

**GAINES CHARTER TOWNSHIP  
KENT COUNTY, MICHIGAN  
(ORDINANCE NO. \_\_\_\_)**

At a \_\_\_\_\_ meeting of the Township Board for Gaines Charter Township held at the Township offices on \_\_\_\_\_, 2020, beginning at \_\_\_\_ p.m., the following Ordinance was offered for adoption by Township Board Member \_\_\_\_\_, and was seconded by Township Board Member \_\_\_\_\_:

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF  
GAINES CHARTER TOWNSHIP TO ALLOW FOR REDUCED  
FRONT AND SIDE SETBACKS IN THE RL-10 AND R-3 ZONING  
DISTRICTS FOR PROPERTIES IN SECTIONS 6 AND 7 OF THE  
TOWNSHIP THROUGH THE SPECIAL LAND USE PROCESS.**

THE CHARTER TOWNSHIP OF GAINES (the “Township”) ORDAINS:

**Section 1.** Chapter 4. Chapter 4 of the Gaines Charter Township Zoning Ordinance is amended to include a new Section 4.20 titled “Setback Averaging,” and shall read in its entirety as follows:

**Section 4.20 Setback Averaging**

- A. *Intent.* This section intends to allow for the reduction of the minimum front and side building setbacks within specified established neighborhoods to allow new single-family detached and two-family dwellings, garages, ~~and~~ accessory buildings, and additions to existing dwellings to be placed on sites in a manner similar to the prevailing historic development pattern of the block. This section acknowledges that many existing ~~buildings-dwellings~~ within the specified areas do not conform to the required minimum front and side setbacks. As such, the setback averaging provision will allow landowners to minimize the potential for inconsistency between new dwellings ~~and accessory buildings~~ and the physical character of existing neighborhoods due to the prevalence of nonconforming ~~dwellingsbuildings~~.
- B. *Applicability.* This section applies to lots and parcels located within the RL-10 and R-3 zoning districts in Sections 6 and 7 of the Township and that are also within blocks with established building patterns that consistently vary from current setback requirements of Sections 6.3 and 7.3 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, ~~and additions to existing dwellings~~, garages, ~~and~~ accessory buildings, and additions to existing dwellings as determined by the average of the setbacks of residential buildings on adjoining and nearby properties.
- C. *Process.* An applicant may seek setback reductions authorized by this section through the special land use process.

D. *Method for Determining Setbacks.* The following process shall be used to determine the allowable setback range for a property based on averaging:

1. 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.
2. 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 dwelling-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 dwelling building be less than the lowest of the front and/or side setbacks used to determine the average.
3. 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.
4. 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 house-dwelling setbacks may be used to average a house dwelling setback.

E. *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 19.8. Based on the review of the proposal against Section 19.8, 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.

**Section 2.** Chapter 6. Chapter 6 of the Gaines Charter Township Zoning Ordinance is amended add the setback averaging provision reference in Section 6.3 Development Standards, and Section 6.3 shall read in its entirety as follows:

**Section 6.3 Development Standards**

Development Standard	Zoning District	
	RL-14	RL-10
<b>Lot Size</b>		
<b>Single Family</b>	14,000 square feet	10,000 square feet
<b>Single Family</b> (without public sewer)	21,780 square feet	21,780 square feet
<b>Two-Family</b>	n/a	12,000 square feet
<b>Two-Family</b> (without public sewer)	n/a	35,000 square feet

Lot Width		
Single Family	80 feet	80 feet
Single Family (without public sewer)	100 feet	100 feet
Two-Family	n/a	80 feet
Two-Family (without public sewer)	n/a	150 feet
Setbacks		
Front Yard Setback	35 feet	
Rear Yard Setback	35 feet	
Side Yard Setback	8 feet	
Reduced front and side setbacks may be authorized in RL-10 through the special land use process for properties within Sections 6 and 7 of the Township. See Section 4.20 Setback Averaging.		
Building Requirements		
Minimum Floor Area	Single Family dwellings	<ul style="list-style-type: none"> <li>• One story with full basement: 1080 square feet on first floor.</li> <li>• Two story with full basement: 650 square feet on the first floor above grade and 1200 square feet total above grade.</li> <li>• All other units (including bi-level and tri-levels): 1200 square feet total living area (includes basement).</li> </ul>
	Two Family Dwellings	<ul style="list-style-type: none"> <li>• One story: 720 square feet per dwelling unit.</li> <li>• More than one story: 820 square feet per dwelling unit.</li> </ul>
Maximum Building Height		35 feet or 2.5 stories, whichever is less.

Residential Accessory Buildings		
Total Building Area	Under 200 Square feet	200 Square feet or larger
Front Yard	Not Permitted	Not Permitted
Rear Yard	0 feet	3 feet
Side Yard	3 feet	8 feet
Maximum Area	1.5 % of the total lot area or 1,200 square feet, whichever is less. <i>A Special Use Permit may be available for structures above 1,200 square feet; See Section 20.2</i>	
Maximum Height	16 feet, as measured in Section 2.3 (D)	
Additional Standards	<p>a. <b>Principal Dwelling:</b> There must be a principle dwelling, or on under substantial construction, on the lot for an accessory building to be permitted.</p> <p>b. <b>Architectural Character:</b> The architectural character of all accessory buildings shall be compatible with and similar to the principle building.</p>	

**Section 3.** Chapter 7. Chapter 7 of the Gaines Charter Township Zoning Ordinance is amended add the setback averaging provision reference in Section 7.3 Development Standards, and Section 7.3 shall read in its entirety as follows:

**Section 7.3 Development Standards for the “R-3” Zoning District**

Development Standard	Zoning District
	R-3
<b>Minimum Lot Size (square feet)</b>	
Single Family,	10,000
Single Family (without public sewer)	21,780
Two-Family	10,000
Three Units	15,000
Four Units	19,000
Five Units	22,500
Six units	25,500
Seven units	28,000
Eight units	30,000
Nine units	33,300
Ten units	36,000
Eleven units	38,500
Twelve units	40,800
Thirteen units	42,900
Fourteen units	44,800
Fifteen units	46,500
Sixteen units	48,000
<b>Minimum Lot Width (feet)</b>	
Single Family	80
Single Family (without public sewer)	100
Two-Family	80
Three to Eight Unit	100
Nine to Sixteen Units	150
<b>Minimum Setbacks (feet): One and Two Family</b>	
Front	35
Side	8
Street Side	35
Rear	35
Reduced front and side setbacks may be authorized through the special land use process for properties within Sections 6 and 7 of the Township. See Section 4.20 Setback Averaging.	
<b>Minimum Setbacks (feet): Multiple Family</b>	
Front	35
Side	20
Street Side	35
Rear	50
<b>Minimum Floor Area Requirements</b>	
Single-family dwellings	<ul style="list-style-type: none"> <li>• One story with full basement: 1080 square feet on first floor.</li> <li>• Two story with full basement: 650 square feet on the first floor above grade and 1200 square feet total above grade.</li> <li>• All other units (including bi-level and tri-levels): 1200 square feet total living area (includes basement).</li> </ul>
Multi Family Dwellings	<ul style="list-style-type: none"> <li>• One story: 720 square feet per dwelling unit.</li> <li>• More than one story: 820 square feet per dwelling unit.</li> </ul>

Development Standard	Zoning District
	R-3
Maximum Building Height	35 feet or 2.5 stories, whichever is less.

**Section 4.** Effective Date. This Ordinance shall become effective seven (7) days after a summary is published in a newspaper of general circulation within the Township.

The vote in favor of this Ordinance was as follows:

YEAS: \_\_\_\_\_  
 \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT/ABSTAIN: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED

**CERTIFICATION**

I hereby certify that the above is a true copy of an ~~emergency~~ Ordinance adopted by the Township Board for Gaines Charter Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

By \_\_\_\_\_  
 Michael Brew  
 Gaines Charter Township Clerk