

**GAINES CHARTER TOWNSHIP**  
**PLANNING COMMISSION – REGULAR MEETING**  
Township Board Room - 8555 Kalamazoo Ave. S.E. Caledonia, MI 49316

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**DRAFT Agenda**

**7:00 p.m. – Thursday, November 21<sup>st</sup>, 2024**

- I. Call to Order and Roll Call**
- II. Consideration of Agenda**
- III. Consideration of Meeting Minutes**
  - a. Consideration of October 24<sup>th</sup>, 2024, Planning Commission Regular Meeting Minutes**
- IV. Inquiry of Conflict of Interest**
- V. Public Comment**
- VI. New Business**
  - 1. Public Hearings**
    - a. 3316 68<sup>th</sup> Street – Tentative Preliminary Plat – Thornapple Farms Phase 2**
  - 2. Site Plan Review**
    - a. None**
  - 3. Items not requiring a Public Hearing**
    - a. Draft Zoning Ordinance**
- VII. General Discussion**
- VIII. Adjournment**

# **DRAFT Minutes of the Gaines Charter Township Planning Commission**

Regular Meeting held October 24<sup>th</sup>, 2024, at 7 pm

8555 Kalamazoo Ave., SE, Caledonia, MI 49316

**MEMBERS PRESENT:** Rober, Giarmo, Wiersema, Thomas, Waayenberg, Haagsma

**MEMBERS ABSENT:** Billips, with notice.

**STAFF PRESENT:** Dan Wells, Community Development Director; Dakota Swan, Assistant Planner

## **I. CALL TO ORDER AND ROLL CALL**

Chair Giarmo called the meeting to order at 7:00 PM.

## **II. CONSIDERATION OF MEETING AGENDA**

## **III. CONSIDERATION OF MEETING MINUTES**

*Consideration of the September 26<sup>th</sup>, 2024 regular Planning Commission meeting minutes.*

Commissioner Wiersema pointed out that there is a typo on page 6 of the September meeting minutes.

**Motion:** Motion by Waayenberg, supported by Rober to approve the minutes of September 26<sup>th</sup>, 2024, with corrections.

**DISCUSSION:** None

**AYES:** ALL

**NAYS:** None

**ABSTAIN:** None

**DECISION:** Motion Carried (6-0)

## **IV. INQUIRY OF CONFLICT OF INTEREST**

Commissioner Wiersema explained that he has a relative that lives next door to an applicant seeking a Special Use Permit at the meeting. Planner Wells advised that if the relative is of close relation, for example, a sibling or a parent, Wiersema should abstain, however, if Wiersema believes that he can be impartial in deciding, abstention will not be necessary. Commissioner Wiersema clarified that he believed he could be impartial in making a decision.

## **V. PUBLIC COMMENT**

Chair Giarmo opened the public hearing at 7:04 PM and subsequently closed it as nobody approached the podium to speak.

## **VI. NEW BUSINESS**

### **1. Public Hearings**

#### **a. 1587 108<sup>th</sup> Street – Special Use Permit – Accessory Building**

Seth DeHaan, the homeowner and applicant for this project, explained that he and his wife Renee are seeking a Special Use Permit to construct a 2400 square foot (SF) pole barn for residential use. Chair Giarmo inquired about whether or not the accessory building is planned to match the house; DeHaan responded that the pole barn is planned to be white.

Planner Wells elaborated further and explained that the total square footage of all accessory buildings on the property would total 3015 SF with the new pole barn, hence the request for a Special Use Permit. Wells added that staff found all general Special Land Use standards to be met, and staff also found that this request is consistent with the intent of both the Master Plan and the Zoning Ordinance. Since all standards were found to be met and staff didn't identify any adverse impacts from this project, staff recommended approval.

Chair Giarmo opened the public hearing and closed it as nobody approached the podium to speak.

Commissioner Wiersema asked if this building is intended for residential use; Russell Hubert, the builder for this project, responded that yes, the intended use is residential, and there will not be any commercial businesses operating out of the accessory building.

|                    |                                                                                                                                                                                                              |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Motion:</b>     | Motion by Waayenberg, supported by Wiersema to approve the Special Use Permit for an accessory building with the condition that it must be architecturally similar to the existing building on the property. |
| <b>DISCUSSION:</b> | None                                                                                                                                                                                                         |
| <b>AYES:</b>       | ALL                                                                                                                                                                                                          |
| <b>NAYS:</b>       | None                                                                                                                                                                                                         |
| <b>ABSTAIN:</b>    | None                                                                                                                                                                                                         |
| <b>DECISION:</b>   | Motion Carried (6-0)                                                                                                                                                                                         |

#### **b. 9443 Meadow Valley – Special Use Permit – Solar Panels**

Dylan and Brendan Pugh of Mid-America Solar explained that Ray Norris is requesting a Special Use Permit to allow for a ground mounted solar array for residential use. B. Pugh explained that this will be a grid tie system, and extra power that is produced will be sent to Consumers energy for credit that the homeowner can use. He added that the array will feature moving panels that follow the sun during the day, and it is a relatively straightforward solar system.

Planner Wells offered the Township's perspective on this request and stated that the array being proposed includes 36 panels and totals 928 SF. Wells said that all general Special Land Use standards were found to be met, although some conditions have been recommended by staff, and that the system

will be subject to review by the Township Engineer and Building Inspector. The panels are set to feature anti-reflective tempered low iron glass, and it is not anticipated that the glare or visual impact of the panels will impact adjacent properties. Electrical connections from the panels to the house will be a minimum of 18 inches underground and will be encased in PVC pipe. As far as standards for solar arrays go, Wells stated that all setbacks are met in the provided site plans, and that there are no adverse impacts associated with this request besides a visual impact. Wells added that this request was found to be consistent with the intent of both the Master Plan and Zoning Ordinance, and that this request would not set a negative precedent for development in the Township. Wells concluded by saying that the Planning Commission must determine if this request has the ability to negatively impact visuals or aesthetics in the area.

Chair Giarmo opened the public hearing.

Ray Norris, the property owner at 9443 Meadow Valley, stated that the visual impact will be minimized substantially due to the presence of 30-year old pine trees in the immediate area that are approximately 80-feet tall.

Scott Miller of 9525 Meadow Valley expressed that he has no concerns about this request.

Chair Giarmo closed the public hearing.

Commissioner Wiersema began discussion by inquiring about the height of the panels; the Zoning Ordinance stipulates a maximum height of 10 feet for solar panels, however, Wiersema noted on the product diagram that the device can go up to 20 feet.

D. Pugh responded that the system features a moveable mount that tilts up and adjusts down to follow the sun during the day; he also added that in the winter months, the incline will be steeper, whereas during spring and summer months the incline will be shallower. Chair Giarmo added that the pine trees in the area still offer a substantial amount of screening.

D. Pugh stated that although a lot of fixed mounts exist and are used in applications as such, this one is different since it rotates. Planner Wells inquired about the possibility of setting the pole height lower, to which Pugh responded that they need to maintain 18 inches of ground clearance, so the panels do not swing into snow piles in the winter months.

Chair Giarmo stated that the array won't continually be 20 feet; Commissioner Waayenberg added that the array is planned to be well situated with good screening, and he doesn't believe that this would set a negative precedent for development. Chair Giarmo elaborated that this is why Special Use Permits are necessary and offer flexibility in instances as such; if this was in an area that wasn't so well screened, the Planning Commission might require a fixed mount for the array.

Planner Wells inquired about the possibility of using a wider panel that wouldn't be so tall; D. Pugh responded that this structure is the biggest available and modifying it wouldn't be ideal as the panels would have to get wider as they got shorter.

Chair Giarmo added that this is a good opportunity to address this more specifically in the Zoning Ordinance as technology evolves; Planner Wells commented that this is the first mobile solar system he has ever seen proposed in the Township, and perhaps the regulations for solar arrays need to be modified to take mobile systems into consideration. Wells also stated that the Planning Commission

could consider the average height of this system rather than the maximum height and added that the Special Use Permit aims to ensure that the proposed special use won't impact neighboring properties. D. Pugh added that the middle point of this system is 9 feet tall.

Commissioner Rober commented that she believes it to be hidden and screened sufficiently.

Brian Diemer of 9621 Meadow Valley commented and said that he would consider the height of the panels to be a non-issue due to the large trees in the area that will screen the view of the panels.

Commissioner Haagsma said that he sees no issue with this request and doesn't find any negative precedent for development being set. He added that the panels will be very far from the road, and the only people who would see the system are residents of Meadow Valley, two of which have voiced that they have no issue with this project.

**Motion:** Motion by Haagsma, supported by Thomas to approve the request for a Special Use Permit with the following conditions:

1. Solar panel mounting and electrical systems must be approved by the Building Inspector and Township Engineer
2. Adequate screening shall be maintained until the panels are removed.

**DISCUSSION:** None  
**AYES:** ALL  
**NAYS:** None  
**ABSTAIN:** None  
**DECISION:** 6-0

**c. 3805 92<sup>nd</sup> Street – Caledonia Meadows – OSP-PUD Rezone/ Final Site Plan Review**

Paul Henderson of Roosien & Associates, and Steve Tjapkes of Foster Swift, both representatives for this project, explained the request for a PUD rezoning and final site plan review for Caledonia Meadows. Henderson began by stating that in January, the development team received preliminary approval from the Planning Commission, and the conditions of approval imposed at that time have been satisfied. The Fire Department required a secondary access point if the development exceeded 30 units, so the developers made the decision to remove 4 units included in the original submission so as to not require a secondary access point. Although the development is proposed to be smaller this time around, Henderson clarified that the development team is still proposing a community septic (STEP) system, and the amount of proposed open space exceeds minimum requirements stipulated in the Zoning Ordinance.

Planner Wells shared the Townships perspective on this request and began by stating that the development will be accessed by a private road and is planned to feature 30 homes served by private wells, all connected to a community septic system. This project is applying as a conservation design, meaning dedicated open space or agricultural land will be set aside, and lot sizes are permitted to be smaller than what is typical in this zoning district to allocate additional open space. Wells stated that

there are approximately 16 acres of land ("remainder parcel") excluded from of this project that remain agricultural-residential zoned, in addition to 43 acres of open space.

Wells went on to say that staff does believe eligibility requirements for a PUD have been met, however, not all detail required for final site plan review have been provided, including landscaping plans, details on the community septic system, and lighting plans. In January during preliminary consideration, the Planning Commission had expressed a desire to see sidewalks on both sides of the street, however, in the latest submittal set, Wells pointed out that sidewalks were still only shown on one side of the street. With regard to stormwater calculations, Wells stated that the development team did in fact submit revised calculations to the Township Engineer after the meeting memo was prepared. Additionally, Wells stated that since this is a final site plan review, basic details of the STEP system would be expected to be submitted to the Township Engineer for review, however, they were not. Wells then added that although the Kent County Health Department approved the proposed concept of the STEP system and individual wells, the final design would also need their approval, and perhaps approval from EGLE as well, depending on the anticipated volume of sewage.

One thing the development team has accomplished since January is working with the Township Attorney to establish a master deed and condominium bylaws, which did get attorney approval. The Township Engineer is recommending that a Special Assessment District is established at the time of Township Board approval so that funds can begin collecting immediately in case of system failure in the future. Despite this, the Township Attorney has overall approved the master deed.

Wells spoke about the non-motorized trail network requirements and mentioned that previously the design featured a walking trail around the entire property, however, in the latest submittal set the path has been shortened substantially. He went on to say that during consideration in January, the Planning Commission emphasized the importance of accessibility and ensuring that the trail would be paved and accessible to all, although in the most recent submittal set the path is depicted as being natural surface rather than paved. Planner Wells also added that access to the trail system does not appear to adequately provide users a way to avoid steep slopes in the area, which could be considered inaccessible.

Wells continued and stated that the minimum lot size being proposed for this development is 25,000 SF, however, one lot is depicted on the site plan as being under the proposed 25,000 SF requirement. Although this development is proposing a denser housing type than what is typical for this zoning district, Wells stated that it is found to be sufficiently screened. Wells also added that grading plans, which were not submitted, are to be reviewed by the Township Engineer to ensure that the area does not flood.

With regard to the site plan review, Planner Wells stated that the standard which requires adequacy of information was not met considering that details regarding the community septic system, in addition to lighting, landscaping, and grading plans have not been submitted. Although the site plan does depict street trees, planting details and species were not provided. Wells added that plans for signage were not submitted either, and that signs must meet requirements outlined in Chapter 17 of the Zoning Ordinance. Wells stated that this concept is in compliance with the Master Plan, although a condition is recommended in which the developer must obtain other necessary agency approvals. Additionally, a streetlight assessment district must be established before the development team applies for residential building permits.

Planner Wells added that the Township Engineer requested additional information pertaining to the proposed cul-de-sac before granting final approval. Planner Wells reiterated that the standard requiring adequate pedestrian circulation was not found to be met, as staff would expect to see sidewalks on both sides of the street, in addition to sidewalk dimensions on the site plan, which were not provided.

The standard which requires adequate drainage measures to be in place was also found to be not satisfied, as the area floods and the development team has not provided sufficient details on how this problem will be mitigated. The requirement for adequate traffic circulation was not found to be satisfied, as the development team did not submit final road dimensions. Wells stated that staff does not find this design to promote public health, safety, and welfare, as there is uncertainty regarding the capability of the proposed community septic system to handle the sewage, in addition to the proposed detention basins. Wells clarified that although stormwater calculations have been revised and resubmitted, details regarding the community septic are still unclear.

Township Engineer Jeff Gritter added that the wells being proposed are regulated by the Kent County Health Department, and although no issue was found with them or the groundwater in the area, there is concern regarding the community septic system. Gritter stated that although the Township doesn't have the right to deny the system itself, the Township does take an interest and has a responsibility, potentially, should the system fail. EGLE and the Kent County Health Department will require the design of the community septic to be the same as the Hideaway development, also in Gaines Township, and although the final details have not been submitted, Gritter said they can anticipate what the plans might be using Hideaway as reference.

With regard to drainage, Gritter said that there are concerns regarding flooding in the area, and that he is recommending detention basins are designed to hold a 100-year storm event rather than a 25-year storm event to help control the potential for flooding. He went on to state that an engineering recommendation is being made in which the development connects to an outlet that is maintained by the Kent County Drain Commission, and that additional information pertaining to the street itself is needed.

Chair Giarmo opened the public hearing.

Tjapki returned to the podium to highlight a number of issues; he began by stating that Section 9.2 of the master deed provides the Township with the ability to create a special assessment district, and the master deed itself provides a secondary source of relief, and it appears to be adequate according to the Township Attorney. Tjapki argued that if the special assessment district was established as soon as possible, it would be "administratively complex" and "a redundancy" to start collecting money now.

In terms of accessibility relating to the proposed natural surface trail, Tjapki stated that paving the trail would be an added expense and increase the overall cost of development, in addition to the cost of lots themselves, and that he believes the path meets the ordinance requirements as it is proposed. Tjapki argued in response to sidewalks being requested on both sides of the street that children are inside or at after school activities, therefore negating the need for sidewalks on both sides of the street. He added that the additional sidewalk would present "maintenance issues".

Mia Resma of 7114 Cornerstone Drive stated that she has a son in a wheelchair, which makes it harder to be mobile and give him the opportunity to be outside and active, and an unpaved surface only makes this more challenging.

Matt Marvin of 3579 92<sup>nd</sup> Street stated that he has resided in the area for 11 years and is highly concerned about flooding in the area. Marvin added that when the water gets high and the area floods, his access road gets almost completely engulfed by water, and that it doesn't take much rain to cause significant flooding in the area. He added that he is concerned about the proposed lot sizes, and that the average lot size in the area is approximately ten times larger than what is being proposed in this development.

Dave Smith of 3581 92<sup>nd</sup> Street stated that he has lived in the area since 1987, and that he is also concerned about flooding and the impact it may have on prospective residents of this development. Smith added that he feels as though this development doesn't fit with the area, and that he doesn't want to have his view obstructed by the back of houses.

Mike Slachter of 3335 92<sup>nd</sup> Street expressed that if a buffer is required between the development and adjacent properties, he doesn't feel as though it is fair for his wood line to be considered an adequate buffer since it is on his property. Slachter also stated that he is largely concerned about the proposed community septic system failing in the future, especially after hearing about a similar system failing in Leighton Township. He added that there is a very high water table in the area, and he has little faith in this development working long-term especially after watching agricultural enterprises struggle on this parcel over the years due to the wet soil.

Kurt Fitzgerald of 9750 Meadow Valley expressed that he also has concerns about the proposed STEP system and added that he doesn't believe this area to be suitable for this type of development, and he doesn't believe this area to be considered the "urban fringe".

Kevin Cambell of 3591 92<sup>nd</sup> Street explained that he settled here because of the open space and natural feel of the area. He stated that he feels as though Caledonia Meadows would set a negative precedent for future development.

Pat Moll of 3609 92<sup>nd</sup> Street said that she moved to the area 25 years ago seeking peace and space, and that she feels as though the additional traffic generated by this development would infringe upon her ability to enjoy her property peacefully. She added that although development is inevitable, she hopes to see it remain consistent with the character of already established neighborhoods in the area.

Bruce Sterenberg of 3590 92<sup>nd</sup> Street stated that he has lived in the area since 1985, and that the entire west boundary of the Caledonia Meadows property is a swamp in the spring, and he cannot fathom what the development team intends to do about the water. He added that he is worried about the 30 proposed wells all being near each other and the volume of water being pumped out of the area. He concluded by stating he is also concerned about light pollution from the development, and he feels as though this is overall out of character for the area.

Eunice Vanderlaan of 3690 92<sup>nd</sup> Street explained her concerns about a potential sewage spill from the community septic system and how it might impact her 50 foot well. She also inquired about whether or not she would be subject to the special assessment district, to which Planner Wells responded that

according to the bylaws she wouldn't be, so long as she is not a resident of the Caledonia Meadows development.

Janet Regan of 9766 Meadow Valley expressed that she does not feel as though the drain fields being proposed will be suitable to handle the sewage produced by the proposed 30 homes.

Dale DeWitt of 3750 92nd Street explained that flood water flows across his yard when the area floods, and he doesn't believe this development will work due to the presence of clay soils in the area. DeWitt added that he feels as though the walking traffic generated by residents of this development would be "dangerous" down his street.

Steve Sanxter of 3599 92<sup>nd</sup> Street stated that he is "astounded" at the small lot sizes being proposed in this development, and that it feels like a dramatic change for the area. He added that he is concerned about depleting the natural habitat that provides for wildlife in the area and expressed concern regarding children of prospective residents playing in the wooded area instead of the designated play area. He also expressed concerns regarding the additional traffic this development would bring to the area.

Carrie Diemer of 9621 Meadow Valley expressed that she feels as though the lot sizes should be bigger, and she doesn't feel as though this development fits with the area.

Brian Diemer of 9621 Meadow Valley stated that he agrees with everyone else who had spoken thus far, and he feels as though even 50 years down the line this development still would look out of place. He also expressed concern regarding the safety of bus stops for children living in the development and encouraged the bus stop to be within the development rather than on 92<sup>nd</sup> Street.

Mike Fennema of 8933 East Paris summarized his comments that he submitted in paper format to the Planning Commission. Overall, Fennema does not feel as though this PUD would provide a greater benefit than what would be permitted under conventional zoning.

Ray Norris of 9443 Meadow Valley explained that he owns the lowest piece of property in Meadow Valley, and he worries about detrimental flooding to his property if the proposed sewage system fails.

Chair Giarmo proceeded to close the public hearing.

Commissioner Haagsma began discussion by addressing the wetlands and wet soils in the area and questioned whether or not what is depicted on the existing zoning plan could even be possible. He said that the existing zoning plan is flawed in his opinion, as wetlands are not depicted, and the discussion must start there.

Chair Giarmo stated that in lieu of the Zoning Ordinance update currently being undertaken by the Township, all discussion regarding areas not connected to water and sewer have been surrounding the idea of larger lot sizes.

Commissioner Waayenberg stated that he has issues with this plan; in order to justify the PUD rezoning, the Planning Commission must find considerable benefit to the Township, however, Waayenberg said that this plan does not appear to benefit anyone considering the lack of an ADA compliant trail and parking space for people visiting Caledonia Meadows for recreation. He added that he feels as though this falls short compared to other proposals the Planning Commission has considered.

Commissioner Rober agreed with the previous comments and inquired about the area the trail is planned to be. Commissioner Haagsma responded that the area is shown as wetlands on the EGLE website.

Commissioner Thomas also concurred with the previous comments and expressed her desire to see sidewalks on both sides of the street in addition to a paved trail to provide accessibility.

Commissioner Wiersema expressed that he is concerned about the flooding and wet soils in the area and said that although he thinks conservation designs are generally a good idea, he doesn't think this is a good place for it. He added that he also has concerns about the proposed size of the drain fields.

Henderson interjected to mention that this area has been preliminarily approved by EGLE, and that the soil surveys only reflect information captured 5 feet below the surface.

Commissioner Haagsma inquired with Engineer Gritter about the stormwater calculations, to which Gritter responded that they have not been provided yet; Commissioner Waayenberg added that a lot of information has not been provided.

Commissioner Haagsma then questioned the detention ponds depicted on the plan and whether they would be adequate; Engineer Gritter responded that the details need to be worked out but in essence they would be considered adequate.

Commissioner Waayenberg stated that he would not be comfortable approving this as there was no grading plan provided, the provided soil information is unclear. He added that the wetlands to the west that hold water work in conjunction with the subject parcel and that they essentially rely on each other during storm events, implying that the proposed development could alter this relationship between the areas and the natural flow of water.

**Motion:** Motion by Haagsma, supported by Rober to recommend denial of the PUD-OSP rezone to the Township Board.

**DISCUSSION:** None

**AYES:** ALL

**NAYS:** None

**ABSTAIN:** None

**DECISION:** 6-0

**Motion:** Motion by Haagsma, supported by Rober to deny the final site plan based on the recommendation to deny the PUD-OSP rezoning to the Township Board.

**DISCUSSION:** None

**AYES:** ALL

**NAYS:** None

**ABSTAIN:** None

**DECISION:** 6-0

## 2. Site Plan Review

### a. 4200 60<sup>th</sup> Street – Switch – Phase 2 Substation

Kevin Wilks of Spicer Group, the applicant for this project, explained that the Switch data center is proposing an expansion to their substation project which they got approval on last year; their energy needs have changed since then, and they are now seeking site plan approval for a bigger substation.

Planner Wells offered the Townships perspective on this request and stated that staff feels as though all standards are met through this application. It's worth noting that the parcel in question is split-zoned; there is a remnant of the Steelcase PUD in this parcel, and the rest is zoned for Light Industrial, so rather than have the applicant go through the PUD amendment process for this request, staff made the decision to process this as a site plan review in keeping with other light industrial projects in the Steelcase PUD-LSP. Wells said that the applicant provided all necessary information for site plan review, and the Future Land Use Plan accounts for industrial uses in this area. Wells added that all privacy, safety, and vehicle circulation standards have been met, in addition to screening requirements. Staff noted that approval is recommended for this request.

Wilks provided photos from a Switch site in Georgia for reference that depict a gravel pad with three clusters of electrical infrastructure and a small building.

**Motion:** Motion by Haagsma, supported by Waayenberg to approve the site plan as presented with the following conditions:

1. Secure all Township department and outside agency approvals:
  - a. Township Engineer/ BGUA.
  - b. Fire Department.
  - c. Kent County Road Commission (access and SESC).
  - d. Kent County Drain Commission
2. Vegetative buffer along M-6 must be maintained; any changes to the buffer must be reviewed by staff.

**DISCUSSION:** None

**AYES:** ALL

**NAYS:** None

**ABSTAIN:** None

**DECISION:** 6-0

## 3. Items Not Requiring a Public Hearing

### a. 7114 Cornerstone – Special Use Permit – Accessory Building

Mike Resma, the homeowner and applicant for this project, explained that he is requesting a Special Use Permit for the construction of a 412 SF shed. Resma clarified that initially his request had been for 500 SF to account for future expansion of the shed, however, he has modified his application to reflect solely the square footage of the shed.

Chair Giarmo inquired about whether the intended use of the shed is for residential storage, to which Resma responded yes.

**Motion:** Motion by Haagsma, supported by Waayenberg to take this item off the table.

**DISCUSSION:** None

**AYES:** ALL

**NAYS:** None

**ABSTAIN:** None

**DECISION:** 6-0

**Motion:** Motion by Haagsma, supported by Waayenberg to approve the Special Use Permit.

**DISCUSSION:** Assistant Planner Swan inquired about a discrepancy between the calculated and listed square footage of the shed on the provided product sheet to ensure the applicant would not be penalized for this discrepancy upon final construction, to which Haagsma confirmed the applicant would not be penalized.

**AYES:** Giarmo, Rober, Waayenberg, Haagsma, Thomas

**NAYS:** Wiersema

**ABSTAIN:** None

**DECISION:** 6-0

**b. 7174 Martin – Special Use Permit – Adult Foster Care Small Group Home**

This agenda item was tabled at the September Planning Commission Meeting, as the Planning Commission needed more information from the Township Attorney to determine where the Township's jurisdiction ends and begins as opposed to state jurisdiction.

**Motion:** Motion by Waayenberg, supported by Thomas to take this item off the table.

**DISCUSSION:** None

**AYES:** All

**NAYS:** None

**ABSTAIN:** None

**DECISION:** 7-0

Planner Wells offered some insight on the memorandum prepared by the Township Attorney regarding this matter, and said it is recommended that the Planning Commission does not make their decision on this request based on the behavior of residents at the facility. Wells stated that Adult Foster Care facilities are the mechanism used to guarantee disabled individuals housing under the Fair Housing Act.

The Kent County Sheriff's Department collected data on calls to this facility, and there have only been 3 visits over the last 2 years. Wells went on to say that unless there is a record of violence or other nuisance activity, this should not be used as a basis of consideration, despite discomfort experienced by neighbors. Although the state has oversight of facilities as such, since this is a request for a Special Use

Permit, ideally the Township would perform its own inspections to ensure compliance and safety. Wells recommended postponing this item to the December meeting as the applicant was not present.

Chair Giarmo stated that in accordance with the memorandum from the Township Attorney, she would like to treat this facility like all other residents and perform inspections. Planner Wells clarified that it will be inspected by the state whether the Township performs inspections or not, although their standards may deviate from what the Township requires.

Commissioner Waayenberg inquired about the schedule on which the state carries out inspections for facilities as such, to which Planner Wells responded that he is unsure of their schedule however they do have the legal authority to complete them.

Commissioner Haagsma pointed out that the Building Department reported 3 open permits at the facility, and to complete inspections and close out the permits would be to treat the facility the same as any other resident in the Township.

Chair Giarmo mentioned that the Fire Chief had stated fire suppression checks were not done at this time, which is concerning to her given the proposed doubling in capacity.

Commissioner Rober expressed that she feels as though these people need help; Chair Giarmo said that the Township owes it to surrounding residents to ensure that the building in question is safe and up to code.

**Motion:** Motion by Haagsma, supported by Rober to postpone this agenda item to the December meeting.  
**DISCUSSION:** None  
**AYES:** All  
**NAYS:** None  
**ABSTAIN:** None  
**DECISION:** 6-0

## **VII. GENERAL DISCUSSION**

### **a. 2025 Meeting Schedule**

**Motion:** Motion by Rober, supported by Waayenberg to approve the proposed 2025 meeting schedule.  
**DISCUSSION:** None  
**AYES:** All  
**NAYS:** None  
**ABSTAIN:** None  
**DECISION:** 6-0

## **VIII. ADJOURNMENT**

The meeting adjourned at 10:04 PM.

### **CERTIFICATION:**

I hereby certify that the above is a true copy of the minutes from the July 25<sup>th</sup>, 2024, Planning Commission Meeting of the Gaines Charter Township Planning Commission held at the time and place mentioned above pursuant to the required statutory procedures.

Respectfully submitted,

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Lani Thomas,

Secretary

Gaines Charter Township Planning Commission

Date: \_\_\_\_\_, 2024

# Gaines Charter Township

## Planning Commission Memo

Meeting Date: November 21<sup>st</sup>, 2024

AGENDA ITEM: VI.1.a

PROPOSED REQUEST: Tentative Preliminary  
Plat Review, Dutton Center PUD-Phase 2

ADDRESS: 3316 68<sup>th</sup> Street SE

PARCEL NUMBER: 41-22-11-101-017

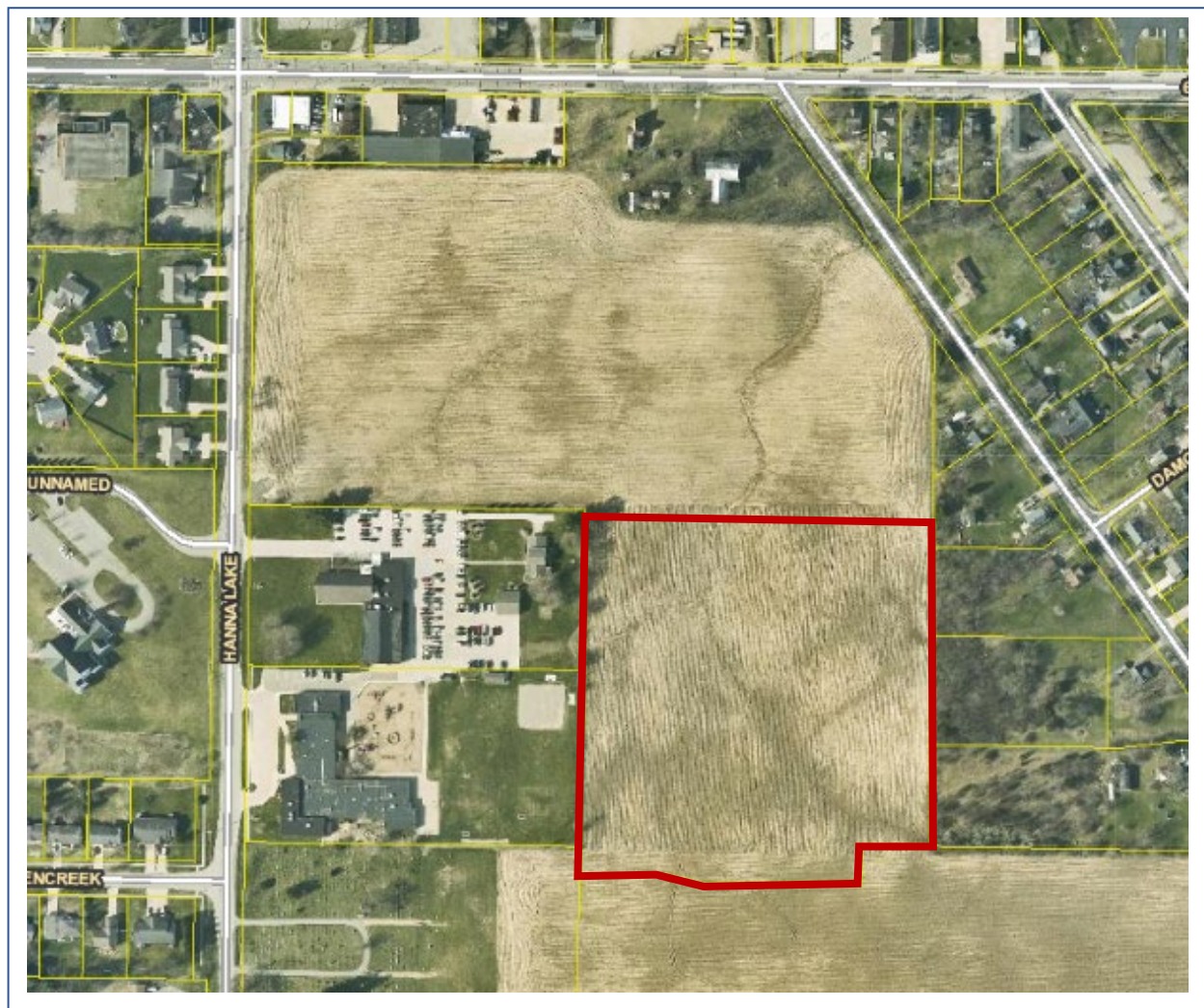
APPLICANT: Mike West for Michiana Land  
Development, LLC (Allen Edwin Homes)

FILE NUMBER: 241023MW

PROPERTY ZONING DISTRICT: PUD

PROPERTY SIZE: ca. 10 Acres (Phase 2)

REPORT BY: Dan Wells, Community  
Development Director



## OVERVIEW

The applicant requests a tentative preliminary plat (TPP) review for Dutton Center Phase 2. This TPP covers a ca. 10-acre portion of the property, the overall property is 29.3 acres. The lot dimensions were approved along with the PUD rezoning.

Overall, 51 residential lots (numbers 1-51) are proposed along with public roads and public utilities. The parcel sizes and setbacks are determined by the Dutton Center PUD site plan.

The Planning Commission's role is to review the tentative preliminary plan for consistency with Dutton Center PUD zoning and subdivision requirements as part of the platting process. Section 112 (4) of the Land Division Act provides for initial acceptance of the overall development concept but does not consider detailed engineering design or final details.

The Land Division Act states that “[t]entative approval....confers upon the proprietor for a period of 1 year from date, approval of lot sizes, lot orientation, and street layout, and application of the then-current subdivision regulations.” Details concerning wetland impact, utilities, and final stormwater management design are addressed in later review phases. However, tentative preliminary plans for utilities and other required infrastructure are considered during this process to identify potential concerns and future considerations.

Surrounding zoning:

|             |                                       |                                      |
|-------------|---------------------------------------|--------------------------------------|
|             | NORTH: PUD                            |                                      |
| WEST: RL-10 | SUBJECT PARCELS                       | EAST: RL-14<br>(conservation design) |
|             | SOUTH: RL-14<br>(conservation design) |                                      |

## STANDARDS OF REVIEW

This project is subject to review against the following requirements and standards:

- GCTZO Section 6.3 Development Standards and GCT Code of Ordinances Section 22-62 Compliance with Zoning Regulations
- GCTZO Section 6.4 Additional Requirements for Plats & Site Condominium Developments
- GCTZO Section 16.13 Residential Landscaping
- GCT Code of Ordinances Section 22-63 Sidewalks
- GCT Code of Ordinances Section 22-64 Street Lighting
- GCT Code of Ordinances Section 22-65 Public Utilities

Staff reviewed the preliminary plat and associated application package and find that the plans provide enough information for this stage of the plat approval process. The following are the primary subject areas with comments.

**1. GCTZO Section 6.3 Development Standards and GCT Code of Ordinances Section 22-62 Compliance with Zoning Regulations**

The Phase 2 plat is encompassed by the Dutton Center PUD, which was recently approved to set the parcel sizes and setbacks for the proposed development. The proposed Phase 2 parcels are in accord with those outlined in the PUD site plan.

**2. GCTZO Section 6.4 Additional Requirements for Plats & Site Condominium Developments**

Section 6.4.A requires that a tentative preliminary plat incorporates a variety of house models. Since the development is proposed to have 51 lots, a minimum of five house models is required. Each house model shall have multiple characteristics that clearly distinguish it from the other house models, such as different exterior materials, rooflines, garage placement, architectural style, number of stories, and/or building face.

The applicant submitted a model plan with over five house types. Staff recommends that the review of house models and future variations be an administrative responsibility during the zoning and building permitting process since homes will be sold to individual buyers that pick their model.

**3. GCTZO Section 16.13 Residential Landscaping**

Section 16.13 A requires that all platted subdivisions include one canopy tree for every 80 feet of road frontage. Street trees must be placed in accordance with Section 16.13 and the requirements of the Kent County Road Commission. The Landscaping Plan dated 8/29/24 for Phase 2 presented during the PUD review meets the street tree requirements.

Staff recommends that the requirement for the graphic representation on the tentative preliminary plat is unnecessary at this time, but should be included on the final plat. Trees should also be placed outside of clear-vision areas at intersections.

**4. GCT Code of Ordinances, Section 22-63 Sidewalks**

In accordance with Section 22-63, sidewalks shall be installed by the proprietor as specified by Township ordinance or as otherwise required by the Township Board or its designated Township official or body. Five-foot-wide sidewalks are shown along both sides of public streets within the development.

**5. GCT Code of Ordinances, Section 22-64 Street Lighting**

In accordance with Section 22-64, street lighting shall be installed by the proprietor as specified by Township ordinance or as otherwise required by the Township Board or its designated Township official or body. Consistent with past developments, the developer should request that the Township create a Street Light Assessment District before a residential building permit is issued by the Township.

The applicant states that streetlights will be installed per ordinance requirements.

- The number and location of streetlights are to be determined by Consumers Energy for each phase of development.

- The developer must provide the necessary funds for installation within 30 days of Gaines Charter Township issuing an invoice for the installation costs.

#### **6. GCT Code of Ordinances Section 22- 65 Public Utilities**

The development will be served by extensions of municipal water and sanitary sewer lines. A storm drainage system consisting of both above ground and underground drainage facilities will also be installed, and the streets serving Phase 2 will be public. Provisions for the installation of buried power, telephone, gas distribution, and cable TV lines are also to be included. The applicant shall be required to comply with all utility and stormwater requirements of the Township Engineer.

#### **7. Engineering Review**

The Township Engineering report includes comments to make some adjustments and edits to the infrastructure and utility plans for the proposed plat. These concerns are typically addressed prior to final approval of a preliminary plat.

#### **STAFF RECOMMENDATION**

Per the Planning Enabling Act (MCL 125.3871(6)) the “planning commission shall recommend approval, approval with conditions, or disapproval of a plat within 63 days after the plat is submitted to the planning commission”. The Township Board must approve, approve with conditions, or deny the tentative preliminary plat within 90 days of being received by the Clerk (October 22<sup>nd</sup>, 2024), this being January 20<sup>th</sup>, 2025.

Based on our review of the Dutton Center Phase 2 plat dated 10/22/2024, it is recommended that the Planning Commission recommend approval of the Tentative Preliminary Plat to the Township Board.

Please note that the applicant added area setback notations for each proposed lot within the development.

1. Staff shall confirm that no less than five house models that meet the requirements of the GCTZO Section 6.4.A are built within the plat.
2. Staff shall enforce the street tree requirement of the GCTZO Section 16.13 A at the time of final plat consideration.
3. The applicant must request the creation of a Street Light Assessment District before applying for residential building permits.
4. The applicant must adhere to all review comments provided by the Township Engineer.

# **Dutton Center Residential Plat**

## **(Phase 2, Dutton Center PUD)**

### **3316 68<sup>th</sup> Street SE – south portion**

#### **Project Summary Narrative**

October 22, 2024

#### **Project Overview/Objectives**

The purpose and objective of the Dutton Center single family residential subdivision is to provide quality single family residential housing opportunities in a highly desirable location within Gaines Township. Consistent with the recently approved Dutton Center PUD, the Dutton Center plat proposes a total of 51 single family residential homes constructed as a traditional platted subdivision in one development phase with public roads, public water, sanitary sewer, storm sewer, franchise utilities and sidewalks.

#### **Preliminary Plat Submission Requirements/Major Project Elements**

The Preliminary Plat submittal for Dutton Center has incorporated the information submission requirements outlined in Chapter 22, Article III – Subdivisions and has been designed consistent with the recently approved Dutton Center PUD. Major elements of the subdivision are summarized below.

- Spatial/Dimensional Requirements. Consistent with the approved PUD, the Dutton Center plat will include a minimum lot size of 6,250 square feet/50 feet wide [lots actually range between 6,500-9,852 square feet and 50-64 feet wide]. As discussed during the PUD review, front yard home setbacks will be staggered to create more texture and variation along the streetscape with Lots 1-17, 21-23, 27-29, 33-35, and 38-51 maintaining a 25-foot front yard setback, and Lots 18-20, 24-26, 30-32, and 36-37 maintaining a 30-foot front yard setback. Remaining minimum building setbacks include 15-feet (secondary front yard – corner lot), 20-feet (rear yard) and 5-feet (side yard).
- Project Density/Phasing. The Dutton Center plat will consist of 51 lots on 9.99 acres with a resulting development density of 5.1 units/acre. The subdivision is proposed in one development with construction anticipated to begin in 2026. The Dutton Center subdivision is proposed to be constructed concurrently with Phase 1 of the Dutton Center PUD and Phase 3 of the Thornapple Farms subdivision which will provide an interconnected public roadway network from Hanna Lake Avenue to Dutton Avenue.
- Single Family Homes. Homes within the Dutton Center plat will be single family detached and will include a mix of ranch, 2-story and bi-level homes ranging in size between 1,400 – 2,400 square feet with 3-4 bedrooms, 2-3 bathrooms and an attached 2-car garage. Individual home construction will adhere to the Housing Model Variety requirements outlined in Section 6.4.A, and the self-imposed architectural restrictions reviewed and approved with the Dutton Center PUD including:

1. Garage prominence limit. The measurement of the front of the garage to the main mass of a building shall not exceed 10'0". The main mass is the front façade of a building measured at the location of the front door where a stoop is present. In the event a porch across the main mass is present, the measurement shall take place from the front of the porch.
2. Minimum front porch requirement. A minimum of 20% of the homes are to have a front porch that spans from the front door to the corner of the house. Porches will be a minimum of 4' in depth.
3. Any garage that is prominent to the main mass shall incorporate windows on garage overhead door.
4. Upgraded siding colors that are predominantly darker hues with whites and grays mixed to provide an attractive variety of colors.
5. The following home options will also be incorporated into various homes to increase architectural diversity and variety:
  - a) Board and batten enhancements
  - b) Masonry wainscotting options
  - c) Window trim and shutters variations

A Sample Portfolio of Homes for the Dutton Center subdivision has been provided with the application submittal package.

- Public Streets/Access/Sidewalks. The Dutton Center subdivision will be served by public streets (Pileated Avenue, Palisades Drive, Steamboat Street) constructed to Kent County Road Commission standards and requirements. The Dutton Center plat will be constructed concurrently with Phase 1 of the Dutton Center PUD and Phase 3 of the Thornapple Farms subdivision which will provide an interconnected public roadway network from Hanna Lake Avenue to Dutton Avenue. Five (5') wide concrete sidewalks will also be provided along both sides of all new public streets further integrating the Thornapple Farms subdivision and Dutton Center PUD.
- Storm Water Management & Utilities. Storm water runoff from the subdivision will be collected and conveyed to a detention basin located within the northeast portion of the Dutton Center PUD (Phase 1). As reviewed and approved with the Dutton Center PUD, this location is the natural low area for the overall property which currently acts as a concentrated discharge point to the county drain located along Dutton Avenue. This location was selected as it aligns with the desires of the Kent County Drain Commission and engineering best practices for storm water management for minimal disruptions to the pre-development flows. The storm water management system will be designed, constructed and maintained in accordance with Kent County Water Drain Commission standards and specifications/requirements of the Gaines Township Storm Water Management Ordinance. The Dutton Center plat will be served by public water and public sanitary sewer. Franchise utilities (electric, natural gas, cable, broadband communications, etc.) will also be installed within the project.

**REVISIONS:**

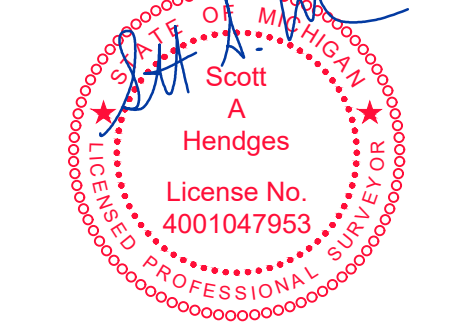
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|------------------------------------------------|-------------|------------------------------------------------|
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| Drawn: DCJW                                    | Checked: RP | Title: Final PUD / Site Plan Submittal Revised |
| Drawn: DCJW                                    | Checked: RP | Date: 6.24.2024                                |
| Title: Final PUD / Site Plan Submittal Revised | Checked: RP | Date: 7.03.2024                                |
| Drawn: DC                                      | Checked: RP | Title: Final PUD / Site Plan Submittal Revised |
| Drawn: DC                                      | Checked: RP | Date: 8.29.2024                                |
| Title: Phase Two Preliminary Plat Submittal    | Checked: ED | Date: 10.22.2024                               |
| Drawn: DAC                                     | Checked: ED |                                                |

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**DUTTON CENTER**  
**PHASE - 2**  
**Tentative Preliminary Plat**

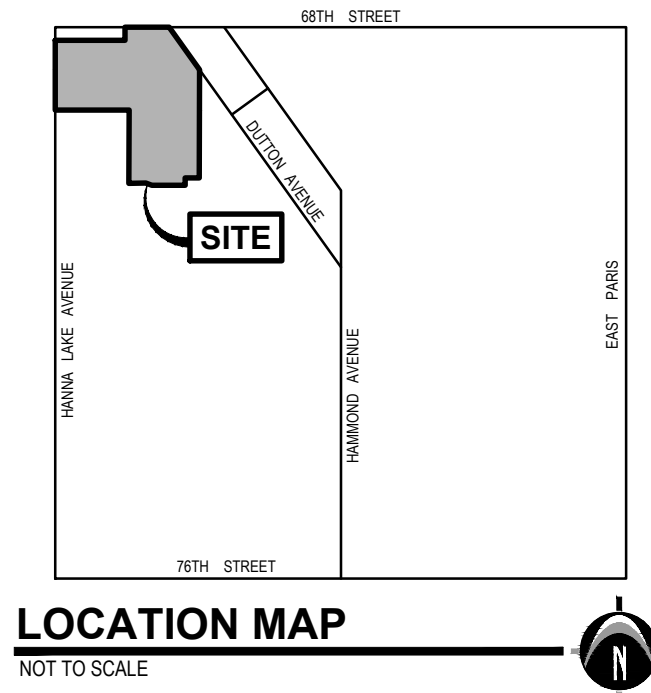
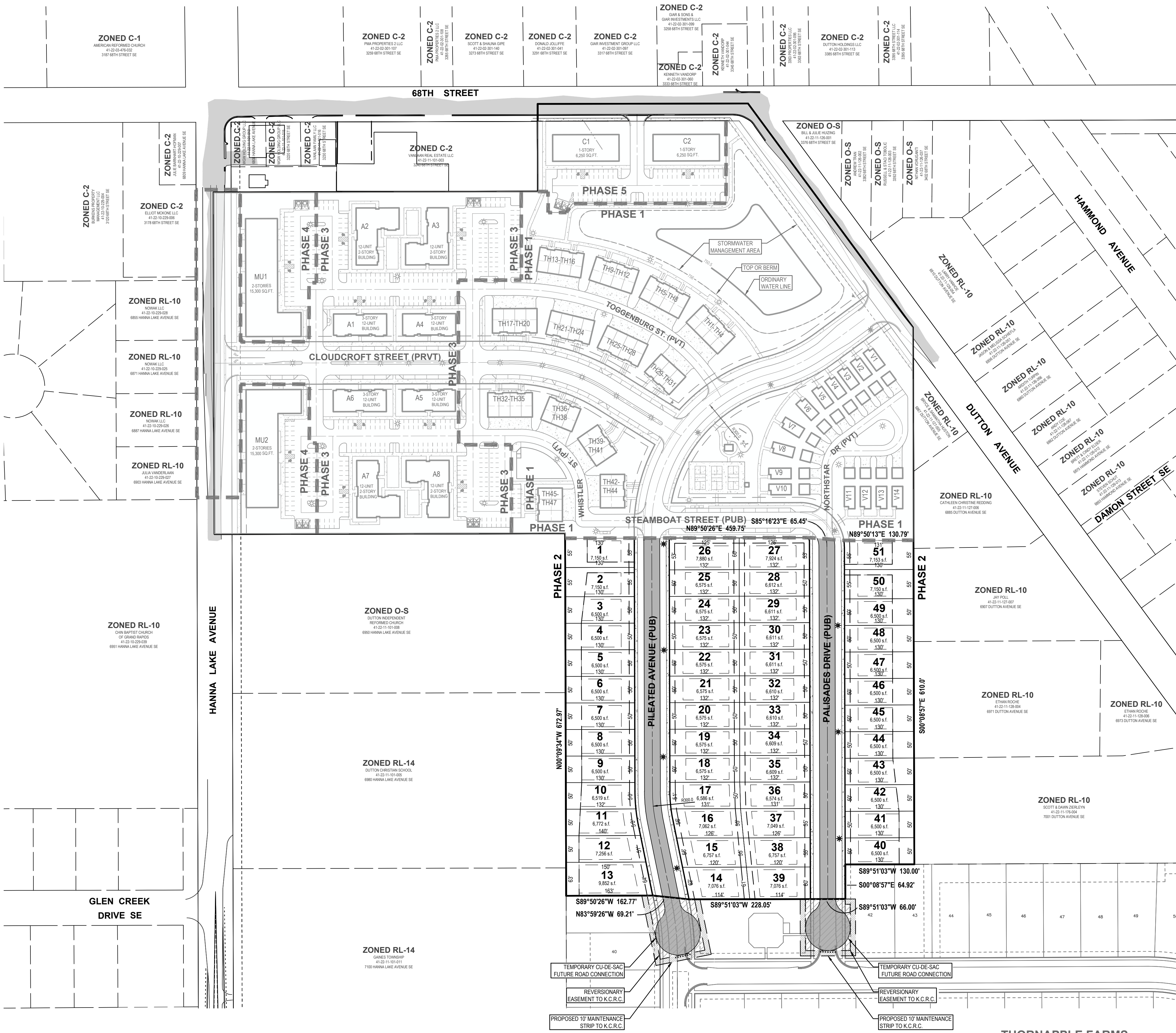
3316 68TH STREET SE  
PART OF THE NW 1/4 OF SECTION 11, T5N, R11W,  
GAINES TOWNSHIP, KENT COUNTY, MICHIGAN

**STAMP:**

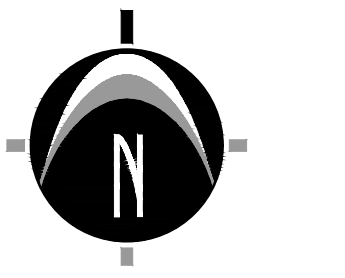


**PROJECT NO:**  
22400615

**SHEET NO:**  
**C-302**



**LOCATION MAP**  
NOT TO SCALE



**LEGEND**

|  |                                     |
|--|-------------------------------------|
|  | PROPOSED BITUMINOUS (STANDARD DUTY) |
|  | PROPOSED CONCRETE (STANDARD DUTY)   |

**GENERAL NOTES**

- SUMMARY OF LAND USE:
  - TOTAL ACREAGE = 29.32 ACRES (1,277,381 SQ. FT.) (EXCLUDING R.O.W.)
  - PHASE TWO TOTAL ACREAGE = 9.99 ACRES (435,338 SQ. FT.) (EXCLUDING R.O.W.)
  - SINGLE FAMILY LOTS = 51 DWELLINGS
- SITE REGULATING STANDARDS:
  - SINGLE FAMILY LOTS (LOTS 1-51)
    - MINIMUM LOT WIDTH AT FRONT YARD SETBACK = 50 FT.
    - MINIMUM LOT SIZE = 6,250 SQ. FT.
    - MAXIMUM BUILDING HEIGHT = 35 FT. OR 2 STORIES, WHICHEVER IS LESS
  - SETBACKS:
    - FRONT YARD SETBACK 1-17, 21-23, 27-29, 33-35 AND 38-51 = 25 FT. MIN.
    - FRONT YARD SETBACK FOR LOTS 18-20, 24-26, 30-32, AND 36-37 = 30 FT. MIN.
    - SECONDARY FRONT YARD SETBACK ON CORNER LOTS = 15 FT. MIN.
    - SIDE YARD SETBACK = 5 FT. MIN.
    - REAR YARD SETBACK = 20 FT. MIN.
- THIS PROJECT IS NOT LOCATED IN THE 100 YEAR FLOOD PLAIN, BASED ON THE NATIONAL FLOOD INSURANCE PROGRAM RATE MAPS.
- BEST MANAGEMENT PRACTICES WILL BE UTILIZED DURING AND AFTER CONSTRUCTION OF THE PROJECT. MEASURES WILL INCLUDE THE USE OF SEEDING AND MULCHING, SEDIMENT INLET FILTERS, COMPACTION AND PAVING. THE OWNER OF THE SUBJECT PARCEL SHALL HAVE THE RESPONSIBILITY TO MAINTAIN THE PERMANENT SOIL EROSION PROTECTION MEASURES.
- ALL LIGHTING SHALL BE SHIELDED FROM ALL ADJACENT PROPERTIES.
- THE PERMANENT PARCEL NUMBER FOR THE SITE IS 41-22-11-101-017.  
THE ADDRESS OF THE PROPERTY IS 3316 68TH STREET SE.

**PHASE 2 PROPERTY DESCRIPTION**

LAND SITUATED IN THE TOWNSHIP OF GAINES, COUNTY OF KENT, STATE OF MICHIGAN DESCRIBED AS FOLLOWS:  
PART OF THE NW 1/4 OF SECTION 11, TOWN 5 NORTH, RANGE 11 WEST, GAINES TOWNSHIP, KENT COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NW CORNER OF SAID SECTION 11; THENCE N89°52'04"E 610.50 FEET ALONG THE NORTH LINE OF SAID NW 1/4 TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE S00°09'34"E 165.00 FEET; THENCE S89°52'04"W 610.50 FEET TO THE WEST LINE OF SAID NW 1/4; THENCE S00°09'34"E 643.41 FEET ALONG SAID WEST LINE; THENCE N89°52'04"E 660.00 FEET; THENCE S00°09'34"E 682.44 FEET; THENCE N89°50'26"E 162.77 FEET; THENCE S77°36'32"E 72.12 FEET; THENCE N89°24'24"E 226.47 FEET; THENCE N89°51'03"E 66.00 FEET; THENCE N00°08'57"W 70.38 FEET; THENCE N89°24'24"E 130.00 FEET TO THE SW CORNER OF C. H. DEMING'S ADDITION TO DUTTON (AS RECORDED IN LIBER 20 OF PLATS ON PAGE 35, KENT COUNTY RECORDS); THENCE N00°08'57"W 1010.85 FEET ALONG THE WEST LINE OF SAID C. H. DEMING'S ADDITION TO DUTTON TO THE CENTERLINE OF DUTTON AVENUE (66 FOOT WIDE); THENCE N36°22'34"W 523.59 FEET ALONG SAID CENTERLINE TO THE NORTH LINE OF SAID NW 1/4; THENCE S89°52'04"W 395.97 FEET ALONG SAID NORTH LINE TO THE PLACE OF BEGINNING.



UTILITY LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.  
NOTE: EXISTING UTILITIES AND SERVICE LINES IDENTIFIED AS "PLANS" WERE OBTAINED FROM AVAILABLE AS-BUILT RECORD DRAWINGS. THE CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND STATUS OF ALL UTILITIES AND SERVICE LINES PRIOR TO NEW CONNECTIONS.

**PREPARED FOR:**  
Green Development Ventures, LLC  
Attn: Mike West

2186 E. Centre Ave.  
Portage, MI 49002  
Phone: 269.365.8548

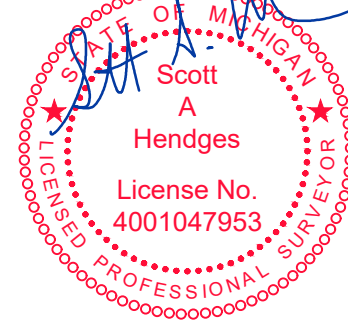
**REVISIONS:**

|                                                |             |                  |
|------------------------------------------------|-------------|------------------|
| Title: Final PUD / Site Plan Submittal         | Checked: RP | Date: 4.25.2024  |
| Drawn: DCJW                                    | Checked: RP | Date: 6.24.2024  |
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| Title: Phase Two Preliminary Plat Submittal    | Checked: ED | Date: 10.22.2024 |
| Drawn: DAC                                     | Checked: ED | Date: 10.22.2024 |

**DUTTON CENTER**  
**PHASE - 2**

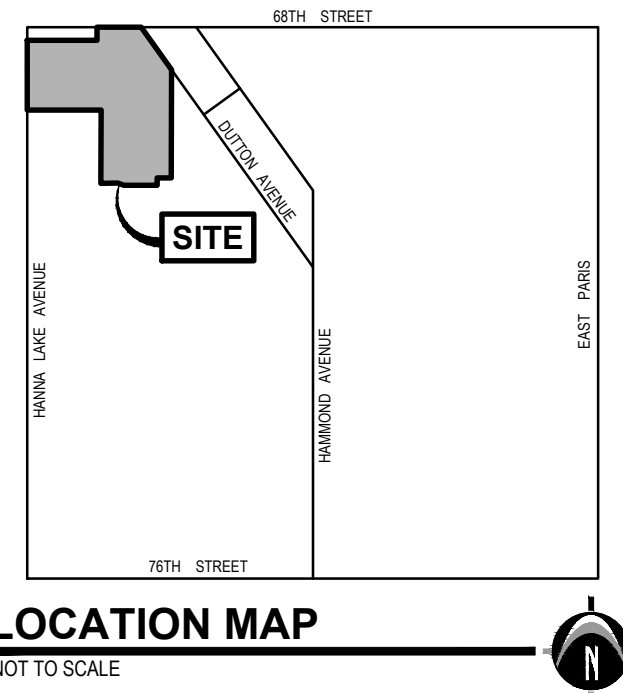
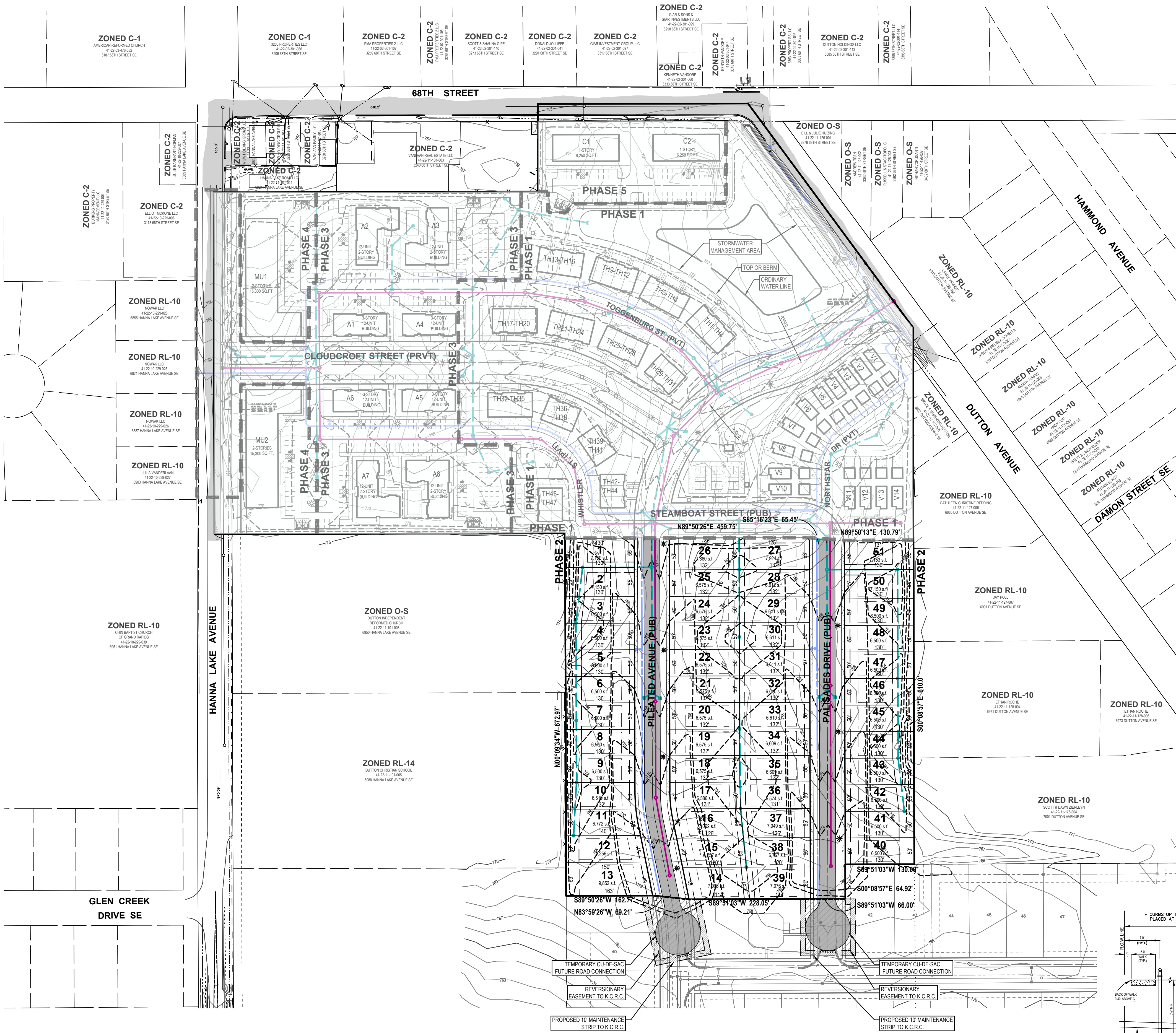
**Tentative Preliminary Plat**  
**Grading & Utilities Plan**  
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PART OF THE NW 1/4 OF SECTION 11, T5N, R11W,  
GAINES TOWNSHIP, KENT COUNTY, MICHIGAN

**STAMP:**



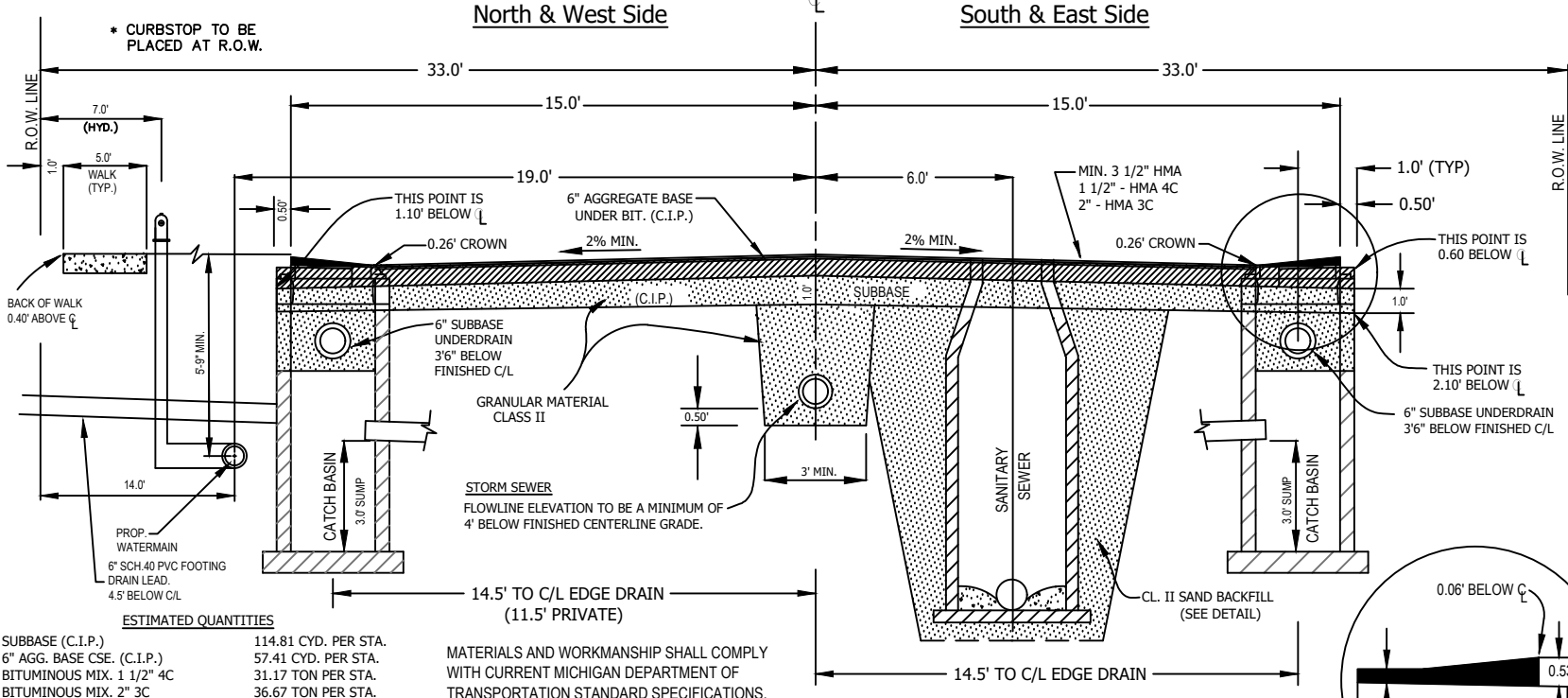
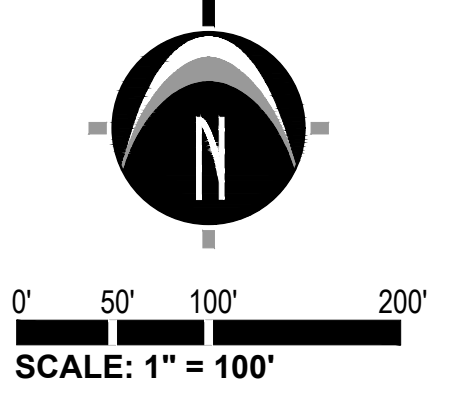
**PROJECT NO:**  
22400615

**SHEET NO:**  
**C-303**



**LEGEND**

|  |                                     |
|--|-------------------------------------|
|  | EX. GRADE CONTOUR                   |
|  | PROPOSED BITUMINOUS (STANDARD DUTY) |
|  | PROPOSED CONCRETE (STANDARD DUTY)   |
|  | PROP. 12" to 36" STM SEWER          |
|  | PROP. 8" SANITARY SEWER             |
|  | PROP. 8" TO 12" WATERMAIN           |



**KENT COUNTY ROAD COMMISSION STANDARD**  
**30" PUBLIC & PRIVATE ROAD W/ BITUMINOUS VALLEY GUTTER SECTION**  
N.T.S.



UTILITY LOCATIONS ARE DERIVED FROM ACTUAL MEASUREMENTS OR AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THIS AREA.  
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# **Dutton Center Plat**

## **Single Family Residential Subdivision**

### **Sample Portfolio of Homes**

---

# Single Family Platted Subdivision

---



# Single Family Platted Subdivision



## Architectural Restrictions Highlights

1. Garage prominence limit.
2. Minimum front porch requirement.
3. Garage overhead door windows.
4. Upgraded siding colors.
5. Architectural diversity and variety:
  - a. Board and batten enhancements
  - b. Masonry wainscoting options
  - c. Window trim and shutters variations

## integrity 1610

1,607 SF

3-5 bedrooms

2-3 bathrooms

2-3 car attached garage



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Elevation A1

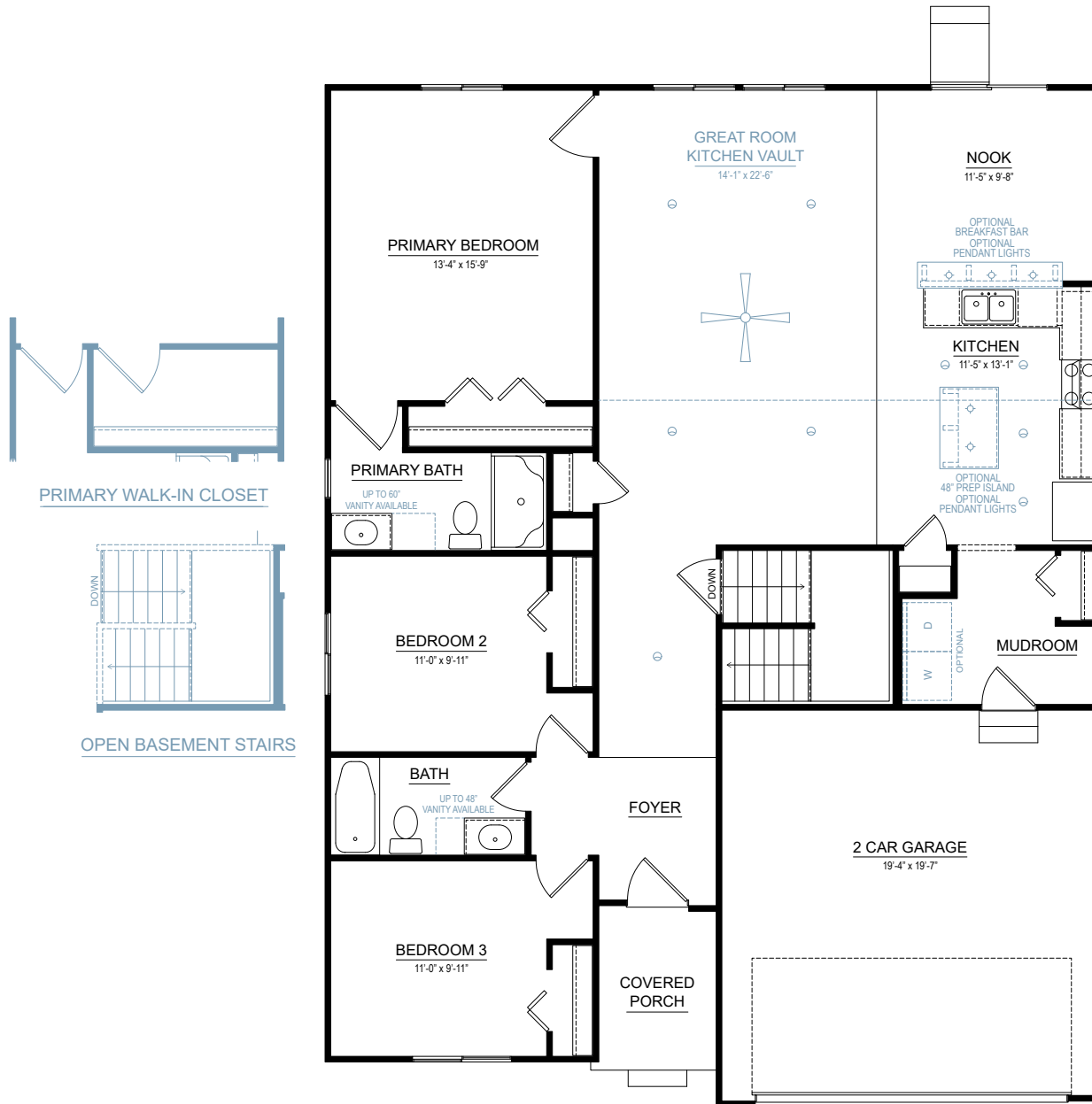


Elevation A2



Elevation A3

Elevation A



# FIRST FLOOR

## integrity 1750

1,736 SF

3-4 bedrooms

2-2.5 bathrooms

2 car attached garage



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Elevation A1



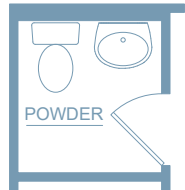
Elevation A2



Elevation A3

Elevation A

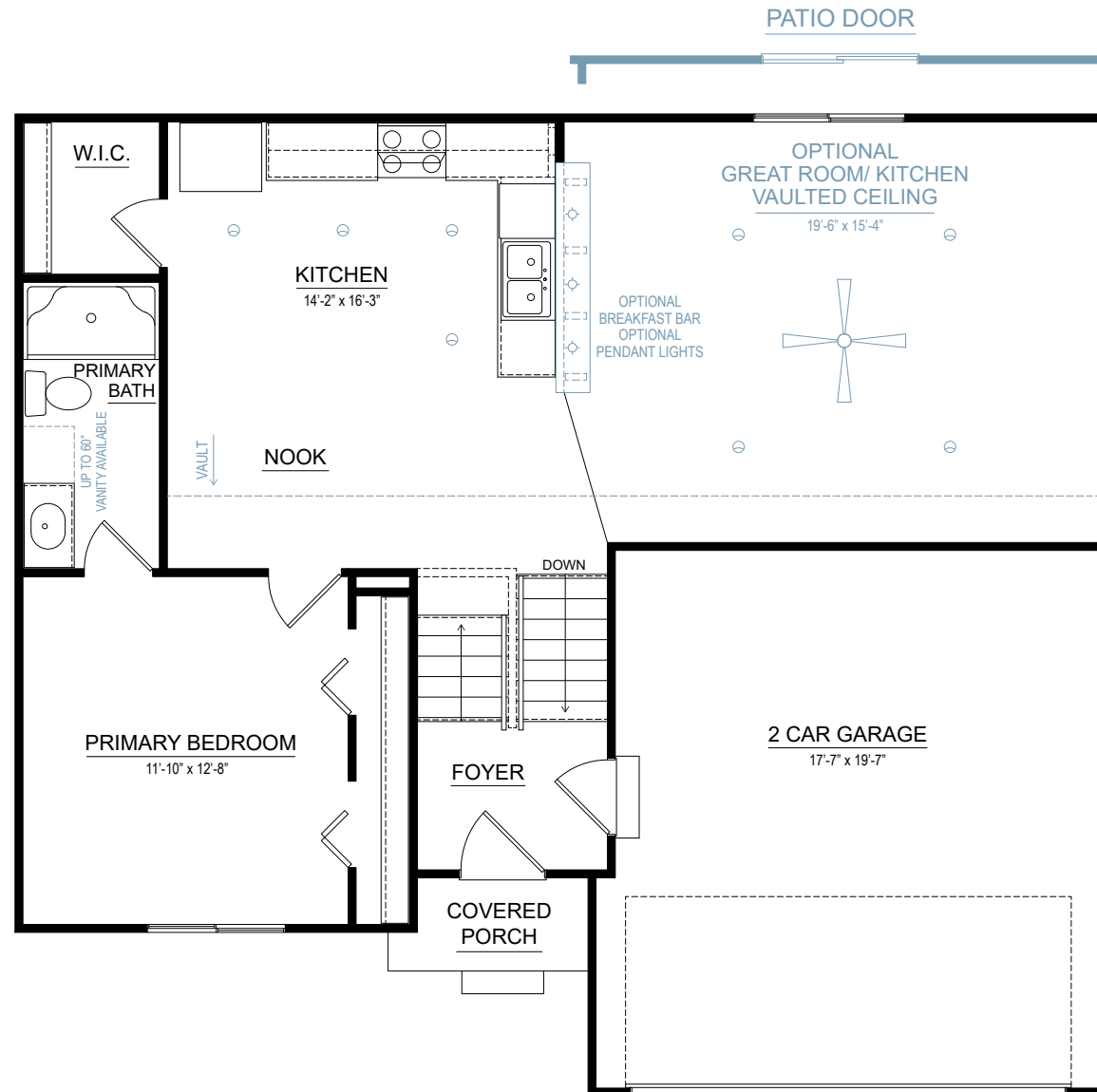
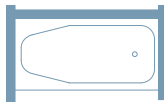
SMART SPACE  
POWDER ROOM



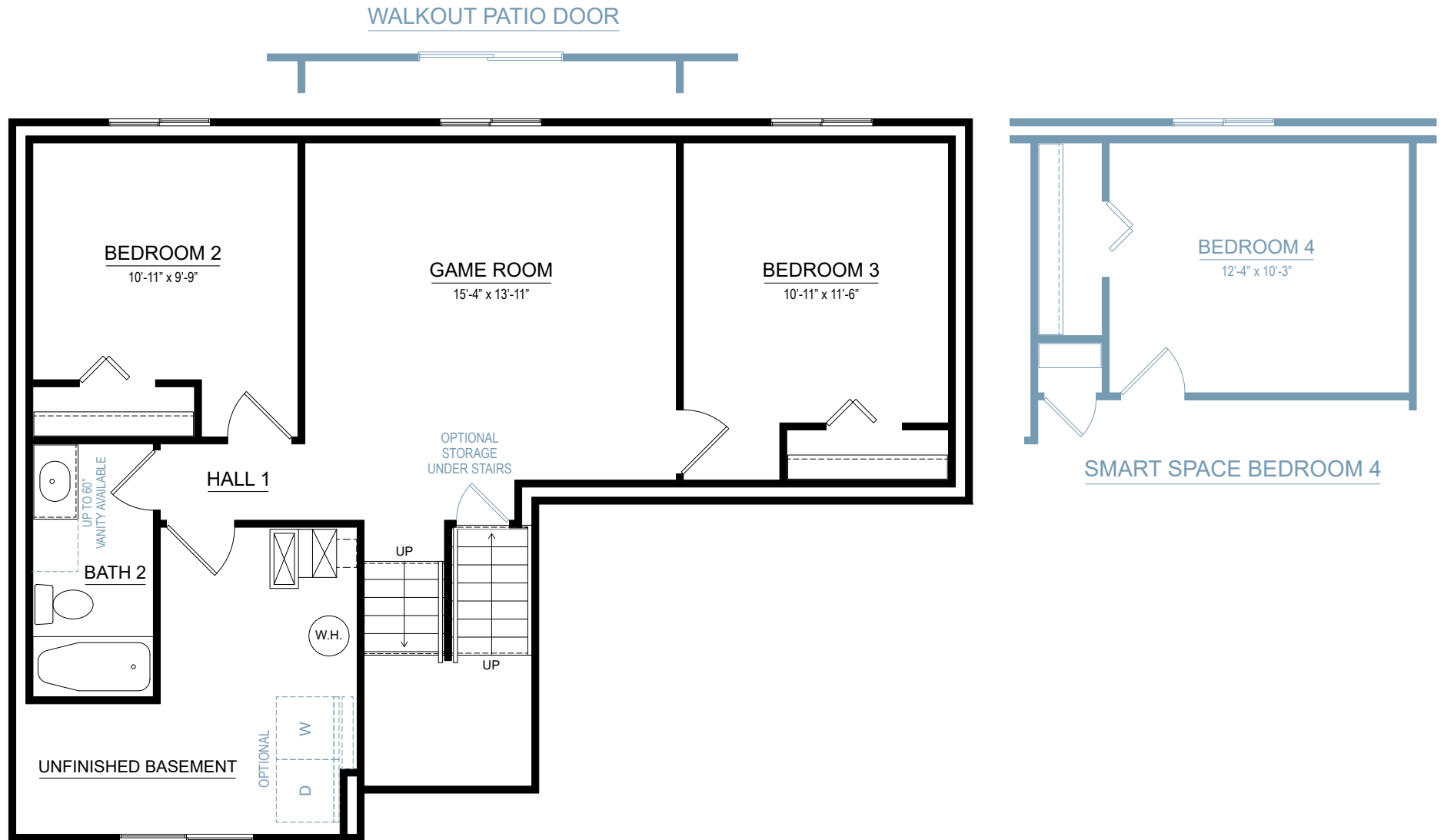
SMART SPACE  
PANTRY



PRIMARY TUB/  
SHOWER



# FIRST FLOOR



## LOWER LEVEL

## integrity 1810

1,822 SF

4 bedrooms

2.5-3.5 bathrooms

2-3 car attached garage



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Elevation A1

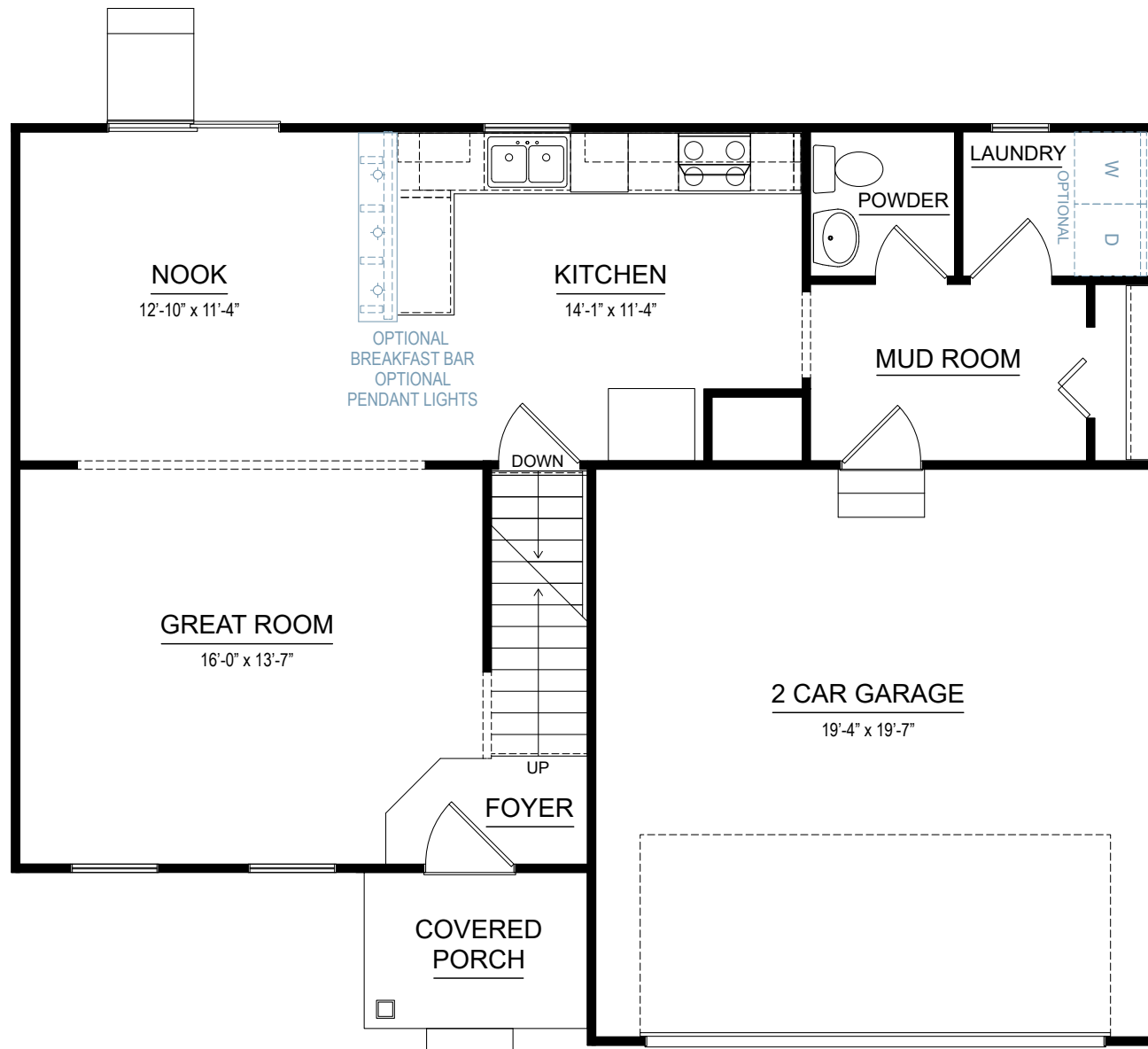


Elevation A2

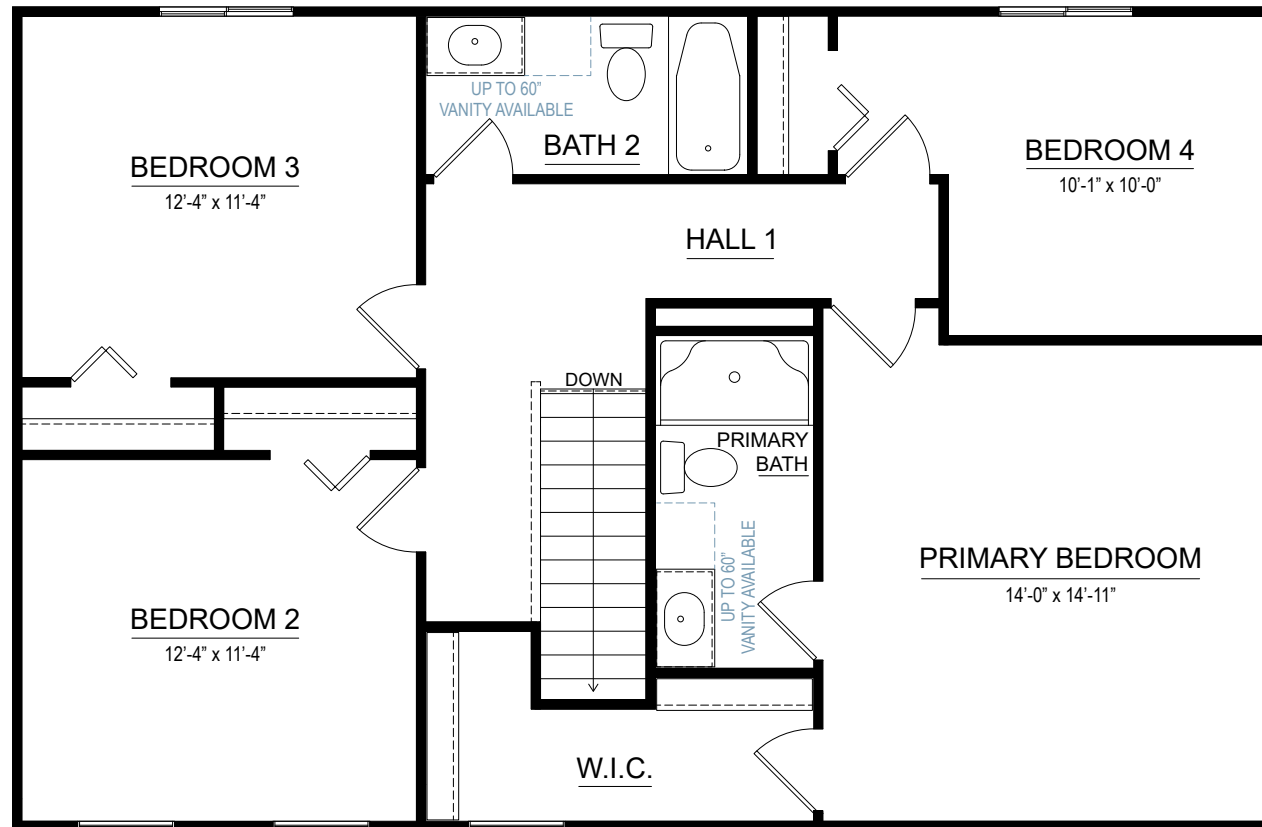


Elevation A3

Elevation A



# FIRST FLOOR



## SECOND FLOOR

## integrity 1830

1,830 SF

4-5 bedrooms

2.5-3.5 bathrooms

2-3 car attached garage



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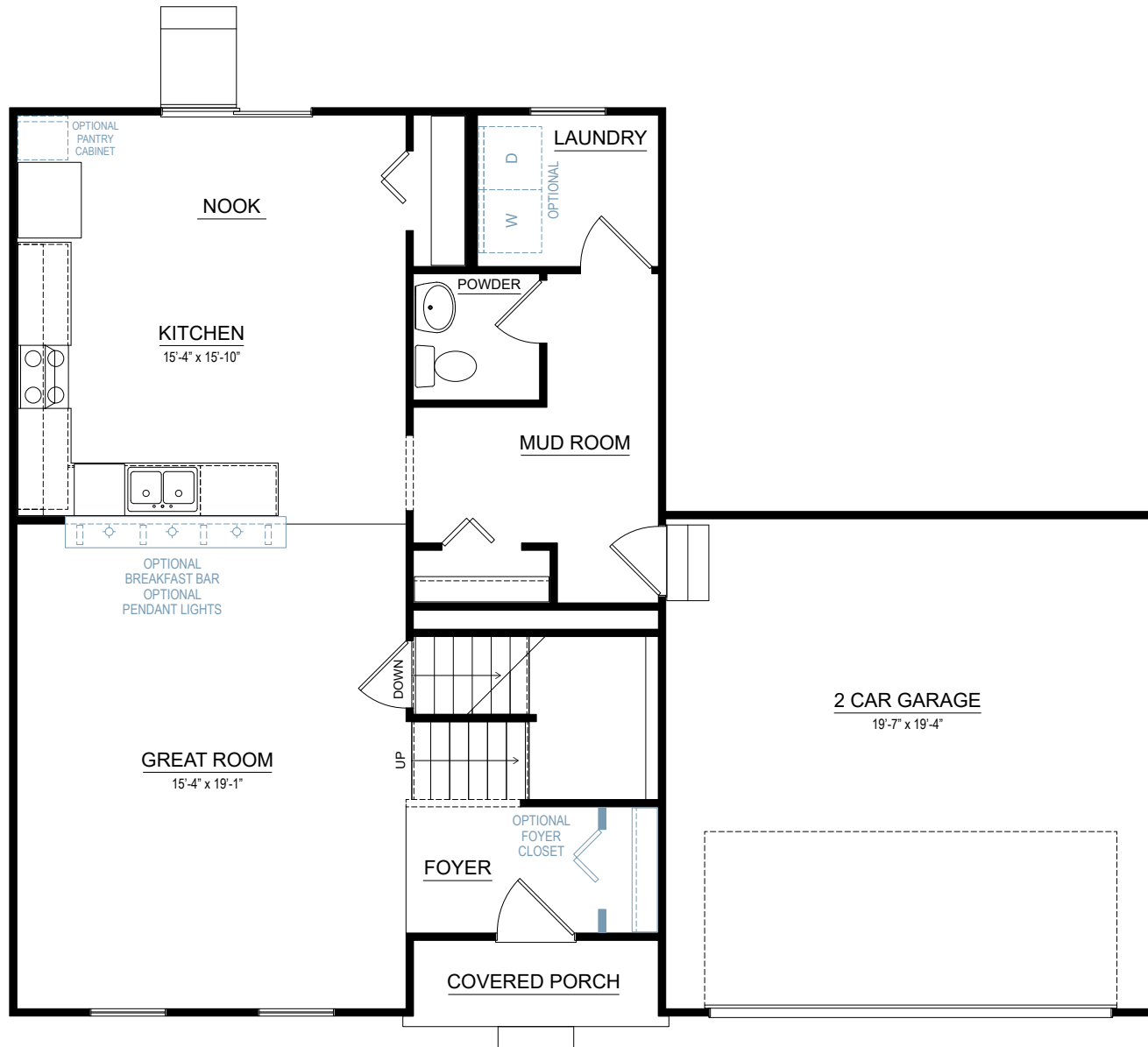


Elevation A2

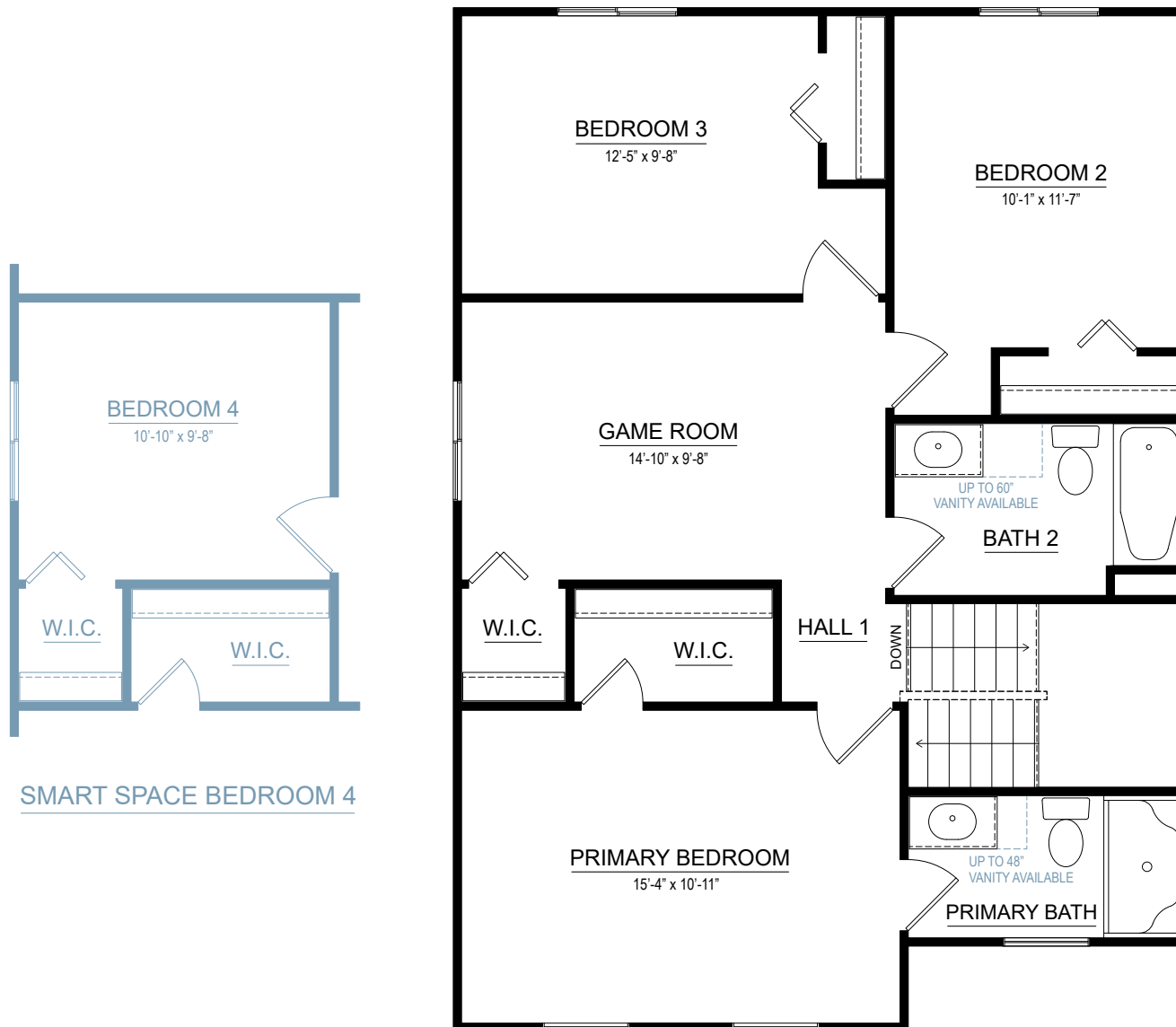


Elevation A3

Elevation A



# FIRST FLOOR



## SECOND FLOOR

## integrity 1910

1911 SF

4-5 bedrooms

2.5 bathrooms

2-car attached garage



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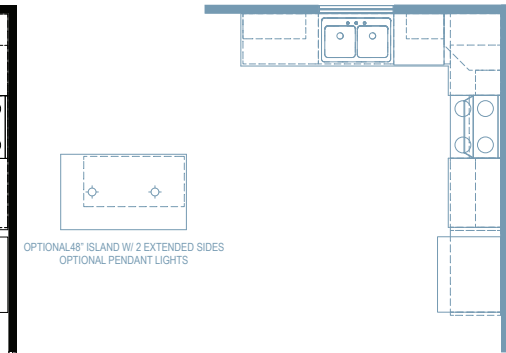
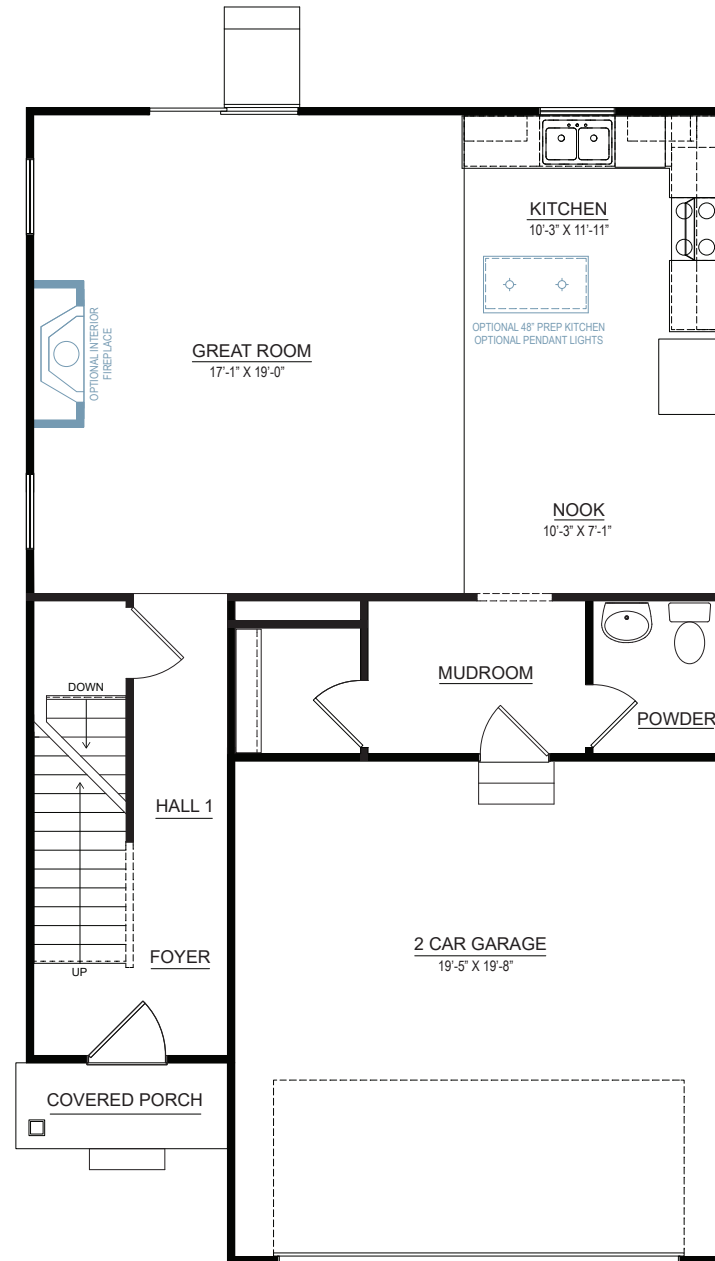


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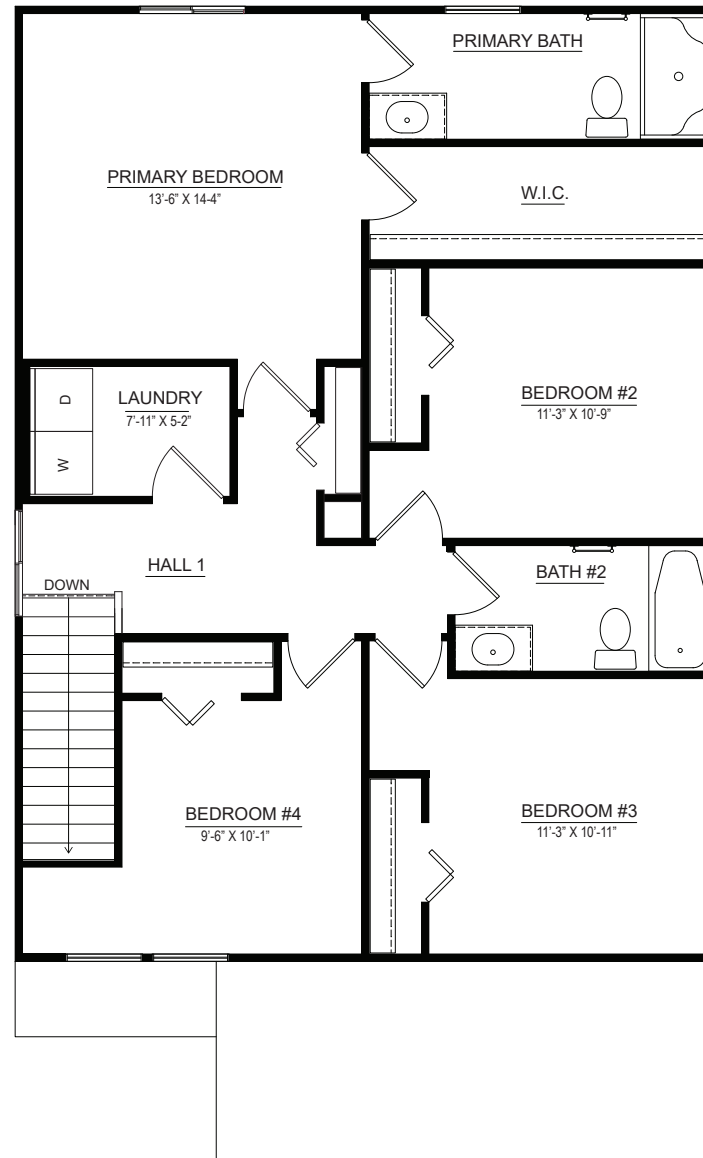
Elevation A3

Elevation A



DESIGNER KITCHEN

# FIRST FLOOR



## SECOND FLOOR

## integrity 2000

2,022 SF

4-5 bedrooms

2.5-3.5 bathrooms

2-3 car attached garage



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Elevation A1

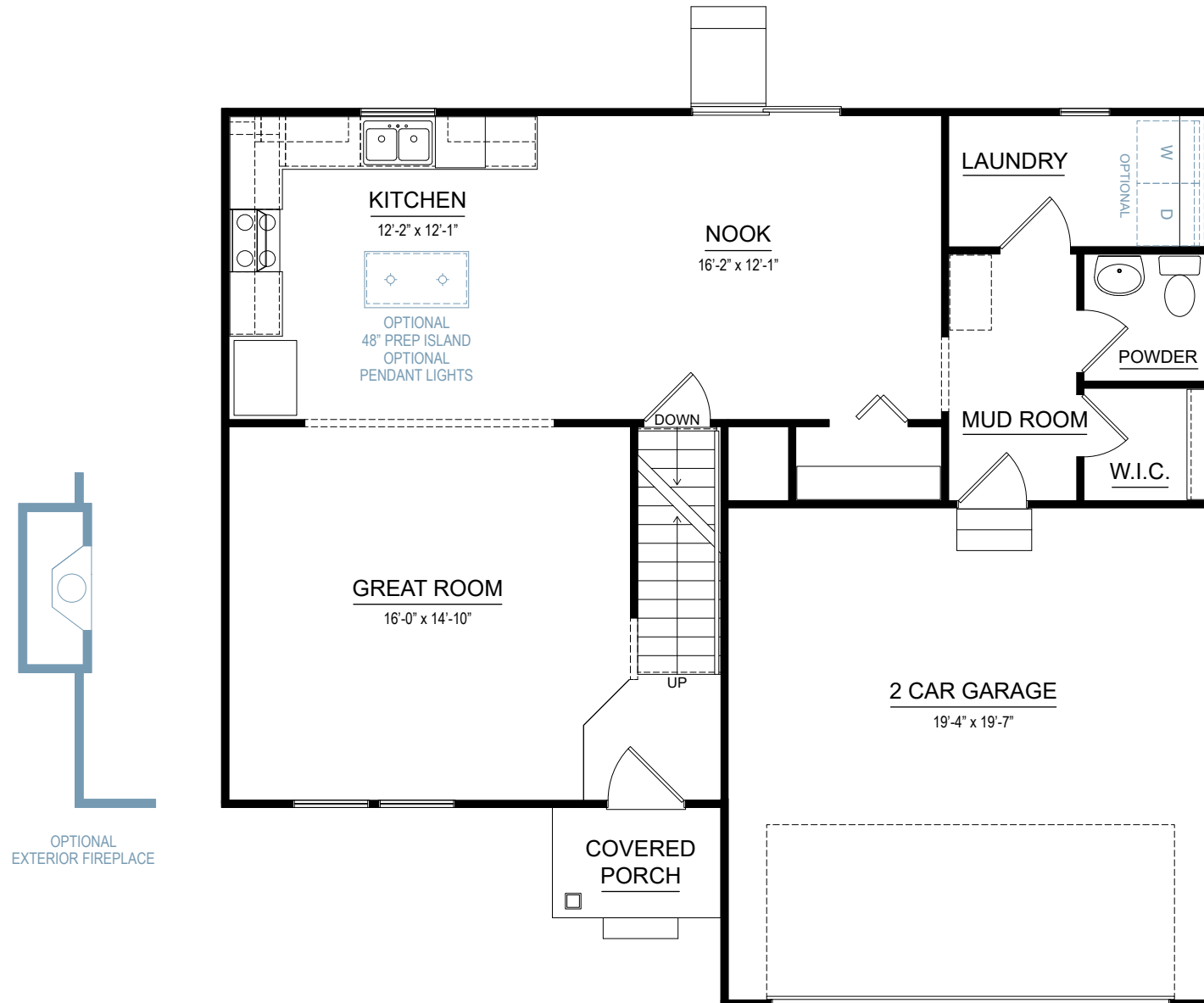


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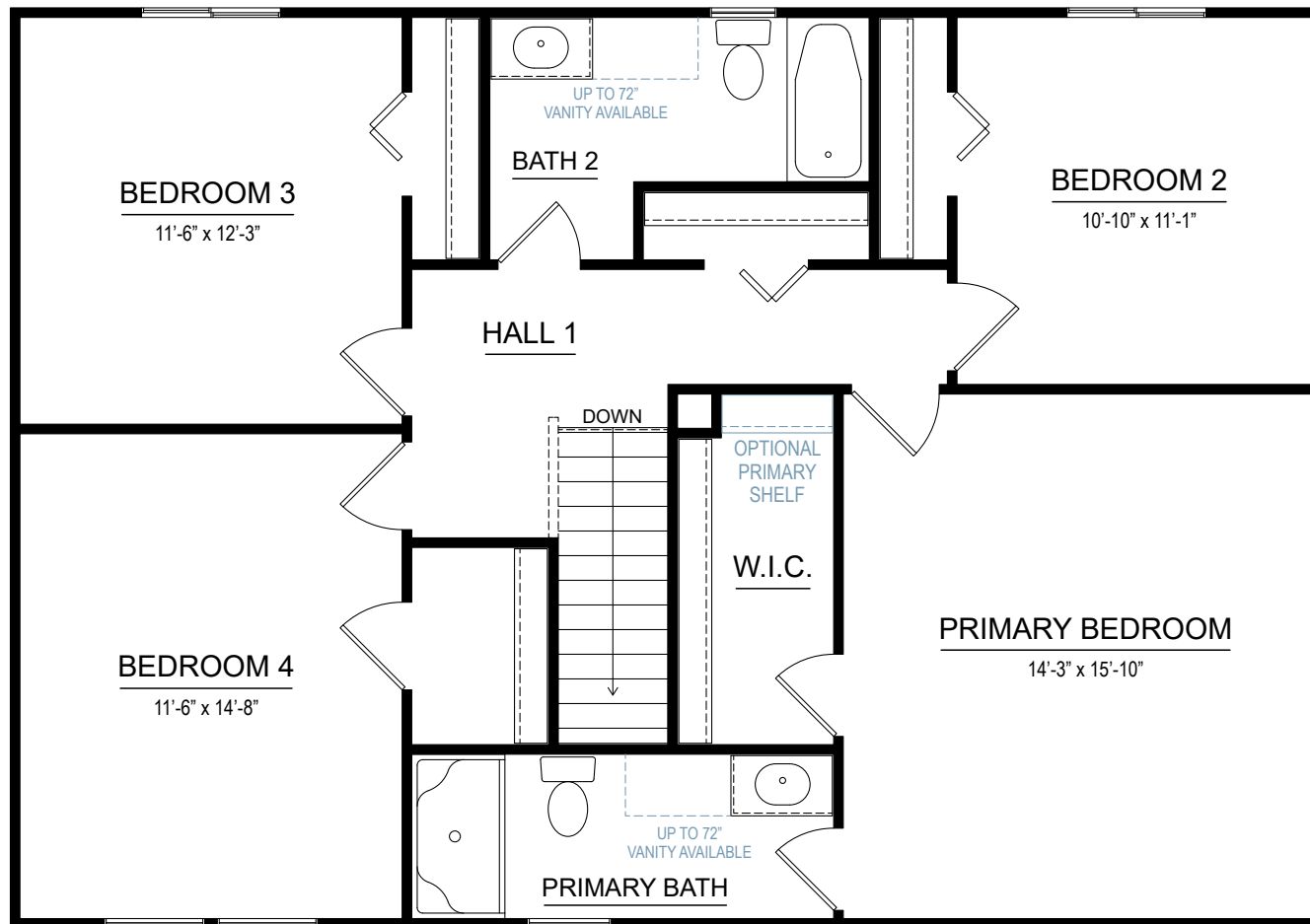


Elevation A3

Elevation A



# FIRST FLOOR



## SECOND FLOOR

## integrity 2280

2,278 SF

3-6 bedrooms

2.5-4 bathrooms

2-3 car attached garage



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Elevation A1

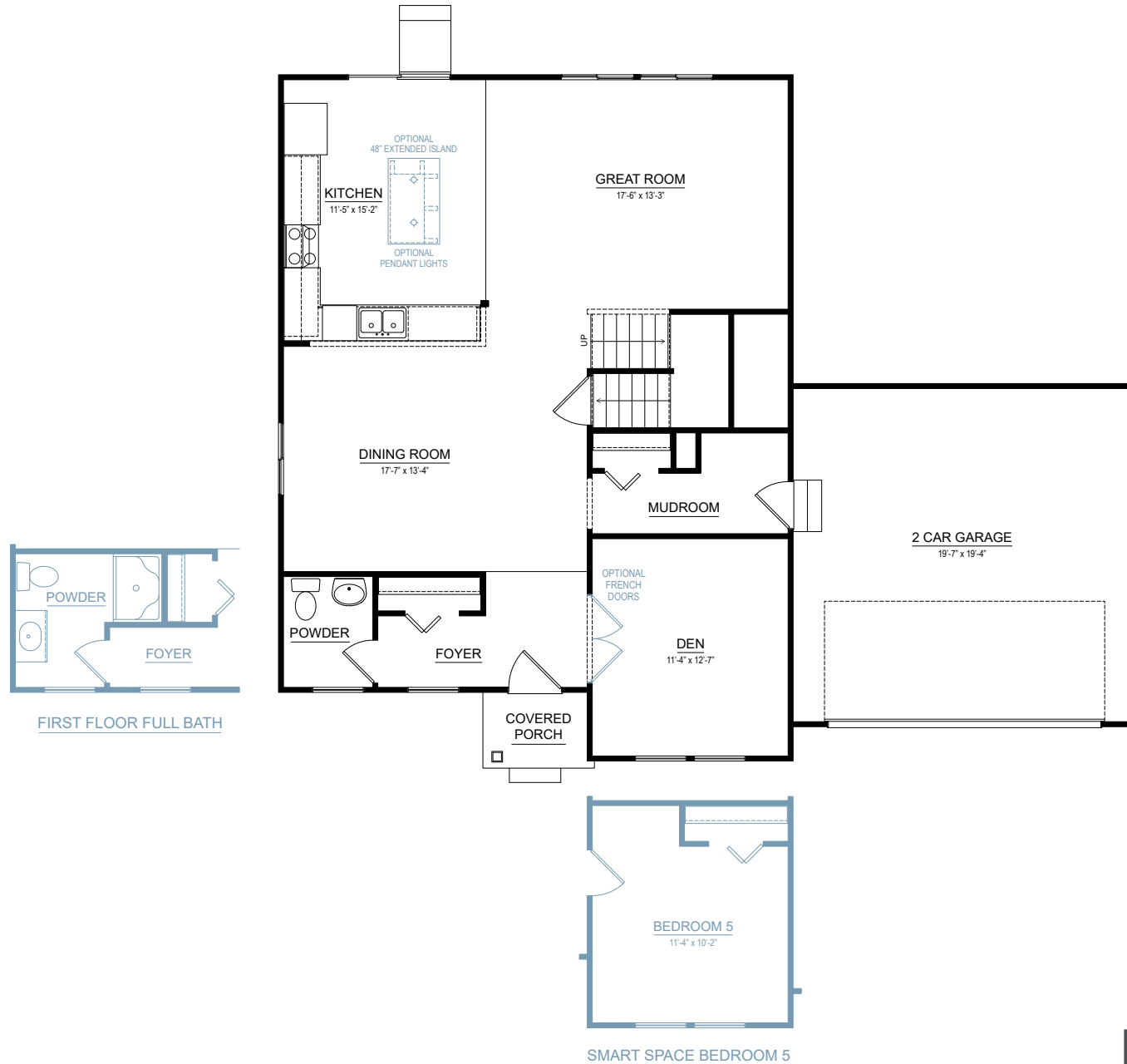


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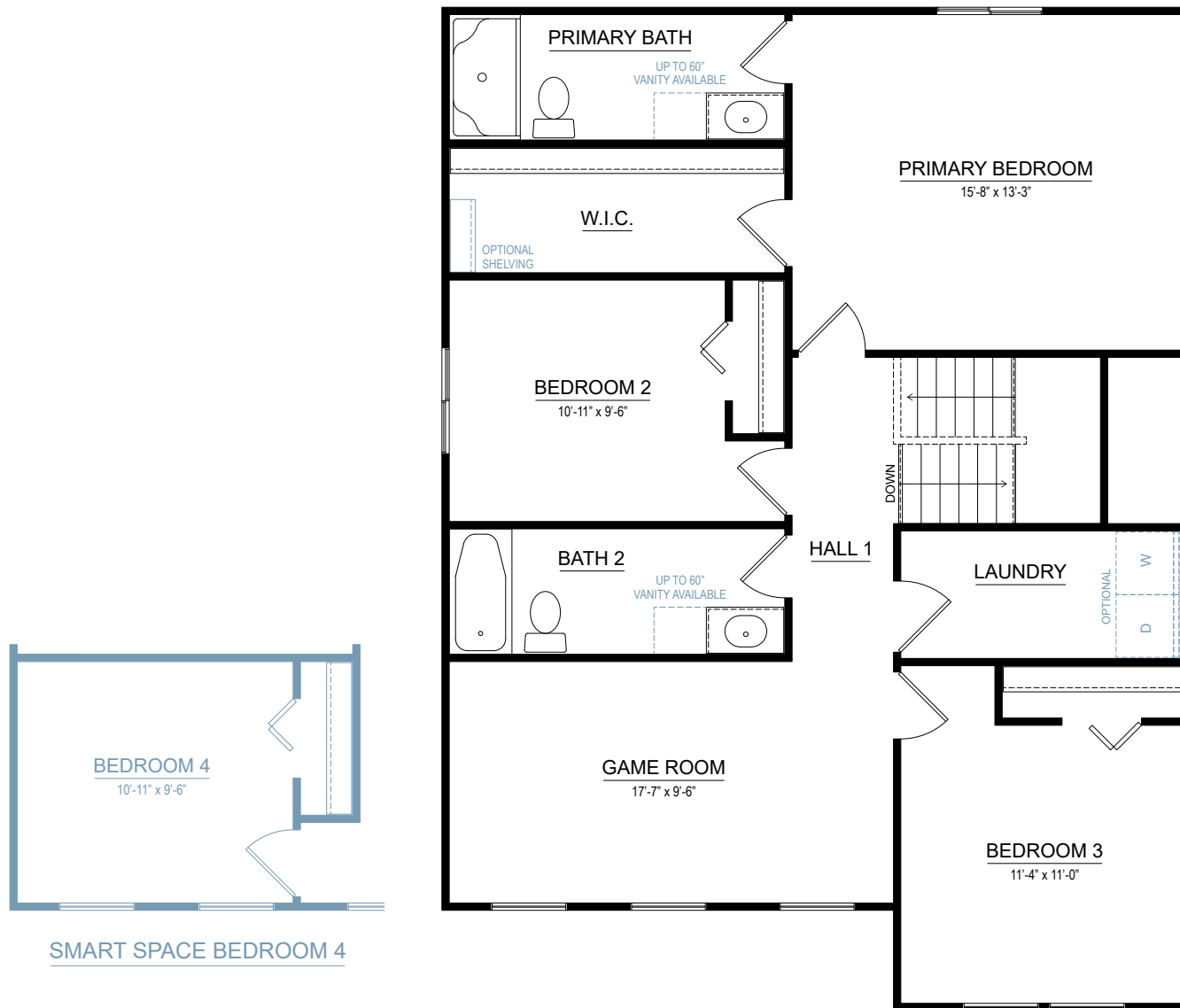


Elevation A3

Elevation A



# FIRST FLOOR



## SECOND FLOOR



Vriesman  
& Korhorn

November 12, 2024  
1297

*Via Email: dan.wells@gainestownship.org*

Dan Wells, Community Development Director  
Gaines Charter Township  
8555 Kalamazoo Ave SE  
Caledonia, MI 49316

Re: Dutton Center PUD – Tentative Preliminary Plat Review  
3316 68<sup>th</sup> Street, Gaines Charter Township, Section 11

Dear Dan:

We have reviewed the proposed Dutton Center PUD project located at 3316 68<sup>th</sup> Street and the preliminary site layout plan that we received on June 3, 2024. We provide the following comments for the consideration of the Applicant and the Planning Commission:

1. The proposed public streets, private street connection to Hanna Lake Avenue, and driveway to 68<sup>th</sup> Street will require the review and approval of the Kent County Road Commission (KCRC). The Applicant shall provide a copy of all KCRC review comments and approvals to the Township and the Township Engineer.
2. The proposed public utility work within the Hanna Lake Avenue ROW, 68<sup>th</sup> Street ROW, and Dutton Avenue ROW will require the review and approval of the KCRC. The Applicant shall provide a copy of all KCRC review comments and approvals to the Township and the Township Engineer.
3. The Applicant is required to obtain a soil erosion and sedimentation control permit from the KCRC prior to the start of any site work.
4. We note that a portion of the site appears to be a plat and the drainage design will be required to be reviewed by the Kent County Drain Commissioner's Office. In addition, a 433 Agreement will be required to be established for the long term maintenance of the storm water management system.
5. The Applicant's Engineer shall submit drainage plans and a detailed calculations package including the most recent copy of the LGROW spreadsheet filled out for the site in question for review. The stormwater facilities shall be designed to comply with all standards and requirements of the Kent County Drain Commission's Development Drainage Rules.

6. We note that the exact sizes and locations of the public water supply and sanitary sewer facilities to be constructed will be determined as part of the detailed construction plan review process. Proposed construction plans will need to be submitted by the Applicant's Engineer to the Byron-Gaines Utility Authority (BGUA) and an electronic copy of the plans sent to the Township Engineer for review and approval.
7. The Applicant will be required to construct watermain along the frontage of the development in Dutton Avenue. Watermain shall also be extended to the west to connect to the existing watermain in Hanna Lake Avenue.
8. We note that the proposed detention pond will outlet to the existing Dutton County Drain and review/approval of this stormwater discharge by the Kent County Drain Commissioner's Office will be required.
9. We recommend that the proposed detention pond be sized for both the proposed residential PUD and the area of the property that will be commercial. It is unclear with the current submittal if this is the intention.
10. We recommend that the Applicant contact the Township's Water & Sewer Administrator to determine what water and sewer connection fees are due for this property.
11. The Applicant shall provide a storm sewer connection for each of the proposed units/buildings.
12. The Applicant's Engineer shall show and label all existing public and private utilities on the plan.
13. The Applicant will be required to abandon any existing wells and septic systems on the site in accordance with the Kent County Health Department.
14. We note that there are several existing buildings and a home on the northeast corner of the site that will require demolition. Permits from the Township building department are required.

Thank you for your consideration in this matter. If you have any questions or concerns, please do not hesitate to contact our office.

Sincerely,

VK Civil

A handwritten signature in blue ink, appearing to read 'Jeff M. Gritter', with a stylized flourish at the end.

Jeffrey M. Gritter, P.E.

JMG/nfb

- c. Rob DeWard, Supervisor
- Connie Giarmo, Planning Commission Chair
- Rod Weersing, Township Manager
- Dakota Swan, Assistant Planner
- Tracy Lawrence, Water & Sewer Administrator
- John Stuyfzand, Building Inspector
- Ken Van Hall, Fire Chief
- Casey Bennett, Byron-Gaines Utility Authority
- Erik Easterly, P.E., Kent County Road Commission
- Darren Vink, P.E., Kent County Road Commission
- Joel Morgan, P.E., Kent County Drain Commissioner's Office
- Rick Pulaski, P.E. Nederveld
- Mike West, Allen Edwin Homes



## D U T T O N   F I R E   D E P A R T M E N T

Preliminary Plat for Dutton Center Phase 2 (3316 68<sup>th</sup> St SE)

### Introduction:

ITEM: REVIEW REQUIREMENTS We have reviewed your plans for the above facility. The following items are noted for compliance with code requirements. Code references to the International Fire Code 2015, as amended, are noted IFC; references to the Michigan/International Building Code are noted MBC; references to National Fire Protection Association codes and standards are noted NFPA. Please review the appropriate code for further details. All construction and processes must meet applicable code provisions.

RESULT: Tentative Preliminary Plat for Dutton Center PUD Phase 2 consisting of 51 single family residential homes.

### General Construction and Demolition:

ITEM: REQUIRED ACCESS Approved vehicle access for fire fighting shall be provided to all construction or demolition sites prior to and during the time of construction. Access road(s) (20 feet wide, designed and maintained to support a vehicle weighing 20 tons on a single axle with dual wheels and standard road tires) shall be constructed as required. This road may be gravel, but vehicle access must be maintained and unobstructed at all times. (IFC 501.4, 503.1.1, 503.2.3, 503.4, 3310.1)

RESULT: Plan Review

ITEM: TEMPORARY ADDRESS NUMBERS DURING CONSTRUCTION Install supplementary Arabic address numerals on a post or mailbox on the same side of the public road as, and directly in front of, the building in such a manner as to be readily visible to occupants of fire department vehicles on the public road. (IFC 505.1.2.4, 505.1.3)

RESULT: Plan Review

ITEM: HYDRANTS REQUIRED Construction involving combustible building materials shall not occur until operable fire hydrants are in place within 500 road feet of the furthest point of any building being constructed. (IFC 3312.1)

RESULT: Plan Review



D U T T O N   F I R E   D E P A R T M E N T

Inspector Signature

*Pat Quick*

---

Pat Quick

--

Deputy Chief/Fire Marshal

--

[pat.quick@gainestownship.org](mailto:pat.quick@gainestownship.org)

--

10/24/2024

# GAINES CHARTER TOWNSHIP ZONING ORDINANCE UPDATE

FORMAL DRAFT 3

NOVEMBER 15, 2024



**HORIZON**  
Community Planning

# GAINES CHARTER

---

## TOWNSHIP

This report was prepared for the

## **GAINES CHARTER TOWNSHIP**

## **ZONING ORDINANCE UPDATE SUBCOMMITTEE**

### **CONSULTANT**

David M. Jirousek, MCP, AICP  
Horizon Community Planning  
[horizon-planning.com](http://horizon-planning.com)



# TABLE OF CONTENTS

## **PART I. INTRODUCTION AND GENERAL PROVISIONS**

### **CHAPTER 1 INTRODUCTION**

---

SECTION 1.10 TITLE

SECTION 1.20 INTENT

SECTION 1.30 APPLICABILITY

SECTION 1.40 ORGANIZATION

SECTION 1.50 FIGURES AND TABLES

SECTION 1.60 TERMINOLOGY

SECTION 1.70 CONFLICT, PRIVATE AGREEMENTS, AND OTHER LAW

SECTION 1.80 LEGAL BASIS

SECTION 1.90 VALIDITY AND SEVERABILITY

SECTION 1.100 NONWAIVER AND RULE OF NONESTOPPEL

SECTION 1.110 NO ZONING APPLICATIONS, APPROVALS OR PERMITS FOR A PROPERTY THAT IS IN VIOLATION OF THIS ORDINANCE OR A COURT ORDER OR JUDGMENT

SECTION 1.120 MORATORIA

SECTION 1.130 NO ADMINISTRATIVE LIABILITY

SECTION 1.140 REPEAL AND SAVINGS CLAUSE

SECTION 1.150 EFFECTIVE DATE

### **CHAPTER 2 ZONING DISTRICTS**

---

SECTION 2.10 INTENT

SECTION 2.20 ZONING MAP AND DISTRICTS

SECTION 2.30 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

### **CHAPTER 3 MEASUREMENTS AND DESIGNATIONS**

---

SECTION 3.10 INTENT

SECTION 3.20 BUILDING AND STRUCTURE HEIGHT AND SIZE

SECTION 3.30 LOTS

SECTION 3.40 SETBACKS AND YARDS

## **PART II. ZONING DISTRICT REGULATIONS**

### **CHAPTER 4 RURAL RESIDENTIAL DISTRICT (RR)**

---

SECTION 4.10 INTENT

SECTION 4.20 REQUIREMENTS

SECTION 4.30 OPEN SPACE DEVELOPMENT OPTION

### **CHAPTER 5 SUBURBAN RESIDENTIAL DISTRICT (SR)**

---

SECTION 5.10 INTENT

SECTION 5.20 REQUIREMENTS

SECTION 5.30 SINGLE-FAMILY ATTACHED DWELLING UNITS

### **CHAPTER 6 VILLAGE RESIDENTIAL DISTRICT (VR)**

---

SECTION 6.10 INTENT

SECTION 6.20 REQUIREMENTS

SECTION 6.30 DEVELOPMENT MIX FOR VR DEVELOPMENTS

SECTION 6.40 REQUIRED OPEN SPACE FOR VR DEVELOPMENTS

### **CHAPTER 7 MULTI-FAMILY RESIDENTIAL DISTRICT (MFR)**

---

SECTION 7.10 INTENT

SECTION 7.20 REQUIREMENTS

### **CHAPTER 8 NEIGHBORHOOD COMMERCIAL DISTRICT (NC)**

---

SECTION 8.10 INTENT

SECTION 8.20 REQUIREMENTS

### **CHAPTER 9 GENERAL COMMERCIAL DISTRICT (GC)**

---

SECTION 9.10 INTENT

SECTION 9.20 REQUIREMENTS

### **CHAPTER 10 OFFICE SERVICE DISTRICT (O-S)**

---

SECTION 10.10 INTENT

SECTION 10.20 REQUIREMENTS

## **CHAPTER 11 MIXED BUSINESS (MB)**

---

SECTION 11.10 INTENT

SECTION 11.20 REQUIREMENTS

## **CHAPTER 12 LIGHT INDUSTRIAL DISTRICT (LI)**

---

SECTION 12.10 INTENT

SECTION 12.20 REQUIREMENTS

## **CHAPTER 13 HEAVY INDUSTRIAL DISTRICT (HI)**

---

SECTION 13.10 INTENT

SECTION 13.20 REQUIREMENTS

## **CHAPTER 14 PLANNED UNIT DEVELOPMENT (PUD)**

---

SECTION 14.10 INTENT

SECTION 14.20 QUALIFYING CONDITIONS

SECTION 14.30 GENERAL REQUIREMENTS

SECTION 14.40 RESIDENTIAL DENSITY

SECTION 14.50 OPEN SPACE

SECTION 14.60 REVIEW PROCESS AND STANDARDS OF APPROVAL

## **CHAPTER 15 LAND USE**

---

SECTION 15.10 INTENT AND PURPOSE

SECTION 15.20 GENERAL LAND USE REQUIREMENTS

SECTION 15.30 SIMILAR LAND USES

SECTION 15.40 PRINCIPAL LAND USES

SECTION 15.50 ACCESSORY USES AND STRUCTURES

SECTION 15.60 TEMPORARY USES AND STRUCTURES

SECTION 15.70 MARIHUANA ESTABLISHMENTS AND FACILITIES

## **PART III. BUILDING AND DEVELOPMENT REQUIREMENTS**

### **CHAPTER 16 BUILDING REQUIREMENTS**

---

SECTION 16.10 INTENT

SECTION 16.20 GENERAL RESIDENTIAL REQUIREMENTS

SECTION 16.30 SR REQUIREMENTS FOR ATTACHED DWELLINGS

SECTION 16.40 VR & MFR REQUIREMENTS FOR DETACHED DWELLINGS

SECTION 16.50 VR REQUIREMENTS FOR ATTACHED DWELLINGS

SECTION 16.60 MULTIPLE-FAMILY RESIDENTIAL AND NURSING HOMES

SECTION 16.70 GENERAL NON-RESIDENTIAL REQUIREMENTS

SECTION 16.80 NC REQUIREMENTS FOR NON-RESIDENTIAL BUILDINGS

SECTION 16.90 DEVIATIONS

### **CHAPTER 17 GENERAL REQUIREMENTS**

---

SECTION 17.10 INTENT

SECTION 17.20 GENERAL COMPLIANCE AND PROPERTY CONDITIONS

SECTION 17.30 ANTENNAS

SECTION 17.40 FENCES AND WALLS

SECTION 17.50 FLAGPOLES

SECTION 17.60 GROUND-MOUNTED EQUIPMENT

SECTION 17.70 POOLS

SECTION 17.80 RECREATIONAL VEHICLES

SECTION 17.90 WATER, SEWER, AND UTILITIES

### **CHAPTER 18 USES WITH SPECIFIC REQUIREMENTS**

---

SECTION 18.10 INTENT

SECTION 18.20 ACCESSORY BUILDINGS AND STRUCTURES

SECTION 18.30 ADULT ENTERTAINMENT ESTABLISHMENTS

SECTION 18.40 ADULT FOSTER CARE GROUP HOME

SECTION 18.50 AGRIBUSINESS

SECTION 18.60 ANIMAL AND PET SERVICES

SECTION 18.70 BED AND BREAKFAST

SECTION 18.80 CAMPGROUND OR RECREATIONAL VEHICLE PARK

SECTION 18.90 CEMETERIES

SECTION 18.100 CHILD DAY CARE CENTER

SECTION 18.110 CHILD DAY CARE, GROUP DAY CARE HOME

SECTION 18.120 DRIVE-THROUGH SERVICE

SECTION 18.130 FARMING

SECTION 18.140 GOLF COURSE

SECTION 18.150 HOME OCCUPATIONS

SECTION 18.160 INDUSTRIAL, INFRASTRUCTURE, AND TRANSPORTATION

SECTION 18.170 KEEPING OF ANIMALS AND BEES (NON-COMMERCIAL)

SECTION 18.180 MANUFACTURED HOME COMMUNITY

SECTION 18.190 MINERAL EXTRACTION

SECTION 18.200 OUTDOOR DISPLAY AND SALES

SECTION 18.210 OUTDOOR STORAGE

SECTION 18.220 PLACES OF ASSEMBLY

SECTION 18.230 PROBATION, PAROLE, OR SEX OFFENDER HOME

SECTION 18.240 RECREATION, LOW-INTENSITY OUTDOOR

SECTION 18.250 SALVAGE OR IMPOUND OPERATION

SECTION 18.260 SELF-STORAGE

SECTION 18.270 SOLAR ENERGY

SECTION 18.280 STABLES, COMMERCIAL

SECTION 18.290 SUBSTANCE ABUSE REHABILITATION HOME

SECTION 18.300 TEMPORARY USES

SECTION 18.310 TRUCK STOP

SECTION 18.320 VEHICLE REPAIR

SECTION 18.330 VEHICLE SERVICE STATION

SECTION 18.340 VEHICLE WASH

SECTION 18.350 WIND ENERGY

SECTION 18.360 WIRELESS COMMUNICATIONS FACILITIES

## **CHAPTER 19 LIGHTING**

---

SECTION 19.10 INTENT

SECTION 19.20 GENERAL REQUIREMENTS

SECTION 19.30 LIGHT FIXTURE REQUIREMENTS

## TABLE OF CONTENTS

SECTION 19.40 LIGHTING PLANS

SECTION 19.50 SITE LIGHTING LEVELS

SECTION 19.60 LIGHTING MODIFICATIONS

## **CHAPTER 20 PARKING AND LOADING**

---

SECTION 20.10 INTENT

SECTION 20.20 APPLICABILITY

SECTION 20.30 GENERAL REQUIREMENTS

SECTION 20.40 PARKING LOT DESIGN

SECTION 20.50 REQUIRED NUMBER OF PARKING SPACES

SECTION 20.60 REDUCED, SHARED, AND DEFERRED PARKING

SECTION 20.70 ELECTRIC VEHICLE CHARGING STATIONS

SECTION 20.80 LOADING ZONES

## **CHAPTER 21 MOBILITY, TRAFFIC, AND ACCESS**

---

SECTION 21.10 INTENT

SECTION 21.20 PEDESTRIAN AND BICYCLE ACCOMMODATION

SECTION 21.30 TRAFFIC IMPACT ANALYSIS

SECTION 21.40 ACCESS MANAGEMENT

## **CHAPTER 22 PRIVATE STREETS & DRIVEWAYS**

---

SECTION 22.10 INTENT

SECTION 22.20 APPLICABILITY

SECTION 22.30 GENERAL REQUIREMENTS

SECTION 22.40 RESIDENTIAL PRIVATE DRIVEWAYS

SECTION 22.50 COMMERCIAL DRIVEWAYS

SECTION 22.60 PRIVATE STREET REQUIREMENTS AND DESIGN

SECTION 22.70 MAINTENANCE REQUIREMENTS

## **CHAPTER 23 LANDSCAPING**

---

SECTION 23.10 INTENT

SECTION 23.20 APPLICABILITY

SECTION 23.30 GENERAL REQUIREMENTS

SECTION 23.40 LANDSCAPE PLANS  
SECTION 23.50 FRONT YARD TREES  
SECTION 23.60 BUFFERING  
SECTION 23.70 SCREENING  
SECTION 23.80 PARKING LOT LANDSCAPING  
SECTION 23.90 MULTI-FAMILY BUILDING SITE LANDSCAPING  
SECTION 23.100 LANDSCAPING MODIFICATIONS

## **CHAPTER 24 SIGNS**

---

SECTION 24.10 INTENT  
SECTION 24.20 APPLICABILITY  
SECTION 24.30 GENERAL REQUIREMENTS  
SECTION 24.40 ILLUMINATION  
SECTION 24.50 PROHIBITED SIGNS  
SECTION 24.60 SIGNS EXEMPT FROM PERMITTING  
SECTION 24.70 TEMPORARY SIGNS- PERMITS REQUIRED  
SECTION 24.80 PERMANENT SIGNS- RESIDENTIAL ZONING DISTRICTS- PERMITS REQUIRED  
SECTION 24.90 PERMANENT SIGNS- COMMERCIAL AND MIXED-USE ZONING DISTRICTS- PERMITS REQUIRED  
SECTION 24.100 PERMANENT SIGNS- INDUSTRIAL DISTRICTS- PERMITS REQUIRED  
SECTION 24.110 BILLBOARDS- PERMITS REQUIRED

## **PART IV. REVIEW PROCESSES AND STANDARDS**

### **CHAPTER 25 GENERAL AND ADMINISTRATIVE PROCESSES**

---

SECTION 25.10 INTENT  
SECTION 25.20 APPLICABILITY  
SECTION 25.30 GENERAL REQUIREMENTS  
SECTION 25.40 ADMINISTRATIVE REVIEWS  
SECTION 25.50 DECISIONS AND RECORDS  
SECTION 25.60 CONDITIONS OF APPROVAL  
SECTION 25.70 NOTICES FOR PUBLIC HEARINGS  
SECTION 25.80 PERFORMANCE GUARANTEE

## TABLE OF CONTENTS

SECTION 25.90 ADMINISTRATIVE ADJUSTMENTS

### **CHAPTER 26 SITE PLAN REVIEW**

---

SECTION 26.10 INTENT

SECTION 26.20 APPLICABILITY

SECTION 26.30 REVIEW PROCESS

SECTION 26.40 SITE PLAN STANDARDS OF APPROVAL

SECTION 26.50 TERM, VALIDITY, AND COMPLIANCE

SECTION 26.60 AMENDMENTS

### **CHAPTER 27 SPECIAL LAND USE REVIEW**

---

SECTION 27.10 INTENT

SECTION 27.20 APPLICABILITY

SECTION 27.30 REVIEW PROCESS

SECTION 27.40 SPECIAL LAND USE APPROVAL STANDARDS

SECTION 27.50 TERM, VALIDITY, AND COMPLIANCE

SECTION 27.60 AMENDMENTS

### **CHAPTER 28 CONDOMINIUM REVIEW**

---

SECTION 28.10 INTENT

SECTION 28.20 GENERAL REQUIREMENTS

SECTION 28.30 MINOR CONDOMINIUM REVIEW PROCESS

SECTION 28.30 MAJOR CONDOMINIUM REVIEW PROCESS

SECTION 28.40 CONDOMINIUM APPROVAL STANDARDS

SECTION 28.50 TERM, VALIDITY, AND COMPLIANCE

SECTION 28.60 AMENDMENTS

### **CHAPTER 29 PLANNED UNIT DEVELOPMENT REVIEW**

---

SECTION 29.10 INTENT

SECTION 29.20 REVIEW PROCESS

SECTION 29.30 PUD APPROVAL STANDARDS

SECTION 29.40 TERM AND VALIDITY

SECTION 29.50 AMENDMENTS

SECTION 29.60 PRIOR APPROVED PLANNED UNIT DEVELOPMENTS

## **CHAPTER 30 VARIANCE REVIEW**

---

SECTION 30.10 INTENT

SECTION 30.20 GENERAL REQUIREMENTS

SECTION 30.30 REVIEW PROCESS

SECTION 30.40 VARIANCE APPROVAL STANDARDS

SECTION 30.50 TERM, VALIDITY, AND COMPLIANCE

## **CHAPTER 31 ZONING AMENDMENT REVIEW**

---

SECTION 31.10 INTENT

SECTION 31.20 INITIATION

SECTION 31.30 REVIEW PROCESS

SECTION 31.40 ZONING AMENDMENT APPROVAL STANDARDS

SECTION 31.50 CONDITIONAL REZONING

# **PART V. ADMINISTRATION**

## **CHAPTER 32 AUTHORITIES**

---

SECTION 32.10 INTENT

SECTION 32.20 ZONING ADMINISTRATOR

SECTION 32.30 PLANNING COMMISSION

SECTION 32.40 ZONING BOARD OF APPEALS

## **CHAPTER 33 LAWFUL NONCONFORMITIES**

---

SECTION 33.10 INTENT

SECTION 33.20 LAWFUL NONCONFORMING USES

SECTION 33.30 LAWFUL NONCONFORMING BUILDINGS AND STRUCTURES

SECTION 33.40 LAWFUL NONCONFORMING LOTS

SECTION 33.50 LAWFUL NONCONFORMING SITE DEVELOPMENT

SECTION 33.60 LAWFUL NONCONFORMING SIGNS

SECTION 33.70 LAWFUL NONCONFORMING PRIVATE STREETS AND DRIVEWAYS

SECTION 33.80 ERRORS AND VIOLATIONS

TABLE OF CONTENTS

SECTION 33.90 ILLEGAL NONCONFORMITIES

SECTION 33.100 BURDEN OF PROOF

**CHAPTER 34 ENFORCEMENT**

---

SECTION 34.10 INTENT

SECTION 34.20 VIOLATIONS

**CHAPTER 35 DEFINITIONS**

---

SECTION 35.10 DEFINITIONS

**CHAPTER 36 CHECKLISTS**

---

SECTION 36.10 CHECKLIST FOR ZONING PERMIT, VARIANCE, OR SPECIAL LAND USE CONCEPT REVIEW

SECTION 36.20 CHECKLIST FOR ZONING PERMIT- SIGNS

SECTION 36.30 CHECKLIST FOR PUD CONCEPT PLAN

SECTION 36.40 CHECKLIST FOR PRELIMINARY CONDOMINIUM

SECTION 36.50 CHECKLIST FOR SITE PLAN, FINAL PUD SITE PLAN, AND PRIVATE STREET

SECTION 36.60 CHECKLIST FOR REZONING

# CHAPTER 1 INTRODUCTION

## SECTION 1.10 TITLE

---

This document shall be known and may be cited as the “Gaines Charter Township Zoning Ordinance” and may also be referred to as the “Zoning Ordinance” or “Ordinance.”

## SECTION 1.20 INTENT

---

### A. INTENT

The provisions of this Zoning Ordinance are intended and determined to be the minimum requirements adopted for promoting public health, safety, welfare, and orderly growth within Gaines Charter Township.

### B. PURPOSE STATEMENTS

The purpose of this Ordinance is to:

1. promote public health, safety, and general welfare;
2. ensure that uses of land are situated in appropriate locations;
3. limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities;
4. facilitate the adequate and efficient provision of transportation systems, sewage disposal, water, energy, recreation, and other public service and facility needs; and
5. preserve and protect environmental resources and the natural services they provide.

## SECTION 1.30 APPLICABILITY

---

### A. BUILDINGS AND STRUCTURES

No land, building, or structure may be developed, constructed, expanded, used, installed, or altered except in full compliance with all of the requirements of this Ordinance.

### B. SITES

No site or property shall be developed or used unless it complies with all of the requirements of this Ordinance.

### C. LAND USE

No use of land, buildings, or structures shall occur unless in full compliance with all of the requirements of this Ordinance. Any use, activity, structure, or building not expressly authorized by this Ordinance is prohibited. In addition, if a specific structure, building, use, or activity is not expressly authorized in the particular zoning district involved (whether listed as a permitted use or with approval as a special land use), then it is not permitted or allowed within that zoning district.

**D. PENDING APPLICATIONS**

In cases where this Ordinance is amended between the time a development permit application is submitted and a decision on the application is made, the applicant may choose whether the review of and decision on the application will proceed under the requirements of this Ordinance as it was in effect at the time the application was submitted, or under the requirements of the prior Ordinance.

**E. APPROVED APPLICATIONS**

- 1. Any zoning approvals granted prior to the adoption of this Ordinance shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the zoning requirements in effect at the time of approval, provided the permit or approval is valid and has not lapsed. Any re-application for an expired approval shall comply with this Ordinance.
- 2. Lands subject to site plan, special land use, Planned Unit Development, and conditional rezoning approvals that took place prior to the effective date of this Ordinance shall continue to be subject to the approval and its conditions unless amended through the applicable processes in this Ordinance.

**SECTION 1.40 ORGANIZATION**

**A. INTRODUCTION AND GENERAL PROVISIONS**

Chapter 1 includes an introduction to set the purpose, applicability, organization, and legal basis for zoning regulation, and Chapter 2 introduces the zoning districts. Chapter 3 includes information concerning measurements and designations, such as height, lots, setbacks, and yards.

**B. ZONING DISTRICT REGULATIONS**

Chapters 4 to 14 include dimensional and spatial requirements specific to zoning districts and building types, and Chapter 15 includes land use regulation tables for principal, accessory, and temporary uses.

**C. BUILDING AND DEVELOPMENT REQUIREMENTS**

Chapters 16 to 24 include regulations related to building design, general activities in all zoning districts, specific use requirements, signs, and the development of land, including lighting, parking, access, streets, and landscaping.

| TABLE 1.40 C: DEVELOPMENT REQUIREMENTS AND APPLICABILITY |            |                                                                                                                      |                                                                                                         |
|----------------------------------------------------------|------------|----------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| Requirement                                              | Chapter    | Included                                                                                                             | Applicability                                                                                           |
| Building Requirements                                    | Chapter 16 | Building materials and form requirements                                                                             | All principal buildings                                                                                 |
| General Requirements                                     | Chapter 17 | Requirements for general structures and activities that are not necessarily regulated distinctly by zoning districts | Varies                                                                                                  |
| Uses with Specific Requirements                          | Chapter 18 | Requirements are unique and specific to land uses identified in this chapter                                         | See far right column of Tables 15.40, 15.50, and 15.60                                                  |
| Lighting                                                 | Chapter 19 | Lighting and light fixture requirements, minimum and maximum levels, and lighting plan requirements                  | Primarily non-residential and multi-family development, residential lots and parcels to a lesser degree |

**TABLE 1.40 C: DEVELOPMENT REQUIREMENTS AND APPLICABILITY**

|                               |            |                                                                                                                                                             |                                                                                                         |
|-------------------------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| Parking and Loading           | Chapter 20 | Minimum number of parking spaces and loading areas, design of parking and loading areas, electric vehicle charging stations, and other general requirements | All projects that require off-street parking or loading spaces                                          |
| Mobility, Traffic, and Access | Chapter 21 | Requirements concerning bicycle and pedestrian accommodations, traffic impact, and access management (number, location, and separation of driveways)        | Non-residential and multi-family site development                                                       |
| Private Streets & Driveways   | Chapter 22 | Requirements for privately maintained streets and driveways for primary access to property                                                                  | All properties                                                                                          |
| Landscaping                   | Chapter 23 | General landscaping requirements, prohibited species, landscape plan requirements, front yard landscaping, buffering, parking lot trees, and screening      | Primarily non-residential and multi-family development, residential lots and parcels to a lesser degree |
| Signs                         | Chapter 24 | General sign requirements and requirements for various sign types                                                                                           | All properties                                                                                          |

#### D. REVIEW PROCESSES AND STANDARDS

Chapters 25 to 31 provide direction for the review of all zoning and land development applications.

**TABLE 1.40 D: REVIEW PROCESSES AND PROCEDURES**

| Requirement                          | Chapter    |
|--------------------------------------|------------|
| General and Administrative Processes | Chapter 25 |
| Site Plan Review                     | Chapter 26 |
| Special Land Use Review              | Chapter 27 |
| Condominium Review                   | Chapter 28 |
| Planned Unit Development Review      | Chapter 29 |
| Variance Review                      | Chapter 30 |
| Zoning Amendment Review              | Chapter 31 |

#### E. ADMINISTRATION

Chapters 32 to 36 include an overview of administrative and review authorities, restrictions on nonconformities, enforcement of the Ordinance, definitions of terms used in this Ordinance, and development application checklists.

### SECTION 1.50 FIGURES AND TABLES

Graphics are provided as “figures” throughout this Ordinance to illustrate the intent of the regulatory language. The Ordinance text shall supersede when there is an apparent discrepancy or conflict between the Ordinance text and text within a figure or pictorial. Any text within a table is a requirement.

### SECTION 1.60 TERMINOLOGY

#### A. APPLICABILITY

The following rules govern the terminology of this Ordinance.

1. The particular shall control the general.
2. The headings that title a chapter, section, or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.
3. The words "shall" and "must" are always mandatory and non-discretionary, while the word "may" is permissive and discretionary.
4. Unless the context clearly indicates to the contrary, words used:
  - a. in the present tense shall include the future tense;
  - b. in the singular number shall include the plural number; and
  - c. in the plural number shall include the singular number.
5. The word "person" includes a human being, firm, association, partnership, joint venture, corporation, limited liability company, trust, municipal or public entity, or equivalent entity, or a combination of any of them, as well as a natural person.
6. The word "used" or "occupied," as applied to any land, building or structure, shall be construed to include the words "intended," "arranged," "designed to be used," or "occupied."

## **B. DEFINITIONS AND COMMON UNDERSTANDING**

General terms and land uses are defined in Chapter 31 for the purpose of their use and interpretation in this Ordinance. Any word or term not defined in this chapter shall be considered to be defined in accordance with its common or standard definition.

## **SECTION 1.70 CONFLICT, PRIVATE AGREEMENTS, AND OTHER LAW**

---

### **A. CONFLICT**

1. This Ordinance shall not repeal, annul in any way, impair, or interfere with any of the following.
  - a. Existing provisions of other laws, Ordinances, or regulations, except those repealed within this Ordinance by specific reference.
  - b. Private restrictions placed upon property by covenant, deed, or other private agreement.
  - c. Restrictive covenants running with the land to which the Township is a party.
2. Where this Ordinance imposes greater restrictions, limitations, or requirements upon the use or development of land than federal, state, local, or private regulations, then the provisions of this Ordinance shall supersede unless the zoning regulation involved is specifically preempted or precluded by federal or state laws or case law.

### **B. ENFORCEMENT OF PRIVATE AGREEMENTS**

All applicants and landowners shall be responsible for obligations and restrictions applicable to subject properties by private agreements. In no case shall the Township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

### **C. COUNTY, STATE, AND FEDERAL LAWS**

The Township generally shall not enforce county, state, or federal laws through its zoning penalties and enforcement. However, Township land use and site development approvals may be conditioned upon

securing all applicable outside governmental agency or similar approvals. When federal or state laws preempt the Township's zoning authority, the Township recognizes that those regulations supersede the zoning regulations involved to the extent of the preemption.

## **SECTION 1.80 LEGAL BASIS**

---

This Ordinance is enacted pursuant to P.A. 110 of 2006, the Michigan Zoning Enabling Act, Act 110 of 2006, as amended, which may be referred to in this Ordinance as the "Michigan Zoning Enabling Act."

## **SECTION 1.90 VALIDITY AND SEVERABILITY**

---

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, the ruling shall not affect any other provisions of this Ordinance not specifically included in the ruling, and all other provisions of this Ordinance shall remain valid and enforceable. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular property, zoning district, use, activity, building, or structure, such ruling shall not affect the application of the provision to any other property, zoning district, use, activity, building, or structure not specifically included in the ruling.

## **SECTION 1.100 NONWAIVER AND RULE OF NONESTOPPEL**

---

If any provision of this Ordinance is not enforced against a particular lot, parcel, or property or throughout the Township in general, that shall not be deemed to be a waiver (or constitute laches) regarding the ability of the Township to enforce that provision (or any other provision) of this Ordinance against a particular lot, parcel, or property involved or throughout the Township in general. Furthermore, should any Township official, body, board, or commission render any zoning approval or opinion, or undertake (or not undertake) any other action pursuant to this Ordinance, and it is determined that any such opinion, interpretation, approval, action, or inaction was done in error or in an ultra vires or other mistaken fashion, that shall not preclude the Township from reversing, revoking, or revising any such zoning approval, interpretation, opinion, action, or inaction which was done in error and to thereafter enforce the provision or provisions of this Ordinance involved. The Michigan common law "rule of municipal nonestoppel" shall benefit the Township, as well as its officials, officers, bodies and commissions.

## **SECTION 1.110 NO ZONING APPLICATIONS, APPROVALS OR PERMITS FOR A PROPERTY THAT IS IN VIOLATION OF THIS ORDINANCE OR A COURT ORDER OR JUDGMENT**

---

Should a parcel or lot be in material or substantial violation of any provision of this Ordinance (or a court order or judgment regarding this Ordinance or the use of the land), then the Township shall not accept, process or approve any request or application by the landowner(s) of the lot or parcel in violation (or anyone else with an interest in the property in violation) unless and until the existing violation or violations of this Ordinance (or the violation or violations of a court order or judgment regarding this Ordinance or the use of the land) have been fully corrected and the parcel or lot complies fully with this Ordinance (and any applicable court order or judgment). The prohibition contained in this Section shall also apply to any zoning request, application, or petition, including requests for a zoning approval, rezoning, variance, special land use, temporary use, site plan, permit, or other approval that is unrelated to the violation or violations of this Ordinance (or of any applicable court order or judgment) on the lot or parcel involved. The prohibition

contained in this Section shall be in addition to (and not exclusive of) any other remedies available to the Township for the enforcement or administration of this Ordinance (or any court order or judgment) and shall be in addition to any other penalties, sanctions or proceedings available at law or equity against the landowner(s) or any other person, firm or entity in violation of this Ordinance (or any court order or judgment).

## **SECTION 1.120 MORATORIA**

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### **A. PURPOSE**

From time to time, the Township undertakes extensive study in order to develop regulations for new types of uses or to address other complex issues. During these periods, there is a risk that some may seek to establish “vested rights” in an unregulated or under-regulated use before the Township completes its study and adopts a regulatory scheme. The ability to impose temporary moratoria is helpful to protect the interests of the Township in these situations.

### **B. PROCEDURE**

The Township Board may, by resolution or Ordinance, impose temporary moratoria directing Township staff not to accept or process certain applications for zoning-related approvals and to halt certain uses while the Township undertakes the study of possible regulations. Such moratoria shall be for an initial term of no more than 6 months, which may be extended by the Township Board only for good cause.

## **SECTION 1.130 NO ADMINISTRATIVE LIABILITY**

---

No officer, agent, employee, Building Official, Zoning Administrator, or member of the Planning Commission, Township Board, or Zoning Board of Appeals shall be personally liable for any damage that may accrue to any Person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

## **SECTION 1.140 REPEAL AND SAVINGS CLAUSE**

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The Gaines Charter Township Zoning Ordinance, which was adopted on \_\_\_\_, \_\_\_\_, and effective on \_\_\_\_, \_\_\_\_, and its subsequent amendments, are repealed as of the effective date of this Ordinance. The repeal of said earlier Ordinance shall not have the effect of releasing or relinquishing any penalty, requirement, forfeiture, or liability incurred under said earlier Ordinance, or any part thereof, and such earlier Ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty, forfeiture or liability.

## **SECTION 1.150 EFFECTIVE DATE**

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This new Gaines Charter Township Zoning Ordinance was adopted by the Gaines Charter Township Board, Kent County, Michigan, at a meeting held on \_\_\_\_\_, and a notice of publication ordered published on \_\_\_\_\_ in the \_\_\_\_\_, a newspaper having general circulation in the Township, and has an effective date of \_\_\_\_\_.

## CHAPTER 2 ZONING DISTRICTS

### SECTION 2.10 INTENT

The intent of this chapter is to establish and justify zoning and zoning districts to ensure the compatible use of and desirable conditions within Gaines Charter Township to live, work, conduct business, and visit.

### SECTION 2.20 ZONING MAP AND DISTRICTS

#### A. ZONING MAP

The location and boundaries of the zoning districts are established and shown on a map titled "Zoning Map of Gaines Charter Township, Kent County, Michigan," (the "Zoning Map"), and this map may occasionally be amended. The Zoning Map is declared to be part of this Zoning Ordinance, and the official version shall be kept on public display at the Gaines Charter Township Hall.

#### B. ZONING DISTRICTS

- Zoning Designations.** Gaines Charter Township is divided into the following base zoning districts that regulate land use, division of land, construction and use of buildings and structures, and development of land. Each zoning district has unique requirements concerning land use and site development. Zoning district intent statements are included at the beginning of Chapters 4-14.
- Planned Unit Development.** A Planned Unit Development (PUD) allows for a collaborative planning process between a developer and the Township to allow for a reasonable amount of zoning flexibility to encourage innovative development and design that demonstrates a recognizable benefit to the Township.

**TABLE 2.20 B: ZONING DISTRICTS**

| Category                  |                                    | District                    | Abbreviation | Chapter |
|---------------------------|------------------------------------|-----------------------------|--------------|---------|
| Residential Districts     |                                    | Rural Residential           | RR           | 4       |
|                           |                                    | Suburban Residential        | SR           | 5       |
|                           |                                    | Village Residential         | VR           | 6       |
|                           |                                    | Multiple-Family Residential | MFR          | 7       |
| Non-Residential Districts | Commercial and Mixed-Use Districts | Neighborhood Commercial     | NC           | 8       |
|                           |                                    | General Commercial          | GC           | 9       |
|                           |                                    | Office and Service          | OS           | 10      |
|                           | Industrial Districts               | Mixed Business              | MB           | 11      |
|                           |                                    | Light Industrial            | LI           | 12      |
|                           |                                    | Heavy Industrial            | HI           | 13      |
|                           |                                    | Planned Unit Development    | PUD          | 14      |

- Dimensional and Building Requirements.** Chapters 4 through 13 contain basic information pertaining to dimensional and building requirements for lots, buildings, and structures in Gaines Charter Township.
- Land Use Regulation.** Chapter 15 contains land use regulations for principal, accessory, and temporary land uses.

## **SECTION 2.30 INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

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### **A. RULES**

Where uncertainty exists with respect to the boundaries of the zoning districts delineated on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted or other recorded lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following county boundaries shall be construed as following county boundaries.
4. Boundaries indicated as following railroad or designed trail lines shall be construed to be the center line of the right-of-way or easement.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of a change in the shoreline, shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow the center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so constructed. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map.
7. Where physical or natural features existing on the ground vary from those shown on the Zoning Map, or in other circumstances not covered by subsections 1-6, the Zoning 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 that, for the sake of map clarity, do not cover public right-of-ways, it is intended that the district boundaries extend to the centerline of the public right-of-way.

### **B. ZONING OF VACATED AREAS**

Wherever any road, street, alley, park, or other public way or dedicated area is vacated, such road, street, alley, park, or other public way, dedicated area, or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches.

### **C. BOUNDARIES DIVIDING A LOT**

Where a zoning district boundary line divides a property, each use, building, and structure shall comply with the requirements of the applicable zoning district for where it is located on the property. If that is not possible, the stricter requirements of the two zoning districts shall apply.

## **SECTION 2.40 LOTS PARTIALLY OUTSIDE OF TOWNSHIP BOUNDARIES**

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In cases where a lot lies partially outside of the Township's boundaries, if a proposed lot, building, structure, or use would not satisfy the minimum area, dimensional, and street frontage provisions of this Ordinance with respect to that part of the lot located within the Township, then the minimum provisions of this Ordinance shall be applied with respect to the lot, building, structure, or use as if the entire lot were located within the Township, provided, however, that the entire lot shall comply with the minimum area, width, and frontage

requirements of this Ordinance, and provided further that if access to the lot is provided at a location outside the Township boundaries, then such access shall be subject to the approval of the Planning Commission prior to the issuance of a zoning permit or Building Permit by the Township. For purposes of this section, the Township boundaries shall not be deemed to be a lot line.

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## CHAPTER 3 MEASUREMENTS AND DESIGNATIONS

### SECTION 3.10 INTENT

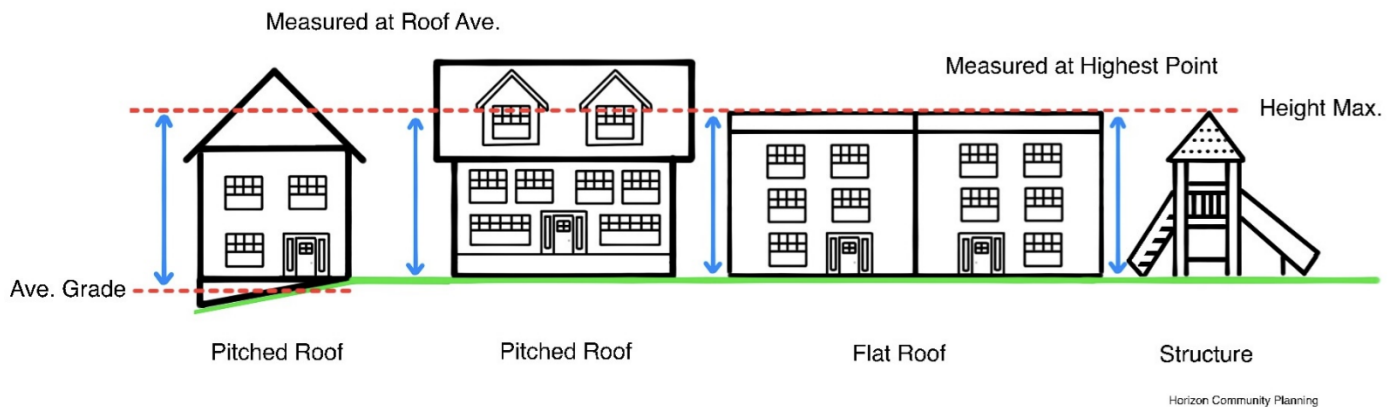
This chapter outlines requirements that are applicable for situations that may occur in any location in Gaines Charter Township regardless of the zoning district designation unless otherwise specified.

### SECTION 3.20 BUILDING AND STRUCTURE HEIGHT AND SIZE

#### A. HEIGHT MEASUREMENT

Building and structure height shall be measured in the following manner (Figure 3-1):

1. **Pitched Roof.** Pitched roofs include, but are not limited to, hipped, gable, mansard, shed, and gambrel styles. Height is measured from the average grade to the average height between the lowest eave and highest ridge line of the building.
2. **Flat Roof.** Height is measured from average grade to the highest point of the roof, including a parapet.
3. **Structure.** Height is measured from the natural grade to the highest point of the structure.



**Figure 3-1 Building and Structure Measurements**

#### 4. Definition of Grade.

- a. Average Grade. The average of the highest and lowest adjacent grade against a building foundation.
- b. Natural Grade. The elevation of the ground surface in its natural state before man-made alterations.

#### B. STORIES

Certain zoning districts regulate buildings by the maximum number of stories. See the definitions below and Figure 3-2.

1. **Story.** The portion of a building included between the surface of any above floor grade and the surface of the floor next above it, or if there is no floor above it then the space between any floor and the ceiling next above it. A story shall have vertical walls.

2. **Story, Half.** The topmost story of a building is counted as a half story when: It is completely within the roof form of the building and less than 50 percent of the floor area has a clear height of more than seven and a half (7.5) feet, measured from the finished floor to the finished ceiling; or dormers do not exceed more than 50 percent of the front, rear or side building length.

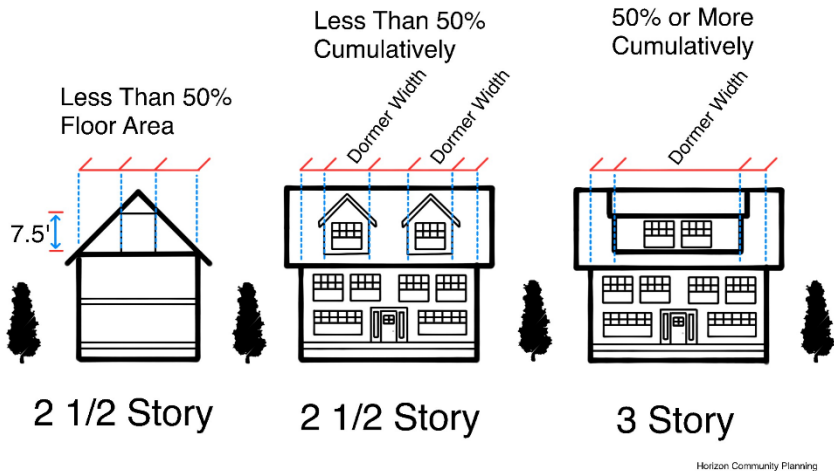


Figure 3-2 Half Story vs. Full Story

C. WATERFRONT LOTS- ARTIFICIAL GRADE

In the case of artificially raising the natural grade of an individual building site that is not part of an approved multi-lot development grading plan, the average high and low points of the pre-existing natural grade shall be used when calculating building height on waterfront lots.

D. HEIGHT EXCEPTIONS

The components and structures in Table 3.20 D shall be exempt from height regulations in all zoning districts to the extent noted in Table 3.20 D.

| TABLE 3.20 D: HEIGHT EXCEPTIONS                                                                                                            |                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| Building Component or Structure                                                                                                            | Maximum Exception                                                                              |
| Parapet walls                                                                                                                              | Shall not exceed four (4) feet in height from the adjoining roof.                              |
| Chimneys, elevator bulkheads, fire towers, cupolas, domes, spires, and other similar architecture or structural elements and appurtenances | May be 25 percent greater than the maximum height with approval from the Zoning Administrator. |
| Mechanical appurtenances and roof-mounted solar panels                                                                                     | May extend five (5) feet above the maximum height requirement.                                 |
| Antennas                                                                                                                                   | See Section 17.30                                                                              |

E. MINIMUM DWELLING AREA

1. **Requirement.** Minimum dwelling area is included Chapters 4-7. For this requirement, the square footage of the livable floor area is measured for compliance.

2. **Definition of Livable Floor Area.** The finished area of a dwelling unit heated and/or air conditioned, located above ground, but not including basements, garages, covered patios or porches, or other outdoor space.

## SECTION 3.30 LOTS

### A. MINIMUM DIMENSIONAL REQUIREMENTS

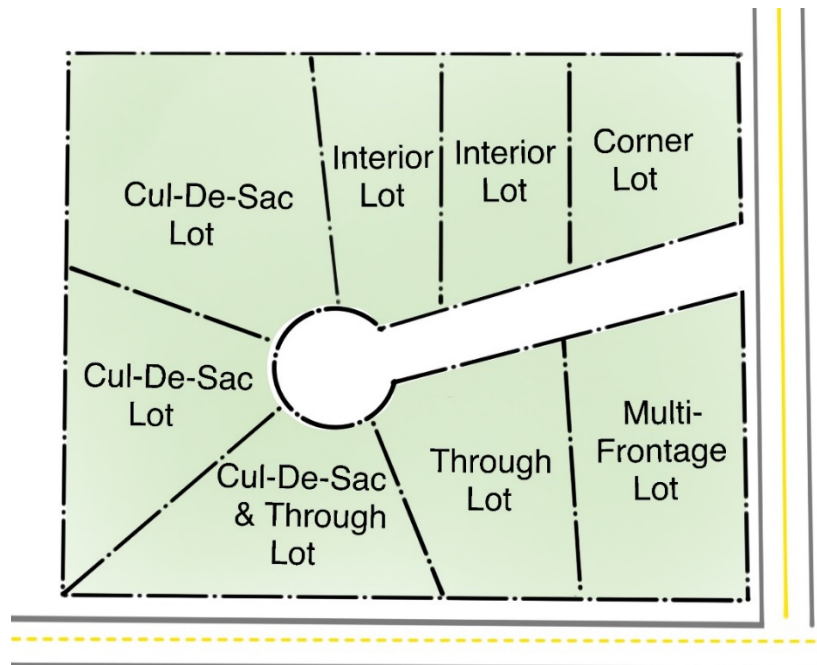
No lot shall be divided, changed, or adjusted in a manner that does not fully comply with minimum lot area or dimension, minimum lot width, or minimum lot frontage requirements. If a lot is already less than the minimum required by this Ordinance, the lot shall not be further divided, changed, or adjusted to result in a reduction in size. If lot width or frontage is already less than required by this Ordinance, lots shall not be further divided or adjusted to further reduce the lot width, area, or frontage. However, pursuant to the land division approval process, a lot line adjustment between one or more nonconforming lots can be approved so long as the overall degree of the nonconformity (for either lot) is not increased.

### B. DEFINITION OF LOT AND LOT TYPES

In certain cases, zoning requirements vary based on lot type. This subsection defines lots and lot types.

1. **Lot.** A developed or undeveloped tract of land in one ownership, legally transferable as a single unit of land. See Figure 3-3 for lot types. For this purpose of the Ordinance, the word "lot" includes:

- a. Lots created through the subdivision platting process;
- b. Existing parent tracts established by the Michigan Land Division Act, Act 288 of 1967, as amended;
- c. Parcels created by the division of land, a combination of parcels, or adjustment of boundary lines; and
- d. Site condominium units unless otherwise specified in this Ordinance.



**Figure 3-3 Lot Types**

2. **Lot, Corner.** A lot with at least two contiguous sides abutting two intersecting streets, and where the interior angle of the intersecting streets is less than 135 degrees. Also, a lot located on a curved street or streets if tangents of the curve, at the points of beginning with the lot or the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees.
3. **Lot, Flag.** A nonconforming lot that does not comply with minimum lot frontage and width requirements and where access to the building envelope (flag area) is provided by a narrow strip of land (flag pole)

extending to a public or private street.

4. **Lot, Interior.** A lot other than a corner, multi-frontage, through or corner lot, bordered on three sides by other lots.
5. **Lot, Multi-Frontage.** A lot bordered by streets on three (3) sides.
6. **Lot, Through.** An interior lot bordered by two, more or less parallel streets. For the purposes of this definition, if one side of the lot is bordered by an alley opposite of a street the lot is not considered a through lot.
7. **Lot, Waterfront.** A lot with one or more of its lot lines adjoining a stream, river, or lake.

### C. DEFINITION OF LOT LINES AND TYPES OF LOT LINES

Certain zoning requirements and determinations rely on lot line definitions. This subsection defines lot lines and type of lot lines.

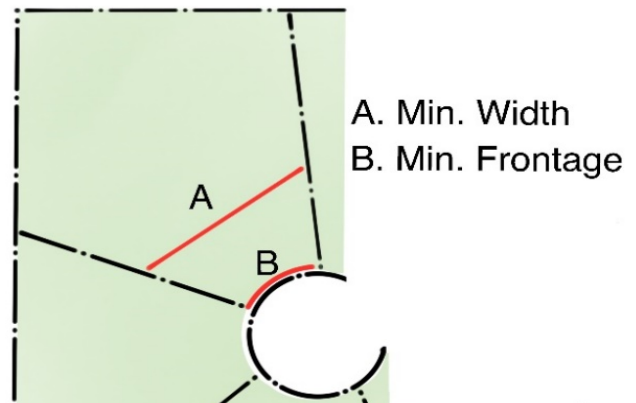
1. **Lot Lines.** The property lines bounding a lot.
2. **Lot Line, Front.** The line separating the lot from the street right-of-way or easement.
3. **Lot Line, Primary Front.** The lot line on a corner lot that the front building elevation faces that separates the lot from the street right-of-way or easement or the narrower two (2) front lot lines if there is no building. Where the lot lines are of equal length, and/or the primary front lot line is not evident, the Zoning Administrator shall determine the primary front lot line.
4. **Lot Line, Rear.** The lot line opposite and most distant from the front lot line. On a corner lot, the rear lot line is opposite the shorter of the two front lot lines. In the case of a triangular lot, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot. A through lot has no rear lot line. On irregularly-shaped lots, the rear lot line is determined based on a line perpendicular to the front lot line extending to the point where a rear lot line would be 10 feet in width and parallel to the front lot line. This rear lot line is intended for the purpose of establishing the rear setback and lot depth only.
5. **Lot Line, Secondary Front.** On a corner lot or multi-frontage lot, the lot line separating the lot from the street right-of-way or road easement which is not the primary front lot line, opposite of the interior side lot line on a corner lot and the side lot line on a multi-frontage lot.
6. **Lot Line, Side.** The lot lines connecting the front and rear lot lines of an interior and through lot and the lot line connecting the primary front lot line and rear lot line on a corner lot.

### D. MINIMUM LOT AREA.

1. **Requirement.** Lot area is required in accordance with Chapters 4 to 14.
2. **Definition of Lot Area.** The area of land included within a lot as defined by lot lines. Property and bottomlands located under a public road right-of-way, private street easement, lake, river, creek, or stream shall be excluded from lot area or dimension calculations for purposes of determining minimum lot area pursuant to this Ordinance.
3. **Conventional Condominiums.** For conventional condominiums, a comparable measurement for zoning compliance shall be the total area of the property, excluding required open space, if applicable, and excluding area that would otherwise be considered within a street easement, divided by the number of principal buildings in the development.

**E. MINIMUM LOT WIDTH**

1. **Requirements.** Lot width is required in accordance with Chapters 4 to 14.
2. **Definition of Lot Width.** The horizontal distance between side lot lines that is measured between two (2) points where the required setback intersects the side lot lines (Figure 3-4). The lot width does not follow the minimum front setback line on lots with curved street frontage.
3. **Measurement.** The required minimum lot width shall be maintained from the front setback line all the way to the mid-point of the lot.
4. **Conventional Condominiums.** For conventional condominiums, a comparable measurement for zoning compliance shall be the total linear footage of a street segment measured at the front setback divided by the total number of buildings fronting the street segment.
5. **Waterfront Lot Width.** For all lots abutting or having frontage on a lake, river, creek, or stream, each lot shall have frontage on the lake, river, creek, or stream as measured at the normal high-water mark, equal to or greater than the minimum lot width requirement of the zoning district within which the property is located.

**Figure 3-4 Lot Width and Lot Frontage****F. MINIMUM LOT ACCESSIBILITY AND FRONTAGE**

1. **Minimum.** All lots shall have at least 40 feet of frontage on a public street or lawful private street.
2. **Definitions of Lot Frontage and Primary Street Frontage.**
  - a. **Lot Frontage.** The distance within which a front lot line of a lot adjoins a public right-of-way or private street easement, measured between the two (2) lot lines intersecting that street. Corner lots at intersections and double frontage (through) lots have multiple street frontages (Figure 3-4).
  - b. **Primary Street Frontage.** The street frontage abutting the primary front lot line.
3. **Conventional Condominiums.** For conventional condominiums, a comparable measurement for zoning compliance shall be the total linear footage of a street segment divided by the total number of buildings fronting the street segment.

**G. DEPTH-TO-WIDTH RATIO**

1. **Requirement.** The ratio of depth to width of any lot shall not exceed four to one (4:1). The maximum depth-to-width ratio requirement is also established by Chapter 22 of the Gaines Charter Township Code of Ordinances, Chapter 22, Land Divisions, Subdivisions, and Land Development.
2. **Definition of Lot Depth.** The average distance between the front lot line and the rear lot line. The average shall include measurements of the side lot lines, if extending from front lot line to rear lot line, and the shortest measurement from the front lot line to the farthest point of the rear lot line.
3. **Definition of Lot Width.** See Section 3.30 E.2.
4. **Waiver.** The Planning Commission may, by resolution, may allow a greater depth-to-width ratio after

consideration of the following:

- a. If there are any unusual topographic or physical conditions on the property; or
  - b. If there are any other conditions on the property that would warrant the need for a greater depth-to-width ratio.
5. **Conventional Condominiums.** The depth-to-width ratio requirement does not apply to conventional condominium developments.

#### H. LAKE ACCESS AND FRONTAGE

The lake frontage of a lot abutting or containing an inland lake or stream shall meet the minimum width requirement for the applicable zoning district measured at the ordinary high-water mark between side lot lines.

### SECTION 3.40 SETBACKS AND YARDS

---

#### A. SETBACKS

1. **Applicability.** Buildings and structures shall not be constructed, converted, enlarged, rearranged, reconstructed, or structurally altered except in full conformity with the setback requirements of the zoning district in which it is located.
2. **Setback Definitions.**
  - a. **Setback.** The minimum horizontal distance that buildings and any structure 30 inches in height or greater shall be separated from a public street right-of-way or private street easement, lot line, shore of a lake, wetland, edge of a stream, or river bank, to meet the minimum requirements of this Ordinance. In case of a maximum setback noted in this Ordinance, it is the maximum horizontal distance that buildings shall be separated from a public street right-of-way or private street easement.
  - b. **Setback, Front.** The line marking the required setback from the public street right-of-way or private street easement.
  - c. **Setback, Rear.** The line marking the required setback distance from the rear lot line.
  - d. **Setback, Side.** The lines marking the required setback distance from the side lot lines.
  - e. **Setback, Street Side.** The line marking the required setback from the public street right-of-way or private street easement in the direction of the secondary front yard.
  - f. **Setback, Waterfront.** The lines marking the required setback distance from the ordinary high-water mark.
3. **Setback Measurement for Platted Lots, Metes and Bounds Land Divisions, and Site Condominium Units.**
  - a. Setbacks are measured from:
    - i. Front. The fronting public street right-of-way or private street easement for front setbacks and street side setbacks; and
    - ii. Side and Rear Setbacks. Side and rear property lines for side and rear setbacks, respectively.
  - b. Setbacks are measured to:
    - i. The exterior edge of the foundation of buildings and structures and any portion of the building or structure supported by a foundation; and

- ii. The exterior and outermost edge of any structure without a foundation.
  - c. Extension.
    - i. Front and rear setbacks extend across the full width of the lot.
    - ii. Street side and side setbacks extend the full depth of the lot from the primary front property line to the rear property line.
  - d. Attached dwelling units sharing common walls along platted lot lines shall not be required to comply with side setback requirements except for the end units adjacent to side property lines.
4. **Setback and Separation Measurement for Conventional Condominium Developments.** For conventional condominium developments with no interior lot lines and no site condominium unit lines, external setback compliance and internal separations shall be determined in the following manner.
- a. **Front Setbacks.** Front setbacks along streets without sidewalks shall be 10 feet greater than the setback of the applicable zoning district. Front setbacks are measured from the outside edge of the street or outside edge of a sidewalk, if present or planned, for front setbacks and street side and rear setbacks, if applicable, to:
    - i. The exterior edge of the foundation of buildings and structures and any portion of the building or structure supported by a foundation; and
    - ii. The exterior and outermost edge of any structure without a foundation.
  - b. **Side Building Separation.** Side separation between buildings shall be a minimum of twice the measurement of the required side setback for the applicable zoning district and shall be measured between the closest exterior side edges of the foundation of buildings and structures and any side portion of the building supported by a foundation.
  - c. **Side Setback.** Side setbacks are measured from the development side boundary to:
    - i. The exterior side edge of the foundation of buildings and structures and any portion of the building or structure supported by a foundation; and
    - ii. The exterior and outermost side edge of any structure without a foundation.
  - d. **Rear Building Separation.** Rear separation between buildings shall be a minimum of twice the measurement of the required rear setback for the applicable zoning district and shall be measured between the closest exterior rear edges of the foundation of buildings and structures and any rear portion of the building supported by a foundation.
  - e. **Rear Setback.** Rear setbacks are measured from the development rear boundary to:
    - i. The exterior rear edge of the foundation of buildings and structures and any portion of the building or structure supported by a foundation; and
    - ii. The exterior and outermost rear edge of any structure without a foundation.
5. **Alleys.** Notwithstanding the front setback required from a public street right-of-way or private street easement, where alleys provide property access, a rear setback shall be applied if facing the rear of the principal building, and a side setback shall be applied if facing the side of the principal building. Setbacks shall be measured from the outside edge of the alley easement or edge of pavement (if no easement exists), to:
- i. The exterior edge of the foundation of buildings and structures and any portion of the building or structure supported by a foundation; and

ii. The exterior and outermost edge of any structure without a foundation.

6. **Allowable Projections into Setbacks.** The following building components and structures are allowed to project into setbacks to the extent noted in Table 3.40 A.

| TABLE 3.40 A: ALLOWABLE PROJECTIONS INTO SETBACKS                                                                                |                                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Building Component or Structure                                                                                                  | Maximum Exception                                                                                                                                                                      |
| Access ramps                                                                                                                     | May project into a setback area to the degree necessary to accommodate the structural improvement. Ramps shall be removed within three (3) months after the need for the ramps ceases. |
| Cornices, bay windows, window wells, eaves, and other cantilevered elements determined by the Zoning Administrator to be similar | Three (3) feet into a setback area, provided that the projection is at least five (5) feet from any lot line.                                                                          |
| Stairs                                                                                                                           | No maximum provided that the projection is at least five (5) feet from any lot line.                                                                                                   |
| Decks extending from ground floors or installed on the ground, all no greater than three (3) feet from the grade below.          | No maximum within side or rear yards provided that the projection is at least five (5) feet from any side or rear lot line.                                                            |
| Patios, concrete pads, and all flatwork, all no greater than six (6) inches above grade                                          | No setback required.                                                                                                                                                                   |

#### B. ENCROACHMENT INTO RIGHT-OF-WAY

No buildings, structures, service areas, or off-street parking and loading facilities, except driveways, shall encroach on or into public right-of-way or private street easements.

#### C. CLEAR VISION CORNER

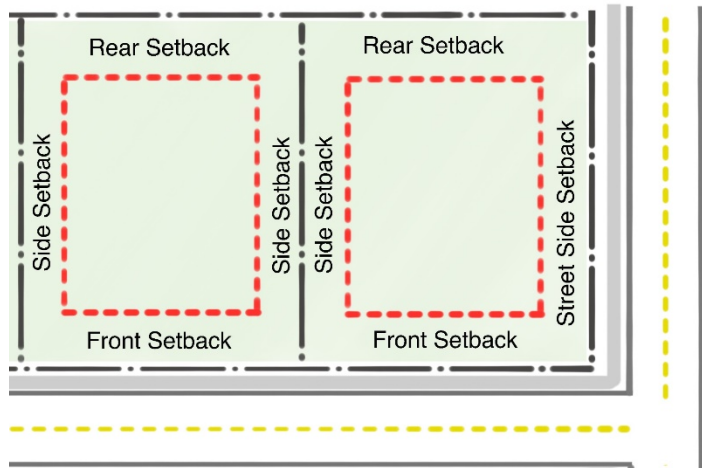
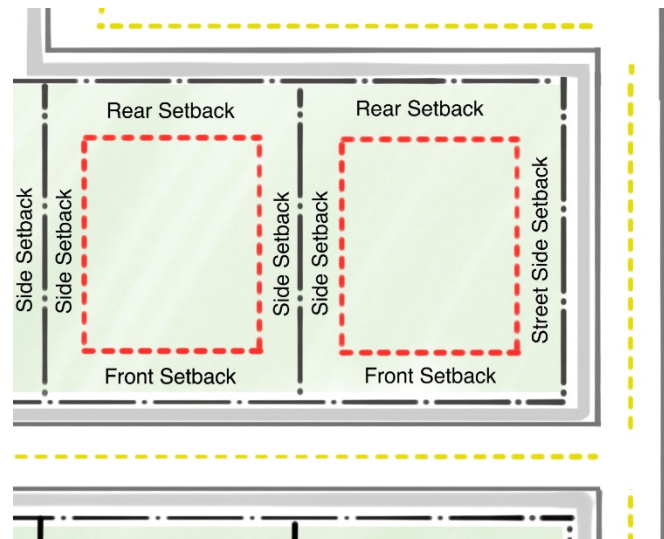
Signs, fences, walls, structures, benches, shrubbery, or other potential obstructions to vision shall not be permitted to exceed a height of three (3) feet within a triangular area formed by the intersection of two (2) street right-of-way lines and a line connecting two (2) points located on those intersecting right-of-way lines 20 feet from the point where the right-of-way lines intersect; provided, utility poles, street lights, and street signs shall be exempt from this requirement (Figure 3-5).



Figure 3-5 Clear Vision Corner

**D. SETBACKS AND YARDS BY LOT TYPE.**

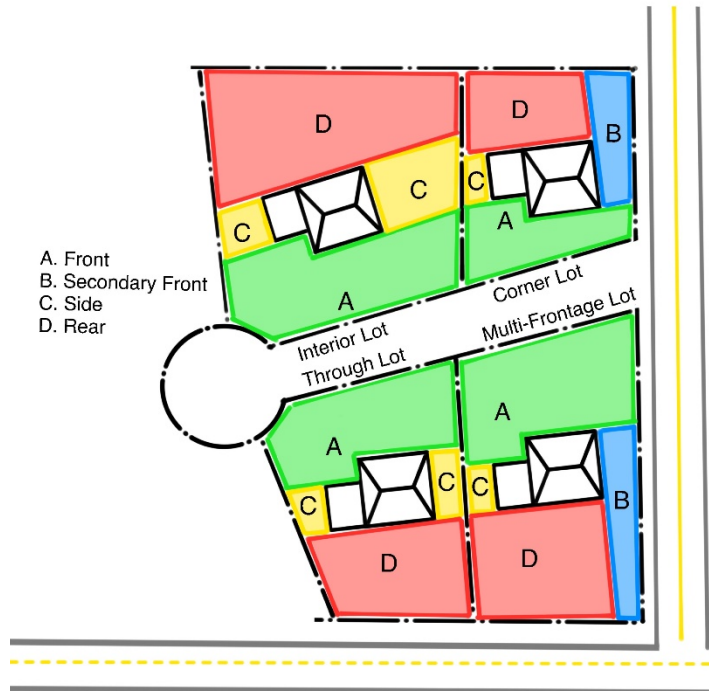
1. **Interior Lots.** On interior lots, the minimum front, side, and rear building setbacks shall be met (Figure 3-6). Each interior lot shall be comprised of a front yard, two (2) side yards, and a rear yard.
2. **Corner Lots.** On corner lots, the minimum front, side street, side, and rear building setbacks shall be met (Figure 3-6). Each corner lot shall be comprised of a front yard, a secondary front yard, a side yard, and a rear yard.
3. **Through Lots.** On through lots, the minimum front building setback shall be met on the primary street frontage, which is the direction the building faces, and side setbacks shall be met. The minimum rear setback shall be met along the secondary street frontage (Figure 3-7). Each through lot shall be comprised of a front yard, two (2) side yards, and a rear yard.
4. **Multi-Frontage.** On multi-frontage lots, the minimum front building setback shall be met on the primary street frontage, which is the direction the building faces, a street side setback shall be met, and a side setback shall be met. The minimum rear setback is applied to the opposite side of the front setback (Figure 3-7). Each multi-frontage lot shall be comprised of a front yard, a secondary front yard, a side yard, and a rear yard.
5. **Nonconforming Flag Lots.** At the discretion of the Zoning Administrator, the front setback may be applied from the lot line of the “flag” area of the lot nearest and parallel to the street on which the “pole” has frontage.

**Figure 3-6 Setbacks for Interior (L) and Corner Lots (R)****Figure 3-7 Setbacks for Through (L) and Multi-Frontage Lots (R)**

## E. YARDS

In certain cases, zoning requirements vary based on yard designations. Yards and yard designations are defined as follows (Figure 3-8):

1. **Yard.** An open space at grade between a building and the adjoining lot lines.
2. **Yard, Front.** An open space between the front of a principal building and the front lot line, generally adjacent to a street, and extending the full width of the lot.
3. **Yard, Primary Front.** The front yard on a corner lot that the front building elevation faces or the yard designated along the narrower of two (2) front lot lines if there is no building. Where the lot lines are of equal length, and/or the primary front yard is not evident, the Zoning Administrator shall determine the primary front yard.



**Figure 3-8 Yard Designations**

4. **Yard, Rear.** An open space between the rear of a principal building and the rear lot line and extending the full width of the lot.
5. **Yard, Secondary Front.** The front yard on a corner lot that the front building elevation does not face or the yard designated along the wider of two (2) front lot lines if there is no building. A secondary front yard extends from the rear of the primary front yard designation to the rear lot line.
6. **Yard, Side.** An open space between the side of a principal building and the side lot line extending from the front yard to the rear yard.

## F. SETBACK AVERAGING

1. **Applicability.** This section applies to lots and parcels located within the SR, VR, and MFR zoning districts in Sections 6 and 7 of the Township and that are also within blocks with established building patterns that consistently vary from the current setback requirements of the Zoning Ordinance. In these areas, an applicant may request front and side setback reductions for new single-family detached and two-family dwellings, garages, accessory buildings, and additions to existing dwellings as determined by the average of the setbacks of residential buildings on adjoining and nearby properties.
2. **Process.** An applicant may seek setback reductions authorized by this section through the special land use process.
3. **Method for Determining Setbacks.** The following process shall be used to determine the allowable setback range for a property based on averaging:
  - a. The average front and/or side setbacks will be determined by measuring the front and/or side setbacks of at least two, but no more than four, contiguous developed properties on the same block on either side of the property to be developed (vacant lots may be skipped). The average shall include at least one property on each side of the subject site. In the case of a corner lot, two to four

properties along both street frontages may be used in the average.

- b. The total gross setback distances shall be divided by the number of properties measured to find the average, which is the “initial” setback line. The front and/or side building line(s) of the building shall be proposed within five feet of either side of the initial setback line. However, in no case shall the front or side building line of a proposed building be less than the lowest of the front and/or side setbacks used to determine the average.
  - c. Properties with different zoning categories cannot be used in the averaging. For example, a residential property next to a commercial property cannot use the commercial property setback in the averaging calculation.
  - d. The setbacks used for the calculations must be for the same type of building that is proposed. For example, only garage entrance setbacks may be used to average a garage entrance setback, and only dwelling setbacks may be used to average a dwelling setback.
4. **Final Setback Approval.** The Planning Commission shall determine the allowable setback range based on the method for determining setbacks, as well as the special land use general standards within Section 27.40. Based on the review of the proposal against Section 27.40, the Planning Commission may approve a greater minimum setback and/or a maximum setback if it is required to protect public health, safety, and welfare or the character of the neighborhood.

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## CHAPTER 4 RURAL RESIDENTIAL DISTRICT (RR)

### SECTION 4.10 INTENT

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#### A. INTENT

The intent of this zoning district is to protect productive and prime farmland, preserve natural resources, encourage agritourism, maintain low residential densities, promote residential development, preserve natural resources, allow for alternative sources of energy, and protect rural character. This zoning district also allows for limited civic and recreational uses. Characteristics of lands zoned RR include open space, fields, farmland, and residential developments in areas that are not conducive to pedestrian or bicycle travel. Public water and sewer service is generally not anticipated to serve this area in the foreseeable future.



#### B. PURPOSE

This section includes the dimensional requirements for lots and the requirements for the location and size of principal buildings and structures.

### SECTION 4.20 REQUIREMENTS

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#### A. LAND USE

See Chapter 15 for all land use regulations and requirements. Further restrictions may apply.

#### B. BUILDING REQUIREMENTS

See Chapter 16 for all building requirements.

#### C. DIMENSIONAL REQUIREMENTS

1. **Lots.** All residential lots shall meet the minimum area, dimensional, and width requirements of Table 4.20 B. Lots shall not be created or changed in size or dimension except in conformance with these requirements.
2. **Buildings.** All placement of buildings shall conform to the minimum dimensional and sizing requirements listed in Table 4.20 B.
3. **Accessory Buildings.** See Section 18.20.

| <b>TABLE 4.20 B: RR DISTRICT DIMENSIONAL REQUIREMENTS</b> |                    |                                                |
|-----------------------------------------------------------|--------------------|------------------------------------------------|
| <b>Lot Requirements (See Section 3.30)</b>                |                    |                                                |
| Min. Lot Area                                             |                    | 2 acres                                        |
| Min. Lot Width                                            |                    | 200 ft.                                        |
| <b>Residential Principal Buildings</b>                    |                    |                                                |
| Max. Building and Structure Height (See Section 3.20)     | Height             | 35 ft.                                         |
|                                                           | Stories            | 2.5 stories                                    |
| Min. Dwelling Unit Area                                   | One Story Dwelling | 1,080 s.f.                                     |
|                                                           | Two Story Dwelling | 650 s.f. first story and 550 s.f. second story |
| Min. Bldg. Width of Any Side                              |                    | 24 ft.                                         |
| Min. Setbacks (see Section 3.40)                          | Front              | 60 ft.                                         |
|                                                           | Street Side        | 60 ft.                                         |
|                                                           | Side               | 15 ft.                                         |
|                                                           | Rear               | 50 ft.                                         |
| <b>Non-Residential Principal Buildings</b>                |                    |                                                |
| Max. Building and Structure Height (See Section 3.20)     | Height             | 35 ft.                                         |
|                                                           | Stories            | 2.5 stories                                    |
| Min. Setbacks (see Section 3.40)                          | Front              | 60 ft.                                         |
|                                                           | Street Side        | 60 ft.                                         |
|                                                           | Side               | 50 ft.                                         |
|                                                           | Rear               | 50 ft.                                         |

## SECTION 4.30 OPEN SPACE DEVELOPMENT OPTION

### A. PURPOSE

The Zoning Enabling Act (Act 110 of 2006) requires that zoned township having a population of 1,800 or more and having undeveloped land zoned for residential development must adopt provisions in their zoning ordinances known as “open space preservation” provisions. Therefore, the provisions of this section are intended to permit land, satisfying specified criteria, to be developed, at the option of the landowner, with the same number of dwellings otherwise permitted under existing ordinances, laws and rules on the entire land area; but on a portion of the land, not exceeding 50 percent, while preserving the remaining land, at least 50 percent, as permanent open space.

### B. APPLICABILITY

Only Rural Residential zoned lands qualify for the open space development option.

### C. GENERAL REQUIREMENTS

1. **Restriction.** The open space preservation option provided shall not have previously been exercised with respect to the same land.
2. **Permitted Uses.** Only those land uses permitted by the zoning district in which the land is located shall be permitted on land developed or used pursuant to the provisions of this section.

**D. REVIEW**

1. **Procedure.** The open space development option shall be reviewed concurrently with the preliminary plat process and preliminary condominium process. If the land is to be divided by a metes and bounds survey, the Planning Commission shall review the application as a site plan.
2. **Submittal Requirements.** In addition to the requirements of the applicable approval process, an application for the development of land under the provisions of this section shall also include the following:
  - a. A parallel plan prepared for the purpose of demonstrating the number of dwelling units that could be developed on the land under its existing zoning, if the open space preservation option was not exercised. The parallel plan may be conceptual in nature but shall include at least the following information:
    - i. Date, north arrow and scale, which shall not be more than 1" = 100', and, in all cases, the scale shall be the same as that utilized for the site plan illustrating the proposed development using the clustering option permitted by this Chapter.
    - ii. Location of streets and driveways.
    - iii. Location of all lots, illustrating lot area and width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.
    - iv. Location of storm water retention or detention basins, community sewage treatment systems and community water supply facilities necessary to serve a development under the Parallel Plan and which would not be located within any public road right-of-way or private road easement, or on buildable lots.
    - v. The parallel plan shall illustrate all unbuildable land, which shall include lakes, streams, detention ponds and other wetlands, public utility easements, floodplains, slopes of 20 percent or greater and other similar features which limit or prevent construction of buildings or roads.
  - b. A copy of the conservation easement, plat dedication, restrictive covenant, or other legal instrument that would run with the land, and that would have the legal effect of preserving in perpetuity the open space required by this section in an undeveloped state. Such legal instrument shall be reviewed by the Township attorney prior to recording, and shall be subject to the approval of the attorney, consistent with the terms of this Chapter. The legal instrument shall:
  - c. Indicate the proposed permitted use(s) of the undeveloped open space.
    - i. Require that the open space be maintained in perpetuity in an undeveloped condition, without buildings, structures or other improvements, except such drainage improvements, utility lines, riding trails, hiking trails, picnic areas, park or playground equipment, agricultural structures or similar improvements that are approved by the Planning Commission.
    - ii. Require that the undeveloped open space be maintained by parties who have an ownership interest in the undeveloped open space.
    - iii. Provide standards for scheduled maintenance of the undeveloped open space, including necessary pruning and harvesting of trees and new plantings.
  - d. A site plan for a proposed development using the open space preservation option shall include

the following information:

- i. Date, north arrow and scale which shall not be more than 1" = 100', and, in all cases, the scale shall be the same as that utilized for the parallel plan.
- ii. The site plan shall clearly illustrate the portions of the land that are proposed to remain in a perpetually undeveloped state and the portions of the land that will be used for clustered development.
- iii. The site plan shall indicate the total number of acres of land that are proposed to remain in a perpetually undeveloped state, the total number of acres of land that are proposed to be used for clustered development, and the percentage of each, as compared to the total site acreage.
- iv. The site plan shall illustrate the location of all proposed lots and proposed building envelopes and shall indicate the lot area and width of each lot, and the proposed front, side and rear yard building setbacks. The number of proposed dwelling lots on the site plan shall not exceed the number of lots on the parallel plan, as approved by the Planning Commission.

#### **E. DETERMINATION OF THE NUMBER OF LOTS**

If the Planning Commission determines the number of dwellings illustrated on the parallel plan exceeds the number that could feasibly be developed on the land under the existing zoning classification without the open space preservation option, the applicant shall submit a revised site plan for the open space preservation option reflecting the permitted number of dwellings, as determined by the Planning Commission.

#### **F. STANDARDS FOR APPROVAL**

If a site plan satisfies all other applicable requirements and the requirements of this section, the Planning Commission shall approve the plan.

#### **G. MINIMUM OPEN SPACE**

At least 50 percent, but no more than 60 percent of the land proposed for development under the provisions of this subsection shall remain in a perpetually undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal instrument that runs with the land, as approved by the Township Planning Commission. The following areas shall not constitute open space:

1. The area within all public street rights-of-way.
2. The area within all private street easements.
3. Any easement for overhead utility lines, unless adjacent to open space.
4. The area within a platted lot, site condominium unit or metes and bounds parcel occupied by a structure not permitted to be located in open space.
5. Off-street parking and/or loading areas.
6. Golf courses, swimming pools, and clubhouses.
7. Detention and retention ponds.
8. Community drain fields.
9. Fifty (50) percent of the area of lakes, streams, detention ponds, wetlands, public utility easements, floodplains, slopes of 20 percent or greater, and other similar features which limit or prevent construction

of buildings or roads.

## H. STANDARDS FOR OPEN SPACE

The following standards shall apply to the open space required pursuant to this section:

1. **Reasonable Use.** A portion of the open space shall be reasonably useable by the residents of the land for passive recreational uses, such as hiking or picnicking, and may include: a recreational trail, picnic area, children's play area, greenway, linear park, an agricultural use, or other use which the Planning Commission determines is substantially similar to these uses.
2. **Access and Rules.** The open space shall be available for all residents of the development, subject to reasonable rules and regulations, and shall be located to provide reasonable access to all residents. Safe and convenient pedestrian access points from the interior of the development shall be provided. The open space may, but is not required to be, dedicated for public use.
3. **Waterfront Priority.** If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water.
4. **Significant Natural Resources.** Open space shall be located to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands, or agricultural land.
5. **Screening of Street Frontage.** As possible, a portion of the open space shall be located along the public street frontage abutting the land to help reduce the view of homes from the adjacent roadway and to preserve the rural character.
6. **Connectivity.** To the extent feasible, open space shall be linked with adjacent open spaces, public parks, bicycle paths, and pedestrian paths.

## I. DEVELOPMENT REQUIREMENTS

1. **Structures within Open Space.** Designated open space areas shall not contain structures, except as may be specifically authorized by the Planning Commission upon determining the structure is accessory to the function of the open space. Examples of structures that may be authorized include: park or playground equipment, gazebos, or agricultural structures.
2. **Compliance with Zoning District.** Development under the open space preservation option shall comply with all requirements of this Ordinance and the zoning district in which the land is located, except setback, width, and area requirements which may be modified to achieve the purpose of preserving open space.
3. **Uniform Lot Size.** All residential lots in the developed portion of the site shall be as uniform in area as reasonably practicable, unless otherwise approved by the Planning Commission.
4. **Building Envelopes.** The location and area of building envelopes shall be established to achieve the intent and purpose of the zoning district in which the land is located, maximize the available open space, preserve existing natural features, and retain the rural character of the Township to the extent possible.
5. **Required Frontage.** Each lot shall have a minimum of 30 feet of frontage measured at the road right-of-way or easement line.
6. **Lot Width.** Each lot shall have a minimum width equal to at least one-half the width required for the zoning district in which the land is located, unless otherwise approved by the Planning Commission.
7. **Non-Dwelling Unit Structures.** Lots containing non-dwelling structures, such as a clubhouse and accessory building or related amenities, shall be subject to all requirements of this section applicable to lots containing dwellings and all other requirements of this Ordinance and other Township ordinances. However, the Planning Commission may, in its discretion, permit the enlargement of a lot containing a

non-dwelling structure to reasonably accommodate it.

8. **Grading.** Grading within the development shall comply with the following requirements:

- a. To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof. Retaining walls may be required.
- b. All areas indicated as open space on the approved development plan shall be undisturbed by grading, excavating, structures or otherwise, except as permitted by the Planning Commission. Drainage improvements, utility lines, trails, picnic areas, and similar recreational improvements and amenities may be placed in open space areas if approved by the Planning Commission.
- c. Grading shall be planned and carried out to avoid erosion, pollution, flooding or other adverse effects upon the land and nearby waterways; and to minimize the overall environmental impact on the property due to loss of vegetation, slopes, natural features, wildlife habitat, and views.

J. **OTHER LAWS**

The development of land under this subsection is subject to all other applicable Township ordinances, state and federal laws, rules, and regulations, including, but not limited to, rules relating to suitability of groundwater for on-site water supply for land not served by a public water system, and rules relating to the suitability of soils for on-site sewage disposal for land not served by public sanitary sewers.

## **CHAPTER 5 SUBURBAN RESIDENTIAL DISTRICT (SR)**

### **SECTION 5.10 INTENT AND PURPOSE**

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#### **A. INTENT**

The intent of this zoning district is to primarily accommodate residential land use with single-family detached dwellings and two-unit single-family attached dwellings on typical suburban character lots in areas that are served by public water and sewer or are within future service areas. This zoning district also allows for limited civic and recreational uses. Characteristics of lands zoned SR include subdivisions and site condominium developments with curvilinear and grid pattern street systems with moderate connectivity between neighborhoods and commercial areas, as well as sidewalks and community amenities.



#### **B. PURPOSE**

This section includes the dimensional requirements for lots and the requirements for the location and size of principal buildings and structures.

### **SECTION 5.20 REQUIREMENTS**

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#### **A. LAND USE**

See Chapter 15 for all land use regulations and requirements. Further restrictions may apply.

#### **B. BUILDING REQUIREMENTS**

See Chapter 16 for all building requirements.

#### **C. DIMENSIONAL REQUIREMENTS**

1. **Lots.** All residential lots shall meet the minimum area, dimensional, and width requirements of Table 4.20 B. Lots shall not be created or changed in size or dimension except in conformance with these requirements.
2. **Buildings.** All placement of buildings shall conform to the minimum dimensional and sizing requirements listed in Table 5.20 B.
3. **Accessory Buildings.** See Section 18.20.

| <b>TABLE 5.20 B: SR DISTRICT DIMENSIONAL REQUIREMENTS</b>       |                    |                                                |
|-----------------------------------------------------------------|--------------------|------------------------------------------------|
| <b>Lot Requirements (See Section 3.30)</b>                      |                    |                                                |
| Min. Lot Area                                                   |                    | 12,000 s.f.                                    |
| Min. Lot Width                                                  |                    | 80                                             |
| <b>Residential Principal Buildings</b>                          |                    |                                                |
| Max. Building and Structure Height<br>(See Section 3.20)        | Height             | 35 ft.                                         |
|                                                                 | Stories            | 2.5 stories                                    |
| Min. Dwelling Unit Area for Single-Family Detached              | One Story Dwelling | 1,080 s.f.                                     |
|                                                                 | Two Story Dwelling | 650 s.f. first story and 550 s.f. second story |
| Min. Dwelling Unit Area in for Single-Family Attached Buildings |                    | 720 s.f.                                       |
| Min. Bldg. Width of any Side                                    |                    | 24 ft.                                         |
| Max. Number of Units per Building                               |                    | 2                                              |
| Min. Setbacks<br>(see Section 3.40)                             | Front              | 35 ft.                                         |
|                                                                 | Street Side        | 25 ft.                                         |
|                                                                 | Side               | 8 ft.                                          |
|                                                                 | Rear               | 35 ft.                                         |
| <b>Non-Residential Principal Buildings</b>                      |                    |                                                |
| Max. Building and Structure Height<br>(See Section 3.20)        | Height             | 35 ft.                                         |
|                                                                 | Stories            | 2.5 stories                                    |
| Min. Setbacks<br>(see Section 3.40)                             | Front              | 50 ft.                                         |
|                                                                 | Street Side        | 50 ft.                                         |
|                                                                 | Side               | 25 ft.                                         |
|                                                                 | Rear               | 25 ft.                                         |

## SECTION 5.30 SINGLE-FAMILY ATTACHED DWELLING UNITS

See Section 16.30 for limitations and locational requirements.

## CHAPTER 6 VILLAGE RESIDENTIAL DISTRICT (VR)

### SECTION 6.10 INTENT

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#### A. INTENT

The intent of this zoning district is to accommodate a range of single-family and attached housing types of diverse sizes while maintaining a sense of neighborhood identity, fostering a strong community, and ensuring a more traditional neighborhood design and character. The zoning district also allows for limited civic and recreational uses. The VR district implements the Village Residential concept in the Gaines Charter Township Master Plan where in targeted areas, neighborhoods are encouraged to be designed on traditional grid pattern street systems with shorter blocks and sidewalks.



#### B. PURPOSE

This section includes the dimensional requirements for lots and the requirements for the location and size of principal buildings and structures.

### SECTION 6.20 REQUIREMENTS

---

#### A. LAND USE

See Chapter 15 for all land use regulations and requirements. Further restrictions may apply.

#### B. BUILDING REQUIREMENTS

See Chapter 16 for all building requirements.

#### C. SINGLE-FAMILY DETACHED DWELLINGS DIMENSIONAL REQUIREMENTS

1. **Lots.** All single-family detached residential lots shall meet the minimum area, dimensional, and width requirements of Table 6.20 B. Lots shall not be created or changed in size or dimension except in conformance with these requirements.
2. **Buildings.** All placement of single-family detached dwellings shall conform to the minimum dimensional and sizing requirements listed in Table 6.20 B.
3. **Accessory Buildings.** See Section 18.20.

**TABLE 6.20 B: VR DISTRICT DIMENSIONAL REQUIREMENTS- SINGLE-FAMILY DETACHED DWELLINGS**

| <b>Lot Requirements (See Section 3.30)</b>            |                              |                                                |
|-------------------------------------------------------|------------------------------|------------------------------------------------|
| Min. Lot Area                                         |                              | 6,500 s.f.                                     |
| Min. Lot Width                                        |                              | 50                                             |
| <b>Residential Principal Buildings</b>                |                              |                                                |
| Max. Building and Structure Height (See Section 3.20) | Height                       | 35 ft.                                         |
|                                                       | Stories                      | 2.5 stories                                    |
| Min. Dwelling Unit Area                               | One Story Dwelling           | 1,080 s.f.                                     |
|                                                       | Two Story Dwelling           | 650 s.f. first story and 550 s.f. second story |
| Min. Bldg. Width of Any Side                          |                              | 22 ft.                                         |
| Min./Max. Setbacks (see Section 3.40)                 | Front (front-loaded)         | 25 ft. min. / 30 ft. max.                      |
|                                                       | Front (rear or alley-loaded) | 10 ft. min. / 20 ft. max.                      |
|                                                       | Street Side                  | 10 ft. min. / 20 ft. max.                      |
|                                                       | Side                         | 8 ft. min.                                     |
|                                                       | Rear                         | 25. min.                                       |

**D. SINGLE-FAMILY ATTACHED DWELLINGS DIMENSIONAL REQUIREMENTS**

1. **Lots.** All single-family attached residential lots shall meet the minimum area, dimensional, and width requirements of Table 6.20 C. Lots shall not be created or changed in size or dimension except in conformance with these requirements.
2. **Buildings.** All placement of single-family attached dwellings shall conform to the minimum dimensional and sizing requirements listed in Table 6.20 C.
3. **Accessory Buildings.** See Section 18.20.

**TABLE 6.20 C: VR DISTRICT DIMENSIONAL REQUIREMENTS- SINGLE-FAMILY ATTACHED DWELLINGS**

| <b>Lot Requirements (See Section 3.30)</b>            |                              |                              |
|-------------------------------------------------------|------------------------------|------------------------------|
| Min. Lot Area                                         |                              | 3,630 s.f. per dwelling unit |
| Min. Lot Width                                        |                              | N/A                          |
| <b>Residential Principal Buildings</b>                |                              |                              |
| Max. Building and Structure Height (See Section 3.20) | Height                       | 35 ft.                       |
|                                                       | Stories                      | 2.5 stories                  |
| Min. Dwelling Unit Area                               |                              | 720 s.f.                     |
| Min. Bldg. Width of Any Side                          |                              | 20 ft.                       |
| Max. Number of Units per Building                     |                              | 8                            |
| Min./Max. Setbacks (see Section 3.40)                 | Front (front-loaded)         | 25 ft. min. / 30 ft. max.    |
|                                                       | Front (rear or alley-loaded) | 10 ft. min. / 20 ft. max.    |
|                                                       | Street Side                  | 10 ft. min. / 20 ft. max.    |
|                                                       | Side                         | 8 ft. min.                   |
|                                                       | Rear                         | 25. min.                     |

**E. NON-RESIDENTIAL DIMENSIONAL REQUIREMENTS**

1. **Lots.** All non-residential lots shall meet the minimum area, dimensional and width requirements of Table 6.20 D. Lots shall not be created or changed in size or dimension except in conformance with these requirements.
2. **Buildings.** All placement of non-residential buildings shall conform to the minimum dimensional and sizing requirements listed in Table 6.20 D.
3. **Accessory Buildings.** See Section 18.20.

**TABLE 6.20 D: VR DISTRICT DIMENSIONAL REQUIREMENTS- NON-RESIDENTIAL BUILDINGS**

| <b>Lot Requirements (See Section 3.30)</b>            |             |             |
|-------------------------------------------------------|-------------|-------------|
| Min. Lot Area                                         |             | 21,780 s.f. |
| Min. Lot Width                                        |             | 100         |
| <b>Non-Residential Principal Buildings</b>            |             |             |
| Max. Building and Structure Height (See Section 3.20) | Height      | 35 ft.      |
|                                                       | Stories     | 2.5 stories |
| Min. Setbacks (see Section 3.40)                      | Front       | 30 ft.      |
|                                                       | Street Side | 30 ft.      |
|                                                       | Side        | 20 ft.      |
|                                                       | Rear        | 25 ft.      |

## **SECTION 6.30 DEVELOPMENT MIX FOR VR DEVELOPMENTS**

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See Section 16.50 E.

## **SECTION 6.40 REQUIRED OPEN SPACE FOR VR DEVELOPMENTS**

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### **A. REQUIREMENT**

In a multi-unit development, active recreational open space is considered a necessary part of community infrastructure. Open space will be maintained by an entity other than the Township unless agreed via resolution by the Township Board of Trustees. Open space does not include undevelopable land (e.g. wetlands, steep slopes, setbacks, dedicated easements or right-of-way) but may include the following:

1. One (1) acre or greater stands of preserved mature trees in a 1:1 to 1:3 width to depth ratio.
2. Maintained portions of paved trail systems, even if they pass through otherwise undevelopable areas.
3. Areas or structures maintained for the enjoyment of otherwise undevelopable land that have recreational or aesthetic qualities (e.g. dock or boat launch on a waterbody).

### **B. USABLE OPEN SPACE**

Residential developments with 11 or more units shall include at least 1,100 square feet of common usable open space per dwelling unit.

# CHAPTER 7 MULTIPLE-FAMILY RESIDENTIAL DISTRICT (MFR)

## SECTION 7.10 INTENT

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### A. INTENT

This zoning district is primarily intended for multi-family residential buildings. The MFR district also allows for limited civic and recreational uses, as well as single-family and two-family residences and townhomes. Characteristics of lands zoned MFR include apartment complex facilities and denser townhome communities closer to goods and services or planned mixed-use village areas. Developments include sidewalks and community amenities.



### B. PURPOSE

This section includes the dimensional requirements for lots and the requirements for the location and size of principal buildings and structures.

## SECTION 7.20 REQUIREMENTS

---

### A. LAND USE

See Chapter 15 for all land use regulations and requirements. Further restrictions may apply.

### B. BUILDING REQUIREMENTS

See Chapter 16 for all building requirements.

### C. SINGLE-FAMILY DETACHED DWELLINGS DIMENSIONAL REQUIREMENTS

1. **Lots.** All single-family detached residential lots shall meet the minimum area, dimensional, and width requirements of Table 7.20 B. Lots shall not be created or changed in size or dimension except in conformance with these requirements.
2. **Buildings.** All placement of single-family detached dwellings shall conform to the minimum dimensional and sizing requirements listed in Table 7.20 B.
3. **Accessory Buildings.** See Section 18.20.

**TABLE 7.20 B: MFR DISTRICT DIMENSIONAL REQUIREMENTS-  
SINGLE-FAMILY DETACHED DWELLINGS**

| <b>Lot Requirements (See Section 3.30)</b>            |                              |                                                |
|-------------------------------------------------------|------------------------------|------------------------------------------------|
| Min. Lot Area                                         |                              | 6,500 s.f.                                     |
| Min. Lot Width                                        |                              | 50 ft.                                         |
| <b>Residential Principal Buildings</b>                |                              |                                                |
| Max. Building and Structure Height (See Section 3.20) | Height                       | 35 ft.                                         |
|                                                       | Stories                      | 2.5 stories                                    |
| Min. Dwelling Unit Area                               | One Story Dwelling           | 1,080 s.f.                                     |
|                                                       | Two Story Dwelling           | 650 s.f. first story and 550 s.f. second story |
| Min. Bldg. Width of Any Side                          |                              | 22 ft.                                         |
| Min./Max. Setbacks (see Section 3.40)                 | Front (front-loaded)         | 25 ft. min. / 30 ft. max.                      |
|                                                       | Front (rear or alley-loaded) | 10 ft. min. / 20 ft. max.                      |
|                                                       | Street Side                  | 10 ft. min. / 20 ft. max.                      |
|                                                       | Side                         | 5 ft. min.                                     |
|                                                       | Rear                         | 25. min.                                       |

**D. SINGLE-FAMILY ATTACHED DWELLINGS DIMENSIONAL REQUIREMENTS**

1. **Lots.** All single-family attached residential lots shall meet the minimum area, dimensional, and width requirements of Table 7.20 C. Lots shall not be created or changed in size or dimension except in conformance with these requirements.
2. **Buildings.** All placement of single-family attached dwellings shall conform to the minimum dimensional and sizing requirements listed in Table 7.20 C.
3. **Accessory Buildings.** See Section 18.20.

**TABLE 7.20 C: MFR DISTRICT DIMENSIONAL REQUIREMENTS-  
SINGLE-FAMILY ATTACHED DWELLINGS**

| <b>Lot Requirements (See Section 3.30)</b>            |                              |                              |
|-------------------------------------------------------|------------------------------|------------------------------|
| Min. Lot Area                                         |                              | 2,720 s.f. per dwelling unit |
| Min. Lot Width                                        |                              | N/A                          |
| <b>Residential Principal Buildings</b>                |                              |                              |
| Max. Building and Structure Height (See Section 3.20) | Height                       | 35 ft.                       |
|                                                       | Stories                      | 2.5 stories                  |
| Min. Dwelling Unit Area                               |                              | 720 s.f.                     |
| Min. Bldg. Width of Any Side                          |                              | 20 ft.                       |
| Max. Number of Units per Building                     |                              | 8                            |
| Min./Max. Setbacks (see Section 3.40)                 | Front (front-loaded)         | 25 ft. min. / 30 ft. max.    |
|                                                       | Front (rear or alley-loaded) | 10 ft. min. / 20 ft. max.    |
|                                                       | Street Side                  | 10 ft. min. / 20 ft. max.    |
|                                                       | Side                         | 5 ft. min.                   |
|                                                       | Rear                         | 25. min.                     |

**E. MULTI-FAMILY RESIDENTIAL REQUIREMENTS**

1. **Lots.** All multi-family residential lots shall meet the minimum area, dimensional, and width requirements of Table 7.20 D. Lots shall not be created or changed in size or dimension except in conformance with these requirements.
2. **Buildings.** All placement of multi-family residential buildings shall conform to the minimum dimensional and sizing requirements listed in Table 7.20 D.
3. **Accessory Buildings.** See Section 18.20.

| TABLE 7.20 D: MFR DISTRICT DIMENSIONAL REQUIREMENTS-<br>MULTI-FAMILY BUILDINGS |             |                                                |             |
|--------------------------------------------------------------------------------|-------------|------------------------------------------------|-------------|
| Lot Requirements (See Section 3.30)                                            |             |                                                |             |
| Min. Lot Area                                                                  |             |                                                | 21,780 s.f. |
| Min. Lot Width                                                                 |             |                                                | 100 ft.     |
| Residential Principal Buildings                                                |             |                                                |             |
| Max. Building and Structure Height (See Section 3.20)                          | Height      |                                                | 35 ft.      |
|                                                                                | Stories     | Within 100 feet of a county primary road       | 2 stories   |
|                                                                                |             | 100 feet or greater from a county primary road | 3 stories   |
| Min. Setbacks (see Section 3.40)                                               | Front       |                                                | 15 ft.      |
|                                                                                | Street Side |                                                | 15 ft.      |
|                                                                                | Side        |                                                | 8 ft.       |
|                                                                                | Rear        |                                                | 35 ft.      |

**F. NON-RESIDENTIAL DIMENSIONAL REQUIREMENTS**

1. **Lots.** All non-residential lots shall meet the minimum area, dimensional, and width requirements of Table 7.20 E. Lots shall not be created or changed in size or dimension except in conformance with these requirements.
2. **Buildings.** All placement of non-residential buildings shall conform to the minimum dimensional and sizing requirements listed in Table 7.20 E.
3. **Accessory Buildings.** See Section 18.20.

**TABLE 7.20 E: MFR DISTRICT DIMENSIONAL REQUIREMENTS- NON-RESIDENTIAL BUILDINGS**

| <b>Lot Requirements (See Section 3.30)</b>               |             |             |
|----------------------------------------------------------|-------------|-------------|
| Min. Lot Area                                            |             | 21,780 s.f. |
| Min. Lot Width                                           |             | 100 ft.     |
| <b>Non-Residential Principal Buildings</b>               |             |             |
| Max. Building and Structure Height<br>(See Section 3.20) | Height      | 35 ft.      |
|                                                          | Stories     | 2.5 stories |
| Min. Setbacks<br>(see Section 3.40)                      | Front       | 30 ft.      |
|                                                          | Street Side | 30 ft.      |
|                                                          | Side        | 20 ft.      |
|                                                          | Rear        | 25 ft.      |

## **CHAPTER 8 NEIGHBORHOOD COMMERCIAL DISTRICT (NC)**

### **SECTION 8.10 INTENT**

---

#### **A. INTENT**

The intent of this zoning district is to encourage a complementary mix of uses to ensure that neighborhood commercial areas are compatible with adjacent residential neighborhoods and that transitions between uses are harmonious and accessible by a variety of mobility types. This zoning district is intended to encourage and accommodate businesses with smaller market areas with storefronts on the ground story, as well as upper story or attached residential units, hospitality businesses, local market retail, personal services, offices, and professional services. Sites are generally located in Dutton and intersections further away from M-6 than General Commercial zoned property. Characteristics of uses in this district may include daytime and early evening operations and smaller-scale business activities.



#### **B. PURPOSE**

This section includes the dimensional requirements for lots and the requirements for the location and size of principal and accessory buildings and structures.

### **SECTION 8.20 REQUIREMENTS**

---

#### **A. LAND USE**

See Chapter 15 for all land use regulations and requirements. Further restrictions may apply.

#### **B. BUILDING REQUIREMENTS**

See Chapter 16 for all building requirements.

#### **C. DIMENSIONAL REQUIREMENTS: ALL BUILDINGS**

1. **Lots.** All non-residential lots shall meet the minimum area, dimensional, and width requirements of Table 8.20 B. Lots shall not be created or changed in size or dimension except in conformance with these requirements.
2. **Buildings.** All placement of non-residential buildings shall conform to the minimum dimensional and sizing requirements listed in Table 8.20 B.
3. **Accessory Buildings.** See Section 18.20.

| <b>TABLE 8.20 B: NC DISTRICT DIMENSIONAL REQUIREMENTS</b> |                                           |              |
|-----------------------------------------------------------|-------------------------------------------|--------------|
| <b>Lot Requirements (See Section 3.30)</b>                |                                           |              |
| Min. Lot Area                                             |                                           | No min.      |
| Min. Lot Width                                            |                                           | No min.      |
| <b>Non-Residential Principal Buildings</b>                |                                           |              |
| Max. Building and Structure Height (See Section 3.20)     | Height                                    | 35 ft.       |
|                                                           | Stories                                   | 2.5 stories  |
| Min. and Max. Setbacks (see Section 3.40)                 | Front                                     | 0 ft./10 ft. |
|                                                           | Street Side                               | 0 ft./10 ft. |
|                                                           | Side adjacent to non-residential district | 0 ft.        |
|                                                           | Side adjacent to residential district     | 25 ft.       |
|                                                           | Rear                                      | 25 ft.       |

## **CHAPTER 9    GENERAL COMMERCIAL DISTRICT (GC)**

### **SECTION 9.10 INTENT**

---

#### **A. INTENT**

This zoning district is intended for uses such as accommodations, fast food restaurants, vehicle service stations, convenience retail stores, and other service uses that primarily cater to individuals traveling or commuting by cars or commercial vehicles US-131 or M-6. Further, this zoning district is intended for a range of retail, office, and service uses, such as large-scale retailers, office buildings, professional services, and other related commercial uses serving local and regional markets. Characteristics of uses and land in GC may include daytime, evening, and late-night operations, larger employers, outdoor sales areas, high-visibility signage, and larger parking areas for higher volumes of customers and visitors.



#### **B. PURPOSE**

This section includes the dimensional requirements for lots and the requirements for the location and size of principal and accessory buildings and structures.

### **SECTION 9.20 REQUIREMENTS**

---

#### **A. LAND USE**

See Chapter 15 for all land use regulations and requirements. Further restrictions may apply.

#### **B. BUILDING REQUIREMENTS**

See Chapter 16 for all building requirements.

#### **C. DIMENSIONAL REQUIREMENTS: ALL BUILDINGS**

1. **Lots.** All non-residential lots shall meet the minimum area, dimensional, and width requirements of Table 9.20 B. Lots shall not be created or changed in size or dimension except in conformance with these requirements.
2. **Buildings.** All placement of non-residential buildings shall conform to the minimum dimensional and sizing requirements listed in Table 9.20 B.
3. **Accessory Buildings.** See Section 18.20.

| TABLE 9.20 B: GC DISTRICT DIMENSIONAL REQUIREMENTS    |                                             |             |
|-------------------------------------------------------|---------------------------------------------|-------------|
| Lot Requirements (See Section 3.30)                   |                                             |             |
| Min. Lot Area                                         |                                             | No minimum  |
| Min. Lot Width                                        |                                             | No minimum  |
| Non-Residential Principal Buildings                   |                                             |             |
| Max. Building and Structure Height (See Section 3.20) | Height                                      | 35 ft.      |
|                                                       | Stories                                     | 2.5 stories |
| Min. Setbacks (see Section 3.40)                      | Front                                       | 25 ft.      |
|                                                       | Street Side                                 | 25 ft.      |
|                                                       | Side adjacent to a non-residential district | 15 ft.      |
|                                                       | Side adjacent to a residential district     | 50 ft.      |
|                                                       | Rear adjacent to a non-residential district | 25 ft.      |
|                                                       | Rear adjacent to a residential district     | 50 ft.      |

## CHAPTER 10 OFFICE SERVICE DISTRICT (OS)

### SECTION 10.10 INTENT

---

#### A. INTENT

This zoning district is intended for professional and business offices. It allows service, medical, technical, and related office uses both to serve the area's residents and in support of the industrial developments of the Township.

#### B. PURPOSE

This section includes the dimensional requirements for lots and the requirements for the location and size of principal and accessory buildings and structures.



### SECTION 10.20 REQUIREMENTS

---

#### A. LAND USE

See Chapter 15 for all land use regulations and requirements. Further restrictions may apply.

#### B. BUILDING REQUIREMENTS

See Chapter 16 for all building requirements.

#### C. DIMENSIONAL REQUIREMENTS: ALL BUILDINGS

1. **Lots.** All non-residential lots shall meet the minimum area, dimensional, and width requirements of Table 10.20 B. Lots shall not be created or changed in size or dimension except in conformance with these requirements.
2. **Buildings.** All placement of non-residential buildings shall conform to the minimum dimensional and sizing requirements listed in Table 10.20 B.
3. **Accessory Buildings.** See Section 18.20.

| <b>TABLE 10.20 B: OS DISTRICT DIMENSIONAL REQUIREMENTS</b> |                                             |             |
|------------------------------------------------------------|---------------------------------------------|-------------|
| <b>Lot Requirements (See Section 3.30)</b>                 |                                             |             |
| Min. Lot Area                                              |                                             | No minimum  |
| Min. Lot Width                                             |                                             | No minimum  |
| <b>Non-Residential Principal Buildings</b>                 |                                             |             |
| Max. Building and Structure Height<br>(See Section 3.20)   | Height                                      | 35 ft.      |
|                                                            | Stories                                     | 2.5 stories |
| Min. Setbacks<br>(see Section 3.40)                        | Front                                       | 25 ft.      |
|                                                            | Street Side                                 | 25 ft.      |
|                                                            | Side adjacent to a non-residential district | 15 ft.      |
|                                                            | Side adjacent to a residential district     | 50 ft.      |
|                                                            | Rear adjacent to a non-residential district | 25 ft.      |
|                                                            | Rear adjacent to a residential district     | 50 ft.      |

# CHAPTER 11 MIXED BUSINESS DISTRICT (MB)

## SECTION 11.10 INTENT

---

### A. INTENT

This zoning district is intended for a variety of commercial, office, service, and light industrial uses, such as commercial service providers, contractors, light manufacturing, restaurants, vehicle service stations, convenience retail stores, and other service uses that primarily cater to individuals traveling by cars or that serve as employment centers. Further, this zoning district is intended for a range of smaller businesses and those supporting larger industrial operations. Characteristics of uses and land in MB may include daytime, evening, and late-night operations, commercial buildings, warehouse buildings, office buildings, and outdoor storage areas.



### B. PURPOSE

This section includes the dimensional requirements for lots and the requirements for the location and size of principal and accessory buildings and structures.

## SECTION 11.20 REQUIREMENTS

---

### A. LAND USE

See Chapter 15 for all land use regulations and requirements. Further restrictions may apply.

### B. BUILDING REQUIREMENTS

See Chapter 16 for all building requirements.

### C. DIMENSIONAL REQUIREMENTS: ALL BUILDINGS

1. **Lots.** All non-residential lots shall meet the minimum area, dimensional, and width requirements of Table 11.20 B. Lots shall not be created or changed in size or dimension except in conformance with these requirements.
2. **Buildings.** All placement of non-residential buildings shall conform to the minimum dimensional and sizing requirements listed in Table 11.20 B.
3. **Accessory Buildings.** See Section 18.20.

| <b>TABLE 11.20 B: MB DISTRICT DIMENSIONAL REQUIREMENTS</b> |                                             |             |
|------------------------------------------------------------|---------------------------------------------|-------------|
| <b>Lot Requirements (See Section 3.30)</b>                 |                                             |             |
| Min. Lot Area                                              |                                             | 1 acre      |
| Min. Lot Width                                             |                                             | 150 ft.     |
| <b>Non-Residential Principal Buildings</b>                 |                                             |             |
| Max. Building and Structure Height<br>(See Section 3.20)   | Height                                      | 35 ft.      |
|                                                            | Stories                                     | 2.5 stories |
| Min. Setbacks<br>(see Section 3.40)                        | Front                                       | 50 ft.      |
|                                                            | Street Side                                 | 50 ft.      |
|                                                            | Side adjacent to a non-residential district | 15 ft.      |
|                                                            | Side adjacent to a residential district     | 50 ft.      |
|                                                            | Rear adjacent to a non-residential district | 25 ft.      |
|                                                            | Rear adjacent to a residential district     | 50 ft.      |

## CHAPTER 12 LIGHT INDUSTRIAL DISTRICT (LI)

### SECTION 12.10 INTENT

---

#### A. INTENT

This zoning district is intended for lighter manufacturing, as well as heavier commercial uses and support services. Sites in this zoning district should have ready access to necessary utilities and direct access to major truck transportation routes with significant separation and buffering from residential areas. Characteristics of uses and land in LI may include outdoor storage areas, truck traffic, manufacturing, large buildings, and multiple worker shifts.



#### B. PURPOSE

This section includes the dimensional requirements for lots and the requirements for the location and size of principal and accessory buildings and structures.

### SECTION 12.20 REQUIREMENTS

---

#### A. LAND USE

See Chapter 15 for all land use regulations and requirements. Further restrictions may apply.

#### B. BUILDING REQUIREMENTS

See Chapter 16 for all building requirements.

#### C. DIMENSIONAL REQUIREMENTS: ALL BUILDINGS

1. **Lots.** All non-residential lots shall meet the minimum area, dimensional, and width requirements of Table 12.20 B. Lots shall not be created or changed in size or dimension except in conformance with these requirements.
2. **Buildings.** All placement of non-residential buildings shall conform to the minimum dimensional and sizing requirements listed in Table 12.20 B.
3. **Accessory Buildings.** See Section 18.20.

| TABLE 12.20 B: LI DISTRICT DIMENSIONAL REQUIREMENTS      |                                             |                       |         |
|----------------------------------------------------------|---------------------------------------------|-----------------------|---------|
| Lot Requirements (See Section 3.30)                      |                                             |                       |         |
| Min. Lot Area                                            |                                             |                       | 1 acre  |
| Min. Lot Width                                           |                                             |                       | 150 ft. |
| Principal Buildings                                      |                                             |                       |         |
| Max. Building and Structure Height<br>(See Section 3.20) | Under 100 ft. from property lines           |                       | 35 ft.  |
|                                                          | 100 ft. or more from property lines         |                       | 60 ft.  |
| Min. Setbacks<br>(see Section 3.40)                      | Front and Street Side                       | County Primary Street | 100 ft. |
|                                                          |                                             | Local Street          | 50 ft.  |
|                                                          | Side adjacent to a non-residential district |                       | 15 ft.  |
|                                                          | Side adjacent to a residential district     |                       | 50 ft.  |
|                                                          | Rear adjacent to a non-residential district |                       | 25 ft.  |
|                                                          | Rear adjacent to a residential district     |                       | 50 ft.  |

# CHAPTER 13 HEAVY INDUSTRIAL DISTRICT (HI)

## SECTION 13.11 INTENT

---

### A. INTENT

This zoning district is intended for large and intensive warehousing, distribution, and manufacturing, as well as heavier commercial uses and support services that provide the backbone for economic development and job creation. Sites in this zoning district should have ready access to necessary utilities and direct access to major truck transportation routes with significant separation and buffering from residential areas. Characteristics of uses and land in LI may include outdoor storage areas, truck traffic, manufacturing, large buildings, and multiple worker shifts.



### B. PURPOSE

This section includes the dimensional requirements for lots and the requirements for the location and size of principal and accessory buildings and structures.

## SECTION 13.20 REQUIREMENTS

---

### A. LAND USE

See Chapter 15 for all land use regulations and requirements. Further restrictions may apply.

### B. BUILDING REQUIREMENTS

See Chapter 16 for all building requirements.

### C. DIMENSIONAL REQUIREMENTS: ALL BUILDINGS

1. **Lots.** All non-residential lots shall meet the minimum area, dimensional, and width requirements of Table 13.20 B. Lots shall not be created or changed in size or dimension except in conformance with these requirements.
2. **Buildings.** All placement of non-residential buildings shall conform to the minimum dimensional and sizing requirements listed in Table 13.20 B.
3. **Accessory Buildings.** See Section 18.20.

| TABLE 13.20 B: HI DISTRICT DIMENSIONAL REQUIREMENTS      |                                             |                       |         |
|----------------------------------------------------------|---------------------------------------------|-----------------------|---------|
| Lot Requirements (See Section 3.30)                      |                                             |                       |         |
| Min. Lot Area                                            |                                             |                       | 2 acres |
| Min. Lot Width                                           |                                             |                       | 200 ft. |
| Principal Buildings                                      |                                             |                       |         |
| Max. Building and Structure Height<br>(See Section 3.20) | Under 100 ft. from property lines           |                       | 35 ft.  |
|                                                          | 100 ft. or more from property lines         |                       | 60 ft.  |
| Min. Setbacks<br>(see Section 3.40)                      | Front and Street Side                       | County Primary Street | 100 ft. |
|                                                          |                                             | Local Street          | 75 ft.  |
|                                                          | Side adjacent to a non-residential district |                       | 20 ft.  |
|                                                          | Side adjacent to a residential district     |                       | 100 ft. |
|                                                          | Rear adjacent to a non-residential district |                       | 50 ft.  |
|                                                          | Rear adjacent to a residential district     |                       | 100 ft. |

## **CHAPTER 14 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)**

### **SECTION 14.10 INTENT**

---

#### **A. INTENT**

The intent of this chapter is to offer an alternative to conventional development under traditional zoning districts by permitting flexibility in the regulations for development by authorizing the Planned Unit Development (PUD) Overlay District. The standards and requirements in this chapter are intended to promote and encourage innovative developments that implement the goals and objectives of the Master Plan. Further, PUDs promote coordinated, flexible, and comprehensive land planning and development for the benefit of property owners and to serve the public interest.

#### **B. PURPOSE**

The purpose of this chapter is to encourage innovative developments that achieve recognizable and substantial benefits that would not be possible under the existing base zoning classifications. These recognizable benefits include, but are not limited to, the following:

1. Encourage innovation and creativity in land use planning and development to create more desirable living, shopping, and working environments;
2. Encourage creative and imaginative approaches in the development of residential areas, especially through the complementary mixture of housing types in one development;
3. Promote and encourage the conservation and preservation of natural and cultural resources;
4. Encourage the efficient use of land by facilitating well-designed arrangements of buildings, streets, utilities, and other features;
5. Energy efficiency and sustainable design;
6. Encourage the dedication of open space as an integral part of the development, ensure connectivity of open space with adjacent greenway corridors; and promote the development of passive and recreational activities; and
7. Preserve of rural character or small-town appeal.

### **SECTION 14.20 QUALIFYING CONDITIONS**

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#### **A. UNIFIED CONTROL**

The PUD shall be under the control of one (1) owner or group of owners and shall be capable of being planned and developed as an integral unit.

#### **B. BUILDINGS AND SITE DESIGN**

PUDs shall include a variety of building types, high-quality building materials, and superior architecture and site design.

**C. RECOGNIZABLE BENEFITS**

PUD projects shall achieve at least two (2) recognizable and substantial benefits listed in Section 14.10 B that would not be possible under the existing base zoning classifications.

**SECTION 14.30 GENERAL REQUIREMENTS**

---

**A. BASE ZONING DISTRICT AND OVERLAY**

PUD projects include a dual method of zoning, including a base zoning district and PUD overlay. Approval of a PUD is a rezoning and amends the Zoning Map to indicate a PUD overlay over the base zoning district.

**B. BASE ZONING DISTRICT**

1. A base zoning district is an underlying zoning district applicable to the subject property or a portion of the property. There may be more than one (1) base district per PUD project.
2. Should the applicable base zoning district not permit the desired use, a base district rezoning shall be necessary.
3. The base district shall be the closest and most compatible district required for the proposed use and dimensional requirements.
4. Where the Master Plan recommends a different zoning district than the current zoning, a rezoning of the base zoning district consistent with the plan may be considered concurrently with the PUD.

**C. LAND USE**

PUD projects shall comply with the land use regulation applicable to the base district.

**D. DIMENSIONAL REQUIREMENTS**

A PUD shall comply with base district dimensional and building requirements and other development requirements unless modifications are approved through the PUD process.

**E. MAINTENANCE**

For any areas to be held under common ownership, a document showing the future maintenance provisions shall be submitted to the Planning Commission and be approved by the Township. Such provisions shall include mandatory membership of all property owners in any association designed for maintenance of the common area.

**F. MODIFICATIONS**

Base zoning district requirements, development requirements, and other requirements of this Ordinance may be modified as part of PUD approval by the Township Board. The applicant for a PUD shall identify, in a table format, all proposed modifications to zoning requirements (listing of the requirements and proposed modification to requirements). Modifications may be approved by the Township Board if they are demonstrated to result in a higher quality of development that will satisfy one (1) or more of the following criteria:

1. Preserves the best natural features of the site and creates, maintains, or improves habitat for wildlife;
2. Creates, improves, or maintains open space for the residents; or
3. Results in a higher-quality commercial or residential development consistent with the purposes of PUD expressed in Section 6.10 and the recommendations of the Master Plan.

## SECTION 14.40 RESIDENTIAL DENSITY

---

### A. BASELINE DENSITY

The number of units permitted in a PUD development is determined from the parallel plan (Section 29.20 C.2).

### B. DENSITY BONUS

1. Residential density may be increased at the discretion of the Township Board by including one (1) or more of the elements identified in subsection C. Each element listed in subsection C is worth an additional incremental bonus. The bonus for each element shall be up to 10 percent of the units identified on the parallel plan.
2. The specific amount of the bonus shall be at the discretion of the Township Board, depending on the degree to which the applicant has addressed that element and the impact it has in contributing to the objectives sought to be achieved by the PUD. The maximum density increase that any development may receive shall be 25 percent of the units identified on the parallel plan.
3. To qualify for a density bonus, the project area must be served by public water and sewer.

### C. ELEMENTS

For those PUD developments eligible to receive a density bonus, the proposed development is required to demonstrate one (1) or more of the following considerations:

1. Providing public amenities such as playgrounds, picnic facilities, or community centers of a size and scale commensurate with the size and scale of the neighborhood.
2. Including a variety of housing types with a range of styles and price points.
3. Providing fully accessible paths, trails, greenways, or other pedestrian and non-motorized transportation facilities for all users that are connected to or create a network of trails throughout the community.
4. Providing open space above what is required for PUDs (more than 25 percent).
5. Cleanup of site contamination and/or ecological restoration.
6. Stormwater management on-site that relies upon manufactured natural systems (such as bio-swales, rain gardens, or installed wetlands) and preserves the quality and integrity of existing natural areas.
7. Other similar elements as determined by the Planning Commission.

## SECTION 14.50 OPEN SPACE

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### A. REQUIRED OPEN SPACE

1. **Minimum Requirement.** All PUDs shall preserve at least 25 percent of its area as open space.
2. **Permanent Protection.** Open space shall be protected by a permanent mechanism, such as a deed restriction, conservation easement, or similar means approved by the Township.
3. **Township Board Discretion.** The Township Board may require that specific, unique natural amenities be included within the open space area for preservation purposes and maintained in their natural or agricultural condition. These resources include, but are not limited to:
  - a. forested wetlands;
  - b. areas abutting creeks and streams;

- c. rare savanna and prairie ecosystems;
- d. old-growth forested area;
- e. aquifer recharge areas ;
- f. wellhead recharge areas;
- g. wildlife corridors connecting habitats;
- h. lakes and ponds;
- i. prime farmlands as defined by the U.S. Department of Agriculture; and
- j. steep slopes

## B. OBJECTIVES

Open space areas set aside as part of a PUD project shall accomplish one (1) or more of the following objectives:

1. **Recreational Space.** To provide common active and passive recreational space for use by the residents of the PUD.
2. **Environmental Protection.** To protect and preserve environmentally sensitive areas that may exist on the development site and enhance the rural character of the area (see Section 14.50 A.3).
3. **Rural Character.** To provide open space along public road corridors so as to maintain a natural character along public roadways in rural portions of the Township.

## C. OPEN SPACE REQUIREMENTS

Land dedicated as common open space is subject to the following requirements:

1. To the extent possible, open space areas shall be continuous and connected throughout the development. Open space shall be large enough and of proper dimensions to contribute significantly to the purpose and objectives of the development. Except when provided along waterways or trails and paths, open space shall not be established as thin strips but as larger land masses to encourage general community use rather than simply private use by adjacent property owners. Wildlife corridors shall be considered when planning continuous and connected open space.
2. The majority of the total open space area within the development (minimum of 50 percent of the open space area) shall be located in one (1) contiguous area and shall be available for active or passive use by the residents of the development. The remaining portion of the open space requirement shall be divided into a minimum number of smaller areas.
3. Access to common open space shall be provided from all areas of the PUD by means of public or private streets or pedestrian access ways. Pedestrian accessways must be located within common open space or within a 20-foot easement. Surface type shall be at the discretion of the Township.
4. The PUD Concept Plan shall indicate the intended function of the open space, if applicable (i.e. passive use, playground, ball field, picnic area, trail, etc.).
5. As a condition of PUD approval and prior to the occupancy of any structure within the PUD (or within any phase of the PUD), the applicant shall be required to establish a property owners' association (or other similar organization acceptable to the Township) of which all residents or occupants of the PUD shall be required to become members through appropriate restrictions, covenants, and conditions. The property owners' association must be legally capable of assuming and shall assume the obligation to maintain the common open space as required by this section.

6. The Planning Commission and Township Board shall review the open space as a part of the site plan to ensure that it satisfies the intent of this section and shall have the discretion to require changes to the open space plan as a condition of approval.
7. The Township shall review and approve any and all projects and common area deed restrictions/restrictive covenants before they are executed and recorded.

**D. AREAS NOT CONSIDERED OPEN SPACE**

1. The area within any public street right-of-way or private street easements;
2. Any easement for overhead utility lines, unless adjacent to qualified open space;
3. 50 percent of wetland areas;
4. 100 percent of flood plain, water body, or steep slopes (25 percent or greater);
5. 50 percent of the area of any golf course;
6. The area within a platted lot or site condominium unit, unless the lot or unit has been dedicated to open space, via conservation easement or other means of ensuring that the lot or unit is permanent open space;
7. For a conventional condominium, the minimum square footage necessary for lots and building types as required if established as a platted or site condominium development;
8. General common element land area around conventional condominium buildings. However, the area outside of a comparable or theoretical lot area surrounding a conventional condominium building may be counted;
9. Parking and loading areas; and
10. 50 percent of any stormwater detention or retention areas.

## **SECTION 14.60 REVIEW PROCESS AND STANDARDS OF APPROVAL**

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The PUD review process and standards of approval are included in Chapter 29 Planned Unit Development Review.

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# CHAPTER 15 LAND USE

## SECTION 15.10 INTENT

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This chapter contains land use regulations for principal, accessory, and temporary land uses.

## SECTION 15.20 GENERAL LAND USE REQUIREMENTS

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### A. REQUIREMENTS

Land, buildings, and structures shall only be used in accordance with Tables 15.40 D, 15.50 A, and 15.60 A.

### B. LAND USE

1. **Permitted Use (P).** This use is authorized by-right, subject to all other applicable provisions of this Ordinance.
2. **Special Land Use (S).** This use is subject to review and permitting in accordance with Chapter 25 and subject to all other applicable provisions of this Ordinance.
3. **Not Permitted (--).** A cell marked with two dashes indicates that a use is not permitted.

### C. OTHER REQUIREMENTS

See the referenced section for additional requirements specific to the land use if noted in the far-right column of Tables 15.40 D, 15.50 A, and 15.60 A.

### D. LAND USE DEFINITIONS.

See Chapter 35 for definitions of the land use terms in Tables 15.40 D, 15.50 A, and 15.60 A.

## SECTION 15.30 SIMILAR LAND USES

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### A. INTENT

Since every potential land use cannot be addressed in the Zoning Ordinance, each zoning district may accommodate similar uses, as referenced in this section.

### B. DETERMINATION

1. **Inquiries.** Inquiries concerning a use, shall be submitted to the Zoning Administrator for review and a determination.
2. **Conditions.** The Zoning Administrator shall determine that the use is virtually identical to the listed permitted or special land use and has virtually the same character, scale, impact, and overall compatibility.

### C. ZONING BOARD OF APPEALS

The Zoning Administrator may, in their sole discretion, submit a proposed use to the Zoning Board of Appeals for a similar use determination if the review factors do not lead to a clear conclusion.

**D. COMPLIANCE**

If a proposed use is determined to be similar to a named permitted use within the district, the similar use shall comply with all the standards or requirements associated with the permitted use. If the named use is a special land use within the applicable zoning district, the similar use shall be reviewed and approved per the applicable requirements for the named use.

**E. DETERMINATION**

The determination of whether a proposed use is similar to another listed use shall be considered as an interpretation of the land use regulations and is not determined to be a use variance. Once a use has been determined to be similar, it shall be specifically determined to be the named use with which it shares similarities.

**F. PROHIBITED USE**

If a use is not specifically listed anywhere in this Ordinance and is not determined to be similar to any other specifically listed uses, the use is prohibited.

## **SECTION 15.40 PRINCIPAL LAND USES**

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**A. SINGLE USE AND BUILDING**

Unless otherwise expressly allowed by this Ordinance, all lots shall have no more than one (1) principal building and one (1) principal use. In the case of residential condominium projects, each building site or condominium unit shall be limited to one principal building. This requirement does not apply to conventional condominium projects.

**B. DWELLINGS**

Unless otherwise permitted by this Ordinance, residentially zoned lots shall have no more than one (1) single-family dwelling, two-family dwelling, townhouse, or multi-family dwelling.

**C. COLLECTIVE PRINCIPAL USE**

Lots may have more than one (1) principal building and more than one (1) principal use when it is determined by the Zoning Administrator that the collective principal use of a lot is permitted. However, in no case shall more than one (1) single-family dwelling be established on a lot.

1. **Conditions.** The Zoning Administrator shall determine that all of the following conditions are satisfied:
  - a. Individual buildings share common parking areas.
  - b. Access to the buildings/uses is provided via shared access drives or private streets.
  - c. Buildings are under single ownership or association control as a development complex.
  - d. Individual activities support one another.
  - e. The buildings are architecturally consistent and compatible.
2. **Planning Commission Authority.** The Zoning Administrator may, in their sole discretion, submit a proposed collective principal use to the Planning Commission for consideration if the review factors do not lead to a clear conclusion.

**D. REQUIREMENTS**

Principal land uses are allowable in a specific zoning district when indicated as a permitted or special land use as follows:

| TABLE 15.40 D: PRINCIPAL LAND USE REGULATION              |             |    |    |     |                          |    |    |            |    |    |          |
|-----------------------------------------------------------|-------------|----|----|-----|--------------------------|----|----|------------|----|----|----------|
| Use                                                       | Residential |    |    |     | Commercial and Mixed-Use |    |    | Industrial |    |    | Other    |
|                                                           | RR          | SR | VR | MFR | NC                       | GC | OS | MB         | LI | HI |          |
| Accommodations, Hospitality, and Entertainment            |             |    |    |     |                          |    |    |            |    |    |          |
| Banquet or Meeting Hall                                   | --          | -- | -- | --  | P                        | P  | P  | P          | -- | -- | NONE     |
| Bed and Breakfast                                         | S           | -- | -- | --  | --                       | -- | -- | --         | -- | -- | 18.70    |
| Campground or Recreational Vehicle Park                   | S           | -- | -- | --  | --                       | -- | -- | --         | -- | -- | 18.80    |
| Golf Course                                               | S           | S  | -- | --  | --                       | -- | -- | --         | -- | -- | 18.140   |
| Hotel or Motel                                            | --          | -- | -- | --  | S                        | S  | -- | --         | -- | -- | NONE     |
| Micro-Brewery, Small distillery or Small Winery           | --          | -- | -- | --  | P                        | P  | -- | P          | -- | -- | NONE     |
| Recreation Facility, Indoor                               | --          | -- | -- | --  | P                        | P  | P  | P          | P  | P  | NONE     |
| Recreation, Low-Intensity Outdoor                         | S           | -- | -- | --  | --                       | -- | -- | --         | -- | -- | 18.240   |
| Recreation Facility, Outdoor                              | --          | -- | -- | --  | --                       | P  | -- | P          | P  | P  | NONE     |
| Restaurant                                                | --          | -- | -- | --  | P                        | P  | -- | P          | -- | -- | NONE     |
| Short-Term Rental                                         | --          | -- | -- | --  | P                        | -- | -- | --         | -- | -- | NONE     |
| Tavern                                                    | --          | -- | -- | --  | P                        | P  | -- | P          | -- | -- | NONE     |
| Theater                                                   | --          | -- | -- | --  | P                        | P  | -- | P          | -- | -- | NONE     |
| Agricultural                                              |             |    |    |     |                          |    |    |            |    |    |          |
| Agribusiness                                              | S           | -- | -- | --  | --                       | -- | -- | P          | P  | P  | 18.50    |
| Farming                                                   | P           | -- | -- | --  | --                       | -- | -- | --         | -- | -- | 18.130   |
| Stables, Commercial                                       | S           | -- | -- | --  | --                       | -- | -- | --         | -- | -- | 18.280   |
| Civic and Institutional                                   |             |    |    |     |                          |    |    |            |    |    |          |
| Cemetery                                                  | S           | -- | -- | --  | --                       | -- | -- | --         | -- | -- | 18.90    |
| Cultural Facility                                         | --          | -- | -- | --  | P                        | P  | -- | --         | -- | -- | NONE     |
| Government Facility                                       | P           | P  | P  | P   | P                        | P  | P  | P          | P  | P  | NONE     |
| Public Park or Preserve                                   | P           | P  | P  | P   | P                        | P  | P  | --         | -- | -- | NONE     |
| Place of Worship                                          | S           | S  | S  | S   | S                        | S  | S  | S          | -- | -- | 18.220   |
| School, College or University                             | --          | -- | -- | S   | --                       | S  | S  | S          | -- | -- | 18.220   |
| School, Private K-12                                      | S           | S  | S  | S   | S                        | S  | S  | S          | -- | -- | 18.220   |
| School, Specialized Training                              | --          | -- | -- | --  | P                        | P  | P  | P          | P  | P  | NONE     |
| School, Truck Driving                                     | --          | -- | -- | --  | --                       | -- | -- | S          | P  | P  | NONE     |
| Industrial, Infrastructure, and Transportation            |             |    |    |     |                          |    |    |            |    |    |          |
| Air Strip or Helicopter Landing Area                      | S           | -- | -- | --  | --                       | -- | -- | --         | -- | -- | NONE     |
| Commercial Solar Energy System                            | S           | -- | -- | --  | --                       | -- | -- | --         | S  | S  | 18.270 C |
| Crematorium                                               | --          | -- | -- | --  | --                       | -- | -- | --         | S  | S  | NONE     |
| Essential Public Services and Utilities Without Buildings | P           | P  | P  | P   | P                        | P  | P  | P          | P  | P  | NONE     |
| Essential Public Services and Utilities. With Buildings   | S           | S  | S  | S   | S                        | S  | S  | S          | S  | S  | NONE     |

**TABLE 15.40 D: PRINCIPAL LAND USE REGULATION**

| Use                                                | Residential |    |    |     | Commercial and Mixed-Use |    |    | Industrial |    |    | Other           |
|----------------------------------------------------|-------------|----|----|-----|--------------------------|----|----|------------|----|----|-----------------|
|                                                    | RR          | SR | VR | MFR | NC                       | GC | OS | MB         | LI | HI |                 |
| Manufacturing, Processing, and Packaging- Light    | --          | -- | -- | --  | --                       | -- | -- | S          | P  | P  | 18.160          |
| Manufacturing, Processing, and Packaging- Heavy    | --          | -- | -- | --  | --                       | -- | -- | --         | -- | P  | 18.160          |
| Mineral Extraction                                 | S           | S  | S  | S   | S                        | S  | S  | S          | S  | S  | 18.190          |
| Propane Gas Sales                                  | --          | -- | -- | --  | --                       | -- | -- | --         | P  | P  | NONE            |
| Salvage or Impound Operation                       | --          | -- | -- | --  | --                       | -- | -- | --         | P  |    | 18.160 & 18.250 |
| Sawmill or Planing Mill                            | --          | -- | -- | --  | --                       | -- | -- | --         | P  | P  | 18.160          |
| Self-Storage                                       | --          | -- | -- | --  | --                       | S  | -- | S          | P  | -- | 18.260          |
| Warehousing, Freight Movement, and Wholesale Sales | --          | -- | -- | --  | --                       | -- | -- | --         | P  | P  | 18.160          |
| Waste Management and Recycling                     | --          | -- | -- | --  | --                       | -- | -- | --         | P  | P  | 18.160          |
| Wind Energy Turbine                                | S           | -- | -- | --  | --                       | -- | -- | --         | -- | -- | NONE            |
| Wireless Communications Facility                   | --          | -- | -- | --  | --                       | P  | -- | P          | P  | P  | 18.360          |
| <b>Offices and Services</b>                        |             |    |    |     |                          |    |    |            |    |    |                 |
| Animal and Pet Services                            | --          | -- | -- | --  | P                        | P  | -- | P          | P  | P  | 18.60           |
| Animal Clinic                                      | --          | -- | -- | --  | P                        | P  | P  | P          | -- | -- | NONE            |
| Child Day Care Center                              | S           | S  | S  | --  | P                        | P  | P  | P          | P  | P  | 18.100          |
| Contractor Facility                                | --          | -- | -- | --  | --                       | P  | P  | P          | P  | P  | NONE            |
| Data Center                                        | --          | -- | -- | --  | --                       | -- | P  | P          | P  | P  | NONE            |
| Funeral Home or Mortuary                           | --          | -- | -- | --  | P                        | P  | -- | P          | -- | -- | NONE            |
| General Offices and Services                       | --          | -- | -- | --  | --                       | P  | P  | P          | -- | -- | NONE            |
| Hospital                                           | --          | -- | -- | --  | --                       | S  | S  | S          | -- | -- | NONE            |
| Truck Stop                                         | --          | -- | -- | --  | --                       | -- | -- | --         | P  | P  | NONE            |
| Vehicle Repair, Major                              | --          | -- | -- | --  | --                       | S  | -- | S          | P  | P  | 18.310 & 18.320 |
| Vehicle Repair, Minor                              | --          | -- | -- | --  | --                       | P  | -- | P          | P  | -- | 18.310 & 18.320 |
| Vehicle Service Station                            | --          | -- | -- | --  | --                       | P  | -- | P          | P  | P  | 18.330          |
| Vehicle Wash, Cars                                 | --          | -- | -- | --  | --                       | S  | -- | S          | -- | -- | 18.340          |
| Vehicle Wash, Trucks                               | --          | -- | -- | --  | --                       | -- | -- | S          | P  | P  | 18.340          |
| <b>Residential- Group or Common Living</b>         |             |    |    |     |                          |    |    |            |    |    |                 |
| Adult Foster Care Group Home                       | --          | -- | -- | S   | --                       | -- | -- | --         | -- | -- | 18.40           |
| Foster Family Home                                 | P           | P  | P  | P   | --                       | -- | -- | --         | -- | -- | NONE            |
| Foster Family Group Home                           | P           | P  | P  | P   | --                       | -- | -- | --         | -- | -- | NONE            |
| Manufactured Home Community                        | --          | -- | -- | S   | --                       | -- | -- | --         | -- | -- | 18.180          |
| Nursing Home                                       | --          | -- | -- | S   | --                       | P  | P  | --         | -- | -- | NONE            |
| Seasonal Farm Labor Housing                        | S           | -- | -- | --  | --                       | -- | -- | --         | -- | -- | NONE            |
| Probation, Parole, or Sex Offender Home            | --          | -- | -- | --  | --                       | -- | -- | --         | S  | S  | 18.230          |
| State Licensed Residential Facility                | P           | P  | P  | P   | --                       | -- | -- | --         | -- | -- | NONE            |

**TABLE 15.40 D: PRINCIPAL LAND USE REGULATION**

| Use                                                       | Residential |    |    |     | Commercial and Mixed-Use |    |    | Industrial |    |    | Other  |
|-----------------------------------------------------------|-------------|----|----|-----|--------------------------|----|----|------------|----|----|--------|
|                                                           | RR          | SR | VR | MFR | NC                       | GC | OS | MB         | LI | HI |        |
| Substance Abuse Rehabilitation Home                       | --          | -- | -- | --- | --                       | -- | -- | --         | S  | S  | 18.290 |
| <b>Residential- Household Living</b>                      |             |    |    |     |                          |    |    |            |    |    |        |
| Single-Family Detached Dwelling                           | P           | P  | P  | P   | --                       | -- | -- | --         | -- | -- | NONE   |
| Attached Single-Family Dwelling (Two Dwellings)           | --          | P  | P  | P   | --                       | -- | -- | --         | -- | -- | NONE   |
| Attached Single-Family Dwelling (Three or More Dwellings) | --          | -- | P  | P   | --                       | -- | -- | --         | -- | -- | NONE   |
| Multiple-Family Building                                  | --          | -- | -- | P   | --                       | -- | -- | --         | -- | -- | NONE   |
| Mixed-Use Residential                                     | --          | -- | -- | --  | P                        | -- | -- | --         | -- | -- | NONE   |
| <b>Retail Sales</b>                                       |             |    |    |     |                          |    |    |            |    |    |        |
| Bakery, Small Scale                                       | --          | -- | -- | --  | P                        | P  | -- | --         | -- | -- | NONE   |
| Construction And Landscape Supply, Outdoor                | --          | -- | -- | --  | --                       | -- | -- | P          | P  | P  | NONE   |
| Greenhouse And Nursery                                    | S           | -- | -- | --  | --                       | P  | -- | P          | -- | -- | NONE   |
| Retail Sales, Up To 7,500 Square Feet                     | --          | -- | -- | --  | P                        | P  | -- | P          | -- | -- | NONE   |
| Retail Sales, over 7,500 Square Feet                      | --          | -- | -- | --  | --                       | P  | -- | P          | -- | -- | NONE   |
| Vehicle and Equipment Sales and Rental, Major             | --          | -- | -- | --  | --                       | -- | -- | P          | P  | P  | NONE   |
| Vehicle and Equipment Sales and Rental, Minor             | --          | -- | -- | --  | --                       | P  | -- | P          | -- | -- | NONE   |
| <b>Other</b>                                              |             |    |    |     |                          |    |    |            |    |    |        |
| Adult Entertainment Establishments                        | --          | -- | -- | --  | --                       | -- | -- | --         | S  | S  | 18.30  |
| Marihuana Establishments and Facilities                   | --          | -- | -- | --  | --                       | -- | -- | --         | -- | -- | 15.70  |

## SECTION 15.50 ACCESSORY USES AND STRUCTURES

### A. ACCESSORY USES

1. Accessory uses are permitted in conjunction with all permitted and special land uses. The Zoning Administrator shall review and determine allowable accessory uses to ensure that they are customarily associated with the permitted or special land use and are both incidental and subordinate to the principal use.
2. If a use is noted as “(SFD),” this indicates that the accessory use is only permissible to be accessory to a single-family detached dwelling.

| TABLE 15.50 A: ACCESSORY LAND USE REGULATION                     |             |     |     |     |                          |     |     |            |     |     |          |
|------------------------------------------------------------------|-------------|-----|-----|-----|--------------------------|-----|-----|------------|-----|-----|----------|
| Use                                                              | Residential |     |     |     | Commercial and Mixed-Use |     |     | Industrial |     |     | Other    |
|                                                                  | RR          | SR  | VR  | MFR | NC                       | GC  | OS  | MB         | LI  | HI  |          |
| Accessory to Residential Principal Use                           |             |     |     |     |                          |     |     |            |     |     |          |
| Accessory Dwelling Unit (SFD)                                    | P           | P   | P   | P   | --                       | --  | --  | --         | --  | --  | NONE     |
| Adult Day Care Home                                              | P           | P   | P   | P   | --                       | --  | --  | --         | --  | --  | NONE     |
| Child Day Care, Family Day Care Home (SFD)                       | P           | P   | P   | P   | --                       | --  | --  | --         | --  | --  | NONE     |
| Child Day Care, Group Day Care Home (SFD)                        | S           | S   | S   | S   | --                       | --  | --  | --         | --  | --  | 18.110 A |
| Community Mental Health Services Program at a Residence (SFD)    | P           | P   | P   | P   | --                       | --  | --  | --         | --  | --  | NONE     |
| Home Occupation (0-1 non-resident employees)                     | P           | P   | P   | P   | P                        | --  | --  | --         | --  | --  | 18.150   |
| Home Occupation (2-4 non-resident employees or group activities) | S           | S   | --  | --  | --                       | --  | --  | --         | --  | --  | 18.150   |
| Home Office                                                      | P           | P   | P   | P   | P                        | --  | --  | --         | --  | --  | NONE     |
| Keeping of Animals and Bees, Non-Commercial (SFD)                | P           | P   | P   | P   | --                       | --  | --  | --         | --  | --  | 18.170   |
| Pool                                                             | P           | P   | P   | P   |                          |     |     | --         |     |     | NONE     |
| Qualified Residential Treatment Program (SFD)                    | P           | P   | P   | P   | --                       | --  | --  | --         | --  | --  | NONE     |
| Residential Community Amenities                                  | P           | P   | P   | P   | --                       | --  | --  | --         | --  | --  | NONE     |
| Accessory to Non-Residential Principal Use                       |             |     |     |     |                          |     |     |            |     |     |          |
| Accessory Building, Farm                                         | P           | P   | P   | P   | --                       | --  | --  | --         | --  | --  | 18.130   |
| Accessory Building                                               | S/P         | S/P | S/P | S/P | S/P                      | S/P | S/P | S/P        | S/P | S/P | 18.20 B  |
| Accessory Structure                                              | S/P         | S/P | S/P | S/P | S/P                      | S/P | S/P | S/P        | S/P | S/P | 18.20 E  |
| Automated Teller Machine (ATM)                                   | --          | --  | --  | --  | P                        | P   | P   | P          | P   | P   |          |
| Drive-Through Service                                            | --          | --  | --  | --  | --                       | S   | S   | S          | --  | --  | 18.120   |
| Outdoor Display and Sales                                        | --          | --  | --  | --  | --                       | S/P | --  | S/P        | S/P | S/P | 18.200   |
| Outdoor Dining and Service                                       | --          | --  | --  | --  | P                        | P   | P   | P          | --  | --  | NONE     |
| Outdoor Storage                                                  | --          | --  | --  | --  | --                       | S   | --  | S          | P   | P   | 18.120   |

**TABLE 15.50 A: ACCESSORY LAND USE REGULATION**

| Use                                                | Residential |     |     |     | Commercial and Mixed-Use |     |     | Industrial |     |     | Other    |
|----------------------------------------------------|-------------|-----|-----|-----|--------------------------|-----|-----|------------|-----|-----|----------|
|                                                    | RR          | SR  | VR  | MFR | NC                       | GC  | OS  | MB         | LI  | HI  |          |
| Sidewalk Sales                                     | --          | --  | --  | --  | P                        | P   | --  | P          | --  | --  |          |
| <b>Accessory to Any Principal Use</b>              |             |     |     |     |                          |     |     |            |     |     |          |
| Accessory Storage Building or Garage               | S/P         | S/P | S/P | S/P | S/P                      | S/P | S/P | S/P        | S/P | S/P | 18.20 A  |
| Accessory Structure                                | S/P         | S/P | S/P | S/P | S/P                      | S/P | S/P | S/P        | S/P | S/P | 18.20 F  |
| Amateur Radio and Over-The-Air Reception Antennas  | P           | P   | P   | P   | P                        | P   | P   | P          | P   | P   | NONE     |
| Commercial Solar Energy System Over Parking Spaces | --          | --  | --  | --  | --                       | S   | S   | S          | S   | S   | 18.270 C |
| Composting, Household                              | P           | P   | P   | P   | --                       | --  | --  | --         | --  | --  | NONE     |
| Electric Vehicle Charging Station, Level 1 or 2    | P           | P   | P   | P   | P                        | P   | P   | P          | P   | P   | NONE     |
| Electric Vehicle Charging Station, Level 3         | --          | --  | --  | --  | S                        | S   | S   | S          | S   | S   | NONE     |
| Solar Energy Collector, Building-Mounted           | P           | P   | P   | P   | P                        | P   | P   | P          | P   | P   | NONE     |
| Solar Energy Collector, Ground-Mounted             | P           | P   | P   | P   | P                        | P   | P   | P          | P   | P   | 18.270 B |
| Wind Turbine                                       | P           | P   | P   | P   | P                        | P   | P   | P          | P   | P   | 18.350   |

## SECTION 15.60 TEMPORARY USES AND STRUCTURES

### A. TEMPORARY USES AND STRUCTURES

If a use is noted as “(SFD),” this indicates that the accessory use is only permissible to be accessory to a single-family detached dwelling.

**TABLE 15.60 A: TEMPORARY LAND USE REGULATION**

| Use                                          | Residential |    |    |     | Commercial and Mixed-Use |    |    | Industrial |    |    | Other    |
|----------------------------------------------|-------------|----|----|-----|--------------------------|----|----|------------|----|----|----------|
|                                              | RR          | SR | VR | MFR | NC                       | GC | OS | MB         | LI | HI |          |
| Temporary Construction Office and Yard       | P           | P  | P  | P   | P                        | P  | P  | P          | P  | P  | 18.300 B |
| Temporary Dwelling (SFD)                     | P           | P  | P  | P   | --                       | -- | -- | --         | -- | -- | 18.300 C |
| Temporary Garage or Yard Sale                | P           | P  | P  | P   | --                       | -- | -- | --         | -- | -- | 18.300 D |
| Temporary Mobile Food Unit                   | --          | -- | -- | --  | P                        | P  | P  | P          | P  | P  | 18.300 E |
| Temporary Sidewalk or Outdoor Sales          | --          | -- | -- | --  | P                        | P  | -- | P          | P  | P  | 18.300 F |
| Temporary Outdoor Seasonal Parking Lot Sales | --          | -- | -- | --  | P                        | P  | -- | P          | -- | -- | 18.300 G |
| Temporary Sales Office                       | P           | P  | P  | P   | --                       | -- | -- | --         | -- | -- | 18.300 H |
| Temporary Storage Unit                       | P           | P  | P  | P   | P                        | P  | P  | P          | P  | P  | 18.300 I |

## **SECTION 15.70 MARIHUANA ESTABLISHMENTS AND FACILITIES**

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### **A. MARIHUANA ESTABLISHMENTS**

Any and all types of a “marihuana establishment,” as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act (or other applicable statute), are completely prohibited in the Township, and may not be established or operated in any zoning district, by any means, including by way of a variance.

### **B. MARIHUANA FACILITIES**

Any and all types of “marihuana facilities” as described in Act 281 of 2016, the Medical Marihuana Facilities Licensing Act (or other applicable statute) are completely prohibited in the Township and may not be established, licensed or operated in any zoning district, by any means, including by way of a variance.

# CHAPTER 16 BUILDING REQUIREMENTS

## SECTION 16.10 INTENT

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### A. INTENT

Building design requirements are intended to ensure that exterior building materials are of high quality, attractive, and consistent with other buildings within the same zoning district and to ensure that architectural features and patterns that provide visual interest and reduce massive aesthetic effects are incorporated into designs. These requirements are intended to ensure:

1. Context-sensitive and compatible infill development in existing neighborhoods;
2. Architectural diversity to avoid repetitive styles of buildings;
3. High-quality and lasting buildings that will add value to the community;
4. A pedestrian and bicycle-friendly environment; and
5. A human-scale built environment.

## SECTION 16.20 GENERAL RESIDENTIAL REQUIREMENTS

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### A. APPLICABILITY

This section applies to all residential buildings unless otherwise specified. This section does not apply to dwellings within approved manufactured home communities.

### B. BUILDING REQUIREMENTS

1. **Building Code.** Dwellings shall comply in all respects with the Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are more restrictive than those imposed by the Building Code, then, and in that event, such federal or state standards or regulations shall apply. Any exterior addition shall be of the same construction and materials as the original structure.
2. **Foundations.**
  - a. Every dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code.
  - b. All foundations outside of manufactured housing communities need to be full perimeter and frost protected, such as full basements, crawlspaces, or slab-on-grade homes. Piers for porches, decks, and sunrooms are allowed without perimeter requirement up to 500 sq. ft.
  - c. In the event that the dwelling is a mobile home, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home/Manufactured Home Commission and shall have a perimeter wall as required above.

3. **Primary Siding Material.** Durable materials and quality materials shall be used for siding on all residential buildings, including the following:
- a. Brick;
  - b. Stone;
  - c. Cementitious material;
  - d. Wood siding;
  - e. Vinyl (as certified by the Vinyl Siding Institute or minimum thickness of 0.44 mm, whichever is greater);
  - f. Glass;
  - g. Metal; and
  - h. Other materials approved by the Planning Commission.

**C. BASEMENT DWELLINGS PROHIBITED**

The use of any basement, as defined in Chapter 35, as a dwelling unit is prohibited.

**D. MANUFACTURED HOMES AS DETACHED DWELLINGS**

- 1. **Zoning Compliance.** All manufactured homes shall meet the same zoning and building requirements as single-family detached homes.
- 2. **Park Models.** Park models outside of manufactured home communities are prohibited.
- 3. **Equipment for Mobility.** As applicable, all towing devices, wheels, axles, and hitches must be removed prior to the issuance of a certificate of occupancy. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.

**E. ATTACHED GARAGES**

Attached garages shall not exceed 50 percent of the gross floor area of the entire residential building.

**F. SINGLE-FAMILY DETACHED DEVELOPMENT VARIETY**

- 1. **House Models.** A single-family detached residential development shall have a variety of house models. Table 16.20 F indicates the minimum number of different types of house models for developments of various sizes.

| TABLE 16.20 F: MINIMUM NUMBER OF HOUSE MODELS |         |
|-----------------------------------------------|---------|
| Size of Development                           | Minimum |
| 2-20 Buildings                                | 2       |
| 21-30 Buildings                               | 3       |
| 31-40 Buildings                               | 4       |
| 41 or More Buildings                          | 5       |

- 2. **Characteristics.** Each house model shall have multiple characteristics that clearly distinguish it from the other house models, such as different exterior materials, rooflines, garage placement, architectural style, number of stories, and/or building face.
- 3. **Adjacency.** No more than two (2) of the same house model can be located adjacent to one another in

developments that require three (3) or more house models.

## **SECTION 16.30 SR REQUIREMENTS FOR ATTACHED DWELLINGS**

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### **A. APPLICABILITY**

This section applies to all single-family attached dwellings in the Suburban Residential (SR) zoning district.

### **B. MAXIMUM NUMBER OF ATTACHED DWELLING UNITS**

In residential developments (plat, site condominium, and conventional condominium) with 11 or more units, no more than 10 percent of dwelling units shall be single-family attached dwellings.

### **C. LOCAL ROAD OR PRIVATE STREET ACCESS**

Driveway access to county primary roads is prohibited.

## **SECTION 16.40 VR & MFR REQUIREMENTS FOR DETACHED DWELLINGS**

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### **A. APPLICABILITY**

This section applies to all single-family detached dwellings in the Village Residential (VR) and Multiple Family Residential (MFR) zoning districts.

### **B. ORIENTATION AND PLACEMENT**

1. **Established Patterns.** The orientation of the primary entry and building facade shall be consistent with the established pattern along the same side of the block.
2. **Placement.** Buildings shall not be constructed diagonally or skewed on the lot.

### **C. BUILDING MATERIALS AND DESIGN**

1. **Entry and Connection.**
  - a. All residential units shall provide a pedestrian door facing the front lot line accessing the first story. The front door may be elevated.
  - b. Required pedestrian entry doors must feature a stoop, covered entry, portico, or porch, along with a paved walkway connecting to the sidewalk.
2. **Window Transparency.** A minimum of 10 percent of a building façade shall be transparent glass. Garage door windows do not count for transparency requirements.
3. **Exterior Walls.**
  - a. All street-facing façades must consist of exterior-rated brick veneer, stone veneer, wood, fiber cement, or similar siding.
  - b. Non-street facing façade wall materials shall be visually divided by the use of belt coursing, awnings, windows, or similar treatments to avoid large expanses of monotonous walls.
4. **Eaves.** Eaves must be a minimum of 12 inches in depth. An eave is the distance between the side wall of the structure and the fascia, not including the gutter.
5. **Gable Ends.** Gable ends must be a minimum of eight (8) inches in depth.
6. **Front Porches.** Each unit's front elevation must feature a street-facing porch five (5) feet in depth.

minimum, and the porch(es) will be a minimum 40 percent of the total length of the street-facing building façade.

7. **Garage Doors.** If a garage door is located on a building façade, it must be set back five (5) feet from the building foundation line and feature a pent roof, or other projecting decorative element (e.g., awning, trellis, balcony, etc.) extending the width of the garage door(s). A single-bay door shall be a maximum of nine (9) feet wide, and a two (2) bay door shall be a maximum of 16 feet wide. If two (2) doors or more doors are present, they must be divided by a minimum one (1) foot wide column. Garages facing to the side or rear, or detached rear yard garages, are not subject to this requirement.

## **SECTION 16.50 VR REQUIREMENTS FOR ATTACHED DWELLINGS**

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### **A. APPLICABILITY**

This section applies to all single-family attached dwellings in the Village Residential (VR) zoning district.

### **B. ORIENTATION AND PLACEMENT**

1. **Established Patterns.** The orientation of the building facade shall be consistent with the established pattern along the same side of the block and include at least one (1) entry facing the primary street frontage.
2. **Placement.** Buildings shall not be constructed diagonally or skewed on the lot unless approved otherwise by the Planning Commission.

### **C. GARAGES**

1. **Attached Garages.** Attached garages shall not face the primary street frontage.
2. **Detached Garages.** Detached garages shall be placed in the rear yard.
3. **Access.** Garages shall be accessed by a rear alley or a driveway that extends to the rear yard of the property from one side of the building.

### **D. BUILDING MATERIALS AND DESIGN**

1. **Entry and Connection.**
  - a. All residential units shall provide a pedestrian door facing the street/front lot line accessing the first story (front door may be elevated), except end or second-story units, which may face other yards. In the case of two-unit buildings, at least one shall face the street/front lot line.
  - b. Required pedestrian entry doors must feature a stoop, covered entry, portico, or porch, along with a paved walkway connecting to the sidewalk.
2. **Window Transparency.** A minimum of 10 percent of a building façade shall be transparent glass.
3. **Exterior Walls.**
  - a. All street-facing façades must consist of exterior-rated brick veneer, stone veneer, wood, fiber cement, or similar siding.
  - b. Non-street facing façade wall materials shall be visually divided by the use of belt coursing, awnings, windows, or similar treatments to avoid large expanses of monotonous walls.
4. **Eaves.** Eaves must be a minimum of 12 inches in depth. An eave is the distance between the side wall of the structure and the fascia, not including the gutter.

5. **Gable Ends.** Gable ends must be a minimum of eight (8) inches in depth.

#### E. DEVELOPMENT MIX

Residential developments (plat, site condominium, and conventional condominium) with 11 or more units in the VR zoning district shall include a mix of housing types in accordance with Table 16.30 E.

| TABLE 16.30 E: VR DEVELOPMENT MIX |                             |
|-----------------------------------|-----------------------------|
| Type                              | Minimum Percentage of Units |
| Single-Family Detached Dwellings  | 60%                         |
| Single-Family Attached Buildings  | 20%                         |

### SECTION 16.60 MULTIPLE-FAMILY RESIDENTIAL AND NURSING HOMES

#### A. APPLICABILITY

This section applies to all multiple-family residential buildings and nursing homes in all zoning districts in which they are allowable.

#### B. ORIENTATION AND PLACEMENT

To the maximum extent feasible, the primary entrance and façade of individual buildings within a multi-family development shall be oriented towards the following:

1. Primary, internal, or perimeter streets; or
2. Common open space, such as interior courtyards, parks, or on-site natural areas or features with a clearly defined and easily accessible pedestrian circulation system.

#### C. GARAGES

1. **Location.** Garage entries shall be internal to the property in building groupings and located away from street frontages unless accessed using an alley.
2. **Doors.** Garage doors shall not face public or private streets unless located behind the rear building line of the building which it serves.

#### D. BUILDING MATERIALS AND DESIGN

1. **Entry and Connection.** At least one pedestrian entry door shall feature a stoop, covered entry, portico, or porch, along with a paved walkway connecting to the sidewalk.
2. **Window Transparency.** A minimum of 10 percent of a building façade shall be transparent glass. Garage door windows do not count for transparency requirements.
3. **Exterior Walls.**
  - a. All street-facing façades must consist of exterior-rated brick veneer, stone veneer, wood, fiber cement, or similar siding.
  - b. Non-street facing façade wall materials shall be visually divided by the use of belt coursing, awnings, windows, or similar treatments to avoid large expanses of monotonous walls.
4. **Eaves.** Eaves must be a minimum of 12 inches in depth. An eave is the distance between the side wall of the structure and the fascia, not including the gutter.

5. **Gable Ends.** Gable ends must be a minimum of eight (8) inches in depth.

#### E. MASSING AND FORM

For the purpose of reducing the overall bulk and mass of individual buildings, one (1) or more of the following techniques shall be incorporated into the building design:

1. **Step Backs.** Breaking up the mass of the multi-family building by stepping back the façade (minimum two feet deep and one foot wide) for every 30 feet of building frontage so that the building appears from the street to be separate homes;
2. **Organization.** Organizing units around a central courtyard that maintains the impression of the traditional side yard setback between units along the street frontage; or
3. **Arrangement.** Designing the family building so that the massing, arrangement of architectural elements, and use of exterior materials give the appearance of a large single-family home or townhomes.

#### F. FOUR-SIDED DESIGN

Although the front facade of a building is expected to be the primary focal point in terms of the level of architectural character and features, all sides of a residential building shall incorporate architectural detailing that complements the front facade and provides visual interest. Blank walls void of architectural detailing are prohibited. Five (5) architectural features listed below shall be incorporated into the overall design on each side of the building.

1. Covered porches;
2. Balconies;
3. Prominent entry features;
4. Windows;
5. Door openings;
6. Distinct variations in color (not a slight variation of a similar hue, such as beige or pastel);
7. Variations in materials;
8. Variations in building height;
9. Variation in roof form;
10. Dormers;
11. Projected or recessed building walls; or
12. Another architectural feature as approved by the Planning Commission.

### SECTION 16.70 GENERAL NON-RESIDENTIAL REQUIREMENTS

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#### A. APPLICABILITY

This section applies to all non-residential buildings in all zoning districts.

#### B. ARCHITECTURAL ARTICULATION

1. **Applicability.** All building facades shall have horizontal and vertical architectural articulation if exceeding the widths noted in Section 16.60 B.1. Architectural articulation is a repeating pattern in accordance with

## Section 16.60 B.2.

- a. Over 32 feet in residential districts, commercial districts, and mixed-use districts.
  - b. Over 50 feet in industrial districts.
2. **Repeating Pattern.** Building facades shall include a repeating pattern that shall include no less than three (3) elements listed below. These elements shall be integral parts of the building fabric and not superficially applied trim or graphics. At least one (1) of these elements shall repeat horizontally:
- a. Color and texture change;
  - b. Material change;
  - c. Step backs;
  - d. Change in building, parapet, or roofline height. If used to comply with this standard, the minimum change in roofline shall be two (2) feet;
  - e. Porches, roof overhangs, awnings, canopies, or marquees extending at least four (4) feet beyond the building face; and
  - f. Expression of architectural detail through a change of plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.

**C. ROOFTOP EQUIPMENT**

- 1. **Design and Screening.** Roof-mounted equipment shall be an integral part of the building's overall architectural design and shall be screened from view to the extent practicable from public rights-of-way, residential land uses, public parking areas, and/or adjacent properties using parapet walls or other means of screening.
- 2. **Review.** When reviewing the type and amount of screening, the Zoning Administrator shall consider the following:
  - a. The proximity of the development to surrounding residential land uses and the visual impact that roof-mounted equipment may have upon those surrounding residential land uses.
  - b. The number and size of roof-mounted equipment. The greater the number and/or size, the more screening may be warranted.
- 3. **Color and Finish.** Roof-mounted equipment shall be neutral earth-toned colors that have a matte finish and are compatible with the primary building façade. In no case shall rooftop mechanical equipment be galvanized, shiny, white, off-white, or other light colors that can be observed from a distance.

**SECTION 16.80 NC REQUIREMENTS FOR NON-RESIDENTIAL BUILDINGS****A. APPLICABILITY**

This section applies to all mixed-use and non-residential buildings in the Neighborhood Commercial (NC) zoning district.

**B. BUILDING MATERIALS**

- 1. On the first story of the street facing façades, wall materials must consist of brick, stone, wood, or fiber cement siding. Vinyl siding is permitted above the first floor/first story.
- 2. Buildings must have a minimum of one (1) functional entry for every 60 feet of façade along the front lot

line and 100 feet of façade along side lot lines, or a fraction thereof, along sidewalks.

3. Any ground-floor building façade along a street must exhibit 33-80 percent clear glass windows on the ground floor.

## **SECTION 16.90 DEVIATIONS**

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### **A. ARCHITECTURAL DEVIATIONS**

Deviations from the requirements of this chapter may be authorized by the Planning Commission.

### **B. CONSIDERATIONS.**

In determining if a deviation is warranted, the following shall be considered:

1. The proposed architectural design and/or building material is equal or superior to these requirements as it relates to achieving the character desired by this section.
2. The proposed architectural design and/or building material better fits the character of the area than when it strictly conforms to the requirements of this section.
3. The deviation has no significant visual impact or distinction from the public right-of-way or adjacent properties.
4. The applicant shall demonstrate that conformance with the requirements is impractical due to complexity, but this factor shall not by itself be the reason for granting a deviation.

### **C. CONDITIONS**

The Planning Commission may attach conditions necessary to uphold the intent of this chapter.

# CHAPTER 17 GENERAL REQUIREMENTS

## **SECTION 17.10 INTENT**

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This chapter contains requirements that are applicable for situations that may occur in any location in Gaines Charter Township regardless of the zoning district involved unless otherwise expressly specified.

## **SECTION 17.20 GENERAL COMPLIANCE AND PROPERTY CONDITIONS**

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### **A. COMPLIANCE WITH THIS ORDINANCE**

Except as otherwise expressly provided in this Ordinance, no building, structure, or premises shall be used or occupied, and no building or part of any building or other structure shall be erected, razed, moved, used, placed, reconstructed, extended, enlarged, or altered, except in full conformity with the provisions of this Ordinance.

### **B. PURPOSE, CONFLICT**

General regulations apply to all zoning districts and properties except as otherwise expressly noted herein. Where requirements of a general provision and a zoning district regulation differ, the more restrictive requirement shall prevail.

### **C. UNLAWFUL BUILDINGS AND USES**

Any building, use, or lot that has been unlawfully constructed, occupied, or created prior to the date of adoption of this Ordinance shall continue to be unlawful unless expressly allowed by this Ordinance. Such unlawful buildings, uses, or lots shall not be considered to be lawful nonconforming buildings, uses, or lots and shall not be afforded any protections or allowances otherwise granted to lawful nonconforming buildings, uses, or lots.

### **D. FIRE PREVENTION CONSIDERATIONS**

For any use within the Township, consideration shall be given to the service capability of the local fire authority. The Zoning Administrator shall consult with the Fire Official as needed to implement the provisions of this ordinance relating to fire safety, as well as the provisions of the Fire Code.

### **E. TRASH, LITTER, OR JUNK**

It shall be unlawful for any person to accumulate, place, store, or allow or permit the accumulation, placement, or storage of trash, litter, or junk on premises in the Township, except in a lawful sanitary landfill, a lawful junkyard, or not to exceed seven (7) days storage in watertight storage receptacles designed for the temporary accumulation of trash. Waste receptacles and trash shall not be left unattended in any yard longer than a period of 24 hours unless they are kept or enclosed in a permanent structure designed to prevent disturbance of such receptacles by animals or severe weather conditions.

### **F. RESTORING UNSAFE BUILDINGS**

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the building official or required to comply with their lawful order, provided that such restoration shall be subject to and completed in accordance with building code and all

other applicable ordinances. Lawfully nonconforming buildings, structures, and uses shall also be subject to the limitations of Section 33.30.

**G. MOVING OF STRUCTURES**

The moving of a structure shall be considered the same as the erection of a new structure. All regulations relative to the erection of new structures shall be met. No building shall be moved without a prior written permit from the Zoning Administrator, who may attach reasonable conditions to such permits.

**H. RAZING OF BUILDINGS**

No building shall be demolished or razed until a permit has been issued by the Building Inspector. A cash bond or irrevocable letter of credit in the amount established by the Township may be required. The applicant must complete the demolition or razing within six (6) months. The applicant shall comply with such reasonable conditions as to health and safety as the Building Inspector may require. Such conditions shall include, but may not be limited to, the filling of holes and the proper disconnection of utilities.

**I. VOTING PLACE**

The provisions of this Ordinance shall not interfere with the temporary use of any property as a voting place in connection with a federal, state, county, municipal, or other public election.

**J. VEHICLES, EQUIPMENT, AND MACHINERY**

1. It shall be unlawful for the owner, tenant, or lessee of any building or land within the Township to permit the open storage or parking of any inoperable motor vehicle, machinery, or equipment, or parts thereof, outside of an enclosed garage or enclosed building, for a period of more than 48 hours. An inoperable motor vehicle, for purposes of this section, shall include motor vehicles which, by reason of dismantling, disrepair, or other cause, are incapable of being propelled under their own power or are unsafe for operation on the streets and highways.
2. It shall be unlawful for the owner, tenant, or lessee of any residentially zoned lot or residential lot to permit the open storage or parking outside of a building of semi-truck tractors and/or semi-truck trailers, bulldozers, earth carriers, cranes, or any other similar equipment or machinery unless parked for purposes of construction being actively conducted on that lot.
3. The repair, restoration, and maintenance of vehicles in any residential district or on property containing a dwelling unit, except as otherwise expressly allowed, shall be conducted entirely within an enclosed building, except for those activities that can be and are completed in less than 48 hours.

**K. SALE OF VEHICLES**

Up to four (4) vehicles can be sold per calendar year on a property as a permitted accessory use. Selling over four (4) vehicles per calendar is considered commercial vehicle sales (see Vehicle and Equipment Sales and Rental, Major and Minor).

**L. GRADE, GRADE MODIFICATIONS, AND LIMITS**

1. A grade modification shall not result in significant negative impacts on surrounding property, local streets and roads, sidewalks, and other public infrastructure. Such impacts include, but are not limited to, an increase in the off-site discharge of surface water unless said increase is based on an approved site plan in which the discharge of surface water has been permitted based on appropriate engineering studies, elimination of natural views through a site, traffic and other safety hazards, and the like.

**2. Grade Limits.**

- a. Sand, dirt, and similar materials shall not be used to build up or add to the natural grade of the land in connection with the installation, building, or expansion of a building or structure if such alteration would, in the opinion of the Zoning Administrator, do any of the following:
- b. Unreasonably increase water runoff or drainage onto one or more adjoining properties due to the amount, concentration, or flowage rate of runoff waters; or
- c. Increase the height of a building or structure so as to unreasonably decrease the view on one or more adjoining properties of a lake, stream or natural vista or create a situation which is incompatible with the surrounding uses. Any party aggrieved by the decision of the Zoning Administrator under this section may appeal that determination to the Zoning Board of Appeals within the time limits and procedures specified in this Ordinance.

**SECTION 17.30 ANTENNAS**

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**A. PERMIT**

A zoning permit is not required for antennas that comply with subsections A and B. However, the Zoning Administrator may approve modifications to the height restriction related to antennas, at their reasonable discretion, if modifications are necessary to comply with federal law.

**B. AMATEUR RADIO**

Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive-only antennas are permitted on all properties, provided the height is no more than the distance from the base of the antenna to the nearest property line.

**C. MISCELLANEOUS ANTENNAS**

Antennas used for reception of television, multi-channel video programming, and radio, such as over-the-air-reception-devices ("OTARD") antennas, television broadcast band antennas, and broadcast radio antennas are permitted on all properties, provided the height be no more than the distance from the base of the antenna to the nearest property line.

**SECTION 17.40 FENCES AND WALLS**

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**A. MEASUREMENT**

Fences and walls shall be measured from the natural grade to the uppermost portion of the fence or wall.

**B. RESTRICTIONS**

- 1. **Right-of-Way and Easements.** Fences and walls are prohibited within a public road right-of-way or private street easement.
- 2. **Clear Area.** Fences are subject to clear area requirements included in Section 3.40 C.

**C. ELECTRIC FENCES**

Fences that contain electric current or charge of electricity shall only be permitted in the RR zoning district for commercial farming purposes, such as confining pasture areas for livestock.

**D. BARBED WIRE**

Fences that contain barbed wire shall only be permitted in the RR zoning districts for commercial farming purposes, such as confining pasture areas for livestock and outdoor storage areas in the I-1 zoning district.

**E. PROPERTY LINE LOCATION**

Fences shall only be placed on the subject property and up to property lines. It is the responsibility of the owner to confirm the location of property lines by identifying property markers and corner irons or by confirming measurements based on a survey of the subject property prepared by a licensed professional surveyor.

**F. HEIGHT**

Fence height requirements are subject to the maximum heights in Table 17.40 F.

| TABLE 17.40 F: MAXIMUM FENCE AND WALL HEIGHT                           |                                       |                                              |
|------------------------------------------------------------------------|---------------------------------------|----------------------------------------------|
| Location on Site                                                       | Zoning District                       |                                              |
|                                                                        | Residential Districts and NC District | OS and GC Districts and Industrial Districts |
| Front Yard (ft.)                                                       | 3                                     | 6                                            |
| Secondary Front Yard on Corner Lot at or Behind Building Setback (ft.) | 6                                     | 6                                            |
| Side and Rear Yard (ft.)                                               | 6                                     | 8                                            |

**G. CONSTRUCTION MATERIAL**

1. **Material.** Fences and walls, including gates, shall be constructed of durable, weather-resistant, rustproof, and easily maintainable materials customarily used in the construction of walls and fences, such as wood, metal, masonry, chain-link, composite, or vinyl.
2. **Finished Side.** If a fence has a finished side, that side shall face outward toward neighboring property.

**H. CONDITIONS**

Fences shall be maintained in good condition and repair at all times to ensure they remain free of deficiencies and are kept upright and firmly fastened to the ground and associated supporting structures.

## SECTION 17.50 FLAGPOLES

**A. PERMIT**

A zoning permit shall be obtained prior to the construction or installation of a permanent freestanding flagpole.

**B. REQUIREMENTS**

Freestanding flagpoles are subject to the following requirements:

| <b>TABLE 17.50 B: FLAGPOLE REQUIREMENTS</b> |                             |                                                      |
|---------------------------------------------|-----------------------------|------------------------------------------------------|
| <b>Requirement</b>                          | <b>Principal Use of Lot</b> |                                                      |
|                                             | <b>Residential or Farm</b>  | <b>Non-Residential</b>                               |
| Maximum number of freestanding flag poles   | 2                           | One (1) per 50 feet of street frontage per lot       |
| Maximum height (ft.)                        | 25                          | 50                                                   |
| Minimum setback from property lines (ft.)   | 25                          | 25 ft. plus 1 ft. for each ft. of height over 25 ft. |

## **SECTION 17.60 GROUND-MOUNTED EQUIPMENT AND OUTDOOR HEATING UNITS**

**A. GROUND-MOUNTED EQUIPMENT**

1. Ground-mounted equipment may be approved through the applicable site plan, zoning, or building permitting process.
2. Ground-mounted mechanical and utility equipment located on non-residential properties within view of customer entrances or public rights-of-way shall be:
  - a. Integrated into the overall site design, the architectural design of the building, and screened from public view using one or a combination of the following: or
  - b. Screened with:
    - i. A decorative wall, fence, or enclosure that is constructed of materials that are compatible with the overall architectural design of the development and of a height that is not less than the height of the equipment to be screened; or
    - ii. Landscaping that can effectively soften and screen the equipment and that is integrated into the overall landscaping plan.

**B. OUTDOOR HEATING UNITS**

The following shall be applicable to all outdoor heating units within the Township:

1. No outdoor heating unit shall be installed, modified, maintained, or utilized within Gaines Charter Township unless a zoning permit has been issued for the same.
2. No outdoor heating unit shall be located within a front yard, and every outdoor heating unit must comply with all setback requirements applicable to structures or buildings.
3. Any outdoor heating unit installed or located within 1,320 feet of a dwelling (other than a dwelling on the lot or parcel where the outdoor heating unit is located) must have a certification from the Federal Environmental Protection Agency (or successor agency) and must be presented to the Township before a zoning permit will be issued.
4. Every owner of an outdoor heating unit shall be responsible for complying with all applicable fire code and other code requirements, as well as any and all insurance standards and requirements. Every owner of an outdoor heating unit must also comply with all applicable mechanical and electrical codes.

5. The height of the smokestack or chimney for each outdoor heating unit shall be at least 15 feet tall. Each outdoor heating unit shall have a working smokestack or chimney.
6. Any building or structure built around an outdoor heating unit shall have at least three open sides and shall comply with all applicable fire code, mechanical code, and other codes or ordinance requirements.
7. None of the following items or materials shall not be burned or incinerated in an outdoor heating unit:
8. Animal carcasses, paint, asphalt product, paint thinner, chemicals, particle board, coal, construction materials, petroleum, demolition debris, plastic, feces, plywood, garbage, rubber, manure, and tires.

## SECTION 17.70 POOLS

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### A. PERMITS

A zoning permit and a building permit shall be obtained prior to the construction or installation of any pool.

### B. LOCATION

No pool shall be located in a front yard unless 200 feet from abutting street right-of-way or street easement.

### C. SETBACKS

The minimum side and rear setback for pools is 10 feet.

### D. BUILDING CODE

Pools and pool fencing, barriers, and covers shall be installed per the Michigan Building Code and the International Swimming Pool and Spa Code.

## SECTION 17.80 RECREATIONAL VEHICLES

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### A. INTENT

This section only applies to recreational vehicles intended for camping or travel purposes with areas for sleeping purposes, including travel trailers, camping trailers, motor homes, and truck campers. However, this does not apply to any recreational vehicle at a campground, recreational vehicle park, or self-storage facility.

### B. REQUIREMENTS

1. **Principal Building.** Recreational vehicles shall not be stored or parked on any property without a principal building.
2. **Setbacks.** Recreational vehicles shall not be parked within the minimum setbacks required for principal buildings.
3. **Location.**
  - a. Recreational vehicles shall not be parked in front yards or secondary front yards except if on a formal driveway surface.
  - b. Recreational vehicles may be stored for extended periods outside of principal building setbacks in side or rear yards, provided the vehicle is on a hard-surfaced, stone, or gravel area suitable for that purpose and is screened from view of adjoining properties in accordance with the requirements of Section 23.70.

4. **Number.**

- a. No more than one (1) recreational vehicle shall be parked on lots under one (1) acre.
- b. No more than two (2) recreational vehicles shall be parked on lots one (1) acre or greater.

5. **Licensing and Condition.** Unless stored or parked at a commercial storage facility or a repair facility, all recreational vehicles shall be licensed, operable, and regularly used for their intended purposes.

6. **Connections.** Recreational vehicles shall not be connected to a permanent dedicated power source or to well and septic service.

**C. LIVING PURPOSES PROHIBITED**

Recreational vehicles are not considered single-family dwellings or lawful residential dwellings and are prohibited from being used for living or habitation purposes unless approved as a temporary dwelling in accordance with Section 18.300 C.

**D. TEMPORARY STAYS**

Recreational vehicles may be used for temporary guest stays for periods not to exceed 10 days no more than twice per calendar year, provided the recreational vehicle:

- 1. contains sleeping accommodations;
- 2. is solely for the use of the owner of the lot or guests of the owner; and
- 3. is parked on a driveway outside the required front and side street setbacks.

## **SECTION 17.90 WATER, SEWER, AND UTILITIES**

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**A. PURPOSE**

The purpose of this section is to protect public health and the natural environment by requiring proper permitting for water and sanitary disposal systems and authorizing essential public services.

**B. WATER AND SANITARY SEWER SERVICE**

- 1. **Public Water and Sewer Connection.** All lots intended to be used for non-residential buildings shall be served by public water and public sewer. At its discretion, the approval authority may waive this requirement after consideration of the following:
  - a. The area is not located within a water or sewer service area.
  - b. Due to the unique physical features of the land, or based on future infrastructure planning, water or sewer service is not considered to be technically feasible or financially reasonable.
  - c. The review and recommendation of the Township Engineer, Fire Department, and the Kent County Health Department.
- 2. **Private Well and Septic.** If public water and public sewer connections are waived, well and septic permits shall be secured from the Kent County Health Department prior to the issuance of a building permit for the project.

**C. ESSENTIAL PUBLIC SERVICES**

- 1. **Locations.** The construction, alteration, or maintenance of essential public services shall be permitted in any zoning district and shall be exempt from the application of this Ordinance; provided, buildings, parking

areas, and other uses or structures accessory to the essential service shall not be exempt and shall conform to all applicable ordinance requirements and procedures. This provision, however, shall not be construed to waive the rights of Gaines Charter Township to require that specific services be installed underground.

2. **General Requirements.** The following additional requirements shall apply:
  - a. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct the passage of persons or materials.
  - b. Public utility or governmental unit facilities shall be constructed and maintained in a neat and orderly manner. Any building that is constructed shall be landscaped and shall conform to the general character of the architecture of the surrounding neighborhood.
  - c. Facilities shall be subject to buffer type "B" per Section 23.60.

## CHAPTER 18 SPECIFIC USE REQUIREMENTS

### SECTION 18.10 INTENT

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This chapter outlines conditions applicable to specific land uses based on the unique or special operational characteristics that warrant additional regulations to protect public health, safety, and welfare. These requirements apply in addition to all the regulations of the zoning district in which the use, structure, or building is located, as well as all other applicable requirements in this Ordinance.

### SECTION 18.20 ACCESSORY BUILDINGS, STRUCTURES, AND USES

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#### A. RESIDENTIAL ACCESSORY STORAGE BUILDINGS AND DETACHED GARAGES

1. **Principal Building.** An accessory building may be built on a lot if there is a principal building located on the lot or if a building permit has been issued for the construction of both an accessory building and a principal building on the same lot and the use of the accessory building is incidental to the active construction of the principal building.
2. **Use and Construction of Accessory Buildings.** Accessory buildings shall be stick-built or the equivalent of new building construction. No mobile home, tank, junk object, salvage materials, trailer, tank, shipping container, vehicle, or similar item shall be utilized as an accessory building or storage structure; provided, however, that such requirement shall not be applicable to bona fide agricultural storage or activities, or to tool sheds or similar temporary storage structures utilized pursuant to the construction of a building, so long as the period of construction does not exceed one (1) year.
3. **Sleeping Quarters.** No portion of an accessory building shall be utilized as a dwelling, for habitation, or for sleeping quarters except where otherwise expressly permitted in this Ordinance.
4. **Shipping Containers.** Shipping containers are prohibited from being used as accessory buildings or structures.
5. **Location.** Accessory buildings shall be located in side or rear yards. However, accessory buildings may also be placed in front and secondary front yards outside of the required setback in the Rural Residential zoning district if obscured from view with a Type C Buffer (see Section 23.60).
6. **Architectural Character.** The architectural character of all accessory buildings shall be compatible with and similar to the principal building.
7. **Connection.** Accessory buildings or garages shall be considered to be part of the main building if structurally and architecturally integrated into the main building or if attached by an enclosed breezeway or similar enclosed structure not more than 10 feet in length. The enclosed breezeway connection shall comply with the foundation requirements of Section 16.20 B.
8. **Dimension and Numeric Requirements.** Accessory buildings shall comply with all dimensional and numeric requirements of Table 18.20. Accessory buildings for lawful nonconforming residential buildings in mixed-use and commercial zoning districts and industrial zoning districts shall comply with the dimensional and numerical requirements for the Suburban Residential zoning district.

**TABLE 18.20 A: ACCESSORY BUILDING DIMENSIONAL AND NUMERIC REQUIREMENTS**

| Location on Site                                      |                                 | Zoning District                                         |                                                                                   |                                                                                     |                             |
|-------------------------------------------------------|---------------------------------|---------------------------------------------------------|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------------|
|                                                       |                                 | Rural Residential                                       | Suburban Residential                                                              | Village Residential                                                                 | Multiple-Family Residential |
| <b>Accessory Building Less Than 200 Square Feet</b>   |                                 |                                                         |                                                                                   |                                                                                     |                             |
| Min. Setback (ft.)                                    | Front                           | 60                                                      | Greater than or equal to the established front setback for the principal building |                                                                                     |                             |
|                                                       | Side Street                     | 60                                                      | Greater than or equal to the established front setback for the principal building |                                                                                     |                             |
|                                                       | Side                            | 3                                                       | 3                                                                                 | 3                                                                                   | 3                           |
|                                                       | Rear                            | 3                                                       | 3                                                                                 | 3                                                                                   | 3                           |
| <b>Accessory Buildings 200 Square Feet or Greater</b> |                                 |                                                         |                                                                                   |                                                                                     |                             |
| Min. Setback (ft.)                                    | Front                           | 60                                                      | Greater than or equal to the established front setback for the principal building |                                                                                     |                             |
|                                                       | Side Street                     | 60                                                      | Greater than or equal to the established front setback for the principal building |                                                                                     |                             |
|                                                       | Side                            | 20                                                      | 8                                                                                 | 8                                                                                   | 8                           |
|                                                       | Rear                            | 5                                                       | 5                                                                                 | 5                                                                                   | 5                           |
| <b>Requirements for All Accessory Buildings</b>       |                                 |                                                         |                                                                                   |                                                                                     |                             |
| Separation from Other Buildings (ft.)                 |                                 | 10                                                      | 10                                                                                | 10                                                                                  | 10                          |
| Maximum Height (ft.)                                  |                                 | 25                                                      | 16                                                                                | 16                                                                                  | 16                          |
| Maximum Square Footage (s.f.)                         | Lot less than 6,500 square feet | 576 per detached dwelling plus one building 200 or less | 576 per detached dwelling plus one building 200 or less                           | 576 per detached dwelling plus one building 200 or less / 576 per detached dwelling | 576 per detached dwelling   |
|                                                       | 6,500 to 9,999 s.f. Lot         | 864 per detached dwelling plus one building 200 or less | 864 per detached dwelling plus one building 200 or less                           | 864 per detached dwelling plus one building 200 or less / 576 per detached dwelling | 576 per detached dwelling   |
|                                                       | 10,000 to 19,999 s.f. Lot       | 864 per detached dwelling plus one building 200 or less | 864 per detached dwelling plus one building 200 or less                           | 864 per detached dwelling plus one building 200 or less / 576 per detached dwelling | 576 per detached dwelling   |

**TABLE 18.20 A: ACCESSORY BUILDING DIMENSIONAL AND NUMERIC REQUIREMENTS**

| Location on Site                      |                                 | Zoning District                                                                                                                 |                                                           |                                                                                     |                             |
|---------------------------------------|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------------|
|                                       |                                 | Rural Residential                                                                                                               | Suburban Residential                                      | Village Residential                                                                 | Multiple-Family Residential |
|                                       | 20,000 s.f. to One (1) Acre Lot | 1,296 per detached dwelling plus one building 200 or less                                                                       | 1,296 per detached dwelling plus one building 200 or less | 864 per detached dwelling plus one building 200 or less / 576 per detached dwelling | 576 per detached dwelling   |
|                                       | Greater than One Acre Lot       | 2,400 per detached dwelling plus one building 200 or less plus 500 square feet per whole acre over one (5,000 square feet max.) | 1,296 per detached dwelling plus one building 200 or less | 864 per detached dwelling plus one building 200 or less / 576 per detached dwelling | 576 per detached dwelling   |
| Maximum Number of Accessory Buildings |                                 | No Limit                                                                                                                        | 3                                                         | 2                                                                                   | 1                           |

9. **Oversized Accessory Buildings.** The Planning Commission may consider requests for oversized accessory building square footage through the special land use process (Chapter 27). In addition to special land use and site plan standards of approval, the Planning Commission shall also consider the following factors:

- Whether the intended use of the accessory building(s) is authorized within the applicable zoning district.
- The size, type of construction, and general architectural character of the residential accessory building(s) are compatible with buildings in the vicinity.
- The resulting increase in size and scale of the residential accessory building(s) does not result in a visible impact that is overly obtrusive to neighboring residents.
- Proposed setbacks from lot lines and separation from dwellings on the adjacent properties are appropriate based on the size and scale of the proposed accessory building(s).
- If the property is intended to be divided in the future, the location of the residential accessory building(s) does not impact the ability to divide the land in a compliant manner while maintaining required setbacks from the building(s).
- The increase in residential accessory building square footage does not result in adverse stormwater runoff impact and degradation of sensitive natural resources.

## **B. NON-RESIDENTIAL ACCESSORY STORAGE BUILDINGS AND DETACHED GARAGES**

1. **Dimensional Requirements.** Accessory buildings for authorized non-residential uses in residential zoning districts and non-residential uses in non-residential zoning districts shall be subject to all of the requirements for principal buildings.

**2. Size.**

- a. NC, GC, and MB Districts. The total square footage of accessory buildings on a lot shall not exceed the square footage of the principal building on the lot on which they are situated.
- b. LI and HI. The total square footage of accessory buildings on a lot shall not exceed the square footage of the principal building on the lot on which they are situated. However, if the use involves a collective use of buildings for general business operations, there is no limitation on building sizes.

**C. FARM BUILDINGS**

See Section 18.130.

**D. ACCESSORY DWELLING UNITS**

**1. General Requirements.**

- a. Accessory dwelling units (ADUs) are limited to lots where single-family dwellings are the principal use.
- b. Number. Only one (1) ADU shall be permitted per principal dwelling and per lot.
- c. Facilities. ADUs shall have their own separate entrances, kitchens, sleeping areas, and full bathroom facilities.
- d. Occupancy.
  - i. The principal dwelling or the accessory dwelling unit shall be occupied and used by the owner as their primary, year-round residence; or
  - ii. The principal dwelling and ADU can be rented under a single contract and only to the same family.
- e. Short-Term Rental Prohibited. ADUs shall not serve as short-term rentals.
- f. Setbacks. Attached accessory dwelling units shall comply with all setback requirements applicable to the principal dwelling. Detached accessory dwelling units shall comply with all setback requirements applicable to accessory buildings.
- g. Appearance. Attached and detached accessory dwellings shall retain a residential appearance consistent with the architectural design and building materials of the principal dwelling, including but not limited to roof material, roof type, siding material, and window type and placement.
- h. Area. Accessory dwelling livable floor area shall not exceed 600 square feet or 50 percent of the livable floor area of the primary dwelling, whichever is lesser. The minimum livable floor area shall be 300 square feet.
- i. Code Compliance. All ADUs shall meet applicable building and fire codes.
- j. Driveway. There shall be no separate driveway access from the ADU to a public or private street.
- k. Septic. An ADU built on a property which requires a septic sanitation system shall have the property inspected and approved by the Health Department to ensure that the septic system has the capacity and functionality to accommodate the ADU.
- l. The property shall be subject to a deed resolution or the equivalent approved by the Township.

**2. Detached ADUs.** The following requirements apply only to detached ADUs.

- a. In addition to the requirements above, the square footage shall also not exceed the maximum

accessory building square footage per Table 18.20 A.

- b. A lot shall not be divided in a manner that separates a detached accessory dwelling unit and principal dwelling unit onto separate lots.
- c. In the case of a detached ADU over garage space, such as a carriage house, the first-floor garage space shall not count against the maximum square footage applicable to the accessory dwelling unit.
- d. The minimum square footage of the ADU shall be the minimum necessary to comply with applicable building codes.
- e. A detached ADU shall not exceed one and a half (1.5) stories. The overall height of a detached ADU shall not exceed the height of the principal dwelling. However, the height of a detached accessory dwelling unit over garage space, such as a carriage house, may exceed the height of a single-story principal dwelling by 14 feet and may be two (2) stories.

#### E. ACCESSORY STRUCTURES

- 1. **General Requirements.** Unless otherwise specified in this ordinance, accessory structures shall comply with the height and setback requirements for principal buildings in the applicable zoning district. Accessory structures include, but are not limited to permanently placed furniture and grilling equipment, pools, playground equipment, trellises, pergolas, yard art, man-made landscaping structures.
- 2. **Carports.** Temporary carports or shelters with flexible roofing are prohibited. Although not defined as “buildings,” carports constructed with permanent foundations, without walls, and with permanent roofs, are subject to all requirements for accessory buildings under Section 18.20 A.

#### F. ACCESSORY USES

- 1. **Residential Accessory Uses.** Accessory uses, as defined, are allowable as long as they do not exceed what is considered normal and typical accessory use of residential property. Intensive or enhanced activities are considered those beyond normal accessory use of property. These uses typically have a greater impact on the surrounding area due to their scale, intensity of use, and potential for generating traffic, noise, light, and other environmental effects. In residential areas, intensive or enhanced activities include but are not limited to, larger-scale recreational facilities with oversized or multiple courts or playing fields, specialized tracks or trails for off-road vehicles, sports complexes, dog parks, private golf courses, places of general public assembly, activities that require significant outdoor storage, any commercial activity that is not otherwise allowable as a home occupation.
- 2. **Non-Residential Accessory Uses.** Non-residential accessory uses are allowable as permitted uses, if the principal use is permitted, and special land uses, of the principal use is a special land use.

### SECTION 18.30 ADULT ENTERTAINMENT ESTABLISHMENTS

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#### A. APPLICABILITY AND INTENT

These standards are intended to regulate adult entertainment establishments businesses, promote the health, safety, morals, and general welfare of the citizens of the Township, and establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Township, thereby helping to reduce and eliminate the adverse secondary effects from such sexually oriented businesses. These standards have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of these standards to restrict or deny access by adults to sexually oriented materials protected by the

First Amendment of the U.S. Constitution or Michigan statute or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of these standards to condone or legitimize the distribution of obscene material.

**B. LOCATION REQUIREMENTS**

1. No adult entertainment use shall be located within 500 feet of the exterior boundary line of any residential zoning district or 500 feet from any residential building.
2. No adult entertainment use shall be located within 500 feet of the exterior boundary of any place of worship, K-12 school, library, day care center, public community center, park, fairground, recreation center, and publicly owned or maintained building opened for use by the general public.
3. No adult entertainment use shall be located within 500 feet of any other adult entertainment use, whether such adult entertainment use is within or outside the Township boundaries.

**C. RETAIL DISPLAY**

No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.

**D. HOURS AND DAYS OF OPERATION**

Hours of operation shall be limited to 8:00 a.m. to 10:00 p.m., Monday through Saturday.

**E. SITE LIGHTING**

In addition to the requirements of Chapter 17 all off-street parking areas shall be illuminated from at least 90 minutes prior to sunset to at least 60 minutes after closing.

**F. GENERAL TOWNSHIP CODE**

Adult entertainment establishments must also comply with Division 2 of Chapter 28 of the Gaines Charter Township Code.

## **SECTION 18.40 ADULT FOSTER CARE GROUP HOME**

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**A. LOCATION**

An adult foster care group home shall be at least 1,000 feet from an adult foster care family home and another adult foster care group home.

**B. STATE REQUIREMENTS**

The facility shall comply with all State of Michigan requirements, as applicable.

## **SECTION 18.50 AGRIBUSINESS**

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**A. APPLICABILITY**

This section applies to agribusinesses in the RR zoning district.

**B. MINIMUM LOT AREA**

A minimum of two (2) acres is required to establish the use.

**C. LOCATION**

Properties for such uses shall meet one of the following criteria:

1. Be a corner lot fronting two (2) existing public streets.
2. Be immediately adjacent to a non-residential zoning district.

**D. RETAIL OR CUSTOMER SERVICE**

Gross floor area attributed to new construction for the purpose of retail trade or on-site customer service shall not exceed 2,000 square feet. Incidental sales of products other than agricultural or rural-area products may be stocked and sold but shall not exceed 25 percent of the total product inventory.

**E. BUILDING SETBACKS**

Buildings shall be set back at least 60 feet from adjacent residential-zoned property. However, in consideration of the site plan associated with the special land use, the township shall consider the placement of buildings and activities as they relate to the potential impact on adjacent properties.

**F. PARKING SETBACKS**

Parking lots shall be set back at least 60 feet from adjacent residential-zoned property.

**G. DESIGN AND BUILDING REQUIREMENTS FOR NEW BUILDINGS**

1. **Siding.** Buildings shall be clad with vertical (board and batten, boards, or v-groove) or horizontal (clapboard) wood or cementitious siding. Accessory storage warehouse buildings are not subject to this requirement.
2. **Roofs.**
  - a. Roofs shall be metal (corrugated, ribbed, or standing seam), architectural single, or slate.
  - b. Cupolas, ventilators, and dormers are encouraged.
  - c. Roof style shall be gable, gambrel, gothic, ogee, round, monitor, half-monitor, or hip design.
  - d. Accessory buildings may have shed roofs.
3. **Wall Lighting Fixtures.** Gooseneck wall-mounted light fixtures, or another comparable style, are required.

**H. PARKING LOT SURFACE**

1. Notwithstanding the parking lot surface requirements of Section 20.40 D, parking lots shall be surfaced with asphalt, concrete, gravel, crushed stone, or another suitable surface.
2. If approved by the Planning Commission, gravel, crushed stone, and alternative surfaces are subject to the following requirements:
  - a. Shall be properly drained in accordance with township stormwater requirements.
  - b. Dust generation shall be minimized.
  - c. The surface will be maintained and free of weeds, grass, and overgrown vegetation at all times.

## **SECTION 18.60 ANIMAL AND PET SERVICES**

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### **A. GENERAL REQUIREMENTS**

1. Outdoor activity areas shall be screened in accordance with Section 23.70. An outdoor activity area is a location for walking leashed and unleashed dogs, pet relief, leashed and unleashed dog training, dog exercise, and play areas, and outdoor dog runs.
2. All kennels shall be operated in conformance with any applicable County and State regulations.
3. Buildings used as commercial kennels or pet services shall be insulated in such a manner that excessive noise from barking is minimized.
4. Habitual barking, which results in a nuisance to neighboring landowners or residents, is prohibited.

### **B. OUTDOOR EXERCISE AND PLAY AREA REQUIREMENTS**

1. Outdoor exercise and play areas are locations outside of enclosed structures that are intended and used for unleashed dog exercise, training, and play.
2. The outer limits of outdoor exercise and play areas shall not be located closer than 100 feet from any adjacent residential-zoned property.
3. Outdoor exercise and play areas shall be fenced.

### **C. OUTDOOR RUN REQUIREMENTS FOR BOARDING AND DAY CARE**

1. Outdoor runs are individually fenced areas connected to buildings that accommodate outdoor access for associated indoor pens or suites.
2. Outdoor runs shall not be located closer than 100 feet from any adjacent residential-zoned property.
3. Outdoor runs shall be located in the rear or side yards.
4. Outdoor runs shall be equipped with impervious surfaces suitable for cleaning with high-pressure water. Outdoor runs shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease, offensive odor, or dust generation.

## **SECTION 18.70 BED AND BREAKFAST**

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### **A. PRINCIPAL RESIDENCE**

A bed and breakfast use shall only be established as part of a detached single-family dwelling, which shall also be the principal residence of the owner or manager.

### **B. APPEARANCE**

The building shall maintain an exterior appearance that is in character with surrounding residential uses.

### **C. GUEST ROOMS**

The total number of guest rooms in the establishment shall not exceed six (6).

### **D. TERM**

The length of stay for a guest or guests shall not exceed 14 consecutive days.

**E. ACCESS AND LOCATION**

All bed and breakfast establishments shall be located on parcels that have frontage along a primary arterial street.

**F. SIZE OF DWELLING**

In all zoning districts the principal dwelling used for the bed and breakfast must be a minimum of 2,000 square feet of livable floor area.

**G. COOKING**

No separate cooking facilities shall be provided.

**H. FOOD SERVICE**

Meals shall only be served to the operator's family, employees, and overnight guests.

## **SECTION 18.80 CAMPGROUND OR RECREATIONAL VEHICLE PARK**

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**A. MINIMUM LOT AREA**

A minimum of five (5) acres is required to establish the use.

**B. BUILDING SETBACKS**

Buildings shall be set back at least 75 feet from adjacent residential-zoned property.

**C. GENERAL REQUIREMENTS**

1. The operation shall have a valid campground permit from the State of Michigan and shall remain in compliance with all State requirements and conditions of approval.
2. All recreational vehicle (RV) sites shall include water and sewer services unless separate restroom facilities are available.
3. Accessory sheds on individual RV sites shall not exceed 200 square feet.
4. A park attendant must be on duty at the park or available at all times to address the needs of campers, emergencies, and maintenance issues.
5. Common areas and individual sites shall be kept free of litter and debris at all times.
6. Service buildings shall be maintained in a sanitary condition at all times.
7. The operator shall ensure continued maintenance of landscaping and buildings. Common areas shall be mowed and kept free of fallen branches, tall grass, and weeds.
8. RV lots shall be provided with a concrete, paved, or gravel off-street car parking area of a minimum size To accommodate two (2) vehicles without vehicle encroachment onto internal driveways.
9. Driveways shall be clear for emergency vehicle access at all times. Guest parking shall not obstruct driveways.
10. Dumpsters or trash bins shall be required in a common area and shall be emptied frequently to avoid the accumulation of waste and debris, subject to the screening requirements of Section 23.70.
11. No part of any campground shall be used for any other purpose than for temporary occupancy of individual recreational vehicle units or tent camping except for such uses that are required for the direct

servicing and well-being of campground guests and for the management and maintenance of the campground.

12. The open discharge of gray water within the park shall be prohibited.

## **SECTION 18.90 CEMETERY**

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### **A. APPLICABILITY**

This section only applies to non-profit or privately owned or operated cemeteries and burial grounds.

### **B. SUPPLEMENTAL SPECIAL LAND USE STANDARDS**

In addition to the special land use standards of Section 27.40, the Planning Commission shall consider the following:

1. The total land area available for the proposed cemetery.
2. The financial resources and financial solvency of the cemetery owner.
3. The need in the Township for additional cemetery.
4. The arrangements proposed by the owner of the proposed cemetery for development of the cemetery and insurance of its continuity and continued upkeep and maintenance.
5. Any traffic congestion which would be caused by the proposed cemetery.
6. The effect of the proposed cemetery on adjoining lands and the surrounding neighborhood.

### **C. STATE REQUIREMENTS**

The facility shall comply with all State of Michigan requirements, as applicable.

### **D. RESTRICTION**

Cemeteries for a specific family or families are prohibited.

## **SECTION 18.100 CHILD DAY CARE CENTER**

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### **A. REQUIREMENTS FOR ALL DISTRICTS**

1. **Drives.** An on-site drive shall be provided for drop-offs and loading with a sufficient number of stacking spaces to accommodate the number of children to be cared for at the center. Site access and circulation shall be designed to minimize traffic conflicts, congestion, and disruption and enhance traffic safety on abutting public and private streets and drives. Access and drive aisles shall be arranged to prevent queued or parked vehicles from encroaching upon a sidewalk, street, intersection, or public right-of-way.
2. **Outdoor Areas.** Outdoor play areas must be fenced.
3. **Other Requirements.** The applicant must be able to demonstrate that all applicable state requirements will be met, such as compliance with State Building and Fire Codes and compliance with state licensing requirements.

### **B. REQUIREMENTS SPECIFIC TO AGRICULTURAL AND RESIDENTIAL DISTRICTS**

1. **Location and Access.** The lot must abut a primary arterial street, and all access must be from the primary arterial street.

2. **Minimum Lot Requirements to Establish the Use.** Lots shall conform to the area and width requirements for the applicable zoning district.
3. **Appearance.** The building shall have an appearance that is non-intrusive and consistent in color, materials, roofline, and architecture with the area in which it is located, as determined by the Planning Commission.

#### C. STATE APPROVALS AND REGULATIONS

1. All licensing and permits shall be obtained from the State of Michigan.
2. All rules and regulations from the State of Michigan shall be followed.

### SECTION 18.110 CHILD DAY CARE, GROUP DAY CARE HOME

#### A. ZONING ENABLING ACT

A group day care home for children must be approved if the application complies with Section 206 (4) of the Michigan Zoning Enabling Act.

#### B. STATE APPROVALS AND REGULATIONS

1. All licensing and permits shall be obtained from the State of Michigan.
2. All rules and regulations from the State of Michigan shall be followed.

### SECTION 18.120 DRIVE-THROUGH SERVICE

#### A. ACCESS AND CIRCULATION

Site access and circulation shall be designed to minimize traffic conflicts, congestion, and disruption and enhance traffic safety on abutting public and private streets and drives. Access and drive aisles shall be arranged to prevent queued or parked vehicles from encroaching upon a sidewalk, street, intersection, or public right-of-way.

#### B. STACKING SPACES

1. **Requirement.** Stacking spaces shall be provided in accordance with Table 18.120 B.

| TABLE 18.120 B: MINIMUM NUMBER OF STACKING SPACES |                                  |
|---------------------------------------------------|----------------------------------|
| Land Use                                          | Minimum Number                   |
| Fast food restaurant, coffee shop, or similar use | 10 spaces per menu order area    |
| Pharmacy, bank, or similar use                    | 3 spaces per pickup window       |
| Vehicle wash                                      | 16 spaces per automatic bay door |

2. **Additional Spaces.** The Planning Commission may require additional stacking spaces beyond those required by this table based on the characteristics of the use and anticipated traffic volumes.
3. **Escape/Bypass Lane.** Where the drive-through waiting lane provides for a single lane for five (5) or more vehicles, an escape/bypass lane may be required by the Planning Commission to allow vehicles to exit the waiting lane.
4. **Size.** Stacking spaces shall be no less than 10 feet wide by 22 feet deep.

C. SOUND

Loudspeakers shall be modulated so that any generated sound is not audible beyond property boundaries.

SECTION 18.130 FARMING

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A. APPLICABILITY

Farms and farm operations are regulated by the State of Michigan Department of Agriculture. Farms that are compliant with the State of Michigan Generally Accepted Agricultural and Management Practices (GAAMPs) are not subject to all other zoning requirements outside of this section and other referenced requirements but only to the extent so exempted by state law.

B. BUILDING SETBACKS

Principal and accessory farm buildings are subject to non-residential building setback requirements for the applicable zoning district.

C. PARKING

See Section 20.40 for parking space and drive aisle dimensional requirements and Section 20.50 for the minimum number of parking spaces for farm markets (retail sales).

D. DRIVEWAYS

Driveways shall meet Kent County Road Commission requirements and shall comply with the requirements of Section 21.40.

SECTION 18.140 GOLF COURSE

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A. MINIMUM LOT AREA

| TABLE 18.110: GOLF COURSE MINIMUM AREA |                 |
|----------------------------------------|-----------------|
| Size of Course                         | Minimum Acreage |
| Nine holes or less                     | 15 acres        |
| More than nine holes                   | 30 acres        |

B. BUILDING SETBACKS

Buildings shall be set back at least 100 feet from adjacent residential-zoned property.

C. PARKING SETBACKS

Parking lots shall be set back at least 100 feet from adjacent residential-zoned property.

D. LAYOUT

Fairways, driving ranges, and practice areas shall be so designed and located as to reasonably prevent driven golf balls from flying, bouncing or running upon public streets, private roads, or driveways or upon adjacent properties.

SECTION 18.150 HOME OCCUPATION

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A. OPERATION

A home occupation shall only be owned and operated by a full-time resident of the dwelling. Any full-time occupant of the principal dwelling may be employed by the home occupation.

**B. PROHIBITED USES**

The following uses are prohibited as home occupations:

1. Restaurants.
2. Vehicle repair.
3. Any other use that, in the opinion of the Zoning Administrator, would result in an adverse or disrupting effect on other properties or on the residential character of the neighborhood by way of noise, odor, vibration, dust, electronic interference, traffic, safety, or other attribute or emission.

**C. AREA**

A maximum of 25 percent of the gross floor area of a dwelling and accessory buildings may be devoted to minor home occupation business operations. Up to 25 percent of the floor area of the principal dwelling may be devoted to a minor home occupation.

**D. LOCATION ON SITE**

Home occupation operations must be conducted entirely within a principal dwelling, attached accessory building, detached accessory building, or combination of these buildings.

**E. VISIBILITY**

There shall be no physical evidence of the home occupation from other properties or the public right-of-way aside from parking and allowable customer visitation. Except for one (1) commercial vehicle, all other equipment, trailers, materials, and vehicles related to the business shall be stored indoors.

**F. VISITATION**

Visitation of the site by clients, customers, or students shall be by appointment only.

**G. PARKING**

Employees and visitors may park in the driveway if there is sufficient space to accommodate extra vehicles without a formal parking lot.

**H. NON-RESIDENT EMPLOYEES**

A maximum of one (1) person who is not a resident of the dwelling may work on-site or may pick up and return work vehicles during any one (1) day. Up to four (4) employees may be approved by the Planning Commission through the special land use process.

**I. RETAIL SALES.**

No merchandise or articles for sale shall be displayed on the premises.

**J. VISITATION**

No more than one (1) individual appointment shall be scheduled at any time unless group activities or classes are approved through the special land use process.

## **SECTION 18.160 INDUSTRIAL, INFRASTRUCTURE, AND TRANSPORTATION**

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### **A. OUTDOOR ACTIVITIES**

Unless specifically authorized by this Ordinance, all activities other than parking, loading, and storage, shall be conducted wholly within enclosed buildings.

### **B. ODOR, FUMES, DUST, GLARE, VIBRATION OR HEAT**

No permitted activity shall emit or produce odor, fumes, smoke, particulates, dust, glare, vibration, or heat that will adversely affect permitted uses on an adjacent property.

### **C. NOISE**

No permitted activity shall emit noise that is readily discernable to the average person in any adjacent residential zoning district providing that air handling equipment in proper working conditions shall be deemed to comply with this provision if located on a roof with intervening noise reduction baffles or if located on the side of a building facing away from the residential zone.

### **D. EFFLUENT**

No permitted use shall discharge effluent of any kind onto or into the ground or in violation of sewage treatment regulations.

### **E. ELECTROMAGNETIC RADIATION**

No permitted use shall emit electromagnetic radiation, which would adversely affect the operation of equipment beyond the confines of the building, producing the effect.

### **F. HAZARDOUS MATERIAL MANAGEMENT PLAN**

Any permitted activity that may present danger of fire, explosion or other catastrophe shall have a current Hazardous Material Management Plan, shall be reviewed and approved by the appropriate Fire Department and the Township Engineer and shall not represent any danger to property or persons beyond the property lines.

### **G. OTHER REQUIREMENTS**

All uses shall conform to all other Township, County, State and Federal regulations pertaining to its operations.

## **SECTION 18.170 KEEPING OF ANIMALS AND BEES (NON-COMMERCIAL)**

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### **A. GENERAL REQUIREMENTS**

1. **Setbacks.** Accessory buildings and shelters are subject to the requirements for accessory buildings in Section 18.20.
2. **Fencing.** Fences or enclosures are required to keep animals and chickens from leaving a property. Fences are subject to Section 17.40
3. **Manure and Waste.** Manure and waste storage areas shall be at least 100 feet from a dwelling, wellhead, pond, creek, or other water feature and 25 feet from a property line.

**B. DOMESTIC ANIMALS**

No more than four (4) dogs or four (4) cats, or combination of four (4) dogs and cats, shall be kept on any lot not approved for animal and pet services.

**C. FARM ANIMALS- HORSES AND LIVESTOCK**

1. **Zoning Districts.** Keeping horses and livestock is permitted in the RR zoning district.
2. **Minimum Acreage.** Five (5) acres.
3. **Number.** No more than one (1) horse or livestock animal per whole acre.

**D. CHICKENS AND FOWL**

1. **Zoning Districts.** Keeping chickens and fowl is permitted in the RR zoning district.
2. **Minimum Acreage.** One half (1/2) acre.
3. **Maximum Number.**
  - a. On minimum acreage: 10.
  - b. On each additional whole acre over the minimum acreage: 10.
4. **Type.** Roosters and guinea fowl are not permitted on lots less than five (5) acres.
5. **Confinement.** Chickens on lots less than five (5) acres shall be confined in a fenced area. Fences are subject to Section 17.40.

**E. BEEKEEPING**

1. **Zoning Districts.** Beekeeping is permitted in the RR and SR zoning districts.
2. **Minimum Size.** The minimum lot size to keep bees is one-half (1/2) acre.
3. **Setbacks.** Colonies must be set back 15 feet from all property lines.
4. **Water Source.** An adequate and constant source of water, as temperatures permit, shall be placed within 10 feet of bee colonies and placed before the establishment of the hive.

**F. WILD ANIMALS**

The keeping of wild animals outside of a State or township-approved facility is prohibited.

## **SECTION 18.180 MANUFACTURED HOME COMMUNITY**

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The manufactured home community shall comply with all State of Michigan requirements, as applicable.

## **SECTION 18.190 MINERAL EXTRACTION**

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**A. APPLICABILITY**

The provisions of this section shall not apply to the following:

1. Where the removal or extraction of natural resources is more than 500 feet from any street or property line, occupies not more than five (5) acres in area, does not constitute a weekly average intensity of use of more than 15 yards of material per day, and creates no area which fills with water other than a watering pond for farms.

2. The incidental excavation of sand and gravel for only on-site use is excluded from the regulations of this section except for the setback and yard requirements.
3. General landscaping activities or the cultivation of land for farming purposes.

**B. PLAN CHECKLIST**

The application shall include a plan and materials in accordance with this section and Chapter 26.

**C. SETBACKS, BUFFERS, AND SEPARATION**

1. No excavation shall occur within 100 feet of a road right-of-way; within 200 feet of an off-site residence, housing development, or residential district, and within 100 feet of a property line other than the above limits.
2. The special land use permit may allow mineral extraction within the required setback area set forth above if a property owner or owners, abutting that portion of the site affected by the minimum setbacks provide written consent prior to the Planning Commission's recommendation of the site plan. However, in no case shall an excavation occur within 200 feet of an off-site residence or 100 feet of a property owned by a non-consenting party.
3. Areas within the setback are considered buffer zones that shall remain in a natural state, farmland, woodland, or planted with vegetation. The Township may require berms and/or other screening to reduce sound or vibration impact on neighboring properties when existing vegetation or topography is determined to be insufficient to mitigate impacts.
4. Planted vegetative buffers, when required, shall be continuously maintained, and noticeable gaps shall be replanted. Management or thinning is permitted to enhance overall growth if conducted under the guidance of a certified forester or other qualified professional.
5. Visible posts or markers shall be staked at the excavation limit setback lines every 50 feet during extraction in the active area to warn excavator operators of the limits of site disturbance.
6. No mining shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Department of Environment, Great Lakes, and Energy.

**D. PROCESSING PLANTS AND STOCKPILE**

1. Permanent and temporary processing plants and accessory structures shall not be closer than 200 feet from any property line, including the road right-of-way.
2. When practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain to reduce the visual and noise impact of the plant structure.

**E. OPERATIONAL PLAN**

With the application for a special land use permit, an operational plan must be submitted for review by the Planning Commission and Township Board. At a minimum, the operation plan shall include the following information:

1. The areas to be mined and proposed phases.
2. The location of permanent structures.
3. Locations for storage piles.
4. The points of access upon public streets.

5. Screening and reclamation plans.
6. Hours of operation.
7. Estimated type and quantity of mineral materials to be removed.
8. Description of extraction and processing methods.
9. Equipment to be placed on the site.
10. A summary of the procedures and practices that will be used to ensure compliance with the requirements of this section.

#### **F. SECURITY AND SAFETY**

1. Upon commencement of mining operations, the active mining area shall be enclosed by a fence that is no less than four (4) feet in height, and “No Trespassing” signs shall be placed along the fence at least every 100 feet. Fences shall be maintained in an upright position and in good repair.
2. A gate at the active mining area shall be locked when the mine is not in active operation.

#### **G. NUISANCE AND IMPACT MITIGATION**

1. Noise and vibration shall not be made at a frequency or intensity so as to constitute a nuisance to the general health, safety, and welfare of the residents in the Township and shall be minimized in their effect on adjacent properties by the proper use of berms, walls, screen plantings, and fences.
2. Air pollution in the form of dust and dirt shall be kept at a minimum. Regular dust control practices shall be implemented for general excavation, moving soils, screening, and crushing, and records of activities shall be kept on site. Upon a complaint-based inspection or regularly scheduled inspection, a Township code enforcement official shall inspect the site for unacceptable dust levels. Whether higher dust levels are due to environmental factors (dry season, wind, etc.) or management practices, upon notice, the operator shall proceed with an appropriate and effective dust control action, including but not limited to:
  - a. As-needed watering to unpaved travel surfaces.
  - b. As-needed sweeping of internal roads.
  - c. Paving additional segments of the internal roadway or applying millings.
  - d. As-needed watering during the crushing operations.
  - e. A temporary pause of operations should excessive winds result in the ineffectiveness of all other dust control measures.
3. All equipment used for the mining operation shall be operated in such a manner as to minimize, to the maximum extent practicable, dust, noise, and vibration conditions that are injurious or substantially annoying to persons living in the vicinity.

#### **H. INTERIOR ROADS**

1. Interior road surfaces may be gravel, crushed stone, concrete, or asphalt millings. When paving is required, it shall be completed prior to the commencement of operations.
2. Internal roads shall be maintained to reduce potholes and ruts as reasonable.
3. Internal road signs shall be established, as required by the Township. Required signs may include, but are not limited to: No Engine Brake, Speed Limit, Slow, and Stop.
4. Operations shall incorporate internal circulation routes that minimize the need for truck reverse

movements.

#### I. HOURS AND DAYS OF OPERATION

The operation of mineral extraction and processing shall be restricted to the Township approved hours and days of the week. No operations shall be conducted on Sundays or legal holidays, or at any time over the Memorial Day or Labor Day weekend, or the Independence Day weekend if July 4 falls on a Monday or Friday. The operation hours, days, seasons, or months may be further restricted by the Planning Commission to minimize nuisance impacts on neighbors or for public safety considerations with respect to the use of roads. Under emergency, unanticipated, or unusual circumstances, the hours of operation may be modified for a temporary period not to exceed 14 days upon receipt of approval of the Zoning Administrator.

#### J. FINANCIAL GUARANTEE

1. **Guarantee.** The operator shall post a financial guarantee for restoration and stabilization determined by the Township. The Township may adjust the guarantee amount at the time of special land use permitting and on an annual basis.
2. **Type.** The guarantee shall be provided in one (1) of the following forms and approved by the Township:
  - a. Cash.
  - b. Certified check.
  - c. Irrevocable bank letter of credit.
  - d. Surety bond acceptable to the Township Board.
3. Upon Township approval of the reclamation of mined acreage and reduction of net operational area, the bond or security may be released in accordance with the amount or security required per acre.

#### K. VERY SERIOUS CONSEQUENCES

1. In the event the Planning Commission determines that the application for a special land use permit for mineral extraction does not satisfy the standards in this section or those in Sections 26.40 and 27.40, the Planning Commission shall conduct an additional inquiry to determine whether a special land use permit must nevertheless be granted in order to comply with Section 205 of the zoning enabling act, MCL 125.3205. In conducting this inquiry, the burden is on the applicant to show that there are valuable natural resources located on the subject property, that there is a need for the natural resources by the applicant or in the market served by the applicant, and that no very serious consequences would result from the extraction, by mining, of the natural resources. To determine whether very serious consequences would result from the proposed mining activity, the Planning Commission shall consider:
  - a. The relationship of extraction and associated activities with existing land uses.
  - b. The impact on existing land uses in the vicinity of the property.
  - c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property based on credible evidence.
  - d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
  - e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
  - f. The overall public interest in the extraction of the specific natural resources on the property.

2. If the Planning Commission determines that the applicant has satisfied its burden with respect to these issues, it shall grant the requested special land use permit on reasonable conditions, notwithstanding any other provision of this Ordinance.

## **SECTION 18.200 OUTDOOR DISPLAY AND SALES**

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### **A. SITE PLAN REQUIREMENT**

All outdoor display and sales areas shall be indicated on a site plan.

### **B. SETBACK**

Outdoor display and sales areas shall comply with setbacks applicable to principal buildings.

### **C. MAXIMUM DISPLAY AND SALE AREA**

1. **Maximum.** Accessory outdoor display and sales areas as part of a general retail establishment are limited to 20 percent of the principal building's square footage. The Planning Commission may consider requests display area beyond this amount through the special land use review process.
2. **Exemption.** For businesses where the primary sales area is outdoors, such as landscaping supply, construction supply, nurseries, and similar uses, there is no maximum sales area as long as all other zoning requirements are met.

### **D. SALES AND DISPLAY AREA SURFACE**

1. **Requirement.** Outdoor display and sales areas shall be surfaced with asphalt or concrete unless an alternative surface is approved by the Planning Commission.
2. **Review.** The Planning Commission shall consider the following factors when reviewing alternative surface requests on a case-by-case basis:
  - a. The character of the area and surfaces on adjacent properties.
  - b. The potential for dust generation and its impact on neighboring properties.
  - c. The ability to ensure long-term maintenance and passability.
  - d. The capability of the surface to handle stormwater runoff and its resistance to erosion.
  - e. The anticipated type and weight of vehicles and equipment to be parked or stored on the site.
  - f. Emergency service vehicle access.
3. **Requirements.** If approved by the Planning Commission, gravel and crushed stone surfaces are subject to the following requirements:
  - a. Shall be properly drained in accordance with township stormwater requirements.
  - b. Dust generation shall be minimized.
  - c. The surface will be maintained and free of weeds, grass, and overgrown vegetation at all times.

## SECTION 18.210 OUTDOOR STORAGE

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### A. SETBACKS

Outdoor storage shall comply with setbacks applicable to principal buildings.

### B. SCREENING

Outdoor storage areas shall be screened from view from the public right-of-way and from residential-zoned properties. See Section 23.70 for screening requirements.

### C. HAZARDOUS MATERIALS

All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within a building, and secondary containment measures shall be employed to prevent ground contact with any spilled materials.

### D. STORAGE AREA SURFACE

1. **Surface.** Outdoor storage areas shall be surfaced with asphalt or concrete unless an alternative surface is approved by the Planning Commission.
2. **Review.** The Planning Commission shall consider the following factors when reviewing alternative surface requests on a case-by-case basis:
  - a. The character of the area and surfaces on adjacent properties.
  - b. The potential for dust generation and its impact on neighboring properties.
  - c. The ability to ensure long-term maintenance and passability.
  - d. The capability of the surface to handle stormwater runoff and its resistance to erosion.
  - e. The anticipated type and weight of vehicles and equipment to be parked or stored on the site.
  - f. Emergency service vehicle access.
3. **Requirements.** If approved by the Planning Commission, gravel and crushed stone surfaces are subject to the following requirements:
  - a. Shall be properly drained in accordance with township stormwater requirements.
  - b. Dust generation shall be minimized.
  - c. The surface will be maintained and free of weeds, grass, and overgrown vegetation at all times.

## SECTION 18.220 PLACES OF ASSEMBLY

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All places of assembly, including places of worship, private K-12 schools, colleges, and universities in residential zoning districts must be located on lots that directly abut or have direct access to a paved county primary road.

## SECTION 18.230 PROBATION, PAROLE, OR SEX OFFENDER HOME

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### A. SEPARATION

A probation, parole, or sex offender home shall be at least 1,000 feet from an adult foster care family home; adult foster care group home; substance abuse rehabilitation home; school; and other probation, parole, or

sex offender homes.

## **B. STATE APPROVALS AND REGULATIONS**

1. All licensing and permitting shall be obtained from the State of Michigan.
2. All rules and regulations from the State of Michigan shall be followed.

## **SECTION 18.240 RECREATION, LOW-INTENSITY OUTDOOR**

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### **A. MINIMUM LOT AREA**

A minimum of five (5) acres is required to establish the use.

### **B. BUILDING SETBACKS**

Buildings shall be set back at least 100 feet from adjacent residential-zoned property.

### **C. PARKING SETBACKS**

Parking lots shall be set back at least 100 feet from adjacent residential-zoned property.

### **D. NOISE**

Outdoor electrified sound amplification is prohibited.

### **E. LIGHTING**

Light levels shall not be detectable along lot lines on a photometric plan (0.0 foot-candles).

### **F. HOURS OF OPERATION**

Hours of operation are limited to dawn to dusk unless otherwise extended through special land use review.

## **SECTION 18.250 SALVAGE OR IMPOUND OPERATION**

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### **A. STORAGE AREA SETBACKS**

Salvage and inoperable vehicle storage areas shall be set back at least 100 feet from adjacent residential-zoned property.

### **B. SCREENING**

Salvage storage and vehicle storage areas shall be screened from view from the public right-of-way and from residential-zoned properties. See Section 23.70 for screening requirements.

### **C. HAZARDOUS MATERIALS**

All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within a building, and secondary containment measures shall be employed to prevent ground contact with any spilled materials.

### **D. STORAGE AREA SURFACE**

See Section 18.170 C.

## SECTION 18.260 SELF-STORAGE

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### A. OUTDOOR STORAGE AREA SETBACKS

1. **Setbacks.** Outdoor display and sales areas shall comply with setbacks applicable to principal buildings.
2. **Site Plan.** Areas provided for outdoor storage of automobiles, boats, recreational vehicles, trailers, and similar personal property shall be designated on the site plan.

### B. SCREENING

Outdoor storage areas shall be screened from view from the public right-of-way and from residential-zoned properties. See Section 23.70 for screening requirements.

### C. USE RESTRICTION

Use of any storage unit for the conduct of manufacturing, repair, service, sales, fabrication, assembly, or any other business purpose other than the storage of goods or merchandise is prohibited. Recreational vehicles are prohibited from being used for living or habitation purposes and for temporary stays.

### D. OWNERSHIP

The entire facility shall be owned by one (1) entity and shall not be divided or converted to condominium ownership.

### E. OUTDOOR STORAGE AREA SURFACE

See Section 18.200 C.

## SECTION 18.270 SOLAR ENERGY

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### A. SOLAR ENERGY, ACCESSORY GROUND-MOUNTED

1. **Applications and Review.** Accessory ground-mounted solar energy systems shall be approved administratively by the Zoning Administrator and the Building Official.
2. **Small-Scale Systems.** This section does not apply to rooftop solar panels or smaller-scale solar energy collectors mounted on fences, poles, or on the ground with collector surface areas less than five (5) square feet and less than six (6) feet above the ground.
3. **Requirements.**
  - a. **Glare and Reflection.** The exterior surfaces of solar energy collectors shall be substantially non-reflective of light. A system shall not be installed or located in a manner that directs glare onto neighboring dwellings or adjacent streets.
  - b. **Location.** Systems shall be placed in rear yards unless existing vegetation and other site constraints make rear yard placement unfeasible. The Zoning Administrator shall refer side and front yard placement requests to the Planning Commission in cases where there is a higher likelihood of visual impact to nearby residents.
  - c. **Installation.** Systems shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy shall be submitted to the Township before installation.
  - d. **Wires.** All wires shall be buried underground. Overhead wires are prohibited.

- e. **Setbacks.** Accessory ground-mounted solar energy systems shall be subject to the setbacks required for principal buildings. Measurement shall be taken from the outermost edge of the support structure or solar panel, whichever is closer to the property line, to the applicable property line.
- f. **Maximum Number.** One (1) accessory non-commercial ground-mounted solar energy system and its associated support structure are permitted per lot. However, in the case of a uniquely shaped lot or extraordinary conditions of the land, a single system with multiple structures and panels may be approved as long as the structures are clustered in close proximity.
- g. **Maximum Size.** Systems shall be designed and sized to produce no more than 125 percent of the annual kWh usage or 1,500 square feet, whichever is less. Proposed system power generation specifications and historical annual usage data shall be provided by the applicant for review.
- h. **Maximum Height.** The maximum height of a system at its highest point, or at full tilt, shall be 16 feet. Height is measured from the natural grade below the system to the highest point of the panels or any part of the support structure, whichever is greater.
- i. **Abandonment.** Systems that cease to produce energy continuously for 12 months will be considered abandoned unless the landowner provides a plan to reinstate the operation of the system within six (6) months. If the system remains non-functional after six (6) months, it shall be determined as abandoned.
- j. **Removal.** The landowner shall remove the support structure, panels, and all equipment and restore the site to its condition prior to installation of the system within one (1) year of abandonment.

## **B. COMMERCIAL SOLAR ENERGY SYSTEMS**

### **1. General Requirements.**

- a. **Applications and Review.** In addition to all other required application contents, equipment, and unit renderings or plans shall be submitted for review. Multiple participating commercial solar energy lots operating as one commercial solar energy system may be requested under a single special land use permit application. However, each participating commercial solar energy lot
- b. **Principal or Accessory Use.** Commercial solar energy systems may be established as principal or accessory uses.
- c. **Glare and Reflection.** The exterior surfaces of solar energy collectors shall be substantially non-reflective of light. A system shall not be installed or located in a manner that directs considerable glare onto neighboring dwellings or adjacent streets. The applicant shall provide a glare analysis to demonstrate compliance with this standard.
- d. **Maximum Height.** The maximum height of a system at its highest point, or at full tilt, shall be 20 feet. Height is measured from the natural grade below the system to the highest point of the panels or any part of the support structure, whichever is greater.
- e. **Screening.** Views of collectors and equipment from residential properties or public right-of-way may be required to be screened. Screening methods may include the use of fences, screening walls, landscaping, or preservation of existing vegetation that will blend the facility into the natural setting and existing environment. Screening shall be consistent with a buffer type B per Section 23.60.

### **2. Requirements for Commercial Solar Energy Systems Over Parking Lots.**

- a. Solar energy arrays may be situated throughout commercial parking lots so as to serve as carports or shelter parking.
- b. Clear height under arrays and support systems shall be at least 10 feet.

- c. Solar arrays and their associated support structures shall not impede on drive aisles and driveways.
- d. Parking lot canopy trees required by Section 23.80 are waived for the spaces covered by arrays.
- e. Setbacks for solar energy systems and equipment shall be the same as required for principal buildings within the applicable zoning district.

**3. Requirements for Commercial Solar Energy Systems Not Over Parking Lots.**

- a. Minimum Setbacks. Commercial solar energy systems and all equipment, aside from wires, shall be set back a minimum of 200 feet from non-participating property lines and public right-of-way. Commercial solar energy systems shall not be subject to property line setbacks between participating commercial solar energy lots.
- b. Waiver. Setbacks may be reduced to 100 feet from non-participating lots and maximum lot coverage requirements are waived for lots remaining in agricultural production throughout and within the solar collectors.

**4. Abandonment, Removal, and Decommissioning.**

- a. Abandonment. Systems that cease to produce energy continuously for 12 months will be considered abandoned by the Township unless the responsible party provides a plan to reinstate the operation before the end of the 12-month period. If a plan is provided, a 12-month extension for reinstatement may be granted by the Township Board.
- b. Removal. The responsible party shall remove all equipment and structures and restore the site to its condition prior to the installation of the system within one (1) year of abandonment.
- c. Decommissioning. A decommissioning plan signed by the responsible party and the property owner (if different) addressing the following shall be submitted prior to approval:
  - i. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment, etc.).
  - ii. Removal of all non-utility-owned equipment, conduit, structures, fencing, roads, solar panels, and foundations.
  - iii. Restoration of property to its original condition or a condition that is stabilized and graded to be consistent with the character of the area.
  - iv. The timeframe for completion of decommissioning activities.
  - v. Description of any agreement (e.g. lease) with the property owner regarding decommissioning, if applicable.
  - vi. The entity or individual responsible for decommissioning.
  - vii. The financial plan for decommissioning activities and site restoration.
  - viii. Protocol for updating the decommissioning plan.
- d. A performance guarantee shall be required to be posted in the form of a bond, letter of credit, cash, or another form acceptable to the Township to ensure removal upon abandonment. As a part of the decommissioning plan, the responsible party shall provide at least two (2) cost estimates from qualified contractors for the full removal of the equipment, foundations, and structures associated with the facility. These amounts will assist the township when setting the performance guarantee amount. The performance guarantee shall be valid throughout the lifetime of the facility. Bonds and letters of credit shall be extended on a regular basis with expiration dates never less than two (2) years from the annual anniversary of special land use approval.

- e. The property owner and responsible party shall record the decommissioning plan with Kent County Register of Deeds.

## **SECTION 18.280 STABLES, COMMERCIAL**

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### **A. MINIMUM LOT AREA**

A minimum of 10 acres is required to establish the use.

### **B. BUILDING SETBACKS**

Buildings shall be set back at least 50 feet from adjacent residential-zoned property.

### **C. PARKING SETBACKS**

Parking lots shall be set back at least 50 feet from adjacent residential-zoned property.

### **D. LIGHTING**

Light levels shall not be detectable along lot lines on a photometric plan (0.0 foot-candles).

## **SECTION 18.290 SUBSTANCE ABUSE REHABILITATION HOME**

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### **A. SEPARATION**

A substance abuse rehabilitation home shall be at least 1,000 feet from an adult foster care family home; adult foster care group home; probation, parole, or sex offender home; school; and other substance abuse rehabilitation homes.

### **B. STATE APPROVALS AND REGULATIONS**

1. All licensing and permitting shall be obtained from the State of Michigan.
2. All rules and regulations from the State of Michigan shall be followed.

## **SECTION 18.300 TEMPORARY USES**

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### **A. PERMITTING**

The Township may require that the landowners enter into a written agreement with the Township as a prerequisite for a temporary use approval.

### **B. TEMPORARY CONSTRUCTION OFFICE AND YARD**

A temporary office building or yard for construction materials and/or equipment is permitted in any zone without a permit for such period of time as it is both incidental and necessary to construction at the site. A temporary office may include but is not limited to a mobile office or shipping container office.

### **C. TEMPORARY DWELLING**

A recreational vehicle may be used as a temporary dwelling during the construction of a new dwelling if certain requirements are met. The Zoning Administrator may approve such a use for a period not to exceed 12 months, and the Planning Commission may approve such use for an additional period not to exceed six (6) months, provided that all of the following conditions are met:

1. A building permit has been issued for the construction of a permanent single-family dwelling on the same lot that conforms to the requirements of this Ordinance.
2. The recreational vehicle must be properly connected to water and sanitary facilities approved by the County Health Department.
3. The recreational vehicle must be removed within 30 days of the date of issuance of occupancy permit for the permanent dwelling unless stored in accordance with Section 17.80.
4. The Township may require sufficient monetary security in the form of a cash deposit, bond, letter of credit, or other monetary security to ensure that the recreational vehicle is removed by the required date.

**D. TEMPORARY GARAGE OR YARD SALE**

Yard and garage sales are permitted for durations of four (4) days, no more than four (4) times a calendar year.

**E. TEMPORARY MOBILE FOOD UNIT**

1. **Location.** Mobile food units may be permitted in the mixed-use and commercial zoning districts, industrial zoning districts, or the RR zoning district as part of a lawful farm market operation.
2. **Visibility.** Mobile food units shall not obscure traffic sight visibility or operate in driveways or fire lanes.
3. **Parking.** Mobile food units may operate in parking spaces if the required parking for the property remains in compliance with the parking requirements of this Ordinance.
4. **Drive-Through.** Mobile food units shall not provide a drive-through service of any kind.
5. **Setbacks.** Mobile food unit parking shall be set back at least 20 feet from public right-of-way, 50 feet from residential lot lines, and 10 feet from non-residential lot lines.
6. **Licensing.** Licenses shall be secured from the Kent County Health Department and the Township (if applicable).

**A. TEMPORARY SIDEWALK OR OUTDOOR SALES**

1. **Applicability.** Temporary outdoor sales area are permitted on lots where the principal use involves retail sales.
2. **Site Plan.** The temporary sales area shall be indicated on the site plan for the principal use.
3. **Pedestrian Travel Areas.** Any sales area located on a sidewalk or pathway shall ensure a minimum clear area of five (5) feet for pedestrian travel.
4. **Clear Vision Area.** The sales area shall not extend into the clear vision area at any street intersection.
5. **Setbacks.** The sales area shall not be located within a required setback area for principal buildings.

**B. TEMPORARY OUTDOOR SEASONAL PARKING LOT SALES**

1. **Application Requirements.** Applications shall include a site plan illustrating structures, tents, off-street parking, and lighting.
2. **Timeframe.** Sales and events shall be permitted no more than twice during a calendar year for a maximum of 30 days total per lot.
3. **Clear Vision Area.** The sales area shall not extend into the clear vision area at any street intersection.
4. **Setbacks.** The sales area shall not be located within a required setback area for principal buildings.

5. **Parking.** No more than 20 percent of the available parking spaces may be utilized for temporary use.
6. **Structures.** All temporary structures shall be erected in a safe manner in accordance with any applicable Building Codes, ordinances, and standards.

### C. TEMPORARY SALES OFFICE

A temporary office is permitted in any zone without a permit for such period of time as it is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project.

### D. TEMPORARY STORAGE UNIT

Temporary Storage Units (TSUs) are permitted in residential districts subject to all of the following requirements and regulations:

1. **Maximum Number.** No more than one (1) TSU may be located outdoors on a lot at a time.
2. **Maximum Timeframe and Interval.** One (1) TSU may be kept outdoors on a lot for up to 15 days, twice a year, with a minimum of 30 days per lot between each placement of a TSU. Apart from such allowed TSU usage, no other TSU shall be placed or located outdoors on a lot.
3. **Maximum Size and Height.**
  - a. Size: 200 square feet.
  - b. Height: eight (8) feet.
4. **Minimum Setbacks.**
  - a. Front: 20 feet.
  - b. Side and Rear: five (5) feet.
5. **General Restrictions.**
  - a. A temporary storage unit shall at all times, be maintained in good condition, free from evidence of deterioration, graffiti, rust, ripping, tearing, holes or breaks.
  - b. No temporary storage unit shall be used for human occupancy or to store solid waste, construction debris, demolition debris, business inventory, commercial goods, goods for property other than the property where the temporary storage unit is located, or any illegal or hazardous material. Upon reasonable notice, the Township may inspect the contents of a temporary storage unit at any reasonable time to confirm compliance with this standard.
  - c. A temporary storage unit that is not removed at the end of the time for which it may lawfully remain in place may be removed by the Township without notice, and the cost of such removal shall be assessed to the property owner.

## SECTION 18.310 TRUCK STOP

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### A. MINIMUM LOT AREA

A minimum of five (5) acres is required to establish the use.

### B. PUBLIC SEWER AND WATER

Public sewer and water must serve the site.

**C. ACCESS AND CIRCULATION**

All fueling pumps shall be arranged to prevent queued or parked vehicles waiting to be serviced from encroaching upon a sidewalk, street, intersection, or public right-of-way. On-site circulation for commercial vehicles and passenger vehicles must be adequately separated to minimize vehicle and pedestrian conflicts and to maximize safety.

**D. VEHICLE REPAIR**

Repair work shall be limited to minor vehicle repair unless major vehicle repair is approved for the site.

**E. SURFACE**

All areas designated for vehicles shall be concrete or asphalt. Notwithstanding any other allowance in this Ordinance, alternative surfaces are not permitted.

**F. COMMERCIAL VEHICLE PARKING**

Areas devoted to the parking of commercial vehicles shall be located behind the front line of the principal building. Parking spaces shall be marked, and the parking area shall be provided with adequate trash containers and shall be kept free of litter and debris.

**G. IDLING OR REVVING**

Unless required to maintain the temperature or pressure of perishable or volatile cargo, the extended running in excess of five (5) minutes, idling or revving of the commercial vehicle engines or auxiliary engines and compressors in the commercial vehicle parking area is prohibited.

**H. HAZARDOUS MATERIALS**

All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within a building, and secondary containment measures shall be employed to prevent ground contact of any spilled materials.

**I. VEHICLE SERVICE STATION REQUIREMENTS**

All requirements of Section 18.330 shall also be satisfied.

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**SECTION 18.320 VEHICLE REPAIR**

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**A. OVERHEAD DOORS**

1. Overhead doors shall not face residential-zoned property.
2. The Planning Commission may modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be diminished through use of building materials, architectural features, and landscaping.

**B. OUTDOOR DISPLAY AND SALES STORAGE**

See Section 18.200.

**C. HAZARDOUS MATERIALS**

All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within a building, and secondary containment measures shall be employed to

prevent ground contact with any spilled materials.

#### **D. PARKING**

Parking of operable vehicles awaiting service or pickup shall comply with the requirements of Chapter 18.

#### **E. REQUIREMENTS FOR MINOR VEHICLE REPAIR**

All maintenance and repair work shall be conducted completely within an enclosed building unless the work can be completed in one (1) business day for no more than three (3) vehicles at any time.

#### **F. REQUIREMENTS FOR MAJOR VEHICLE REPAIR**

1. Buildings shall be at least 100 feet from residential-zoned properties.
2. Inoperable vehicles shall be placed in an area that is screened from view from the public right-of-way and from residential-zoned properties. See Section 23.70 for screening requirements.
3. All maintenance and repair work shall be conducted completely within an enclosed building unless the service area is screened from view. See Section 23.70 for screening requirements.

### **SECTION 18.330 VEHICLE SERVICE STATION**

---

#### **A. ACCESS AND CIRCULATION**

All fueling pumps shall be arranged to prevent queued or parked vehicles waiting to be serviced from encroaching upon a sidewalk, street, intersection, or public right-of-way.

#### **B. SURFACE**

All areas designated for vehicles shall be concrete or asphalt. Notwithstanding any other allowance in this Ordinance, alternative surfaces are not permitted.

#### **C. CANOPY**

A permanent canopy that is open on all sides shall be located over all fuel pump islands. Canopies shall meet setback requirements for principal buildings.

#### **D. HAZARDOUS MATERIALS**

All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within a building, and secondary containment measures shall be employed to prevent ground contact with any spilled materials.

#### **E. VEHICLE REPAIR**

If vehicle repair services are allowable in the zoning district, see Section 18.320.

#### **F. OUTDOOR DISPLAY AND SALES STORAGE**

See Section 18.200.

## SECTION 18.340 VEHICLE WASH

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### A. BUILDING SETBACKS

Buildings and outdoor vacuum stations shall be set back at least 100 feet from adjacent residential-zoned property.

### B. INDOOR WASHING

All washing activities must occur inside a building.

### C. OVERHEAD DOORS

1. Overhead doors shall not face residential-zoned property.
2. The Planning Commission may modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be diminished through use of building materials, architectural features, and landscaping.

### D. ACCESS AND CIRCULATION

Site access and circulation shall be designed to minimize traffic conflicts, congestion, and disruption and enhance traffic safety on abutting public and private streets and drives. Access and drive aisles shall be arranged to prevent queued or parked vehicles from encroaching upon a sidewalk, street, intersection, or public right-of-way.

### E. BYPASS LANE

For automated drive-through wash facilities, a bypass lane is required that allows bypassing waiting vehicles.

### F. DRIVE-THROUGH SERVICE

See Section 18.120.

## SECTION 18.350 WIND ENERGY

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### A. LARGE-SCALE SYSTEMS

Large-scale wind energy facilities with a nameplate capacity of 100 megawatts or more are permitted in accordance with the State of Michigan Act No. 233, Public Acts of 2023.

### B. ACCESSORY WIND TURBINES

1. **Number.** There shall be no more than one (1) accessory wind turbine located on a building or one (1) freestanding accessory wind turbine per lot.
2. **Height.** Building-mounted and freestanding turbines shall not exceed 50 feet in height.
3. **Setbacks.** Freestanding turbines shall be set back at least 50 feet from adjacent property.
4. **Noise.**
  - a. No turbine located on residential-zoned property shall produce more than 50 decibels of noise at the lot line located closest to the turbine.
  - b. No turbine located on non-residential-zoned property shall produce more than 60 decibels of noise at the lot line closest to the Turbine.

5. **Exemptions.** The above noise restrictions may be exceeded only during short-term events such as utility outages and/or severe windstorms.

## SECTION 18.360 WIRELESS COMMUNICATIONS FACILITIES

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### A. PURPOSE

It is the general purpose and intent of this Section to comply with the requirements of the Federal Telecommunications Act of 1996, as amended, and to exercise the Township's zoning powers under state law, by authorizing towers and antennas needed to operate wireless communications systems, subject to certain conditions and requirements. It is the further purpose and intent of this Section to provide for such authorization in a manner that will retain the integrity of neighborhoods and the character, property values, and overall quality of life of the township.

### B. APPLICABILITY

All new, expanded or altered wireless communication facilities in the Township shall be subject to this Section. There will be additional costs (which will be charged to the applicant) for professional review of the application and related matters, including by an independent consultant or consultants.

1. **New Towers.** All new wireless towers shall require a Special Use Permit in accordance with the requirements of Chapter 27, as well as this Chapter.
2. **Colocation.** The Township encourages the colocation of antennas on existing towers, monopoles, utility poles located in a public right-of-way, water towers, and other existing similar structures. Colocation requests shall be expedited by the Township and approved or denied by the Township Planner in accordance with this section. The Township Planner may also forward the request to the Site Plan Review Committee if it is determined that the request warrants additional review.

### C. GENERAL SUBMITTAL REQUIREMENTS

All applications for all wireless communication facility requests shall include the following:

1. **Application.** A fully completed, signed, and dated application, indicating the property owner, service provider, and the provider's ownership or lease interest in the property, building or structure upon which facilities are proposed for placement, construction, or modification.
2. **Site Plan.** A detailed site plan showing the following:
  - a. The location, size, height, design and setbacks of the tower, and the number, size, mounting height, and design of antennas.
  - b. The location, size, design and setbacks of any accessory structures, fences, and outdoor equipment.
  - c. The location of all structures within 200 feet of the subject site.
  - d. A landscape plan, showing the location, number, and species of plants.
  - e. The location of any drives and/or access easements.
  - f. Legal description of the parent parcel and leased parcel (if applicable).
  - g. Other information required for site plans under Chapter 26.
3. **Fees.** All applicable fees (including zoning escrow fees where applicable).

#### D. NEW TOWER SUBMITTAL REQUIREMENTS

Applications for new cell towers shall require the following additional information:

1. **Statement of Need.** A statement of what is proposed and demonstrating the need for the proposed facility based upon the presence of one or more of the following factors:
  - a. Inability to find a suitable colocation site.
  - b. Proximity to an interstate highway or major thoroughfare.
  - c. Areas of population concentration.
  - d. Concentration of commercial, industrial and/or other business centers.
  - e. Areas where signal interference has occurred due to buildings, masses of trees or other obstructions.
  - f. Topography of the proposed facility location in relation to other facilities within which the area where the proposed facility is to operate.
  - g. The need for additional coverage, capacity and/or quality.
  - h. Other specifically identified reason(s) for creating the need for the facility.
2. **Facilities Map.** A map showing existing and known proposed wireless towers, and existing buildings and/or other structures of the same approximate height within a one-half (1/2) mile radius of the proposed site, including sites outside of the Township, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility. This information will be used in determining the necessity of a new tower.
3. **Supplemental Information.** The following information shall also be submitted:
  - a. Technology. The existing form of technology being used and any changes to that technology
  - b. ERP. The proposed and existing service area of the tower and the attached wireless communication facility, and tower height and type, and signal power expressed in Effective Radiated Power (ERP) upon which the service area has been planned.
  - c. Fall Zone. A certification by a state of Michigan licensed and registered professional engineer regarding the manner in which the proposed tower will fall. The certification will be utilized in determining appropriate setbacks to be required for the tower.
  - d. Other Agencies. If required, evidence of applicable approvals and licenses from the Federal Aviation Administration, the Federal Communication Commission and the Michigan Aeronautics Commission.
  - e. Maintenance. A maintenance plan to ensure the long term, continuance maintenance of the facility, along with the name, address and telephone number of the person to contact for engineering, maintenance and other notice purposes. This information must be continuously updated and provided to the Township during all times the facility is on the premises.

#### E. REQUIREMENTS AND STANDARDS OF REVIEW

All new wireless communications facilities shall comply with all of the following requirements in addition to special land use standards of approval in Section 27.40:

1. **General.** The proposed tower or antennae shall not be injurious to the neighborhood or otherwise detrimental to the public safety and welfare. The proposed tower shall be located and designed to be harmonious with the surrounding areas, and to be aesthetically and architecturally compatible with the

natural environment, as well as the environment as altered by development.

2. **Need.** A proposal for a new tower shall not be approved until and unless it can be documented by the applicant that the communications equipment planned for the proposed tower cannot be feasibly collocated and accommodated on an existing or approved tower (or other existing structure) due to one or more of the following reasons as documented by a qualified and licensed professional engineer:
  - a. The planned equipment would exceed the structural capacity of the existing tower, and could not be reinforced, modified or replaced to accommodate planned or equivalent equipment.
  - b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the existing tower or other existing structure and the interference cannot be prevented by any other means.
  - c. Existing towers within a ½ mile radius cannot accommodate the planned equipment at a height necessary for the coverage area and capacity needs to reasonably function.
  - d. Refusal of the existing provider to permit a feasible collocation.
  - e. Other unforeseen reasons that make it unfeasible to locate the planned communications equipment upon an existing tower or structure.
3. **Colocation.** Any proposed commercial tower shall be designed to accommodate at least 4 antennae platforms unless shown to be unreasonable given the tower height and type. Proposed towers must be designed to allow for future rearrangement of attached wireless communication facilities upon the tower and to accept attached wireless communication facilities mounted at varying heights.
4. **Height.** The height of all proposed towers and attached antennae shall be the minimum height necessary to serve its intended function, provided that no tower shall be higher/taller than 195 feet (measured at natural grade) so that the structure does not require lighting per FAA/FCC Regulations. The accessory structures (not on the tower) shall be limited to the maximum height for accessory structures within the respective district.
5. **Setbacks.** Setbacks for wireless communications facilities shall conform to the following:
  - a. Monopole towers. Monopole tower setbacks shall not be less than the required setbacks for principal buildings in the zoning district in which it is located.
  - b. Other towers. The setback of all non-monopole towers from any lot line shall be no less than the height of the tower.
  - c. Accessory structures (not on the tower). Accessory structures setbacks shall conform to the minimum setbacks for accessory structures for that zoning district.
  - d. For good cause shown, the Planning Commission may alter the required setbacks, based on tower height, tower fall zone, and the proximity of any structures or public rights-of-way.
6. **Access.** There shall be unobstructed access to the tower and accessory structures for maintenance, repair, inspection and emergency purposes, which may be provided through an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic circulation within the site; utilities needed to service the wireless communication support structure and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbances to the natural landscape; and the type of equipment which will need to access the site.
7. **Use of Existing Building.** Where a wireless communication facility is proposed on the roof of a building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building.

The equipment enclosure may be located within the principal building or may be an accessory building, provided that it conforms to all district requirements for accessory buildings.

8. **Visual Impact.** The Planning Commission shall, with respect to the color of the proposed tower and all accessory buildings, review and approve such items so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings.
9. **Radio Frequency.** Wireless communication facilities shall comply with all applicable federal and state standards, including, without limitation, those standards relative to the environmental effects of radio frequency emissions.
10. **Landscaping.** Landscaping shall be provided which screens the tower base, accessory buildings and enclosures. In all cases, there shall be fencing of at least six feet in height surrounding the accessory buildings and equipment enclosures.

#### F. COLOCATION REFUSAL

If a provider refuses to permit a feasible colocation on a tower owned or otherwise controlled by it, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to, the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.

1. **Nonconforming.** If a party who owns or otherwise controls an existing tower fails or refuses to accommodate a proposed and otherwise feasible colocation, such tower shall be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
2. **Penalty.** A party who fails or refuses to allow a feasible colocation shall be prohibited from receiving approval for a new tower within the Township for a period of five (5) years from the date of the failure or refusal to permit the colocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication service.

#### G. FACILITIES REMOVAL

If, for any reason, a tower ceases operations or is abandoned, the Township may order its removal as well as the removal of any related structures. The owner of the tower and/or property owner will have six (6) months to remove the tower upon receiving notification from the Township to do so. If the tower is not removed within the specified time period, and a time extension is not granted by the Township, the Township may cause the removal of the tower. After removal of the tower by the Township, a notice shall be mailed to the tower owner and the property owner stating the nature of the work done and demanding payment of the costs as certified by the Building Inspector together with an additional twenty (20) percent for inspection and incidental costs. If the amount specified in the notice is not paid within ninety (90) days, it shall become a lien against the property and will be certified as an assessment against the property.

# CHAPTER 19 LIGHTING

## SECTION 19.10 INTENT

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The intent of this article is to implement DarkSky principles; conserve energy, protect the natural environment from the adverse effects of artificial light; curtail the degradation of the nighttime visual environment; prevent excessive glare; and ensure safe conditions.

## SECTION 19.20 GENERAL REQUIREMENTS

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### A. APPLICABILITY

This section applies to all properties in the Township.

### B. LIMITATIONS

Light shall be confined on-site by the direction of the fixture, shielding, or adjustment of the level of brightness.

### C. GLARE

Lighting shall not be directed in any manner that causes glare onto neighboring residential property or distraction to drivers.

### D. DIRECTION

All outdoor lighting shall be directed down or directly onto the object being illuminated. Lighting or glare shall not be directed toward streets, adjacent properties, or the night sky.

### E. PROHIBITED LIGHT SOURCES

The following light sources are prohibited:

1. **Laser Source.** The use of laser source light or any similar high-intensity light for outdoor advertising or entertainment is prohibited.
2. **Searchlights.** The operation of searchlights for advertising purposes is prohibited.
3. **Flashing Lights.** Except for motion-activated security lighting and temporary holiday lighting, permanent lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation are prohibited.
4. **Public Safety.** Lighting that is similar to that used for traffic control devices or emergency vehicles is prohibited.

### F. PARKING LOTS

1. **Requirement.** All non-residential and multi-family residential parking lots shall be illuminated for customer and resident safety.
2. **Mounting.** Lights to illuminate parking lots shall not be attached to any building except for illuminating parking spaces that are within 10 feet of building walls.

G. LIGHTING REDUCTION

For commercial and industrial properties, light levels shall be reduced 50 percent after the close of business.

SECTION 19.30 LIGHT FIXTURE REQUIREMENTS

A. COLOR TEMPERATURE

- 1. The lighting color temperature of new and replacement light fixtures shall not exceed 2,700 Kelvins in residential zoning districts.
- 2. The lighting color temperature of new and replacement light fixtures shall not exceed 4,000 Kelvins in commercial and mixed-use and industrial zoning districts.

B. FIXTURE TYPE

Lighting fixtures for non-residential and multi-family residential uses shall be a down-lighted type and fully cut off, and the light shall not be allowed to be emitted above the fixture. For LED lighting, up-light shall be zero for “B.U.G.” ratings. Fixtures shall comply with the following requirements:

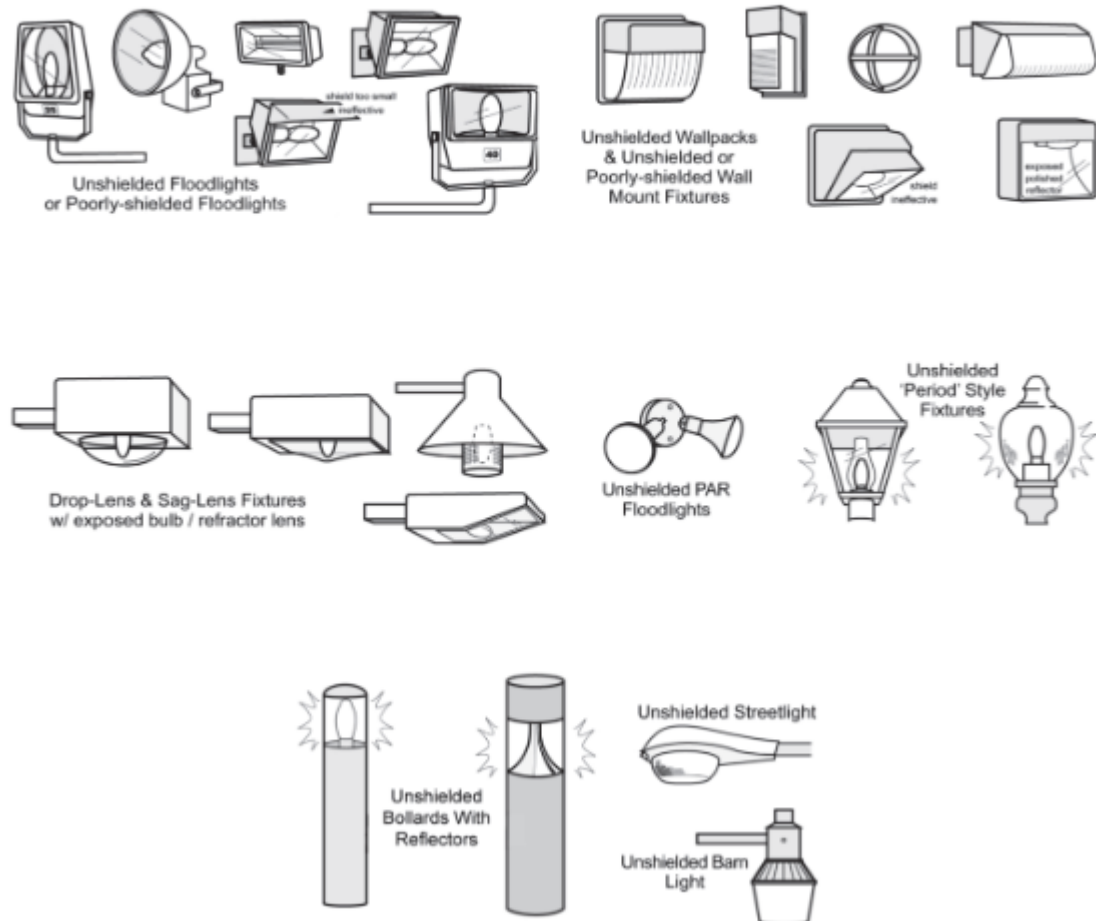
- 1. A full cut off fixture shall have no direct up-light and shall reduce glare by limiting the light output to less than 10 percent at and below 10 degrees below the horizontal.
- 2. If the applicant cannot provide manufacturer confirmation of full cut off characteristics of light fixtures, the fixture shall be fully shielded, which will be determined by visual inspection of the fixture or a specification sheet. Fully shielded light fixtures are constructed and installed in such a manner that all light emitted by it, either directly from the lamp or a diffusing element or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal.
- 3. Under-canopy lighting shall be mounted flush with the canopy surface.
- 4. Examples of compliant and noncompliant light fixtures are shown in Figures 19-1 and 19-2.

C. MOUNTING HEIGHT

Light fixture mounting heights shall not exceed the following:

| TABLE 19.30 C: LIGHT FIXTURE MOUNTING HEIGHT |                                                 |                      |
|----------------------------------------------|-------------------------------------------------|----------------------|
| Zoning District                              |                                                 | Maximum Height (ft). |
| Residential                                  |                                                 | 15                   |
| Commercial and Mixed-Use districts           | Less than 100 feet from a residential zoned lot | 20                   |
|                                              | 100 feet or more from residential zoned lot     | 25                   |
| Industrial Districts                         | Less than 100 feet from a residential zoned lot | 20                   |
|                                              | 150 feet or more from residential zoned lot     | 30                   |

**Noncompliant:** Fixtures that produce light trespass and glare



**Figure 19-1 Noncompliant Light Fixtures**

**Compliant:** Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night

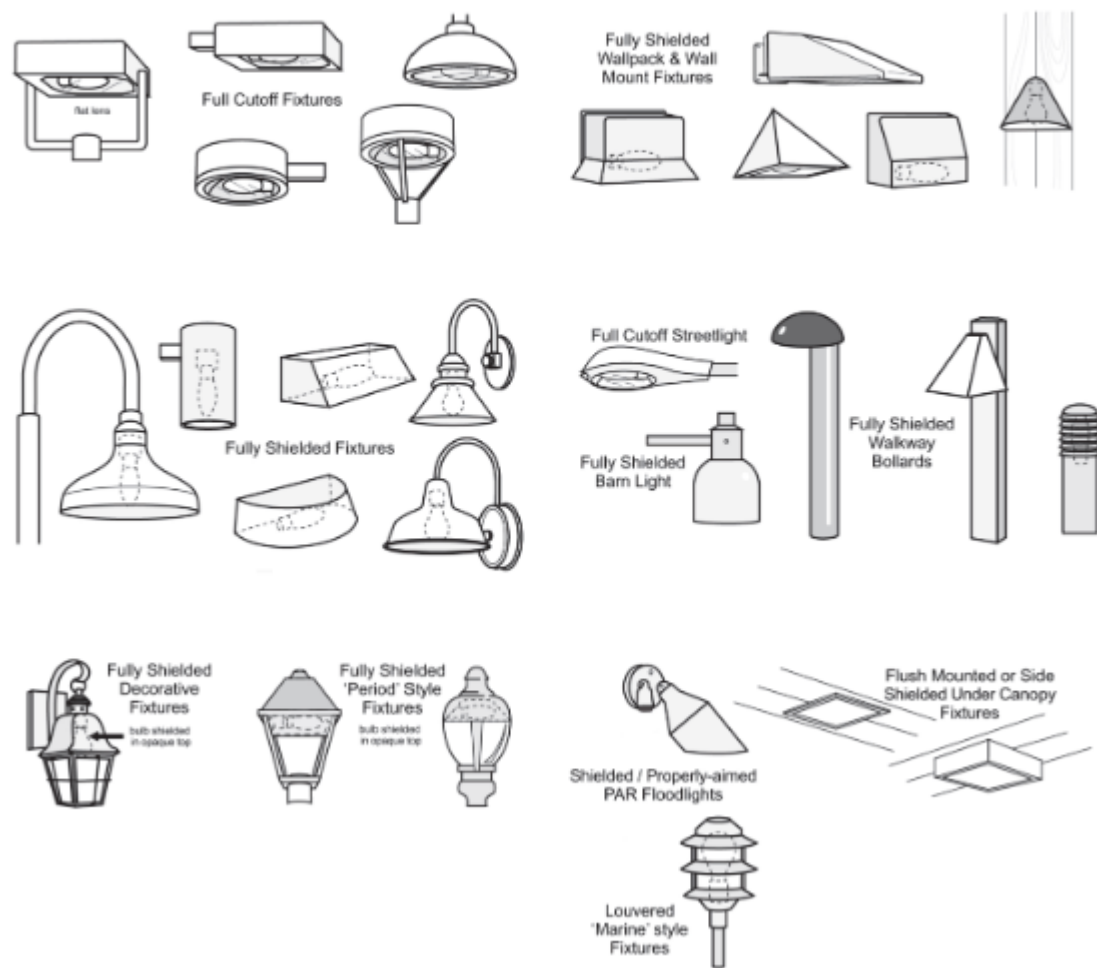


Figure 19-2 Compliant Light Fixtures

## **SECTION 19.40 LIGHTING PLANS**

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### **A. LIGHTING PLAN SUBMITTAL**

An overall lighting plan is required for all non-residential and multi-family parking lots. The Zoning Administrator or Planning Commission shall require a photometric plan for other areas illuminated on a site to ensure that the intent and requirements of this section are met.

### **B. SUBMITTAL REQUIREMENTS**

Compliance with the lighting design criteria shall be demonstrated by submitting the following information as part of the required site plan:

1. Lighting plan (as part of the site plan package) showing light fixture locations and type designations.
2. Fixture mounting height(s).
3. Type and number of lighting fixtures.
4. Lamp source type (bulb type, i.e. high-pressure sodium, LED, etc.), lumen output, color temperature, and wattage.
5. Lighting manufacturer-supplied specifications (cut sheets) that include photographs or illustrations of the fixture(s), indicating the certified full cut off characteristics or B.U.G. rating of the fixture or demonstration that the fixture is fully shielded.
6. Photometric Plan. A photometric plan shall include the following:
  - a. Maximum illuminance levels should be expressed in ground-level footcandle measurements on a grid of the site showing footcandle readings in every five or ten-foot square.
  - b. The grid shall include light contributions from all sources (i.e. pole-mounted, wall-mounted, sign, and street lights).
  - c. Footcandle measurements shall be shown five feet beyond the property lines.
  - d. A calculation summary indicating footcandle levels on the lighting plan, noting the maximum, average, and minimum, as well as the uniformity ratio of maximum to minimum, and average to minimum levels. Average and uniformity ratios shall only be calculated within the parking spaces and drive aisles and shall exclude other illuminated areas of the site.

## **SECTION 19.50 SITE LIGHTING LEVELS**

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### **A. ILLUMINATION LEVELS**

Light levels shall meet the requirements in Table 19.50 A.

**TABLE 19.50 A: REQUIRED SITE ILLUMINATION**

| Location on Site                                                      | Min. fc | Max. fc           | Ave. fc | Uniformity Ratio<br>Max. to Min./ Ave. to Min. |
|-----------------------------------------------------------------------|---------|-------------------|---------|------------------------------------------------|
| Parking Lots                                                          | .5 fc   | 10 fc             | 1 fc    | 10:1 / 4:1                                     |
| Under Canopies Such as Gas Stations,<br>Drive-Thru Bank Porte-Cochere | 3 fc    | 20 fc             | -       | -                                              |
| Along Front Lot Line Adjacent to the<br>Street Frontage               | 0 fc    | 1 fc              | -       | -                                              |
| Along a Lot line Adjoining a Non-<br>Residential Use or District      | 0 fc    | 1 fc <sup>1</sup> | -       | -                                              |
| Along a Lot line Adjoining a Residential<br>Use or District           | 0 fc    | 0 fc              | -       | -                                              |
| Non-Residential Outdoor Storage                                       | 0 fc    | 10 fc             | -       | -                                              |

## SECTION 19.60 LIGHTING MODIFICATIONS

### A. AUTHORITY

The Planning Commission may modify the illumination requirements in Table 19.50 A and other lighting requirements based on a review of the applicant's proposal against industry standards and advanced lighting technology, so long as lighting plans ensure safe conditions and minimize impact on adjacent properties.

### B. UNIQUE LAND USES

As part of site plan review by the Planning Commission, lighting systems not complying with the technical requirements of this article but consistent with its intent may be installed for the following land uses:

1. Sports fields and stadiums.
2. Specialized lighting for outdoor recreational uses.
3. Other unanticipated uses.

### C. CONSIDERATIONS

The Planning Commission shall consider the following during the review of lighting modification requests:

1. The amount of space on the site available for lighting.
2. Existing lighting on the site and on adjacent properties.
3. The type of land use on the site and the size of the development.
4. The potential impact on existing and proposed adjacent land uses.
5. The effect that the required lighting would have on the operation of the existing or proposed land use.

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<sup>1</sup> The light level along a non-residential lot line may be increased to the maximum footcandle level where there is shared access/vehicular connections or the adjacent use is a similar use.

## **CHAPTER 20 PARKING AND LOADING**

### **SECTION 20.10 INTENT**

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The intent of this chapter is to ensure that parking and loading are designed and incorporated in a safe, convenient, and environmentally sustainable manner. The minimum requirements provide for enough improved parking area surface to accommodate residents, customers, visitors, and workers to prevent congestion and unsafe conditions on developed properties and nearby streets. Further, this article aims to provide reasonable protection to adjacent land uses from light, noise, pollution, and other effects of parking lot development and usage.

### **SECTION 20.20 APPLICABILITY**

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#### **A. NEW BUILDINGS AND USES**

For all buildings and uses established after the effective date of this Ordinance, off-street vehicle parking and loading zones shall be provided as required by this article.

#### **B. CHANGE OR ALTERATION**

1. **Change of Use.** Whenever the use of a building or lot is changed to another classification of use, off-street parking facilities shall be provided as required by this article for the proposed use. Parking shall be provided prior to the building occupancy related to the new use.
2. **Increase in Intensity or Area.** If the intensity of use of any building or lot is increased through the addition of floor area, increase in seating capacity, increase of outdoor area dedicated to the land use, or other means, additional off-street parking shall be provided, as required by this article.

#### **C. RESTRIPING, RESURFACING, AND RECONSTRUCTION**

Restriping and resurfacing projects involving restriping may occur in accordance with previously approved site plans, even if nonconforming to the requirements of this chapter. Reconstructed parking lots shall comply with all requirements of this chapter.

#### **D. PROHIBITED CHANGES**

1. **Reduction.** Off-street parking facilities in existence on the effective date of this Ordinance shall not be reduced below the requirements of this article, nor shall nonconforming parking facilities that exist as of the effective date of this Ordinance be further reduced or made more nonconforming.
2. **Conversion or Use of Parking.** An area designated as required off-street parking shall not be changed to another use unless equal facilities are provided on the same site in accordance with the provisions of this article.

#### **E. EXEMPTION**

Outdoor sales and storage areas and temporary uses are not subject to the requirements article unless specifically stated.

## SECTION 20.30 GENERAL REQUIREMENTS

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### A. PARKING LOT PLAN

All parking lot plans shall include:

1. Calculations of required spaces using the methodology of Section 20.50.
2. Striping plan for all parking spaces
3. Width and depth of all parking spaces and loading zones
4. Dimension of all drive aisles and driveways
5. The radius of all curves
6. Accessible spaces meeting the requirements of the Americans with disabilities Act.

### B. DETERMINATION

The Zoning Administrator shall provide a final determination regarding the total parking required for all single and multi-use development sites in all cases, except for development applications approved by the Planning Commission or Township Board.

### C. ON-SITE LOCATION

Required off-street vehicle parking and loading zones shall be provided on the same lot as the principal building or use it is required to serve unless shared parking is approved by the Planning Commission per Section 20.60.

### D. LIMITATIONS ON USE OF REQUIRED PARKING LOTS

1. **Intent.** Off-street parking areas are intended only for temporary vehicle parking. The use of required off-street parking areas is not permitted for storing or parking wrecked or junked vehicles.
2. **Separate Requirements.** Required parking and loading spaces shall be considered separate and distinct requirements and provided as individual components on the site. In no case shall one component be construed as meeting the requirements of the other.
3. **Restriction on Storage.** Required parking lots and loading areas shall not be used for the storage of trucks, trailers, boats/watercraft, recreational vehicles, equipment, materials, or containers except where such outdoor storage and parking is specifically permitted in the applicable zoning district and has been approved in accordance with this Ordinance.
4. **Overnight Parking and Storage.** Overnight parking or storage of commercial vehicles in required parking spaces shall be prohibited except for uses and locations approved for vehicles. This shall not be construed to prohibit the parking overnight of commercial fleet vehicles or the short-term parking of trailers in loading bays or staging areas related to commercial or industrial uses within locations designated on the associated site plan.

### E. VEHICLE SALES AREAS

It shall be unlawful to use a parking lot or open area to store or park any vehicle for the purpose of displaying vehicles for sale except in an approved vehicle sales dealership.

## SECTION 20.40 PARKING LOT DESIGN

### A. SETBACKS

1. **Minimum Setbacks.** Parking lots and associated drive aisles are subject to the following minimum setback requirements from public right-of-way and private street easements and lot lines except as noted otherwise.

| TABLE 20.40 A: MINIMUM PARKING LOT SETBACKS |                                               |                                                                  |
|---------------------------------------------|-----------------------------------------------|------------------------------------------------------------------|
| Zoning District                             |                                               | Minimum Setback (ft.)                                            |
| Residential Districts                       | Front Setback                                 | 15                                                               |
|                                             | Side and Rear Setbacks                        | 25                                                               |
| Commercial and Mixed-Use Districts          | Front Setback- NC                             | 10 or at or behind the front building line, whichever is greater |
|                                             | Front Setback- GC/OS                          | 10                                                               |
|                                             | Setback from residential zoned property       | 25                                                               |
|                                             | Setback from a non-residential zoned property | 10                                                               |
| Industrial Districts                        | Front Setback                                 | 15                                                               |
|                                             | Setback from residential zoned property       | 50                                                               |
|                                             | Setback from a non-residential zoned property | 10                                                               |

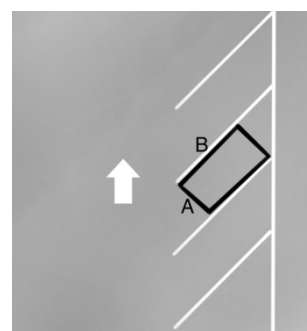
2. **Waivers.** Side and rear parking setbacks can be waived by the Planning Commission when parking lots on adjacent non-residential properties are designed and intended for cross-access and driveway connectivity.

### B. DIMENSIONS AND LAYOUT

#### 1. Dimensions.

- a. Parking spaces and aisles shall meet the width and length requirements of Table 20.40 B. Drive aisle width is also subject to review and approval of the Fire Department.

| TABLE 20.40 B: MINIMUM DIMENSIONAL REQUIREMENTS (FEET) |               |                  |                   |         |
|--------------------------------------------------------|---------------|------------------|-------------------|---------|
| Parking Pattern                                        | Parking Space |                  | Drive Aisle Width |         |
|                                                        | Width (A)     | Stall Length (B) | One-Way           | Two-Way |
| 0° (parallel)                                          | 8.5 ft.       | 22 ft.           | 12 ft.            | 22 ft.  |
| 30° to 53°                                             | 9 ft.         | 18 ft.           | 14 ft.            | 22 ft.  |
| 54° to 74°                                             | 9 ft.         | 18 ft.           | 18 ft.            | 22 ft.  |
| 75° to 90°                                             | 9 ft.         | 18 ft.           | 22 ft.            | 24 ft.  |



**Figure 20-1 Stall Width (A) and Depth (B) for Angled Parking**

- b. Stall length is the length of a rectangular footprint between parking lot stripes for angled and 90-degree parking. The distance between a curb and drive aisle may vary from the minimum stall length for angled parking spaces (See Figure 20-1).
- c. Length for 90-degree spaces may be reduced by up to two (2) feet if an unobstructed overhang, such as a landscaped area or sidewalk, is provided. If a sidewalk abuts the parking space, it shall have a minimum width of seven (7) feet to maintain a clear walking area of five (5) feet.

2. **Separation from Buildings.** There shall be a minimum distance of seven (7) feet between the parking lot curb or wheel stop and any building.
3. **Clear Passage.** All aisles or driveways shall remain unobstructed at all times and allow for the passage of emergency vehicles.
4. **Forward Motion.** Each off-street parking space shall open directly onto a drive aisle or driveway and not onto a street. Parking spaces and driveways shall be arranged so that ingress and egress to a street is by forward motion of the vehicle only. This requirement does not apply to driveways to single-family and attached dwellings or designated guest parking along residential streets in platted or condominium developments.

#### C. FIRE LANES

Fire lanes shall be designated on the site and posted with signage prior to occupancy. Vehicle circulation shall meet turning radius requirements set by the fire department.

#### D. PARKING LOT SURFACE AND MAINTENANCE

1. **Surface.**
  - a. Unless otherwise stated, driveways, drive aisles, and parking spaces shall be surfaced with bituminous asphalt, concrete, or alternative pervious surfaces.
  - b. Alternative pervious surfaces, such as grids, pavers, and pervious concrete, must be approved by the Planning Commission after a recommendation by the Township Engineer. The applicant shall demonstrate that the proposed surface materials are durable and maintain an appropriate appearance.
  - c. Gravel parking lots may serve farm markets, agribusinesses, and major home occupations in the RR zoning district if approved by the Planning Commission.
  - d. See Section 20.40 N for special event parking.
2. **Maintenance.** Driveways, drive aisles, and parking spaces shall be maintained and free of potholes, debris, or major structural deficiencies.

#### E. LANDSCAPE AREA CURBS

All landscaped areas within and abutting parking lots shall be protected by six (6) inch curbing. However, curb openings are allowed for stormwater drainage, or curbing may be waived in cases where proposed stormwater management uses swales or other depressions.

#### F. DRAINAGE AND RUNOFF

Parking areas shall be designed to prevent direct and increased runoff onto adjacent properties, and the design shall comply with all applicable Township and county stormwater regulations.

#### G. STRIPING AND PAVEMENT MARKINGS

Striping for all parking spaces and pavement markings for directional information and accessible spaces shall be maintained in good condition so that they are readily visible at all times.

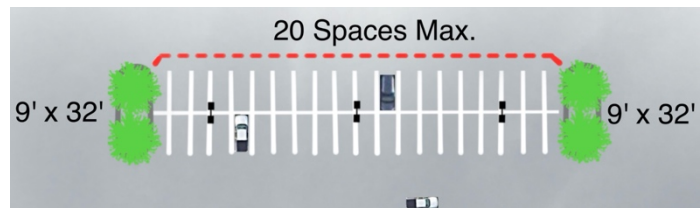
#### H. SNOW STORAGE AREAS

Snow storage shall be provided in areas abutting or in close proximity to all parking lots and shall be indicated on all site plans.

1. **Location.** Snow may be stored in landscape areas and parking areas provided that accumulated snow does not restrict access and circulation and is not stored in a manner to obscure sight lines at driveways, sidewalks, or other access points to public or private rights-of-way or fire lanes.
2. **No Minimum.** No minimum amount of additional snow storage area is required.
3. **Parking Spaces.** Unless stored on lawn areas, up to 10 percent of the required off-street parking spaces and 100 percent of those parking spaces in excess of those required under this article may be used as snow storage.
4. **Right-of-Way.** Public rights-of-way shall not be used for snow storage unless approved by the authority controlling the right-of-way.
5. **Runoff.** Snowmelt runoff shall be addressed in accordance with all applicable stormwater Ordinances.

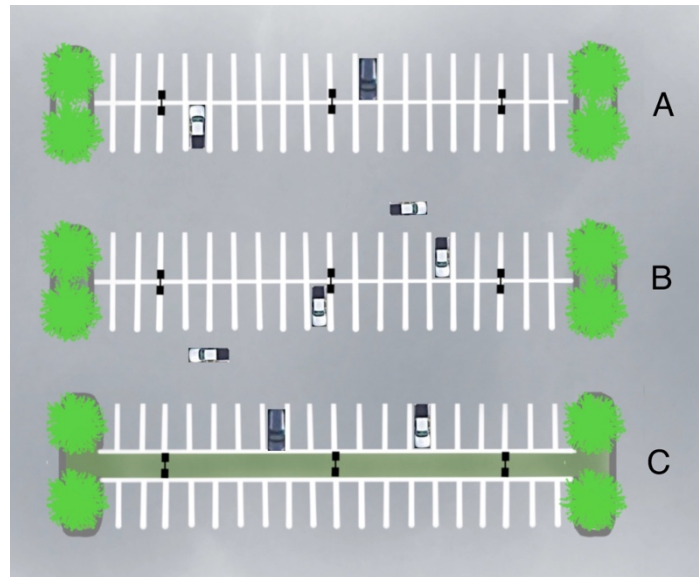
## I. LANDSCAPE BREAKS

1. **Breaks.** Parking area interior landscaping shall be distributed to physically break up blocks of parking spaces by landscape islands, bioswales, continuous landscape strips, or alternative methods.



*Figure 20-2 Maximum Number of Spaces in a Row and Parking Lot Islands*

2. **Islands and Peninsulas.**
  - a. Landscape islands or peninsulas shall be installed to ensure that parking rows do not exceed 20 consecutive spaces. Islands and peninsulas shall be at least nine (9) feet wide and 16 feet deep for a single parking row and nine (9) feet wide and 32 feet deep for a double-row of parking. See Figure 20-2.
  - b. All parking rows shall end with an island or peninsula. Trees must be planted within islands and peninsulas in accordance with Section 23.80 B.
3. **Double-Row Restriction.** There shall be no more than two (2) consecutive double-rows of parking in a parking lot. Double rows with at least eight (8) feet of landscaped area between rows shall be incorporated to break up parking lots with three (3) or more consecutive double rows. See Figure 20-3.
4. **Stormwater and Trees.** The landscape breaks are encouraged to be used to control stormwater runoff and serve as preservation areas for significant trees.



*Figure 20-3 Max. of Two Double-Rows (A-B) Until Double-Row with Landscaped Area Required (C)*

## J. PEDESTRIAN PATHWAYS

1. Minimum Number of Pathways. One (1) perpendicular pedestrian pathway providing access from the parking area to the principal building is required for every four (4) double-rows of parking or for every 200 feet of parking lot width, whichever is lesser.
2. Surface. Pedestrian pathways shall be surfaced with concrete or alternative surfaces approved by the Planning Commission after a recommendation by the Township Engineer.
3. Crossings. Crossings over drive aisles or driveways shall be striped as crosswalks.

## K. CONNECTIVITY

The design of parking lots within Commercial and Mixed-Use Districts and Industrial Districts shall be designed to preserve the possibility of future connectivity and cross-access movements of vehicles and pedestrians between adjacent lots. Cross-access easements shall be required in accordance with Section 21.40 I.

## L. LIGHTING

Parking lots shall be illuminated in accordance with Chapter 19.

## M. LANDSCAPING

Parking lots shall be landscaped in accordance with Article 23.

## N. SPECIAL EVENT PARKING

It is recognized that there may be special community events or situations that occur infrequently that require temporary or overflow parking arrangements.

1. **Minimum Requirements.** Parking shall be provided for expected patrons utilizing either existing on-site parking or temporary parking as approved by the Zoning Administrator. Parking will generally be based on one (1) space for every three (3) people on-site at any one time.
2. **Requirements.** Temporary and overflow parking areas are subject to the following requirements:
  - a. Parking areas shall be located and designed to ensure safe and efficient circulation for both pedestrians and vehicles, including designated maneuvering lanes, ingress, and egress.
  - b. Aisles and parking rows shall meet the minimum widths required in this section. Lanes and parking rows shall be designated by temporary markings, such as paint, cones, flags, or ribbons.
  - c. Grassed lots shall be maintained, mowed, and seeded to ensure a passable and stable surface.
  - d. Parking lots shall be graded and/or properly drained to dispose of all surface and stormwater and to prevent drainage onto abutting properties.
  - e. Barrier-free spaces shall be provided, pursuant to the Michigan Barrier Free Act.

## SECTION 20.50 REQUIRED NUMBER OF PARKING SPACES

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### A. INTENT

The minimum required parking per lot shall be provided in accordance with Table 20.50 D. The purpose of a minimum number of parking spaces is to encourage safety and efficiency within parking lots of businesses and institutions and to reduce the instances of illegally or inappropriately parked vehicles within the Township. Flexibility in parking count requirements is included in recognition that overly large parking lots are a drain on economic vitality, present safety hazards to pedestrians and motorists, and create environmental hazards

such as heat islands, stormwater runoff, loss of habitat, and flood hazards.

## B. ACCESSIBLE PARKING

Pursuant to the Michigan Barrier Free Act, as amended, accessible parking shall be provided for all new and expanded parking lots per the minimum requirements of the Act and other requirements that may be adopted by federal or state law. Accessible spaces shall be located as close as possible to building entrances.

## C. CALCULATION

The following instructions shall apply:

1. **Usable Floor Area.** Off-street parking requirements shall be calculated based on the usable total floor area served by the parking lot or as otherwise provided in Table 20.50 D.
2. **Fractions.** If the calculation of required parking spaces results in a fraction, the number shall be rounded down to a whole number.
3. **Public Assembly Seating.** Each 24-inch segment of bench, pew, or similar seating type shall be counted as one (1) seat for the purpose of determining parking requirements.
4. **Multiple Uses.** For projects with multiple land uses on the same site or within the same building, the number of parking spaces for each use shall be provided, and the space for one (1) use shall not be considered as providing required spaces for any other use except as permitted by Section 20.60.

## D. MINIMUM NUMBER OF PARKING SPACES

For uses not specified in Table 20.50 D, the required parking spaces shall be determined by the Zoning Administrator or the Planning Commission based on requirements for similar uses. In making its final determination, the Zoning Administrator or the Planning Commission shall determine that the proposed parking count is justified and sufficient, based on documented evidence, to accommodate the use on a typical day.

| TABLE 20.50 D: MINIMUM NUMBER OF PARKING SPACES                   |                                                                                                                                                |
|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| Use                                                               | Requirement                                                                                                                                    |
| Dwellings                                                         | Accessory dwelling unit: 1 per dwelling unit<br>Single-family detached & attached: 2 per dwelling unit<br>Multi-Family: 2.25 per dwelling unit |
| Assembly use                                                      | 1 for every 4 seat, occupant, or participant                                                                                                   |
| Bed and breakfast                                                 | 2 plus one 1 for each rentable room                                                                                                            |
| Day care, family home                                             | 2 per dwelling unit plus 2 for drop-off and pick-off (can be driveway spaces)                                                                  |
| General offices and services, personal services, and similar uses | 1 per 300 s.f.                                                                                                                                 |
| Home occupation                                                   | 2 per dwelling unit plus 2 if open to public (can be driveway spaces)                                                                          |
| Hospital                                                          | 1 per 500 s.f.                                                                                                                                 |
| Hotel or motel                                                    | 1 per room and plus parking for offices and other permitted uses                                                                               |
| Medical office                                                    | 1 per 250 s.f.                                                                                                                                 |
| Nursing home                                                      | 1 per 5 beds                                                                                                                                   |
| Restaurant, tavern                                                | 1 per 150 s.f.                                                                                                                                 |

|                                                |                                                                                                                                                                                                                                                                                    |
|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Retail                                         | 1 per 250 s.f.                                                                                                                                                                                                                                                                     |
| School                                         | Elementary and middle: 2 per classroom plus 1 per employee or 1 per 4 seats in the gymnasium or auditorium, whichever is greater<br>Secondary: 2 for each 3 employees normally engaged in or about the building and grounds plus 1 for each 4 students enrolled in the institution |
| Vehicle repair                                 | 3 per bay                                                                                                                                                                                                                                                                          |
| Warehousing, truck terminal, and manufacturing | 1 per 2,000 s.f., or 1 per employee plus 5, whichever is greater                                                                                                                                                                                                                   |
| Other Uses                                     | As determined by the approving authority considering 1 per employee and anticipated visitor traffic                                                                                                                                                                                |

#### E. MAXIMUM NUMBER OF PARKING SPACES

To minimize excessive areas of pavement that detract from aesthetics, contribute to high rates of stormwater runoff, and generate reflective heat, the minimum parking space requirements of this section shall not be exceeded by more than 25 percent unless approved by the Planning Commission during site plan review. The applicant has provided a parking study or industry standards demonstrating that the excess number of spaces would be more appropriate based on the actual number of employees, the expected level of customer traffic, or actual counts at a similar establishment.

### SECTION 20.60 REDUCED, SHARED, AND DEFERRED PARKING

#### A. REDUCTIONS

Parking minimums may be reduced when the applicant demonstrates to the approving authority that parking demand is expected to be lower than the requirements of Table 20.50 D, and the following considerations are taken into account. The Zoning Administrator or Planning Commission may choose to accept or alter the proposal. The purpose of this flexibility is to acknowledge that proposed land uses may vary significantly in terms of their size, scope, and operation and, therefore, vary in their parking need. Parking may be reduced after considering the following:

1. The applicant has provided a parking study or industry standards demonstrating that the proposed number of spaces would be more appropriate based on the actual number of employees, the expected level of customer traffic, or actual counts at a similar establishment.
2. There will be a high proportion of multipurpose visits; or
3. Uses within the building, buildings, or complex have peak parking demands during differing times of the day or days of the week.

#### B. SHARED PARKING

1. **Number.** The total parking space requirement shall be the aggregate number of spaces required at any time for the most parking-intensive use or combination of uses.
2. **Justification.** In order to qualify for this option, an applicant is required to explain in detail, as part of the site plan and to the satisfaction of the Planning Commission, how the shared parking option would function.

**3. Requirements.**

- a. Facilities located on adjoining separate properties must be within 600 feet of each other, measured from the nearest point of the public entrance to the building to the nearest point of the parking lot.
- b. A convenient pedestrian connection shall be provided between the properties.
- c. The availability of parking for all affected properties or uses shall be indicated by directional signs.
- d. Interior vehicular access shall be provided to interconnect all properties sharing the parking facilities.

**4. Change in Conditions.** Any change to the conditions that were considered during the approval shall require a review by the Planning Commission for the exemption to remain valid.**5. Agreements.** Prior to establishing shared use of parking, the property owner or owners shall submit a written agreement providing for the shared parking use and a cross access and parking easement to the Zoning Administrator. All shared parking agreements shall run with the land, and such deed restrictions shall be filed with the Kent County Register of Deeds. If any party to the agreement withdraws, that party shall be responsible for providing the required parking individually, in accordance with the provisions of this article. The agreement shall be filed prior to the establishment of the use.**C. DEFERRED PARKING****1. Deferment.** When the appropriateness of a reduction in the number of required parking spaces is demonstrated at the time of application, but future conditions could warrant increased parking, some of the required parking may be deferred by the Township.**2. Requirements.** Deferred parking plans shall be in accordance with the following:

- a. **Site Plan.** A site plan shall show all required parking but identify those spaces that will not be constructed until warranted. All deferred parking spaces and aisles shall meet the design and dimensional requirements of this article.
- b. **Landscaping.** Any area designated for deferred parking shall be landscaped and not used for any other purpose, such as outdoor storage or accessory buildings. Required parking lot landscaping shall be installed during the construction of the deferred parking area.

**3. Timeframe.** Construction of all or a portion of the deferred parking spaces may be initiated by the owner or required by the Township. The deferred parking shall meet all requirements of the Ordinance in effect at the time of construction.**D. AGREEMENT**

A written agreement in a form satisfactory to the Township requiring the provision of additional parking spaces if a greater number of employees or visitors use the lot at a future time shall be executed by the Township and the owner and/or occupant of the property.

**E. PERFORMANCE GUARANTEE**

A performance guarantee may be required by the Township in accordance with Section 25.80.

**F. VALIDITY**

The site plan approval of lesser parking requirements shall be valid only for the stated use.

## **SECTION 20.70 ELECTRIC VEHICLE CHARGING STATIONS**

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### **A. INTENT**

To plan for the increase of electric vehicles and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure, this section authorizes required or excess parking spaces to be used as electric vehicle charging stations.

### **B. ACCESSORY USE AND ACCESSORY STRUCTURES.**

Electric vehicle charging station spaces are classified as accessory uses, and electric vehicle charging stations are classified as accessory structures. Electric vehicle charging station spaces and electric vehicle charging stations and equipment are permitted in all public and private parking lots.

### **C. ENCOURAGEMENT OF NEW ELECTRIC VEHICLE CHARGING STATIONS**

1. All new and expanded public and private parking lots are encouraged to include electric vehicle charging stations or be EV-capable or EV-ready.
2. All new dwellings are encouraged to be constructed with a 220-240-volt / 40 amp outlet on a dedicated circuit and in close proximity to designated vehicle parking to accommodate the potential future hardwire installation of a Level-2 electric vehicle charging station.

### **D. REQUIREMENTS FOR ELECTRIC VEHICLE CHARGING STATIONS**

1. An electric vehicle charging station space may be included in the calculation for the minimum required parking spaces in accordance with Table 20.50 D. There is no limit on the number of electric vehicle charging stations. However, the applicant shall demonstrate by the historical use of the parking area for internal combustion engine vehicles and the anticipated demand for electric vehicle charging stations that there is sufficient parking for both drivers of electric vehicles and internal combustion engine vehicles. At a minimum, the applicant shall provide the number of existing parking spaces and the average number of available parking spaces at peak business hours for one week. The Zoning Administrator or Planning Commission, as applicable, shall make all final determinations regarding the minimum number of parking spaces for internal combustion engine vehicles to ensure compliance with Section 20.50 D.
2. Electric vehicle charging station spaces shall comply with the dimensional requirements of Section 20.40.
3. Electric vehicle charging station equipment may be located on any part of a property but shall be no less than 10 feet from property lines and public or private right-of-way and shall not be located within clear vision corners per Section 3.40 C. Electric vehicle charging station equipment approved for on-street parking within the right-of-way is exempt from the setback requirement.
4. Electric vehicle charging station equipment shall be protected with bollards or a comparable method. If curbing is used, the equipment shall be located at least two (2) feet behind the face of the curb.
5. At least five (5) feet of clear area shall be maintained if installed on or adjacent to an internal sidewalk, walkway, or another area accessible to pedestrians, cyclists, or wheelchair users abutting a parking lot. Electric vehicle charging station equipment shall not obstruct these passageways.

### **E. BUFFERING**

Any facility with equipment, structures, and buildings beyond a standard EV charging equipment shall be subject to buffer type "B" per Section 23.60.

## SECTION 20.80 LOADING ZONES

### A. APPLICABILITY

For every use involving receipt or distribution of materials or merchandise in trucks, loading zones must be provided.

### B. REQUIREMENTS

Loading zones and maneuvering lanes are subject to the following requirements:

1. **Maneuverability.** Sufficient space for truck maneuvering shall be provided and demonstrated on a site plan based on anticipated truck types. Maneuvering space for trucks using the loading spaces shall be provided on the lot and shall not necessitate the use of public right-of-way.
2. **Location.** Loading docks shall not be located on the primary street side of principal buildings unless determined by the Planning Commission that no other options are feasible or practical.
3. **Streets.** Loading zones shall be designed to prevent vehicles from backing out onto public or private streets.
4. **Number and Dimensional Requirements.** The number and dimensional requirements of off-street loading spaces are subject to Table 20.80 B.

| TABLE 20.80 B: MINIMUM OFF-STREET LOADING REQUIREMENTS |                   |                    |
|--------------------------------------------------------|-------------------|--------------------|
| Number of Spaces Required                              |                   |                    |
| Less than 20,000 square feet of floor area.            |                   | 1 space            |
| 20,000 to 50,000 square feet of floor area.            |                   | 2 spaces           |
| Each additional 50,000 square feet of floor area       |                   | 1 additional space |
| Dimensional Requirements                               |                   |                    |
| Standard Loading Zones                                 | Min. Width (ft.)  | 12                 |
|                                                        | Min. Length (ft.) | 25                 |
| Full-Length Tractor                                    | Min. Width (ft.)  | 15                 |
| Trailer Loading Zones                                  | Min. Length (ft.) | 55                 |

### C. MODIFICATION

The approval authority may modify the required size of loading spaces for uses such as offices or smaller retail businesses that will involve smaller delivery trucks.

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# CHAPTER 21 MOBILITY, TRAFFIC, AND ACCESS

## SECTION 21.10 INTENT

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The intent of this chapter is to provide safe and efficient transportation systems for all users.

## SECTION 21.20 PEDESTRIAN AND BICYCLE ACCOMMODATION

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### A. ON-SITE PEDESTRIAN CONNECTIONS

1. **Walkways.** All mixed-use, commercial, industrial, and multi-family development shall provide a network of safe, reasonably direct, and convenient on-site pedestrian walkways with a minimum width of five (5) feet from entryways to:
  - a. On-site parking areas.
  - b. Public sidewalks or pathways within adjacent public right-of-way.
  - c. Adjacent transit stops and shelters, public parks, greenways, schools, community centers, and shopping areas.
2. **Crosswalks.** Crosswalks in parking areas shall be distinguished from concrete and asphalt driving surfaces through the use of durable, low maintenance, striping or surface materials such as pavers, bricks, or scored, stamped, or colored concrete to enhance pedestrian safety and comfort as well as the attractiveness of the parking area.
3. **Amenities.** For the comfort and convenience of pedestrians and customers, when designing walkways internal to the development, the Township encourages the inclusion of landscaping treatments such as benches, trash receptacles, shade trees and/or other vegetative cover.

### B. ALONG ROADWAYS WITHIN RIGHT-OF-WAY

1. **Multi-Use Pathways.** In recognition of the fact that a pedestrian system along arterial streets would enhance pedestrian safety and conserve energy through nonmotorized transportation opportunities, walkways/bikeways may be required as determined by the Planning Commission during the site plan review process.
  - a. If required and possible, the walkway/bikeway shall be in the outside 10 feet of the road right-of-way and constructed in accordance with the adopted standards of the Township (Kent County Road Commission Standards).
  - b. If not possible within the right-of-way, a public access easement shall be provided if on private property.
2. **Considerations.** In determining whether to require a walkway/bikeway, the following criteria shall be considered by the Planning Commission:
  - a. The amount of current and future pedestrian and nonmotorized traffic passing by the site.
  - b. Whether the pedestrian facility would enhance the safety of pedestrians currently crossing the site as well as the safety of future pedestrians.
  - c. The existing and future volume of traffic on the street abutting the site.

- d. The existence or probability of such a facility being constructed on adjacent properties in order to create or complete a usable walkway/bikeway system.
- e. The location of the proposed use.
- f. The location of pedestrian attractions such as schools, churches, public buildings, and shopping opportunities.

#### C. BICYCLE ACCOMMODATION

- 1. **Bicycle Connections.** All new non-residential and mixed-use development shall be served by an internal bicycle circulation system that permits safe, convenient, efficient, and orderly movement of bicyclists from the place of origin to bicycle parking facilities or areas near the primary entrance(s) of principal buildings and recreation facilities and other common-use areas and amenities.
- 2. **Circulation.** The development's internal bicycle circulation system shall also permit safe, convenient, efficient, and orderly movement to and from any adjacent community-wide bicycle circulation system, public park, schools, community centers, and shopping areas.

### SECTION 21.30 TRAFFIC IMPACT ANALYSIS

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#### A. APPLICABILITY

- 1. **TIA.** A Traffic Impact Analysis (TIA) may be required by the Planning Commission for any development which is anticipated to generate more than 150 peak hour trips, based on the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE).
- 2. **Redevelopment.** In the case of redevelopment, trip generation will be defined as the number of net new trips generated by the proposed use beyond the trips generated by the previous use unless the previous use has been discontinued for more than 12 months.
- 3. **Projects with Cumulative Impacts.** A TIA shall be required for development projects that do not otherwise meet the thresholds of a required TIA if the application is for a project that:
  - a. Shares features such as site access, common ownership, or other infrastructure with nearby undeveloped property for which future development can reasonably be anticipated and
  - b. The cumulative impact of the overall development can be expected to exceed the threshold for preparation of a TIA.
- 4. **Other Circumstances.** The Planning Commission may waive the requirement to complete a TIA or may require a TIA to be submitted for developments not meeting the above requirements based upon localized safety, operational, or street capacity issues, including levels of service (LOS) of existing streets.

#### B. EXEMPTIONS

Previously approved developments for which a TIA was submitted in conjunction with a preliminary plat for subdivision, site condominium, site plan, or Planned Unit Development shall be exempt from the requirements of this section, provided the TIA is less than two (2) years old.

#### C. SUBMITTAL

- 1. **Requirements.** The TIA shall be submitted along with a development application for review by the Planning Commission. The TIA shall be prepared by a professional transportation engineer licensed in the State of Michigan and shall, at a minimum:

- a. Identify existing conditions, including abutting street cross-section, current (background) traffic volumes, peak hour directional volumes, signalization, and intersection level of service (LOS).
  - b. Project the traffic to be generated by the proposed development and proposed developments in the immediate vicinity based on the most recent edition of the ITE Trip Generation Manual. The Township, Kent County Road Commission, or Michigan Department of Transportation may also specify annual growth factors to be used in the TIA;
  - c. Evaluate site access, directional movements, and internal circulation;
  - d. Evaluate, based on LOS during peak hours, the ability of the surrounding road network to support the proposed development and the cumulative traffic of current and other projected uses;
  - e. Consider planned roadways or improvements; and
  - f. Identify specific improvements to the surrounding road network that are necessary to support the traffic to be generated at an acceptable level of service.
2. **Contrasting Scenarios.** The traffic study should contrast the daily and peak hour trip generation rates for representative use in the current and requested zoning district or the current and requested use. The determination of representative uses shall be made by the Township.

#### D. DECISION-MAKING

The results of a TIA may be considered during the review of Planned Unit Developments, zoning map amendments, and special land uses to determine if traffic-related standards of approval are met.

### SECTION 21.40 ACCESS MANAGEMENT

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#### A. INTENT

This section regulates the number and spacing of access points on county primary and secondary streets. The objectives of this section are to:

1. Ensure safe conditions for all users, include pedestrians, cyclists, wheelchair users, and drivers.
2. Encourage the efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
3. Improve safety and reduce the potential for crashes.
4. Avoid the proliferation of unnecessary curb cuts and driveways and eliminate or reconfigure existing access points that do not conform to this section when the opportunities arise.
5. Require coordinated access among adjacent lands, where possible, using frontage roads, service drives, and shared access points, where appropriate.
6. Establish uniform standards to ensure fair and equal applications that are the minimum necessary to meet the objectives.
7. Provide landowners with reasonable access, though the access may be restricted to a shared driveway or service drive or via a side or rear street, even though the number and location of access drives may not be the arrangement most desired by the landowner or applicant.
8. Promote a more coordinated development review process for the Township with the Kent County Road Commission.

## B. JURISDICTION AND CONFLICT

The standards within this section may be more restrictive than the standards of the Michigan Department of Transportation or the Kent County Road Commission, which have jurisdiction over streets and review and approve access design. The Township has developed the standards of the section to complement the standards of the Michigan Department of Transportation and the Kent County Road Commission for streets. Where any conflicts arise, the more stringent standard shall apply. This section sets forth procedures to help ensure a consistent review and approval process.

## C. APPLICABILITY

1. **Applications.** All applications for planned unit developments, platted subdivisions, site condominiums, conventional condominiums, and site plans that propose access to Kent County primary and secondary roads are subject to the requirements of this section.
2. **Site Plan Amendments.**
  - a. The Planning Commission, in conjunction with the Kent County Road Commission, shall determine the extent of upgrades to bring the site into greater compliance with the access standards. In making its decision, the Planning Commission shall consider the existing and projected traffic conditions, any sight distance limitations, site topography or natural features, impacts on internal site circulation, location and design of meridian crossovers, and recommendations from the Kent County Road Commission.
  - b. Required improvements may include removal, rearrangement, or redesign of site access points or other improvements required by the Township, Fire Department, and the Kent County Road Commission.
3. **Coordinated Review.** The applicant shall submit evidence that the Kent County Road Commission has been sent a copy of the proposed plan for review and approval.

## D. GENERAL REQUIREMENTS

1. **Measurements.** Unless otherwise noted, spacing and offsets shall be measured from centerline to centerline.
2. **Number of Driveways.**
  - a. In general, the number of access points from public primary and secondary roads to development sites shall be the fewest needed to allow motorists reasonable access to the site and shall provide the opportunity for shared access with adjoining lots.
  - b. Access points shall be limited to one (1), unless it can be shown that the property will generate sufficient traffic volumes to require two (2) points of access or that additional access points are necessary for safe operations internal to the property.
  - c. Should an additional access point be needed, joint access shall be sought with adjacent property owners.
3. **Driveway Location in General.** Access drives shall be located to interfere as little as possible with the use of adjacent properties and the flow of traffic on adjacent streets, to avoid undue interference with pedestrian access, and to provide the required site distance and the most favorable driveway grade.
  - a. Access drives on corner lots shall be located as far from the street intersection as practicable.
  - b. Details must be provided to confirm adequate sight distance per Kent County Road Commission standards.

- c. Access shall be located to ensure the adjacent site(s) can also meet the access location standards.
4. **Access Design.** Where practical, given right-of-way constraints, driveways shall be designed with radii, tapers, and other geometrics as determined by the Kent County Road Commission to minimize the impacts of inbound right turns on traffic flow.

#### E. SPACING BETWEEN COMMERCIAL DRIVEWAYS AND STREET INTERSECTIONS

1. **Minimum Spacing.** Minimum spacing requirements between a proposed commercial driveway and an intersection either adjacent or on the opposite side of the street may be set on a case-by-case basis but shall not be less than the distances listed in Table 21.40 E, unless otherwise approved by the Kent County Road Commission and the Township.
2. **Measurement.** For curbed sections, spacing and offsets shall be measured from centerline to centerline. For uncurbed sections, the following measurements are from the near edge of the proposed driveway, measured at the throat perpendicular to the street, to the near lane edge of the intersecting street or pavement edge.

**TABLE 21.40 E: MINIMUM COMMERCIAL DRIVEWAY SPACING FROM COUNTY ROAD INTERSECTIONS**

| Road Type      | Minimum Driveway Spacing (ft.) |
|----------------|--------------------------------|
| County Primary | 350                            |
| County Local   | 250                            |

#### F. SPACING BETWEEN COMMERCIAL DRIVEWAYS ON SAME SIDE OF STREET

Minimum spacing between two (2) commercial driveways on the same side of the street shall be determined based upon posted speed limits along the parcel frontage noted in Table 21.40 F. The minimum spacing indicated below is measured from centerline to centerline.

**TABLE 21.40 F: MINIMUM SPACING BETWEEN COMMERCIAL DRIVEWAYS ON SAME SIDE OF STREET**

| Posted Speed Limit (MPH) | Minimum Driveway Spacing (ft.) |
|--------------------------|--------------------------------|
| 35 or less               | 130-245                        |
| Over 35                  | 300-455                        |

#### G. ALIGNMENT AND SPACING BETWEEN COMMERCIAL DRIVEWAYS ON OPPOSITE SIDES OF THE STREET

1. **Alignment and Separation.** To reduce left-turn conflicts, new commercial driveways shall be aligned with those across the street where possible. If alignment is not possible, driveways shall be offset the minimum distance as noted in Table 21.40 G from those on the opposite side of the street. The minimum spacing indicated below is measured from centerline to centerline. These standards may be reduced by the Township if approved by the Kent County Road Commission. Longer offsets may be required depending on the expected inbound left-turn volumes of the driveways.

**TABLE 21.40 G: MINIMUM SPACING BETWEEN COMMERCIAL DRIVEWAYS ON OPPOSITE SIDE OF STREET**

| Posted Speed Limit (MPH) | Minimum Driveway Spacing (ft.) |
|--------------------------|--------------------------------|
| 35 or less               | 255-425                        |
| Over 35                  | 525-750                        |

2. **Exceptions.** In the case of expansion, alteration, or redesign of an existing development where pre-existing conditions prohibit adherence to the minimum commercial driveway spacing standards, the Township may modify the driveway spacing requirements.

## H. SHARED DRIVEWAYS AND PRIVATE STREETS

1. **Reduction of Access Points.** Where noted above, or where the Township determines that reducing the number of access points may have a beneficial impact on traffic operations and safety while preserving the property owner's right to reasonable access, a shared commercial driveway, frontage road, or rear service drive connecting two (2) or more properties or uses may be required. In particular, service drives may be required near existing traffic signals or near locations having potential for future signalization; along major arterial streets with high traffic volumes; and along segments with a relatively high number of accidents or limited sight distance.
2. **Review.** Shared commercial driveways and private streets are subject to review and approval in accordance with Chapter 22.

## I. CROSS-ACCESS CONNECTIVITY

1. **Applicability.** Nonresidential and mixed-use development sites in the Commercial and Mixed-Use and Industrial zoning districts shall be designed to incorporate cross-access connectivity between parking areas of abutting Commercial and Mixed-Use and Industrial zoned lots or to the boundary of adjoining similarly zoned vacant land. The cross-access shall consist of a driveway or drive aisle meeting the width requirements of Section 20.40.
2. **Easements.** Easements allowing cross-access to and from lands served by a vehicular cross-access, along with agreements defining maintenance responsibilities of landowners pertaining to the vehicular cross-access, shall be recorded by the landowner with the Kent County Register of Deeds. Easements and maintenance agreements shall comply with Section 22.70.
3. **Waiver.** If the approval authority determines that cross-access connectivity is not appropriate or is impractical for the subject use(s),
  - a. The site shall be designed to preserve the possibility of future connectivity and cross-access movements of vehicles and pedestrians between adjacent parcels; or
  - b. Cross-access shall be waived if determined that topographic conditions, natural features, or vehicular safety factors support the waiver.

## J. MODIFICATIONS

1. **Authority and Review.** The Township approval authority may modify the standards of this section, but only upon receiving input and approval from the Kent County Road Commission.
2. **Traffic Impact Study.** If the applicant requests a modification, the Township may require submittal of a transportation impact analysis in accordance with Section 21.30, to verify the need for additional driveways or to justify a modification from the standards of this section.
3. **Considerations.** Modifications shall only be approved in the following situations.
  - a. The modification will allow an existing driveway to remain that does not meet the standards of this Section but that has, or is expected to have, very low traffic volumes (less than 50 in-bound and out-bound trips per day) and is not expected to significantly affect traffic operations.
  - b. The use is expected to generate a relatively high number of trips and an additional driveway will improve overall traffic operations.
  - c. Unique difficulties exist on the site that make compliance unreasonable (e.g., sight distance limitations, existing development, topography, unique site configuration or shape), or existing off-site driveways make it impractical to fully comply with the standards.

- d. Restricted turning movements will be further restricted by driveway design so that the driveway is not expected to significantly affect traffic flow.
- 4. **Lack of Sufficient Frontage to Maintain Adjacent Spacing.** In the event that a particular lot lacks sufficient frontage to maintain adequate spacing, the following options should be considered:
  - a. Choose the next lowest spacing from the applicable table.
  - b. Encourage a shared driveway with the adjacent owners. In such case the driveway midpoint may be located at the property line between two parcels. However, all parties must agree to the joint driveway in writing.
  - c. Provide an access point to the side street when it is possible.
  - d. In areas where frontage roads or service drives exist or can be constructed, individual properties shall be provided access to these drives rather than directly to the main highway.
  - e. After all the above options are exhausted, an access point may be allowed within the property limits as determined by the Township and Kent County Road Commission.

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## **CHAPTER 22 PRIVATE STREETS & DRIVEWAYS**

### **SECTION 22.10 INTENT**

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The intent of this chapter is to ensure that newly-created parcels, lots, and condominium units have safe and efficient year-round permanent vehicle access and utilities to protect the health, safety, and welfare of the public. Safe conditions are preserved by ensuring that private streets and driveways are constructed and maintained to support year-round traffic and also emergency vehicles, including but not limited to fire, police, ambulance, delivery, and utility service vehicles. The procedures, standards, and specifications established in this chapter are provided to ensure fair and consistent application to meet this intent.

### **SECTION 22.20 APPLICABILITY**

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#### **A. GENERAL**

No private street or driveway shall be constructed, extended, used, or upgraded unless approved by the Township in accordance with this chapter.

#### **B. DRIVEWAY COMPLETION**

A private driveway must also be approved and installed in accordance with this chapter before the building official issues a certificate of occupancy for a new dwelling.

#### **C. LAND DIVISIONS TO BE SERVED BY PRIVATE STREETS**

1. Compliance with the easement requirements of this chapter will allow applicants to satisfy the accessibility requirements of the Michigan Land Division Act (Act 288 of 1967, as amended) and the frontage requirements of Section 3.30 D of this Ordinance.
2. A land division involving a private street to satisfy frontage and access requirements shall not be approved without prior Township approval of an easement and a private street in accordance with this chapter.
3. Building permits may be issued for structures on lawful lots accessed by private streets resulting from land division approvals; however, a private street shall be constructed, inspected, and approved in accordance with the requirements for a Zoning Permit- Certification of Site Compliance prior to the issuance of a certificate of occupancy for any building or structure on the parcel accessed by a private street (Section 25.40 B.4).

#### **D. PLATTED SUBDIVISIONS AND CONDOMINIUMS TO BE SERVED BY PRIVATE STREETS**

1. Compliance with this chapter will allow applicants to satisfy the frontage requirements of Section 3.30 D of this Ordinance for platted subdivisions and condominium developments.
2. A final plat, final site condominium plan, or final condominium project plan involving a private street for access shall not be approved without Township approval, construction, and close-out of a private street in accordance with the requirements for a Zoning Permit- Certification of Site Compliance (Section 25.40 B.4).

**E. LAWFUL NONCONFORMING PRIVATE STREETS AND DRIVEWAYS**

See Section 33.70.

**SECTION 22.30 GENERAL REQUIREMENTS**

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**A. FIRE DEPARTMENT INSPECTIONS**

All private streets and private driveways approved in accordance with this chapter are subject to periodic inspection by the Fire Department having jurisdiction to ensure that surfaces and conditions are fully maintained in conformance with this chapter.

**B. GATES**

All gates blocking access to buildings or a private street must have an access code given by the Fire Department and be equipped with a keyed switch that will keep the gate open. The keyed switch must use a Knox Box Key with a key within it. Gates shall have a minimum opening of 12 feet or the width of the roadway, whichever is greater.

**C. SIGNAGE**

Signage naming the private street meeting Kent County Road Commission standards shall be installed and maintained at all times where a private street intersects with any public road. Also, a stop sign shall be installed and maintained at all times where a private street meets a public road.

**D. ADDRESSING AND SIGNAGE**

1. Address numbering shall be based on the private street and not the public road. Addressing shall be approved by the Kent County Road Commission.
2. Principal buildings shall display an address number in a manner so that the number is readily visible from the private street. Principal buildings served by a private driveway extending from a public road shall display an address number in a manner so that the number is readily visible from the public road. Address identification shall comply with Section 505.1 of the 2015 International Fire Code.

**E. ENTRANCE LOCATION AND DESIGN**

The spacing, geometric design, and surface requirements for all private street and private driveway entrances within the public right-of-way are subject to the current "Rules to Regulate Work Driveways, Banners and Parades Upon and Over Public Highways," as amended, as adopted by the Kent County Road Commission (KCRC).

**F. NO OBSTRUCTION**

A person or persons shall not erect, construct, place or maintain any speed control bumps, fences, gates, chains, bars, pipes, wood or metal horses or any other type of obstruction on any private road designed to limit access or control vehicular speed.

**G. APPROVAL BY THE ROAD COMMISSION**

No private road construction permit shall be issued for a private road until the applicant(s) has/have presented the building inspector with either an approved private road permit by the county road commission or a letter from the county road commission indicating that no private road permit from the count is required in that location.

**H. PLANNED UNIT DEVELOPMENTS**

If the private street is proposed as part of a Planned Unit Development (PUD) project, the provisions of this section regarding private road standards may be modified for the PUD project by the Planning Commission at its sole discretion for good cause shown.

**I. PERFORMANCE GUARANTEE**

1. The Planning Commission may, as a condition of the private street construction permit application approval process, require the applicant(s) to post a cash bond, a bank letter of credit, or other security in accordance with Section 25.80 in order to ensure compliance with the requirements of this section.
2. The amount of the bond or security submitted, if required, shall be equal to the total estimated cost for completing construction of the private road as approved by the Township Board.
3. The bond, escrow, or unspent portions thereof, will be returned to the applicant(s) by the Township Board upon completion of the private road to the standards required in this section.

**J. ALL LOTS SHALL UTILIZE THE PRIVATE STREET**

Where a private street is proposed to serve fewer than all of the lots to be created out of a given parcel or for a development, the Planning Commission can require that all resulting lots utilize the private road so that no lots have a driveway or other access onto public road apart from the approved private road.

**K. PARCEL SIZE AND CONFIGURATION**

Pursuant to the site plan approval of a private road, the Planning Commission can require that proposed lot boundaries and sizes be altered (but not be less than the minimum required by this Ordinance) if it is determined by the Planning Commission that such alterations are required to meet the standards required for site plan approval.

## **SECTION 22.40 RESIDENTIAL PRIVATE DRIVEWAYS**

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**A. PERMITTING**

1. **Zoning Permit.** A zoning permit is required for all driveways as part of the building plan review or as a separate application if no building is involved.
2. **Sketch.** A driveway sketch prepared to scale shall be provided to the township to demonstrate compliance with the requirements of this chapter, in addition to a driveway permit containing an approved street address issued by the Kent County Road Commission, as applicable.

**B. GENERAL REQUIREMENTS**

1. **Single Lot.** A driveway shall only serve one (1) lot.
2. **All-Weather Surface.** The driveway must support sustained vehicle use and allow for easy all-weather emergency vehicle access.
3. **Connection to Streets.** On a corner lot at the intersection of a public road private street, a private driveway shall connect to the private street, and the lot shall not have direct access onto the public street.
4. **Turn-Outs.** If the surface width of the driveway is less than 20 feet, tapered turn-outs at a ratio of one (1) per 300 feet shall be provided. Turn-outs (travel plus bypass lanes) shall be no less than 20 feet wide by 40 feet long (excluding tapers). Driveway throats and intersections may satisfy turn-out requirements if properly spaced and sized.

5. **Fire Truck Maneuverability.**

- a. An improved area having dimensions adequate for maneuvering and also the turn-around of firefighting apparatus shall be available in a location acceptable to the Fire Official.
- b. Minimum Curve and Turn Radius. Curves on driveways must be traversable by fire equipment to a point within 50 feet of a structure. Curve radius shall be not less than 48 feet and 11 inches (48'11").
- c. All driveways shall meet the requirements of the fire code.

6. **Drainage.**

- a. Driveways shall be crowned and/or sloped to facilitate drainage.
- b. Swales or ditches shall be designed to comply with the requirements of Chapter 40, Art. III of the Gaines Charter Township Code of Ordinances and State of Michigan environmental regulations, as applicable. Excavation, grading, and restoration must all comply with Kent County soil erosion permitting requirements.

C. **SPECIFIC DESIGN REQUIREMENTS**

| TABLE 22.40 C: DRIVEWAY DIMENSIONAL REQUIREMENTS |                                                                   |
|--------------------------------------------------|-------------------------------------------------------------------|
| Requirement                                      | Residential Private Driveway                                      |
| Minimum Surface Width                            | 10 feet if less than 250 feet and 12 feet if 250 feet and greater |
| Maximum Grade                                    | 6% but 4% within 30 feet of the street                            |
| Minimum Vertical Clearance                       | 14 feet                                                           |
| Minimum Horizontal Clearance                     | 15 feet except where turnouts require a greater width             |

## SECTION 22.50 COMMERCIAL DRIVEWAYS

A. **PERMITTING**

Commercial driveways and commercial shared driveways are subject to site plan review in accordance with Chapter 26.

B. **GENERAL REQUIREMENTS**

1. **Access Management.** Commercial driveways and commercial shared driveways are subject to access management requirements in Section 21.40.
2. **Design.** Commercial driveways are subject to the dimensional requirements of drive aisles in accordance with Section 20.40.
3. **Setbacks.** Building setback requirements are not applied to commercial driveways, shared commercial driveways, or commercial driveway easements.
4. **Frontage.** Commercial driveways and commercial shared driveways shall not be used to meet frontage requirements of Section 3.30 D.
5. **Easement.** Commercial driveways serving as cross-access and shared commercial driveways are subject to the easement requirements of this chapter. Easements shall be sufficient in width to include the entire drive surface and drainage.

## SECTION 22.60 PRIVATE STREET REQUIREMENTS AND DESIGN

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### A. PERMITTING

Private streets shall not be created, installed, or extended without site plan approval. See Chapter 26 Site Plan Review.

### B. GENERAL REQUIREMENTS

1. **Maintenance.** Private Streets shall be kept in reasonable repair and maintained at all times and shall be regularly snowplowed during snow conditions.
2. **Drainage and Soil Erosion.**
  - a. Street design shall comply with the Township's Stormwater Ordinance.
  - b. Increases in stormwater run-off shall be mitigated when the total area of the impervious surface of the private street exceeds one (1) acre.
  - c. Existing drainage patterns shall not be altered or changed.
  - d. Cross culverts shall be provided where necessary to maintain the existing drainage patterns and shall be a minimum of 12 inches in diameter.
  - e. All culverts and storm sewer systems shall be designed by a licensed engineer to pass a 10-year design storm without surcharging.
  - f. All culverts and storm sewers must be constructed with premium joints and with the structural strength to support a fire truck and shall be maintained in a good working and clear condition at all times.
  - g. Excavation, grading, and restoration work must comply with Kent County soil erosion permitting requirements. All disturbed areas must be restored with a thick stand of grass.
2. **Additional Lots Served by Minor Private Streets.** No more than the maximum number of residential lots may be served by a minor private street unless upgraded to comply with major private street requirements.

## C. SPECIFIC DESIGN REQUIREMENTS

| TABLE 22.60 C: STREET REQUIREMENTS  |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Requirement                         | Residential Minor Private Street                                                                                                                                                                                                                                    | Major Private Street                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Maximum Lots Served</b>          | 4 residential lots and 4 dwelling units                                                                                                                                                                                                                             | 30 lots and 30 dwelling units with a single point of access to a public street<br><br>Over 30 lots with 2 or more points of access to a public street, unless exceptions are approved in accordance with Section D107.1 of the 2015 International Fire Code<br><br>See Section D106.1-3 of the 2015 International Fire Code for private streets serving multiple-family developments with over 200 dwelling units |
| <b>Minimum Easement Width</b>       | 66 ft.                                                                                                                                                                                                                                                              | Residential: 66 ft.<br><br>Non-Residential: 86 ft.                                                                                                                                                                                                                                                                                                                                                                |
| <b>Minimum Surface Width</b>        | 16 ft. plus 2 ft. wide gravel shoulders on each side                                                                                                                                                                                                                | 26 ft. plus 2 ft. of valley gutter on each side.                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Minimum Vertical Clearance</b>   | 14 ft.                                                                                                                                                                                                                                                              | 14 ft.                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Minimum Horizontal Clearance</b> | 15 ft. from edge of surface material on both sides                                                                                                                                                                                                                  | Residential: 15 ft. from edge of surface material on both sides<br><br>Non-Residential: 20 ft. from edge of surface material on both sides                                                                                                                                                                                                                                                                        |
| <b>Intersections</b>                | See Section 21.40 Access Management                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Minimum Cul-De-Sac Radius</b>    | 48 ft. 11 in. unless a wider radius is required by the Kent County Road Commission Requirements and Specifications for Plat Development or Fire Department                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Paved Surface</b>                | Private streets shall be paved with asphalt in accordance with the Kent County Road Commission Requirements and Specifications for Plat Development                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Other</b>                        | For cross section, cul-de-sac, horizontal curve centerline radius, sub-surface and surface material and minimum thickness, intersections, and grade see the current edition of the Kent County Road Commission Requirements and Specifications for Plat Development |                                                                                                                                                                                                                                                                                                                                                                                                                   |

## SECTION 22.70 MAINTENANCE REQUIREMENTS

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### A. MAINTENANCE AGREEMENT

A recorded easement maintenance agreement or master deed (as approved by the Township) is required to guarantee the perpetual private maintenance, upkeep, and snowplowing of a private street. These documents shall be approved by the Township and be recorded prior to the issuance of zoning and building permits for any parcel, lot, or condominium unit served by the private street and shall contain all of the following provisions:

1. **Financing.** A method of initiating and financing the maintenance and snowplowing of the private street and other improvements within the easement so that they are kept in a passable and safe condition year-round.
2. **Cost Sharing.** Provisions apportioning the costs of maintenance and improvements as follows:
  - a. **Original Users.** The method by which the original users will apportion the costs of construction, maintenance and improvements.
  - b. **Subsequent Users.** The method for apportioning to subsequent users a proportionate share of the maintenance costs and costs of improvements, whether the subsequent users are a result of: (1) extension of the private street beyond its initial length, or (2) connection to another private street, or (3) division of property that is to be served by the private street.
3. **Township Authority.** A notice that if repairs and maintenance are not made, the Township Board may upgrade the private street to the design standards specified in this chapter and assess all owners of property served by the private street for the improvements, plus an administrative fee in the amount of five (5) percent of the total cost of the improvements.
4. **No Public Expenditures.** A notice that no public funds of the Township are to be used to build, repair, snowplow, or maintain the private street or associated improvements.
5. **Hold Harmless.** A provision stating that the Township will be held harmless by the lot owners for any personal or property damage claims or liabilities arising from accidents occurring on or in connection with the private street.
6. **Easement.** Easements to the public for purposes of utilities, emergency, and other public vehicles for whatever public services are necessary.
7. **Legal Access.** A provision indicating that the owners of any and all of the property using the private street shall refrain from prohibiting, restricting, limiting, or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, utility personnel, delivery vehicles, invitees, tradesmen, emergency vehicles, and others bound to or returning from any of the properties having a right to use the private street.
8. **Legal Requirements.** Any other provision required by the Township Attorney.

### B. EXTENSION OF EXISTING PRIVATE STREETS

Prior to the extension of a private street which does not have a recorded legally enforceable or complete easement, master deed, and/or easement maintenance agreement conforming to this Section, the owners of all lots shall submit an easement and easement maintenance agreement or master deed (or amendments

thereto) for review and approval by the Township and shall be executed by all lot owners along the street and recorded before such extension occurs.

**C. ADDITION OF LOT(S) TO EXISTING PRIVATE STREETS**

The owner of any parcel, lot, or condominium unit added to a private street shall be responsible for its proportionate share of maintenance as required by an approved easement maintenance agreement or amendment thereto.

**D. APPROVAL**

Every new and amended easement maintenance agreement or master deed must be approved by the Township Attorney before execution and recording.

## CHAPTER 23 LANDSCAPING

### SECTION 23.10 INTENT

The intent of this chapter is to preserve and protect natural resources and public health through required landscaping and by encouraging the preservation of natural areas. The landscaping requirements of this chapter will ensure the absorption of air pollutants, provide for vegetated buffering between incompatible uses, visually screen certain activities and storage areas to maintain aesthetics, filter stormwater runoff, reduce the heat island effect of large areas of pavement and rooftops, and add value to land. Landscaping and preservation of natural areas are considered essential components to the general welfare of Township residents by maintaining natural beauty, rural character, and high-quality land development projects.

### SECTION 23.20 APPLICABILITY

#### A. NEW BUILDINGS AND PARKING LOTS

The landscaping requirements of this chapter shall apply to all new and expanded buildings and parking lots in the Township.

#### B. BUILDING ADDITIONS

Any building expansion on a site where the applicable front yard landscaping requirement is nonconforming shall be brought into compliance with the requirements of Section 23.50 in accordance with Table 23.10. Any building expansion along the side or rear of an existing building where the applicable buffer is nonconforming shall be brought into compliance with the buffering requirements of Section 23.60 in accordance with Table 23.10.

| TABLE 23.10 B: SCALED LANDSCAPING COMPLIANCE |                                                                                                                                                                                                                                            |
|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Building Expansion                           | Minimum Required Compliance                                                                                                                                                                                                                |
| Less than 25%                                | No scaled compliance required                                                                                                                                                                                                              |
| From 25% to 75%                              | Front yard landscaping and buffer landscaping (as applicable) counts shall be increased by the corresponding building expansion percentage. However, landscaping shall not be required to exceed the minimum requirements of this chapter. |
| Greater than 75%                             | Front yard landscaping and buffer landscaping (as applicable) shall be brought into full compliance with the minimum requirements of this chapter.                                                                                         |

#### C. CHANGE OF USE

Change of use of a building does not require landscaping compliance unless the use is subject to specific use requirements that warrants landscaping prior to establishment.

#### D. AMENDMENTS THAT REQUIRE SCREENING

Any site plan amendment involving activities uses, or operations that require screening in accordance with Chapter 16 shall conform to all requirements of Section 23.70.

### SECTION 23.30 GENERAL REQUIREMENTS

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#### A. REVIEW AND PERMITTING

Applicants are strongly encouraged to meet with the Zoning Administrator to discuss site design concepts or present a preliminary plan prior to submission of a request for site plan approval. These discussions shall not be binding on the applicant or the Township, are strictly at the option of the applicant, and no official action will be taken regarding the discussion or presentation.

#### B. INSTALLATION

Required landscaping shall be installed before occupancy or establishment of the use unless the Township authorizes occupancy or establishment of the use prior to complete landscape installation based on unforeseen weather conditions or the timing of construction as it relates to the planting season. In cases where deferment is approved, a performance guarantee may be required per Section 25.80, or the certificate of occupancy may be issued on a temporary basis until complete or expired, whichever comes first. Deferred installation timeframes shall not exceed 180 days.

#### C. CALCULATIONS

1. **Separate Calculations.** All landscape plans shall meet each required calculation individually, and in no case shall any required planting and planting areas be counted towards other landscape requirements.
2. **Rounding.** Landscaping calculations that result in a one-half fraction (.5) shall be rounded up to the next nearest whole number.

#### D. TYPE AND VARIETY

1. **Hardiness.** All plant material shall be suitable for Hardiness Zone 6.
2. **Substitution.** No substitution of plant species or sizes shall be allowed unless approved by the Planning Commission or Zoning Administrator.
3. **Variety.** No one (1) tree species can exceed 50 percent of the total proposed. No one (1) shrub species can exceed 50 percent of the total proposed.

#### E. INSTALLATION

1. **Location.** All plants shall be installed to ensure long-term survival and in locations that are less susceptible to damage.
2. **Soil Volume.** Plants shall be installed in areas with sufficient soil volume to accommodate tree roots and allow for healthy growth to mature sizes. If requested, the applicant shall demonstrate available or proposed soil volumes for specified trees.
3. **Utilities.** All plant material shall be installed in a manner that will not cause damage to utility lines (above and below ground) and public streets. Landscape plans shall consider utility easements, overhead power lines, and underground utilities. Trees planted under overhead powerlines shall be restricted to small trees (maximum height of 30 feet).
4. **Utilities.** All plant material shall be installed in a manner that will not cause damage to utility lines.

### 5. Planting Separations.

- a. Trees shall be generally spaced in a manner so as not to overlap crown spread at maturity. See Table 23.50 A.1 for a guide for space necessary for differing tree sizes.
- b. Grouping trees of different heights can overlap as long as each tree does not interfere with the growth potential of a nearby required tree.
- c. Tree and shrub separation shall comply with the minimums of Table 23.30 E.1.

**TABLE 23.30 E.1: MINIMUM PLANTING SEPARATIONS**

| Type                                         | Separation from Curb, Driveway, Paved Area, Property Line, and Fences | Min. Separation from Building Corner | Min. Separation from Building Wall |
|----------------------------------------------|-----------------------------------------------------------------------|--------------------------------------|------------------------------------|
| Small Tree (max. height 30 ft. or less)      | 4 ft.                                                                 | 8 ft.                                | 10 ft.                             |
| Medium Tree (max. height 31-70 ft.)          | 4 ft.                                                                 | 12 ft.                               | 15 ft.                             |
| Large Tree (max. height greater than 70 ft.) | 4 ft.                                                                 | 15 ft.                               | 20 ft.                             |
| Shrub                                        | 2 ft.                                                                 | 2 ft.                                | 2 ft.                              |

6. **Lighting.** Landscaping plans shall ensure that the required site illumination is not blocked by the proposed tree installation.
7. **Minimum Installation Size.** Plantings required by this chapter shall be installed at sizes no less than outlined in Table 23.30 E.2. Tree widths are measured at the diameter at breast height (d.b.h.), which is four and a half (4.5) feet above the ground.

**TABLE 23.30 E.2: MINIMUM INSTALLATION SIZES**

| Type                            | Size                     |
|---------------------------------|--------------------------|
| Medium and Large Deciduous Tree | 2.5 inches d.b.h.        |
| Small Deciduous Tree            | 1.5 inches d.b.h.        |
| Evergreen Tree                  | 6 ft. in height          |
| Shrub                           | 18-inch spread or height |

### F. IRRIGATION

Irrigation is required for all areas landscaped with shrubs and lawns for multi-family building sites and non-residential development unless it is demonstrated by a landscape professional that it is not required. Where necessary to ensure long-term survival of these plantings, an irrigation system shall be planned, installed, and maintained to ensure optimum moisture for healthy growth and survival. Use of water conserving irrigation techniques, such as use of a rain sensor, and re-use of rainwater, is encouraged. The use of wells is also encouraged for irrigation.

### G. PRESERVATION OF EXISTING TREES

The preservation of existing non-invasive and non-prohibited trees is encouraged and can be credited for satisfying the requirements of this chapter. Trees over six (6) inches (d.b.h.) count as two (2) required trees. All other existing trees count as one (1) tree if they meet or exceed the minimum installation size required by this section.

**H. MAINTENANCE**

All landscaping shall be regularly watered, pruned, and maintained after installation. The owner or controlling party shall be responsible for maintenance. Diseased or dead plants that were required as part of this chapter shall be replaced within one growing season.

**I. BERMS**

If incorporated into a site plan, berms shall be:

1. Constructed so as to maintain a side slope not to exceed a one (1) foot rise to a three (3) foot run ratio;
2. Covered with grass or living ground cover maintained in a healthy growing condition unless planted with trees or shrubs; and
3. Constructed in such a manner so as not to alter drainage patterns on-site or adjacent properties or obstruct vision for reasons of safety, ingress, or egress.

**J. PROHIBITED TREES AND SHRUBS**

The following trees and shrubs are prohibited because they are not native and also have the potential to harm human health or harm natural, agricultural, or silvicultural resources or are prohibited because they split easily, their wood is brittle and breaks easily, their roots clog drains and sewers, and they are unusually susceptible to disease or insect pests. Additionally, any other tree or shrub listed by the Michigan Department of Natural Resources as “not recommended for planting” is prohibited.

**TABLE 23.30 J: PROHIBITED TREES**

| Common Name              | Botanical Name                              | Reason                              |
|--------------------------|---------------------------------------------|-------------------------------------|
| Amur Corktree            | Phellodendron amurense                      | Invasive                            |
| Amur Honeysuckle         | Lonicera maackii                            | Invasive Shrub                      |
| Amur maackia             | Maackia amurensis                           | Invasive                            |
| Amur Maple               | Acer ginnala                                | Invasive                            |
| Ash                      | Fraxinus spp.                               | Emerald Ash Borer                   |
| Austrian Pine/Black Pine | Pinus nigra                                 | Invasive, disease issues            |
| Autumn Olive             | Elaeagnus umbellata                         | Invasive Shrub                      |
| Black Alder              | Alnus glutinosa                             | Invasive                            |
| Black Locust             | Robinia pseudoacacia                        | Invasive, aggressive rooting        |
| Boxelder                 | Acer negundo                                | Weak wood, unsuited for urban areas |
| Butterfly bush           | Buddleja davidii                            | Invasive                            |
| Chinese Fringetree       | Chiananthus retusus                         | Invasive                            |
| Colorado Blue Spruce     | Picea pungens                               | Disease issues                      |
| Common Buckthorn         | Rhamnus cathartica                          | Invasive Shrub                      |
| Common privet            | Ligustrum vulgare                           | Invasive                            |
| Glossy Buckthorn         | Rhamnus frangula (including 'Angustifolia') | Invasive Shrub                      |
| Goldenrain Tree          | Koeleruteria paniculata                     | Invasive                            |
| Hedge Maple              | Acer campestre                              | Invasive                            |
| Japanese Barberry        | Berberis thunbergii                         | Invasive Shrub                      |
| Japanese Honeysuckle     | Lonicera japonica                           | Invasive Shrub                      |

**TABLE 23.30 J: PROHIBITED TREES**

| Common Name                     | Botanical Name                                             | Reason                                    |
|---------------------------------|------------------------------------------------------------|-------------------------------------------|
| Japanese Tree Lilac             | <i>Syringa reticulata</i>                                  | Invasive                                  |
| Japanese Yew                    | <i>Taxus cuspidata</i>                                     | Invasive                                  |
| Lacebark Elm                    | <i>Ulmus parvifolia</i>                                    | Invasive, weak wood, undesirable          |
| Mimosa/Silk Tree                | <i>Albezia julibrissen</i>                                 | Invasive                                  |
| Multiflora Rose                 | <i>Rosa multiflora</i>                                     | Invasive Shrub                            |
| Norway Maple                    | <i>Acer platanoides</i> (includes 'Crimson King' cultivar) | Invasive                                  |
| Oregon grape                    | <i>Mahonia aquifolium</i>                                  | Invasive, aggressive spreader             |
| Ornamental Pears- All Varieties | <i>Pyrus</i> spp.                                          | Invasive, disease issues, weak wood       |
| Paperbark Maple                 | <i>Acer griseum</i>                                        | Invasive                                  |
| Poplars/Aspens/Cottonwood       | <i>Populus</i> spp.                                        | Suckering roots, unsuited for urban areas |
| Rugosa rose                     | <i>Rosa rugosa</i>                                         | Invasive, aggressive spreader             |
| Scotch Pine/Scot's Pine         | <i>Pinus sylvestris</i>                                    | Invasive                                  |
| Siberian Elm                    | <i>Ulmus pumila</i>                                        | Invasive, weak wood, disease issues       |
| Silver Maple                    | <i>Acer saccharinum</i>                                    | Weak wood, unsuited for urban areas       |
| St. Lucie Cherry                | <i>Prunus mahaleb</i>                                      | Invasive Potential                        |
| Sweet Cherry/ Mazzard Cherry    | <i>Prunus avium</i>                                        | Invasive                                  |
| Sycamore Maple                  | <i>Acer pseudoplatanus</i>                                 | Invasive                                  |
| Tartarian Honeysuckle           | <i>Lonicera tatarica</i>                                   | Invasive Shrub                            |
| Tatarian Maple                  | <i>Acer tataricum</i>                                      | Invasive Potential                        |
| Tree-of-Heaven                  | <i>Ailanthus altissima</i>                                 | Invasive, hosts many invasive insects     |
| White Mulberry                  | <i>Morus alba</i>                                          | Invasive, aggressive spreader             |
| Winged burning bush             | <i>Euonymus alatus</i>                                     | Invasive                                  |
| Wingnut                         | <i>Pterocarya stenotera</i>                                | Invasive, aggressive roots                |

## SECTION 23.40 LANDSCAPING PLANS

### A. LANDSCAPE PLAN

1. **Plan.** A landscape plan illustrating compliance with the requirements of this chapter relative to required landscaping and tree protection shall be provided for any application for site plan review.
2. **Sheets.** Unless it can be clearly shown on a plat or site plan sheet, a separate landscape plan sheet shall be drawn at the same scale as the required plat or site plan. The plans shall indicate all existing or proposed utilities and easements to ensure that landscaping is not affected by, or interferes with utilities.

### B. REQUIREMENTS

The landscape plan, prepared and sealed by a landscape architect licensed in the State of Michigan, shall include:

1. The location, botanical name, common name, quantity, and size of all proposed plantings.
2. Existing and proposed contours at intervals not to exceed two (2) vertical feet.

- 3. All landscaped areas and plants listed in a table by common and scientific name, including quantities and size at installation, and individual calculations describing how the plan complies with the regulations of this chapter.
- 4. Anticipated mature height shall be indicated, and the crown spread shall be shown on the plan with circles indicating anticipated plant size at maturity. Plans shall illustrate the location, spacing, species, and size of the proposed plant material.
- 5. Existing natural and man-made landscape features and proposed buildings and structures, as required for the overall site plan, shall be clearly indicated.
- 6. Limits of grading shall be indicated, and measures to protect existing trees to be saved shall be noted on the plans, including but not limited to protective fencing. When protective fencing is proposed, plans shall include the following statement: "Protective fencing shall be installed prior to site disturbance." Tree preservation fencing shall be established at the drip line of the tree, and a detail of the fence shall be provided.
- 7. Planting details to ensure proper installation and establishment of proposed plant material.
- 8. Grass areas and other methods of ground cover.
- 9. Description of irrigation methods for landscaped areas.
- 10. Identification of snow storage areas if proposed on landscaped areas.

**SECTION 23.50 FRONT YARD TREES**

**A. REQUIRED TREES**

- 1. **Detached and Attached Residential.**
  - a. Single-family detached. One (1) deciduous for single-family and two-family lots for any newly created lot and building.
  - b. Single-family detached. One (1) deciduous tree for every two (2) dwelling units in a building.
- 2. **Multi-Family and Non-Residential- NC District.** Two (2) deciduous trees of any type are required per 100 feet of public or private street frontage.
- 3. **Multi-Family and Non-Residential Uses All Other Districts.**
  - a. Front yards shall be landscaped with a variety of deciduous and coniferous trees.
  - b. The minimum required number of trees shall be dictated by the size of the tree and the required in Table 23.50 A. The total linear footage of lot frontage, excluding paved driveway areas, shall be planted with trees so that the minimum planting space per tree in its total reaches or exceeds the measured lot frontage.

| TABLE 23.50 A.1: FRONT YARD TREES REQUIREMENTS:<br>MEASUREMENT BY TREE TYPE |                              |
|-----------------------------------------------------------------------------|------------------------------|
| Size Classification                                                         | Min. Planting Space per Tree |
| Small Tree (max. height 30 ft. or less)                                     | 15 ft.                       |
| Medium Tree (max. height 31-70 ft.)                                         | 35 ft.                       |
| Large Tree (max. height greater than 70 ft.)                                | 45 ft.                       |

- c. No more than 25 percent of required front yard landscaping trees shall be evergreen trees.
- d. For example, a lot with 250 feet of frontage, excluding driveways, could be met by the following combinations:

**TABLE 23.50 A.2: EXAMPLE OF COMPLIANT FRONT YARD PLANTING WITH 250 FEET OF QUALIFIED FRONTAGE**

| Size Classification                          | Spacing  | Number | Result                           |
|----------------------------------------------|----------|--------|----------------------------------|
| Small Tree (max. height 30 ft. or less)      | 15 ft. X | 4      | = 60 ft.                         |
| Medium Tree (max. height 31-70 ft.)          | 35 ft. X | 3      | = 105 ft.                        |
| Large Tree (max. height greater than 70 ft.) | 45 ft. X | 2      | = 90 ft.                         |
| Total                                        |          | = 9    | = 255 ft. (greater than 250 ft.) |

**B. LOCATION**

Trees planted to comply with this section shall be placed between public street right-of-way or private street easement and the principal building and parking areas within a 15-foot width planting area. No trees to the side or behind the principal building and parking areas shall be counted as front yard trees.

**SECTION 23.60 BUFFERING****A. REQUIRED BUFFERS**

- Land Uses.** Buffers are required in accordance with Table 23.60 for multi-family, mixed-used, and non-residential land uses.
- Types.** Table 23.60 A indicates the required buffer type for development, which requires landscaping, as stated in Section 23.60 A.1. The zoning designation of the subject property and the abutting property will result in a buffer type A, B, or C. Where indicated with dashes (--), no buffer is required.

**TABLE 23.60 A: REQUIRED BUFFER TYPES**

| Category              | Zoning Designation of Subject Property | Abutting Property: Residential Districts |                      |                     |                          | Abutting Property: Commercial and Mixed-Use Districts |                    |                    | Abutting Property: Industrial Districts |                  |                  |
|-----------------------|----------------------------------------|------------------------------------------|----------------------|---------------------|--------------------------|-------------------------------------------------------|--------------------|--------------------|-----------------------------------------|------------------|------------------|
|                       |                                        | Rural Residential                        | Suburban Residential | Village Residential | Multi-Family Residential | Neighborhood Commercial                               | General Commercial | Office and Service | Mixed Business                          | Light Industrial | Heavy Industrial |
| Residential Districts | Rural Residential                      | B                                        | B                    | B                   | B                        | --                                                    | --                 | --                 | --                                      | --               | --               |
|                       | Suburban Residential                   | B                                        | B                    | B                   | B                        | --                                                    | --                 | --                 | --                                      | --               | --               |
|                       | Village Residential                    | B                                        | B                    | B                   | B                        | --                                                    | --                 | --                 | --                                      | --               | --               |
|                       | Multiple-Family Residential            | B                                        | B                    | B                   | B                        | --                                                    | --                 | --                 | --                                      | --               | --               |
| Commercial and Mixed- | Neighborhood Commercial                | A                                        | A                    | A                   | A                        | --                                                    | --                 | --                 | --                                      | --               | --               |

|                      |                    |   |   |   |   |    |    |    |    |    |    |
|----------------------|--------------------|---|---|---|---|----|----|----|----|----|----|
| Use Districts        | General Commercial | B | B | B | B | -- | -- | -- | -- | -- | -- |
|                      | Office and Service | B | B | B | B | -- | -- | -- | -- | -- | -- |
| Industrial Districts | Mixed Business     | B | B | B | B | B  | -- | -- | -- | -- | -- |
|                      | Light Industrial   | C | C | C | C | B  | B  | B  | B  | -- | -- |
|                      | Heavy Industrial   | C | C | C | C | B  | B  | B  | B  | -- | -- |

## B. BUFFER PLANTING REQUIREMENTS

1. **Types.** Buffer types A-C are outlined in Table 23.60 B, and the intent of each type is stated. The natural area depth of the buffer is required to be planted and landscaped open space or preserved natural area. Each buffer type includes a minimum number of plantings per 100 feet and includes allowable planting reductions with the incorporation of privacy fencing.
2. **Placement.** Buffers, where required, shall run the entire length of a side or rear property line.

**TABLE 23.60 B: BUFFER PLANTING AND DESIGN SPECIFICATIONS**

| Type | Natural Area Depth | Intent                                                                                                                                          | Minimum Number of Plantings per 100 feet and Allowable Reductions with Privacy Fencing                                                                                                                                                                                  |
|------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A    | 6 feet             | Establishment of property boundaries with light softening of visual impact                                                                      | Three (3) trees of any type and 30 shrubs.<br><br>For areas screened by a 6-foot privacy fence, the planting requirement is waived for the linear footage of the fence.                                                                                                 |
| B    | 15 feet            | Establishment of property boundaries with intermittent semi-opaque plantings and moderate depth for separating uses                             | A buffer Type B is the same as required by 23.50 A.1 in addition to 30 shrubs. However, 50% of plantings shall be evergreen<br><br>For areas screened by a 6-foot privacy fence, the planting requirement is reduced by 50 percent for the linear footage of the fence. |
| C    | 25 feet            | Establishment of property boundaries with mostly opaque landscape plantings and wider area of natural open space between incompatible land uses | Six (6) evergreen trees, one (1) canopy tree, and one (1) ornamental tree.<br><br>For areas screened by a 6-foot privacy fence, the planting requirement is reduced by 50 percent for the linear footage of the fence.                                                  |

## C. USES AND ACTIVITIES WITHIN NATURAL AREA DEPTH OF BUFFER AREAS

1. **Walkway or Bicycle Pathway.** A required buffer area may contain a walkway or bicycle pathway, provided the required amount of plant material is provided.
2. **Stormwater Retention/Detention Facilities.** Stormwater retention/detention facilities may extend into buffer area where it can be demonstrated that all planting requirements are met, the desired effects provided by the buffer area will be fully achieved, and ponding will not jeopardize the survival of the plant materials.

## **SECTION 23.70 SCREENING**

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### **A. APPLICABILITY**

Screening of certain uses and activities is required by Chapter 16. Additionally, all dumpsters, commercial trash receptacles, and rolling trash carts shall be screened.

### **B. TREATMENTS**

Acceptable screening treatments include the following:

1. Solid wall or privacy fence of six (6) feet in height in accordance with Section 15.50. Chain link fences with slats or other comparable screening only qualify when not abutting residential zoned property.
2. Berm with landscape treatment, providing screening up to six (6) feet in height, fully obscuring activity, structure, or use intended to be screened.
3. Evergreen landscaping providing screening up to six (6) feet in height, fully obscuring activity, structure, or use intended to be screened.

### **C. DUMPSTER AND TRASH RECEPTACLES**

In addition to the screening requirements, enclosures shall be constructed of masonry, concrete, metal, treated wood, or similar materials and must be durable, weather-resistant, rustproof, and easily maintained.

1. The wall or fence may be constructed with openings that do not exceed 20 percent of the wall surface. The openings shall not reduce the intended obscuring effect of the wall.
2. Enclosures shall include an access gate, which shall be closed at all times between drop-offs and pickups.
3. The minimum enclosure height for rolling carts or garbage cans shall be no less than four (4) feet.

## **SECTION 23.80 PARKING LOT LANDSCAPING**

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### **A. APPLICABILITY**

This section applies to all parking lots with 12 or more spaces.

### **B. PARKING LOT CANOPY TREES**

For every 12 parking spaces, one (1) deciduous canopy tree shall be installed. At least half of the required trees shall be installed within an island, peninsula, landscape area within a double-row, or corner bump-out. The remaining required trees shall be placed within 10 feet of the parking area.

### **C. SCREENING**

Parking rows within yards that abut public right-of-way shall be lightly screened. Screening may consist of one of the following treatments or other alternatives determined to be suitable by the Planning Commission:

1. Shrub row at a rate of two (2) shrubs per parking space fronting the right-of-way; or
2. Decorative fencing, such as split rail, picket, or wrought iron style, no less than two and one-half (2.5) feet in height.

## **SECTION 23.90 MULTI-FAMILY BUILDING SITE LANDSCAPING**

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### **A. APPLICABILITY**

This section applies to all multi-family building sites.

### **B. LAWN**

The land area within 10 feet of a building must be landscaped with a grassed lawn area or mulched planting beds.

### **C. SHRUBS**

1. **Required Number.** One (1) shrub is required for every five (5) feet of building width for each side of a building.
2. **Installation.** Shrubs shall be planted in formal landscaping beds that are mulched or have planted ground cover.
3. **Planting Design.** Shrubs shall be distributed in a uniform manner around the building. Gaps between shrubs shall be no greater than 25 feet.

## **SECTION 23.100 LANDSCAPING MODIFICATIONS**

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### **A. AUTHORITY**

The Planning Commission may modify the landscaping and screening requirements within this chapter under certain circumstances.

### **B. CONSIDERATIONS**

The Planning Commission shall consider the following during the review of landscaping modification requests:

1. Will existing vegetation or topographic features make compliance with requirements unnecessary or difficult to achieve?
2. Will the application of requirements result in a significant loss of existing vegetation or natural or cultural features?
3. Will the modification of requirements clearly result in a superior design that could not be otherwise achieved?
4. Can existing vegetation be preserved to meet the intent of the screening and buffering requirements of this chapter?
5. Is the distance between a building, parking area, or use more than 200 feet from a side or rear lot line?
6. Will the site be overplanted, resulting in the loss of required plantings?

## CHAPTER 24 SIGNS

### SECTION 24.10 INTENT

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#### A. INTENT

The intent of this chapter is to:

1. Protect free speech and balance the individual rights of property owners to communicate their message with the public's right to be free of unreasonable distractions and aesthetic intrusions.
2. Minimize and eliminate visual clutter and protect commercial, business, office, and industrial districts and areas from visual chaos and clutter.
3. Direct commercial and customer traffic to commercial areas of the Township and protect the public's ability to identify establishments and premises.
4. Preserve rural character and protect the natural beauty and distinctive character of the Township.
5. Protect, promote, and further the public peace, health, and safety of residents, property owners, and visitors.
6. Prevent, eliminate, or minimize traffic hazards and pedestrian accidents caused by signage that obstructs vision or views, distracts or confuses motorists, or is improperly secured or constructed.
7. Provide an environment that fosters the reasonable growth and development of business and commerce.
8. Protect and enhance property values.

#### B. CONTENT NEUTRALITY AND FREE EXPRESSION

Regarding content neutrality and constitutionally protected free expression, the Township finds that:

1. Content neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in this section and the constitutionally protected right to free expression.
2. The regulations set out in this chapter are unrelated to the suppression of constitutionally protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.
3. Notwithstanding the above, certain classifications of speech are not constitutionally protected due to the harm they cause to individuals or the community.
4. Sign restrictions are based on compelling public interests and regulation of the location, number, materials, height, and size. The duration of the display of temporary signs is essential to preventing visual clutter and ensuring safe conditions in the Township.
5. Temporary signs are not constructed to withstand long-term exposure to severe weather conditions or other physically damaging events and can result in safety and aesthetic concerns if not replaced or removed.

## SECTION 24.20 APPLICABILITY

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### A. APPLICABILITY

All signs in the Township shall be constructed, placed, replaced, attached, structurally altered, or added in accordance with this chapter.

### B. GOVERNMENTAL AND REGULATORY SIGNS

Government and regulatory signs are not subject to the requirements of this chapter.

### C. RELIGIOUS SYMBOLS

Religious symbols are not considered signs and are not subject to the requirements of this chapter. Religious symbolism incorporated into a signs are not exempt.

### D. PERMITTING

1. **Permits Required.** No sign shall be constructed, placed, replaced, attached, expanded, moved, structurally altered, or added without first obtaining a permit unless specifically exempted by this chapter. Sign permits are reviewed administratively as zoning permits, per Section 25.40.
2. **Exempt from Permitting.** Permits are not required for the following:
  - a. **Maintenance.** Painting, repainting, cleaning, maintenance, repair, and change of a sign face, message, or graphics shall not be considered an activity that requires the issuance of a sign permit, provided that no structural alterations or additions to the display area are made.
  - b. **Re-lettering and Rewording Changeable Copy.** Changing copy or message of signs that are specifically designed for a changeable copy shall not require a permit.
  - c. **Exempt Sign Types.** See Section 24.60.

### E. PLANS

Sign plans shall include the checklist requirements included in Section 35.20.

## SECTION 24.30 GENERAL REQUIREMENTS

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### A. NON-COMMERCIAL MESSAGES

Any sign authorized to be displayed by this chapter may contain a non-commercial message.

### B. SIGN PLACEMENT AND CONSTRUCTION

1. **Unsafe Placement.** Signs shall not interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; constitute a nuisance; or cause a hazard to vehicle or pedestrian traffic.
2. **Durability.** Signs shall be constructed to withstand all wind and vibration forces that can normally be expected to occur.
3. **Maintenance.**
  - a. Signs and sign structures shall remain structurally safe and shall not constitute a hazard to safety or health.
  - b. All signs shall be properly and reasonably maintained and shall not be allowed to become unsightly

through disrepair or because of the effects of the weather.

4. **Right-of-Way and Street Easements.** Signs shall not be placed in, upon, or over any public right-of-way, alley, or other public place except as may be otherwise permitted by the Kent County Road Commission or Michigan Department of Transportation. Signs shall not be placed in, upon, or over any private street easement.
5. **Obstruction.** Signs shall not obstruct free ingress to or egress from a required door, window, fire escape, or other required exit way.

#### C. **CHANGEABLE COPY**

All permanent signs may have manual changeable copy.

#### D. **SETBACKS**

1. **Measurement.** Sign setbacks shall be measured in the same manner as required for buildings.
2. **Lot Line Adjustment.** Adjustment of lot lines that will cause a sign to become nonconforming is prohibited.
3. **Clear Vision Area.** Sign placement shall conform to Section 3.40 C.

#### E. **MEASUREMENT AND PLACEMENT**

1. **Sign Area.** The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight-line geometric figure with right angles that encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character together with any frame or other material or color-forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
2. **Freestanding Signs.**
  - a. **Sign Structure.**
    - i. The structure necessary to support the sign may include a framework, bracing, poles, posts, masonry base, wall, or comparable materials. Although the structure necessary to support the sign is excluded from the maximum sign area, the square footage shall not exceed 100 percent of the measured sign area.
    - ii. If the characters/text are affixed to a freestanding wall or architectural feature and that wall conforms to fence/wall requirements, the wall face is not restricted in area. However, the wall must be constructed of materials commonly used in decorative wall construction.
  - b. **Double-Faced Sign.** The area of freestanding signs that have two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) faces are placed back-to-back and are no more than three (3) feet apart at any point, the area of only one (1) face shall be counted toward the maximum size requirement. In this case, if the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as one (1) face.
  - c. **Height.**
    - i. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. For the purpose of this definition, normal grade shall be defined as either:
      - (a) The existing grade prior to construction, or
      - (b) the newly established grade after construction, exclusive of any filling, berming, mounding,

or excavating solely for the purpose of locating the sign.

- ii. If the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot or parcel, whichever is lower.
- iii. If the sign site is significantly lower than the street, the height can be increased administratively but shall not exceed maximum height measured from the elevation of the crown of street.

**3. Wall Signs.**

- a. Multi-Tenant Building Sign Area. For buildings with multiple tenants, the sign area for wall, projecting, canopy, or awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing the sign requirements for that portion of the total wall.
- b. Wall signs shall not extend past the edge of the wall to which it is affixed.
- c. Wall signs shall not extend above the eave of a building with a pitched roof or above the top of a flat roof building
- d. Wall signs shall be mounted flat on the wall surface and shall be no more than one (1) foot in depth.
- e. Wall signs shall only face streets and parking areas.

**F. LAWFUL NONCONFORMING SIGNS**

See Section 33.60.

## **SECTION 24.40 ILLUMINATION**

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**A. GENERAL**

The illumination of permanent signs shall only be done through external or internal light sources or electronic changeable message systems. Temporary signs shall not be illuminated.

**B. EXTERNAL ILLUMINATION**

1. Sign lighting shall be of low intensity with effective provisions made to minimize spillover of light beyond the actual sign face.
2. The light source shall be enclosed and directed to prevent light from shining directly onto traffic or neighboring property.

**C. INTERNAL ILLUMINATION**

Sign faces shall be opaque so that individual lamps are muted and cannot be distinguished behind the sign face.

**D. ELECTRONIC CHANGEABLE MESSAGES**

Where allowable as noted in this chapter, ECM signs are subject to the following:

1. **Sign Type.** Electronic changeable messages (ECM) are only permitted on freestanding signs.
2. **Size.** No more than 40 percent of the area of the sign may be dedicated to an ECM display. The remainder

of the sign shall consist of a static sign face.

**3. Images and Transition.**

- a. Each image shall be static and shall not move, flash, or otherwise be animated.
- b. Each message shall be displayed for a period of no less than eight (8) seconds.
- c. Transitions between images shall be instantaneous and shall not scroll, fade, or otherwise be animated.

**4. Hours.** In residential zoning districts, ECM signs shall be shut off between 11 pm and 6 am.

**5. Brightness.**

- a. An electronic display sign shall be equipped with automatic dimming technology to adjust the brightness of the sign relative to ambient light conditions.
  - b. All electronic messaging centers shall be equipped with an ambient light meter to adjust the brightness level of the sign face based on the ambient light conditions and shall not exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on the sign area.
  - c. Brightness of electronic messaging centers shall be measured as follows:
    - i. At least 30 minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This is done while the EMC is off or displaying black copy. The reading shall be made with the meter aimed directly at the center of the sign area from a distance determined with the following formula: The square root of the product of the sign area multiplied by 100.
    - ii. Example using a 12 square foot sign:
      - (a) Measurement Distance =  $\sqrt{12 \text{ Sq. Ft.} \times 100} = 34.6 \text{ ft.}$  as the determined setback from which the measurement will be taken.
      - (b) The sign shall then be turned on to full white copy to take another reading with the meter at the same location.
      - (c) If the difference between the readings is 0.3 foot candles or less, the brightness is properly adjusted and the sign is in compliance.
- 6. Conformance.** A nonconforming freestanding sign may not be altered to include an ECM display sign unless it is first made conforming to all requirements of this chapter.
- 7. Distance from Dwelling Units.** ECM components are not permitted within 200 feet of any dwelling unit except in those instances where dwelling units are located on the same parcel as an office or commercial use.

## SECTION 24.50 PROHIBITED SIGNS

### A. PERMISSIVE REGULATION

Any sign which is not expressly allowed by the Ordinance is prohibited.

### B. PROHIBITED SIGNS AND SIGN CHARACTERISTICS

1. Signs with moving parts, inflatable signs, banners, and balloons, as well as feather flags.
2. Signs with flashing, animation, moving, oscillating, blinking, intermittent illumination, or variable intensity light.
3. Signs that are held by or supported by a person for commercial advertising purposes.
4. Signs mounted on roofs.
5. Signs mounted on vehicles parked in a location for the primary purpose of advertising.
6. Signs attached to a utility pole, street sign, traffic control device, or other similar object.
7. Signs that are attached to any natural growth, such as trees, shrubs, or other natural foliage.

### C. THREATENING, SEXUALLY EXPLICIT, OR PROFANE MESSAGING

No sign shall be prohibited based on the content or message it displays, except that threatening, sexually explicit, or profane signs are prohibited. The Zoning Administrator shall also consider the following criteria when providing a determination:

1. An average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest, threatens the safety of a person or group of people, is offensive or profane, or the material depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable law; and
2. The material, taken as a whole, must lack serious literary, artistic, political, or scientific value.

## SECTION 24.60 SIGNS EXEMPT FROM PERMITTING

The following signs are exempt from permitting requirements but must comply with the requirements of Table 24.60.

| TABLE 24.60: SIGNS EXEMPT FROM PERMITTING |                                                                                                                     |                                                                                                                                |
|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Type                                      | Requirements                                                                                                        |                                                                                                                                |
| Address Sign                              | Zoning District                                                                                                     | All                                                                                                                            |
|                                           | Other Requirements                                                                                                  | Text height shall be no greater than six (6) inches for residences and 18 inches for businesses and other nonresidential uses. |
| Device Sign                               | Zoning District                                                                                                     | Commercial and Mixed-Use Districts and Industrial Districts                                                                    |
|                                           | Maximum Size                                                                                                        | 2 s.f.                                                                                                                         |
| Flags                                     | In residential zoning districts, commercial messages are not permitted. See Section 15.60 for flagpole regulations. |                                                                                                                                |
| Nameplates                                | Maximum Size                                                                                                        | 2 s.f.                                                                                                                         |
| Painted Signs                             | Zoning District                                                                                                     | Commercial and Mixed-Use Districts and Industrial Districts                                                                    |
|                                           | Maximum Size                                                                                                        | No maximum                                                                                                                     |

**TABLE 24.60: SIGNS EXEMPT FROM PERMITTING**

|                                 |                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                 | Other Requirements | Painted signs are restricted to the sides of buildings and shall not contain any words, logos, product, or service representations (otherwise considered a wall sign()).                                                                                                                                                                                                                                                                                                         |
| <b>Sandwich Board Signs</b>     | Zoning District    | Commercial and Mixed-Use Districts and Industrial Districts                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                                 | Maximum Number     | 1 per tenant space                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                                 | Maximum Size       | 6 s.f.                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                                 | Maximum Height     | 4 ft.                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                                 | Minimum Setbacks   | 10 ft. from all property lines                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                                 | Illumination       | Not permitted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                                 | Other              | The sign shall not interfere with or obstruct pedestrian or vehicular traffic; provided, at least 5 feet of passage shall be maintained on the sidewalk between the street and the sign. Windblown devices, including balloons, shall not be attached or otherwise made part of the sign. Signs shall be removed at the end of the business day and only be displayed during regular business hours. Sandwich boards must be weighted down or removed if winds gust to 20 m.p.h. |
| <b>Small Freestanding Signs</b> | Zoning District    | Commercial and Mixed-Use Districts and Industrial Districts                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                                 | Maximum Number     | No limit                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                 | Maximum Size       | 2 s.f.                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                                 | Maximum Height     | 3 ft.                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                                 | Minimum Setbacks   | 10 ft. from all property lines                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                                 | Illumination       | Not permitted                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Temporary Yard Signs</b>     | Zoning District    | All                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                                 | Maximum Number     | 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|                                 | Maximum Size       | 16 s.f. of total sign area                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                                 | Maximum Height     | 4 ft.                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                                 | Minimum Setbacks   | 10 ft. from all property lines                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                                 | Illumination       | Not permitted                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                                 | Other              | Displaying a commercial message related to an off-site business or commercial operation in a residential zoning district is prohibited.                                                                                                                                                                                                                                                                                                                                          |
| <b>Window Signs</b>             | Zoning district    | Commercial and Mixed-Use Districts and Industrial Districts                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                                 | Maximum Number     | No limit                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                 | Maximum Size       | The total area of all signs within a foot of the window shall not obscure more than 25 percent of the window area                                                                                                                                                                                                                                                                                                                                                                |
|                                 | Illumination       | Neon or internal, no more than 4 s.f., no more than 1 building tenant space                                                                                                                                                                                                                                                                                                                                                                                                      |

## SECTION 24.70 TEMPORARY SIGNS- PERMITS REQUIRED

The following temporary signs may be permitted for limited time frames but must comply with all applicable requirements of Table 24.70 and this chapter.

| TABLE 24.70: TEMPORARY SIGNS- PERMITS REQUIRED |                    |                                                                                                                                             |
|------------------------------------------------|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Type                                           | Requirements       |                                                                                                                                             |
| Temporary Event- Banner Sign or Portable Sign  | Zoning District    | Nonresidential uses in Residential zoning districts and Commercial and Mixed-Use Districts and Industrial Districts                         |
|                                                | Maximum Number     | 1 per lot                                                                                                                                   |
|                                                | Maximum Size       | 32 s.f.                                                                                                                                     |
|                                                | Maximum Height     | 6 ft.                                                                                                                                       |
|                                                | Minimum Setbacks   | 10 ft. from all property lines                                                                                                              |
|                                                | Illumination       | Not permitted                                                                                                                               |
|                                                | Other Requirements | One permit per calendar year up to 21 days.                                                                                                 |
| Temporary Use- Banner Sign or Portable Sign    | Zoning District    | See other requirements below                                                                                                                |
|                                                | Maximum Number     | 1 per lot                                                                                                                                   |
|                                                | Maximum Size       | 32 s.f.                                                                                                                                     |
|                                                | Maximum Height     | 6 ft.                                                                                                                                       |
|                                                | Minimum Setbacks   | 10 ft. from all property lines                                                                                                              |
|                                                | Illumination       | Not permitted                                                                                                                               |
|                                                | Other Requirements | Only authorized for approved temporary land uses in accordance with Section 18.300. Timeframe is tied to the temporary use permit validity. |

## SECTION 24.80 PERMANENT SIGNS- RESIDENTIAL ZONING DISTRICTS- PERMITS REQUIRED

All permanent signs in RR, RS, VR, and MFR, shall comply with the requirements of Table 24.80 and all other requirements of this chapter.

| TABLE 24.80: PERMANENT SIGNS- RESIDENTIAL ZONING DISTRICTS                  |                  |                                                                                       |
|-----------------------------------------------------------------------------|------------------|---------------------------------------------------------------------------------------|
| Type                                                                        | Requirements     |                                                                                       |
| Freestanding Sign: Ground Sign for Non-Residential Use or Bed and Breakfast | Zoning District  | All                                                                                   |
|                                                                             | Maximum Number   | 1 per lot                                                                             |
|                                                                             | Maximum Size     | 16 s.f. for bed and breakfast<br>32 s.f. for all other uses                           |
|                                                                             | Maximum Height   | 6 ft.                                                                                 |
|                                                                             | Minimum Setbacks | 10 feet from street right-of-way or easement<br>20 feet from all other property lines |
|                                                                             | Illumination     | External- for bed and breakfast<br>Internal and external- all other uses              |
| Freestanding Sign: Ground Sign for Residential Development Entry Point      | Zoning District  | All                                                                                   |
|                                                                             | Maximum Number   | 1 per entry                                                                           |
|                                                                             | Maximum Size     | 48 s.f.                                                                               |
|                                                                             | Maximum Height   | 6                                                                                     |
|                                                                             | Minimum Setbacks | 10 ft. from all property lines                                                        |
|                                                                             | Illumination     | External                                                                              |

**TABLE 24.80: PERMANENT SIGNS- RESIDENTIAL ZONING DISTRICTS**

|                                                                                        |                 |                                                                                      |
|----------------------------------------------------------------------------------------|-----------------|--------------------------------------------------------------------------------------|
| <b>Wall Sign: for Non-Residential Use, Bed and Breakfast, or Major Home Occupation</b> | Zoning District | All                                                                                  |
|                                                                                        | Maximum Number  | 1 per building                                                                       |
|                                                                                        | Maximum Size    | 8 s.f. for bed and breakfast and major home occupation<br>32 s.f. for all other uses |
|                                                                                        | Illumination    | External                                                                             |

## **SECTION 24.90 PERMANENT SIGNS- COMMERCIAL AND MIXED-USE ZONING DISTRICTS- PERMITS REQUIRED**

All permanent signs in NC, GC, and OS shall comply with the requirements of Table 24.90 and all other requirements of this chapter.

**TABLE 24.90: PERMANENT SIGNS- COMMERCIAL AND MIXED-USE DISTRICTS**

| Type                                  | Requirements     |                                                                                                                   |
|---------------------------------------|------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>Access Point Sign</b>              | Zoning Districts | All                                                                                                               |
|                                       | Maximum Number   | 1 per driveway access                                                                                             |
|                                       | Maximum Size     | NC: 3 s.f.<br>GC: 4 s.f.<br>OS: 4 s.f.                                                                            |
|                                       | Maximum Height   | Subject to clear vision corner height limitation (Section 15.90 C)<br>If outside of clear height area, 4 ft. max. |
|                                       | Minimum Setbacks | 2 feet from street right-of-way or easement<br>10 feet from all other property lines                              |
|                                       | Illumination     | Internal or External                                                                                              |
| <b>Freestanding Sign: Ground Sign</b> | Zoning Districts | All                                                                                                               |
|                                       | Maximum Number   | 1 freestanding ground sign or pylon sign per lot, or 1 per street frontage                                        |
|                                       | Maximum Size     | NC: 32 s.f.<br>GC: 64 s.f.<br>OS: 64 s.f.                                                                         |
|                                       | Maximum Height   | NC: 6 ft.<br>GC: 8 ft.<br>OS: 8 ft.                                                                               |
|                                       | Minimum Setbacks | 10 feet from street right-of-way or easement<br>20 feet from all other property lines                             |
|                                       | Illumination     | NC: Internal or External<br>GC: Internal, External, or ECM<br>OS: Internal, External, or ECM                      |
| <b>Freestanding Sign: Pylon Sign</b>  | Zoning District  | GC                                                                                                                |
|                                       | Maximum Number   | 1 freestanding ground sign or pylon sign per lot                                                                  |
|                                       | Maximum Size     | No more than 1.5 s.f. per linear foot of lot frontage but no more than 100 s.f. max.                              |
|                                       | Maximum Height   | 20 ft.                                                                                                            |
|                                       | Minimum Setbacks | 10 ft. from all property lines                                                                                    |
|                                       | Illumination     | Internal, External, or ECM                                                                                        |
| <b>Interior Site Signs</b>            | Zoning District  | All                                                                                                               |

**TABLE 24.90: PERMANENT SIGNS- COMMERCIAL AND MIXED-USE DISTRICTS**

|                  |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                  | Maximum Size     | NC: 4 s.f.<br>GC: 12 s.f.<br>OS: 8 s.f.                                                                                                                                                                                                                                                                                                                                                                                                    |
|                  | Maximum Number   | No limit                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                  | Maximum Height   | 5 ft.                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                  | Minimum Setbacks | 25 ft. from all property lines, 10 ft. if not visible from residential zoned property                                                                                                                                                                                                                                                                                                                                                      |
|                  | Illumination     | Internal or External                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Wall Sign</b> | Zoning District  | All                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                  | Maximum Number   | No limit                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                  | Maximum Size     | No more than 1.5 s.f. per linear foot per building frontage allowable for placement, but no more than 100 s.f. max. per individual sign<br><br>For wall signs 100 ft. or more from a public street right-of-way or private street easement an extra 50 s.f. is allowed as well as 50 s.f. for every 50 ft. beyond 100 ft. from the public street right-of-way or private street easement. However no individual sign shall exceed 500 s.f. |
|                  | Illumination     | Internal or External                                                                                                                                                                                                                                                                                                                                                                                                                       |

## **SECTION 24.100 PERMANENT SIGNS- INDUSTRIAL DISTRICTS- PERMITS REQUIRED**

All permanent signs in MB, LI, and HI, shall comply with the requirements of Table 24.100 and all other requirements of this chapter.

**TABLE 24.100: PERMANENT SIGNS- INDUSTRIAL DISTRICTS**

| <b>Type</b>                                                           | <b>Requirements</b> |                                                                                                                   |
|-----------------------------------------------------------------------|---------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>Access Point Sign</b>                                              | Zoning Districts    | All                                                                                                               |
|                                                                       | Maximum Number      | 1 per driveway access                                                                                             |
|                                                                       | Maximum Size        | 4 s.f.                                                                                                            |
|                                                                       | Maximum Height      | Subject to clear vision corner height limitation (Section 15.90 C)<br>If outside of clear height area, 4 ft. max. |
|                                                                       | Minimum Setbacks    | 2 feet from street right-of-way or easement<br>10 feet from all other property lines                              |
|                                                                       | Illumination        | Internal or External                                                                                              |
| <b>Freestanding Sign: Ground Sign for Industrial Park Entry Point</b> | Zoning Districts    | All                                                                                                               |
|                                                                       | Maximum Number      | 1 per park entry, 2 max.                                                                                          |
|                                                                       | Maximum Size        | 64 s.f.                                                                                                           |
|                                                                       | Maximum Height      | 8 ft.                                                                                                             |
|                                                                       | Minimum Setbacks    | 10 feet from street right-of-way or easement<br>20 feet from all other property lines                             |
|                                                                       | Illumination        | Internal, External, or ECM                                                                                        |
| <b>Freestanding Sign: Ground Sign</b>                                 | Zoning Districts    | All                                                                                                               |
|                                                                       | Maximum Number      | 1                                                                                                                 |
|                                                                       | Maximum Size        | 64 s.f.                                                                                                           |
|                                                                       | Maximum Height      | 8 ft.                                                                                                             |

**TABLE 24.100: PERMANENT SIGNS- INDUSTRIAL DISTRICTS**

|                            |                  |                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                            | Minimum Setbacks | 10 feet from street right-of-way or easement<br>20 feet from all other property lines                                                                                                                                                                                                                                                                                                                                                       |
|                            | Illumination     | Internal, External, or ECM                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Interior Site Signs</b> | Zoning District  | All                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                            | Maximum Size     | 12 s.f.                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|                            | Maximum Number   | No limit                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                            | Maximum Height   | 5 ft.                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                            | Minimum Setbacks | 25 ft. from all property lines, 10 ft. if not visible from residential zoned property                                                                                                                                                                                                                                                                                                                                                       |
|                            | Illumination     | Internal or External                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Wall Sign</b>           | Zoning District  | All                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                            | Maximum Number   | No limit                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                            | Maximum Size     | No more than 1.5 s.f. per linear foot per building frontage allowable for placement, but no more than 100 s.f. max. per individual sign.<br><br>For wall signs 100 ft. or more from a public street right-of-way or private street easement an extra 50 s.f. is allowed as well as 50 s.f. for every 50 ft. beyond 100 ft. from the public street right-of-way or private street easement. However no individual sign shall exceed 500 s.f. |
|                            | Illumination     | Internal or External                                                                                                                                                                                                                                                                                                                                                                                                                        |

## SECTION 24.110 BILLBOARDS- PERMITS REQUIRED

### A. REQUIREMENTS

All billboards shall comply with the requirements of Table 24.110 A and all other requirements of this chapter except otherwise noted.

**TABLE 24.110 A: BILLBOARDS**

| Type              | Requirements       |                                                                                                                                                                                                                                          |
|-------------------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Billboards</b> | Zoning Districts   | LI, HI on lots with frontage on M-6                                                                                                                                                                                                      |
|                   | Maximum Number     | No more than 6 billboards are permitted in the Township                                                                                                                                                                                  |
|                   | Maximum Size       | 672 s.f.                                                                                                                                                                                                                                 |
|                   | Maximum Height     | 45 ft.                                                                                                                                                                                                                                   |
|                   | Setbacks           | Max. from the M-6 right-of-way: 100 ft.<br>Min. from the M-6 right-of-way: 10 ft.<br>Min. from any other cross-street right-of-way: 50 ft.<br>Min. from any other property line: 50 ft.                                                  |
|                   | Minimum Separation | Min. separation between billboards: See the Highway Advertising Act of 1972.<br>Min. distance from any existing dwelling units: 300 ft. without ECM display.<br>Min. distance from any existing dwelling units: 750 ft. with ECM display |
|                   | Construction       | Monopole structures are permitted. No other structure type is permitted.                                                                                                                                                                 |

| TABLE 24.110 A: BILLBOARDS |              |                                                                                                                                                                                                                                                                            |
|----------------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                            | Illumination | Internal, External, or ECM.<br>Of the 6 allowable billboards, no more than 2 shall include ECM displays.<br>ECM displays are subject to all requirements of Section 24.40 except that the proportion of ECM display is not limited to a percentage of the total sign area. |

**B. BILLBOARD AND STRUCTURE DESIGN**

1. **Shape.** A billboard sign face shall be a standard quadrilateral shape with four right angles, such as a square or rectangle, with the bottom edge being level with the street.
2. **Configuration.** Billboard configurations shall be limited to single-face, V-type or back-to-back configurations. Stacked or staggered-height billboard sign faces are prohibited. The angle of a V-type billboard sign face configuration shall not exceed 75 degrees.
3. **Placement.**
  - a. A billboard sign face shall be perpendicular to, or angled toward, the highway right of way.
  - b. On a billboard structure with two billboard sign faces, no more than one sign face shall be oriented toward the same direction of motor vehicle traffic.
4. **Extensions.**
  - a. A billboard sign face extension may project no more than five (5) feet from the top and no more than two (2) feet from either side of the billboard sign face, and no more than two (2) feet from the bottom of the billboard sign face.
  - b. The total area of a billboard sign face extension shall be not greater than 50 square feet.
  - c. The area and height of any lawful extension shall not be included in the maximum permitted sign face area or the maximum permitted billboard structure height.
  - d. A billboard sign face extension shall be temporary only; it shall be removed when the advertising copy on the billboard is changed, and shall not become a permanent modification of the billboard structure.
  - e. A permit is not required for a billboard sign face extension.

## **CHAPTER 25 GENERAL AND ADMINISTRATIVE PROCESSES**

### **SECTION 25.10 INTENT**

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The intent of this chapter is to establish a uniform set of submittal, processing, and review requirements for land development proposals and new uses, buildings, structures, and other zoning requests (and the change, expansion, or alteration of the same) to determine compliance with the requirements and standards of this ordinance.

### **SECTION 25.20 APPLICABILITY**

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#### **A. APPLICATION**

1. **Application.** Requests for review and approval of uses, activities, construction, and development required by this Zoning Ordinance shall be provided on official Township application forms. An application shall be submitted to the Township Hall during normal office hours.
2. **Authority to File Applications.** Applications shall only be submitted by an owner of the property subject to the request, a purchaser under a sale or option to purchase the subject property, or an agent authorized in writing by the owner.
3. **Deadline.** For all requests that require Planning Commission or Zoning Board of Appeals review, complete applications shall be submitted by the deadlines established by the Planning Commission and Zoning Board of Appeals for the meeting in which the applicant desires the request to be considered.
4. **Contact Person and Meeting Representation.** The application shall indicate one (1) person as the primary contact. The Zoning Administrator will communicate with the contact person concerning the application and review procedures. The applicant shall notify the Township in writing if there is a change in the contact person. The contact person shall be present at all scheduled review meetings, or consideration of the application may be postponed due to lack of representation.

#### **B. FEES, ESCROW CHARGES, AND EXPENSES**

1. **Administrative Fee.** Except as may be provided for otherwise in this Ordinance, the Township Board shall determine and set fees to be collected for all applications for zoning matters, permits, and approvals. These fees shall be collected prior to the issuance of any permit or certificate being issued, and other official actions required by this Ordinance. No application shall be considered complete until all applicable fees have been paid to the Township. Furthermore, Township employees and officials shall not commence work on a given zoning application or matter until any and all fees have been paid to the Township in full. The fee schedule shall be that adopted by resolution of the Township Board as amended from time- to- time.
2. **Professional Review Fees.** In addition to regularly established fees, the Township Board at its discretion may also require an applicant to submit to the Township, at any time during the zoning review process, an amount of money determined by the Township to be a reasonable estimate of the fees and costs which may be incurred by the Township in reviewing and acting upon any such application or related matters. Such costs and expenses to be charged or assessed to the applicant for reimbursement of the Township's

reasonable costs and expenses may include but shall not be limited to Township attorney fees, Township engineering fees, costs and fees for services of outside consultants, fees and expenses of other professionals who may assist the Township, costs, and fees for studies and reports pertaining to the matters in questions, significant Township employee time, special meeting costs, and other reasonable costs and expenses. Such monies shall be retained by the Township for reimbursement of such costs and expenses. Any monies paid or deposited by an applicant, which are not used or spent by the Township pursuant to an escrow fee shall be refunded. If, for some reason, the applicant does not pay, or the Township does not collect, zoning escrow fees during the zoning review process, the Township can still bill such costs and expenses to the applicant after the zoning review process has been completed and the applicant or land-owner shall promptly pay/reimburse the Township for the same.

C. **CONTENT**

1. **Submittal Checklists.** Applicants shall refer to the submittal checklists and shall provide the items required that are specific to the request.
2. **Waiver Requests.** The applicant may request waivers for items required on submittal checklists.

D. **COMPLETENESS REVIEW**

1. **Requirement.** An application submitted for review in accordance with this chapter shall be submitted in complete form, including the application, required checklist items, and applicable fees.
2. **Waivers.** On a case-by-case basis, the Zoning Administrator may waive checklist items if determined to be unnecessary or not applicable to the review process based on the scope of the development proposal. However, the final decision-making authority may subsequently require the submittal of waived items if determined to be necessary to act on an application.
3. **Completeness Determination.** If deemed to be complete by the Zoning Administrator, an application will be formally processed and reviewed. If the Zoning Administrator waives required checklist items, the application may be deemed complete if all other items are received.
4. **Incomplete Application.** If deemed incomplete by the Zoning Administrator, the applicant will be informed, and the application will not be formally processed and reviewed until it is determined to be in complete form.

## SECTION 25.30 GENERAL REQUIREMENTS

### A. PROCESSES AND PROCEDURES

The following Table 25.30 A summarizes the required steps of the review processes outlined in Chapters 25-31:

| TABLE 25.30 A: APPLICATION PROCESS STEPS  |                      |                            |                                        |                                            |                            |                                |                                      |                                            |                                       |                                                                    |
|-------------------------------------------|----------------------|----------------------------|----------------------------------------|--------------------------------------------|----------------------------|--------------------------------|--------------------------------------|--------------------------------------------|---------------------------------------|--------------------------------------------------------------------|
| Application Type                          | Neighborhood Meeting | Pre-Application Conference | Application Submittal and Staff Review | Public Hearing Scheduling and Notification | Planning Commission Review | Zoning Board of Appeals Review | Township Board Review- First Reading | Public Hearing Scheduling and Notification | Township Board Review- Second Reading | Appeal to Zoning Board of Appeals (if not PUD or special land use) |
| Zoning Permit- Section 25.40              |                      |                            | 1                                      |                                            |                            |                                |                                      |                                            |                                       | 2                                                                  |
| Site Plan- Chapter 26                     |                      |                            | 1                                      |                                            | 2                          |                                |                                      |                                            |                                       |                                                                    |
| Special Land Use- Chapter 27              |                      |                            | 1                                      | 2                                          | 3                          |                                |                                      |                                            |                                       |                                                                    |
| Minor Condominium- Chapter 28             |                      |                            | 1                                      |                                            |                            |                                |                                      |                                            |                                       |                                                                    |
| Preliminary Major Condominium- Chapter 28 |                      |                            | 1                                      |                                            | 2                          |                                | 3                                    |                                            |                                       |                                                                    |
| Final Major Condominium- Chapter 28       |                      |                            | 1                                      |                                            | 2                          |                                |                                      |                                            |                                       |                                                                    |
| PUD Concept Plan and Rezoning- Chapter 29 | 1                    | 2                          | 3                                      | 4                                          | 5                          |                                | 6                                    | 7                                          | 8                                     |                                                                    |
| Variance- Chapter 30                      |                      |                            | 1                                      | 2                                          |                            | 3                              |                                      |                                            |                                       |                                                                    |
| Zoning Map and Text Amendment- Chapter 31 |                      |                            | 1                                      | 2                                          | 3                          |                                | 4                                    | 5                                          | 6                                     |                                                                    |

**B. PROOF OF OWNERSHIP**

The Zoning Administrator or Building Inspector may require proof of ownership from an applicant (including copies of a recorded deed or land contract) before the issuance of a Zoning Permit or a Building Permit if it appears that the applicant may not be the owner (or sole owner) of the property involved. The Township may also require that all owners of a particular property join in and sign the application or applications for any zoning or building request or application, including a Building Permit, variances, special use requests, site plan review, zoning permits, and any other zoning or building code action.

**C. SURVEYS**

The Zoning Administrator or Building Inspector shall have the authority to require that an applicant or property owner provide the Township with a current survey by a registered surveyor or engineer for one (1) or more boundary or property lines of the lot or parcel involved (including providing a sealed survey drawing by such professional surveyor or engineer and with property boundaries staked by such professional) if the Zoning Administrator or Building Inspector determines that it is reasonably necessary in order for the Township to determine whether the zoning setback, area, and other applicable requirements are met. The Zoning Administrator or Building Inspector may also require that the professional surveyor or engineer place stakes at specified relevant areas along the property line(s) and any setback lines or building envelopes. All such surveying costs shall be paid for by the applicant or property owner.

**D. TIME LIMITS**

If a zoning approval, permit, or any other approval issued under this Ordinance has been granted, and the use has not commenced or substantial construction has not begun within one (1) year of the approval, the approval or permit shall automatically expire (and be void). For the purpose of this subsection, construction of a building shall be deemed to have commenced at the time a structural foundation is installed. No extension to that time limit shall be granted except by the Township body, commission, or official that granted the initial zoning approval or permit. The extension may be approved if it is determined that the applicant has provided reasonable evidence that the development has encountered unforeseen difficulties beyond the applicant's control, and the project will proceed within the extension period.

**E. REVOCATION OR TERMINATION OF ZONING APPROVALS**

If a property owner or applicant violates any of the conditions or requirements attached to a zoning approval or Zoning Permit, then the Township body, board, or official that granted the zoning approval or permit may terminate the zoning approval or zoning permit. No such revocation shall occur until and unless the property owner or applicant has been given reasonable notice and a public hearing has been held regarding the revocation by the Township body, board, or official that granted the zoning approval. However, an administrative approval shall not be revoked by the Zoning Administrator unless until after a hearing is scheduled at a Planning Commission meeting,

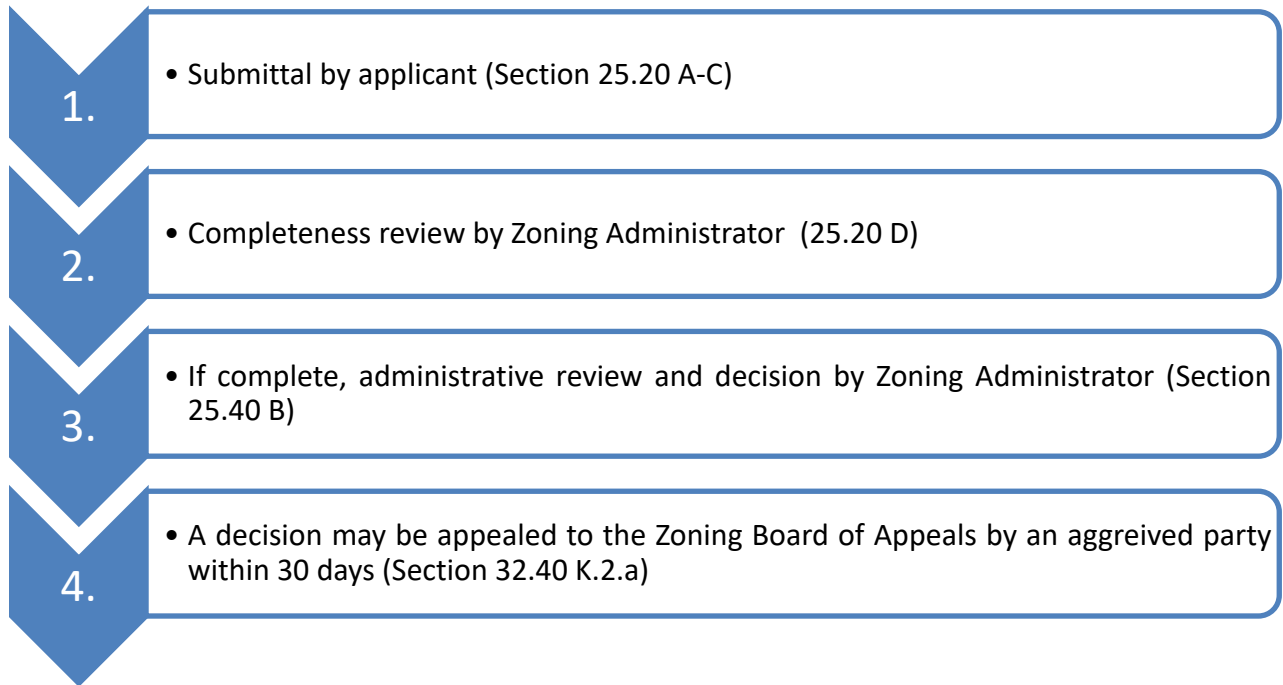
**F. REAPPLICATION**

No application for a zoning permit, Site Plan Review, Special Land Use, Planned Unit Development, or Variance that has been denied, in whole or in part, by either the Planning Commission or the Zoning Board of Appeals, may be resubmitted for a period of 12 months from the date of the denial, except on the grounds of newly discovered evidence or unless the site plan is substantially changed in the opinion of the Zoning Administrator.

## SECTION 25.40 ADMINISTRATIVE REVIEWS

### A. ZONING ADMINISTRATOR REVIEWS

Administrative reviews of zoning permits are processed in accordance with Figure 25-1.



**Figure 25-1 Process for Administrative Review of Zoning Permits**

### B. ZONING PERMITS IN GENERAL

1. No structure or part thereof shall be constructed, reconstructed, erected, moved, enlarged, or altered, nor shall any use on any property be commenced or changed to another use, until a zoning permit has been issued by the Zoning Administrator. An application for a zoning permit shall be filed by the owner or an agent of the owner and it shall state the intended use of the structure and of the land. The application shall be accompanied by building plans and specifications, a plot plan, the required fees, a site plan where required, and such other information as may be necessary to provide for the interpretation or enforcement of this Ordinance.
2. The Zoning Administrator may require plans drawn to scale and shall show all dimensions in figures. Plans shall be signed by the person preparing them and by the owner of the property or building involved. A fee or fees as established by the Township Board from time to time to defray the costs of administration and inspections shall accompany any plans or applications for a zoning permit or building permit.
3. A copy of all approved permits shall be sent to the Township Assessor.
4. A zoning permit shall not be issued until the owner verifies that the lot involved has been created in conformance with this Ordinance.
5. The zoning permit and building permit shall both be displayed so as to be visible at the site where authorized action is being undertaken.
6. Every use, building, and structure must comply with its zoning permit.
7. The Zoning Administrator may attach reasonable conditions to a zoning permit.

8. Approval of plans or applications shall in no case be construed as waiving any provisions of this Ordinance. The Zoning Administrator shall have no authority to grant exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance to any person making an application to excavate, construct, move, alter, or use buildings, structures, or land, except as such authority may be explicitly provided for in this Ordinance. The Zoning Administrator shall have no authority to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his/her duties.
9. The issuance of a zoning permit shall not be construed as waiving any provisions of this Ordinance. The Zoning Administrator shall have no authority to grant exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter, or use buildings, structures, or land.
10. The Zoning Administrator shall have the power to revoke or suspend any zoning permit in the event that an applicant fails to comply with this Ordinance or the permit, or in the event of any false statements or misrepresentations in the application for the permit. Notice of such suspension and revocation shall be securely posted at the site of the application, and such posting shall be considered as notice to the permit holder of the suspension or revocation of the permit.

#### C. ZONING PERMIT TYPES

1. **Zoning Permit- Use Compliance.** If no new parking is required and no site development, new buildings, or additions are proposed, a change from one permitted use to another permitted use, or establishment of a new permitted use, may be approved by the Zoning Administrator.
2. **Zoning Permit- Structure Compliance.** Buildings and structures that do not require site plan review per Chapter 26 are reviewed administratively. Unless otherwise stated in this ordinance, zoning permits are required for one and detached single-family dwellings, attached single-family dwellings up to (4) units, farm buildings, accessory buildings and structures, fences and walls, driveways, signs, temporary uses, and other uses and activities stated in this ordinance.
3. **Zoning Permit- Certification of Conditions.** After a conditional approval of a site plan for a permitted or special land use by the Planning Commission, or after final condominium plan conditional approval by the Board, the Zoning Administrator shall confirm compliance with all conditions of approval prior to the issuance of building permits and prior to authorization to proceed with site improvements. See Section 26.50 for Term, Validity, and Compliance.
4. **Zoning Permit- Certification of Site Compliance.** Once all site work associated with a site plan approval in accordance with Chapter 26 is complete and compliant, the Zoning Administrator shall issue a zoning permit that certifies site compliance.
5. **Zoning Permit- Minor Site Plan Amendment.** For a minor amendment to a site plan in accordance with Section 26.60 A, which meets zoning requirements, the Zoning Administrator shall issue a zoning permit for minor site plan amendments.

#### D. LOT SPLITS AND LAND DIVISIONS

1. No lot, parcel, or access easement shall be created that does not fully comply with the minimum area, width, frontage, and other requirements of the Gaines Charter Township Zoning Ordinance, as amended. All land divisions, splits, or boundary reconfigurations of platted lots and unplatted parcels shall meet the requirements of the Gaines Charter Township Zoning Ordinance, as amended, and the requirements of the Michigan Land Division Act (MCL 560.101 et seq.\ MSA 26.430(101) et seq.). No land division, lot split, creation of an access easement, or change or reconfiguration of boundary lines shall occur until and unless a land division permit has been obtained from the Zoning Administrator or such other person as may be designated from time to time by resolution of the Township Board. No permit for land division shall be

issued until and unless the Township determines that the land division, lot split, access easement, or boundary reconfiguration, as well as the resulting lots, access easements, or parcels, fully complies with the requirements of the Zoning Ordinance, as amended, and all other applicable Township ordinances. Fees for a land division permit shall be set as determined from time to time by resolution of the Township Board. No land division permit shall be approved or issued unless the application is accompanied by a survey done by a registered land surveyor or engineer showing all resulting lots or parcels, easements (if any), and full legal descriptions. The Township can waive the requirement of a survey in a given case for good cause shown by the applicant. No permit for division of a platted lot or lots, or reconfiguration of boundary lines for a platted lot or lots, shall be issued until and unless such land division is also approved by the Township Board.

2. No lot or parcel (platted or unplatted) shall be divided, split, have boundary lines changed, combined, or subdivided unless said action meets all requirements of this Ordinance and all other applicable Township ordinances.
3. The Zoning Administrator may deny a requested land division or boundary line adjustment if it would result in one or more parcels that would be irregularly shaped, cause some portions of any resulting parcel to be effectively inaccessible or result in an inefficient or unreasonable use of land. When deciding whether a proposed land division should be denied on such basis, the Zoning Administrator shall consider the following standards:
  - a. Whether one or more resulting parcels would be unreasonable or irregularly sloped.
  - b. Whether one or more resulting parcels would be inconsistent with the intent and goals of this Ordinance or the Township's Master Plan.
  - c. Whether the shape of one or more resulting parcels would make it difficult to site a new building on the parcel, make it difficult for a new building to meet all setback requirements or otherwise make the proposed uses of the parcel more difficult or inefficient.
  - d. Whether an inefficient land configuration will occur.
  - e. Whether some of the land would be practically unusable.
  - f. Whether some of the land would be effectively inaccessible or wasted.
  - g. Whether difficult new legal descriptions would result.

#### **E. BUILDING PERMITS, CERTIFICATES OF OCCUPANCY, AND CONSTRUCTION TIME LIMITS**

Building permits and certificates of occupancy are processed in accordance with the building code. However, as the process relates to the Zoning Ordinance, the following applies:

1. **Building Permits.**
  - a. Building permits shall not be issued for building construction until all applicable zoning (Zoning Permit- Structure Compliance) and site plan approvals are secured, as applicable, and after all conditions of approval are satisfied (Zoning Permit- Certification of Conditions). However, at the discretion of the Zoning Administrator and Building Official, building permits may be issued conditionally so long as site plan requirements are satisfied prior to the issuance of a certificate of occupancy.
  - b. An approved driveway permit shall be obtained from the Michigan Department of Transportation or the Kent County Road Commission and submitted to the Building Inspector prior to the issuance of a building permit.
2. **Certificates of Occupancy.** Certificates of occupancy shall not be issued until all applicable site

improvements are installed and certified as complete by the Zoning Administrator (Zoning Permit-Certification of Site Compliance). However, at the discretion of the Zoning Administrator and Building Official, temporary certificates of occupancy may be issued conditionally so long as required site improvements are completed within a specified timeframe. Performance guarantees may be required per Section 25.80.

3. **Construction Time Limits.** Once construction or installation has begun regarding a building or structure, such building or structure shall be completed and issued an occupancy permit within one (1) year. The Zoning Administrator may issue up to two (2), six (6) month extensions if the work is delayed for unanticipated circumstances or if other reasonable justification is provided.

## **SECTION 25.50 DECISIONS AND RECORDS**

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### **A. RECOMMENDATIONS**

A recommending authority shall review an application against applicable zoning requirements and standards and shall provide a recommendation to the decision-making authority.

### **B. DECISIONS**

The decision-making authority provides final decisions on all applications.

### **C. APPEALS**

Except as otherwise prohibited by this Ordinance, final decisions may be appealed to the Zoning Board of Appeals if authorized by this Ordinance.

### **D. ACTIONS**

Recommendations and final decisions are limited to the following:

1. Recommendation of approval or approval.
2. Recommendation of approval with conditions or approval with conditions (see Section 25.60).
3. Recommendation of denial or denial.
4. Postpone action (not available for administrative approvals).
5. Table action (not available for administrative approvals).

### **E. WITHHOLDING OF APPROVAL**

The Zoning Administrator, Planning Commission, or Township Board may withhold the granting of any approval required by this Ordinance pending approvals which may be required by county, state, or federal agencies or departments.

### **F. RECORDS AND FINDINGS**

Where applicable, action taken regarding an application, along with the findings in support of that action, shall be recorded in the meeting minutes and by resolution or ordinance. Actions of the Zoning Administrator shall be documented in writing. Copies of all officially approved plans shall be filed at the Township offices.

## **SECTION 25.60 CONDITIONS OF APPROVAL**

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### **A. APPLICABILITY**

Reasonable conditions of approval may be applied to any zoning permit and to development approvals by the final approval authority.

### **B. CRITERIA**

Conditions shall be designed to ensure compliance with the intent of the Zoning Ordinance and shall be based on the following criteria. Conditions shall generally:

1. Ensure that there will be no adverse impact on public services and facilities.
2. Ensure that the use is compatible with adjacent land uses and activities.
3. Protect natural resources; the health, safety, welfare, and social and economic well-being of those who will use the land use or activity under consideration; residents and landowners immediately adjacent to the proposed land use or activity; and the community as a whole.
4. Ensure compatibility between the proposed use or activity and the rights of the Township to perform its governmental functions.
5. Meet the intent and purpose of the Zoning Ordinance, be related to the regulations and standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
6. Ensure compliance with the intent of other Township ordinances that are applicable to the site plan.
7. Ensure compatibility with other uses of land in the vicinity.

### **C. PERFORMANCE GUARANTEE**

A performance guarantee in accordance with Section 25.80 may be incorporated as a condition of approval.

### **D. COURT ACTION**

If any conditions are attached to a discretionary or similar zoning approval by the Township Board, Planning Commission, or Zoning Board of Appeals (or where the zoning administrator issues a discretionary or similar zoning approval with conditions), any such zoning approval shall automatically become null and void should a court strike down, invalidate or sever any such condition. In almost all such zoning cases, the body or zoning administrator involved likely would not have approved the zoning request but for each and every such condition remaining or if such conditions were not present.

### **E. REPRESENTATIONS AND PROMISES OF DEVELOPERS AND PROPERTY OWNERS**

If, pursuant to any zoning approval (including, but not limited to, the granting of a zoning permit or variance or the approval of a rezoning, special use, PUD, site plan, or other zoning approval), the property owner or applicant makes any representation, promise, or offer of a condition or voluntary restriction should the zoning approval be approved or granted, such promise, condition, or representation shall be deemed to be an enforceable condition of any such zoning approval in writing, and whether or not it is reflected in the zoning approval motion, resolution, permit, or other Township approval document) if the Township deems such promise, representation, or condition to have been a consideration by the official or Township body which granted the zoning approval and the Township also deems such promise, representation, or condition to be consistent with the zoning approval. In such case, the promise, condition, or representation shall be deemed an express and enforceable condition of the zoning approval.

## **SECTION 25.70 NOTICES FOR PUBLIC HEARINGS**

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All applications that require a public hearing shall be noticed, at minimum, in accordance with Section 103 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. At its discretion, the Township may also adopt and implement noticing procedures above and beyond those required by Section 103 of the Zoning Enabling Act.

## **SECTION 25.80 PERFORMANCE GUARANTEE**

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### **A. GENERAL REQUIREMENT**

As a condition of approval of a site plan review, special use, PUD, Zoning Agreement, zoning permit, variance, or other approvals authorized by this Ordinance, the Township Board, Planning Commission, Zoning Board of Appeals, or Zoning Administrator may require a performance guarantee or guarantees of sufficient sum to assure compliance with this Ordinance, to assure compliance with a condition of approval or a permit, and to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development.

### **B. GUARANTEED IMPROVEMENTS**

The features or components, hereafter referred to as "improvements" for which monetary security may be required, may include, but shall not be limited to, survey monuments and irons, streets, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, paving, driveways, utilities, and similar items.

### **C. PROCESS**

Performance guarantees shall be processed in the following manner:

#### **1. Required Improvement.**

- a. Prior to the issuance of a Building Permit, Zoning Permit, or other approval or permit, the applicant or their agent shall submit an itemized cost estimate of the required improvements that are subject to the performance guarantee, which shall then be reviewed and approved by the Zoning Administrator.
- b. The amount of the performance guarantee shall be not more than 130 percent of the cost of purchasing of materials and installation of the required improvements, including the cost of necessary engineering and inspection costs and a reasonable amount for contingencies.
- c. The required performance guarantee shall be payable to the Township and may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety guarantee acceptable to the Township.
- d. The Zoning Administrator shall not sign off on the issuance of a Zoning Permit until all final plans, development agreements, escrow fees and any required performance guarantees are provided.
- e. The Zoning Administrator, upon the written request of the obligor, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. A portion of the performance guarantee shall be rebated in the same proportion as stated in the itemized cost estimate for the applicable improvements.
- f. When all of the required improvements have been completed, the obligor shall send written notice

to the Zoning Administrator of completion of the improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections.

- g. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
- h. The Zoning Administrator shall maintain a record of required performance guarantees.

**2. Compliance with Conditions.**

- a. As a condition of approval of a site plan, special use, conditional rezoning, PUD, zoning permit, variance, or other approvals authorized by this Ordinance, the Township Board, Planning Commission, Zoning Board of Appeals, or Zoning Administrator may require a performance guarantee or guarantees to ensure compliance with the approval and any conditions attached thereto.
- b. A required performance guarantee or guarantees shall be payable to the Township and shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety guarantee with the amount, form, financial institution, and language acceptable to (and approved by) the Township.
- c. The Zoning Administrator shall not sign off on the issuance of a Zoning Permit or other permit or approval until all required fees and performance guarantees are provided to the Township.
- d. The Zoning Administrator shall maintain a record of required performance guarantees pursuant to this subsection.

## **SECTION 25.90 ADMINISTRATIVE ADJUSTMENTS**

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### **A. PURPOSE**

Administrative adjustment authority is intended to allow the Zoning Administrator to review and approve minor deviations from specified zoning requirements. This authority provides limited flexibility to consider requests for adjustments without requiring an applicant to seek a variance or amendment to this ordinance.

### **B. PROCESS AND AUTHORITY**

An administrative adjustment shall only be reviewed through the Zoning Permit review process or as a minor amendment to a site plan. The Zoning Administrator may approve an adjustment if the applicant provides justification that the adjustment will address an unusual or unique site or building condition and does not result in an adverse or incompatible effect on adjacent property.

### **C. JUSTIFICATION**

The applicant shall submit documented justification for the request and demonstrate that there is an unusual or unique site or building condition that warrants an adjustment.

### **D. EFFECT OF APPROVAL**

An administrative adjustment shall only apply to the specific requirement and aspect of a site plan or building plan as indicated on the plan and is only valid if developed or built in the manner shown on the plan.

### **E. VALIDITY**

Approval of an administrative adjustment expires in one (1) year unless substantial construction has commenced and is continuing.

F. ALLOWABLE ADMINISTRATIVE ADJUSTMENTS

The Zoning Administrator or their designee may grant adjustments for only the following requirements to the limitations noted in Table 25.90 F.

| TABLE 25.90 F: ALLOWABLE ADMINISTRATIVE ADJUSTMENTS |                                    |
|-----------------------------------------------------|------------------------------------|
| Requirement                                         | Limitation of Adjustment (maximum) |
| <b>Building Requirements</b>                        |                                    |
| Setback                                             | 1 ft.                              |
| Projection past height maximum                      | 1 ft.                              |
| Accessory building size and height                  | 10 square feet                     |
| <b>Development Requirements</b>                     |                                    |
| Fence or wall height                                | 6 inches                           |
| Landscaping numeric requirements                    | 5 %                                |
| Light fixture height                                | 1 ft.                              |

G. PROHIBITED ADJUSTMENTS

Any adjustment inconsistent with adopted building codes, fire codes, and engineering requirements, or the use of an adjustment on the same requirement and aspect of a site, is prohibited.

## **CHAPTER 26 SITE PLAN REVIEW**

### **SECTION 26.10 INTENT**

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The intent of this chapter is to outline the site plan approval and amendment process and standards for approval to ensure that site development and land use comply with zoning requirements.

### **SECTION 26.20 APPLICABILITY**

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#### **A. SITE PLAN REVIEW APPLICABILITY**

The following uses, buildings, structures, and associated site development are subject to site plan review in accordance with this chapter:

1. All non-residential buildings, structures, and associated site development.
2. Mixed-used buildings.
3. Special land uses.
4. Attached Single-Family Dwellings (more than four units)
5. Multi-family buildings.
6. Final Planned Unit Development (PUD) plans.
7. Private streets.
8. Any other type of development required by the Zoning Ordinance to receive site plan approval.
9. Any amendment not considered to be minor under Section 26.20 B.

#### **B. MINOR SITE PLAN AMENDMENT APPLICABILITY**

Amendments to site plans may be approved administratively if specified in this subsection and if the changes do not alter the basic design of the site or any specified conditions imposed as part of the original approval. Where the changes cannot be approved administratively, the site plan amendment shall be processed as a major amendment. At the discretion of the Zoning Administrator, any site plan amendment may be referred to the Planning Commission for minor site plan amendment approval.

1. Reduction of building size or additions to principal buildings up to 25 percent or 5,000 square feet from the original building size, whichever is lesser. For special land uses, 10 percent or 2,000 square feet from the original building size, whichever is lesser.
2. Reduction in parking lot size or parking lot expansions up to 25 spaces.
3. Movement of the proposed location of buildings or structures by no more than 25 feet.
4. Replacement of plant material specified in the landscape plan with comparable materials.
5. Changes in building materials to a comparable or higher quality.
6. Addition of non-residential accessory structures up to 5,000 square feet or expansions up to 5,000 square feet. For special land uses, up to 1,000 square feet.

7. Other minor changes determined by the Zoning Administrator not to be material or significant in relation to the entire plan and the use or uses covered by the plan.

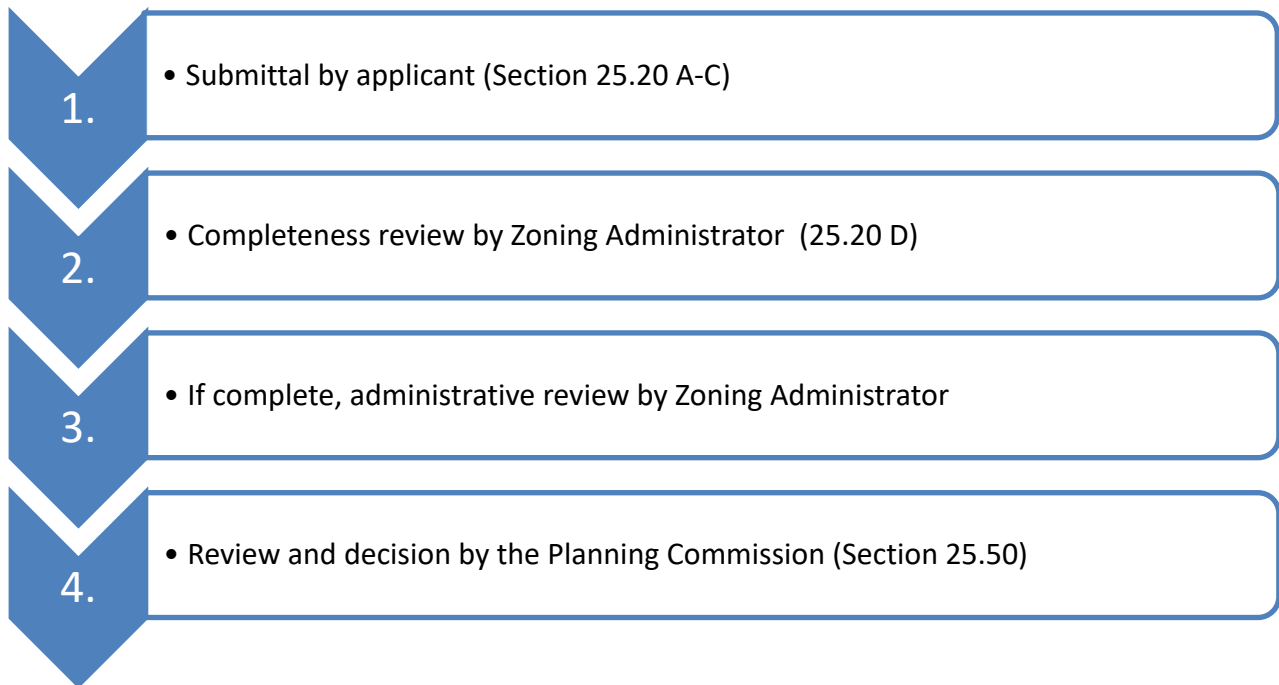
## SECTION 26.30 REVIEW PROCESS

### A. APPLICATION REQUIREMENTS

See Chapter 25 for the general processes for submitting site plan applications and Section XX for submittal checklists.

### B. SITE PLANS AND MAJOR AMENDMENT PROCESS

The Township review authorities shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of approval standards (Section 26.40). The application shall be reviewed in accordance with the following process in Figure 26-1:



**Figure 26-1 Process for Site Plan Review**

### C. DECISIONS

1. **Action.** Unless action is tabled or postponed, the Planning Commission shall decide upon site plan requests as follows:
  - a. **Approval.** The motion or resolution and minutes shall indicate the findings and conclusions serving as the basis for the decision and any conditions imposed.
  - b. **Denial.** In the case of a denial, the motion or resolution and minutes shall indicate the findings and conclusions serving as the basis for the decision.
2. **Resolution.** A resolution may be offered to formally outline the findings, decision, and conditions, if applicable.
3. **Conditions.** Reasonable conditions may be imposed by the Planning Commission on a site plan approval

in accordance with Section 25.60.

#### **D. APPEALS**

The Zoning Board of Appeals shall have no authority regarding site plans decisions except interpretations.

### **SECTION 26.40 SITE PLAN STANDARDS OF APPROVAL**

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A site plan must also meet all of the standards of this section.

#### **A. ZONING COMPLIANCE AND COMPATIBILITY**

Site plan proposals shall conform to all zoning district requirements (Chapters 4 to 13, as applicable), land use regulation (Chapter 15), building requirements (Chapter 16), general requirements (Chapter 17), and any applicable specific use requirements (Chapter 18). If necessary, variances shall be secured prior to the Planning Commission's approval (Chapter 30). Site planning shall consider both zoning compliance and compatibility with adjacent properties and land uses. All uses, structures, and buildings will fully comply with this Ordinance and all other applicable Township ordinances.

#### **B. LIGHTING**

Lighting plans shall demonstrate compliance with all requirements and shall be designed to ensure safe conditions and minimal impact on neighboring properties and the night sky (Chapter 19).

#### **C. PARKING AND LOADING**

Parking lot design shall demonstrate compliance with all dimensional and circulation requirements and shall be arranged to provide safe and convenient access to buildings and land uses (Chapter 20). If applicable, stacking and loading spaces shall be designed to minimize the impact on internal circulation routes and off-site traffic patterns.

#### **D. MOBILITY, TRAFFIC, AND ACCESS**

Pedestrian and bicycle travel shall be accommodated in accordance with this Ordinance (Section 21.20). Acceptable traffic conditions shall be maintained (Section 21.30). Driveway placement, connectivity, and shared access shall be designed to promote safe and efficient access to and from the site and circulation within the site. Compliance with access management requirements shall be demonstrated (Section 21.40). All sites and buildings shall be accessible to emergency service vehicles and personnel to respond to emergencies and calls for service. Streets and driveways shall conform to the requirements of Chapter 22.

#### **E. LANDSCAPING, SCREENING, AND ENVIRONMENTAL PROTECTION**

All applicable landscaping, buffering, screening, and environmental requirements shall be satisfied (Chapter 23), and sites shall not be significantly disturbed in ways beyond what is appropriate for the reasonable development of a site. Site plans shall demonstrate that the impact of exterior uses and activities is minimized by required landscaping and screening.

#### **F. STORMWATER AND WATER QUALITY**

Stormwater detention, retention, and drainage systems shall be designed to protect neighboring properties from the negative impacts of increased stormwater run-off and flooding. Systems shall be designed to function with public stormwater drainage systems under the authority of the Kent County Drain Commission, Kent County Road Commission, or the Michigan Department of Transportation (MDOT).

**G. SIGNS**

Proposed signs shall meet dimensional and location requirements and shall be placed in locations that limit driver distraction and prevent visual clutter (Chapter 24).

**H. WATER AND SEWER**

Public water and sewer connections shall be approved by the Byron Gaines Utility Authority (BGUA) in accordance with Section 17.90 B as applicable. The site plan will not overburden BGUA's ability to provide public services while at the same time adequately providing for sewage collection and treatment

**I. OUTSIDE AGENCIES**

Applicants shall secure all applicable outside agency approvals, including but not limited to the Kent County Health Department, Kent County Road Commission, Kent County Drain Commission, Fire Department, and State of Michigan regulatory agencies. Securing applicable approvals may also be a condition of approval if not received prior to the Planning Commission review.

## **SECTION 26.50 TERM, VALIDITY, AND COMPLIANCE**

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**A. TERM AND VALIDITY**

See 25.30 D.

**B. COMPLIANCE**

It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site plan. Any property owner who fails to maintain the property in accordance with the approved site plan shall be deemed in violation of the Zoning Ordinance and shall be subject to penalties and enforcement of Section 1.100.

**C. REVOCATION**

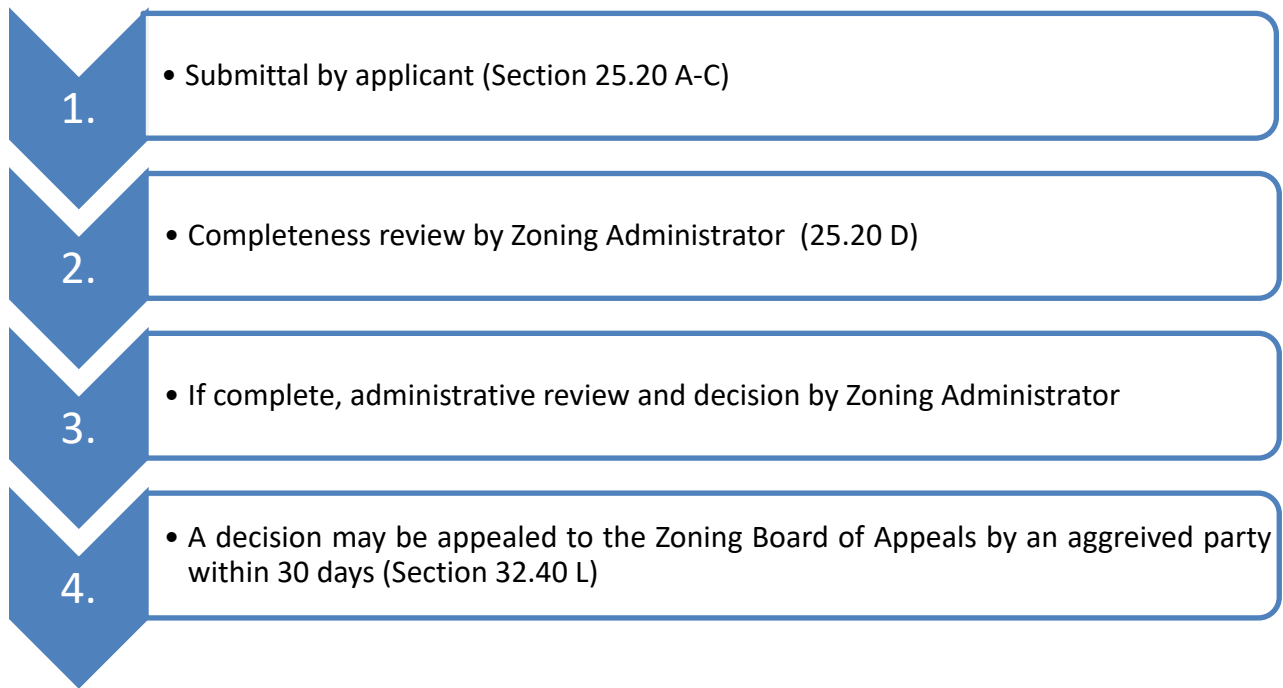
The Planning Commission may revoke a site plan approval in accordance with Section 25.30 E if there is a violation of the site plan approval or this Ordinance.

## **SECTION 26.60 AMENDMENTS**

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**A. MINOR SITE PLAN AMENDMENT PROCESS**

1. **Authority.** If site plan changes are determined to be minor per Section 26.20 B, the Zoning Administrator shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of site plan approval standards (Section 26.40).
2. **Process.** The application shall be reviewed in accordance with the following process in Figure 26-2:



***Figure 26-2 Process for Administrative Review of Minor Site Plan Amendments***

3. Administrative Review and Decision. Decisions of the Zoning Administrator shall be documented in writing.

## **B. MAJOR AMENDMENTS**

See 26.30 B.

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## **CHAPTER 27 SPECIAL LAND USE REVIEW**

### **SECTION 27.10 INTENT**

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Special land uses are generally consistent with the purpose of the zoning district in which they are located, but due to unique operational characteristics or specific circumstances surrounding the use, they may not be desirable or compatible in all locations. Factors such as traffic, hours of operation, noise, visual impact, odor, intensity of use, or similar potential effects require that special land uses be evaluated for appropriateness on a case-by-case basis. Special land uses may be authorized after Planning Commission review and approval, following a review of the use and its potential impact on its surroundings. This chapter establishes the review procedures for special land uses and the general standards that must be met for all special land uses.

### **SECTION 27.20 APPLICABILITY**

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#### **A. APPLICABILITY**

1. **Designation.** Land uses classified as special land uses in Chapter 15 shall only be established in accordance with this chapter.
2. **Reclassification.** Any use that was established as a permitted use and subsequently reclassified as a special land use may continue and is not considered to be a nonconforming use. However, any change to the use or its associated building or site shall require special land use review, regardless of how minor.

#### **B. CONCURRENT SITE PLAN REVIEW**

Site plan review in accordance with Chapter 26 or preliminary plan review in accordance with Section 27.30 B is required for all special land uses. The site plan approved in conjunction with the special land use approval shall become part of the approval record. Ongoing conformance with the terms and conditions of the approval is required.

### **SECTION 27.30 REVIEW PROCESS**

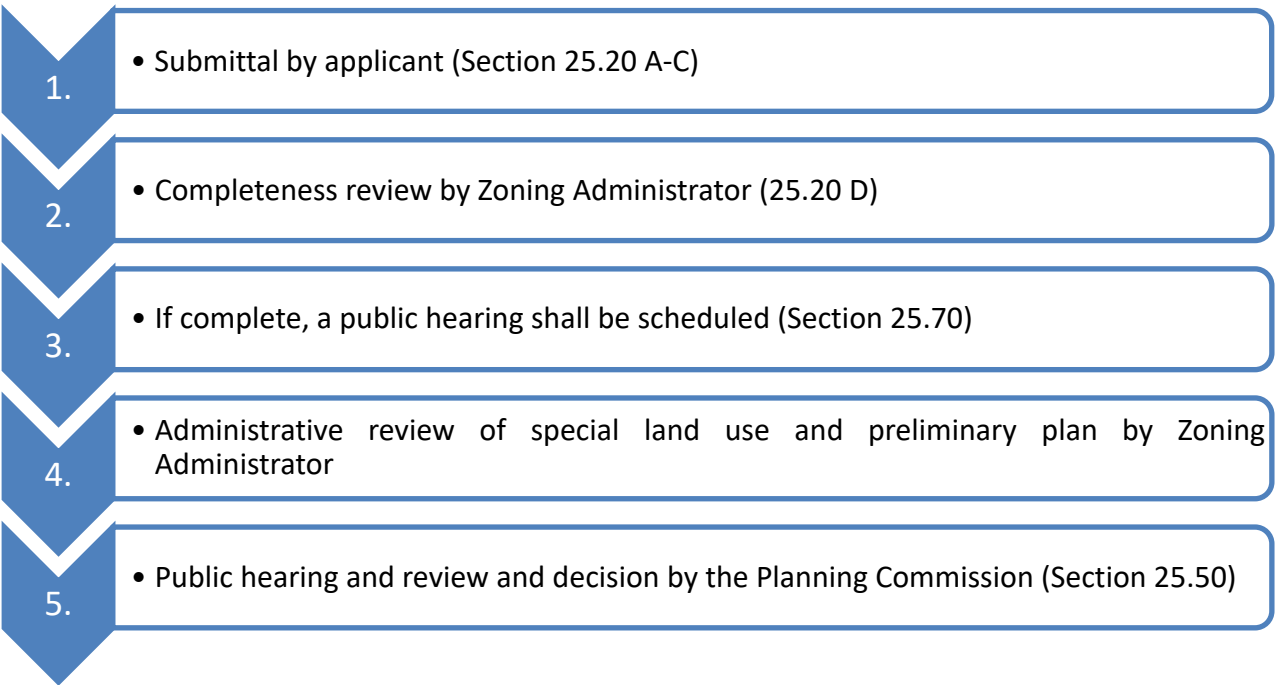
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#### **A. APPLICATION REQUIREMENTS**

See Chapter 25 for general processes for submitting special land use and site plan applications. Special land use and site plan review shall be processed concurrently under subsection B, or may occur in a two-step process in accordance with subsection C. At the discretion of the applicant, they may seek special land use approval with a preliminary plan or with a final site plan in accordance with subsections B and C.

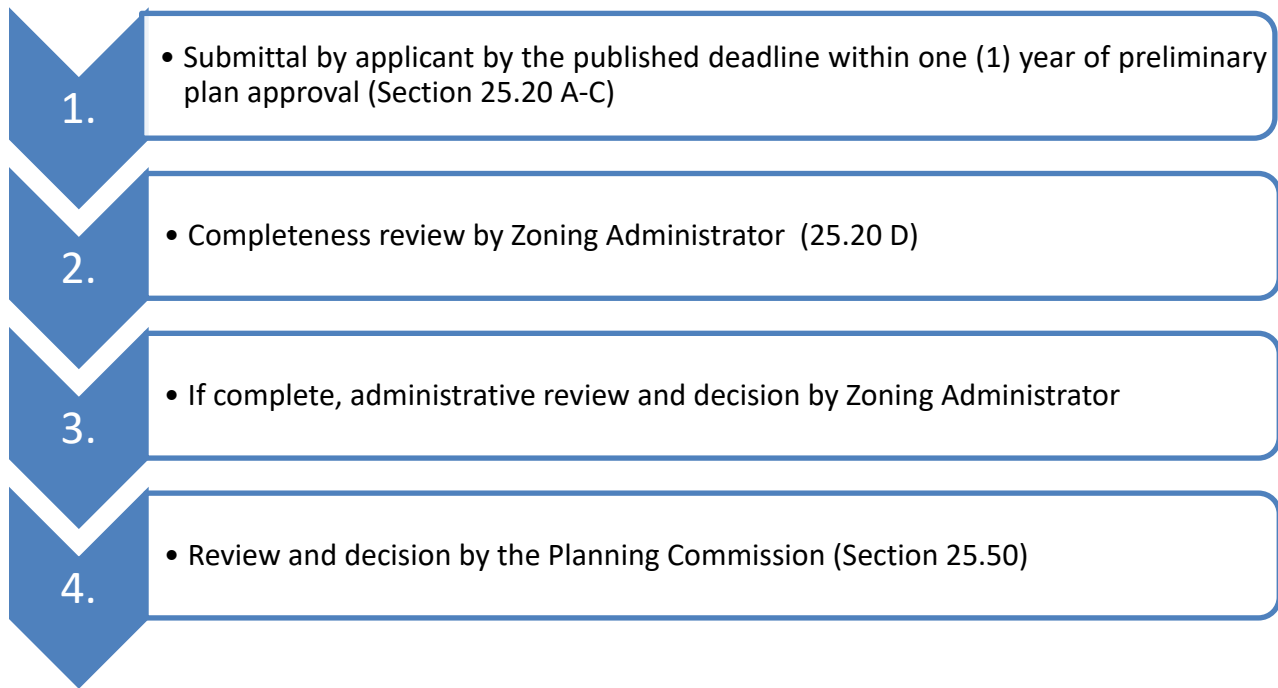
**B. SPECIAL LAND USE AND PRELIMINARY PLAN REVIEW OPTION**

1. **Authority.** The Planning Commission shall review all details of the application and submittal to ensure the satisfaction of special land use approval standards (Section 27.40) and to provide a cursory authorization of the general site layout (see Section 35.10 for checklist).
2. **Final Zoning Compliance.** Preliminary plan review and approval shall not be construed as a final confirmation of zoning compliance.
3. **Process.** The application shall be reviewed in accordance with the following process in Figure 27-1:



***Figure 27-1 Process for Special Land Use and Preliminary Plan Review***

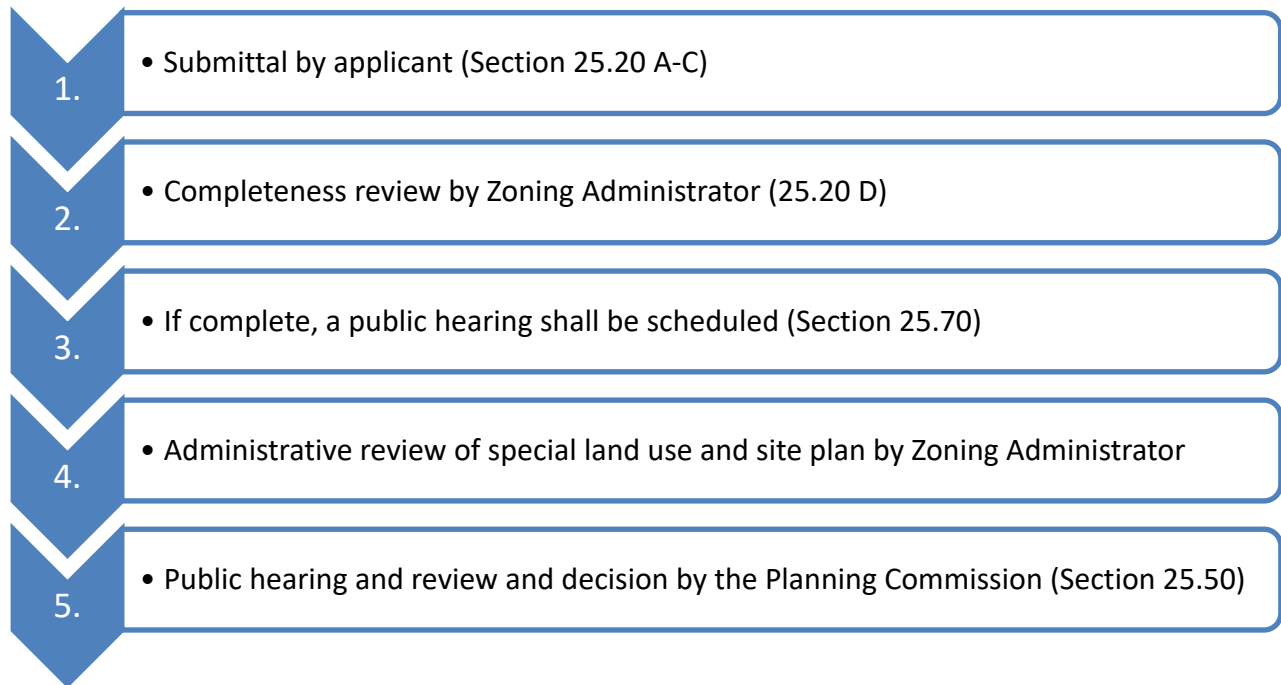
4. **Final Plan.**
  - a. A final site plan shall be submitted by the applicant by the published deadline within one (1) year of special land use approval and preliminary plan approval. If not submitted within one (1) year, the preliminary plan is determined to be expired.
  - b. The Planning Commission shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of site plan approval standards (Section 26.40). The final plan shall generally reflect the preliminary plan, or a new public hearing shall be necessary (see Section 35.50 for the checklist).
  - c. The application shall be reviewed in accordance with the following process in Figure 27-2:



***Figure 27-2 Process for Special Land Use Final Plan Review***

#### **C. COMBINED SPECIAL LAND USE AND SITE PLAN REVIEW**

The Planning Commission shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of site plan approval standards (Section 26.40) and special land use approval standards (Section 27.40). See Section XX for the submittal checklist. The application shall be reviewed in accordance with the following process in Figure 27-3.



**Figure 27-3 Process for Combined Special Land Use and Site Plan Review**

#### D. DECISIONS

1. **Action.** Unless action is tabled or postponed, the Planning Commission shall decide upon special land use requests as follows:
  - a. **Approval.** The motion or resolution and minutes shall indicate the findings and conclusions serving as the basis for the decision and any conditions imposed.
  - b. **Denial.** In the case of a denial, the motion or resolution and minutes shall indicate the findings and conclusions serving as the basis for the decision.
2. **Resolution.** A resolution may be offered to formally outline the findings, decision, and conditions, if applicable.
3. **Conditions.** Reasonable conditions may be imposed by the Planning Commission on a special land use approval in accordance with Section 25.60.

#### E. APPEALS

The Zoning Board of Appeals shall have no jurisdiction to hear appeals regarding decisions on special land uses except for interpretations.

## **SECTION 27.40 SPECIAL LAND USE APPROVAL STANDARDS**

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The following special land use approval standards shall be considered by the Planning Commission.

### **A. ZONING ORDINANCE AND MASTER PLAN**

The special land use will be consistent with the goals, intent, and purposes of the Zoning Ordinance and the Master Plan. The associated site plan will comply with all requirements of this Ordinance and satisfy all site plan standards of approval.

### **B. USE COMPATIBILITY AND CHARACTER**

The site plan and buildings associated with the use will be designed and constructed, and the use will be operated and maintained in ways to ensure compatibility with adjacent and nearby land uses. Establishment of the use will not degrade the essential character of the area in which it is proposed. Further, it will not impede the normal and orderly development and improvement of surrounding property and shall not have significant adverse impacts upon adjoining properties or uses.

### **C. PUBLIC SERVICES AND INFRASTRUCTURE**

The use and its associated buildings and site improvements will be adequately served by essential infrastructure and services, such as roads, stormwater drainage infrastructure, schools, law enforcement, and fire protection; will not create excessive additional requirements at public cost for infrastructure; and will not be detrimental to the economic welfare of the community.

### **D. IMPACT AND NUISANCES**

The use and its associated buildings and site improvements will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole, and it will not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to persons, property or general welfare by reason of excessive activity, noise, vibration, smoke, fumes, glare, odor, or visual impact.

### **E. ENVIRONMENTAL IMPACT**

The use and its associated buildings and site improvements will not cause environmental degradation or significant change to landscapes, topography, and sensitive natural resources.

### **F. TRAFFIC**

The use will not result in unsafe traffic conditions or negative impacts on bicycle and pedestrian travel and shall not create or substantially add to traffic hazards in the area.

### **G. PRECEDENCE AND REASONABLE LAND USE**

The proposed use shall not set precedents for development, which could adversely affect the long-term plans or policies of the Township. The proposed use will be reasonable.

## **SECTION 27.50 TERM, VALIDITY, AND COMPLIANCE**

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### **A. OWNERSHIP**

Special land use approval, with all associated benefits and conditions, shall run with the land. Change in property ownership does not invalidate the special land use approval, provided all conditions of approval continue to be met during operation.

**B. VALIDITY**

A special land use approval shall be valid for as long as the approved special land use continues in accordance with the terms and conditions of the approval. The special land use approval shall expire on the occurrence of one (1) or more of the following conditions:

1. If replaced or superseded by a subsequent special land use approval.
2. If replaced or superseded by a permitted use.
3. If the applicant requests the rescinding of the special land use approval.
4. If the site plan associated with the special land use expires per Section 26.50 or the preliminary plan expires per Section 27.30 B.
5. The permitted special land use ceases operation for 12 consecutive months.

**C. TERM AND VALIDITY**

See 25.30 D.

**D. REVOCATION**

The Planning Commission may revoke a special land use approval in accordance with Section 25.30 E if there is a violation of the site plan approval or this Ordinance.

**SECTION 27.60 AMENDMENTS**

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All changes to special land use operation or any specific condition of approval shall be processed in the same manner as the original application. However, the Zoning Administrator may approve amendments to site plans associated with special land uses if determined to be minor per the criteria of Section 26.20 B.

## CHAPTER 28 CONDOMINIUM REVIEW

### SECTION 28.10 INTENT

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This chapter regulates projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this section, all other applicable Township regulations, and the Condominium Act (P.A. 59 of 1978, as amended). The intent of this chapter is to ensure that site condominium and conventional condominium plan are developed in compliance with all applicable standards of the Zoning Ordinance and the design requirements of the Gaines Charter Township Subdivision Regulations, except that the review procedures and application requirements of this section shall also apply.

### SECTION 28.20 GENERAL REQUIREMENTS

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#### A. APPLICABILITY

1. **Approval Required.** No buildings or structures shall be constructed, nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium project except in compliance with a final site condominium plan as approved by the Township, including any conditions of approval.
  - a. Minor (See Section 28.30)
    - i. Four (4) units or less
    - ii. Conventional condominium conversion.
  - b. Major (See Section 28.40). Anything not qualifying as minor.
2. **Types.** The following types of condominium projects are subject to the review processes outlined in this chapter:
  - a. Site Condominiums. Developments with single buildings on individual site condominium units
  - b. Conventional Condominiums.
    - i. Multiple buildings on a single site.
    - ii. A single building with multiple condominium units on a single site.

#### B. EXPANDABLE OR CONVERTIBLE CONDOMINIUM PROJECTS

Approval of a final condominium plan shall not constitute approval of expandable or convertible portions of a project unless the expandable or convertible areas were specifically reviewed and approved by the Planning Commission in compliance with the procedures, standards, and requirements of this chapter.

#### C. INCORPORATION OF APPROVED PROVISIONS IN MASTER DEED

All provisions of a final condominium plan that are approved by the Planning Commission as provided by this chapter shall be incorporated by reference in the master deed. A copy of the master deed as filed with the Kent County Register of Deeds for recording shall be provided to the Township within 10 days after filing the plan with the county.

## **SECTION 28.30 MINOR CONDOMINIUM REVIEW PROCESS**

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### **A. APPLICATION REQUIREMENTS**

See Chapter 25 for general processes for submitting condominium applications.

### **B. CONVENTIONAL CONDOMINIUM CONVERSIONS**

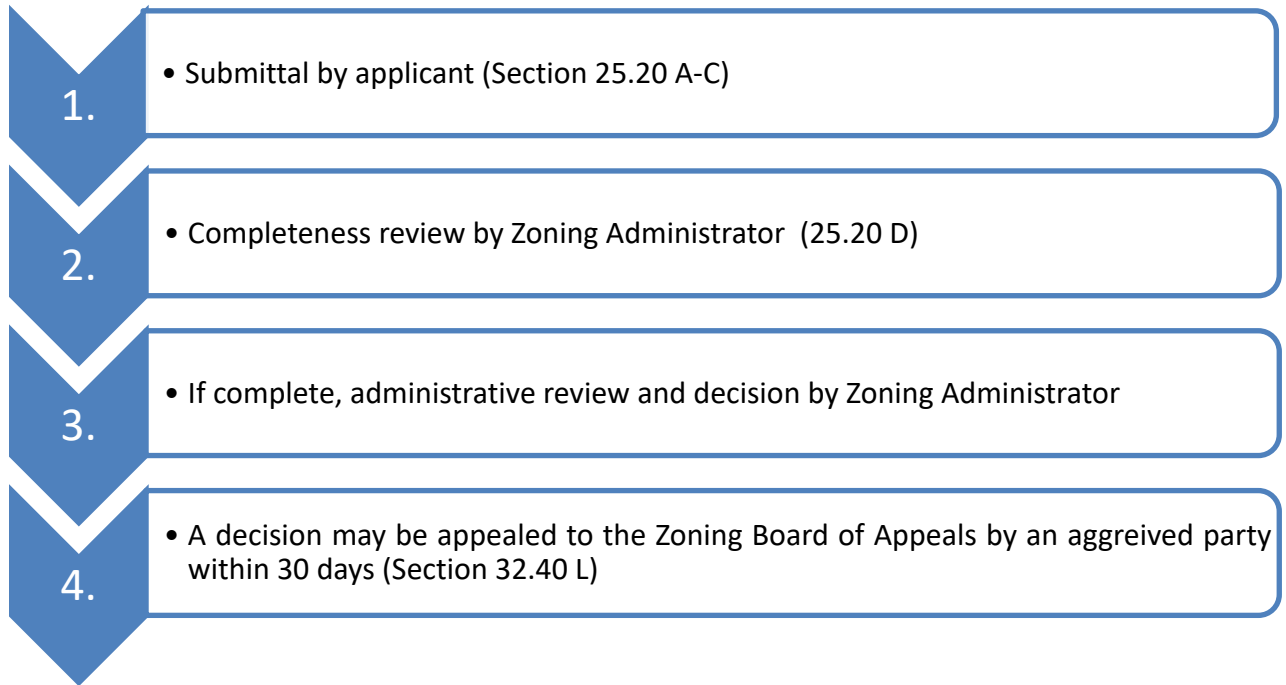
Conversions of lawfully conforming and existing buildings or an existing development site into a condominium form of ownership without changes to the building or site and comply with all other zoning requirements are subject to the following. This section does not allow for site condominium conversion.

1. If the conversion requires physical changes, such as a private driveway being upgraded to a private street for frontage requirements to be met or any other improvement for zoning compliance, then the application shall be processed in accordance with Section 28.30.
2. Applicable condominium conversions are subject to administrative review and approval by the Zoning Administrator, and to the discretion of the Township, review of the master deed and bylaws by the Township Attorney.
3. The Zoning Administrator may refer any application for a proposed condominium conversion to the Planning Commission for full review under the provisions of Section 28.30 if the Zoning Administrator has concerns about whether the application may raise questions regarding continuing compliance of the building or development site with other applicable provisions of the Zoning Ordinance.

### **C. PROCESS**

1. **Authority.** If site plan changes are determined to be minor per Section 26.20 B, the Zoning Administrator shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of site plan approval standards (Section 26.40).

2. **Process.** The application shall be reviewed in accordance with the following process in Figure 28-1:



***Figure 28-1 Process for Administrative Review of Minor Site Plan Amendments***

3. **Administrative Review and Decision.** Decisions of the Zoning Administrator shall be documented in writing.

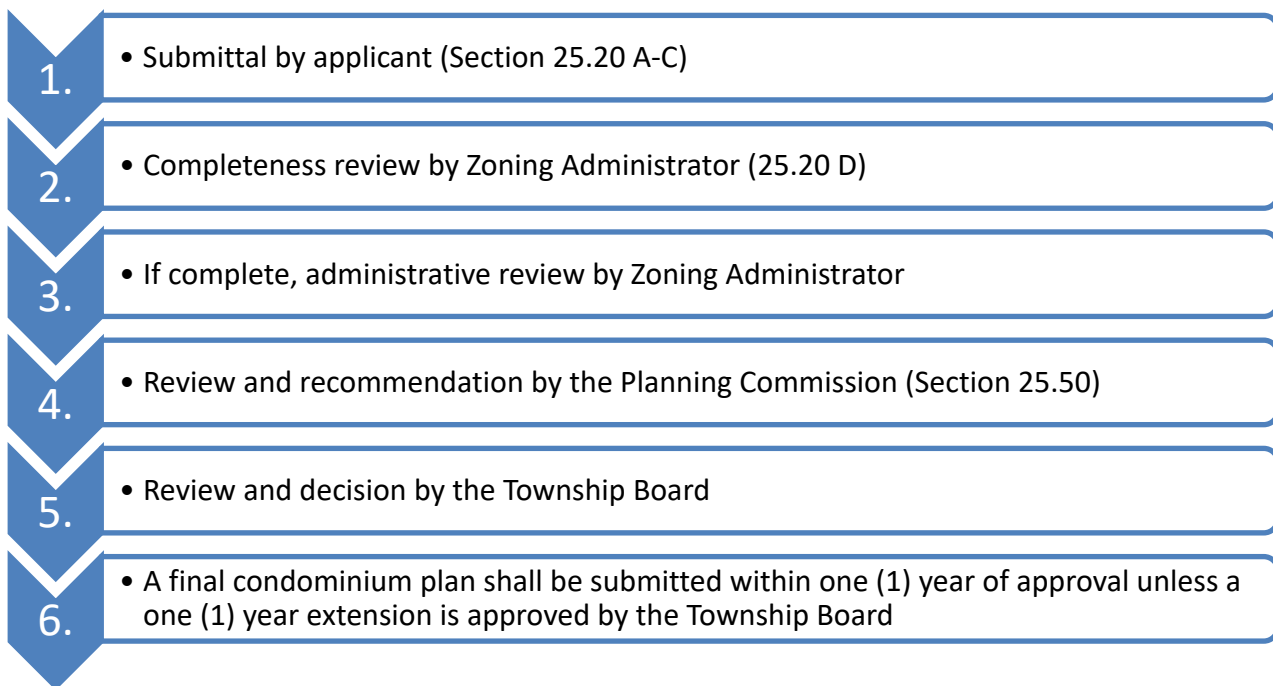
## SECTION 28.30 MAJOR CONDOMINIUM REVIEW PROCESS

### A. APPLICATION REQUIREMENTS

See Chapter 25 for general processes for submitting condominium applications.

### B. PRELIMINARY CONDOMINIUM PLAN

1. **Authority.** The Planning Commission and Township Board shall review all details of the application and submittal to ensure the satisfaction of condominium approval standards (Section 28.40) and to provide a cursory authorization of the general site layout (see Section XX for checklist). Preliminary plan review and approval shall not be construed as a final confirmation of zoning compliance.
2. **Process.** The application shall be reviewed in accordance with the following process in Figure 28-2:

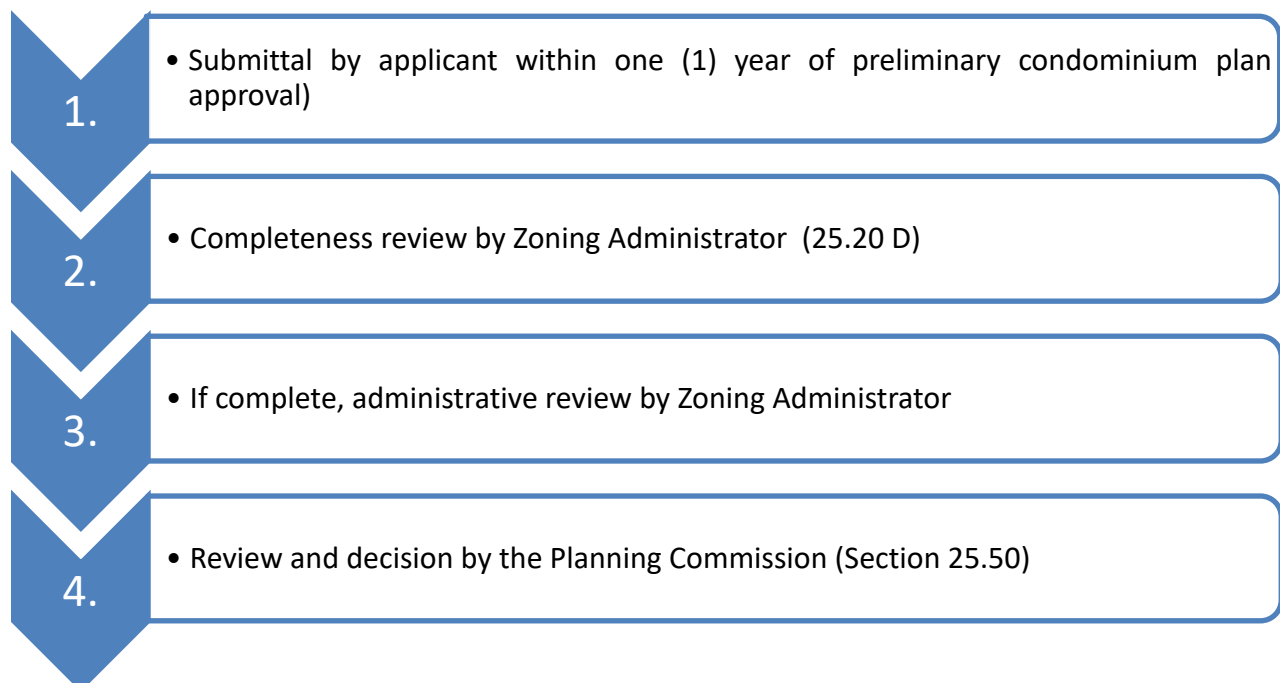


*Figure 28-2 Process for Preliminary Condominium Plan Review*

**C. FINAL CONDOMINIUM PLAN**

After a preliminary condominium plan is approved, a final condominium plan shall be submitted for review by the Planning Commission

1. A final condominium plan shall be submitted by the applicant within one (1) year of preliminary condominium plan approval. If not submitted within one (1) year, the preliminary condominium plan is determined to be expired. However, the Township Board may approve a one (1) year extension if a request is submitted in writing prior to expiration. The extension may be approved by the Township Board if it determines that the applicant has provided reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If an extension expires, the approval shall become null and void.
2. The Planning Commission shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of approval standards (Section 28.40).
3. All outside agency construction permits, including but not limited to the Kent County Health Department, Kent County Road Commission, Kent County Drain Commission, Fire Department, Michigan Department of Transportation, and Michigan Department of Environment, Great Lakes, and Energy shall be required to be secured as a condition of any approval.
4. The final condominium plan shall generally reflect the preliminary condominium plan, or the plan shall be referred back for preliminary review (Section 28.30 B).
5. The application shall be reviewed in accordance with the following process in Figure 28-3:



**Figure 28-3 Process for Final Condominium Plan Review**

#### D. DECISIONS

1. **Action.** Unless action is tabled or postponed, the Planning Commission shall decide upon condominium requests as follows:
  - a. Approval. The motion or resolution and minutes shall indicate the findings and conclusions serving as the basis for the decision and any conditions imposed.
  - b. Denial. In the case of a denial, the motion or resolution and minutes shall indicate the findings and conclusions serving as the basis for the decision.
2. **Resolution.** A resolution may be offered to formally outline the findings, decision, and conditions, if applicable.
3. **Conditions.** Reasonable conditions may be imposed by the Planning Commission on a condominium plan approval in accordance with Section 25.60.

#### E. CONCURRENT PUD REVIEW

A condominium project that is also proposed as a PUD may be reviewed concurrently:

1. Rezoning to PUD overlay and PUD concept plan along with preliminary condominium plan review.
2. Final PUD site plan along with final condominium plan.

#### F. INDIVIDUAL FINAL SITE PLANS

In the event that a condominium unit is intended for a use that requires a site plan per Chapter 26, an individual site plan shall be reviewed in accordance with that chapter.

#### G. COMMENCEMENT OF CONSTRUCTION AND ISSUANCE OF PERMITS

1. Construction for a condominium project shall not commence until:
  - a. All final condominium plan conditions of approval by the Township Board have been met and are confirmed by the Zoning Administrator through a Zoning Permit- Certification of Conditions.
  - b. All applicable approvals or permits from appropriate county and state review and enforcement agencies have been obtained for the project.
2. Building permits shall not be issued until:
  - a. The site is confirmed as compliant by the Zoning Administrator through a Zoning Permit- Certification of Site Compliance.
  - b. The master deed is approved by the Township Attorney.

#### H. APPEALS

Except in the case of PUDs and special land uses, the Zoning Board of Appeals shall hear appeals to decisions regarding any step of the condominium process in accordance with Section 32.40 L.

## **SECTION 28.40 CONDOMINIUM APPROVAL STANDARDS**

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### **A. DESIGN**

Plans shall comply with the design requirements for platted subdivisions as outlined in the Gaines Charter Township Subdivision Regulations.

### **A. ZONING COMPLIANCE AND COMPATIBILITY**

Condominium proposals shall conform to all zoning district requirements (Chapters 4 to 13, as applicable). Site planning shall consider both zoning compliance and compatibility with adjacent properties and land uses.

### **B. MOBILITY, TRAFFIC, AND ACCESS**

Pedestrian and bicycle travel shall be accommodated in accordance with this ordinance (Section 21.20). Acceptable traffic conditions shall be maintained (Section 21.30). Driveway placement, connectivity, and shared access shall be designed to promote safe and efficient access to and from the site and circulation within the site. Compliance with access management requirements shall be demonstrated (Section 21.40). All sites and buildings shall be accessible to emergency service vehicles and personnel to respond to emergencies and calls for service. Private streets and driveways shall conform to the requirements of Chapter 22.

### **C. STORMWATER AND WATER QUALITY**

Stormwater detention, retention, and drainage systems shall be designed to protect neighboring properties from the negative impacts of increased stormwater run-off and flooding. Systems shall be designed to function with public stormwater drainage systems under the authority of the Kent County Drain Commission, Kent County Road Commission, or the Michigan Department of Transportation (MDOT).

### **D. OUTSIDE AGENCIES**

Applicants shall secure all applicable outside agency approvals, including but not limited to the Kent County Health Department, Kent County Road Commission, Kent County Drain Commission, Fire Department, and State of Michigan regulatory agencies. Securing applicable approvals may also be a condition of approval if not received prior to the Township Board's review.

## **SECTION 28.50 TERM, VALIDITY, AND COMPLIANCE**

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### **A. FINAL CONDOMINIUM PLAN**

Approved site improvements shall be commenced within one (1) year after the date of final condominium plan. If a permit or approval expires prior to the commencement of construction, the approval shall become null and void. If the development is intended to be phased, only the first phase is subject to this timeline.

### **B. TERM AND VALIDITY**

See 25.30 D.

## **SECTION 28.60 AMENDMENTS**

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### **A. BOUNDARY CHANGES**

The relocation of boundaries or any other change in the dimensions of a condominium unit or site condominium lot may be approved if permitted by the Condominium Act (P.A. 59 of 1978, as amended). Boundary adjustments may be approved by the Zoning Administrator.

### **B. MAJOR AMENDMENTS**

Major amendments shall be reviewed and approved by the Township Board in accordance with the process for preliminary condominium review. However, at the discretion of the applicant, major changes to plans may be reviewed as preliminary and final plans concurrently.

## CHAPTER 29 PLANNED UNIT DEVELOPMENT REVIEW

### SECTION 29.10 INTENT

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The intent of this Chapter is to outline the review process for Planned Unit Development (PUD) projects to ensure compliance with the purpose and intent of Section 14.10 and all standards of approval. A PUD approval process is the rezoning of land.

### SECTION 29.20 REVIEW PROCESS

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#### A. PRE-APPLICATION CONFERENCE

A pre-application conference is required as a prerequisite for acceptance and review of PUD proposals. The purpose of a pre-application conference with the Zoning Administrator is to review the concept of the proposed PUD, discuss the review process, and determine the eligibility of the request.

1. **Conference Request.** A request for a pre-application conference shall be made to the Zoning Administrator. A pre-application conference may occur in person, by video conference, or by phone.
2. **Requirement Materials.** As part of the pre-application conference, the applicant shall submit a copy of an initial concept plan or a sketch plan that shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, land use for the entire site, and proposed locations of buildings and structures.
3. **Guidance.** The Zoning Administrator shall advise the applicant of the conformance of the PUD concept with the objectives of the Township, whether the concept qualifies under the requirements of this Chapter and Chapter 14, and whether the general concept is substantially consistent with the Township Master Plan. Formal action shall not be taken at a pre-application conference, and statements made at the pre-application conference shall not be considered binding commitments or approval of the concept.

#### B. NEIGHBORHOOD MEETING

1. **Purpose.** The purpose of the required pre-application neighborhood meeting is to ensure communication and collaboration between a developer and members of the community in close proximity to a proposed PUD site. The meeting is intended to allow for issues and concerns to be brought to the attention of a developer as early in the planning process as possible so that issues can be resolved before applying for a PUD and that input can be considered during the design process.
2. **Number.** At least one (1) neighborhood meeting shall be held before a PUD application is submitted.
3. **Time and Location.** The meeting shall be held at a place that is convenient and accessible to neighbors residing in close proximity to the land subject to the application. At least one (1) neighborhood meeting shall be scheduled after 6:00 P.M., Monday to Thursday.
4. **Public Notice.**
  - a. Written public notice shall occur in the same manner required by Section 25.70. However, the notice area shall be extended to 500 feet from the subject lot. Addresses shall be provided by the Zoning Administrator.
  - b. The notice shall include a written description of the request, a project location map, and the time

and date of the neighborhood meeting.

- c. Outreach beyond written notice is encouraged, such as postings on social media and other resources.
- d. A copy of the meeting notice shall also be sent to the Community Development Department.
- 5. **Open Public Meeting.** The meeting shall be open to all members of the public, regardless of if they were direct recipients of the written public notice.
- 6. **Procedure.** The meeting procedure shall include the following:
  - a. Sign-in sheets for participants.
  - b. A general narrative by the developer explaining the design and intent of the project, including the display of maps and images related to the proposal.
  - c. An opportunity for questions and answers.
  - d. Information concerning where additional information, project updates, and a meeting summary can be found.
  - e. Contact information for a project representative who will be available and willing to answer additional questions about the project until formal submittal to the township.
- 7. **Meeting Summary.** A meeting summary shall be prepared and submitted as part of the PUD application. The summary shall include the following.
  - a. List of attendees or copy of sign-in sheet.
  - b. Summary of presentation.
  - c. Summary of questions and answers.
  - d. Key takeaways from the meeting and how public input or recommendations were incorporated into the design of the preliminary PUD plan.

### C. APPLICATION REQUIREMENTS

- 1. **Submittal Checklist.** See Chapter 25 for the general processes for submitting an application and Section 35.30 for the submittal checklist.
- 2. **Parallel Plan and Residential Density Bonuses.**
  - a. To determine the density achievable with the underlying zoning district, the applicant shall submit a parallel plan, which is a conceptual subdivision layout based on the uses of land, dimensional, utility availability, and density allowed by right in the zoning district in which the land is located. Only the net buildable area of the residential portion of the site shall be considered, which is considered to be the portion of the site that is not encumbered by regulated wetlands, steep slopes, existing rights-of-ways, easements that cannot be included in residential lots, and other site features that would prevent the use of the site for residential purposes.
  - b. The Planning Commission shall determine the base number of dwelling units allowable for the PUD based on the parallel plan, and any density bonus (see Section 14.40 B) granted by the Township will be applied to this number.

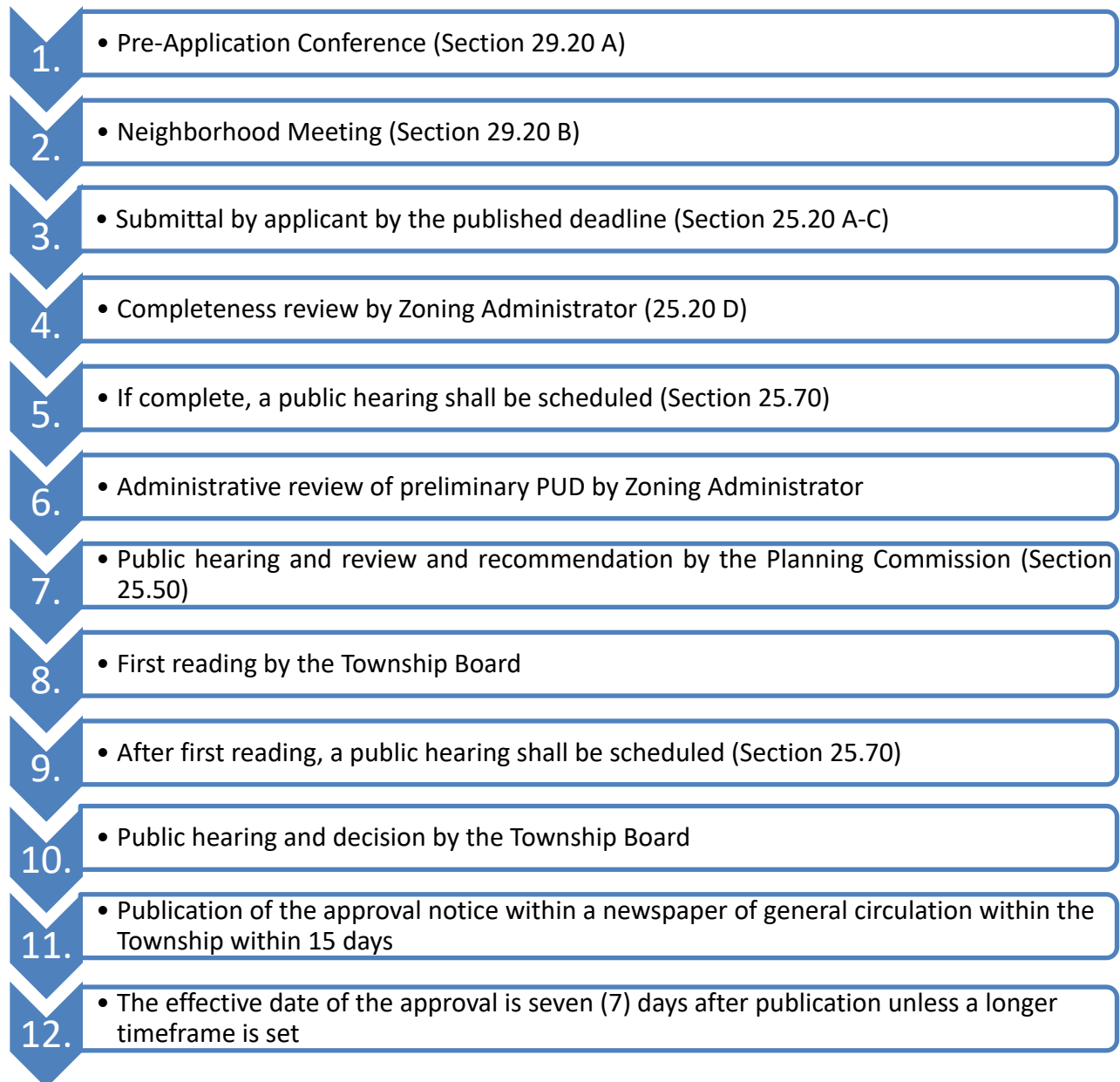
### D. REVIEW STEPS

Review of PUD rezoning proposals shall be processed in accordance with the following steps:

1. Rezoning to PUD Overlay and PUD Concept Plan and base district rezoning if applicable.
2. Final PUD Site Plan.

#### E. REZONING TO PUD OVERLAY AND PUD CONCEPT PLAN

1. **Authority.** The Planning Commission and Township Board shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of PUD approval standards (Section 29.30).
2. **Process.** The application shall be reviewed in accordance with the following process in Figure 29-1:



**Figure 29-1 Process for Preliminary PUD and Overlay Rezoning**

3. **Concurrent Review.** A PUD Overlay and Concept Plan may be reviewed concurrently with a preliminary plat or preliminary condominium plan at the request of an applicant. However, the applicant shall waive the right to be reviewed in accordance with any maximum timelines established by statute.

## F. DECISIONS

The Planning Commission and Township Board shall decide upon a rezoning to PUD Overlay and PUD Concept Plan requests as follows:

1. **Planning Commission.** Unless action is tabled or postponed, the Planning Commission shall decide upon PUD requests as follows:
  - a. **Recommendation of Approval.** The motion and minutes shall indicate the findings and conclusions serving as the basis for the recommendation and any conditions imposed. A draft ordinance to recommend approval of the PUD Overlay District rezoning and approval of the associated Concept Plan shall be provided.
  - b. **Recommendation of Denial.** In the case of a recommendation of denial, the motion and minutes shall indicate the findings and conclusions serving as the basis for the decision. A resolution may be offered to formally outline the findings, decision, and conditions, if applicable.
2. **Township Board.** Unless action is tabled or postponed, the Township Board may deny, approve, or approve with conditions, a request for PUD approval.
  - a. **Approval.** PUD Overlay District rezoning and approval of the associated Concept Plan shall be in the form of an ordinance to amend the Zoning Map and to formally accept the plan. The ordinance shall outline the findings and conditions of approval.
  - b. **Denial.** In the case of a denial, the motion and minutes shall indicate the findings and conclusions serving as the basis for the decision.
  - c. Pursuant to a PUD rezoning, the Township Board can vary other requirements of this Ordinance for good cause shown.

## G. FINAL PUD SITE PLAN

A final PUD site plan shall follow the review procedures of the applicable process depending on the type of development.

1. A final PUD site plan may be one of the following types of submittals:
  - a. Site plan review for a single parcel and use (Chapter 26). A use approved as part of a PUD process, which is a special land use within a base district, does not require special land use review for final PUD site plan approval.
  - b. Final Condominium Plan review (Chapter 28).
  - c. Subdivision review plan for a platted residential development per the Gaines Charter Township Subdivision Regulations.
2. A final PUD site plan shall reflect the PUD concept plan and any conditions of approval.

## H. APPEALS AND VARIANCES

The Zoning Board of Appeals shall have no jurisdiction to hear appeals regarding decisions on PUDs. Additionally, no variances may be requested for zoning requirements within an approved PUD.

## **SECTION 29.30 PUD APPROVAL STANDARDS**

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Approval of a rezoning to PUD Overlay District and an associated PUD Concept Plan shall be based on the satisfaction of the following standards:

### **A. PURPOSE**

The PUD satisfies the purpose and intent of Section 14.10.

### **B. QUALIFICATION**

The proposal qualifies as a PUD per Section 14.20 by being under unified control, demonstrating a recognizable benefit, and having the minimum acreage required for PUD development.

### **C. COMPLIANCE**

The PUD satisfies all requirements per Section 14.30 and all zoning requirements unless modifications and waivers are approved per Section 14.30 F.

### **D. MASTER PLAN**

The PUD is consistent with the Township's master plan or specifically implements the vision and goals of the plan.

### **E. COMPATIBILITY**

The project is designed to integrate harmoniously with the essential character of the area and the natural environment.

### **F. PUBLIC SERVICES**

Land uses do not exceed the capacity of public services and county roads and the capacity of the site to handle demands for on-site wells and sewage treatment or the capacity of public water and sewer systems.

### **G. SITE PLAN STANDARDS OF APPROVAL**

The associated PUD plan must be able to comply with all requirements of this Ordinance and satisfy all site plan standards of approval.

## **SECTION 29.40 TERM AND VALIDITY**

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### **A. VALIDITY AND EXPIRATION**

Approval of PUD overlay rezoning and concept plan by the Township Board shall confer upon the owner the right to proceed with the development of a Final PUD Site Plan in accordance with Section 29.20 G. The final PUD site plan shall be submitted within one (1) year from the date of approval. If the development is intended to be phased, only the first phase is subject to this timeline.

### **B. TERM AND VALIDITY**

See 25.30 D.

### C. TERMINATION OF RIGHTS

Upon expiration of a PUD overlay rezoning and concept plan or final PUD plan, the approval shall become null and void, and all rights of development based on the plan shall terminate. The Township may take action to remove the PUD Overlay Designation from the Zoning Map after the PUD Concept Plan becomes null and void.

## SECTION 29.50 AMENDMENTS

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### A. MINOR CHANGE- ADMINISTRATIVE APPROVAL

A minor administrative change to an approved final PUD site plan shall be reviewed and may be approved by the Zoning Administrator. Minor changes are those outlined in Section 26.20 B or Section 28.60 for condominiums.

### B. MAJOR CHANGE- BOARD APPROVAL

1. Major changes are those that do not qualify as minor changes and:
  - a. Reflect the overall intent and design of the PUD concept plan, along with permitted uses and density.
  - b. Comply with all conditions of approval, approved modifications, and all other zoning requirements.
2. A major site plan change to an approved final PUD site plan may be approved by the Township Board after review and recommendation by the Planning Commission. A public hearing or ordinance amendment is not required.
3. A major change between a PUD concept plan and a final PUD site plan may be approved by the Township Board during the review of the final PUD site plan after review and recommendation by the Planning Commission. A public hearing or ordinance amendment is not required.

### C. ORDINANCE AMENDMENT

Any change not qualifying as a minor or major change shall require an ordinance amendment and processing in accordance with Section 29.20.

## SECTION 29.60 PRIOR APPROVED PLANNED UNIT DEVELOPMENTS

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### A. PRIOR PERMITS AND APPROVALS

PUDs approved by the Township before the effective date of this ordinance are subject to Section 1.30 E.

### B. CHANGES

Any expansion, alteration, or variation of the existing approved plan that does not qualify as a minor or major change in accordance with Sections 29.50 A and B shall be subject to review and processing under Section 29.20, which will involve rezoning to PUD Overlay and approval of a PUD Concept Plan.

### C. TERM AND VALIDITY

If substantial site development or building construction related to a previously approved PUD development has not yet commenced, both shall commence within one (1) year of the effective date of this ordinance or the date on which the PUD approval became final, whichever comes later. The Planning Commission may approve one (1) extension of up to one (1) year if requested in writing by the applicant. The extension shall be approved if the Planning Commission determines that the applicant has provided reasonable evidence that

the development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period. If the extension expires before substantial site development or building construction commences, the previous PUD approval shall become null and void. For purposes of this section, a PUD approval shall be considered final when the time for appealing the approval to the circuit court expires or, in cases in which an appeal is taken, when a final court judgment has been entered and the time for appealing the judgment, either by either leave or by right, expires.

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## CHAPTER 30 VARIANCE REVIEW

### SECTION 30.10 INTENT

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The intent of this chapter is to outline the process and standards for the consideration of variances.

### SECTION 30.20 GENERAL REQUIREMENTS

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#### A. AUTHORIZED VARIANCES

1. Non-Use Variances. Variances may be requested that relate to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the Zoning Ordinance or related to any other non-use-related standard in the Zoning Ordinance.
2. Land Use Variances. Variances may be requested that relate to land uses.

#### B. ADMINISTRATIVE DETERMINATION

A variance request shall be preceded by a written compliance determination by the Zoning Administrator.

#### C. STAY OF PROCEEDINGS

A request for a variance stays any related code enforcement actions.

#### D. CONDITIONS

The Zoning Board of Appeals may impose conditions as authorized by the Zoning Enabling Act if necessary and appropriate in accordance with Section 25.60. The Zoning Board of Appeals may impose greater or more restrictive conditions, restrictions, and requirements than are included in this ordinance. Violations of approved conditions, restrictions, and requirements shall be deemed a violation of this ordinance. Conditions, restrictions, and requirements may include the provision of financial security to guarantee performance in accordance with Section 25.80.

#### E. LESSER VARIANCE

At its discretion, the Zoning Board of Appeals may grant a lesser variance than requested.

### SECTION 30.30 REVIEW PROCESS

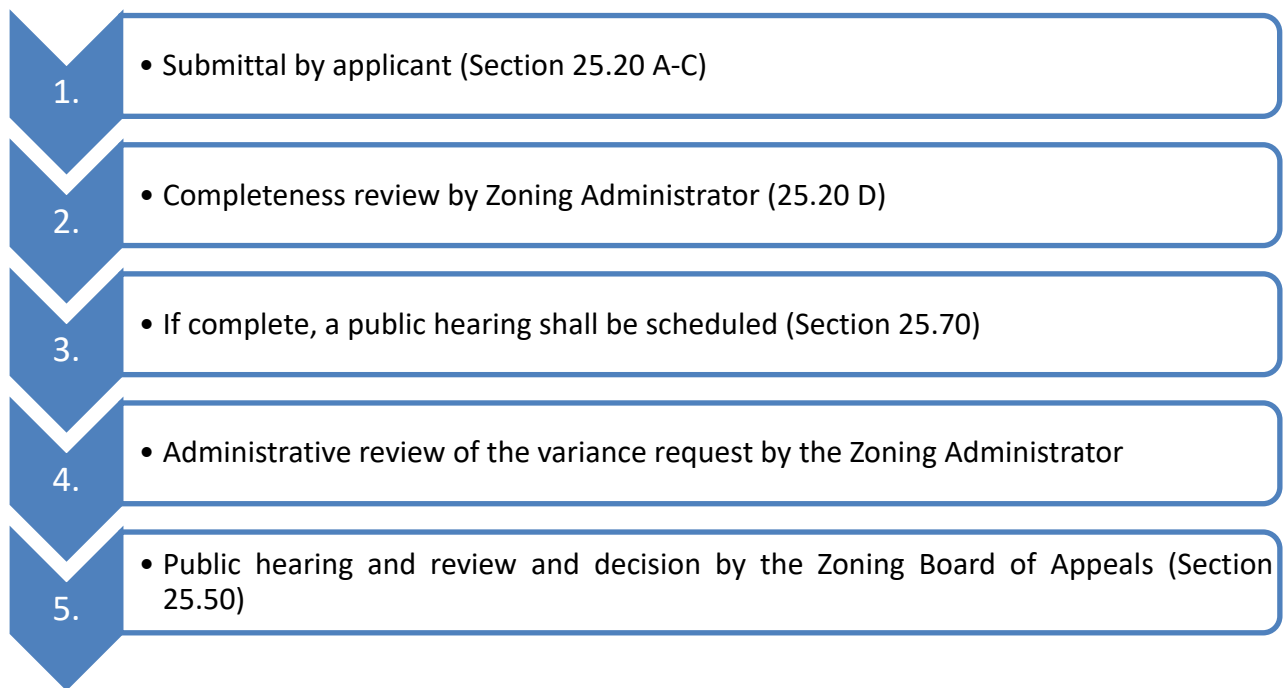
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#### A. APPLICATION REQUIREMENTS

See Chapter 25 for the general processes for submitting site plan applications and Section XX for submittal checklists.

#### B. REVIEW PROCESS

1. **Authority.** The Zoning Board of Appeals shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of approval standards (Section 30.40).
2. **Process.** The application shall be reviewed in accordance with the following process in Figure 30-1:



*Figure 30-1 Process for Variance Review*

### C. DECISIONS

1. **Action.** Unless action is tabled or postponed, the Zoning Board of Appeals shall decide upon variance requests as follows:
  - a. Approval. The motion or resolution and minutes shall indicate the findings and conclusions serving as the basis for the decision and any conditions imposed.
  - b. Denial. In the case of a denial, the motion or resolution and minutes shall indicate the findings and conclusions serving as the basis for the decision.
2. **Conditions.**
  - a. The Zoning Board of Appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision that it is required to make.
  - b. Conditions imposed shall be those necessary to ensure that the decision meets the standards of this Chapter.

## SECTION 30.40 NON-USE VARIANCE APPROVAL STANDARDS

### A. PRACTICAL DIFFICULTY

A non-use variance may be approved by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing.

### B. STANDARDS

The Zoning Board of Appeals shall not grant a non-use variance unless it finds that all of the following standards below are met:

1. The situation or predicament is caused by exceptional, unique, or extraordinary physical conditions,

dimensions, or circumstances that directly relate to the lot involved rather than the individual situation or desire of the applicant or property owner (see definition of “unique circumstance”).

2. The variance is necessary for the preservation and enjoyment of a substantial property right that is similar to that possessed by other landowners in the same Zoning District and vicinity and does not grant special privileges to the applicant that are not available to the owners of these properties.
3. The practical difficulty for which the variance is requested does not result from a self-created problem by the applicant, current landowner, or any previous landowner of the property involved (see definition of “self-created problem”).
4. The variance will not be detrimental to the public welfare, injurious to neighboring properties, or change the essential character of the neighborhood.
5. The variance is consistent with the purpose and intent of the Master Plan and the intent and provisions of the Zoning Ordinance and Zoning District designation of the subject property.

## **SECTION 30.50 USE VARIANCE APPROVAL STANDARDS**

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### **A. UNNECESSARY HARDSHIP**

Subject to other provisions of this Ordinance, the Zoning Board of Appeals shall have the authority to decide applications for use variances. The Zoning Board of Appeals shall not grant a use variance unless it finds that unnecessary hardship will occur unless the variance is granted.

### **B. STANDARDS**

The Zoning Board of Appeals shall not grant a use variance unless it also finds that all of the following standards below are met:

1. The variance request, if granted, will be the minimum variance (i.e., the least variation or change from the particular requirement of the Ordinance involved) that will make possible the reasonable use of the land, structure, or building involved.
2. The granting of the variance will not be injurious or detrimental to neighboring properties or residents.
3. The variance will not be detrimental to the public welfare or change the essential character of the neighborhood.
4. The variance will not impair the intent or purpose of this Ordinance.
5. The problem or condition for which the variance is requested is not a self-created problem by the applicant or property owner (or their predecessors in title) as to the property involved.
6. The condition or situation involved is not of so general or recurrent a nature that it would be more reasonable or practical for the Township to amend the provision of the Ordinance involved rather than to grant a variance for the condition or situation.
7. There are exceptional, unique, or extraordinary physical conditions or circumstances that directly relate to the property itself (including the land or a structure or building thereon) rather than the individual situation or desire of the applicant or property owner. In other words, the problem or exception or extraordinary circumstances or conditions must be inherent in the land, structure, or building involved.
8. The variance must be necessary for the preservation and enjoyment of a substantial property right, which is similar to that possessed by other properties in the same zoning district and vicinity. (NOTE-a possible increased financial return shall not, of itself, be deemed sufficient to warrant a variance.)

9. The property cannot be reasonably used as currently zoned.
10. As specified above, the Zoning Board of Appeals must also find that unnecessary hardship will occur if a use variance is not granted.

**C. VOTE**

No use variance shall be granted unless at least two-thirds (2/3) of all members of the Zoning Board of Appeals vote in favor of such use variance. Furthermore, before the members of the Zoning Board of Appeals may vote on a given use variance request, the matter shall be referred to the Planning Commission. The Planning Commission shall be asked for its recommendation regarding the proposed use variance request. The Zoning Board of Appeals may take final action regarding such a use variance request once the Planning Commission has forwarded its recommendation on the particular use variance request to the Zoning Board of Appeals or 45 days has elapsed since the referral to the Planning Commission, whichever occurs first. No variance granted by the Zoning Board of Appeals shall be valid for a period longer than 18 months from the date of its issuance unless the construction and/or use associated with said variance is completed or has been started with completion being diligently pursued. However, the applicant may, upon application, request up to one six-month extension of said variance. The Zoning Administrator may grant such extension provided that the original circumstances authorizing the variance have not changed and that the circumstances creating the need for the extension were beyond the control of the applicant. The Zoning Administrator may refer any request for an extension to the Zoning Board of Appeals for a decision.

## **SECTION 30.60 TERM, VALIDITY, AND COMPLIANCE**

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**A. TERM AND VALIDITY**

See 25.30 D.

**B. COMPLIANCE**

Unless otherwise determined by the Zoning Board of Appeals, the specifications of the lot, building, or structure for which the variance was granted shall comply with the specifications reviewed in the variance application. Any change to the specifications of the lot, building, or structure after a variance is granted must be resubmitted to the Zoning Board of Appeals for variance review in accordance with this chapter.

# CHAPTER 31 ZONING AMENDMENT REVIEW

## SECTION 31.10 INTENT

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The Township Board may, on recommendation from the Planning Commission, amend the Zoning Map boundaries or the provisions and regulations of the Zoning Ordinance whenever determined to be in the best interest of Gaines Charter Township. This chapter outlines the process for amendments and considerations for review. Any amendment to this Ordinance (including rezoning) shall be done pursuant to the requirements of the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), as amended.

## SECTION 31.20 INITIATION

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### A. AUTHORITY

Amendments to the Zoning Map or Zoning Ordinance may be initiated by the Township Board, the Planning Commission, or by petition of a Township property owner, resident, or a person with a legal interest in a property within Gaines Charter Township. However, the Township Board and the Planning Commission need not proceed with a public or citizen request for a Zoning Ordinance text amendment.

### B. METHODS OF INITIATION

1. **Township Board.** An amendment to the Zoning Ordinance and Zoning Map may be initiated by the Township Board on its own motion to direct the Planning Commission to pursue a review of a proposal for change.
2. **Planning Commission.** The Planning Commission may, at its discretion, initiate amendments to the Zoning Ordinance and Zoning Map and provide recommendations to the Township Board.
3. **Public Request.**
  - a. A request for a Zoning Map amendment may be filed by a property owner or an authorized applicant.
  - b. A request for Zoning Ordinance text amendment may be filed by a property owner or resident. Unless direction is received by the Township Board, the Planning Commission is not obligated to set a public hearing or act upon zoning text amendment if it is determined by the Zoning Administrator that the standards under Section 31.40 will not be met or for any other reason.

### C. RESUBMITTAL

No petition for rezoning which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of denial unless the Zoning Administrator finds the existence of new and significant facts or conditions which might result in favorable action upon resubmittal.

## SECTION 31.30 REVIEW PROCESS

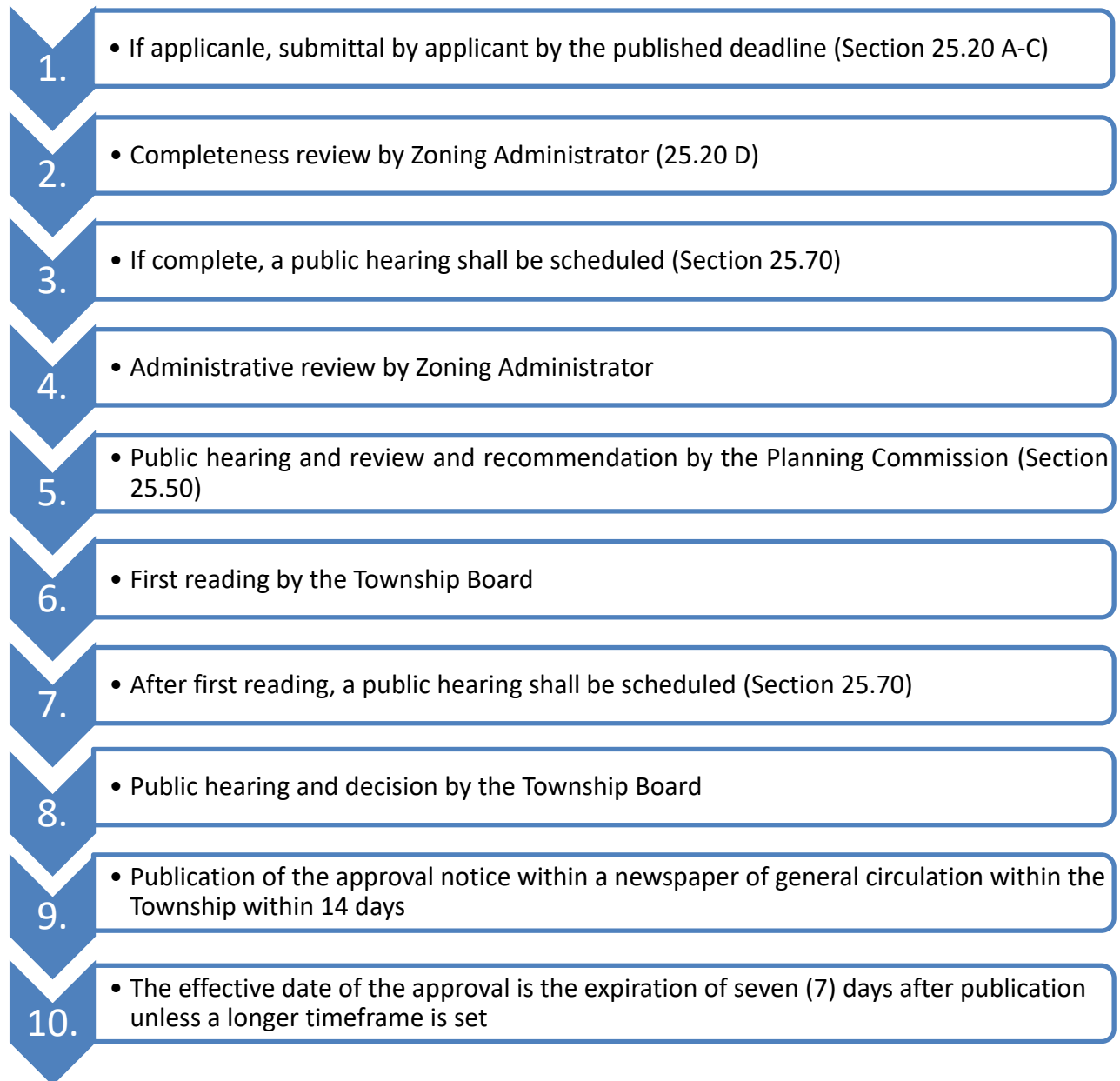
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### A. REVIEW STEPS

1. **Authority.** The Planning Commission and Township Board shall review all details of the application and submittal to confirm compliance with all applicable zoning requirements and to ensure the satisfaction of

the approval standards (Section 31.40).

2. **Process.** The application shall be reviewed in accordance with the following process in Figure 31-1:



*Figure 31-1 Process for Zoning Ordinance and Zoning Map Amendments*

## **SECTION 31.40 ZONING AMENDMENT APPROVAL STANDARDS**

### **A. ZONING MAP AMENDMENT**

The following standards shall be considered by the Planning Commission and Township Board while reviewing a proposed Zoning Map amendment:

1. The request is consistent with the recommendations of the Township Master Plan and the Future Land Use Map.
2. The rezoning of land will not negatively impact adjacent and nearby property:
  - a. The allowable land uses within the proposed zoning district are compatible with nearby land uses and zoning districts.
  - b. There will be no adverse physical impact on surrounding properties.
  - c. There will be no adverse effect on property values in the adjacent area.
  - d. It will not create a deterrent to the improvement or development of adjacent property in accordance with existing regulations.
3. The site is adequately served by streets and public utilities, and the rezoning will not impact the delivery of public services.
4. There are no natural constraints to the development of land in accordance with the desired zoning district, and the zoning map amendment will not impact sensitive natural resources.
5. The rezoning will not grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning).
6. There are no substantial reasons why the property cannot be used in accordance with its present zoning classifications.

#### **B. ZONING TEXT AMENDMENT**

The following factors will be considered by the Planning Commission and Township Board while reviewing a proposed Zoning Ordinance text amendment. The amendment shall satisfy at least one (1) of these factors.

1. The amendment will implement the Township's Master Plan.
2. The amendment addresses changing conditions in development trends, housing types, industrial standards, environmental best practices, and citizen preferences.
3. The proposed text amendment would clarify the intent of the Zoning Ordinance.
4. The proposed text amendment would correct an error in the Zoning Ordinance.
5. The proposed text amendment would address changes to the State legislation, recent case law, opinions of the Attorney General of the State of Michigan, or any other county, state, or federal regulations.
6. In the event the amendment will add a use to a district, that use shall be fully consistent with the character of the range of uses provided for within the district.
7. The amendment shall not create incompatible land uses within a zoning district or between adjacent districts.
8. The proposed change shall be consistent with the Township's ability to provide adequate public facilities and services.
9. The proposed change shall be consistent with the Township's desire to protect the public health, safety, and welfare of the community.

## **SECTION 31.50 CONDITIONAL REZONING**

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### **A. INTENT**

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

### **B. APPLICATION AND OFFER OF CONDITIONS**

1. An owner of land may voluntarily offer in writing one or more conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section.
3. The landowner's offer of conditions may not purport to authorize uses, activities, structures, items, or developments not allowed in the requested new zoning district or otherwise by this Ordinance.
4. Any use or development proposed as part of an offer of conditions for a rezoning that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately also approved by the township in accordance with the provisions of this Ordinance.
5. Any use or development proposed as part of an offer of conditions for a rezoning that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately also approved by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions for a rezoning that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately also approved in accordance with the provisions of this Ordinance.
7. The offer of conditions may be changed during the process of rezoning consideration provided that any changed or additional conditions are entered or agreed to voluntarily by the landowner. A landowner may withdraw all or part of its offer of conditions at any time prior to final rezoning action by the Township Board, provided that if such withdrawal or change occurs after the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation by the Planning Commission.

### **C. PLANNING COMMISSION REVIEW**

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

**D. TOWNSHIP BOARD REVIEW**

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in this Chapter. Should the Township Board consider changes to the proposed conditional rezoning advisable, and if such contemplated changes to the offer of conditions are acceptable to and thereafter offered by the landowner, then the Township Board may refer such changes back to the Planning Commission for a report thereon by the Planning Commission within a time specified by the Township Board and the Township Board may proceed thereafter in accordance with the Zoning Act to deny or approve the conditional rezoning with or without changes.

**E. APPROVAL**

1. If the Township Board approves the rezoning request with conditions from the offer of conditions, the offered conditions shall be incorporated into a formal written Statement of Conditions (or equivalent document) acceptable to both the landowner and the Township and which document also conforms in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance/Ordinance amendment adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
  - a. Be in a form recordable with the Kent County Register of Deeds or, in the alternative (and if acceptable to the Township), be accompanied by a recordable Affidavit or Memorandum prepared and signed by the landowner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
  - b. Contain a legal description of the land to which it pertains.
  - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon both the current landowner and all successor owners, creditors, etc., of the land.
  - d. Incorporate by attachment or reference any diagram, plans or other documents that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
  - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Kent County Register of Deeds.
  - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions and have full authority to so bind the land.
3. Upon the rezoning taking effect, the Township's Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions (or an Affidavit or Memorandum giving notice thereof if such alternative is approved by the Township) shall be filed by the Township with the Kent County Register of Deeds. The Township Board shall have the authority to waive this requirement at its discretion if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent purchaser or owner of the land.

5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use, structures, and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

**F. COMPLIANCE WITH CONDITIONS**

1. Any person who establishes a development or commences or continues a use upon land that has been rezoned with conditions shall continuously operate and maintain the development, land, structures, and use in full compliance with all of the conditions set forth in the Statement of Conditions as well as this Ordinance. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and shall be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
2. No permit or approval shall be granted under this Ordinance (or any other Ordinance of the Township) for any use, structure, or development that is contrary to an applicable Statement of Conditions.

**G. TIME PERIOD FOR ESTABLISHING DEVELOPMENT OR USE**

Unless another time period is specified in the Ordinance/Ordinance amendment rezoning the subject land, the approved development and/or use of the land must be substantially commenced upon the land within one year after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and, (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with its Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise be inconsistent with sound zoning policy.

**H. REVERSION OF ZONING**

If the approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405, as amended. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land back to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests. Such reversion shall also occur if any condition or requirement in the Statement of Conditions is violated.

**I. SUBSEQUENT REZONING OF LAND**

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect, unless the Township Board deems certain conditions still relevant and binding, in which case any such conditions shall remain effective. Upon the landowner's written request, the Township Clerk shall record with the Kent County Register of Deeds a notice that the prior Statement of Conditions (or portions thereof) is no longer in effect if, in fact, that is the case.

**J. AMENDMENT OF CONDITIONS**

1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

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

**K. TOWNSHIP RIGHT TO REZONE**

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

**L. FAILURE TO OFFER CONDITIONS**

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

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## **CHAPTER 32 AUTHORITIES**

### **SECTION 32.10 INTENT**

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The provisions of the Zoning Ordinance shall be administered by the Zoning Administrator and acted upon by the Planning Commission, Zoning Board of Appeals, and Township Board as applicable. This chapter outlines authorities involved in Gaines Charter Township's zoning practice and the penalties for violation of this ordinance.

### **SECTION 32.20 ZONING ADMINISTRATOR**

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#### **A. ROLE**

The Zoning Administrator is an appointed officer who acts as the primary administrator of the Zoning Ordinance. The provisions of this Ordinance shall be carried out, administered and enforced by the Zoning Administrator, who shall be appointed by the Township Board. Assistant Zoning Administrators may be appointed by the Township Board to assist the Zoning Administrator in the performance of their duties.

#### **B. ADMINISTRATION, INTERPRETATIONS AND APPROVALS**

This Ordinance shall be administered, interpreted, and enforced by the Zoning Administrator who shall, in no case, issue any permit nor grant any occupancy permit where the proposed structure, alteration, or use would be in violation of any provisions of this Ordinance, except under written order of the Zoning Board of Appeals or a court of competent jurisdiction. The Zoning Administrator shall interpret and enforce the Zoning Ordinance. The Building Inspector shall administer applicable building codes and shall issue Building Permits once a Zoning permit has been issued by the Zoning Administrator.

#### **C. VIOLATIONS**

The Zoning Administrator shall investigate any alleged violation of this Ordinance as may be discovered. If a violation is found to exist, the Zoning Administrator shall serve written notice upon the owner to cease said violation as provided by law. If said owner fails to act diligently to correct such violation, the Zoning Administrator shall serve notice upon the owner, notify the Township Board, and may prosecute (or issue and pursue municipal civil infraction citations/tickets) such violator to terminate said violation before a court of proper jurisdiction.

#### **D. INSPECTIONS**

The Zoning Administrator shall make periodic inspections of the Township to ascertain that all the requirements of this Ordinance are being complied with.

#### **E. RECORDS**

The Zoning Administrator shall keep records of all inspections, applications and permits issued, with a notation of all conditions involved. He/she shall file and safely keep copies of all plans, other than for single family dwellings, and records of all fees submitted with applications. The same shall form a part of the records of the Township and shall be available to the Township Board and all other officials of the Township.

## **SECTION 32.30 PLANNING COMMISSION**

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### **A. DUTIES**

The Planning Commission is responsible for the following:

1. Review the effectiveness and appropriateness of this ordinance and the official Zoning Map and recommend to the Township Board any appropriate changes or amendments in accordance with Chapter 31;
2. Approve development applications as noted in this Ordinance;
3. Hear and decide upon requests to change a lawful nonconforming use or to expand a lawful nonconforming use. See Section 33.20 C & D; and
4. Perform such other duties assigned by this ordinance in accordance with the Michigan Zoning Enabling Act and Michigan Planning Enabling Act.

### **B. ADMINISTRATION**

1. The Planning Commission shall keep minutes of its proceedings showing the official action of the Commission and the vote of each member. Minutes and the records of all official actions shall be filed with the Township Clerk and kept as a public record.
2. The concurring vote of the majority of Planning Commission members present during a quorum shall be necessary to take any action authorized by the Zoning Ordinance.
3. The Planning Commission shall adopt rules and procedures governing its activities.

## **SECTION 32.40 ZONING BOARD OF APPEALS**

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### **A. PURPOSE AND INTENT**

This section is adopted to facilitate the performance of the duties of the Gaines Charter Township Zoning Board of Appeals as provided by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, M.C.L.A. §§ 124.3101, et seq. and the Gaines Charter Township Zoning Ordinance (the "Zoning Ordinance").

### **B. CREATION AND CONFIRMATION**

This confirms the prior and continuing existence of the Gaines Charter Township Zoning Board of Appeals.

### **C. MEMBERSHIP AND COMPOSITION**

The Gaines Charter Township Zoning Board of Appeals shall be comprised of \_\_\_\_ regular members plus two alternate members. Members of the Zoning Board of Appeals shall be appointed by majority vote of the members of the Gaines Charter Township Board. One regular member of the Zoning Board of Appeals shall also be a member of the Gaines Charter Township Planning Commission, but shall not be the Chairperson of either body. All members of the Zoning Board of Appeals shall be electors of Gaines Charter Township. The members of the Zoning Board of Appeals shall be representative of the population distribution and of the various interests present in Gaines Charter Township. One member of the Gaines Charter Township Board may be a member of the Zoning Board of Appeals, but such a member shall not serve as Chairperson of the Zoning Board of Appeals. An employee or contractor of Gaines Charter Township shall not serve as a member of the Zoning Board of Appeals. The Gaines Charter Township Board may appoint to the Zoning Board of Appeals not more than two (2) alternate members for the same term as regular members. Terms of office for all members of the Zoning Board of Appeals shall be three years. However, for a member serving because of

his or her membership on the Planning Commission or Township Board, their terms shall be limited to the time where he or she is a member of the Planning Commission or Township Board. A vacancy on the Zoning Board of Appeals shall be filled for the remainder of the unexpired term in the same manner as the original appointment. If it is unclear when the term of a specific Zoning Board of Appeals member ends, the Township Board shall determine the end of that member's term and the decision of the Township Board shall be final, binding and conclusive. A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote in the same manner that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

#### D. OFFICERS

1. **Selection and Tenure.** At the first regular meeting of each year, the Zoning Board of Appeals shall select from its membership, a Chairperson, a Vice-Chairperson and a Secretary. An elected township official shall not serve as Chairperson. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in this section. All officers shall be eligible for re-election for consecutive terms for the same office. All officers will assume office at the adjournment of the meeting in which they are elected.
2. **Chairperson.** The Chairperson shall preside at all meetings, appoint committees (with the approval of the Zoning Board of Appeals) and perform such other duties as are directed by the Zoning Board of Appeals or Township Board.
3. **Vice-Chairperson.** The Vice-Chairperson shall act in the capacity of the Chairperson in his or her absence. In the event the office of Chairperson becomes vacant, the Vice-Chairperson shall succeed to this office for the unexpired term and the Zoning Board of Appeals shall select a successor to the office of Vice-Chairperson for the unexpired term of the Vice-Chairperson.
4. **Secretary.** The Secretary shall execute documents in the name of the Zoning Board of Appeals, perform the duties listed below and shall perform such other duties as the Zoning Board of Appeals may determine.
  - a. **Minutes.** The Secretary shall be responsible for preparing the minutes of each meeting and shall have them recorded in suitable permanent records retained by the Township Clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes, conditions or recommendations made on any action and the record of attendance.
  - b. **Correspondence.** The Secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the Zoning Board of Appeals. All communications, petitions, reports or other written materials received by the Secretary shall be brought to the attention of the Zoning Board of Appeals at or before the next meeting.
  - c. **Attendance.** The Secretary shall be responsible for maintaining an attendance record for each Zoning Board of Appeals member and shall forward those records to the Township Clerk's office.
  - d. **Notices.** The Secretary shall issue such notices as may be required by the Zoning Board of Appeals.
  - e. **Recording Secretary.** A Recording Secretary may take over some of the duties of the Secretary.
5. **Planning Commission Representative.** The Planning Commission representative to the Zoning Board of Appeals shall report the actions of the Zoning Board of Appeals to the Planning Commission and update the Zoning Board of Appeals on actions by the Planning Commission that relate to the functions and duties of the Zoning Board of Appeals. The Planning Commission representative shall be allowed only one vote on any specific issue or application and may choose to vote with either the Planning Commission or the Zoning Board of Appeals on that specific issue or application.

## E. MEETINGS

1. **Meetings.** Meetings of the Zoning Board of Appeals shall be held each month or as otherwise provided below. All meetings shall take place at the Township offices or at such other dates, locations or times within the Township that may be deemed necessary by the Zoning Board of Appeals to carry out the functions of the Zoning Board of Appeals. All meetings shall comply with the Michigan Open Meetings Act.
2. **Notice.** Meetings shall be noticed in accordance with the requirements of the Zoning Ordinance and the Michigan Open Meetings Act. Meeting notices shall state the purpose, date, time and location of meetings and shall be posted in accordance with the Open Meetings Act.
3. **Public Records.** All meetings, minutes, records, documents, correspondence and other materials of the Zoning Board of Appeals shall be open to public inspection in accordance with the Freedom of Information Act ("FOIA") Act, except as may otherwise be provided by law.
4. **Quorum.** A majority of the total membership of the Zoning Board of Appeals (i.e., at least \_\_\_\_ members) shall constitute a quorum for transacting business and taking official action for all matters unless a greater number is required by law. The Zoning Board of Appeals shall not conduct business unless a majority of all of the regular members (or seated alternates) are present.
5. **Voting.** To approve or deny any variance, appeal or other official action required by the Zoning Ordinance, an affirmative vote of at least a majority of the total membership of the Zoning Board of Appeals (i.e., at least three members) is required. With a use variance, however, no such variance shall be approved except with an approval vote of two-thirds of the total membership of the Zoning Board of Appeals. Voting shall be by voice vote. A roll call vote shall be required if requested by any Zoning Board of Appeals member or directed by the Chairperson or as required by law. All Zoning Board of Appeals members, including the Chairperson, shall vote on all matters with the exception of a conflict of interest or involving the Planning Commission representative who may have already voted with the Planning Commission on a particular issue or application. The Chairperson shall generally vote last on issues before the Zoning Board of Appeals.
6. **Agenda.** The Chairperson shall be responsible for preparing an agenda for the Zoning Board of Appeals meetings.
7. **Public Hearings.** All public hearings by the Zoning Board of Appeals must be held as part of a regular or special meeting of the Zoning Board of Appeals. The suggested format for public hearings are as follows:
  - a. Chairperson opens the public hearing and announces the subject.
  - b. Chairperson summarizes procedures/rules to be followed during the hearing.
  - c. The applicant presents his/her/its request.
  - d. Township Zoning Administrator/Township Planner presents a summary or analysis of the request.
  - e. Persons wishing to comment on the request are recognized and heard.
  - f. Chairperson closes the public hearing and returns to the regular/special meeting.
  - g. The Zoning Board of Appeals deliberates and decides.
  - h. To ensure that everyone has the opportunity to speak, the Zoning Board of Appeals may elect to limit the time permitted for each person to speak, except that the applicant may be permitted such additional time as the Chairperson allows. The Chairperson may also elect to allow persons to speak only once, until all other persons have had the opportunity to speak, at which time the Chairperson, in his or her discretion, may permit additional public comments.

- i. All comments by the public and the Zoning Board of Appeals shall be directed to and through the Chairperson.
- 8. **Special Meetings.** Applicants to the Zoning Board of Appeals may request a special meeting, of which all costs shall be paid by the applicant. However, if there is more than one applicant, the costs for a special meeting shall be shared equally between all applicants. The business that the Zoning Board of Appeals may conduct at a special meeting shall be in compliance with the Open Meetings Act. Special meetings shall also be noticed as required by the Michigan Zoning Enabling Act, as amended, the Open Meetings Act and this section.
- 9. **Meeting Minutes.** Any time that there is a meeting involving a decision, with the exception of housekeeping decisions, a meeting shall be called the following month to approve the minutes of that meeting, even if no other business is set for the agenda.
- 10. **Cancelled or Adjourned Meetings.** Either the Chairperson or two members of the Zoning Board of Appeals may cancel or adjourn any meeting of the Zoning Board of Appeals beforehand due to inclement weather, the likely lack of a quorum, the lack of any applications or other matters on the agenda, an emergency or for similar reasons. Any such cancellation or adjournment shall be in a writing or email signed or concurred in by either the Chairperson or two members of the Zoning Board of Appeals. Either the Chairperson or two members of the Zoning Board of Appeals shall also have the authority to reschedule any such adjourned or cancelled meeting in writing or via email.

#### F. DUTIES

The Zoning Board of Appeals shall perform the following duties:

- 1. Act on applications for variances, appeals, interpretations, or other matters as required by the Zoning Ordinance and/or the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, being M.C.L.A. §§ 125.3101, et seq.
- 2. Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of a Zoning Board of Appeals member, and for which appropriations of funds have been approved by the Township Board, as needed.
- 3. Perform other duties and responsibilities as requested by the Township Board or as may be specified by the Zoning Ordinance or another Township ordinance or state law.
- 4. Conduct site visits as deemed necessary to evaluate an application. Site visits shall be conducted individually and not as a group or with enough members of the Zoning Board of Appeals to form a quorum (unless the site visit is formally posted as a public meeting of the Zoning Board of Appeals).

#### G. DUTIES OF THE ZONING ADMINISTRATOR

- 1. **Assistance.** The Zoning Board of Appeals shall be assisted by the Zoning Administrator and Community Development Director in performing the duties of the Zoning Board of Appeals. The Zoning Administrator and Community Development Director shall be responsible for the professional and administrative work in coordinating the functions of the Zoning Board of Appeals.
- 2. **Zoning Administrator.** The Zoning Administrator shall:
  - a. Attend Zoning Board of Appeals meetings if requested.
  - b. Supervise and review the zoning work of the Planning Consultant and township staff.
  - c. Accept applications for matters to be reviewed by the Zoning Board of Appeals and ensure that such applications are complete.

- d. Forward complete application materials to the Zoning Board of Appeals at least one week prior to the meeting at which such matters will be considered.
- e. Inform the Zoning Board of Appeals of administrative and enforcement actions taken on behalf of the township related to the Zoning Ordinance or other appropriate ordinance.

**3. Community Development Director.** The Community Development Director shall:

- a. Attend Zoning Board of Appeals meetings, if requested.
- b. Consult with the Zoning Board of Appeals, Zoning Administrator, and other township officials concerning interpretation, procedural questions, and other matters arising from the Zoning Ordinance, as requested.
- c. Conduct one planning/zoning workshop each year for the Township Board, Zoning Board of Appeals and Zoning Administrator as requested by the Township Board.
- d. Prepare and forward to the Zoning Administrator written reviews and recommendations, if appropriate, for all requests and development proposals to be considered by the Zoning Board of Appeals, if requested by the Chairperson of the Zoning Board of Appeals.
- e. Perform such other duties and functions as may be directed by the Zoning Board of Appeals.
- f. The Zoning Board of Appeals may be assisted by other professional or township staff as needed, including the Building Inspector, Township Attorney, Township Engineer, or other person or agencies.

**H. ABSENCES, REMOVALS, RESIGNATIONS, VACANCIES, AND ALTERNATES**

- 1. To be excused from a meeting, a Zoning Board of Appeals member shall notify the Township Clerk or Zoning Board of Appeals Chairperson, Vice-Chairperson or Secretary when they intend to be absent from a meeting. Failure to make this notification prior to a meeting shall result in an unexcused absence.
- 2. Members of the Zoning Board of Appeals may be removed by the Township Board, after written charges have been prepared and a hearing conducted, for non-performance of duty, misconduct, malfeasance, nonfeasance or misfeasance in office or upon the failure to declare a known conflict of interest. For purposes of this section, non-performance of duty shall mean three or more consecutive, unexcused absences or not meeting continuing educational or training requirements. Alternates shall be notified to attend a meeting at any time that a regular member will be absent for one or more meetings.
- 3. A member may resign from the Zoning Board of Appeals by sending a letter of resignation to the Township Supervisor, the Township Board or the Zoning Board of Appeals Chairperson. Vacancies shall be filled by the Township Board. Successors shall service out the unexpired term of the member being replaced, with the exception of the Planning Commission representative whose term shall run consecutively with his/her term as Planning Commissioner.
- 4. The Township Board may appoint not more than two (2) alternates to the Zoning Board of Appeals. An alternate member may be called to sit as a regular member for a specific matter as provided by the Zoning Ordinance and the Michigan Zoning Enabling Act. When an alternate is called and an issue goes on for more than one meeting, that alternate shall be the voting member on that issue through its completion and the regular member who was absent or had a conflict of interest shall abstain from voting on such matters.

**I. CONFLICT OF INTEREST**

- 1. Zoning Board of Appeals members shall declare a conflict of interest and abstain from participating in a hearing or deliberations on a request or matter when:

- a. A relative or other family member is involved in any request or matter for which the Zoning Board of Appeals is asked to make a decision.
  - b. The Zoning Board of Appeals member has a business or financial interest in the property involved in the request or matter, or has a business or financial interest in the applicant's company, agency or association.
  - c. The Zoning Board of Appeals member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the Zoning Ordinance or other applicable ordinance, or there is a reasonable appearance of a conflict of interest, as determined by the Zoning Board of Appeals member declaring such conflict.
  - d. Any other conflict of interest situation under Michigan law.
2. The Zoning Board of Appeals member declaring a conflict of interest should publicly state the nature of the conflict and whether he or she believes that he or she could impartially consider the request or matter before the Zoning Board of Appeals. He or she should individually decide to abstain from any discussion or votes relative to the matter that is the subject of a conflict. If he or she prefers, the member declaring a conflict of interest may ask the other Zoning Board of Appeals members to decide if he or she should abstain, although this is not required. If the Zoning Board of Appeals is asked to decide whether a conflict of interest exists, the members will immediately cease discussion on the main issue, discuss the possible conflict of interest and vote as to whether or not it exists. If by a simple majority vote a conflict of interest is found, that member will abstain from any action on the matter. The member declaring a conflict of interest may excuse him/herself from the room in which the discussion takes place, unless doing so would violate his or her constitutionally-protected rights to participate. He or she should not make any presentations to the Zoning Board of Appeals as a representative of the proposal for which he/she has a conflict of interest.

#### **J. CONFLICT WITH OTHER LAWS OR REQUIREMENTS**

Should any provision or requirement of this Chapter conflict with state law, state law shall govern.

#### **K. JURISDICTION AND POWERS**

- 1. The Zoning Board of Appeals shall not have the power to make any change in the terms of this Ordinance, but does have the power to act on those matters where this Ordinance provides for an administrative appeal, interpretation, or to authorize a variance as defined in this Section and granted by the Michigan Zoning Enabling Act, as amended.
- 2. The powers of the Zoning Board of Appeals include:
  - a. Appeals. Upon request, the Zoning Board of Appeals may hear and decide appeals where it is alleged by the appealing party that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator in interpreting, carrying out or enforcing any provisions of this Ordinance. Appeals must be filed in writing within 30 days after the order, requirement, permit, decision, or refusal made by the Zoning Administrator.
  - b. Variances. Upon request, a variance from the strict requirements of the Zoning Ordinance may be granted by the Zoning Board of Appeals in accordance with the standards, requirements, and procedures of Chapter 30.
  - c. Zoning Ordinance Interpretation. Upon an appeal from an interpretation by the Zoning Administrator, the Zoning Board of Appeals may interpret the provisions of this Ordinance to carry out the intent and purposes of the Zoning Ordinance where the meaning of the provision is

uncertain.

- d. Any other matters properly referred to the Zoning Board of Appeals or upon which it is required to consider under the terms of this Ordinance.
- 3. The Zoning Board of Appeals shall have no authority to consider any appeal from any decision related to Planned Unit Developments, Site Plans, Special Land Uses, Rezoning, Conditional Rezoning, or Zoning Ordinance amendments, except for interpretations.

## **L. APPLICATION AND REVIEW PROCEDURES**

### **1. Applications.**

- a. An application for an appeal may be submitted in writing to the Township by a person aggrieved. Such written application shall be submitted to the Township within 21 days of the date of the decision being appealed. The application shall be on a Township approved form and be filed with the Zoning Board of Appeals and shall specify the grounds for the appeal. The applicable fee(s) must also be timely paid.
- b. Variances, appeals and other actions requiring a decision by the Zoning Board of Appeals shall be submitted to the Township on a form provided for that purpose and shall include a fee or fees as may be determined by the Township Board from time- to- time.
- c. Applications shall be transmitted to the Zoning Board of Appeals along with all the papers constituting the record upon which the action appealed was taken, and a hearing shall be scheduled in accordance with the procedures of this Chapter.
- d. Applications shall not be accepted unless all of the following information is submitted to the Township:
  - i. A completed application form (provided by the Township);
  - ii. An accurate, scaled site plan with enough information to clearly indicate the nature of the issue being considered. The Zoning Administrator shall determine the completeness of such plans.
  - iii. An application fee (and a separate zoning escrow fee where applicable) as may be determined by the Township Board from time-to-time.
  - iv. A written explanation from the applicant indicating why the application meets the standards.
- e. An application for an appeal or variance or any other action requiring Zoning Board of Appeals approval shall stay all proceedings in furtherance of the matter to which the application applies unless the Zoning Administrator certifies to the Zoning Board of Appeals, after the application of appeal is filed, that by reason of facts present a would stay, in the opinion of the Zoning Administrator, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order. This restraining order may be granted by the Zoning Board of Appeals or Circuit Court upon application and with due cause shown.

### **2. Decisions.**

- a. The concurring vote of a majority of the entire membership of the Zoning Board of Appeals (i.e. \_\_\_\_ votes) shall be necessary to decide in favor of the applicant, except for a use variance.
- b. All decisions of the Zoning Board of Appeals are final as provided by law.
- c. For each decision of the Zoning Board of Appeals, a record shall be prepared. Such record shall

include, at a minimum, the following items:

- i. A description of the applicant's request;
  - ii. The Zoning Board of Appeals' motion and vote, including written justification for the decision in accordance with each of the applicable standards in this Chapter.
  - iii. A summary or transcription of all competent material and evidence presented at the hearing; and
  - iv. Any conditions attached to an approval decision.
3. **Finality.** The decision of the Zoning Board of Appeals shall be final. However, an aggrieved party may appeal to the Circuit Court. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the Michigan Zoning Enabling Act. The Court may affirm, reverse or modify the decision of the Zoning Board of Appeals or may remand the decision to the Zoning Board of Appeals for further hearings or action.

#### **M. NO ADVISORY OPINIONS**

The Zoning Board of Appeals shall not give advisory, informal, or hypothetical opinions or decisions.

### **SECTION 32.50 TOWNSHIP BOARD**

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#### **A. ROLE**

Upon receipt of a recommendation by the Planning Commission, the Township Board shall decide the following:

- 1. Zoning Ordinance amendments.
- 2. Zoning Map amendments with and without voluntary conditions of approval.
- 3. Planned Unit Developments.
- 4. Preliminary Condominium plans

#### **B. OTHER**

The Township Board shall perform such other duties assigned by this ordinance in accordance with the Michigan Zoning Enabling Act.

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## **CHAPTER 33   LAWFUL NONCONFORMITIES**

### **SECTION 33.10 INTENT**

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#### **A.   INTENT**

It is recognized that there may exist certain uses, buildings, structures, lots, sites, fixtures, signs, and streets that were lawfully created or commenced before this Ordinance was passed or amended but are now prohibited, regulated, or otherwise restricted under the terms of this Ordinance. It is the intent to permit these legal nonconformities to continue without expansion until removed but not to encourage their survival.

#### **B.   INCOMPATIBILITY**

Lawful nonconforming uses, buildings, structures, lots, sites, signs, fixtures, and streets are hereby declared to be incompatible with the provisions of the zoning district in which they are located or this Ordinance generally. Such lawful nonconformities shall not be enlarged upon, expanded, or extended, except as otherwise permitted in this chapter, and shall not be used as grounds for adding other uses, buildings, structures, and signs prohibited elsewhere in the district.

#### **C.   LAWFUL CONSTRUCTION**

Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual substantial construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently conducted.

#### **D.   ILLEGAL NONCONFORMITY**

Nothing in this Ordinance shall be interpreted as authorization for, or approval of, continuing the use of a building, structure, or lot that was not legally created and lawfully in existence at the time of the adoption or amendment of this Ordinance. Should any lot, use, structure, building or activity violate any Township ordinance, code or regulation or any state or federal law at the time of enactment of this Ordinance (or any amendment thereto) that makes such lot, use, building or structure nonconforming or noncomplying with this Ordinance (or any amendment thereto), then thereafter such lot, use, building or structure shall not constitute a lawful nonconforming lot, use, building or structure and shall be illegal.

### **SECTION 33.20 LAWFUL NONCONFORMING USES**

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#### **A.   CONTINUATION**

Land uses lawfully established on or prior to the effective date of this ordinance, or amendment to this ordinance, may be continued, even though the use does not conform with the current use requirements for the applicable zoning district within Chapters 4-13 or does not comply with specific use requirements established in Chapter 18 or elsewhere in this Ordinance.

#### **B.   ABANDONMENT**

1. **Within Structures and Buildings.** When a lawful nonconforming use of a structure or building is discontinued or ceases to exist for 12 consecutive months or longer, with an intent to abandon the use, then the structure or building shall no longer be used except in full conformance with the regulations of

the zoning district in which it is located and other applicable requirements of this Ordinance.

2. **Use Not Involving Structure and Buildings.** If any lawful nonconforming use of land ceases for any reason for more than 12 months, any subsequent use of the land shall fully conform to the requirements of this Ordinance. Maintenance of the land or buildings or structures, including the provision of maintaining utility service or postal service, shall not constitute a continuation of the use of land.
3. **Determination.** A determination that a lawfully nonconforming use has ceased, with an intent to abandon the use, shall be made by the Zoning Administrator based on any one or more of the following:
  - a. Government records, such as inspection reports, dated photographs/aerial photographs, or notarized statements, provide clear evidence that the nonconforming use has ceased.
  - b. Changes to listings in telephone directories or online information provide clear evidence that the nonconforming use has ceased.
  - c. Changes to utility records provide clear evidence that the nonconforming use has ceased.
  - d. Dated advertising or other information published in a newspaper, magazine, or website, such as a "going out of business sale," "moving sale," or "grand opening" at a new location, providing clear evidence that the nonconforming use has ceased.
  - e. The property, buildings, and grounds have fallen into disrepair.
  - f. Signs, structures, or other indications of the existence of the prior lawfully nonconforming use have been removed.
  - g. Removal of equipment or fixtures which are necessary for the operation of the prior lawfully nonconforming use.
  - h. Other actions, which, in the opinion of the Zoning Administrator, constitute an intention on the part of the property owner or lessee to abandon the prior lawfully nonconforming use.

#### C. GENERAL CHANGES, RE-ESTABLISHMENT, AND SUBSTITUTION

1. **Changes of Tenancy, Ownership, or Management.** There may be a change of tenancy, ownership, or management of any existing lawful nonconforming use of land, structures, and premises; however, there shall be no change in the nature or character of the lawful nonconforming use without the approval of the Zoning Board of Appeals in accordance with this section.
2. **Re-establishment of Lawful Nonconforming Use.** If a lawful nonconforming use of any structure or building or via special land use approval is terminated and replaced by a permitted use, a nonconforming use shall not be later re-established.
3. **Substitution of a Lawful Nonconforming Use.** A lawful nonconforming use shall not be changed to another lawful nonconforming use except if permitted by the Planning Commission. The following additional standards shall be met, and the proposed use shall:
  - a. Be as compatible as or more compatible with the surrounding neighborhood;
  - b. Not have a substantially detrimental effect on the use and enjoyment of adjacent uses or properties;
  - c. Not negatively impact public health, safety, and welfare;
  - d. Not result in traffic safety concerns; and
  - e. Not cause serious impact on the natural environment.

**D. EXPANDING A LAWFUL NONCONFORMING USE**

1. **Within Structures and Buildings.** Any lawful nonconforming use may be extended throughout any parts of a building that were manifestly arranged or designed for the use at the effective date of this ordinance or amendment to this ordinance, but no such use shall be extended to occupy any portion of a building which was not manifestly arranged or designed for the use, nor shall the use be extended to occupy any land or other structure outside the building.
2. **Not Involving Structure and Buildings.**
  - a. No lawful nonconforming use shall be intensified, enlarged, or increased nor extended to occupy a greater area of land than was occupied on the effective date of this ordinance or amendment to this ordinance.
  - b. No lawful nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by the use on the effective date of this ordinance or amendment thereto.
3. **Planning Commission Approval.** Notwithstanding the limitations of this subsection, the Planning Commission may approve the expansion of lawful nonconforming uses through the special land use process up to 50 percent of the area dedicated to the use at the time the use became nonconforming.

## SECTION 33.30 LAWFUL NONCONFORMING BUILDINGS AND STRUCTURES

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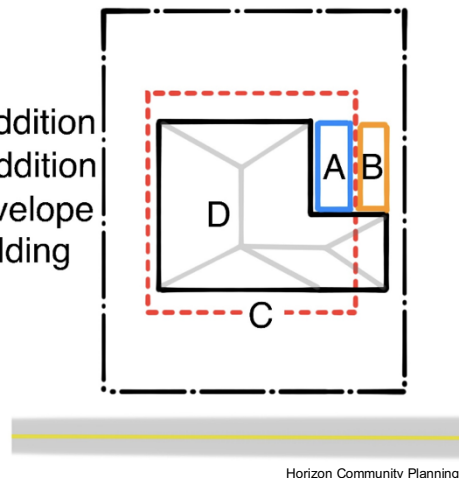
**A. APPLICABILITY**

Buildings and structures that do not conform to the spatial and dimensional requirements of this ordinance, or amendment thereto, are subject to the following restrictions.

**B. ALTERATION OF LAWFUL NONCONFORMING BUILDINGS AND STRUCTURES**

Except as otherwise permitted in this article, lawful nonconforming buildings and structures shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in conformance with the spatial and dimensional requirements of this ordinance, including upper stories. In Figure 33-1, addition A is allowable without a variance, but addition B requires a variance.

- A. Proposed Addition  
 B. Proposed Addition  
 C. Building Envelope  
 D. Existing Building



Horizon Community Planning

**C. RECONSTRUCTION AND RESTORATION AFTER DAMAGE**

*Figure 33-1 Nonconforming Building Expansion*

1. **Lawful Nonconforming Non-Residential Buildings and Structures.**
  - a. In the event that a lawful nonconforming building or structure is damaged or destroyed to the extent of more than 50 percent of its reconstruction (i.e. replacement) cost, it shall be reconstructed only in conformity with the provisions of this ordinance. If the reconstruction cost is 50 percent or less, the building or structure may be reconstructed as it existed prior to the damage. If construction has not commenced within 12 months, the building or structure shall only be rebuilt in full compliance with

this Ordinance.

- b. The estimated reconstruction cost shall be determined by the Township Building Inspector upon advice from the Township Assessor. Persons aggrieved by the determination of the estimated replacement cost or the estimated reconstruction cost by the Building Inspector may appeal such determination to the Zoning Board of Appeals
- c. Lawful Nonconforming Building Type. A lawful nonconforming non-residential building in a residential zoning district that was constructed in accordance with commercial building code requirements is a lawful nonconforming building even if it complies with all other dimensional, building, and zoning requirements.

**2. Nonconforming Residential Buildings.**

- a. A principal or accessory residential building that is destroyed or damaged may be reconstructed as it existed prior to destruction or damage (i.e. the same footprint, height, size, etc.). If construction has not commenced within 12 months, the building shall only be rebuilt in full compliance with this Ordinance. However, the Planning Commission may grant a 12-month extension if there are unexpected or unforeseen circumstances impacting the timing of the reconstruction.
- a. Lawful Nonconforming Building Type. A residential building in a non-residential zoning district that was constructed in accordance with residential building code requirements is a lawful nonconforming building even if it complies with all other dimensional, building, and zoning requirements.

**D. MOVEMENT OF A LAWFUL NONCONFORMING BUILDING OR STRUCTURE**

If a nonconforming building or structure is moved for any reason and for any distance, it shall be moved to a location that complies with the requirements of this ordinance.

**E. REPAIRS AND MAINTENANCE**

1. **Basic Repairs.** Ordinary repairs or repair or replacement of non-bearing walls, fixtures, wiring, mechanical equipment, or plumbing of lawful nonconforming buildings and structures are permitted, provided that the structure is not enlarged, extended, moved, or structurally altered.
2. **Safety Improvements.** Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public health upon order of the official.

**SECTION 33.40 LAWFUL NONCONFORMING LOTS**

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**A. EXISTING LOTS**

In any zoning district, notwithstanding limitations imposed by other provisions of this ordinance, where an existing lot or parcel that does not abut any lot or parcel in the same ownership fails to meet minimum area, width, depth-to-width ratio, and frontage requirements of the zoning district in which it is located, the lot or parcel may be used for the permitted and special uses authorized by the zoning district, provided that all other dimensional and setback requirements for buildings and structures can be met.

**B. ABUTTING NONCONFORMING LOTS UNDER SINGLE OWNERSHIP**

1. If two (2) or more adjoining lots of record or combination of lots and portions of lots of record, in lawful existence at the time of the passage of this Ordinance, or an amendment thereto, with continuous frontage and under single ownership do not meet the requirements established for lot width, dimension, or lot area, the lands involved shall be considered to be an undivided single lot for the purposes of this

Ordinance, and no portion of such lot shall be used or divided in a manner which diminishes compliance with lot width, dimension, and area requirements established by this Ordinance.

2. Where two (2) or more lawful nonconforming adjacent lots are in the same or similar ownership and each contain less than minimum required area, dimension, or width of the zoning district in which it is located, the lots shall be considered a single lot for zoning purposes. These lots may not be used individually, but shall be deemed automatically combined to create a lot that conforms as closely as possible to the zoning district regulations.

#### **C. SUBSTANDARD WIDTH RESIDENTIAL LOTS**

Side setbacks may be reduced by the same percentage that the width is lawfully nonconforming based on the applicable zoning district, provided that no side setback shall be less than five (5) feet. All other setback requirements shall be met.

### **SECTION 33.50 LAWFUL NONCONFORMING SITE DEVELOPMENT**

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#### **A. APPLICABILITY**

This section applies to multi-family residential developments and non-residential developments that do not comply with the requirements of Chapters 17 to 23, as applicable.

#### **B. GENERAL PROVISIONS**

The use of lawful nonconforming sites may be continued, and the sites are not required to be upgraded to conform with this ordinance so long as no site development improvements are initiated.

#### **C. CONFORMANCE**

Conformance with all applicable site development requirements shall be demonstrated during site plan amendment review or plan reviews for the complete redevelopment of sites. However, for site plan amendments, only the affected area of a site must be brought to conformance.

### **SECTION 33.60 NONCONFORMING SIGNS**

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#### **A. CONTINUATION**

A lawfully established sign that does not conform to the type, setback, height, area, location, or any other requirements of Chapter 24 as of the effective date of this Ordinance is determined to be lawful nonconforming. The intent of this section is to permit the continuance of lawful nonconforming signs until they are removed, moved, abandoned, or destroyed and to encourage overall compliance with Chapter 24.

#### **B. ILLEGAL NONCONFORMING SIGNS**

Signs installed without sign permits that do not conform to the requirements of Chapter 24 or permitted signs that have been constructed in a nonconforming location are considered illegal nonconforming signs and shall be either removed or made to conform to Chapter 24, and a permit shall be required.

#### **C. CHANGE OR REPLACEMENT**

Lawful nonconforming signs shall not be changed to another nonconforming sign or replaced with a nonconforming sign.

**D. RELOCATION**

Lawful nonconforming signs shall not be moved completely or in part to another location unless the sign at the new location conforms to Chapter 24.

**E. ALTERNATIONS, REFACING, REPAIR, AND MAINTENANCE**

1. **Alteration.** Structural alterations that prolong the life of the sign or change the shape, size, or type of sign are prohibited. The replacement of a sign cabinet is considered an alteration.
2. **Refacing.** The face of a lawful nonconforming sign may be replaced as long as the nonconforming nature of the sign is not expanded or increased.
3. **Repair.** Any lawful nonconforming sign, sign structure, frame, or standard damaged by any means shall not be repaired, replaced, or rebuilt if the damage exceeds 50 percent of present-day replacement value, considering a sign of equal and similar size, building materials, construction, and quality. The sign owner shall provide an estimate acceptable to the Zoning Administrator for an official determination concerning restoration and repair eligibility.
4. **Normal Maintenance.** Lawful nonconforming signs may be painted, cleaned, and maintained.

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**SECTION 33.70 NONCONFORMING PRIVATE STREETS AND DRIVEWAYS**

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**A. CONTINUATION OF USE**

1. All existing lawful lots that are accessed by existing lawful nonconforming private streets may continue to be accessed by the nonconforming private street.
2. A lawful nonconforming street may be used to access newly-created conforming lots.

**B. NORMAL MAINTENANCE**

The requirements of this chapter do not prohibit the normal maintenance of lawful nonconforming private streets.

**C. SERVING UNDEVELOPED LOTS**

Construction of a building on a lot that is accessed by a lawful nonconforming private street is permitted, so long as the surface condition of the street or driveway is determined by the Zoning Administrator and Fire Department to be freely passable for normal traffic and emergency service vehicles year-round.

**D. EXTENSION**

A lawful nonconforming private street may only be extended in length any one of the following two situations:

1. The entire length of the private street is upgraded to comply with all of the current requirements of Chapter 22; or
2. The extension is part of a phased PUD project that received preliminary township approvals (including for the private road modification), and future phases shall reflect approved preliminary designs.

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**SECTION 33.80 ERRORS AND VIOLATIONS**

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The issuance or granting of a permit or approval of plans or specifications shall not be considered as approval for any violation of any provision in this ordinance. No permit presuming to give the authority to violate or cancel any provision of this ordinance shall be valid.

## **SECTION 33.90 ILLEGAL NONCONFORMITIES**

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Any lot, use, site development, building, or structure established in violation of the provisions of this ordinance or any prior Zoning Ordinance or amendment shall not be considered a legal nonconformity and shall not be entitled to the provisions, remedies, and safeguards of this chapter.

## **SECTION 33.100 BURDEN OF PROOF**

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The burden of proof for establishing or proving the existence or any aspect of a lawful nonconforming structure, lot, or use (as well as the size, scope, type, intensity, and extent thereof) is on the owner of the property involved.

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## **CHAPTER 34 ENFORCEMENT**

### **SECTION 34.10 INTENT**

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The intent of this chapter is to define and outline zoning violations, provide for Township remedies, set penalties as municipal civil infractions, and establish a fine structure for penalties. The goal of these provisions is to ensure zoning compliance. However, voluntary correction of violations is encouraged, whenever possible..

### **SECTION 34.20 VIOLATIONS**

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#### **A. VIOLATIONS**

Any person who violates, disobeys, neglects, or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of the same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal.

#### **B. PREVIOUS ORDINANCE VIOLATIONS**

Any violation of the previous Zoning Ordinance and other regulations replaced by this Ordinance shall continue to be a violation under this Ordinance, and subject to the penalties in this section unless the development, use or land complies with all of the express terms of this Ordinance.

#### **C. NUISANCE**

1. No property, premise, lot, structure, building, or use shall be used, erected or conducted in such a manner as to cause a nuisance to adjacent property or uses. Any structure, building, lot, or use that violates any provision of this Ordinance (or any permit or approval issued pursuant to this Ordinance) shall be deemed to be a nuisance per se.
2. Any building or structure which is erected, moved, placed, reconstructed, demolished, extended, enlarged, altered, maintained or changed in violation of any provision of this Ordinance (or any permit or approval issued pursuant to this Ordinance) is hereby declared to be a nuisance, per se.
3. Any building or structure that is erected, altered or converted, or any use of premises or land that is begun or changed subsequent to the time of passage of this Ordinance and is in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se and may be abated by order of any court of competent jurisdiction.

#### **D. FINES**

A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$50 nor more than \$500 for the first offense and not less than \$100 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a

period of one week following the issuance of a citation for a first offense shall all be considered separate first offenses.

#### **E. ENFORCEMENT ACTION**

The Township Board, the Zoning Administrator, or their duly authorized representative(s) are hereby charged with the duty of enforcing the Ordinance and are hereby empowered to commence and pursue any and all necessary and appropriate actions and/or proceedings in the District Court (including municipal civil infraction proceedings) or Circuit Court of Kent County, Michigan, or any other Court having jurisdiction, to restrain and/or prevent any noncompliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate the noncompliance or violation.

#### **F. RIGHTS AND REMEDIES**

1. The rights and remedies provided to the Township herein are cumulative and in addition to other remedies provided by law.
2. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law. In addition to the above remedies, the Township or any person may institute a civil lawsuit to abate any violation of this Ordinance. The Township's remedies are cumulative and not exclusive. Should the Township prevail in any court action to enforce this Ordinance, either in whole or in part, then the Township shall also be awarded its attorney fees and costs.

#### **G. APPLICABILITY OF PROHIBITIONS AND PENALTIES**

The prohibitions and penalties of this Ordinance shall apply not only to the landowner or owners and to any person, firm, entity, corporation or association who or which does anything prohibited by this Ordinance and those who aide and abet such acts, but also to any owner, co-owner, lessee, tenant, licensee, part-owner, occupant or person, firm, corporation, or entity owning or having control of any premises or property in violation of this Ordinance.

# CHAPTER 35 DEFINITIONS

## SECTION 35.10 DEFINITIONS

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**Accessory Building, Residential Garage.** An accessory building with overhead doors that is used to park passenger motor vehicles, trucks, or vans, and to store incidental personal property.

**Accessory Building.** A detached building on the same lot as a principal building or principal use that is customarily incidental and subordinate to the principal building or principal use and accommodates an accessory use or function.

**Accessory Dwelling Unit.** A secondary dwelling unit on a lot that is smaller in livable floor area and incidental to a principal single-family detached dwelling.

- **Accessory Dwelling Unit, Attached.** An accessory dwelling unit that is physically attached to a principal single-family dwelling as an addition; incorporated internally within a principal dwelling within the basement or attic; or above an attached garage. The inclusion of a secondary kitchen or kitchenette within the principal dwelling is considered a separate living area and not an attached accessory dwelling unit so long as the separate living area is fully accessible by an interior connection to the home. A door to the living area that can be permanently locked or blocked along with outside access qualifies the living space as an attached accessory dwelling unit.
- **Accessory Dwelling Unit, Detached.** An accessory dwelling unit that is physically detached from a principal single-family dwelling as a standalone and separate building.

**Accessory Structure** A detached structure on the same lot as a principal building or principal use that is customarily incidental and subordinate to the principal building or principal use and accommodates an accessory use or function.

**Accessory Use.** A use of a nature customarily and clearly incidental and subordinate to the main use of the land, lot, building, or structure.

**Addition.** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall.

**Adult Establishment.** Any adult bookstore, adult entertainment establishment, adult motion picture arcade, or adult motion picture theater which are defined as follows:

- **Adult Establishment, Adult Bookstore.** A commercial establishment or facility in the city that maintains 25 percent or more of its floor area for the display, sale, and/or rental of the following items (aisles and walkways used to access these items shall be included in "floor area" maintained for the display, sale, and/or rental of the items): books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes, CDs, DVDs or other video reproductions, or slides or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas, as defined herein; or instruments, devices, novelties, toys or other paraphernalia that are designed for use in connection with specified sexual activities as defined herein or otherwise emulate, simulate, or represent "specified anatomical areas" as defined herein.
- **Adult Establishment, Adult Entertainment Establishment.** Any establishment or facility where adult entertainment is regularly sponsored, allowed, presented, sold, or offered to the public.

- **Adult Establishment, Adult Motion Picture Arcade.** A commercial establishment to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly 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 an emphasis upon matter displaying specified sexual activities or specified anatomical areas.
- **Adult Establishment, Adult Motion Picture Theater.** A commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas, are regularly shown to more than five persons for any form of consideration.

**Adult Foster Care Group Home.** A private residence where adults are provided with foster care 24 hours a day, five (5) or more days per week, and for two (2) or more consecutive weeks. A foster care group home with an approved capacity of at least seven (7) but not more than 12 adults is a “small group home.” A group home with an approved capacity of at least 13, but not more than 20 adults is a “large group home.” The facility is licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979, MCL 400.701 et seq., as amended, and the person issued the adult foster care group home license is a member of the household and an occupant of the residence.

**Agribusiness.** A commercial establishment involved in the production, processing, distribution, and marketing of agricultural products and services and the businesses that support and benefit from it. Agribusiness includes, but is not limited to the following:

- **Agribusiness, Agricultural Input Supply.** Agribusinesses provide farmers with essential inputs like seeds, fertilizers, pesticides, and equipment needed for efficient and productive agricultural operations.
- **Agribusiness, Distribution and Logistics.** The distribution of agricultural products involves transportation, storage, and marketing to ensure that products reach markets, retailers, and consumers. This aspect also includes supply chain management.
- **Agribusiness, Processing and Manufacturing.** Agribusinesses engage in the transformation of raw agricultural products into processed goods. This can include food processing, milling, refining, and manufacturing operations.
- **Agribusiness, Research and Development.** Agribusinesses invest in research and development to improve agricultural productivity, develop new technologies, and enhance the sustainability of agricultural practices.

**Air Strip.** A runway without formal facilities, such as a check-in service desk, TSA security checkpoints, and baggage handling.

**Alley.** A public or private controlled right-of-way or easement affording only secondary means of vehicular access to abutting lots and land and which is not intended for general traffic circulation.

**Altered or Alteration.** Any change, addition or modification in the construction of any building or structure, including, without limitation, any change in the supporting members, bearing walls, columns, posts, beams, girders or roof structure, any architectural change of the interior or exterior of a building or structure which may affect its structural integrity, or any addition to, change to, or diminution of a structure or building.

**Amateur Radio Service.** A federally licensed radio-communication service for the purpose of self-training, intercommunication, and technical investigations carried out by amateurs that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest, particularly with respect to providing emergency communications.

**Animal and Pet Services.** Any lot or premises on which six (6) or more dogs or cats or other household pets, six months old or over, are kept temporarily or permanently for sale, boarding, breeding, training, shelter, competition, showing, or day care.

**Animal Clinic.** A specialized healthcare facility that provides medical care, diagnosis, treatment, and preventive services for a wide range of animals, including pets and sometimes wildlife. These clinics are staffed by trained veterinarians and veterinary technicians who are qualified to address the health and wellness needs of animals. This use may include accessory boarding and grooming services.

**Animal, Domestic.** An animal commonly domesticated as a companion or pet and kept in a home or yard. Examples include dogs, cats, birds, fish, rabbits, small rodents and similar animals, and are not used for commercial purposes. Household or domesticated animals do not present an unusual risk to a person or property and are not considered farm or wild animals.

**Animal, Farm.** Any animal or fowl customarily raised on a bonafide commercial farm for the production of income, including but not limited to goats, rabbits, horses, cows, pigs, chickens, turkeys, sheep, ducks, and geese or that are customarily raised for non-commercial consumption or production by the residents of the premises.

**Animal, Wild.** A vicious, exotic, or dangerous animal not domesticated by humans or any animal which a person is prohibited from possessing by law.

**Antenna, Dish.** Dish (parabolic or cylindrical) antennas used for microwave and satellite transmission and reception for commercial purposes. This definition shall not apply to wireless cable satellite dish antennas or dish antennas less than one meter measured diagonally.

**Antenna.** Any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devices and configurations. Exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

**Apartment.** Is a self-contained residential dwelling unit within a larger multiple-family building or complex, typically designed for multiple families to live in close proximity to one another. See “dwelling, multiple-family.”

**Aquifer.** A geological formation, group of formations, or part of a formation capable of storing and yielding a significant amount of groundwater to wells and springs.

**Awning.** A shelter projecting from and supported by the exterior wall of a building and constructed of non-rigid materials on a supporting framework. Awnings are classified as a roof type.

**Bakery, Small Scale.** An establishment engaged in the retail sale of baked products for consumption off-site, and total square footage is 5,000 square feet or less. The use may include accessory counter food service or café seating.

**Banquet or Meeting Hall.** A facility that provides rental space for functions, including but not limited to, wedding parties, conferences, service club meetings, and other similar gatherings, along with the catering of food, in most cases prepared off-site.

**Basement.** That portion of a building which is 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 is not counted as a story.

**Bed and Breakfast.** A residential dwelling where short-term lodging rooms and breakfast and light snacks are provided to overnight guests and where the operator lives on the premises.

**Boat.** A vessel used or capable of being used as a means of transportation on water.

**Brewery, Winery, or Distillery.** The industrial production of beer, wine, and spirits.

**Buffer.** A strip of land which provides visual separation and aesthetic relief between potentially incompatible uses or provides protection to natural resources through the use of landscaping, preservation of existing vegetation, berms, or screening, or a combination of materials.

**Building Canopy.** A permanent roof-like structure projecting from a building and open on at least one (1) side for the purpose of shielding a pedestrian walkway from the elements.

**Building Frontage.** The horizontal linear measurement of a building facade that is generally parallel, facing, or oriented toward a public or private street. A building on a corner lot has two (2) building frontages.

**Building.** A type of permanent independent structure with a roof, supported by walls, columns or other supports that is designed for the shelter, housing or enclosure of persons, animals, possessions or property of any kind, or to conduct business activities. A combination of materials, whether portable or fixed, forming a structure with a roof, affording a facility or shelter for use or occupancy by persons, animals, or property.

- **Building, Accessory.** See “Accessory Building.”
- **Building, Principal.** “See Principal Building.”

**Campground.** A form of temporary lodging approved by the State of Michigan where guests bring tents, recreational vehicles, travel trailers, or other similar forms of shelter to experience the natural environment. Campgrounds rent pads or spaces to guests and may also include accessory uses such as a camp store, showers, bathroom facilities, and recreational facilities.

**Cemetery.** A burial ground for earth interments, a mausoleum for crypt entombments, or a columbarium for the inurnment of cremated remains. For the purposes of this ordinance, a cemetery does not include a crematorium.

#### **Child Day Care**

- **Child Day Care Center.** Licensed under the Child Care Organizations Act, Public Act 116 of 1973, a facility other than a private residence in which one (1) or more preschool or school-age children are given care and supervision for periods of less than 24 hours per day, and where the parents or guardians are not immediately available to the child. The facility provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.
- **Child Day Care, Family Child Care Home.** Licensed under the Child Care Organizations Act, Public Act 116 of 1973, a private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for compensation 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 household. Family child care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.
- **Child Day Care, Group Child Care Home.** Licensed under the Child Care Organizations Act, Public Act 116 of 1973, a private home in which more than six (6) but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household. Group child care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year. Group child care home includes a private home with increased capacity.

**Commercial Driveway.** A designated vehicular access point or entrance/exit that connects a commercial property or business establishment to a public street or right-of-way by a formal driving surface. Commercial driveways are intended to facilitate the safe and efficient movement of vehicles, including those of customers, employees, and service providers, between the commercial property and the public street.

**Commercial Solar Energy System.** A utility-scale facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Sometimes referred to as a solar farm.

**Commercial Use.** An activity involving the sale of goods or services carried out for profit.

**Community Mental Health Services Program at a Residence.** A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

**Condominium.** The ownership of a land dwelling, office, commercial, or an industrial unit, including the space enclosed by the description thereof, as contained in the Master Deed, together with ownership of an interest in the common elements, as contained in the Master Deed.

**Condominium Act.** The Condominium Act, Act 59 of Michigan Public Acts of 1978, as amended.

**Condominium, Conventional.** A development in which ownership interest is divided under the authority of the Condominium Act, P.A. 59 of 1978, as amended, and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area.

**Master Deed.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in Section 8 of the Condominium Act, P.A. 59 of 1978, as amended.

**Condominium, Site.** A development in which ownership is divided under the authority of the Condominium Act, P.A. 59 of 1978, as amended, and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common area elements, constitutes the equivalent of a lot.

**Condominium Unit.** The portion of a condominium development designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed, as defined in Condominium Act, P.A. 59 of 1978, as amended.

**Construction and Landscape Supply, Outdoor.** A commercial establishment that sells supplies for building construction and/or landscaping projects, where such supplies are placed outdoors.

**Construction.** The erection of a new building or structure or the alteration of an existing building or structure in connection with its repair or renovation.

**Contractor Facility.** An office and storage or warehouse facility accommodating a construction, skilled trade, landscaping, extermination, tree care, industrial service contracting business, or other similar trades.

**Crematorium.** A facility consisting of one or more furnaces for cremation services.

**Cul-De-Sac.** A circular vehicle turn-around area constituting the terminus of a street that has only one outlet to another street.

**Cultural Facility.** A public or non-profit facility that provides educational and cultural experiences for the general public, examples of which include aquariums, arboretums, art galleries, botanical gardens, libraries, museums, planetariums, civic centers, and theaters predominantly used for live performances, and zoos. The use may also include accessory retail uses such as gift shops and restaurants.

**Data Center.** A facility composed of networked computers and storage used to organize, process, store, and disseminate large amounts of data for various purposes, such as computing operations, data storage, and networking. It typically includes servers, networking equipment, storage systems, and backup power supplies, all housed within a controlled environment to ensure reliability and security.

**Develop or Development.** The act of constructing permanent structures or buildings, conducting site preparation, excavation, and grading for future construction, or installing site improvements and infrastructure in support of an existing or future structure, building, or land use.

**Drive-Through Service.** Facilities where services may be obtained by drivers without leaving their vehicles. Examples of land uses that typically include drive-through services include but are not limited to restaurants, banks, accessory ATMs, and pharmacies.

**Driveway.** A way, access or drive located entirely on the parcel which it serves.

### **Dwelling**

- **Dwelling, Attached** A building containing two (2) or more dwelling units arranged side by side and in a row or over and under, designed and intended for two (2) or more families separated by common walls from ground to roof and having direct means of egress and ingress to each dwelling unit from the outside. Buildings may be referred to as duplexes, townhomes, or rowhomes.
- **Dwelling, Multiple-Family.** A residential building intended for three (3) or more dwelling units that are both side by side, sharing vertical walls and stacked in a vertical configuration, sharing common horizontal floors and ceilings. Egress and ingress for individual dwelling units are through a common entry or entries.
- **Dwelling, Single-Family Detached.** A freestanding dwelling unit designed and intended for one (1) family that is physically separate from any other dwelling.

**Dwelling Unit.** A building or portion of a building, designed for use and occupancy by one family, having permanent provisions for living, sleeping, cooking and sanitation. A recreational vehicle, portable building, tent or other transient residential use, such as hotels/motels and bed and breakfasts, are not considered a dwelling.

**Dwelling Unit, Accessory (ADU).** An attached or detached dwelling unit that is secondary and subordinate to a principal single-family dwelling that contains an independent living area, including sleeping quarters, bathroom, living area, and kitchen facilities.

**Easement, Private Street.** A right-of-way, easement, or designated area surveyed, legally described, and recorded, applied to a private street, which authorizes vehicle travel and the installation and maintenance of public utilities.

**Easement.** A designated area surveyed, legally described, and recorded, which authorizes a person, government, agency or public utility company to use public or private land owned by another for a specific purpose.

**Essential Public Services and Utilities.** Any facility furnishing to the public, transportation, water, gas, electricity, telephone, cable television, communication, steam, telegraph, sewage disposal, or other similar service, including the Township. The erection, construction, alteration, or maintenance by a public utility, or municipal department, of underground, surface, or overhead gas, communication, telephone, electrical, steam, fuel or water, transmission, distribution collection, supply, or disposal systems. This includes related poles, wires, pipes, conduit, cables, public safety alarm and communication equipment, traffic signals, hydrants, and similar accessories that are necessary to furnish adequate service, addressing general public health, safety, convenience, or welfare. These do not include wireless telecommunication towers (unless located on public property and used as part of a municipal emergency communications network); wind energy turbines; offices, utility buildings, substations, or structures that are enclosures or shelters for service equipment; or maintenance depots.

**Exempt.** The release of the obligation to comply with specific sections of this ordinance.

**FAA.** The Federal Aviation Administration.

**Facade.** The front of a building, including a parapet, that is generally parallel, facing, or oriented toward a public or private street that commonly includes a primary entrance and is characterized by architectural details not found on other sides of the building. A building on a corner lot may have two (2) facades.

**Family.** Either of the following:

1. A domestic family, which is one or more persons living together and related by the bonds of blood, marriage or adoption, together with domestic help of the principal occupants and not more than one additional unrelated person, with all of the individuals being domiciled together as a single, nontransient,

domestic, housekeeping unit in a dwelling.

2. The functional equivalent of the domestic family which includes no more than four (4) unrelated persons 18 years of age and older living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must operate as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, students living together, association, lodge, boarding house, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

**Farm.** The land, plants, animals, buildings, structures, and ponds used for agricultural or aquacultural activities, along with the machinery, equipment, and other appurtenances used as part of a commercial farm operation that produces farm products. The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products and includes.

**FCC.** The Federal Communications Commission.

**Fence.** A constructed barrier intended to prevent access, create an enclosure, or to mark a boundary.

**Fill.** A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

#### **Floor Area**

**Floor Area, Gross.** The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure or from the centerline of a wall separating two (2) buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

**Floor Area, Livable.** See Section 3.20 E.2.

**Floor Area, Usable.** That area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers, measured from the interior faces of the exterior walls. Areas used principally for the storage or processing of merchandise, for hallways, stairways and elevator shafts, or utilities and sanitary facilities shall be excluded from this computation.

**Foster Family Group Home.** The private home of an individual who has been licensed by the Department of Health and Human services and the Department of Licensing and Regulatory Affairs to provide 24-hour care for more than four (4) but fewer than seven (7) minor children who are placed away from their parent, legal guardian, or legal custodian in foster care.

**Foster Family Home.** The private home of an individual who is licensed to provide 24-hour care for one (1) but not more than four (4) minor children who are placed away from their parent, legal guardian, or legal custodian in foster care.

**Frontage.** See Section 3.30 F.2.

**Frontage, Primary Street.** See Section 3.30 F.2.

**Funeral Home or Mortuary.** A building used for the preparation of the deceased for burial or cremation, for the display of the deceased and/or for ceremonies or related services, including the storage and sales of caskets, funeral urns, funeral vehicles, and other funeral supplies. For the purposes of this ordinance, this use does not include a crematorium.

**Garage.** See "Accessory Building, Garage."

**General Offices and Services.** Establishments that offer financial, business, business support, medical, personal, professional, and administrative services.

- **Business Services.** Establishments providing direct services to consumers, including, but not limited to: employment agencies, insurance agent offices, real estate offices, and travel agencies.
- **Business Support Services.** Establishments providing services to other businesses, including, but not limited to, computer rental and repair, copying, quick printing, and mailing and mailbox services.
- **Financial Services.** Financial institutions, including, but not limited to, banks, credit agencies, investment companies, security, and commodity exchanges.
- **Medical.** A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, including, but not limited to, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff.
- **Personal Services.** Establishments providing non-medical services to individuals, including, but not limited to, barber and beauty shops, tattoo parlors, dry cleaning pick-up and drop-off, small appliance repair, laundromats, massage therapists, shoe repair shops, and tanning salons. These uses may include incidental retail sales related to the services they provide.
- **Professional and Administrative Services.** Office-type facilities occupied by businesses or agencies that provide professional or government services or are engaged in the production of intellectual property.

**Golf Course.** A use consisting of regulation and par three golf courses having nine (9) or more holes, and accessory facilities and uses, including driving ranges, clubhouses with a bar and restaurant, locker and shower facilities, pro shops for on-site sales of golfing equipment and clothing, and golf cart storage facilities.

**Government Facility.** Buildings, structures, and facilities that include administrative offices, public works services, law enforcement, fire protection, libraries, museums, cemeteries, recreational centers, and storage areas for public equipment and materials for local, county, state, and federal public agencies.

#### **Grade**

**Grade, Average.** See 3.20 A.4.

**Grade, Natural.** See 3.20 A.4.

**Grading.** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

**Greenhouse and Nursery.** A non-farm retail or wholesale business whose principal activity is the display and sales of plants grown on the site within an enclosed building (greenhouse) or outdoors (nursery).

**Ground Cover.** Low growing, spreading plants, other than turf grass, such as but not limited to ivy, liriope, juniper, mondo grass or sedge.

**Half Story.** See Section 3.20 B.2.

**Helicopter Landing Pad.** A designated area on a roof or on the ground used by pilots of helicopters or steep-gradient aircraft for the purpose of picking up and discharging passengers or cargo.

**Home Occupation.** A use that includes any activity that is clearly secondary to residential use and carried out for economic gain. It is conducted entirely within a dwelling, carried out by its occupants, utilizing equipment that is typically found in a home. It is not evident from the outside but may be visited by customers or clients. Home occupations include the instruction of a fine art or craft. Home occupations include but are not limited to, financial advising, skilled trade contracting, accounting, woodworking, business services, personal services, and the making of handcrafted products.

**Home Office.** A use that includes any activity that is clearly secondary to residential use and carried out for economic gain. It is conducted entirely within a dwelling, carried out by its occupants utilizing office equipment that is typically found in a home, is not evident from the outside, and is not open for customer access.

**Hospital.** An institution licensed by the State of Michigan, where people, including inpatients, receive medical, surgical, or psychiatric treatment and nursing care.

**Hotel or Motel.** A building under single management that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily or longer basis for registered guests. Other supportive facilities may also be included, such as but not limited to meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities, and similar facilities/services intended primarily to serve registered guests.

**Household.** All persons occupying a house, apartment, group of rooms or a single room occupied as separate living quarters, regardless of their relationship to one another.

**Impervious Surface.** Any surface composed of any material that greatly impedes or prevents the natural infiltration of water into the underlying native soils. Impervious surfaces include, but are not limited to, rooftops, buildings, sidewalks, driveways, streets, and roads.

**Inland Lake or Stream.** An artificial or natural lake, pond, or impoundment that is a water of the United States as that term is used in section 502(7) of the Federal Water Pollution Control Act, 33 USC 1362 or a natural or artificial lake, detention area, pond, or impoundment; a river, stream, or creek which may or may not be serving as a drain as defined by the Drain Code of 1956, 1956 PA 40, MCL 280.1 to 280.630; or any other body of water that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water. For the purposes of this ordinance, there is no minimum size for the waterbody to be classified as an inland lake or stream.

**Keeping of Animals and Bees (Non-Commercial).** Raising and keeping livestock, fowl, and bees on a property for hobby or family food production and not for commercial purposes.

**Land Division Act.** The Michigan Land Division Act, P.A. 87 of 1997, as amended (formerly the Michigan Subdivision Control Act) and any ordinance adopted by the Township Board in furtherance of Township duties required of said act.

**Land Division.** The act of creating or dividing a lot or parcel of land defined by a metes and bounds description pursuant to the provisions of the Michigan Land Division Act, P.A. 87 of 1997, as amended (formerly the Michigan Subdivision Control Act) or the act of creating a condominium plat pursuant to the provisions of the Condominium Act, P.A., 59 of 1978, as amended, for the purpose of recording same with the Register of Deeds of Van Buren County. (See: Land Division Act and Condominium Act.).

**Landscape Materials.** Any combination of living plant materials and nonliving materials such as rocks, pebbles, wood chips, mulch and pavers, and decorative features, including sculpture, patterned walks, fountains, and pools.

**Lawful Nonconforming Building or Structure.** A structure or building lawfully constructed that does not conform to the dimensional requirements of the Zoning Ordinance or other requirements of this Ordinance but existed prior to the effective date of this ordinance or any amendment to this ordinance.

**Lawful Nonconforming Lot.** A lot lawfully existing on the effective date of this ordinance, or its subsequent amendment, that does not meet the current area and/or dimensional requirements of the zoning district or other requirements of this Ordinance in which it is located.

**Lawful Nonconforming Site.** A site that does not conform to the regulations of the zoning district in which it is situated, or other requirements of this Ordinance, applicable specific use requirements of Article 8, or any applicable development provisions.

**Lawful Nonconforming Use.** A land use that does not conform to the regulations of the zoning district in which it is situated, or applicable specific use requirements of Article 8 or other requirements of this Ordinance, and lawfully existed on the effective date of this ordinance, or any amendments to the ordinance.

**Loading Space.** An off-street portion of a lot designated for the temporary parking of commercial vehicles while loading or unloading materials used, sold or made on the premises.

**Lot**

- **Lot and Lot Types.** See 3.30 B.
- **Lot Area.** See Section 3.30 D.2.
- **Lot Depth.** See Section 3.30 .2.
- **Lot Frontage.** See Section 3.30 F.2.
- **Lot Lines.** See Section 3.30 C.
- **Lot Width.** See Section 3.30 E.2.

**Manufactured Home Community.** A property under single ownership in which three (3) or more manufactured homes are located on a continual or seasonal, nonrecreational basis and which is offered to the public for that purpose, regardless of whether a charge is made for the parcel or tract of land, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home. Occupancy may be seasonal and temporary or may be permanent.

**Manufactured Home.** A factory-built, single-family structure manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is designed to be used as a place of human habitation with or without a permanent foundation when connected to the required utilities. It is not constructed with a permanent hitch or other device allowing transportation of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

**Manufacturing, Processing, and Packaging- Heavy.** A facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. Examples of heavy manufacturing uses include the following: chemical product manufacturing; concrete, gypsum, and plaster product manufacturing; glass product manufacturing; paving and roofing materials manufacturing; petroleum refining and related industries; plastics, other synthetics, and rubber product manufacturing; primary metal industries; pulp and pulp product manufacturing; textile and leather product manufacturing.

**Manufacturing, Processing, and Packaging- Light.** A facility accommodating manufacturing processes involving less intense levels of fabrication and/or production, such as the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. The premises may include secondary retail or wholesale sales. Examples of light manufacturing uses include but are not limited to: artisan/craft product manufacturing; clothing and fabric product manufacturing; furniture, fixtures, and appliance manufacturing; electronics manufacturing and assembly; cabinet shop; food preparation, processing, and packaging; welding and sheet metal fabrication; sign manufacturing; and machine shops. This definition does not include uses and activities where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community, including but not limited to: chemical product manufacturing; concrete, gypsum, and plaster product manufacturing; glass product manufacturing; paving and roofing materials manufacturing; petroleum refining and related industries; plastics, other synthetics, and rubber product manufacturing; primary metal industries; and pulp and pulp product manufacturing.

**Master Plan.** The Township's long range plan adopted pursuant to the Michigan Planning Enabling Act, P.A. 33 of 2008, as amended, including graphic and written materials indicating the general location for streets, parks,

schools, public buildings, and all physical development of the township, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

**Micro-Brewery, Small Distillery, or Small Winery.** A facility that produces and serves beer, wine, or spirits intended for retail sales and consumption on the premises and duly licensed by the State of Michigan Liquor Control Commission (MLCC).

**Mineral Extraction.** The extraction, by mining, of natural resources from under the ground.

**Mixed-Use Residential.** A dwelling attached to a commercial building or on an upper floor. A tract of land or building developed for both residential and nonresidential uses. Such uses may be vertically integrated within a multi-story building, horizontally integrated within a single-story building, or horizontally integrated on a lot or development site.

**Mobile Food Unit.** A vehicle or trailer equipped for the preparation and sale of food to consumers at various locations. These units are designed to be mobile, allowing them to move from one location to another, such as street corners, festivals, events, or private catering events. Mobile food units come in various forms, including food trucks, food trailers, food carts, and even bicycles with food vending equipment.

**Mobile Home.** See “Manufactured Home.”

**Nameplate Capacity.** The maximum generation potential of a power plant.

**Nursing Home.** A facility licensed as a “nursing home” by the State Department of Public Health under Article 17 of the Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.2010 et seq., MSA 14.15 (20101) et seq.), as amended. A nursing home shall include an extended care facility, hospice, and convalescent home.

**Occupancy.** The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

**Occupied.** Arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

**Outdoor Display and Sales.** The outdoor placement, storage, or keeping, for display purposes, of equipment, vehicles, trailers, and other similar goods for sale on premises, as well as the temporary outdoor placement of retail goods for sale on premises in a yard area or sidewalk area directly adjacent to a commercial building.

**Outdoor Storage as a Principal Use.** The outdoor placement of goods, such as building or construction materials, equipment, vehicles, trailers, and other supplies, for future use, production, assembly, preservation, or disposal where there is no other principal use or principal building on the site.

**Outdoor Storage.** The outdoor placement of goods such as building or construction materials, equipment, vehicles, trailers, and other supplies for future use, production, assembly, preservation, or disposal as an accessory function to a principal building and use. This definition does not include materials related to permitted on-site construction projects.

**Over-The-Air Reception Device and Satellite Dish Antennas.** Antennas and dish antennas designed to receive direct broadcast satellite service, including direct-to-home satellite service, to receive or transmit fixed wireless signals via satellite, receive video programming services via broadband radio service (wireless cable), receive or transmit fixed wireless signals other than via satellite, or receive local television broadcast signals.

- **OTARD Antenna Structure.** Any pole, tower, or other structure designed and intended to support an OTARD antenna.
- **OTARD Antenna.** An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter or less in diameter; or an antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services, and

that is one meter or less in diameter or diagonal measurement; or an antenna that is designed to receive television broadcast signals.

**Parking Space.** The space required to park one vehicle, exclusive of driveways and access aisles, in accordance with the requirements of this ordinance.

**Parking.** The temporary, transient storage of motor vehicles used for transportation, while their operators are engaged in other activities. It shall not include storage of new or used motor vehicles for sale, services, rental or any other purpose other than specified above.

**Permit.** An official authorization, issued by a representative of the township, to conduct a specific activity under the provisions of this ordinance.

**Permitted Use.** A use of property specifically allowed by-right within a zoning district wherever that district exists in the Township; provided, all dimensional and other requirements applicable to that district are satisfied.

**Personal and Commercial Storage Suites.** A facility including a building or group of buildings that contain individual storage warehouse suites for personal or business purposes. Suites may include accessory office, kitchen, and bathroom facilities. Suites may be rented or owned through a condominium association.

**Place of Assembly.** A building, structure, or outdoor area designed or used for the gathering of people for civic, educational, religious, social, cultural, or recreational purposes, including but not limited to private educational facilities, religious institutions, community centers, entertainment venues, recreational facilities, cultural institutions, events spaces, and civic and fraternal organizations.

**Place of Worship.** A building or structure or group of buildings or structures that, by design and construction, are primarily intended for conducting organized religious worship services. Associated accessory uses include, but are not limited to, classrooms, meeting halls, indoor and outdoor recreational facilities, daycare, counseling, and kitchens.

**Planning Commission.** The Planning Commission of Gaines Charter Township, Michigan.

**Plat.** A map of a subdivision of land, recorded with the County Register of Deeds, pursuant to the Subdivision Control Act, PA 288 of 1967, Land Division Act, PA 591 of 1996 (MCL 560.101 et seq.), as amended.

**Porch.** A roofed-over space attached to the outside of an exterior wall of a building which has no enclosure other than exterior walls of the building.

**Principal Building.** A building in which is conducted the main or principal use of the lot on which the building is located.

**Principal Use.** The primary or predominant use of a lot.

**Probation, Parole, or Sex Offender Home.** A facility or dwelling intended for the housing and treatment of persons released from adult correctional institutions (including formerly imprisoned or incarcerated persons) for the purpose of adjustment from prison/jail to self-sufficiency or similar purpose, for offenders on probation, or for registered sex offenders.

**Propane Gas Sales.** An establishment providing LPG dispensing and bulk containers for sale.

**Public Park or Preserve.** A facility providing a variety of outdoor recreational opportunities including, but not limited to, playground equipment, playing fields, tennis and basketball courts, swimming pools, boat ramps, fishing piers, and areas for passive recreation such as hiking trails, picnic areas, and bird blinds.

**Qualified Residential Treatment Program.** A program within a child caring institution, as defined in section 1 of 1973 PA 116, MCL 722.111, that provides services for 10 or fewer individuals.

**Recreation Facility**

- **Recreation Facility, Indoor.** A facility, open either to the general public or to members and their guests, located in an enclosed building that is designed to accommodate sports, recreational activities, training, or related enterprises, including but not limited to a gymnasium, swimming pool, tennis, racquetball and/or handball courts, and other indoor sports activities. Also included are accessory uses that are clearly in support of the primary use, such as sporting goods shops, food service, and party/banquet facilities serving patrons of the indoor recreation use, spectator accommodations, changing/locker rooms, and employee offices.
- **Recreation Facility, Low-Intensity Outdoor.** An outdoor venue for nature-based, non-motorized recreation and ecotourism activities, including but not limited to disc golf, ropes courses, eco-challenges, adventure racing and events, zip-line courses, and other activities that rely primarily on the preserved natural environment as a core element of the activity and use.
- **Recreation Facility, Outdoor.** A facility providing a variety of outdoor recreational opportunities and entertainment services, often for a fee, including, but not limited to amusement and theme parks; go-cart tracks; pickle ball, golf driving ranges; miniature golf courses; marinas; watercraft rentals; and water parks. It may also include commercial facilities customarily associated with the above indoor commercial recreational uses, including bars and restaurants, arcades, etc.

**Recreational Equipment.** Any of the following: recreation camper, boat, boat trailer, snowmobile, snowmobile trailer, motorcycle or motorcycle trailer, all-terrain vehicle, all-terrain vehicle trailer, enclosed trailers, utility trailers, or similarly licensed vehicles, trailers, or equipment.

**Restaurant.** A business establishment whose method of operation involves either the delivery of prepared food by servers to customers seated at indoor or outdoor areas or prepared food is acquired by customers at a counter, window, or cafeteria line and consumed on-site or for take-out. The service of alcoholic beverages by the drink is incidental to the service of food, and food receipts exceed 50 percent of sales.

**Retail Sales.** Stores and shops that sell goods and merchandise to the general public.

**Salvage or Impound Operations.** Any land or structure used for storing, dismantling, reconditioning, collecting, purchasing, or selling scrap metal or other discarded goods and materials, including the collection, dismantlement, and salvage of two or more inoperative vehicles, boats, trucks, or other types of machinery or equipment, or the impounding of any operable or inoperative vehicle associated with towing or wrecker services.

**Sawmill or Planing Mill.** A facility where logs are sawn, split, shaved, stripped, chipped, or otherwise processed to produce lumber and other wood products.

## **School**

- **School, College or University.** A facility for post-secondary education, other than a trade or commercial school, that provides education, whether full-time or part-time, and that grants associates, bachelors, masters, or doctoral degrees, and may include research functions. Includes professional schools (law, medicine, etc.) and technical colleges.
- **School, Private K-12.** A school that is not a publicly owned or publicly operated school that offers courses of instruction for students in one or more grades from kindergarten through 12th grade.
- **School, Specialized Training.** A specialized instruction establishment that provides individual and group instruction, education, and/or training, including, but not limited to: the arts, dance, music, tutoring, photography, martial arts, health and wellness, business and vocational schools, passenger vehicle driver education schools, barbering, hairdressing, appliance and computer repair, and teaching of industrial or trade skills which machinery is employed as a means of instruction.
- **School, Truck Driving.** Commercial facilities which provide instruction and education concerning the driving of trucks.

**Seasonal Farm Labor Housing.** A tract of land and all vehicles, buildings, dwellings, or other structures pertaining to it, part of which is established, occupied, or used as living quarters for migratory laborers engaged in agricultural activities, including related food processing.

**Self-Created Problem.** A problem that occurs, results, or exists from one or more of the following conditions:

1. A problem that occurs when one can reasonably develop a property in a compliant manner, but the landowner or applicant's personal desires and preferences for property development do not align with zoning requirements.
2. A problem that occurs when a property is currently built-out under current zoning constraints, but the landowner or applicant's personal desires and preferences for expansion do not align with zoning requirements.
3. A problem that results from the action, preference, or desire of the landowner or applicant that is not a result of a unique characteristic of the property.
4. A problem that exists because the landowner, previous landowner, or applicant took a specific action that created the need for the variance, such as adjusting a lot line, constructing a building, or developing a site in a manner that does not allow future compliant construction, building expansion, or site development.

**Self-Storage.** A building or group of buildings in a controlled access and/or fenced compound that contains varying sizes of individualized, compartmentalized, and controlled access rooms, stalls, or lockers that are rented by customers for general storage needs. This definition does not include "personal and commercial storage suites."

**Setbacks.** See Section 3.40 A.2.

**Shipping Container.** A receptacle designed for transport of cargo aboard ship and also by truck trailer or rail car, and which exhibits features designed to facilitate the movement of containerized cargo, including but not limited to corner fittings for pins, design for stacking, and which is otherwise designed and constructed in conformance with standards for shipping containers as set forth by the International Standards Organization.

**Short-Term Rental.** A dwelling unit which is rented to a person for less than thirty-one (31) consecutive days. Also, a dwelling unit, cabin, cottage or house that is available for rental, leasing, or use for habitation, accommodation or lodging of guests paying a fee, charge or other compensation, for a period of less than 31 consecutive days and nights at a time.

**Sign.** Any object or device containing letters, figures and/or other means of communication, situated outdoors or indoors, of which the effect produced is to advertise, announce, communicate, identify, declare, demonstrate, direct, display, and/or instruct potential users of a use, product and/or service, or to bring attention to a message.

- **Sign, Billboard.** A freestanding outdoor advertising structure, typically situated along highways, roads, or other high-traffic areas, designed to display messages to passing motorists.
- **Sign, Device.** A small sign on a gas pump, vending machine, or other similar device.
- **Sign, Electronic Display.** A sign with content can be changed or altered by means of electronically controlled electronic impulses.
- **Sign, Feather.** A freestanding sign typically constructed of a shaft, driven in the ground or standing with supports, with an attached pennant that is vertically elongated and attached to the shaft. Also known as a feather flag.
- **Sign, Government.** Any sign erected by the township, county, state, or federal government.
- **Sign, Ground.** A freestanding sign that is supported by a standard or base, or installed directly upon the ground.

- **Sign, Human.** A sign represented by a person, such as a person covered with a sandwich board or other message or a person holding a sign for commercial purposes.
- **Sign, Inflatable.** A tethered sign consisting of an envelope inflated with pressurized or heated air, or a lighter-than-air gas, and displayed for the purpose of advertising or attracting attention.
- **Sign, Interior Site.** Interior site sign. Internally oriented signs on non-residential property that are not readily legible or visible beyond the boundaries of the lot or parcel on which they are located and are typically greater in size than an incidental sign.
- **Sign, Menu Board.** A sign board accommodating drive-in or drive-through businesses.
- **Sign, Permanent.** A sign constructed of durable material and affixed, lettered, attached to or placed upon a fixed, non-movable, nonportable supporting structure.
- **Sign, Portable.** Any sign designed to be moved easily and not permanently affixed to the ground, a building or a structure. Portable signs shall include, but are not limited to, trailer mounted signs, A-frame signs, sandwich board signs, etc., but not including signs on a motor vehicle.
- **Sign, Pylon.** A sign having a sign face that is elevated above the ground by one or more uprights, pylons or poles.
- **Sign, Temporary Yard.** A sign that is intended to be displayed for a limited period of time which is not intended to be lasting and is not constructed from an enduring material such as masonry and metal which remains unchanged in position, character, and condition (beyond normal wear), and is not permanently affixed to the ground, wall or building.
- **Sign, Vehicle.** A sign mounted on a vehicle or trailer, designed to be visible to motorists or pedestrians while the sign is being transported. A logo painted on a vehicle identifying the business owning or using the vehicle, or a lettering depicting the name of the owner of the vehicle, is not considered a vehicle sign.
- **Sign, Wall.** A sign that is attached directly to a wall, mansard roof, roof overhang, parapet wall, or above a marquee of a building with the exposed face of the sign in a plane parallel to the building wall or to the surface on which it is mounted, not projecting more than 12 inches from the wall, and which does not have any part of such sign or sign supports extending above the uppermost building line not including chimneys, flagpoles, electrical or mechanical equipment, TV antennas or any other similar equipment or extensions. This definition shall include writing, letters or numbers placed or painted directly on a building wall surface.
- **Sign, Window.** A sign placed on the inside of a window and intended to be viewed from the outside. This includes window wraps.

**Sign Face.** The portion of a sign structure which includes a message or image. A sign face may be a removable sign panel, permanently attached element(s), trivision, or electronic display.

**Similar Land Use.** A land use determined to be similar in nature, character, function, and operation as a land use listed in Chapter 15.

**Site Condominium Unit.** A condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of surface or subsurface vacant airspace, designed and intended for separate ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.

**Site Plan.** A plan of a proposed project that shows all relevant features necessary to determine if it meets the requirements of this ordinance.

**Solar Energy Collector, Ground-Mounted.** A solar energy collector that is mounted directly to a support structure on the ground and is not connected to a building. The system is intended to generate energy for the principal and accessory land uses and buildings on the lot or parcel of land on which the system is located.

**Special Event.** A temporary and non-commercial community event, such as a festival, fair, car show, or sporting event.

**Special Land Use.** A use identified by this ordinance which may have characteristics of its operation (such as traffic, noise, hours of operation, or other potential nuisance effects) that requires special review and may warrant additional conditions beyond the general requirements of the district in which it is located to mitigate its impacts and ensure its compatibility with its surroundings.

**Stables, Commercial.** A structure designed for the feeding, boarding, breeding, and exercising of horses that are owned by someone other than the owner of the premises and for which the owner of the premises receives compensation. This definition also includes riding stables, riding academies, and horse show facilities.

**State Licensed Residential Facility.** A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under 24-hour supervision or care.

**Story.** See Section 3.20 B.1.

**Story, Half.** See Section 3.20 B.2.

**Street Centerline.** That line surveyed to be the centerline of a street, or in the event that no centerline has been determined, it shall be that line running midway between, and parallel to, the outside right-of-way lines of such streets.

**Street Intersection.** Any street which joins another street at an angle, whether or not it crosses the other.

**Street.** Any public or private thoroughfare which affords the principal means of access to abutting property.

- **Street, County Primary.** A county primary street as designated by the Kent County Road Commission
- **Street, County Local.** A local street as designated by the Kent County Road Commission.
- **Street, Private.** A street maintained by private parties through use of private funds. Also, any undedicated path, trail, or road that provides or is intended to provide primary means of ingress and egress to two or more parcels or two or more principal buildings, dwelling units, structures, or combination thereof, whether created by a private right-of-way agreement, a joint ownership, a license, a lease, or an easement, Any and all extensions, additions, or branches of or to a private street shall be considered part of the private street that abuts the public road. A private street also includes the following:
  - Access serving one parcel if that parcel does not have the requisite amount of frontage on a public road as required by this Ordinance.
  - Where two (2) or more parcels or dwellings share or utilize a common access drive, even if each parcel has a required frontage on a public road.
- **Street, Public.** A street maintained by federal, state, county, or local public agencies.

**Structure.** Any constructed, erected, or placed material or combination of materials in or upon the ground having a fixed location (even if the item is portable or moveable), including, but not limited to buildings, dwellings, billboards, light posts, signs, swimming pools, storage bins (or the equivalent), animal enclosures other than fences, garages, sheds, accessory buildings, shipping containers, towers, pools, decks, platforms, patios, solar panels (or the equivalent), portable or movable vehicle carports or similar enclosures, satellite dishes, towers, windmills, wind turbines, gazebos, tennis courts and signs. The following are excluded from the definition of "structure" (i.e. such items are not structures):

- Lawful fences, sidewalks, and paving on streets, driveways, or parking areas.
- Decks or patios, no portion of which is located:

- More than three (3) feet above the ground (natural grade).
- Closer than five feet to any lot line, or
- Within 30 feet of the high water mark of any lake.
- Retention walls not over five (5) feet in height.

**Substance Abuse Rehabilitation Home.** A facility or dwelling with administrative supervision over adult residents with problems related to substance abuse that provides structured or supervised peer group living and limited health-related services, with an emphasis on social rehabilitation with support and guidance toward the goal of independent living or similar goals or purposes.

**Swimming Pool.** A structure located inside, outside or partly in each, designed to hold water to a depth of greater than 24 inches when filled, and intended to be used for swimming purposes.

**Tavern.** A commercial establishment licensed to sell at retail and serve beer, wine, liquor, or other alcoholic beverages for consumption on the premises and where the service of food is incidental to the sales and consumption of such beverages. The service of alcoholic beverages exceeds 50 percent of sales. Taverns include nightclubs, lounges, and bars.

#### **Temporary Uses**

- **Temporary Construction Office and Yard.** An office, typically mobile, as well as an open storage area, established at a permitted construction site to accommodate personnel. A location for outdoor storage of materials and equipment is commonly associated with the use.
- **Temporary Dwelling.** A recreational vehicle used for temporary living accommodations.
- **Temporary Garage and Yard Sale.** The outdoor or open garage sales of merchandise conducted by a household or civic group, which is located entirely upon a lot on which there is residential or institutional land use. Goods sold are limited primarily to used merchandise provided by the participants.
- **Temporary Mobile Food Unit.** A vehicle or trailer equipped for the preparation and sale of food to consumers at various locations. These units are designed to be mobile, allowing them to move from one location to another, such as street corners, festivals, events, or private catering events. Mobile food units come in various forms, including food trucks, food trailers, food carts, and even bicycles with food vending equipment.
- **Temporary Sidewalk or Outdoor Sales.** Temporary outdoor sales areas that are accessory to retail principal uses.
- **Temporary Outdoor Seasonal Parking Lot Sales.** Outdoor sales approved for temporary durations in parking lots and abutting yards, including but not limited to fireworks, Christmas trees, pumpkins, etc.
- **Temporary Sales Office.** An office, either mobile or located in a model home, used to accommodate real estate agents and associated administrative staff for the purposes of selling or renting real property in subdivisions or other housing developments.
- **Temporary Storage Unit.** A portable, enclosed structure, container, or similar item used for the temporary storage of personal or business goods and materials.

**Theater.** A building or part of a building used to show movies or a facility used for drama, dance, musicals, or other live performances. This use may also include accessory concession and retail sales.

**Township Board.** The Township Board of Gaines Charter Township, Michigan.

**Township.** Unless the context clearly discloses a contrary intent, the word "township" shall mean Gaines Charter Township, Michigan.

**Traffic Impact Analysis.** A written report prepared by a transportation engineer describing in detail the roads and streets which serve an area of the township, furnishing information on ingress and egress to and from lots, providing current traffic counts on existing streets and projected traffic counts on both existing and proposed streets, and additionally containing an impact statement describing the expected impact of the proposed activities on traffic flow and traffic patterns within a specific area of the township.

**Tree**

- **Tree, Canopy.** A deciduous shade tree.
- **Tree, Deciduous.** A tree that sheds all leaves annually.
- **Tree, Evergreen.** A tree with needles or leaves that persist and remain green throughout the year.
- **Tree, Ornamental.** A small deciduous tree grown for its foliage and/or flowers.

**Truck Stop.** An establishment that is engaged primarily in the fueling, servicing, repair, or parking of semi-trucks and trailers or similar heavy commercial vehicles, and which may include the sale of accessories and equipment for such vehicles, food sales, and other services for truck drivers.

**Truck Terminal.** A facility at which freight is consolidated to be shipped or where full load consignments may be loaded and off-loaded, and where vehicles and trailers are regularly maintained and stored.

**Unique Circumstance.** An exceptional, unique, or extraordinary physical condition that is one of the following:

1. Exceptional narrowness of the width or depth of a lot or parcel, or an irregular shape, as compared to a conforming lot or parcel.
2. Exceptional natural or topographic features located on the lot or parcel, such as steep slopes, surface water features, existing significant trees, or other unique or extreme physical conditions of the land.
3. Extraordinary location of an existing building or structure that allows no other practical or feasible location for expansion because of exceptional features of the land.
4. Other natural, topographic, built, or dimensional conditions or characteristics of land, lot, or parcel, which are determined by the Zoning Board of Appeals as exceptional or extraordinary.

**Utility Trailer.** A vehicle with or without its own motive power, which is mounted on wheels or is designed to be so mounted and transported.

**Variance.** An allowed modification to a requirement of this ordinance, as authorized by the Zoning Board of Appeals under the provisions of this ordinance.

**Vehicle and Equipment Sales and Rental, Major.** An operation selling or renting commercial trucks and vans, boats, recreational vehicles, heavy equipment, manufactured homes, landscaping machinery, trailers, farm equipment and similar items. It may also include accessory repair shops and the sales of parts and accessories incidental to dealerships.

**Vehicle and Equipment Sales and Rental, Minor.** An operation selling or renting cars, trucks, vans, and small equipment. It may also include accessory repair shops and the sales of parts and accessories incidental to dealerships.

**Vehicle Repair, Major.** The servicing, repairing, refinishing, equipping, or adjusting of vehicles or their components for compensation, including but not limited to powertrain and suspension repair or rebuilding, body work, frame alignment, and other vehicle repair work creating noise, glare, fumes, or smoke, but not including vehicle wrecking, junking or salvaging or fuel sales.

**Vehicle Repair, Minor.** A business providing general maintenance on motor vehicles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and

distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios, and air conditioners; wheel alignment and balancing; but, excluding tire recapping or grooving or any major mechanical repairs, collision work or painting.

**Vehicle Service Station.** An establishment where motor vehicle fuel is dispensed for retail sale. This use may also collectively include minor vehicle repair services retail sales of convenience items, restaurant, and a single bay vehicle wash, but not overnight vehicle storage.

**Vehicle Wash, Cars.** A building or portion of a building with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of vehicles and heavy equipment. This use may also include accessory outdoor vacuums.

**Vehicle Wash, Trucks.** A building or portion of a building with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of commercial trucks and vans, and semi-trucks and trailers. This use may also include accessory outdoor vacuums.

**Vehicles or trailers, Commercial.** Any vehicle or trailer bearing or required to bear commercial license plates and/or DOT numbers. Examples include, but are not limited to: Semi-truck tractors; Semi-truck trailers, which shall include flat beds, stake beds, roll-off containers, tanker bodies, dump bodies, and full or partial box-type enclosures; Food trucks and vehicles of a type that are commonly used for the delivery of food or vending supplies; Pickup trucks, vans, and trailers commonly used by construction industry contractors; Tow trucks and repair service trucks; Vehicles designed to transport 16 or more passengers, including the driver; and Commercial trailers designed to haul heavy equipment, materials, and supplies.

**Violation.** The failure of a use, structure or other development to fully comply with the provisions of this ordinance.

**Warehousing, Freight Movement, and Wholesale Sales.** An area and related buildings where trucks load and unload cargo or containers on a regular basis and where the cargo or containers are stored before and after transfer to other sites. This use may include parking and storage areas for trucks and buildings and areas for the repair of trucks associated with the terminal. Additionally, the facility can be used for the storage, distribution, and handling of products, supplies, and equipment offered for wholesale distribution and not for direct sale to the general public.

**Waste Management and Recycling.** A facility used for collecting waste and recyclables, sorting, and transferring materials.

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

**Wind Energy System.** Any structure-mounted wind energy conversion system, or series of systems, that converts wind energy into electricity through the use of a wind generator and includes the nacelle, rotor, tower, and pad transformer, if any, for the purpose of supplying electricity to off-site customers.

**Wireless Telecommunications Facility.** The plant, equipment, and property include, but are not limited to, cables, wires, conduits, ducts, pedestals, antennas, electronics, and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireless communications services.

**Yard and Yard Designations.** See Section 3.40 E.

**Zoning Administrator.** An official authorized to administer, interpret, and enforce the Gaines Charter Township Zoning Ordinance.

**Zoning District.** A designation on the Official Zoning Map in which requirements for the use and dimensions of the land, buildings, and structures are prescribed.

- **Zoning District, Residential.** The Rural Residential, Suburban Residential, Village Residential, and Multiple-Family Residential zoning districts.
- **Zoning District, Non-Residential.** The Neighborhood Commercial, General Commercial, Office and Service, Mixed Business, Light Industrial, and Heavy Industrial zoning districts.

## CHAPTER 35 CHECKLISTS

### SECTION 35.10 CHECKLIST FOR ZONING PERMIT, VARIANCE, SPECIAL LAND USE PRELIM., OR ACCESSORY BLG. SPECIAL LAND USE REVIEW

| <b>TABLE 35.10: CHECKLIST FOR ZONING PERMIT, VARIANCE, SPECIAL LAND USE PRELIM., OR ACCESSORY BLG. SPECIAL LAND USE REVIEW</b>                                                                                          |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>General Information</b>                                                                                                                                                                                              |  |
| Name and firm address of the professional individual responsible for preparing site plan and professional seal, if applicable                                                                                           |  |
| Project address and parcel number                                                                                                                                                                                       |  |
| Name and address of the property owner (signature required if owner is not the applicant and applicant is not under contract)                                                                                           |  |
| Name, address, phone number, signature, and email of applicant                                                                                                                                                          |  |
| Date of original plan and document revisions                                                                                                                                                                            |  |
| Scale and north arrow                                                                                                                                                                                                   |  |
| Acreage excluding public right-of-way                                                                                                                                                                                   |  |
| Legal property description                                                                                                                                                                                              |  |
| <b>Existing Conditions</b>                                                                                                                                                                                              |  |
| Vicinity map showing overall location                                                                                                                                                                                   |  |
| Lot lines and required setbacks (building envelop)                                                                                                                                                                      |  |
| Location, width, and purpose of all existing easements                                                                                                                                                                  |  |
| <b>Site Planning Elements</b>                                                                                                                                                                                           |  |
| Proposed buildings, structures, fences, light poles, driveways, parking lots, landscaped areas, and other proposed physical infrastructure, as applicable                                                               |  |
| Lot width, lot coverage, and setbacks noted for all buildings and structures                                                                                                                                            |  |
| Proposed changes to lot lines, if applicable                                                                                                                                                                            |  |
| Well and septic or connections to existing water and sewer lines, if applicable                                                                                                                                         |  |
| <b>Supplemental Information</b>                                                                                                                                                                                         |  |
| Project description and brief narrative description of the project, including proposed use, existing floor area (square feet), size of proposed expansion (square feet), and any change in the number of parking spaces |  |
| Building details                                                                                                                                                                                                        |  |
| Exterior elevations, showing building height and describing building materials                                                                                                                                          |  |
| Any other information required by the Zoning Administrator, Zoning Board of Appeals or Planning Commission to demonstrate compliance with other applicable provisions of this ordinance.                                |  |
| For special land uses, provide responses to standards of approval                                                                                                                                                       |  |
| For variances, provide responses to standards of approval                                                                                                                                                               |  |
| For a nonconforming use special exceptions, provide responses to standards of approval                                                                                                                                  |  |

## SECTION 35.20 CHECKLIST FOR ZONING PERMIT- SIGNS

| TABLE 35.20: CHECKLIST FOR ZONING PERMIT- SIGNS                                                                                                                                                     |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>General Information</b>                                                                                                                                                                          |  |
| Installer name, address, signature                                                                                                                                                                  |  |
| Project address and parcel number                                                                                                                                                                   |  |
| Name and address of the property owner (signature required if owner is not the applicant and applicant is not under contract)                                                                       |  |
| Name, address, phone number, signature, and email of applicant                                                                                                                                      |  |
| The identification of the type of sign and method of illumination, if any                                                                                                                           |  |
| The name of business or name of premises to which the sign belongs or relates                                                                                                                       |  |
| <b>Sign Information</b>                                                                                                                                                                             |  |
| A scaled drawing of the proposed sign showing the dimensions, display area, and location                                                                                                            |  |
| For freestanding signs, a site plan drawn to scale, accurately identifying the location of the proposed sign and setbacks from the nearest public or private street right-of-way and property lines |  |
| Details concerning grade changes, if applicable                                                                                                                                                     |  |
| For freestanding signs, the height of the sign                                                                                                                                                      |  |
| For wall signs, the height and width of the building wall                                                                                                                                           |  |
| Details concerning sign illumination                                                                                                                                                                |  |

## SECTION 35.30 CHECKLIST FOR PUD CONCEPT PLAN

| TABLE 35.30: CHECKLIST FOR PUD CONCEPT PLAN                                                                                                                     |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>General Information</b>                                                                                                                                      |  |
| Name and firm address of the professional individual responsible for preparing site plan and professional seal                                                  |  |
| Project address and parcel number                                                                                                                               |  |
| Name and address of the property owner (signature required if owner is not the applicant and applicant is not under contract)                                   |  |
| Name, address, phone number, signature, and email of applicant                                                                                                  |  |
| Date of original plan and document revisions                                                                                                                    |  |
| Scale and north arrow                                                                                                                                           |  |
| Acreage excluding public right-of-way                                                                                                                           |  |
| Zoning of adjacent properties                                                                                                                                   |  |
| Legal property description                                                                                                                                      |  |
| Existing Conditions                                                                                                                                             |  |
| Vicinity map showing overall location                                                                                                                           |  |
| Lot lines and required setbacks (building envelop)                                                                                                              |  |
| Streets, right-of-way, buildings, and properties within 100 feet of the site                                                                                    |  |
| Location, width, and purpose of all existing easements                                                                                                          |  |
| Topography with contour intervals of no more than two (2) feet                                                                                                  |  |
| <b>Site Planning Elements</b>                                                                                                                                   |  |
| Proposed buildings, structures, fences, light poles, driveways, parking lots, landscaped areas, and other proposed physical infrastructure, as applicable       |  |
| Lot width, lot coverage, and setbacks noted for all buildings and structures                                                                                    |  |
| Surface description of all parking lot and driveway surfaces                                                                                                    |  |
| Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.                                                              |  |
| Proposed changes to lot lines, if applicable                                                                                                                    |  |
| Parking calculation and proposal                                                                                                                                |  |
| Initial landscaping concepts                                                                                                                                    |  |
| Initial lighting concepts                                                                                                                                       |  |
| Initial stormwater management concepts                                                                                                                          |  |
| Parallel plan                                                                                                                                                   |  |
| <b>Supplemental Information</b>                                                                                                                                 |  |
| Project description and narrative concerning buildings, structures, parking, driveways, open space, and site development                                        |  |
| Responses to standards of approval                                                                                                                              |  |
| Any other information required by the Zoning Administrator or Planning Commission to demonstrate compliance with other applicable provisions of this ordinance. |  |

**SECTION 35.40 CHECKLIST FOR PRELIMINARY CONDOMINIUM PLAN**

| <b>TABLE 35.40: CHECKLIST FOR PRELIMINARY CONDOMINIUM PLAN</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>General Information</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |
| Name and firm address of the professional individual responsible for preparing site plan and professional seal                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |
| Project address and parcel number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |
| Name and address of the property owner (signature required if owner is not the applicant and applicant is not under contract)                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
| Name, address, phone number, signature, and email of applicant                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |
| Date of original plan and document revisions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |
| Scale and north arrow                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |
| Acreage excluding public right-of-way                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |
| Zoning of adjacent properties                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
| Legal property description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |
| Existing Conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |  |
| Vicinity map showing overall location                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |
| Lot lines and required setbacks (building envelop)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |
| Streets, right-of-way, buildings, and properties within 100 feet of the site                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |
| Location, width, and purpose of all existing easements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |
| <b>Site Planning Elements</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |  |
| A cover sheet that lists all documents included in the condominium plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
| A survey plan signed and sealed by the licensed professional surveyor preparing the boundary survey for the condominium project                                                                                                                                                                                                                                                                                                                                                                                                                            |  |
| A floodplain plan, if the condominium lies within or abuts a floodplain area                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |
| A site plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
| Utility plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |
| Floor plans                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
| The size, location, area, and horizontal boundaries of each condominium unit                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |
| A number assigned to each condominium unit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |
| The vertical boundaries for each unit comprised of enclosed air space                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |
| Building sections showing the existing and proposed structures and improvements including their location on the land. Any proposed structure and improvement shown shall be labeled either "must be built" or "need not be built". To the extent that a developer is contractually obligated to deliver utility conduits, buildings, sidewalks, driveways, landscaping, or an access road, these items shall be shown and designated as "must be built", but the obligation to deliver these items exists whether or not they are so shown and designated. |  |
| The nature, location, and approximate size of the common elements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |

## SECTION 35.50 CHECKLIST FOR SITE PLAN, FINAL PUD SITE PLAN, AND PRIVATE STREET

| TABLE 35.50: CHECKLIST FOR SITE PLAN, FINAL PUD SITE PLAN, AND PRIVATE STREET                                                                                                                                                               |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>General Information</b>                                                                                                                                                                                                                  |  |
| Name and firm address of the professional engineer responsible for preparing site plan and professional seal. In certain circumstances, the Planning Commission may waive the requirement for a professional engineer to prepare the plans. |  |
| Project address and parcel number                                                                                                                                                                                                           |  |
| Name and address of the property owner (signature required if owner is not the applicant and applicant is not under contract)                                                                                                               |  |
| Name, address, phone number, signature, and email of applicant                                                                                                                                                                              |  |
| Date of original plan and document revisions                                                                                                                                                                                                |  |
| Scale and north arrow                                                                                                                                                                                                                       |  |
| Acreage excluding public right-of-way                                                                                                                                                                                                       |  |
| Zoning of adjacent properties                                                                                                                                                                                                               |  |
| Legal property description                                                                                                                                                                                                                  |  |
| Existing Conditions                                                                                                                                                                                                                         |  |
| Vicinity map showing overall location                                                                                                                                                                                                       |  |
| Lot lines and required setbacks (building envelop)                                                                                                                                                                                          |  |
| Streets, right-of-way, buildings, and properties within 100 feet of the site                                                                                                                                                                |  |
| Location, width, and purpose of all existing easements                                                                                                                                                                                      |  |
| Topography with contour intervals of no more than two (2) feet                                                                                                                                                                              |  |
| <b>Site Planning Elements</b>                                                                                                                                                                                                               |  |
| Proposed buildings, structures, fences, light poles, driveways, parking lots, landscaped areas, and other proposed physical infrastructure, as applicable                                                                                   |  |
| Cross section of all parking lot and driveway surfaces                                                                                                                                                                                      |  |
| Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.                                                                                                                                          |  |
| Proposed changes to lot lines, if applicable                                                                                                                                                                                                |  |
| Parking calculation and proposal                                                                                                                                                                                                            |  |
| Photometric plan and light fixture specifications                                                                                                                                                                                           |  |
| Landscape plan including landscape materials, location, size, type, and calculations                                                                                                                                                        |  |
| Well and septic or connections to existing water and sewer lines, if applicable                                                                                                                                                             |  |
| Location, connections, and spacing of fire hydrants, if applicable                                                                                                                                                                          |  |
| Location and type of all proposed surface water drainage and stormwater facilities                                                                                                                                                          |  |
| Proposed grading at no more than two (2) foot contour intervals.                                                                                                                                                                            |  |

|                                                                                                                                                                                                                                                                                                 |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Supplemental Information</b>                                                                                                                                                                                                                                                                 |  |
| Project description and brief narrative description of the project, including proposed use, existing floor area (square feet), size of proposed expansion (square feet), and any change in the number of parking spaces.                                                                        |  |
| Building details                                                                                                                                                                                                                                                                                |  |
| Exterior elevations, showing building height and describing building materials.                                                                                                                                                                                                                 |  |
| Any other information required by the Zoning Administrator or Planning Commission to demonstrate compliance with other applicable provisions of this ordinance.                                                                                                                                 |  |
| Outside agency permits, or proof of application or initial contact, including but not limited to: Kent County Health Department; Kent County Drain Commission; Kent County Road Commission; Michigan Department of Transportation; Michigan Department of Energy, Great Lakes, and Environment. |  |
| For special land uses, provide responses to standards of approval if special land use not already approved through concept plan review process                                                                                                                                                  |  |
| <b>Private Streets, If Applicable</b>                                                                                                                                                                                                                                                           |  |
| Street cross section, crown height                                                                                                                                                                                                                                                              |  |
| Street layout, easement width, drainage, longitudinal grade                                                                                                                                                                                                                                     |  |
| Street name                                                                                                                                                                                                                                                                                     |  |
| Street signs and traffic control signs                                                                                                                                                                                                                                                          |  |
| Recordable legal instrument(s) describing and granting private street easement(s)                                                                                                                                                                                                               |  |
| Private street maintenance agreement                                                                                                                                                                                                                                                            |  |

## SECTION 35.60 CHECKLIST FOR REZONING

| TABLE 35.60: CHECKLIST FOR REZONING                                                                                           |  |
|-------------------------------------------------------------------------------------------------------------------------------|--|
| <b>General Information</b>                                                                                                    |  |
| Project address and parcel number                                                                                             |  |
| Name and address of the property owner (signature required if owner is not the applicant and applicant is not under contract) |  |
| Name, address, phone number, signature, and email of applicant                                                                |  |
| Survey of property or map                                                                                                     |  |
| Legal property description                                                                                                    |  |
| <b>Supplemental Information</b>                                                                                               |  |
| Project description and brief narrative description of proposal                                                               |  |
| Provide responses to rezoning standards                                                                                       |  |
| Conditional rezoning offer, if applicable                                                                                     |  |

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