

CLAYTON TOWNSHIP PLANNING COMMISSION
REGULAR MEETING AGENDA
JULY 23, 2024, 6:00 P.M.
CLAYTON TOWNSHIP HALL

Kevin DePottey
Corey Potter
Rick Caruso
Kathleen Norris

Jon Mieczkowski
George Sippert
Richard Derby

TED HENRY, ZONING ADMINISTRATOR, #810-691-5258

ROLLCALL

APPROVE PROPOSED AGENDA

APPROVAL OF MINUTES: JUNE 25, 2024 Pgs. 2-3

COMMUNICATION:

REPORT OF OFFICERS AND ZONING ADMINISTRATOR:

PUBLIC COMMENT:

NEW BUSINESS / DISCUSSIONS

OLD BUSINESS / DISCUSSIONS

- 1. REVIEW OF LAND DIVISION ORDINANCE AND ALL OF CHAPTERS 151 & 152
Pgs. 4-34**

ADDITIONAL ITEMS

FUTURE ITEMS

- 1. BUSINESS LICENSES**
- 2. HOMEOWNER BUSINESS**
- 3. STORAGE CONTAINERS**
- 4. NUISANCE SIGNS**

ADDITIONAL COMMENTS

ADJOURNMENT

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**CHARTER TOWNSHIP OF CLAYTON
PLANNING COMMISSION MINUTES
JUNE 25, 2024**

Vice Chairman opened the meeting at 6:00 p.m.

ROLL CALL

Members Present: Rick Caruso, Richard Derby, George Sippert, Corey Potter, Jon Mieczkowski

Members Absent: Kevin DePottey, Kathleen Norris

Others Present:

Ted Henry/Building Official, Zoning Administrator
Ken Tucker/Township Attorney

APPROVAL OF PROPOSED AGENDA

Action Taken: Motion by Caruso, supported by Potter, to approve the proposed agenda for the June 25, 2024, Clayton Township Planning Commission meeting.

MOTION CARRIED.

APPROVAL OF MINUTES: May 28, 2024

ACTION TAKEN: Motion by Potter, supported by Mieczkowski to approve minutes of May 28, 2024.

MOTION CARRIED.

COMMUNICATION:

None

REPORT OF OFFICERS AND ZONING ADMINISTRATOR:

Zoning Administrator Ted Henry reported two new house permits this month and RV sales and service for other municipalities mostly if not all in general commercial

PUBLIC COMMENT:

None

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NEW BUSINESS

None

OLD BUSINESS

Still working on zoning ordinances chapters 151-152 adding changes to Land Division Ordinance on the number of exceptions allowed in property descriptions - for land divisions

FUTURE ITEMS

1. Business Licenses
2. Homeowner Business
3. Storage Containers
4. Nuisance Signs

ADDITIONAL COMMENTS FROM BOARD MEMBERS

The status of J&K Canvas -answer from Zoning Administrator was nothing is happening that Ted Henry knows about

PUBLIC COMMENT

No Comment

ADJOURNMENT

Action Taken: Motion by Mieczkowski, supported by Potter, to adjourn the Planning Commission meeting at 6:49 p.m.

Kevin DePottey, Chairperson

Rick Caruso, Secretary

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CHARTER TOWNSHIP OF CLAYTON
GENESEEE COUNTY, MICHIGAN

ORDINANCE NO. 2024-494

AN ORDINANCE AMENDING SECTION 151.085 OF CHAPTER 151, LAND
DIVISION, OF TITLE XV OF THE CODE OF ORDINANCES FOR THE CHARTER
TOWNSHIP OF CLAYTON

THE CHARTER TOWNSHIP OF CLAYTON ORDAINS:

As used in this Ordinance, Section 151.085, Section 151.086, and Section 151.087, Land Division, Chapter 151, of Title XV of the Code of Ordinances for the Charter Township of Clayton, shall be amended to provide as follows:

SECTION 1

PURPOSE

The purpose of this Ordinance is to carry out the provisions of the Michigan Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property that do not comply with the Ordinance and said Act, to minimize potential boundary disputes, to further the orderly development of the community and layout and use of land, to require that land be suitable for building sites, to provide for proper ingress and egress to lots, and to otherwise provide for the health, safety and welfare of the residents and property owners of the Charter Township of Clayton by establishing reasonable standards for prior review and approval of land divisions within the Charter Township of Clayton.

SECTION 2

§151.085 APPLICATION REQUIREMENTS.

(A) *Application forms and documentation.* An application to divide or consolidate platted lots or unplatted parcels shall be made with Clayton Township Clerk in writing, shall be signed by all required applicants, shall be accompanied by the necessary fees, and to be considered complete and entitled to consideration, shall disclose, contain, include or be accompanied by all information specified in this chapter. If Clayton Township provides forms and guidelines for applications, they shall be used and followed.

(B) *Information required.* Applications shall be accompanied by the following information:

- (1) Two (2) copies of a survey map prepared by a professional surveyor who is registered with the State of Michigan, according to the guidelines specified in Michigan Public Act 132 of 1970, §3, as amended, being MCL §54.211 through §54.213, showing the parcels that would result from the requested division or consolidation of land, provided that the parcels are drawn as large as possible within the 8-1/2 by 14 inch format required by Act 132, and include all information required above for the above information scale drawing.
 - (a) Dimensions of all existing and proposed parcels;
 - (b) All structures on and within 50 feet of the proposed parcels;
 - (c) Location of all existing and proposed public and private easements and rights-of-way;
 - (d) Location of surface water, lakes, ponds, streams, and wetlands. The initial investigation shall locate wetlands identified on the National Wetlands Inventory maps prepared by the U.S. Department of Interior and available from the Michigan Department of Environmental Quality. More detailed wetlands information may be required if deemed necessary to make a decision regarding the application.
- (2) A legal description of existing parcels of land involved in the application;
- (3) A legal description of all parcels that would result from the application being approved. The legal description shall be in a form sufficient for recording with the Genesee County Register of Deeds, shall indicate the acreage of all existing and proposed lots and parcels, and shall not have more than two (2) exceptions in the legal description.
- (4) Copies of any existing or proposed deed, building, use or other restrictions, covenants or conditions related to the land involved in the application;
- (5) If any portion of the land has been part of a previous request for division or consolidation of land during the previous 10 years either by the applicant or another person, the applicant shall submit the date(s) of the application(s) and action taken by the township;
- (6) Information addressing the approval standards in §151.087;
- (7) A certified statement from the Genesee County Treasurer's Office stating that any parcel(s) subject to the proposed division or combination have no delinquent taxes or special assessments due.

- (8) Additional information that is or may be necessary to application and approval standards may be required by the Clayton Township Zoning Administrator.

SECTION 6

All other provisions of Chapter 151 inconsistent with the provision of this Ordinance are hereby repealed. All other provisions of Chapter 151 shall be and are hereby ratified.

SECTION 7

This Ordinance shall be published in a newspaper of general circulation within the Township of Clayton, Genesee County Michigan, and shall become effective thirty (30) days following publication.

SECTION 8

A copy of this Ordinance may be inspected at the Township Clerk's Office at the Clayton Township Hall, 2011 S. Morrish Rd., Swartz Creek, MI 48473, during regular business hours and at the Clayton Township web site at claytontownship.org.

ORDINANCE DECLARED ADOPTED.

Dated: _____, 2024

We hereby certify that the foregoing Ordinance was adopted on Second Reading by the Charter Township of Clayton Board of Trustees on _____.

(Signature Page to Follow)

Public Hearing: _____

First Reading Approved: _____

Second Reading Approved: _____

Adopted: _____

Published: _____

CHARTER TOWNSHIP OF CLAYTON:

Tom Spillane, Clayton Township Supervisor

Date

Dennis Milem, Clayton Township Clerk

Date

CHARTER TOWNSHIP OF CLAYTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2024-489

ORDINANCE AMENDING SITE DEVELOPMENT REQUIREMENTS; GENERAL
REGULATIONS BY TYPE

AN ORDINANCE AMENDING SECTION 152.007 OF CHAPTER 152 OF TITLE XV OF
THE CODE OF ORDINANCES FOR THE CHARTER TOWNSHIP OF CLAYTON

THE CHARTER TOWNSHIP OF CLAYTON ORDAINS:

As used in this Ordinance, Title XV, Chapter 152, Section 152.007 of the Code of Ordinances of
the Charter Township of Clayton shall be amended to provide as follows:

SECTION 1

Section 152.007, DEFINITIONS, shall be amended to add the following definitions:

AGRICULTURAL STRUCTURE. A structure used solely for agricultural purposes in
which the use is exclusively in connection with the production, harvesting, storage,
drying, or raising of agricultural commodities, including the raising of livestock and
poultry.

EXOTIC ANIMAL. Any warm-blooded or cold-blooded, carnivorous, or omnivorous,
wild, or exotic animal, or dangerous or undomesticated animal which is not of a species
customarily used as an ordinary household pet or not native to the United States or
Michigan or any animal having poisonous bites, but which would ordinarily be confined
in a zoo, or one which would ordinarily be found in the wilderness or wild of this or any
other country, or one which otherwise causes a reasonable person to be fearful of bodily
harm or property damage, including, but not limited to, nonhuman primates, raccoons,
peacocks, skunks, foxes, and wild and exotic cats, but excluding fowl, ferrets, and small
rodents of varieties used for laboratory purposes.

FARM. Land, plants, animals, buildings, structures, including ponds used for
agricultural or aquacultural activities, machinery, equipment, and other appurtenances
used in the commercial production, harvesting, and storage of farm products on a parcel
of land that consists of 10 acres or more in size with at least 51% of property, per tax
parcel, engaged in active agricultural.

FARM OPERATION. 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, but is not limited to:

- (i) Marketing produce at roadside stands or farm markets.
- (ii) The generation of noise, odors, dust, fumes, and other associated conditions.
- (iii) The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations on the roadway as authorized by the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.
- (iv) Field preparation and ground and aerial seeding and spraying.
- (v) The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.
- (vi) Use of alternative pest management techniques.
- (vii) The fencing, feeding, watering, sheltering, transportation, treatment, use, handling, and care of farm animals.
- (viii) The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes.
- (ix) The conversion from a farm operation activity to other farm operation activities.
- (x) The employment and use of labor.

FARM PRODUCT. Plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture.

LIGHT DUTY VEHICLE REPAIR FACILITIES. A place of business that is engaged in the business of performing, or employs individuals who perform, maintenance, diagnosis, vehicle body work, or repair service on motor vehicles with a gross vehicle weight rating of less than 14,000 pounds.

HEAVY DUTY VEHICLE AND MACHINERY REPAIR FACILITY. A place of business that is engaged in the business of performing, or employs individuals who perform, maintenance, diagnosis, vehicle body work, or repair service on motor vehicles with a gross vehicle weight rating of 14,000 or more pounds and all construction equipment and farm machinery.

LIVESTOCK. Animals raised in an agricultural setting including, but not limited to cattle, pigs, buffalo, lamas, oxen, camels, sheep, swine, goats, horses, donkeys, mules or other equine, and poultry to produce meat, eggs, milk, fur, leather, and wool.

RECREATIONAL VEHICLE. A motorhome, housecar, travel trailer, truck camper, or camp trailer, with or without power, designed for human habitation or other occupancy.

SECTION 2

Section 152.007, DEFINITIONS, shall be amended to remove the definition of FARM and FARM BUILDINGS or by removing the following language:

FARM. A parcel of land that must consist of 10 acres or more in size with at least 51% of property, per tax parcel, engaged in active agricultural.

FARM BUILDINGS. Any structure or building other than a dwelling used or built on a farm.

SECTION 3

All other provisions of Chapter 152 inconsistent with the provision of this Ordinance are hereby repealed. All other provisions of Chapter 152 shall be and are hereby ratified.

SECTION 4

This Ordinance shall be published in a newspaper of general circulation within the Township of Clayton, Genesee County Michigan, and shall become effective thirty (30) days following publication.

SECTION 5

A copy of this Ordinance may be inspected at the Township Clerk's office at the Clayton Township Hall, 2011 S. Morrish Rd., Swartz Creek, MI 48473, during regular business hours.

(Signature page to follow)

ORDINANCE DECLARED ADOPTED.

Dated: _____, 2024

We hereby certify that the foregoing Ordinance was adopted on Second Reading by the Charter Township of Clayton Board of Trustees on _____.

Public Hearing: _____

First Reading Approved: _____

Second Reading Approved: _____

Adopted: _____

Published: _____

CHARTER TOWNSHIP OF CLAYTON:

Tom Spillane, Clayton Township Supervisor

Date

Dennis Milem, Clayton Township Clerk

Date

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CHARTER TOWNSHIP OF CLAYTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2024-490

AN ORDINANCE AMENDING SECTION 152.027, OF CHAPTER 152, OF TITLE XV
OF THE CODE OF ORDINANCES FOR THE CHARTER TOWNSHIP OF CLAYTON
TO AMEND ACCESSORY BUILDING REGULATIONS IN CLAYTON TOWNSHIP
ZONING DISTRICTS

THE CHARTER TOWNSHIP OF CLAYTON ORDAINS:

As used in this Ordinance, Section 152.027, Accessory Buildings, of Chapter 152 of Title XV of the Code of Ordinances for the Charter Township of Clayton, shall be amended to provide as follows:

SECTION 1

ACCESSORY BUILDINGS

The provisions of this section are designed to limit the amount of obstructive and unsightly ground and area coverage on residentially zoned property, while allowing the reasonable use of land.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) **ACCESSORY STRUCTURES.** A building or structure located on the same lot as the principal building or structure, the use of which is incidental or secondary to the principal building or use.
- (2) **AGRICULTURAL STRUCTURES.** A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock and poultry.

(B) Accessory uses, buildings and structures that are customarily incidental to that of the principal use of the parcel shall be permitted, provided said accessory use, buildings, and structures are not otherwise regulated by this section and are in compliance with the following:

- (1) *Attached Accessory Structure.* Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this ordinance applicable to the main building.

- (2) *Vacant parcels.* Accessory buildings/structures on a lot that does not contain an existing domicile are allowed only if approved by the Zoning Board of Appeals upon satisfactory showing of hardship.
- (3) *Agricultural Structures.* Agricultural structures as defined by Section (A)(2) herein, shall not be required to be located on the same lot/parcel as the principle building or structure and may be located on vacant land with a minimum of 15 acres.
- (4) *Corner lots.* When an accessory building/structure is located on a corner lot, the buildable area of the secondary front yard shall begin at the front yard setback line. Thereafter, all setbacks as described in division (B)(5) below apply.
- (5) *Front yard prohibition.* No part of the primary front yard shall be used for any accessory building, garage, or other similar accessory/structure.
- (6) *Setbacks.* In all residential zoning districts, detached accessory buildings or structures shall not be located within the area required for the setback requirements pursuant to this section, and shall be no closer than 10 feet from the principal building, and not closer than 10 feet from any lot line for parcel of land.
- (7) *Lot coverage.* The lot coverage created by accessory buildings when added to the lot coverage created by principal buildings shall not exceed the maximum lot coverage for each land development district as specified in §152.100 of this chapter.
- (8) *Height of accessory buildings:*
 - (a) For parcels .99 acre or less in size, the sidewalls of the permitted accessory building shall exceed 9 feet and shall have a minimum roof pitch of 4/12.
 - (b) For parcels 1 – 4.99 acres in size, the height of the permitted accessory building, as described in §152.007, shall not exceed the height of the associated domicile or 20 feet, whichever is lesser and shall have a minimum roof pitch of 4/12.
 - (c) For parcels of 5 – 49.99 acres in size, the height of the permitted accessory building, as described in §152.007, shall not exceed 25 feet and shall have a minimum roof pitch of 4/12.
- (9) *Number of accessory buildings permitted.* The number of accessory buildings or structures shall be dependent on the land area and use of the principal parcel.
 - (a) For parcels of .499 acres or less, a single accessory building of not more than 800 square feet in floor area shall be erected on a lot.
 - (b) For parcels of .5 to .999 acres in size, a single building of not more than 1000 square feet in floor area shall be erected on a lot.

- (c) For parcels of 1 to 1.999 acres in size, not more than 2 accessory buildings of no more than a total of 1,200 square feet in floor area shall be erected on a lot.
 - (d) For parcels of 2 to 2.999 acres in size, not more than 3 accessory buildings of no more than a total of 2,400 square feet in floor area shall be erected on a lot.
 - (e) For parcels of 3 to 4.999 acres in size, not more than 3 accessory buildings of no more than a total of 3,600 square feet in floor area shall be erected on a lot.
 - (f) For parcels of 5 to 9.999 acres in size, not more than 3 accessory buildings with a floor area of not more than a total of 3% of the square footage of the parcel shall be erected on a lot.
 - (g) For parcels 10 to 19.999 acres in size, not more than 3 accessory buildings with a floor area of no more than a total of 3% of the square footage of the parcel shall be erected on a lot.
 - (h) For parcels of 20 acres in size or more, not more than 4 accessory buildings with a floor area of no more than a total of 3% of the square footage of the parcel shall be erected on a lot.
- (10) *Calculation of the Number of Accessory Buildings Permitted.* Service structures defined as, but not limited to, pump houses, wood burner enclosures, wood storage structures, gazebos, and similar structures as approved by the Clayton Township Zoning Administrator, shall NOT BE COUNTED as part of the number of accessory buildings permitted on a parcel pursuant to paragraph (8) as set forth herein, but SHALL BE INCLUDED in the calculation of the total number of square footage of allowable accessory structures for a specified parcel size.

SECTION 2

All other provisions of Chapter 152 inconsistent with the provision of this Ordinance are hereby repealed. All other provisions of Chapter 152 shall be and are hereby ratified.

SECTION 3

This Ordinance shall be published in a newspaper of general circulation within the Township of Clayton, Genesee County Michigan, and shall become effective thirty (30) days following publication.

SECTION 4

A copy of this Ordinance may be inspected at the Township Clerk's Office at the Clayton Township Hall, 2011 S. Morrish Rd., Swartz Creek, MI 48473, during regular business hours and at the Clayton Township web site at claytontownship.org.

ORDINANCE DECLARED ADOPTED.

Dated: _____, 2024

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Public Hearing: _____

First Reading Approved: _____

Second Reading Approved: _____

Adopted: _____

Published: _____

CHARTER TOWNSHIP OF CLAYTON:

Tom Spillane, Clayton Township Supervisor

Date

Dennis Milem, Clayton Township Clerk

Date

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**CHARTER TOWNSHIP OF CLAYTON
GENESEE COUNTY, MICHIGAN**

ORDINANCE NO. 2024-491

**AN ORDINANCE AMENDING SECTION 152.100, OF CHAPTER 152, OF TITLE XV
OF THE CODE OF ORDINANCES FOR THE CHARTER TOWNSHIP OF CLAYTON
TO AMEND THE HEIGHT, BULK, DENSITY, AREA, AND PLACEMENT
REGARDING LOT SIZES, YARDS, SETBACKS, BUILDING HEIGHTS, AND
DENSITIES REGULATIONS IN CLAYTON TOWNSHIP ZONING DISTRICTS**

THE CHARTER TOWNSHIP OF CLAYTON ORDAINS:

As used in this Ordinance, Section 152.100, Schedule of Regulations, Chapter 152 of Title XV of the Code of Ordinances for the Charter Township of Clayton, shall be amended to provide as follows:

SECTION 1

SCHEDULE OF REGULATIONS

HEIGHT, BULK, DENSITY, AREA, AND PLACEMENT BY ZONING DISTRICT

(A) The following regulations regarding lot sizes, yards, setbacks, building heights, and densities apply within the zoning districts as indicated, including the regulations contained in the footnotes in division (B) below. No building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which the building is located. No portion of a lot used in complying with the provisions of this chapter for yards, courts, lot area occupancy, in connection with any existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

District	Minimum Lot Size/Unit Unit = 1 Residence	Maximum Height of Structure	Minimum Yard Setback per Lot (Feet)						
	Area	Width (x Length) (Feet)	Stories	Feet	Front (f)(g)(h)	Sides**	Rear**	Minimum Livable Floor Area (i) (Sq Ft)	Maximum % of Lot Coverage
RA - Residential Agriculture	1.13 acres; Density of 1 unit per 10 acres (u)	150	2.5	35 (j)	(a) (w)2	20 feet per side	25 feet	1,250	20 (d)
RSF - Residential Suburban Farms	1.13 acres; Density of 1 unit per 5 acres (v)	150	2.5	35	(a) (w)2	20 feet per side	25 feet	1,250	15
RE - Residential Rural Estate	1.13 acres	150	2.5	35	(a) (w)2	20 feet per side	25 feet	1,250	15
	1 acre sewer & water	150	2.5	35	(a) (w)2	20 feet per side	25 feet	1,250	15
FS - Single Family	30,000 (e)	150 x 200	2.5	35	(a) (w)2	20 feet per side	25 feet	1,250	15 (d)
	17,500 sewer	100 x 175	2.5	35	(a) (w)2	15 feet per side	25 feet	1,250	15 (d)
	13,500 sewer & water	100 x 135	2.5	35	(a) (w)2	15 feet per side	25 feet	1,250	15 (d)
FM - Multi-Family	21,000 (k) (e)	120 x 175	2.5	25	50 (t) (w)2	15 ft., 50 ft., from single family dist. (l)	30 ft., 50 ft., from single-family dist. (l)	1 Bdr. - 750 2 Bdr. - 950 3 Bdr. - 1,200 4 Bdr. - 1,300	30 (d)
RMH - Residential Mobile Home	(m) (n)	95	1	20	(a) (w)2	30	50 ft. (25 ft. between units)	-	-

O - Office	-	120	3	35	30 (o) (p) (q) (w)2	15 ft., 50 ft. from single- family district	30 ft., 50 ft. from single- family district	-	-
C - Local Commercial	-	120	3	35	35 min. (a) (o) (p) (q) (s) (w)2	Side adjacent to streets same as front yard, adjacent to res. District 25 ft.	30 ft., 50 ft. from residential district	-	-
GC - General Commercial	-	120	3	35	40 min. (a) (o) (p) (q) (s) (w)2	Sides adjacent to streets same as front yard, adjacent to residential dist. 50 ft. (b)	30 ft., 50 ft. from residential district	-	-
M-1 - Industrial	-	(c)	-	50	50 (q) (r) (s) (w)2	20 ft., 150 ft. from residential district	50 ft., 150 ft. from residential district	-	-
Note:									
** For accessory building = 10 feet for all setbacks and from principal building (see sec. 152.027 and sec. 152.033)									

(B) Notes to schedule:

- a. Front yard setback determined by the following schedule:

State highways: 50 feet

Section line roads: 40 feet (including the entire length of Seymour Road)

Quarter line roads: 30 feet

Local streets: 25 feet

- b. No yards are required along the interior side lot lines of the district, except as specified in the Building Code.
- c. Determined by setbacks and required parking and loading area.
- d. Maximum area of all structures.
- e. A lot depth to lot width ratio of 4:1 shall be the maximum permitted for the FS, FM, RE, and RSF Districts on lots 150 feet or less in width. In the case of irregularly shaped lots, the minimum frontage may be measured on the front building line rather than the front lot line, but minimum lot areas must be maintained.
- f. Minimum front yard setback is measured from the edge of the right-of-way, based upon information and standards set forth by the Genesee County Road Commission.
- g. In all residential and industrial districts, the required front yard setback shall not be used for off-street parking, loading or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials or vehicle access drives.
- h. All yards abutting upon a public street shall be considered as front yard for setback purposes.
- i. The minimum floor area per dwelling unit shall not include area of basements, breezeways, porches, or attached garages.
- j. The maximum height permitted for general and specialized farm buildings and structures shall not exceed 100 feet.

- k. Development within the FM District requires availability of both municipal water and sewer service. The minimum land area required for each dwelling unit in the FM District shall be in accordance with the following schedule:

Every lot or parcel of land upon which a multiple-family dwelling (3 or more dwelling units) is to be erected, altered, or used shall contain not less than 21,000 square feet of area, nor less than 120 feet of frontage. In the case of irregularly shaped lots, the minimum frontage may be measured on the front building line rather than the front lot line, but the minimum lot areas must be maintained, for the first 2 dwelling units plus not less than additional land area for each additional dwelling unit in excess of 2 dwelling units in accordance with the following schedule:

One-bedroom dwelling unit - 1,800 sq. ft. and not more than 12 units/acre

Two-bedroom dwelling unit – 2,700 sq. ft. and not more than 10 units/acre

Three-bedroom dwelling unit – 3,700 sq. ft. and not more than 8 units/acre

Four or more-bedroom dwelling unit – 4,700 sq. ft. and not more than 7 units/acre

The land area used for computing densities shall exclude the rights-of-way for all roads, whether public or private.

- l. Each side yard shall be a minimum of 15 feet, and this space shall be increased beyond 15 feet by 2 feet for each 10 feet or part thereof by which the dwelling structure exceeds 40 feet in overall dimension along the adjoining lot line. Maximum building length shall not exceed 200 feet. In no instance shall a multiple-family structure be located closer than 50 feet to an abutting single-family residential district.

Where 2, 3, or 4 townhouse dwelling structures are erected on the same lot or parcel, a minimum distance between any 2 structures shall be 30 feet, with a maximum building coverage not to exceed 30% of the land area.

- m. Mobile home park developments are subject to the minimum requirements and standards as established in the Mobile Home Commission Act, Public Act 419 of 1976, being MCLA §125.2301 et. al, and any and all rules and regulations promulgated pursuant to Act 419, as may be amended.
- n. Sites for the placement and occupancy of mobile home units within a mobile home park developed under Public Act 419 of 1976, being MCLA §125.2301 et. al, shall average 6,050 square feet. The 6,050 square foot requirement may be reduced by up to 20% provided that the individual site shall include a minimum of 5,000 square feet; and further provided that land area in an amount equal to that gained by reduction of a site(s) below 6,050 square feet shall be dedicated as open space. In no instance, however, shall required open space and spatial separation between units be less than that required under R125.1941, Rule 941; R125.1944, Rule 944; and R125.1946, Rule 946 of the Michigan Administration Code.

- o. Off-street parking shall be permitted to occupy a portion of the required front yard, provided that there shall be maintained a minimum unobstructed and landscaped setback of 10 feet between the nearest point of the off-street parking area, exclusive of access driveway, and the nearest edge of the proposed right-of-way line. The plantings in the setback shall meet those of a greenbelt buffer described in §152.078.
- p. Loading space shall be provided in the rear yard in the ratio of at least 10 square feet per front foot of building and shall be computed separately from the off-street parking requirements.
- q. Off-street parking shall be permitted in a required side yard setback provided that there shall be maintained a screening wall between the nearest point of the off-street parking area and the side lot line, when the property line abuts any residential district.
- r. No building shall be located closer than 50 feet to the outer perimeter (property line) of the district when the property line abuts any residential district.
- s. All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than 6 feet high, or with a chain link type fence and a greenbelt planting so as to obscure all view from any adjacent residential, business district, or from a public street.
- t. Multiple-family dwellings that provide individual driveways and attached garages such as townhouses shall meet the front yard setback requirements outlined in footnote (a) above.
- u. The total number of single-family residences that may be permitted in the RA District is determined by the configuration of parcels as they existed on the effective date of this chapter. Each parcel in existence on that date will be permitted 1 additional single-family residence per 10 acres or fraction thereof of parcel area. For example, a 20-acre parcel with an existing residence could have 2 lots split off it for additional single-family residential building sites. A 21-acre parcel could have 3. A 20-acre site that was vacant as of the effective date of this chapter would be permitted 2 building sites, which could involve splitting off 2 buildable lots off the original 20 acres or splitting of 1 buildable lot and using the remaining acreage for the second building site.

When lots are split in the RA District, the deed or land contract must identify the number of buildable sites that are being transferred with it. For example, if an individual owned a parcel that was 80 acres at the effective date of this chapter, 8 single-family residences could be built on those 80 acres. If the property owner sold 20 acres, he or she could transfer the right to 1 or all 8 building sites to the buyer of that 20 acres.

- v. The density control provisions for the RSF District are the same as for the RA District outlined in footnote (u) above, with the exception that the density permitted in this district will be 1 unit per 5 acres.
 - w. Front yard setbacks for all zoning districts along the M-13/Sheridan Road Corridor and M-21/Corunna Road Corridor shall be a minimum of 150 feet.
- (C) An agricultural building shall be defined as a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock.
- (D) Minimum lot/parcel widths shall be determined exclusively by the contiguous property with the road frontage of the lot/parcel. Easements shall not be considered or included in determining if a lot/parcel is compliant with the minimum lot/parcel width requirements as set forth herein.

SECTION 2

All other provisions of Chapter 152 inconsistent with the provision of this Ordinance are hereby repealed. All other provisions of Chapter 152 shall be and are hereby ratified.

SECTION 3

This Ordinance shall be published in a newspaper of general circulation within the Township of Clayton, Genesee County Michigan, and shall become effective thirty (30) days following publication.

SECTION 4

A copy of this Ordinance may be inspected at the Township Clerk's Office at the Clayton Township Hall, 2011 S. Morrish Rd., Swartz Creek, MI 48473, during regular business hours and at the Clayton Township web site at claytontownship.org.

(Signature page to follow)

ORDINANCE DECLARED ADOPTED.

Dated: _____, 2024

We hereby certify that the foregoing Ordinance was adopted on Second Reading by the Charter Township of Clayton Board of Trustees on _____.

Public Hearing: _____

First Reading Approved: _____

Second Reading Approved: _____

Adopted: _____

Published: _____

CHARTER TOWNSHIP OF CLAYTON:

Tom Spillane, Clayton Township Supervisor

Date

Dennis Milem, Clayton Township Clerk

Date

page 23

CHARTER TOWNSHIP OF CLAYTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2024-492

AN ORDINANCE AMENDING SECTION 152.112, OF CHAPTER 152, OF TITLE XV
OF THE CODE OF ORDINANCES FOR THE CHARTER TOWNSHIP OF CLAYTON
TO AMEND LOCAL COMMERCIAL DISTRICT (LC)

THE CHARTER TOWNSHIP OF CLAYTON ORDAINS:

As used in this Ordinance, Section 152.112, Local Commercial District (LC), of Chapter 152 of Title XV of the Code of Ordinances for the Charter Township of Clayton, shall be amended to provide as follows:

SECTION 1

(A) *Purpose.*

- (1) The LC Local Commercial District, as herein established, is designed to meet the day-to-day convenience shopping and service needs of persons residing in adjacent residential areas and to encourage the planned concentration of such activities in locations where analysis of the residential population within a radius of generally 1 mile demonstrates a need for such a facility.
- (2) The following regulations shall apply in all LC districts. Buildings, structures, or premises, except as otherwise provided in this section, shall not be erected, altered, or used except for 1 or more of the specified uses. Site plan review, as defined in §152.131 through §152.136, shall be required for all uses in the LC District.

(B) *Uses permitted.* No building or structure, or part thereof, shall be erected, altered, or used, and no land shall be used except for 1 or more of the following:

- (1) Any use permitted in the Office District (O).
- (2) Generally recognized retail businesses which supply commodities on the premises, such as, but not limited to, groceries, meats, dairy products, baked goods or other foods, pharmaceutical, dry goods, clothing and notions, or hardware.
- (3) Any service establishment of an office, showroom, or workshop nature such as electrician, decorator, dressmaker, tailor, baker, painter, upholsterer, or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.

- (4) Standard restaurants.
 - (5) Laundry or cleaning agency or pick-store.
 - (6) Mortuary or funeral parlors.
 - (7) Private schools, music conservatory.
 - (8) Antique shop, selling or offering for sale articles predominantly over 25 years old, entirely within a completely enclosed building.
- (C) *Permitted accessory uses.* Buildings, structures, and uses customarily accessory to any permitted principal uses shall be permitted as approved during site plan review, in accordance with this section.
- (D) *Principal uses permitted subject to special conditions.* The following special condition uses shall be permitted subject to review and approval by the Planning Commission and Township Board, and further subject to any and all reasonable conditions which may be imposed in accordance with §152.130 Site Development, §152.131 through §152.136 Site Plan Review, and §152.150 through §152.152 Special Condition Uses.
- (1) All special condition uses in the Office District (O).
 - (2) Ice delivery station and ice storage of not over 5 ton capacity.
 - (3) Hospitals.
 - (4) Convalescent homes.
 - (5) Private clubs, fraternal organizations, and lodge halls.
 - (6) Veterinary clinics, including indoor boarding facilities only.
 - (7) Dancing studios.
 - (8) Temporary outdoor sales. Grand openings, tent sales, special sales, or special events may be permitted and shall be subject to the following conditions and considerations:
 - (a) The use shall be temporary. A permit for the temporary sales may be ratified for a period not to exceed 14 days. A permit shall not be issued more than 2 times per year for any 1 business.
 - (b) All merchandise offered for sale shall be a product(s) normally offered or sold by the principal business or occupant of the subject business.

(9) Storage facilities for building materials, sand, gravel, stone, lumber, and storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all residential or commercial districts, and on any yard abutting a public thoroughfare.

(10) Light Duty Vehicle Repair Facilities.

(11) Uses of the same nature or class as uses listed in this district as either a permitted principal use or a special land use as determined by the Planning Commission.

(E) *General regulations.*

(1) Merchandise may be displayed or stored up to the minimum front and side setback lines but not on public property.

(2) Warehouse or indoor storage of goods and materials, beyond that normally incident to the above permitted uses, shall be prohibited.

(F) *Additional standards and regulations.* The following list of references includes additional standards and regulations applicable to any proposed use in the district:

(1) §152.100 Schedule of Regulations.

(2) §152.031 Performance Standards.

(3) §152.065 and §152.067 Off-Street Parking and Loading.

(4) §152.075 and §152.076 Fences and Walls.

(5) §152.077 Screening of Trash Storage Areas.

(6) §152.078 Landscaping.

(7) §152.085 Signs.

SECTION 2

All other provisions of Chapter 152 and specifically, Section 152.112, inconsistent with the provision of this Ordinance are hereby repealed. All other provisions of Chapter 152 shall be and are hereby ratified.

SECTION 3

This Ordinance shall be published in a newspaper of general circulation within the Township of Clayton, Genesee County Michigan, and shall become effective thirty (30) days following publication.

SECTION 4

A copy of this Ordinance may be inspected at the Township Clerk's Office at the Clayton Township Hall, 2011 S. Morrish Rd., Swartz Creek, MI 48473, during regular business hours and at the Clayton Township web site at claytontownship.org.

ORDINANCE DECLARED ADOPTED.

Dated: _____, 2024

We hereby certify that the foregoing Ordinance was adopted on Second Reading by the Charter Township of Clayton Board of Trustees on _____.

Public Hearing: _____

First Reading Approved: _____

Second Reading Approved: _____

Adopted: _____

Published: _____

CHARTER TOWNSHIP OF CLAYTON:

Tom Spillane, Clayton Township Supervisor

Date

Dennis Milem, Clayton Township Clerk

Date

page 27

CHARTER TOWNSHIP OF CLAYTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2024-493

AN ORDINANCE AMENDING SECTION 152.113, OF CHAPTER 152, OF TITLE XV
OF THE CODE OF ORDINANCES FOR THE CHARTER TOWNSHIP OF CLAYTON
TO AMEND GENERAL COMMERCIAL DISTRICT (GC)

THE CHARTER TOWNSHIP OF CLAYTON ORDAINS:

As used in this Ordinance, Section 152.113, General Commercial District (GC), of Chapter 152 of Title XV of the Code of Ordinances for the Charter Township of Clayton, shall be amended to provide as follows:

SECTION 1

(A) *Purpose.*

- (1) The GC General Commercial District is designed to provide sites for more diversified business types which would often be incompatible with the pedestrian movement in the Local Commercial District, and which are oriented to serving the needs of “passer-by” traffic. Many of the business types permitted also generate greater volumes of traffic and activities which must be specially considered to minimize adverse effects on adjacent properties.
- (2) The following regulations shall apply in all GC districts. Buildings, structures, or premises except as otherwise provided in this section, shall not be erected, altered, or used except for 1 or more of the specified uses. Site plan review, as defined in §152.131 through §152.136, shall be required for all uses in the GC District.

(B) *Principal uses permitted.* No building or structure or part thereof shall be altered or used, and no land shall be used except for 1 or more of the following:

- (1) Any uses permitted in the Office District (O) or Local Commercial District (LC), including small local service shopping centers and malls.
- (2) Catering halls and/or establishments.
- (3) Pet shops or taxidermist.
- (4) Veterinary clinics, including indoor boarding facilities only.

- (5) Printing, lithographing, publishing, blueprinting.
 - (6) Public parking area for compensation.
 - (7) Sign painting shop, within a building.
 - (8) Motels and hotels, subject to the following conditions:
 - (a) Each unit shall contain not less than 250 square feet of floor area.
 - (b) No guest shall establish permanent residence at a motel for more than 30 days within any calendar year.
 - (9) Health and racquet clubs.
 - (10) Mini-warehouses subject to the following conditions:
 - (a) All storage of goods and materials shall be enclosed within a building.
 - (b) At no time are any dangerous or hazardous materials to be stored.
- (C) *Permitted accessory uses.* Buildings, structures, and uses customarily accessory to any permitted principal uses shall be permitted as approved during site plan review, in accordance with this section.
- (D) *Principal uses permitted subject to special conditions.* The following special condition uses shall be permitted subject to review and approval by the Planning Commission and the Township Board, and further subject to any and all reasonable conditions which may be imposed in accordance with §152.130 Site Development, §152.131 through §152.136 Site Plan Review, and §152.150 through §152.152 Special Condition Uses.
- (1) All special condition uses permitted in the Office District (O) or Local Commercial (LC) District.
 - (2) Express office.
 - (3) Farm implement, feed, and fuel sales lots and stores.
 - (4) Pawn shops.
 - (5) Auto wash facilities when completely enclosed in a building.

- (6) New and used car or other vehicle salesroom, showroom or office, including outdoor sales space for exclusive sale of new or secondhand automobiles, mobile homes, or rental of automobiles, all subject to the following:
 - (a) The lot or area shall be provided with a permanent, durable and hard surface, and drained as to dispose of all surface water accumulated with the area.
 - (b) Access to the outdoor sales area shall be at least 60 feet from the intersection of any 2 streets.
 - (c) All major repair or major refinishing shall be done in an enclosed building.
 - (d) All lighting shall be shielded from adjacent residential districts.
- (7) Business in the character of a drive-in/drive-through restaurant or open front store, subject to the following conditions:
 - (a) A setback of at least 60 feet from the right-of-way line of any existing or proposed street must be maintained.
 - (b) Access points shall be located at least 60 feet from the intersection of any 2 streets.
 - (c) All lighting shall be shielded from adjacent residential districts.
- (8) Gasoline and automobile service stations for the sale of gasoline, oil, and minor accessories only, and auto repair.
- (9) Radio or television broadcasting or recording studio and/or transmission station.
- (10) Cleaning establishment using not over 2 cleaning units, neither of which shall be rated more than 40-pound capacity and using cleaning fluid of nonexplosive and nonflammable nature at temperatures below 138 degrees Fahrenheit.
- (11) Amusement enterprises, bowling alleys, pool halls, boxing arena, dance hall or theater, when conducted wholly within a completely enclosed building.
- (12) Public auditoriums.
- (13) Golf driving ranges.
- (14) Stadiums and skating rinks.
- (15) Unattended relay transmission towers such as cellular telephone towers.

- (16) Temporary outdoor sales. Grand openings, tent sales, special sales or special events may be permitted and shall be subject to the following conditions and considerations:
- (a) The use shall be temporary. A permit for the temporary sales may be granted for a period not to exceed 14 days. A permit shall not be issued more than 2 times per year for any 1 business.
 - (b) All merchandise offered for sale shall be a product(s) normally offered or sold by the principal business or occupant of the subject business.
- (17) Public parking areas for compensation, and the open storage of vehicles, including recreational vehicles and boats.
- (18) Light Duty or Heavy Duty Vehicle and Machinery Repair Facility.
- (19) Recreational Sales and Recreational Service Facilities.
- (20) Medical marijuana dispensary, provided that the dispensary that stores and sells or dispenses medical marijuana shall not be permitted:
- (a) Within 500 feet, as measured from the boundaries of the subject property, of any other medical marijuana dispensary, medical marijuana club, compassion club, or medical marijuana growing facility.
 - (b) Within 250 feet, as measured from the nearest point of the building or tenant space in which the medical marijuana dispensary is located to the nearest point of the closest home in any residential district surrounding the property where the medical marijuana dispensary is located.
 - (c) Within 1,000 feet, as measured from the boundaries of the subject property, of any school, nursery, licensed day care center or other building used for the care or instruction of children under 18 years of age.
 - (d) Within 500 feet, as measured from the nearest point of the building or tenant space in which the medical marijuana dispensary is located to the nearest point of any church, house of worship, or other religious facility or institution surrounding the property where the medical marijuana dispensary is located.
 - (e) Within 1,000 feet as measured from the boundaries of the subject property, of any public or municipal park.
 - (f) A medical marijuana dispensary shall be subject to all requirements as set forth in §151.131 through §151.134 of this code for site plan review.

- (21) Medical marijuana club (compassion club), provided that the club shall not be permitted:
- (a) Within 500 feet, as measured from the boundaries of the subject property, of any other medical marijuana dispensary, medical marijuana club, compassion club, or medical marijuana growing facility.
 - (b) Within 250 feet, as measured from the nearest point of the building or tenant space in which the medical marijuana club is located to the nearest point of the closest home in any residential district surrounding the property where the medical marijuana club is located.
 - (c) Within 1,000 feet as measured from the boundaries of the subject property, of any school, nursery, licensed day care center, or other building used for the care or instruction of children under 18 years of age.
 - (d) Within 500 feet, as measured from the nearest point of the building or tenant space in which the medical marijuana club is located to the nearest point of any church, house of worship, or other religious facility or institution surrounding the property where the medical marijuana club is located.
 - (e) Within 1,000 feet, as measured from the boundaries of the subject property, of any public or municipal park.
 - (f) A medical marijuana dispensary shall be subject to all requirements as set forth in §151.131 through §151.134 of this code for site plan review.
- (22) Medical marijuana growing facility that does not sell or dispense medical marijuana to qualifying patients shall be permitted:
- (a) Within 1,000 feet as measured from the boundaries of the subject property, of any other medical marijuana dispensary, medical marijuana club, compassion club, or medical marijuana growing facility.
 - (b) Within 250 feet, as measured from the nearest point of the building or tenant space in which the medical marijuana growing facility is located to the nearest point of the closest home in any residential district surrounding the property where the medical marijuana club is located.
 - (c) Within 1,000 feet, as measured from the boundaries of the subject property, of any school, nursery, licensed day care center, or other building used for the care or instruction of children under 18 years of age.

- (d) Within 500 feet, as measured from the nearest point of the building or tenant space in which the medical marijuana growing facility is located to the nearest point of any church, house of worship, or other religious facility or institution surrounding the property where the medical marijuana club is located.
 - (e) Within 1,000 feet, as measured from the boundaries of the subject property, of any public or municipal park.
 - (f) A medical marijuana growing facility shall be subject to all requirements as set forth in §151.131 through §151.134 of this code for site plan review.
- (23) Warehousing and wholesale establishments and trucking facilities provided all products are enclosed within a building.
 - (24) Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities, such as, but not limited to, lumber yard, building materials outlet, outdoor sales of boats, house trailer, or agricultural implements or serve convenience needs, such as, but not limited to, eating and drinking establishment, bank, savings and loan association, credit union, motel, or bowling alley, trade or industrial school or industrial clinic.
 - (25) Open air display area for the sale of manufactured products, such as similar to garden furniture earthenware, hardware items or nursery stock, flea market or the rental of manufactured products or equipment such as household equipment, small tools, trailers, and similar products and equipment.
 - (26) Uses of the same nature or class as uses listed in the district as either a permitted principal use or a special land use as determined by the Planning Commission.
- (E) *Additional standards and regulations.* The following list of references includes additional standards and regulations applicable to any proposed use in this district:
- (1) §152.100 Schedule of Regulations.
 - (2) §152.031 Performance Standards.
 - (3) §152.065 and §152.067 Off-Street Parking and Loading.
 - (4) §152.075 and §152.076 Fences and Walls.
 - (5) §152.077 Screening of Trash Storage Areas.
 - (6) §152.078 Landscaping.
 - (7) §152.085 Signs.

SECTION 2

All other provisions of Chapter 152 and specifically, Section 152.113, inconsistent with the provision of this Ordinance are hereby repealed. All other provisions of Chapter 152 shall be and are hereby ratified.

SECTION 3

This Ordinance shall be published in a newspaper of general circulation within the Township of Clayton, Genesee County Michigan, and shall become effective thirty (30) days following publication.

SECTION 4

A copy of this Ordinance may be inspected at the Township Clerk's Office at the Clayton Township Hall, 2011 S. Morrish Rd., Swartz Creek, MI 48473, during regular business hours and at the Clayton Township web site at claytontownship.org.

ORDINANCE DECLARED ADOPTED.

Dated: _____, 2024

We hereby certify that the foregoing Ordinance was adopted on Second Reading by the Charter Township of Clayton Board of Trustees on _____.

Public Hearing: _____

First Reading Approved: _____

Second Reading Approved: _____

Adopted: _____

Published: _____

CHARTER TOWNSHIP OF CLAYTON:

Tom Spillane, Clayton Township Supervisor

Date

Dennis Milem, Clayton Township Clerk

Date