

**CHARTER TOWNSHIP OF GAINES
COUNTY OF KENT, MICHIGAN
Ordinance No. 10-01**

At a regular meeting of the Gaines Charter Township Board held at the Township Offices, 8555 Kalamazoo Avenue SE, Caledonia, Michigan, 49316, on the _____ day of _____ 2010, at 7:00 PM.

An Ordinance authorizing text amendments to the *Gaines Charter Township Zoning Ordinance*, per “Section 27.2 – Initiation of Amendments”. The text amendments involve the addition of “Section 20.14 – Temporary Storage Units”, the revision of “Section 21.2(A)(2) – Nonconforming Lots”, the revision of “Chapter 25 – Site Plan Review”, the addition of a definition for “Carport” under “Section 28.2(C), and the addition of a definition for “Temporary Storage Unit” under Section 28.2(T).

The following new and additional Section 20.14 is hereby added to the Gaines Charter Township Zoning Ordinance, as amended, entitled “Temporary Storage Unit”:

Section 20.14 Temporary Storage Unit

Temporary Storage Units (TSUs) are permitted in all Residential and Agricultural districts subject to all of the following requirements and regulations:

- A. No more than one (1) TSU may be located outdoors on a lot at a time.
- B. 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.
- C. The maximum TSU size allowed is 200 square feet.
- D. The maximum TSU height allowed is 8 feet.
- E. All TSU locations must meet the Accessory Building development requirements for setbacks contained in Section 20.2.

The word “*area*” in Section 21.2(A)(2) of the Gaines Charter Township Zoning Ordinance, as amended, regarding nonconforming lots is hereby replaced with the word “*width*”.

“Chapter 25 – Site Plan Review” of the Gaines Charter Township Zoning Ordinance, as amended, is hereby amended to read as follows:

SITE PLAN REVIEW

Section 25.1 Intent and Purpose

The intent and purpose of this Chapter and the site plan review process is to establish a consistent process and uniform standards for reviewing and approving, or rejecting, proposed plans (including, but not limited to, development configurations, uses, buildings, structures, utilities, roads, improvements and other items to be developed, installed, or used) for development or use. The site plan review process is intended to:

- A. Promote high quality site design and implementation.
- B. Conserve and promote natural amenities, features, and resources.
- C. Minimize negative effects on adjacent properties and the community.
- D. Achieve safe and convenient traffic and pedestrian control and movement.
- E. Ensure compliance with the provisions of the Master Plan and this Ordinance and all other applicable Township ordinances, and county, state, and federal laws.

Section 25.2 Applicability

A site plan shall be submitted to the Township for review and approval by the Planning Commission for all of the following:

- A. New commercial, office and industrial uses and buildings.
- B. New multiple-family residential uses and buildings.
- C. New nonresidential uses and buildings in any residential or agricultural district, except agriculture and Agricultural Marketing or Rural Enterprise businesses.
- D. New uses and buildings requiring Special Land Use approval in any district.
- E. New Condominium or Site Condominium Developments in any district.
- F. New Planned Unit Developments and new uses and buildings within Planned Unit Development districts.
- G. New Rural Open Space Community Developments in any district.
- H. New Platted Subdivisions or plats.
- I. New parking areas with 25 or more parking spaces or parking area expansions of 25 parking spaces or greater.
- J. Where otherwise required by this Ordinance.
- K. Any expansion of or any alteration, addition, or changes in or to any of the above-mentioned uses, items or buildings.

Section 25.3 Applications - Submittal Requirements

Unless expressly waived by the Planning and Zoning Department in writing, an applicant shall submit to the Township the following items herein described. The Planning and Zoning Department may deny final acceptance by the Township of any application and site plan until such time as all of the requirements are fulfilled and all required items have been filed with the Township. An application and site plan shall not be deemed complete or ready for Township review until all of the following have been submitted to the Township in complete form. Every request for site plan approval shall include all of the following:

- A. **Application.** A completed application (signed by all owners of the property involved) on a form provided by the Township, including paying all applicable zoning and escrow fees.
- B. **Site Plan.** Three full size, folded and complete Site Plans, drawn to a minimum scale of 1 inch to 50 feet. Site Plans shall be dated with any subsequent revisions noted and shall be signed and sealed by a Michigan licensed professional engineer. In addition, a digital copy in Portable Document Format (PDF) (or in another form as deemed acceptable by the Planning and Zoning Department) of the Site Plan shall also be provided to the Township via electronic mail (e-mail) or via a Compact Disc. Each site plan shall indicate and show all of the following existing and proposed:
 - 1. General plan information, including the name of applicant (and also all of the owner or owners, if different than the applicant), name of the development, location map, north arrow, scale, revision date, and legal description for the property.
 - 2. The zoning of the site and adjacent properties, including zoning district lines where applicable.
 - 3. The location and dimensions of all buildings, structures, and freestanding signs on the lot as well as the distances all buildings, structures, and freestanding signs are set back from property lines and street right-of-way lines.
 - 4. Outside storage areas, with a description of the materials or equipment to be stored and height of stored materials.
 - 5. Dumpsters, including an elevation of the proposed dumpster screening.
 - 6. Lot dimensions.
 - 7. Berms, fences, walls, buffers, and all other screening provisions, with a description of type and character.
 - 8. Access, utility, service road, and all other easements.
 - 9. Location of traffic regulatory and directional signs.

10. Areas intended to remain as open space, common areas, and dedicated items.
 11. Outdoor illumination with lighting fixtures sufficiently identified to demonstrate compliance with this Ordinance.
 12. Streets, labeled by street name. Private roads shall also be shown and clearly labeled as such.
 13. Vehicle accommodation areas (including parking areas, handicapped parking areas, loading areas, and circulation areas), all designated by surface material and showing the dimensions and layouts of proposed parking spaces and the dimensions and direction of travel for lanes, aisles, and driveways.
 14. Sidewalks, trails, and walkways, showing widths and surface material.
 15. Designation of fire lanes.
 16. Curbs and gutters, curb inlets and curb cuts, and drainage grates.
 17. Storm water or drainage facilities with proposed sizes and materials, including manholes, pipes, drainage ditches, retention ponds, and detention ponds.
 18. Indication of site grading drainage patterns, and stormwater management measures.
 19. Location of sanitary sewers and septic systems.
 20. Location and size of water mains, wells, water service and fire hydrants.
 21. Location of gas, electric, telephone lines, and other utilities both above and below ground.
 22. New and existing contour lines with no larger than two-foot contour intervals, resulting from earth movement or grading.
 23. Existing natural features, including wooded areas, streams, ponds, drainage ditches, wetlands, and boundaries of floodways and floodplains, and other natural features.
- C. **Landscape Plan** – See “Section 16.3 – Approval Process” of this Ordinance for required information.
- D. **Photometric Plan** – See “Section 18.5 – Submittal Requirements” of this Ordinance for required information.
- E. **Building Elevations** – Building façade elevations for all sides, including a description of the materials and colors to be used on the building(s).
- F. **Documents and Written Information in Addition to Plans** – The following documents are required, if applicable:

1. Project description including proposed use, floor area by use, existing and proposed building area, area of impervious surfaces, number of dwelling units, and estimated number of employees.
 2. Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person.
 3. Calculations for drainage and stormwater detention/retention.
 4. Calculations for determining required number of parking spaces.
 5. Time schedules for the completion of phases in staged development.
- G. **Development Impact Statement:** The Planning and Zoning Department or the Planning Commission may require the applicant to prepare and submit to the Township a developmental impact statement. It must describe in detail the effects that the proposed development may have and how those effects can be mitigated. The Planning and Zoning Department or the Planning Commission can require that the development impact statement address any or all of the following:
1. Environmental impacts and factors, such as streams, wildlife, rivers, air pollution, wetlands, and the quality of surface and ground waters.
 2. Traffic congestion and impacts.
 3. Lighting, including a photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in foot candles).
 4. Local school systems.
 5. Additional service impacts and other related costs to governmental units, school districts and public safety agencies.
 6. Aesthetic qualities and potential blighting influences upon surrounding properties.
 7. Noise, vibration, dust and dirt, litter, gas smoke, odor, and glare.
 8. Drainage and stormwater impacts.
 9. Surrounding property values.
 11. Sanitation, including water supply and sewage disposal.
 12. Historical structures and places.
 13. Such other matters as the Planning Commission may request to be included.

The developmental impact statement shall, if requested by the Planning and Zoning Department or the Planning Commission, include statements and

comments from relevant public agencies or officials concerning any aspects of the proposed land use within their respective responsibilities and jurisdictions.

- H. Such additional information, plans, or reports as the Planning and Zoning Department, Township Engineer, Township Fire Chief or Planning Commission may request that is reasonably necessary to evaluate the proposed development of the site.

Section 25.4 Review Process – Planning Commission

- A. A preapplication conference with the Planning and Zoning Department, Township Engineer and Township Fire Chief is recommended to obtain information and guidance prior to preparation of site plans. There shall be no fee for such conference.
- B. The application for Site Plan Approval, proposed site development plans, and all other submission requirements, as herein described, and the payment of all fees as established by resolution of the Township Board, must be submitted to the Township.
- C. Following receipt by the Township of a site plan, complete application, and a determination by the Township that all necessary information is present and complete, the request for Site Plan Approval shall be placed on the next Planning Commission regular meeting agenda as provided by the approved application deadlines of the annual meeting schedule. At its next or subsequent meetings, the Planning Commission shall approve, approve with conditions, deny, or table for further revisions or information.
- D. After approval by the Planning Commission, a digital copy in Portable Document Format (PDF) (or in another form as deemed acceptable by the Planning and Zoning Department) of the final approved Site Plan shall be provided to the Township via electronic mail (e-mail) or via a Compact Disc. The Site Plan shall be modified to reflect any conditions attached to the approval by the Township and any required performance guarantees before the applicant will be able to obtain a building permit.
- E. Upon receiving notice of an approved site plan, the applicant may apply for a building permit.

Section 25.5 Administrative Site Plan Approval

Minor changes to a previously approved site plan, or new site plans, may be approved administratively by the Planning and Zoning Department, in consultation with the Township Engineer and Township Fire Chief, provided that the site plan complies with all applicable requirements of this Ordinance and all other Township regulations and state

law. The Planning and Zoning Department may approve a site plan, or approve minor changes to an approved site plan, for the following:

- A. Additions to existing buildings that do not exceed 5,000 square feet or twenty-five (25) percent of the existing gross floor area, whichever is smaller.
- B. A building or structure which does not exceed 5,000 square feet of gross floor area and for any use which does not require a Special Land Use approval, as provided by Chapter 19 of this Ordinance.
- C. The moving of a building or structure no more than ten (10) feet or five (5) percent of the distance to the closest property line, whichever is smaller.
- D. A decrease in the number, height, or size of buildings.
- E. Changes made to exterior materials, if the changes provide for the use of materials of equal or higher quality than those originally approved, as determined by the Planning and Zoning Department.
- F. A revision in floor plans, if consistent with the character of the use.
- G. An increase or expansion of areas designated on the approved Site Plan as "not to be disturbed."
- H. The substitution of plant materials included in the approved Site Plan, provided they are substituted with similar types of landscaping on a 1-to-1 or greater basis, as determined by the Planning and Zoning Department.
- I. Minor alterations made to access and circulation systems, such as the addition of acceleration/deceleration lanes, boulevards, curbing, or sidewalks/bicycle paths.
- J. The substitution, addition or deletion of outdoor lighting fixtures.
- K. A reduction in the size of signs, or an increase in sign setbacks.
- L. The internal rearrangement of parking spaces in a parking lot, if the total number of parking spaces remains sufficient and circulation hazards or congestion are not created by the redesign as determined by the Planning and Zoning Department.
- M. A change in the name of the approved project or in the names of streets within the project.
- N. A decrease in the number of lots or units.
- O. Any approvals expressly delegated to the Planning and Zoning Department by the Planning Commission.
- P. Other similar changes of a minor nature proposed to be made to the configuration, design, layout or topography of the use which are deemed by the Zoning Administrator to be not material or significant in relation to the entire use and which the Zoning Administrator determines would not have any

significant adverse effect on adjacent or nearby lands or the public health, safety or welfare.

The Planning and Zoning Department may decline to review a minor change to a previously approved site plan, or new site plans, and instead refer the matter to the Planning Commission for final action.

Any applicant aggrieved by the decision of the Planning and Zoning Department in granting administrative site plan approval or denial may appeal the decision to the Planning Commission. The appeal must be in writing and shall be filed with the Township within twenty-one (21) days of the date when the decision was made by the Planning and Zoning Department.

Section 25.6 Site Plan Review Standards

The following are the standards for site plan review. No site plan shall be approved unless all of the following standards are met:

- A. **Adequacy of Information:** Whether the required information has been furnished in sufficiently complete and understandable form so as to allow an accurate description of the proposed use(s) and structure(s) in terms of density, location, area, height, bulk, placement, setbacks, performance characteristics, parking, and traffic circulation.
- B. **Compliance with Township Master Plan:** The site plan must comply with the Township Master Plan and its goals and objectives and any secondary plans that may have been adopted by the Township for the area containing the site.
- C. **Compliance with all Township Ordinances and Other Laws:** The site plan must comply with the standards of this Ordinance and all other applicable Township ordinances, as well as all county, state, and federal regulations and laws.
- D. **Configuration of Uses:** Whether there are ways in which the configuration of uses and structures could be changed that would improve the effect of the development on adjoining and nearby properties, persons, activities, and on the community, while allowing reasonable use of the property within the scope of district regulations and other regulations of this Ordinance that are applicable to the property and the proposed use and structures.
- E. **Preservation of Natural Features:** The landscape, natural features, and topography shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and alteration of natural features, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
- F. **Privacy:** The site design must provide reasonable visual and sound screening and privacy for dwelling units on the site and on adjacent properties using fences, buffers, berms, and other measures, as appropriate.

- G. **Safety:** Buildings and uses shall be arranged and designed to provide emergency vehicle access. Site plans shall conform to all applicable fire codes.
- H. **Vehicular Circulation:** The site design shall provide safe, convenient, and well defined vehicular and pedestrian circulation within and to/from the site. Access to/from the site shall be designed to minimize conflicts with traffic on adjacent streets. Shared curb cuts and service drives shall be utilized as necessary to reduce traffic conflicts and improve the functionality of the site.
- I. **Pedestrian Circulation:** The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system for safety and convenience.
- J. **Drainage:** Site plans shall conform with the Kent County Drain Commission's surface water drainage standards and to the Township Stormwater Ordinance (and other applicable Township ordinances) with special attention given to proper site drainage so that removal of storm water will not adversely affect neighboring property owners. Stormwater management system and facilities shall preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible.
- K. **Traffic Impact:** Measures must be taken to reduce any adverse effects on existing roads, circulation patterns on the roads, or access to the site from the expected volume of traffic to be generated by the proposed use.
- L. **Hazardous Materials:** Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby surface water bodies. Each site shall be designed to meet all applicable state and federal regulations.
- M. **Public Health, Safety, or Welfare:** The site plan must be adequate to provide for the health, safety, and general welfare of the persons and property on this site and in the neighboring community. The site plan and proposed buildings and uses must be reasonable and promote the goals and intent of this Ordinance. All elements of the site plan shall be designed to take into account the site's topography, the size and type of lot involved, the character of the adjoining properties, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding properties for uses permitted in this Ordinance. The site plan must be harmonious with and not injurious to existing and projected uses in the immediate area.

Section 25.7 Conditions

Reasonable conditions may be attached by the Planning Commission or the Planning and Zoning Department to the approval of a site plan. The conditions may include, but are not limited to, conditions necessary to:

- A. Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- B. Protect the natural environment and conserve natural resources and energy.
- C. Ensure compatibility with adjacent uses of land.
- D. Ensure compatibility with this Ordinance and other applicable ordinances.
- E. Promote the use of land in a socially and economically desirable manner.

The conditions imposed with respect to the approval of a site plan shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual express and written consent of the Township body or committee which approved the original site plan and the landowner. The Township shall maintain a record of conditions which are changed.

Section 25.8 Changes in an Approved Site Plan

- A. All uses, buildings, structures, signs, items, and activities shall comply fully and completely with the approved site plan for the property involved. Any deviation from an approved site plan or violation of a site plan or its conditions shall constitute a violation of this Ordinance. No use, structure, building, item, or activity which requires site plan approval shall commence, be constructed, or occur prior to formal final site plan approval by the Township.
- B. All requirements of this Ordinance, and any other applicable Township ordinance, standard, specification or regulation shall be complied with even if not specifically included or referenced in an approved site plan or this Chapter.
- C. An approved site plan (and any conditions attached thereto) shall remain unchanged and fully binding on the land involved (as well as all owners and the applicant if different than the landowner) except upon the mutual express and written consent of both the landowner and the Township body which approved the original site plan (except for those limited circumstances where the Planning and Zoning Department can consent to a site plan change under this Ordinance, and both the landowner and such Township official consent to the change in writing). Any purported change to an approved site plan (and/or any conditions attached thereto) which is not in a writing executed by the appropriate Township body, committee, or official, and the landowner is invalid.

Section 25.9 Site Plan Approval – Duration of Validity

- A. Site plan approval shall automatically expire one (1) year after the date of approval or from the date of issuance of the building permit if the building permit is issued within one year of the site plan approval.

Section 25.10 Limitations on Variances

Neither the denial of a site plan nor any aspect of an approved site plan (including conditions) is appealable to the Zoning Board of Appeals. However, the Planning Commission may, at its discretion, approve a site plan contingent upon a variance being obtained from the Zoning Board of Appeals for one or more area, size, or dimensional requirements of this Ordinance.

In addition, the following definitions are hereby added or amended in Chapter 28 of the Gaines Charter Township Zoning Ordinance, as amended:

Carport: A roofed structure, shelter, or portion of a building with one (1) or more posts, poles, or columns supporting the roof or top or with one (1) or more enclosed sides, of which the primary purpose is for the permanent or temporary storage of vehicles. Attached carports shall comply with the development standards of the building to which the carport is attached. Freestanding carports shall comply with the Accessory Building development standards of Section 20.2.

Temporary Storage Unit (TSU): A moveable container used or designed for the temporary storage and/or transportation of personal property, household goods, or other materials or items.

A motion was made to adopt the foregoing ordinance by Township Board Member _____ and supported by Township Board Member _____, the vote being as follows:

YEAS:

NAYS:

ABSENT/ABSTAIN:

ORDINANCE DECLARED ADOPTED.

Donald R. Hilton, Sr., Supervisor
Charter Township of Gaines

Crystal Osterink, Clerk
Charter Township of Gaines

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance introduced by the Township Board of the Charter Township of Gaines, County of Kent, State of Michigan at a meeting held on **Monday**, _____, _____, **2010**, and adopted by the Township Board of the Charter Township

of Gaines, County of Kent, State of Michigan, at a meeting held on **Monday, _____, _____, 2010**. I further certify that public notice of said meetings were given pursuant to the Open Meetings Act, being Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

Crystal Osterink, Clerk
Charter Township of Gaines

CERTIFICATE OF POSTING

I, Crystal Osterink, Township Clerk of the Charter Township of Gaines, County of Kent, State of Michigan, hereby certify that a notice of introduction of **Ordinance No. 10-01** was published in the *Southeast Advance* and the *Southwest Advance* on **Tuesday, _____, _____, 2010**, with the complete text of the ordinance located in the Clerk's office and on the Township website at www.gainestownship.org. Furthermore, a notice of adoption of the ordinance was published in the *Southeast Advance* and the *Southwest Advance* on **Tuesday, _____, _____, 2010**, within fifteen (15) days after its adoption, with the complete text of the ordinance located in the Clerk's office and on the Township website at www.gainestownship.org.

Crystal Osterink, Clerk
Charter Township of Gaines