

**PROPOSED ZONING ORDINANCE AMENDMENTS:
AGRITOURISM, SOLAR ENERGY SYSTEMS, ECHO HOUSING
AND NEW MIXED-USE DISTRICT**

Prepared by Wade Trim, July 2, 2019

Public Hearing DRAFT

**TOWNSHIP OF GAINES
COUNTY OF GENESEE
STATE OF MICHIGAN**

AGRITOURISM AMENDMENTS

Proposed text inserts to add zoning regulations to regulate farm market stands and various agritourism businesses including hayrides, corn mazes, petting zoos, rental of farm buildings, and other similar uses.

INSERT four new definitions in alphabetical order into Section 2.02 DEFINITIONS

Agritourism Enterprise: A farm enterprise operated for the enjoyment and education of the public that may also generate additional farm income by promoting farm products.

Agritourism enterprises are further classified as follows:

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

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

Roadside Stand: ~~Retail outlets with all related structures primarily for the sale of farm produce grown on the farm upon which such stand is located.~~ **See Farm Market**

REVISE existing Section 3.23 TEMPORARY USES Subsection C.

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

A. ***[no changes proposed]***

B. ***[no changes proposed]***

C. ~~Seasonal fruit and vegetable stands, Commercial sidewalk, and/or tent sales, and Christmas tree and firewood sales, and other similar outdoor retail sales,~~ shall be reviewed and approved by the Building Official, provided they **not** exceed thirty (30) days in duration.

REVISE existing use E. of ARTICLE IV 4.02 USES PERMITTED (PRIME AGRICULTURAL DISTRICT AG-1)

E. ~~Agribusiness uses such as farmers markets, fruit or vegetable stands, or roadside stands for the sale of goods produced on site~~ **Agritourism Enterprise, Class I**, subject to Article XV.

INSERT new use T to ARTICLE IV 4.02 USES PERMITTED (PRIME AGRICULTURAL DISTRICT AG-1)

T. **Farm markets subject to Article XV.**

[re-letter all subsequent sections accordingly]

INSERT new use K. to ARTICLE IV 4.03 CONDITIONAL USES PERMITTED (PRIME AGRICULTURAL DISTRICT AG-1)

K. **Agritourism Enterprise, Class II, subject to Article XV.**

[re-letter all subsequent sections accordingly]

REVISE existing use E. to ARTICLE V 5.02 USES PERMITTED (AGRICULTURAL ESTATE DISTRICT AG-2)

E. ~~Agribusiness uses such as farmers markets, fruit or vegetable stands, or roadside stands for the sale of goods produced on site~~ **Agritourism Enterprise, Class I**, subject to Article XV.

INSERT new use P to ARTICLE V 5.02 USES PERMITTED (AGRICULTURAL ESTATE DISTRICT AG-2)

P. Farm markets subject to Article XV.

[re-letter all subsequent sections accordingly]

INSERT new use J. to ARTICLE V 5.03 CONDITIONAL USES PERMITTED (AGRICULTURAL ESTATE DISTRICT AG-2)

J. Agritourism Enterprise, Class II, subject to Article XV.

[re-letter all subsequent sections accordingly]

INSERT new use H to ARTICLE VI 6.02 USES PERMITTED (RURAL RESIDENTIAL RR DISTRICT)

H. Farm markets subject to Article XV.

[re-letter all subsequent sections accordingly]

[Wade Trim Note: Section 7.02 (RS District) allows any principal use allowed within Section 6.02 of the RR District; thus, this amendment would also result in allowing Farm Markets within the RS District.]

INSERT new use I. to ARTICLE VI 6.02 USES PERMITTED (RURAL RESIDENTIAL RR District)

I. Agritourism Enterprise, Class I, subject to Article XV.

[re-letter all subsequent sections accordingly]

[Wade Trim Note: Section 7.02 (RS District) allows any principal use allowed within Section 6.02 of the RR District; thus, this amendment would also result in allowing Class I Agritourism Enterprises within the RS District.]

INSERT new use N. to ARTICLE VI 6.03 CONDITIONAL USES PERMITTED (RURAL RESIDENTIAL RR District)

N. Agritourism Enterprise, Class II, subject to Article XV.

[re-letter all subsequent sections accordingly]

INSERT new use J. to ARTICLE VII 7.03 CONDITIONAL USES PERMITTED (RESIDENTIAL SUBURBAN RS District)

J. Agritourism Enterprise, Class II, subject to Article XV.

[re-letter all subsequent sections accordingly]

DELETE existing EEE Roadside Stand from ARTICLE XV SECTION 15.01 (SITE DEVELOPMENT REQUIREMENTS) and RESERVE SUBSECTION FOR FUTURE USE

EEE. ~~Roadside Stand:~~ Reserved

- ~~1. The gross floor area of the temporary building shall be not less than fifty (50) square feet but not more than two hundred fifty (250) square feet.~~
- ~~2. Suitable containers for rubbish shall be placed on the premises for public use.~~
- ~~3. The temporary building shall be located not less than twenty five (25) feet from the public road right of way. Its height shall be no more than one (1) story.~~
- ~~4. Temporary buildings utilized as roadside stands shall be reviewed and approved by the Building Official before occupancy.~~
- ~~5. Off street parking shall be provided.~~

INSERT new SSS Farm Markets to ARTICLE XV SECTION 15.01 (SITE DEVELOPMENT REQUIREMENTS)

SSS. Farm Markets:

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

- 1. At least fifty (50) percent of the products marketed and offered for sale at a farm market (measured as an average over the farm market's marketing season or up to a five-year timeframe) must be grown or produced on and by the affiliated farm. For purposes of this requirement, affiliated means a farm under the same ownership or control (e.g. leased) as the farm market whether or not the farm market is located on the property where production occurs.**
 - a. For purposes of determining the percentage of products being marketed, the primary measure will be fifty (50) percent of the retail space used to display products offered for retail sale during the affiliated farm's marketing season. If measurement of retail space during the marketing season is not feasible, then the percent of the gross sales dollars of the farm market will be used, as follows:**
 - 1.) At least fifty (50) percent of the gross sales dollars of products sold at the farm market need to be from products grown or produced on and by the affiliated farm. For processed products, at least fifty (50) percent of the products' main "namesake" ingredient must be produced on and by the affiliated farm. For**

example, the apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.

2. Retail sales subordinate and related to the farm market may be allowed, provided such sales comprise no more than fifty (50) percent of the products offered.
3. On-site vehicle parking shall be provided on the farm market property in an amount sufficient to accommodate the reasonably anticipated number of farm market patrons. The on-site parking shall be arranged so as to avoid the accumulation of parked cars on nearby streets. Parking and driveway surfaces may be vegetative, pervious surface or hard surface.
4. Farm market buildings equal to or less than two-hundred (200) square feet in size shall be located not closer than fifteen (15) feet from the street right of way line or any other property line. Farm market buildings greater than two-hundred (200) square feet in size shall comply with the minimum required setback distances for the district in which such building is located.
5. Signs shall comply with the requirements of Article XVI.
6. A zoning permit is not required for a farm market with a sales area equal to or less than two-hundred (200) square feet and which does not include permanent structures. Such farm markets must adhere to all other requirements of this Section.

INSERT new TTT Agritourism Enterprises, Class I, to ARTICLE XV SECTION 15.01 (SITE DEVELOPMENT REQUIREMENTS)

TTT. Agritourism Enterprises, Class I:

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

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

the area and location to be used; the amount of off-street parking area; the setback from the street right-of-way line and property lines; the setback from any buildings on the site; the specific location of the elements of the use; and other information required by the Building Official.

- b. A written narrative describing the use in detail, including the proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; and other information describing the use and which will assist the Building Official in determining whether the application should be approved.
5. If the proposed Class I Agritourism Enterprise would cause undue impacts to surrounding properties related to drainage, traffic, noise, or other general health and safety issues, as determined by the Building Official, review and approval by the Planning Commission as a Conditional Use in accordance with Article XIX shall be required.

INSERT new UUU Agritourism Enterprises, Class II, to ARTICLE XV SECTION 15.01 (SITE DEVELOPMENT REQUIREMENTS)

UUU Agritourism Enterprise, Class II

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

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

6. The Fire Marshall or Building Official shall establish a maximum capacity for meetings, training, educational or similar events which shall be appropriate to the site and facilities in terms of safe capacity in buildings, parking area and sanitation limitations of the site.
7. The Planning Commission may establish hours of operation for Class II agritourism enterprises, or specific elements thereof, consistent with the character of the land uses in the vicinity, and may further approve an enforcement mechanism to ensure that the established hours of operation are adhered to.
8. Class II agritourism enterprises shall have frontage on a public road.
9. The Planning Commission shall solicit comments on the site plan from the Fire Marshall and Building Official related to compliance with applicable safety and building codes.
10. The applicant shall secure and maintain all required state and local permits, including but not limited to, public health and building code requirements.

SOLAR ENERGY SYSTEMS AMENDMENTS

Proposed text inserts to add zoning regulations to regulate large and small solar energy systems.

INSERT six new definitions in alphabetical order into Section 2.02 DEFINITIONS

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

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

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

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

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

system is equal to or greater than 1 megawatt. Large scale solar energy systems may be a primary or an accessory use.

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

INSERT new Section 3.45 (Building Integrated Photovoltaic Systems) to Article III (General Provisions)

Sec. 3.45 Building Integrated Photovoltaic Systems:

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

INSERT new use S. Solar Energy Systems, Small Scale to ARTICLE IV 4.02 USES PERMITTED (PRIME AGRICULTURAL DISTRICT AG-1)

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

[re-letter all subsequent sections accordingly]

INSERT new use J. Solar Energy Systems, Large Scale to ARTICLE IV 4.03 CONDITIONAL USES PERMITTED (PRIME AGRICULTURAL DISTRICT AG-1)

J. Large Scale Solar Energy Systems subject to Article XV.

[re-letter all subsequent sections accordingly]

INSERT new use O. Solar Energy Systems, Small Scale to ARTICLE V 5.02 USES PERMITTED (AGRICULTURAL ESTATE DISTRICT AG-2)

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

[re-letter all subsequent sections accordingly]

INSERT new use M. Solar Energy Systems, Small Scale to ARTICLE VI 6.03 CONDITIONAL USES PERMITTED (RURAL RESIDENTIAL DISTRICT RR)

- M. Small Scale Solar Energy Systems subject to Article XV.**

[re-letter all subsequent sections accordingly]

INSERT new use I. Solar Energy Systems, Small Scale to ARTICLE VII 7.03 CONDITIONAL USES PERMITTED (RESIDENTIAL SUBURBAN DISTRICT RS)

- I. Small Scale Solar Energy Systems subject to Article XV.**

[re-letter all subsequent sections accordingly]

INSERT new use G Solar Energy Systems, Small Scale to ARTICLE VIII 8.03 CONDITIONAL USES PERMITTED (MULTIPLE FAMILY DISTRICT RM)

- G. Small Scale Solar Energy Systems subject to Article XV.**

INSERT new use C Solar Energy Systems, Small Scale to ARTICLE IX 9.03 CONDITIONAL USES PERMITTED (MOBILE HOME PARK DISTRICT MHP)

- C. Small Scale Solar Energy Systems subject to Article XV.**

INSERT new use #34 Solar Energy Systems, Small Scale to ARTICLE X 10.02 USES PERMITTED (OFFICE/COMMERCIAL DISTRICT – C-1)

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

INSERT new use #31. Solar Energy Systems, Small Scale to ARTICLE XI 11.02 USES PERMITTED (NEIGHBORHOOD COMMERCIAL DISTRICT – C-2)

- 31. Small Scale Solar Energy Systems subject to Article XV.**

[re-number all subsequent sections accordingly]

INSERT new use JJ. Solar Energy Systems, Small Scale to ARTICLE XII 12.02 USES PERMITTED (GENERAL COMMERCIAL DISTRICT – C-3)

- JJ. Small Scale Solar Energy Systems subject to Article XV.**

[re-letter all subsequent sections accordingly]

INSERT new use S. Solar Energy Systems, Small Scale to ARTICLE XIII 13.02 USES PERMITTED (LIGHT MANUFACTURING DISTRICT – M-1)

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

[re-letter all subsequent sections accordingly]

INSERT new QQQ Solar Energy Systems, Small Scale to ARTICLE XV SITE DEVELOPMENT REQUIREMENTS

QQQ SMALL SCALE SOLAR ENERGY SYSTEMS:

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

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

RRR LARGE SCALE SOLAR ENERGY SYSTEMS:

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

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

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

- f) **Lighting:** Provide plans showing all lighting within the facility. No light may adversely affect adjacent parcels. Site lighting shall not exceed 0.1 footcandles when adjacent to residentially used property or 1.0 footcandles on any other property.
- g) **Transportation Plan:** Provide a proposed access plan during construction and operational phases. Show proposed project service road ingress and egress locations onto adjacent roadways and the layout of the facility service road system. Due to infrequent access following construction, it is not required to pave or curb the solar panel access drive.
- h) **Public Safety:** Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the general public that may be created.
- i) **Sound Limitations:** Identify noise levels at the property lines of the project when completed and operational.
- j) **Telecommunications Interference:** Identify any electromagnetic fields and communications interference that may be generated by the project.
- k) **Abandonment and Decommissioning:** Following the operational life of the project, or at the time the project becomes obsolete or an abandoned solar energy system, as determined by the Township Building Official or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the large scale solar energy system and all its components. The Applicant shall prepare a Decommissioning Plan and submit it to the Planning Commission for review and approval prior to issuance of the Conditional Use Review Permit. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. Any solar array or combination of photovoltaic devices that become an abandoned solar energy system shall be removed under the Decommissioning Plan. The ground must be restored to its original condition within 180 days of becoming an abandoned solar energy system, or decommissioning, whichever occurs first. If decommissioning is not completed within a 180-day period, the Township Board shall have the authority to complete any decommissioning and restoration activities necessary to restore the property to the condition in existence prior to the installation of the large scale solar energy system or any components thereof. Any costs incurred by the Township in pursuing such activities shall be at the expense of the applicant. The Decommissioning Plan shall include the life of the project, estimated decommissioning costs net of salvage value in current dollars, and method of ensuring that funds will be available for decommissioning and restoration.
- l) **Continuing Security:** If any large scale solar energy system is approved for construction under this Section, the applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Township and applicant. The amount shall be reasonably sufficient to restore the

property to its previous condition prior to construction and operation of the large scale solar energy system. Such financial security shall be kept in full force and effect during the entire time that the large scale solar energy system exists or is in place, and such financial security shall be irrevocable and non-cancelable.

- (1) **Continuing Obligations:** Failure to keep any required financial security in full force and effect at all times while a large scale solar energy system exists or is in place shall constitute a material and significant violation of the Conditional Use Permit and this Ordinance, and will subject the large scale solar energy system, applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Conditional Use Review Permit.
- m) **Transfer of Ownership/Operation:** Prior to a change in the ownership or operation a large scale solar energy system, including, but not limited to, by the sale or lease of that system or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the large scale solar energy system, and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the large scale solar energy system shall not be permitted to operate that system until compliance with the terms of this Ordinance has been established.
- n) **Township Review:** Because of the ever-changing technical capabilities of the photovoltaic solar panels and of new technology in general, the Township Planning Commission shall have the authority to review and consider alternatives to both the dimensional and physical requirements in this Section as a part of the conditional use review process.

ECHO HOUSING AMENDMENTS

Proposed text amendments related to Echo Housing (Elderly Citizen Housing Option).

REVISE existing Section 3.21 ECHO HOUSING (ELDERLY CITIZEN HOUSING OPTION)

Sec. 3.21 Echo Housing (Elderly Citizen Housing Option): The temporary placement of one mobile home upon the same lot as a single-family dwelling, with the intent of providing temporary living quarters for a related senior citizen or disabled relative **or to be used as temporary living quarters for a caretaker of a related senior citizen or disabled relative living in the single-family dwelling**, must be approved by the Board of Zoning Appeals. ~~When the need for the temporary living quarters is determined to be no longer necessary, the quarters shall be removed within thirty (30) days from the end of the need. All provisions of this section must be approved by the Board of Zoning Appeals.~~ , **subject to the following:**

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

NEW MIXED-USE DISTRICT TEXT AND MAP AMENDMENTS

Proposed text and map amendments adding a new mixed-use zoning district that would primarily accommodate residential use, but which would allow limited office and commercial uses. This district is intended to protect existing residential uses while allowing for the opportunity to transition to compatible public and institutional uses and limited office and service uses. Please refer to the enclosed Proposed Zoning Amendments Map showing the properties proposed to be included within this new mixed-use district.

ADD new Article IX-A MIXED USE DISTRICT

ARTICLE IX-A MIXED-USE DISTRICT (MXD)

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

- Sec. **9A.01 Purpose:** The Mixed-Use District is intended to provide for a range of housing types and a limited amount of compatible nonresidential use along the Miller Road frontage, west of the City of Swartz Creek. This District is intended to protect existing

residential uses while allowing for the opportunity to transition to compatible public and institutional uses and limited office and service uses. Nonresidential uses should be limited in size, serving the office and service needs of residents of the surrounding area and travelers along the corridor. This District is intended to be serviced by public sanitary sewer and water infrastructure.

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

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

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

- A. Adult foster care small group homes for seven (7) to twelve (12) residents subject to Article XV.
- B. Adult foster care large group homes consisting of thirteen (13) to twenty (20) residents subject to Article XV.
- C. Business and professional office uses subject to Section 10.02(A), and business activities of a local or neighborhood character subject to Section 10.02(B), provided that:
 - 1. Such uses shall be conducted within an enclosed building only.
 - 2. When adjacent to a residential use or district, a greenbelt buffer shall be provided.
 - 3. Lighting shall be down shielded away from neighboring uses.
 - 4. Access shall be by means of paved public roads. No access shall be provided by subdivision or site condominium streets.

- D. Cemeteries, subject to Article XV.
 - E. Churches, synagogues, and other places of worship, subject to Article XV.
 - F. Convalescent or nursing homes subject to Article XV.
 - G. Day care centers, child care centers, nursery schools, day nurseries subject to Article XV.
 - H. Elderly housing and congregate care facilities subject to Article XV.
 - I. Group day care homes subject to Article XV.
 - J. Multiple-family developments (including townhouses) subject to Article XV.
 - K. Planned unit developments subject to Article XV.
 - L. Public and private schools subject to Article XV.
 - M. Accessory buildings, structures, and uses customarily incidental to any of the above conditional uses.
- Sec. 9A.04 Parking: Except as otherwise provided in this Ordinance, parking areas as required in Article XVII shall be provided.
- Sec. 9A.05 Area: Minimum lot area shall be as provided in Section 14.01 except as otherwise provided in this Ordinance.
- Sec. 9A.06 Front Yard: Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.
- Sec. 9A.07 Side Yard: Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.
- Sec. 9A.08 Rear Yard: Except as otherwise provided in this Ordinance, the setback provisions of Section 14.01 shall apply.
- Sec. 7.09 Height of Structures: Except as otherwise provided in this Ordinance, the height provisions of Section 14.01 shall apply.

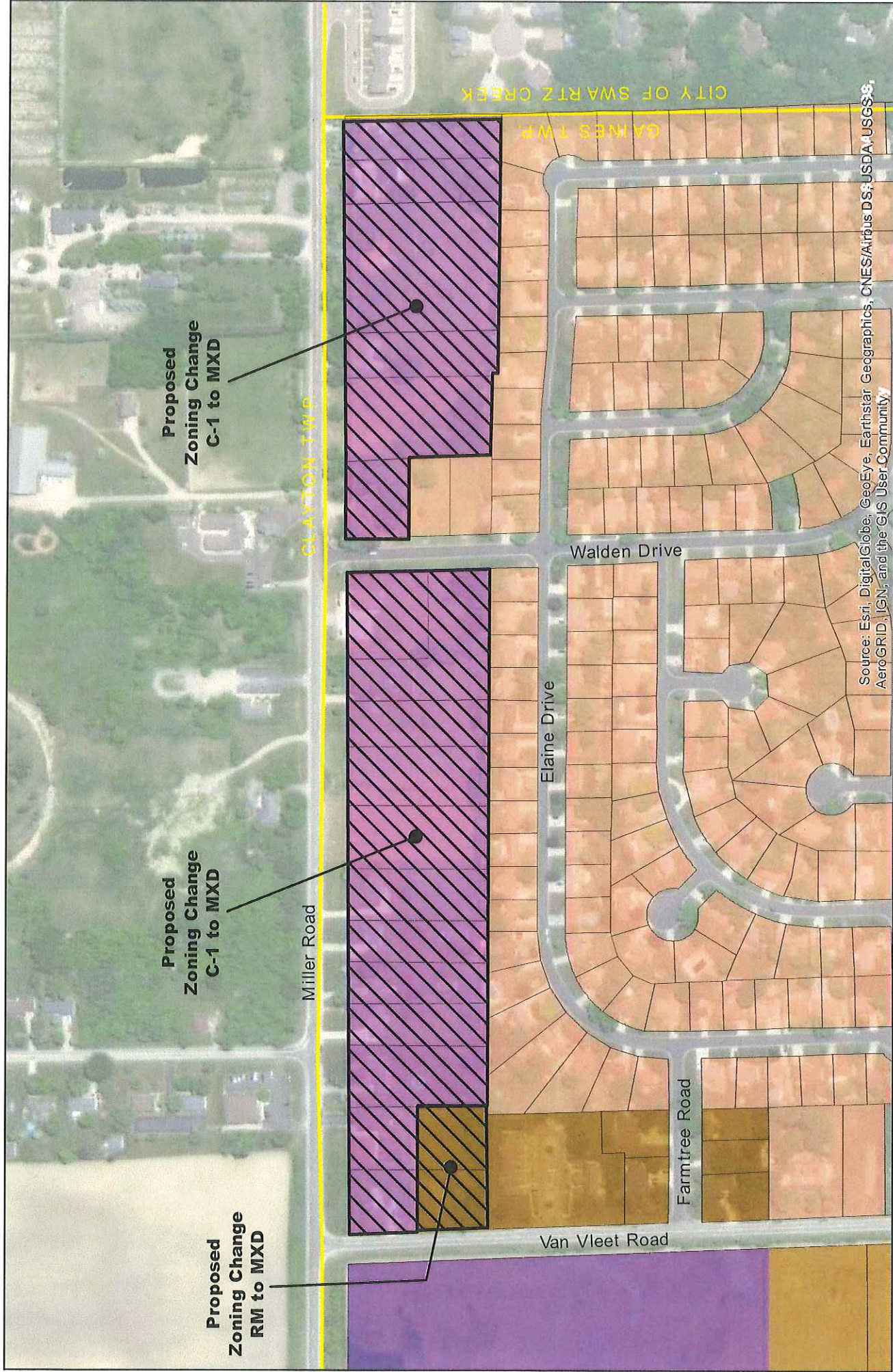
AMEND existing SCHEDULE OF REGULATIONS table in Section 14.01, by adding a new row for the Mixed-Use District (MXD) as follows:

ZONING DISTRICT	MIN. LOT AREA		MAX. BUILDING HEIGHT (F)		MAX. BUILDING LOT COVERAGE IN PERCENT	MIN. YARD SETBACK (PER LOT IN FT.) (E) (S)			MIN. LIVABLE FLOOR AREA SQ. FT. PER UNIT (E)
	AREA (A)	WIDTH IN FT. (Q)	IN STORIES	IN FEET		FRONT (D) (E)	EACH SIDE	REAR	
MXD	(G)	(G)	2-1/2	25	30	(B) (K)	10 (U) (R)	25 (M) (R)	950

AMEND existing Section 14.02, FOOTNOTES TO SCHEDULE OF REGULATIONS by revising existing Footnote M and adding a new Footnote U

Sec. 14.02 Footnotes to Schedule of Regulations:

- M. Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements; except in the instance of "C-1" and "MXD" Districts loading space shall be provided in the ratio of five (5) square feet per front foot of building.
- U. Off-street parking shall be permitted in a required side yard setback provided that there shall be maintained an evergreen screen or berm between the nearest point of the off-street parking area and the side lot line, when said property line abuts any residential use or district.



**Proposed
Zoning Change
C-1 to MXD**

**Proposed
Zoning Change
C-1 to MXD**

**Proposed
Zoning Change
RM to MXD**

CLAYTON TWP.

Miller Road

GAINES TWP.

CITY OF SWARTZ CREEK

Van Vleet Road

Farmtree Road

Elaine Drive

Walden Drive

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Proposed Zoning Map Amendments Gaines Township Genesee County, MI

Existing Zoning Districts:

- C-1 Office/Commercial
- C-3 General Commercial
- RM Multiple Family
- RS Residential Suburban

**DRAFT
April 16, 2019**



