning Commission shall give public notice in a newspaper of general circulation of official receipt of an application for a special exception use permit, for which a scheduled public hearing will be held. This notice shall:
  - i. Describe the nature of the special exception use permit.
  - ii. Indicate the property in question.
  - iii. State the time and place where the special exception use request will be considered.
  - iv. Indicate when and where written comments will be received concerning the request.
- e. The public hearing notice shall also be mailed or delivered to property owners and occupants within three hundred (300) feet of the property in question. The public hearing notices shall be sent between five (5) and fifteen (15) days prior to the date of the public hearing. An affidavit of mailing or delivery of notice shall be maintained by the Township Clerk.
- f. After the hearing, the Planning Commission shall:
  - i. Approve special exception use permit application and final site plan. The Zoning Administrator shall then be directed to issue the special exception use permit.

-or-

  - ii. Approve special exception permit application and final plan subject to conditions,

which are imposed in order to insure the special land use complies with standards stated in this Ordinance. The Zoning Administrator shall be directed to issue the special exception use permit.

-or-

- iii. Disapprove application and final site plan.
  - g. All decisions shall be accompanied with a concluding statement citing the reasons for decision and any conditions imposed.
3. Criteria for Approval
- In addition to compliance with the specific district regulations and general regulations as outlined in this Ordinance, the following criteria shall be met in order for the Planning Commission approval of a special exception use:
- a. The special exception use will comply with the requirements, intent, and purposes of this Ordinance.
  - b. The special exception use will comply with the intent and purposes of the district in which it is located.
  - c. The special exception use will comply with the standards and purposes set forth in the Township Master Plan.
  - d. The special exception use will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by such special exception use.
  - e. The special exception use will be consistent with the health, safety and welfare of the Township.
4. Appeal
- The decision of the Planning Commission may be appealed by the property owner or his or her designated agent to the Board of Appeals.

### **Section 1705 Interpretation and Application of Chapter Provisions**

In the interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance other than the previous zoning ordinance, or with any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this chapter imposes a greater restriction than is required by existing ordinances or by rules, regulations or permits; the provisions of this chapter shall control.

### **Section 1706 Changes and Amendments**

The Township Board may from time to time, on recommendations from the Planning Commission, or on its own motion, or on petition, amend, supplement or change this Ordinance in accordance with the procedure established in Public Act 184 of 1943, as amended.

**Section 1707 Petition for Amendment Fees**

Upon presentation of a petition for amendment of this Ordinance by the owner of real estate to be affected, such petition shall be accompanied by a fee. The amount of such fee shall be set by resolution of the Township Board and shall be placed in the general fund to partly defray the expense of publishing the required notices of public hearings, professional review of the petition, if needed, and the expenses of the public hearing.

**Section 1708 Violations and Penalty**

- 1. Violations  
Use of land, buildings, structures and recreational vehicles in violation of any provision of this Ordinance are hereby declared to be a nuisance per se.
- 2. Penalties
  - a. Any person, corporation or firm who violates, disobeys, omits, neglects or refuses to comply with any provisions of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Township Zoning Administrator, Zoning Board of Appeals, Planning Commission or the Township Board issued in pursuance of this Ordinance shall be responsible for a Municipal Civil Infraction and be subject to the payment of a civil fine, costs, and/or all other sanctions set forth in Charter Township of Genesee Ordinance No. 420 and/or Chapter 600 of the Revised Judicature Act of 1961, Subchapter 87, MCL 600.8701 through MCL 600.8735 as amended and MCL 600 .8302(4).
  - b. Each day during which a violation continues shall be deemed a separate offense.
  - c. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance.
  - d. The forgoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

**Section 1709 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 chapter and in violation of any of the provisions of this chapter, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

**Section 1710 Rights and Remedies are Cumulative**

The rights and remedies provided in this article are cumulative and in addition to any other remedies provided by law.

**SECTION III**

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

**SECTION IV**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION V**

This Ordinance shall be published in a newspaper of general circulation within the Charter Township of Genesee, Genesee County, Michigan, and shall become effective 30 days after publication.

**SECTION VI**

A copy of this Ordinance may be inspected at the Township Clerk's Office at the Genesee Township Hall, 7244 N. Genesee Rd., Genesee, MI 48437 during regular business hours.

\*\*\*\*\*

We hereby certify that the foregoing Ordinance was adopted on the Second Reading by the Township Board of Trustees on October 13, 2020.

First Reading: September 24, 2020

Published: September 30, 2020

Second Reading: October 13, 2020

Published: October 21, 2020

  
\_\_\_\_\_  
Steven Fuhr, Township Supervisor

  
\_\_\_\_\_  
Wayne G. Bates, Township Clerk

**Genesee Township  
Special Planning Commission  
Meeting Minutes Synopsis  
July 21, 2020  
3:30 p.m.**

Meeting called to order by Al Jones at 6:00 p.m.

Roll Call: Present – Ogle, Thompson, Lee, Jones, Link, Sutton.

Absent – Mullaly and Doyle

Approval of minutes from the July 15, 2020 – postponed – not ready.

Jones: We are here to look at the revisions to the Zoning Ordinance #475 and to approve revisions or corrections to the Zoning Ordinance.

In depth discussion held regarding the zoning ordinance and revisions prepared by Township Attorney Amanda Doyle.

Concerns were noted as follows:

1. What is the definition of a Social Club?
2. #1703 -Site plan review process. The Commissioner's felt that more than one person should be making the decision as to whether a case should come before the Planning Commission if their use falls under the category of Uses Permitted by Right. Motion by Sutton and seconded by Link that 2 people should make that decision. Vote taken. 5-yes and 1-no. Motion Carried.
3. #1703 –Site plan review process. Who from the Township should be allowed to make the decision as to who goes before the Planning Commission? The list provided by the Township Attorney included as follows: Zoning Administrator, Supervisor, Clerk, Department of Public Works or authorized representative. Motion made by Ogle to remove authorized representative and add Building Official. Seconded by Sutton. Vote taken. 5-yes and 1-no. Motion carried.
4. Review the numbers of the livestock portion of this Ordinance, Section 1416.
5. All Typographical errors will be corrected.

The Planning Commission will be provided a copy of the ordinances regarding marihuana.  
Al Jones inquired about getting a copy of the township Master Plan.  
Motion by Link to adjourn. Supported by Sutton.  
Meeting adjourned at 4:40pm

**Genesee Township**  
**Planning Commission Meeting Minutes**  
**August 19, 2020**  
**6 p.m.**

Meeting called to order by Al Jones at 6:00 p.m.

Roll Call: Present – Ogle, Thompson, Lee, Jones, Link, Mullaly and Doyle.  
Absent – Sutton

Minutes from the July 15, 2020 approved as printed.

Case #2020-08 – Rezoning or property located at 3233 N. Genesee Rd., Flint, MI 48506. Parcel 11-34-577-041. Owners requesting zoning be changed from C-2 to R-1.

Grant Eddy spoke as representative for this case. Mr. Eddy stated that this was his deceased Mother’s house and he is trying to sell this property. He also stated that because of the C-2 zoning the potential buyers are not able to secure a mortgage and that is the reason for the request to rezone.

Discussion was held.

Motion by Ogle to approve request.

Supported by Thompson

Vote taken – Yay – 6 Nay – 0 Motion carried.

Case #2020-01 – Site Plan Review – 3100 N. Center Rd. Parcel 11-34-300-006. Renter Terry Allan Rauh would like to open a Private Social Club – Members only. Current zoning is C-2.

Terry Allan Rauh and Paul Clark spoke as representatives for this case. Mr. Clark stated that they wanted to open a private social club – members only and the cost for a lifetime membership would be \$1.00. Township Attorney Amanda Doyle asked if there would be any marijuana products sold or used at this facility. Mr. Clark Stated no there would not be. Building Official, Timothy McNaught, stated that he did not believe that to be true.

A very heated discussion was held.

Motion by Thompson to approve

Supported by Link

Discussion held

Vote taken - Yay – 3 Nay – 3 Motion failed.

Case #2020-09 –Review of Ordinance #475 - Township Attorney Amanda Doyle presented the revisions and updates to Zoning Ordinance #475.

Discussion held

Motion by Link to approve with the changes made.

Supported by Mullaly

Vote taken – Yay - 6 Nay – 0 Motion carried.

Motion by Ogle to adjourn

Supported by Lee

Vote taken – All in favor of adjournment

Meeting adjourned 7:23 p.m.

(A copy of the actual recording of this meeting is available upon request at the Charter Township of Genesee office.)



GENESEE TOWNSHIP SPECIAL BOARD MEETING MINUTES  
SEPTEMBER 24, 2020

The meeting was called to order on ZOOM at 9:02 a.m. Present:

Fuhr, Bates, Sorensen, Burrus.

Absent : Jean, Sutton, Witte.


Moved by Bates supported by Sorensen to approve the agenda as present ed. Vote taken.  
Motion carried.

Moved by Bates supported by Sorensen to approve Covid Cares Grant distribution of  
\$50,000.00 pending State notification of award. Roll call vote: All yes. Motion carried.

Moved by Bates supported by Sorensen to approve first reading of **Ordinance No. 603** -  
amending Ordinance No. 475. Roll call vote: All yes. Motion carried.

Moved by Bates supported by Sorensen to approve first reading of **Ordinance No. 604** -  
rezoning 3233 N. Genesee Rd from C-2, Highway Commercial to R-1, Single-family residential.  
Roll call vote: All yes. Motion carried.

Meeting adjourned by consensus at 9:08 a.m.

  
Wayne Bates, Clerk

  
Steven Fuhr, Supervisor

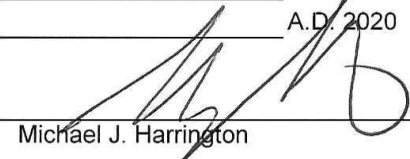
STATE OF MICHIGAN, }  
County of Genesee } ss.

TO: Genesee Township  
7244 N. Genesee St., Genesee, MI 48437

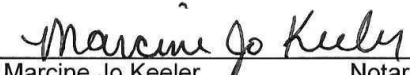
CHARTER TOWNSHIP OF GENESEE  
SYNOPSIS OF ORDINANCE NO. 603  
Ordinance No. 603 - amending  
Ordinance No. 475.  
This ordinance becomes effective  
upon second reading publication.  
Copy of entire ordinance is available  
from Clerk's Office during regular business  
hours.  
FIRST READING  
SEPTEMBER 24, 2020  
Wayne Bates  
Clerk

Michael J. Harrington, being first duly sworn, says that he is the publisher of **THE MT. MORRIS/CLIO HERALD** a newspaper published in the English language for the dissemination of local or transmitted news and intelligence of a general character and legal news, which is a duly qualified newspaper, and that annexed hereto is a copy of a certain order taken from said newspaper, in which the order was published.

September 30, A.D. 2020 \_\_\_\_\_ A.D. 2020  
\_\_\_\_\_ A.D. 2020 \_\_\_\_\_ A.D. 2020  
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\_\_\_\_\_  
Michael J. Harrington

Subscribed and sworn to before me this 30th day of  
September A.D. 2020

  
\_\_\_\_\_  
Marcine Jo Keeler Notary Public, Genesee County, Michigan  
Acting in Genesee County  
My Commission Expires February 25, 2025

GENESEE TOWNSHIP REGULAR BOARD MEETING MINUTES  
OCTOBER 13, 2020

The meeting was called to order by Supervisor Steven Fuhr on ZOOM and at 7244 N. Genesee Road at 6:00 p.m.

All present gave Pledge of Allegiance to the Flag.

Present: Fuhr, Bates, Sorensen, Burrus, Jean, Witte.

Absent: Sutton

Moved by Bates supported by Burrus to approve the agenda with the addition under New Business of bid for water main break repair on Genesee Rd. Vote taken. Motion carried.

Moved by Burrus supported by Bates to approve the minutes of the September 8, 2020 regular board meeting without corrections. Vote taken. Motion carried.

Moved by Bates supported by Burrus to approve the minutes of the September 24, 2020 special board meeting without corrections. Vote taken. Motion carried.

**SUPERVISOR**

Moved by Bates supported by Witte to approve second reading of **Ordinance No. 603-** amending Ordinance No. 475. Roll call vote: All yes. Motion carried.

Moved by Bates supported by Sorensen to approve second reading of **Ordinance No. 604-** rezoning 3233 N. Genesee Rd from C-2, Highway Commercial to R-1, Single Family Residential. Roll call vote: All yes. Motion carried.

Moved by Bates supported by Witte to approve sale of property, #11-06-502-005, v/l next to 8486 N. Saginaw St. to Cory and Helen Wade for \$300.00. Discussion held. Roll call vote: All yes. Motion carried.

Moved by Bates supported by Witte to approve purchase of election scanner from Hart Inter Civic for \$5000.00 with half being paid by the State. Discussion held. Roll call vote: All yes. Motion carried.

Moved by Bates supported by Witte to approve rescinding hiring of Joshua Gruno, Station #1; Michael Ames, Station #2; Don Schreiber, Station #2. Roll call vote: All yes. Motion carried.

Moved by Bates supported by Jean to approve Trick of Treat hours for October 31, 2020, 5:30 p.m. to 7:30 p.m. Vote taken. Motion carried.

Moved by Bates supported by Burrus to approve Katrina Cobb to put gate up at the dead end of Humphrey and Harry Street Pending approval of Genesee County Road Commission. Vote taken. Motion carried.

Moved by Bates supported by Witte to approve the all employment contract letter of understandings be approved by Board of Trustees, effective November 1, 2020. Roll call vote: All yes. Motion carried.

Moved by Bates supported by Witte to approve that all employment hiring's and discharge are approved by Board of Trustees, effective November 1, 2020. Vote taken. Motion carried.

Moved by Bates supported by Witte to approve Creekwood Architect to administer the Eastside Senior Center CDBG 2021 paving project at a cost not to exceed \$4,000.00. Roll call vote: All yes. Motion carried.

Moved by Bates supported by Jean to approve purchasing of 3 sets of Water/Ice rescue suits (Mustang Ice Commander) from Dinges Fire Company, \$787.00 per set for a total cost of \$2,361.00 plus shipping Station #1. Roll call vote: All yes. Motion carried.

Moved by Bates supported by Witte to discuss and make decision on properties located at: 5254 N. Saginaw, 5262 N. Saginaw and 5398 N. Saginaw to put minimum bids on to sell and offer them to the people who are living there and paying bills. Discussion held. After discussion maker and supporter of motion rescinded motion.

Moved by Bates supported by Witte to offer the following properties for minimum bids: 5254 N. Saginaw St, for \$20,000.00 to Ms McGee-Harvey; 5262 N. Saginaw St. for \$40,000.00 to Ms McGee-Harvey; 5398 N. Saginaw St for \$35,000.00 to Ms Mary's Day Care. Roll call vote: All yes. Motion carried.

### FINANCE


Moved by Sorensen supported by Bates to approve bill list and presentation of financial statement dated October 13, 2020 in the amount of \$650,490.33. Roll call vote: All yes. Motion carried.

### NEW BUSINESS

Moved by Bates supported by Witte to accept the bid from Z Contractors in the amount of \$310,811.58 for water main repair on Genesee Road. Discussion held. Roll call vote: All yes. Motion carried.

Meeting adjourned by consensus at 6:19 p.m.

  
Wayne Bates, Clerk

  
Steven Fuhr, Supervisor

PROOF OF PUBLICATION

MT. MORRIS/CLIO HERALD

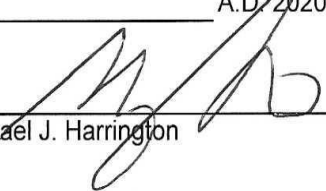
STATE OF MICHIGAN, } ss.  
County of Genesee

TO: Genesee Township  
7244 N. Genesee St., Genesee, MI 48437

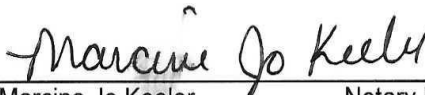
CHARTER TOWNSHIP OF GENESEE  
SYNOPSIS OF ORDINANCE NO. 603  
Moved by Bates supported by Witte to  
approve second reading of Ordinance No.  
603 - amending Ordinance No. 475. Roll  
call vote: All yes. Motion carried.  
This ordinance becomes effective  
upon second reading publication.  
Copy of entire ordinance is available  
at Clerk's Office during regular business  
hours.  
SECOND READING  
OCTOBER 13, 2020  
Wayne Bates  
Clerk

Michael J. Harrington, being first duly sworn, says that he is the publisher of **THE MT. MORRIS/CLIO HERALD** a newspaper published in the English language for the dissemination of local or transmitted news and intelligence of a general character and legal news, which is a duly qualified newspaper, and that annexed hereto is a copy of a certain order taken from said newspaper, in which the order was published.

\_\_\_\_\_  
October 21, A.D. 2020 \_\_\_\_\_ A.D. 2020  
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A.D. 2020 \_\_\_\_\_ A.D. 2020  
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A.D. 2020 \_\_\_\_\_ A.D. 2020

  
\_\_\_\_\_  
Michael J. Harrington

Subscribed and sworn to before me this 21st day of  
October A.D. 2020

  
\_\_\_\_\_  
Marcine Jo Keeler Notary Public, Genesee County, Michigan  
Acting in Genesee County

My Commission Expires February 25, 2025