



Texas Township Zoning Ordinance

Effective: December 13, 2010

Amended through November 12, 2014

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How to Use This Ordinance

1. CONTENT ORGANIZATION AND PAGE LAYOUT

The Zoning Ordinance is organized into seven Articles, which are further divided using standard outline hierarchy. The content and page layout are designed to promote a clear understanding of requirements, as well as quick retrieval of relevant standards, procedures and other information. The following key assists with navigating through this document.

Article Tabs link to the first page of each Article. Red tab indicates the Article in which the current page is located.

User Notes provide helpful information for digital and hard copy formats. User Notes are always highlighted in blue.

Sections and Subsections contain the Ordinance regulations in a hierarchical manner.

Blue bold font links to standards in other sections of the Ordinance.

Graphics, figures, and tables illustrate concepts or clarify regulations.

The screenshot displays the 'R-2 Residential District, Single Family' section (36-3.1.4) of the Texas Township Zoning Ordinance. The interface is organized into several key areas:

- Left Sidebar:** Contains navigation tabs for Purpose and Introduction, Definitions, Zoning Districts, Use Standards, Site Standards, Development Procedures, and Admin and Enforcement.
- Main Content Area:**
 - Section A: INTENT** - Explains the purpose of the R-2 district.
 - Section B: PRINCIPAL PERMITTED USES** - Lists various uses such as single-family dwellings, stables, churches, and schools.
 - Section C: SPECIAL EXCEPTION USES** - Lists uses like cemeteries, parochial schools, and day-care centers.
 - Section D: DEVELOPMENT STANDARDS** - Provides specific requirements for lot size, setbacks, building height, and floor area.
 - Section E: NOTES** - Provides additional information and references to other sections.
- Right Sidebar:** Contains navigation tabs for Purpose and Introduction, Definitions, Zoning Districts, Use Standards, Site Standards, Development Procedures, and Admin and Enforcement.
- Diagram:** A lot diagram showing setbacks (12' Min., 35' Min., 40' Min.) and a building envelope (110' Min.).
- Selected References:** A list of links to other sections of the ordinance, including Zoning Districts, Use Standards, Site Standards, Development Procedures, and Admin and Enforcement.

Link to How to Use This Ordinance.

Link to Zoning Map.

Notes provide relevant district information recommended for review.

Link to Table of Contents.

Selected References list other sections or Ordinances that may pertain to a development in the district.

Pages are numbered sequentially within each Article.



How to Use This Ordinance

2. SYMBOLS AND USER NOTES

The following symbols are used throughout the Zoning Ordinance:

-  indicates the term is defined in Article 2, Definitions. (Note: Not every defined term is designated with a  symbol. Consult Article 2, Definitions, for a list of all defined terms.)
-  indicates there is a graphic that illustrates the standard or requirement.
-  identifies a property line.
-  identifies the right-of-way centerline.
- R/W* identifies the right-of-way.
-  identifies a **User Note** that provides helpful information for all users.
-  identifies a **Digital User Note** that provides helpful information for users with a digital version of the Zoning Ordinance.



How to Use This Ordinance

3. READING THE ORDINANCE

Rules have been established to assist with interpreting the ordinance. Below are some rules to keep in mind when reading this document:

- ☑ Sometimes there may be general and specific regulations that pertain to one particular aspect of site design. In such instances, the specific regulations must be followed.
- ☑ Discrepancies between text and an illustration (including its caption) may occur. In the case of such discrepancies, the text is considered the accurate source of information.
- ☑ The use of the word shall carries significant meaning. Shall regulations must be followed. Requirements that use the word may are discretionary, meaning that the requirement is at the discretion of the Planning Commission, Township Board or Zoning Board of Appeals.
- ☑ Article 2, Definitions, contains over 80 terms. If a term is not listed in this section, it will carry the meaning customarily assigned to it.
- ☑ Conjunctions are often used and must be read accurately:
 - AND indicates that all connected items, conditions, provisions or events shall apply.
 - OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination. (OR may also be read “and/or”)
 - EITHER ... OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

For more rules, see [Section 2.1 Construction of Language](#).

Digital User Note:

What is a link?

A link allows for quick reference to a relevant section. By ‘clicking’ a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the ‘previous view’ button in Adobe Acrobat Reader.



If you do not see the ‘previous view’ button on your Adobe Acrobat Reader screen, you can add it by turning on your ‘page navigation toolbar’. For assistance, refer to the ‘Help’ menu in your version of Acrobat Reader.

What information is linked?

All **blue text** is linked to either another page within the Zoning Ordinance, a separate Township ordinance or document, or an external website.

In addition, several other features of the document are linked to allow users to navigate through the ordinance. Click on any of the following features to quickly locate another section:



Article tabs located on the side of each page are linked to the Contents page of each Article.



Icons located at the bottom of each page are linked to the ‘How to Use This Ordinance’ section, the main Table of Contents, and the Zoning Map



Use Matrix district headings are linked to the corresponding district regulations page in Article 3.

How do I calculate height?

‘How do I calculate height’ button located on each district regulations page is linked to the definition of building height in Article 2.



Zoning Map Legend headings are linked to the corresponding district regulations page in Article 3.



How to Use This Ordinance

4. USE MATRIX

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

P = Principal Permitted Use

S = Special Exception Use



Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	A	R-1A	R-1	R-2	R-3	R-4	R-5	R-6	RC
Agricultural activities, including the raising or growing of crops									S
Apartment						P	P		
Apartment building offices						P	P		
Cemeteries	S	S	S	S	S	S	S		
Child care within a church, parochial, or private school	S	S	S	S	S	S	S		S
Conservation areas, public or private									P
Earth removal, mining and processing operations	S								
Eleemosynary, charitable and philanthropic institutions	S	S	S	S	S	S	S		S
Essential services									P
Family adult foster care home	S	S	S	S	S	S	S		
Family day care homes	P	P	P	P	P	P	P	P	
Farms and farm-related activities	P								
Golf courses	S	S	S	S	S	S	S	S	
Group day care home, adult	S	S	S	S	S	S	S		
Group day care homes	S	S	S	S	S	P	P		
Home occupations, Class A	P	P	P	P	P	P	P		
Home occupations, Class B	S	S	S	S	S	S	S		
Hospital and medical clinic				S	S	S	S		
Limited residential care facilities						S	S		
Mobile home parks								P	
Parking areas and drives									P
Parks and recreation areas									P
Parochial and private schools	S	S	S	S	S	S	S		
Places of worship	P	P	P	P	P	P	P	P	
Planned unit development	S	S	S	S	S	S	S		S
Private airfields or aircraft landing strips	S								
Private noncommercial clubs	S	S	S	S	S	S	S	S	
Public utility buildings and structures	S	S	S	S	S	S	S		

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How to Use This Ordinance

4. USE MATRIX

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S = Special Exception Use



Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	A	R-1A	R-1	R-2	R-3	R-4	R-5	R-6	RC
Publicly owned and operated buildings and uses	S	S	S	S	S	S	S		
Raising and growing of plants, trees, shrubs and nursery stock									S
Recreation uses, such as public or private game refuges, golf courses, parks, playgrounds, campgrounds									S
Riding stables	S								
Signs	P	P	P	P	P	P	P		P
Single-family dwelling	P	P	P	P	P				
Telecommunication towers	S								
Two-family dwelling					P	P	P		
Wind energy conversion systems	S	S	S	S	S	S	S	S	

Continued on next page



How to Use This Ordinance

4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

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S = Special Exception Use



Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	O-1	C-1	C-2	C-3	C-4	I-1	I-3	EBT	CBD
Accessory structures and uses customarily incident to the permitted use	P	P	P	P	P	P	P	P	P
Adult regulated uses						S			
Animal Hospital			S		S				
Art shops	P	P	P	P	P				P
Assembly of merchandise						P			
Assisted living facilities									S
Automobile sales agency			P		P				
Banks, credit unions, savings and loan associations and similar uses	P	P	P	P	P				P
Bar, tavern and nightclub			S		S				
Bed and Breakfast									S
Biotechnology facilities								S	
Boat sales			P		P				
Bus terminals					S				
Car wash									S
Child care centers	P	P	P	P	P	P	P		P
Commercial recreation enterprises, outdoors			S	P	S				
Commercial recreation enterprises; indoors			P	P	P				
Communications facilities								P	
Construction and farm equipment sales						P			
Contractor's equipment yard						S			
Contractor's establishments			P						S
Contractor's material sales									S
Data center								P	
Data processing facilities								P	
Distribution of previously prepared materials								S	
Drive-in eating establishments					P				
Drive-in theater					S				
Dry cleaning establishments & Retail laundries		P	P	P	P				S
Earth removal and excavations; commercial					S		S		

Continued on next page



How to Use This Ordinance

4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

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Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	O-1	C-1	C-2	C-3	C-4	I-1	I-3	EBT	CBD
Education or training in professional or technical fields								P	
Electronics facilities								P	
Facilities for human care such as hospitals, sanitariums, rest and convalescent homes	P	P	P	P	P				
Fire station, volunteer or township			S		S				
Fuel distribution						P	P		
Gasoline service stations			S		S				S
Grain equipment and processing						P	P		
Greenhouse and nursery and landscaping supplies			P		P				
Hardware and building supplies						P			
Hotel		S	S	S	S				
Ice and cold storage plant							P		
Industrial uses							S		
Interior decorating studios	P	P	P	P	P				P
Junkyards and building material salvage yards							S		
Kennel			S		S				
Machine and heavy equipment sales; indoors			P						
Machine shop						P	P		
Manufacturing							P		
Medical offices, including clinics	P	P	P	P	P			P	P
Mixed-use development	S	S	S	S	S	S	S		S
Mobile home sales					S				
Motel		S	S	S	P				
Movie theater									P
Municipal offices of public facilities									P
Office buildings for executive, professional, accounting, writing, clerical, stenographic, drafting and sales	P	P	P	P	P	P		P	P
Outdoor display of goods				S	S				S
Outdoor seating for serving alcohol				S	S				S
Package liquor, beer and wine sales		S	S	S	S				S
Packaging of previously prepared						P	P	S	

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How to Use This Ordinance

4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

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S = Special Exception Use



Digital User Note:

Click on a district heading below to go directly to the corresponding district regulations.

	O-1	C-1	C-2	C-3	C-4	I-1	I-3	EBT	CBD
Personal service establishments which perform services on the premises	P	P	P	P	P				P
Photographic studios	P	P	P	P	P				P
Places of worship		S	S	S	S	S	S		S
Post offices and similar governmental office buildings serving persons living in the adjacent residential areas		P	P	P	P				
Printing, lithographic, blueprinting and similar uses						P			
Private schools									S
Processing and assembly of engineering, medical, laboratory, scientific, and research instruments								S	
Processing or compounding commodities						S		S	
Production of prototypical products								P	
Public utility buildings and structures			S	S	S		P		
Publicly owned and operated buildings and uses	P	P	P	P	P	P	P	P	P
Ready-mix concrete and asphalt plants							S		
Research & related uses, design and experimental product development						S		P	
Residential or multiple family units, attached									S
Restaurants		P	P	P					P
Retail businesses which supply commodities - groceries, baked goods, hardware, audio and video equipment, electronics etc.		P	P	P	P				P
Riding stable and racetrack; commercial			S		S				
Scientific or medical laboratories								P	
Shopping centers or plazas									P
Slaughterhouse							S		
Solid waster transfer facilities							S		
Storage or warehousing of commodities						P			
Storage, outdoors								S	

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How to Use This Ordinance

4. USE MATRIX (Continued)

Below is a reference table that summarizes the uses listed in the Ordinance. Uses below are generalized. Consult [Section 3.1](#) as certain conditions and standards may apply. If there are any conflicts between this table and the uses listed in Section 3.1, the latter will control.

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	O-1	C-1	C-2	C-3	C-4	I-1	I-3	EBT	CBD
Swimming pools; outdoor				S					
Telecommunication towers					S	S	S	S	
Truck sales						P			
Truck terminals, maintenance and storage yard							P		
Used car lot			S		S				
Vehicle repair, major						P			
Vehicle repair, minor			P		S				
Veterinary clinics or similar facilities, including pet shops				S					S
Wind energy conversion systems	S	S	S	S	S	S	S	S	



How to Use This Ordinance

5. DISTRICT SUMMARY TABLE

Below is a quick reference table that summarizes district regulations. Consult [Article 3 Zoning Districts](#) for additional requirements and exceptions to the information below, as well as standards for the CBD Corners Business district, PUD Planned Unit Development Overlay district, and the OSP Open Space Preservation district.

District Summary Table					
District	Minimum Lot Size	Minimum Lot Width (feet)	Setbacks		
			Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
A Agricultural	2.0 acres	200 ft	75	20	50
RC Resource Conservation	10.0 ac	330 ft	100	50 (100 corner lot side yard)	100
R-1 Single Family Residential	1.5 ac	200	40	12	40
R-1A Single Family Residential	1 acre (without water/sewer) 29,000 sq ft (with water/sewer)	165 (without water/sewer) 132 (with water/sewer)	40	12	40
R-2 Single Family Residential	14,500 sq ft	110	40	12	35
R-3 Single & Two Family Residential	14,500 sq ft (single family) 10,895 sq ft (two family)	110	40	10	30
R-4 Multiple-Family Residential	10,895 sq ft (two family) 8,716 sq ft (multiple family)	80 (two family) 100 (multiple family)	40	10	30
R-5 High Density Multiple-Family Residential	10,895 sq ft (two family) 4,356 sq ft (multiple family)	80 (two family) 100 (multiple family)	40	10	30
R-6 Mobile Home Park	7,000 sq ft	70	15	10	15
O-1 Office Service	10,000 sq ft	75	none	none	none
C-1 Local Commercial	10,000 sq ft	75	none	none	none
C-2 General Commercial	30,000 sq ft	150	50	25	25
C-3 Shopping Center Commercial	40,000 sq ft	200	50	25	25
C-4 Highway Commercial	40,000 sq ft	200	50	25	25
I-1 Light Industrial	2.0 acres	200	50	25	25
I-3 Service Industrial	4.0 acres	300	50	25	25
EBT Education & Business Technology	3.0 acres	250	75	50	75



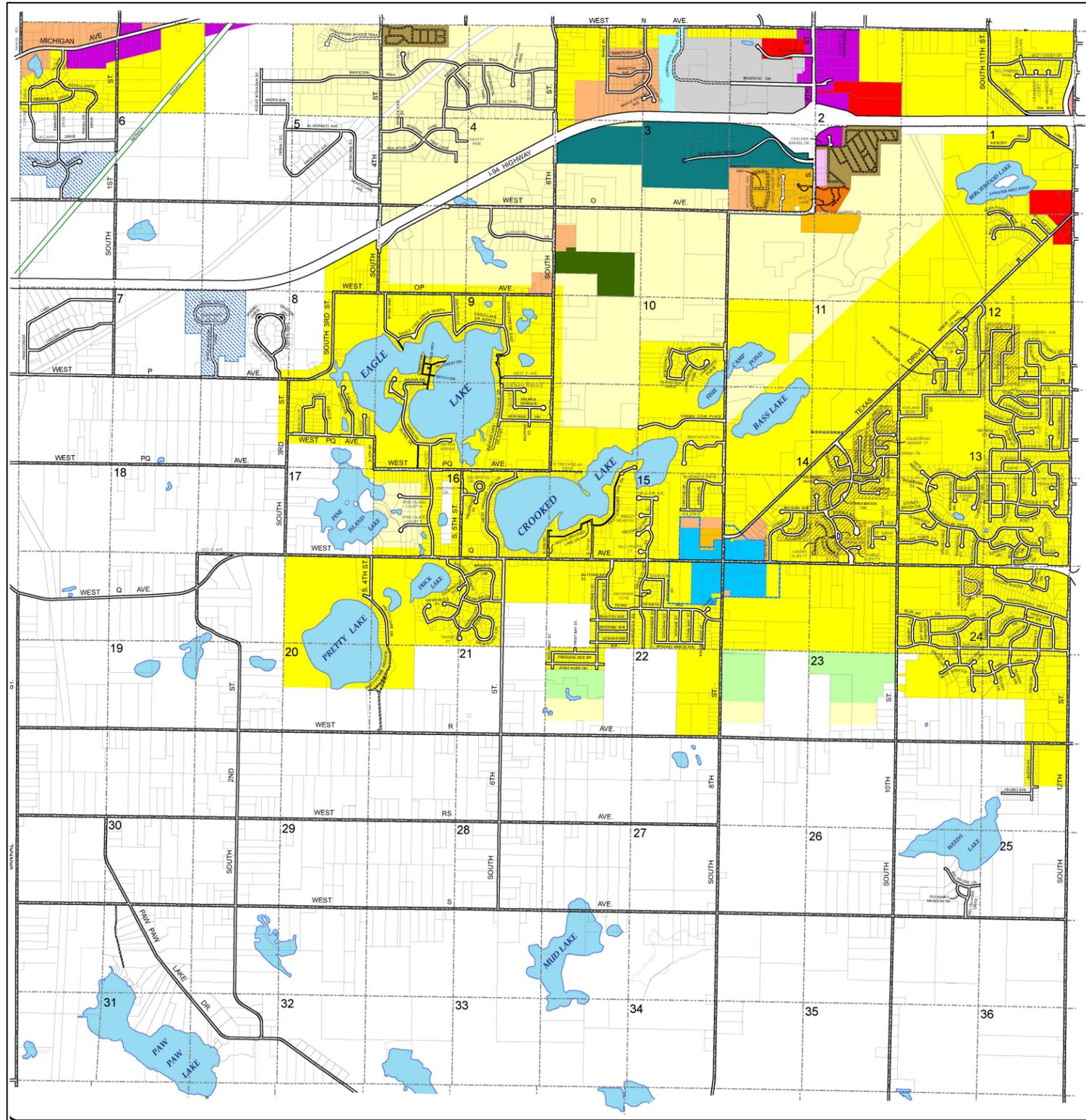
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How to Use This Ordinance

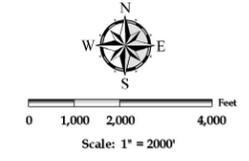
6. ZONING MAP



Digital User Note:
Click on a district heading in the map legend to go directly to the corresponding district regulations.

Charter Township of Texas Kalamazoo County, Michigan Zoning Map

- A Agricultural District
- R-1A Residential District, Single Family
- R-1 Residential District, Single Family
- R-2 Residential District, Single Family
- R-3 Residential District, Single & Two Family
- R-4 Residential District, Multiple Family
- R-5 Residential District, High Density, Multiple Family
- R-6 Mobile Home Park District
- O-1 Office Service District
- C-1 Commercial District, Local
- C-2 Commercial District, General
- C-3 Commercial District, Shopping Center
- C-4 Commercial District, Highway
- I-1 Industrial District, Restricted
- I-2 Industrial District, Manufacturing
- I-3 Industrial District, Service
- COD Court Ordered District
- EBT Educational & Business Technology District
- CBD Corners Business District
- PUD Overlay District
- Open Space Overlay District
- DDA Boundary



Revised as to Use District Amendments
Per Ordinance No. 294 Effective: July 24, 2013

This map is intended for reference purposes only. While it is intended to be an up to date and accurate graphic representation, its accuracy cannot be guaranteed. The Charter Township of Texas maintains the official zoning map. Therefore, neither the Charter Township of Texas nor Prein&Newhof shall be held liable for the contents of this map. Any conclusions or information derived from this map are at the users sole risk.

Prein&Newhof
Phone: 269-372-1158



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Chapter 36

Article 1.0

Purpose and Introduction



Chapter 36

Article 1.0 Purpose and Introduction

36-1.1 Purpose

36-1.2 Vested Right

36-1.3 Conflicting Provisions



36-1.0 Purpose and Introduction

36-1.1. PURPOSE.

In the interest of protecting and promoting the public health, safety and general welfare of the inhabitants and property of the township, the purpose of this chapter is to prevent the overcrowding of land and buildings, avoidance of undue concentration of population, and to provide adequate light and air with due consideration to the character of the zone and its peculiar suitability for particular purposes to the end that property values may be conserved and the most appropriate use of the land of the township encouraged.

36-1.2. VESTED RIGHT.

It is hereby expressly declared that nothing in this chapter shall be held or construed to give or grant to any person any vested interest, right, license, privilege or permit.

36-1.3. CONFLICTING PROVISIONS.

In interpreting and applying this chapter, the requirements contained in this chapter are declared to be the minimum requirements for the protection of health, morals, safety or welfare. This chapter shall not be deemed to interfere with or abrogate or annul or otherwise affect in any manner whatsoever any ordinance, rules, regulations or permits, or by easements, covenants, or other agreements between parties, provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or larger open spaces than are imposed or required by other ordinances, rules, regulations, or permits, or by easements, covenants, or agreements between parties, the provisions of this chapter shall prevail. Except as provided in this chapter, the general regulations in this article shall apply.

1
Purpose and
Introduction

2
Definitions

3
Zoning
Districts

4
Use
Standards

5
Site
Standards

6
Development
Procedures

7
Admin and
Enforcement



1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

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Chapter 36

Article 2.0 Definitions



Chapter 36

Article 2.0 Definitions

- 2.1 Construction of Language
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Access drive	Farming	Platted lot
Access connector	Fence	Principal structure
Access management	Floor area	Professional office
Access point	Floor area, commercial	Recreational unit
Accessory Uses	Frontage	Recreational vehicle
Adult Regulated Uses*	Garage, attached	Research & related uses
Alley	Gasoline service station	Residential care facilities*
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Animal hospital	Gross vehicle weight (GVW)	Right-of-way
Apartment house	Home occupation	Road, private
Banner	Hospital	Service uses, personal
Basement	Hotel	Setback
Beacon	Integrated shopping center	Shelter, fallout
Bed and breakfast	Intersection	Shopping center
Berm	Junkyard	Sign*
Boardinghouse	Kennel	Site condominium development
Boathouse	Land banking	Solid waste transfer facility
Building	Limited common elements	Special exception
Building, accessory	Livestock	Special exception uses
Building envelope	Loading space	Storage, temporary
Building height	Lot	Story
Building line	Lot area	Structure
Building site	Lot, corner	Telecommunications tower
Clinic	Lot coverage	Underlying zoning
Club	Lot, depth of	Undeveloped state
Commercial	Lot, double frontage	Use
Common elements	Lot, front of	Variance
Condominium project	Lot frontage	Vehicle charging space
Condominium plan	Lot, interior	Vehicle repair, major
Condominium unit	Lot of record	Vehicle repair, minor
Developer	Lot width	Vehicle fuel station
District	Manufactured home	Vehicle wash establishment
Dwelling	Master deed	Veterinary clinic
Dwelling, semi-detached	Master plan	Wind energy conversion system
Dwelling, single-family	Mezzanine	Yard
Dwelling, two-family	Mobile home	Yard, front
Dwelling, multiple-family	Motel	Yard, rear
Dwelling unit	Nonconforming uses	Yard, side
Essential services	Off-street parking lot	Zone
Excavation	Outdoor display	
Excavations, commercial	Outdoor seating	
Facilities and services	Parking space, vehicle	
Family	Planned unit development	

* Multiple terms are defined in this ordinance



2.0 Definitions

2.1 CONSTRUCTION OF LANGUAGE

Words used in the present tense include the future; words in the singular number include the plural number; the word "shall" is mandatory. For the purpose of this chapter, certain terms and words are defined as follows.

2.2 DEFINITIONS

Access drive means any private drive or street providing vehicular access to more than two individual properties or uses within a development, subject to site plan review and approval.

Access connector means an internal access drive inside a Mixed Use Site Condominium development with a 40' easement for public utilities and recorded documents addressing the Maintenance and Repair agreement of the surfaces and utilities. See Article 5, Section 9 of this Ordinance.

Access management means any technique utilized to improve traffic operations and reduce the potential for accidents through the control of the number of access points along a street. Such techniques may include the promotion of alternatives to direct (individual property) vehicular access, such as shared access or the use of access drives.

Access point means any opening along the street devoted to vehicular access, including driveways, access drives, private roads or public roads or streets.

Accessory uses means a use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot. Such uses include the following:

1. Residential accommodations for servants and/or caretakers
2. Swimming pools, tennis courts or similar recreational facilities for the use of the residence, or their guest
3. In the CBD accessory off-street parking spaces, open or enclosed subject to the accessory off-street parking regulations for the district.

Adult Regulated Use Definitions

1. Adult booth, arcade, motion picture or mini-motion picture theater or similar use that presents material which displays images emphasizing matter depicting or describing "specified sexual activities" or "specified anatomical areas" as defined. Such uses shall be within an enclosed building or enclosed room within the building and shall not be viewed or displayed immediately upon entering said building or room.
2. Adult book store, adult novelty store or adult video store or similar use which offers for rent or sale material which displays images emphasizing matter depicting or describing "specified sexual activities" or "specified anatomical areas" as defined. Such stores that limit the concentration of such material to an "adult only" section, encompassing less than 25 percent of the usable floor area and less than 25 percent of the gross receipts from sales or rentals, shall not be considered under this definition or regulated as "adult entertainment".
3. Adult cabaret, nightclub, theater or similar establishment which features live performances by dancers (topless, go-go or exotic as examples), strippers or similar entertainers, where the performers feature live display of "specified anatomical areas" or describe "specified sexual activities".
4. Adult motel or adult lodging establishment or similar use that provides materials for sale or rent, including in-room videos, which displays images emphasizing matter depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas". Such facilities shall clearly advertise the availability of such adult entertainment.
5. Adult personal service or physical culture business or similar uses including massage parlors, health spas, saunas or steam baths where the person providing the service is nude or partially nude (defined as having attire which reveals "specified anatomical areas").
6. Specified anatomical areas are areas of the body, less than completely or opaquely covered, including human genitals, the pubic region, buttock or female breast area below a point immediately above the top of the areola. This definition shall also include human male genitals in a discernibly turgid state even if completely and opaquely covered.

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7. Specified sexual activities include human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse, sodomy or fondling or other erotic touching of human genitals, the pubic region, buttock or female breast.

Alley means a dedicated public way or way open to public travel affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

Animal: An organism, other than a human or plant, that is characterized into one of the following three categories:

1. *Domestic: This category includes those animals that have adapted well to human interaction, primarily excluding those utilized for production of food products. These would include those animals residing within the dwelling as pets, such as dogs, house cats, and certain types of other small domesticated animals (such as birds and reptiles), but generally excluding those listed in either the livestock or exotic categories. Such animals are deemed not to be a threat to humans, are nonpoisonous or not carriers of disease, are not likely to bite without provocation (or appropriately caged), and are in good health. Chickens (excluding roosters) and similar fowl may be permitted as a special exception use in residential districts where such animals are not permitted under livestock acreage restrictions (refer to Section 36-4.44 of this Ordinance).*
2. *Livestock: This category includes those other domesticated animals that are primarily utilized for the production of food or are in the large animal category. These would include, but are not limited to, those animals that are presently listed under the classification of animal units associated with livestock operations. This includes cattle, swine, horses, sheep, goats, turkeys, chickens and ducks, except as may be permitted under domestic provisions.*

3. *Exotic: This category includes all other animals but can be further differentiated as either being native or non-native. In Michigan, native animals may include those found in the wild throughout the State or within some small areas. Some of these animals may be endangered or on a protected list (cannot be hunted), while others may be subject to game laws with duration of the hunting season limited by the State of Michigan Department of Natural Resources. Non-native would include those not found in Michigan. This category of animal may be regulated through a general ordinance of the Township (NOTE: The State of Michigan has specific regulation for the importation of animals and may require an official interstate health certificate or a certificate of veterinary inspection issued by an accredited veterinarian from the state of origin).*

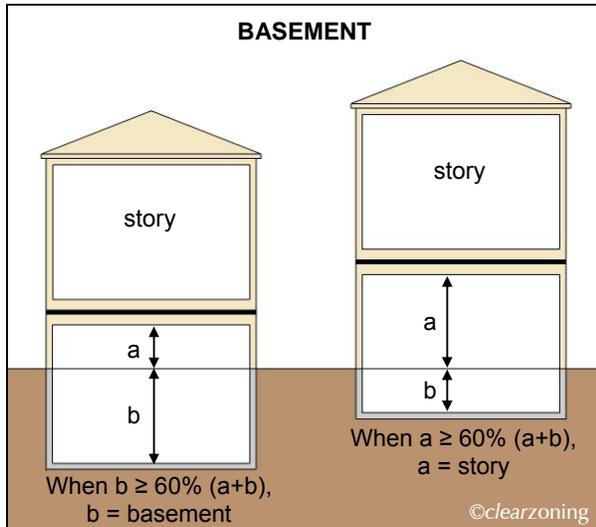
Animal hospital means a facility for the care of animals that may, or may not, include overnight stays as part of the treatment process. Such use shall not include kennel operations but may include emergency care facilities open 24 hours per day.

Apartment house means a building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three or more family units, and with a yard, compound, service, or utilities in common.

Banner means any sign of lightweight fabric or similar material that is mounted to a pole or building, at one or more edges. For purposes of calculating sign areas, a banner mounted to a pole shall be considered a freestanding sign and a banner mounted to a building shall be considered a wall sign. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.



Basement means that portion of building height below the first floor joists, where at least 60 percent is below the level of the adjacent ground. A basement shall not be considered a floor for purposes of calculating floor area and it shall not be considered a story. ✍



Beacon means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

Bed and breakfast means use of a residential dwelling for lodging purposes. Such use shall be a special exception use and the owner or on-site manager shall reside in the premises and there shall be no more than six bedrooms devoted to the lodging business. No meals, other than breakfast, may be served to the patrons unless such use is within a commercial zoning district and facilities are approved for restaurant use.

Berm means a mound of earth (dirt wall), shaped and improved with landscaping for screening (sight and sound) purposes. The use of berms on property subject to site plan approval shall only be permitted upon approval by the planning commission during site plan review.

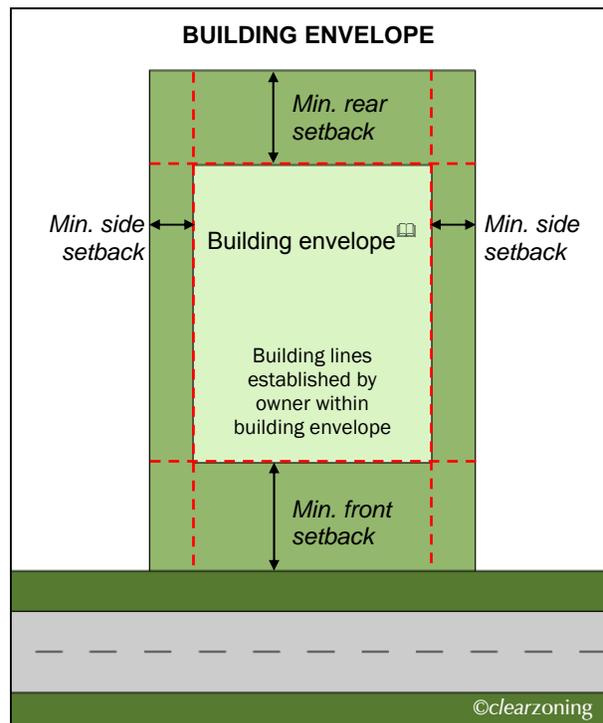
Boardinghouse means a dwelling in which lodging or meals, or both, are furnished to three or more guests for compensation.

Boathouse means a house or shed for sheltering one or more boats.

Building means any structure, either temporary or permanent, having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind. For the purpose of this chapter, a building includes a mobile home or house trailer when designed and used for human habitation as a dwelling.

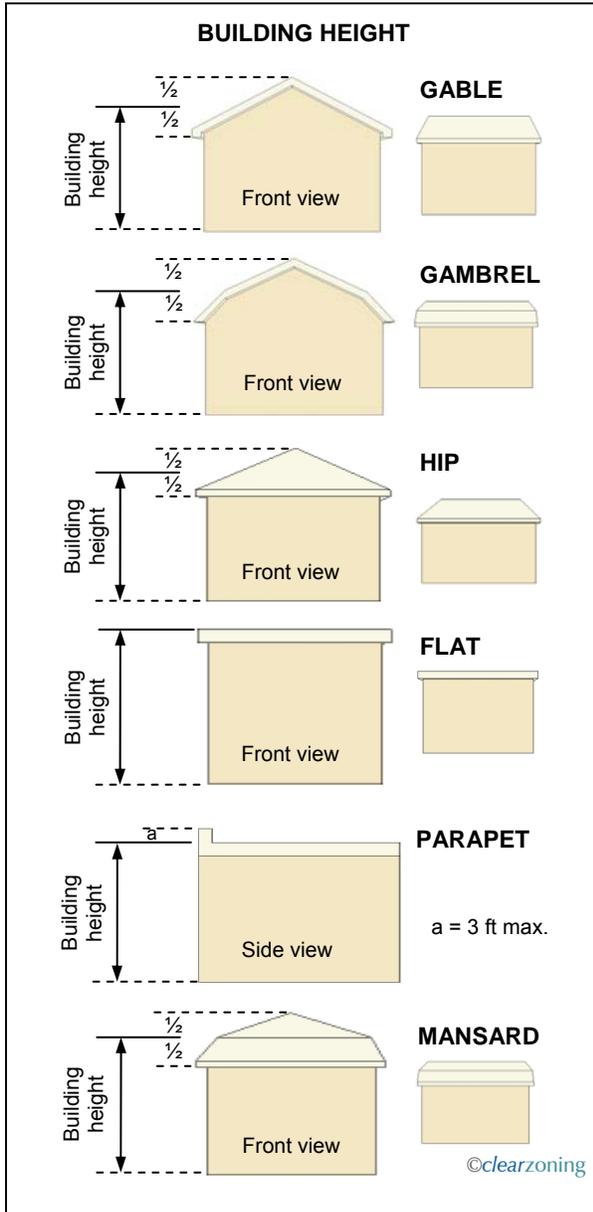
Building, accessory, means a building subordinate to, and located on, the same lot with a principal structure, the use of which is clearly incidental to that of the principal structure or the use of the land, and which does not share a common wall and a common roof with the principal building. For purposes of this definition, a "common wall" is a wall that is located between what would otherwise be two buildings and connects to both. A "common roof" is a roof that connects to walls and/or roofs of the principal and accessory building.

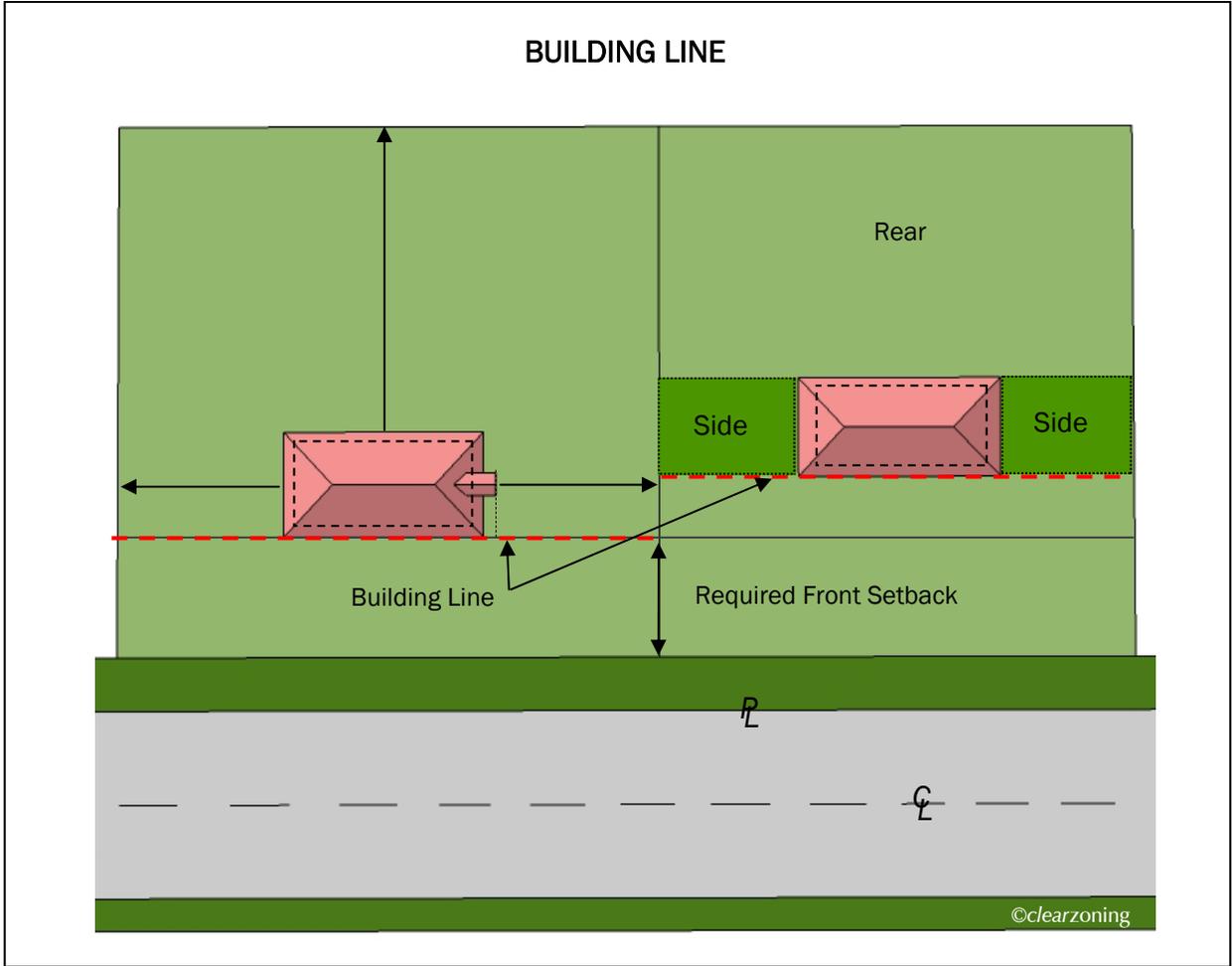
Building envelope means the ground area of a lot which is defined by the minimum setback requirements within which construction of a principal building and any attached accessory structures is permitted by this ordinance. ✍



Building height means the vertical distance measured from the average grade plane to the top of a flat roof or from the average grade plane to one-half the height of a sloped roof. The height of a sloped roof shall be measured from the eave to the ridge. 

Building line means a line beyond which the foundation wall or any enclosed porch, vestibule or other portion of a building shall not project. 





Building site Within a condominium development means that portion of a lot or parcel which is a two dimensional condominium unit of land (i.e., envelope, footprint), along with any designated space above or below the land, designed for the construction of a principal building and accessory structures. All building sites shall have frontage on a public or private street as required by the zoning ordinance.

Clinic means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentist or similar professions.

Club means an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Commercial means the use of property in connection with the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services or the maintenance of service offices or recreation or amusement enterprise. A garage/basement/yard sale operating more than four days during one three-month period is considered a commercial use.

Common elements means the portions of a condominium project other than the condominium units

Condominium project means a development or project consisting of not less than two condominium units established in conformance with, and pursuant to, the Condominium Act, Act No. 59 of the Public Acts of 1978, as amended.



Condominium plan means the plan as required in this ordinance, including but not limited to, the survey and utility plans, streets and pedestrian circulation, and building site plans showing existing and proposed structures and improvements including their location on the land.

Condominium unit means that portion of a condominium project designed and intended for separate ownership and use, as described in the master deed of the project, regardless of whether it is intended for residential, office, industrial, business, recreational or any other type of use approved by the Michigan Department of Commerce for such projects.

Developer means a person engaged in the business of developing a condominium project.

District means an area within which certain uses of land and buildings are permitted and all other are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; and all of such areas and spaces being identical for the district in which they apply.

Dwelling means a building which is occupied wholly as the home, residence or sleeping place by one family either permanently or transiently, excluding any garage space, complying with the following standards:

1. *It complies with the minimum square footage requirements of this chapter for the zone in which it is located.*
2. *It has a minimum width for at least 75 percent of the floor area across any section of not less than 20 feet.*
3. *It is firmly attached to a permanent foundation constructed on the site in accordance with the township building code and shall have a wall of the same perimeter dimensions of dwelling and constructed of such materials and type as required in the applicable building code.*
4. *Any dwelling transported to a site is required to have any wheels, axles, towing hitches or other appurtenances used for towing removed promptly upon placing the dwelling upon its foundation.*

5. *It complies with all pertinent building and fire codes. In the case of a mobile home, all construction and plumbing, electrical apparatus and insulation within and connected to such mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended.*

The standards of subsections (A)–(E) of this definition shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the township pertaining to such parks.

Dwelling, semi-detached, means one of two buildings arranged or designed as dwellings located on abutting lots; separated from each other by a party wall, without openings, extending from the cellar floor to the highest point of the roof, along the dividing lot line; and separated from any other building or structure by space on all other sides.

Dwelling, single-family, means a building designed exclusively for and occupied exclusively by one (1) family in a building containing not more than one dwelling unit.

Dwelling, two-family, means a building designed exclusively for occupancy by two (2) families, living independently of each other and containing not more than two separate dwelling units.

Dwelling, multiple-family, means a building or a portion thereof designed exclusively for occupancy by three (3) or more families, living independently of each other and containing three or more dwelling units (an apartment house).

Dwelling unit means a building or portion thereof arranged or designed for permanent occupancy by not more than one family for living purposes and having cooking facilities.



Essential services, means the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal system, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such facilities for the general health, safety or welfare. Radio broadcasting and receiving towers and equipment structures used in cellular telephone systems are specifically excluded from the definition of essential services.

Excavation means any groundbreaking of ground except common household gardening and ground care

Excavations, commercial, means the digging of soil, sand, gravel, rock, minerals, clay or other earthen material from a land surface for any of the following purposes: When primarily for carrying on a business or manufacturing operation for the purpose of sale, exchange, processing or manufacture. Such term does not mean grading or filling incidental to improvement of the land.

Facilities and services means those facilities and services that are normally accepted as necessary for urban living such as paved streets, public and/or private water supply and sanitary sewer disposal, storm drainage system, schools, parks and playgrounds.

Family means one or two persons with their direct lineal ascendants and descendants and adopted or legally cared for children, and including the domestic employees thereof, together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit.

Farming means agricultural activity or the raising of livestock or small animals as a source of income.

Fence means a structure (requiring a permit or reviewed as part of a site plan) that serves as an enclosure or screening and shall be made of traditional material and sold through retail outlets.

Floor area means the total enclosed floor area of a structure used for residential purposes, with the sum of the horizontal areas of each story of a building measured from the outside faces of the exterior walls, excluding the floor area of uninhabitable basements, cellars, garages, accessory buildings, attics, breezeways and porches. For manufacturing, business or commercial activities which, in the case of the latter, includes customer facilities, showcase facilities, and sales facilities.

Floor area, commercial, means the sum in gross square feet of the area of each floor level in a building as measured from exterior walls. Cellars, basements, mezzanines, penthouses, corridors and lobbies that are within the principal outside faces of exterior walls are included, except architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing headroom (six feet 6 inches minimum) regardless of their use, excluding unroofed areas, and unenclosed roofed over spaces, except those contained within the principal outside faces of the exterior walls .

Frontage means the length of the front property line of the lot, lots or tract of land abutting the public streets, roads or highways.

Garage, attached means that part of a building that is used or intended for use to store motor vehicles, household goods and equipment for a dwelling unit that is located within the building. An attached garage must share a roof with the building that includes the dwelling unit.

Gasoline service station means building or lot, or portions thereof, used and limited in function to retail sale of gasoline, oil, grease, antifreeze, tires, batteries and automobile accessories, and such services such as lubrication, washing, polishing and other minor servicing to motor vehicles.

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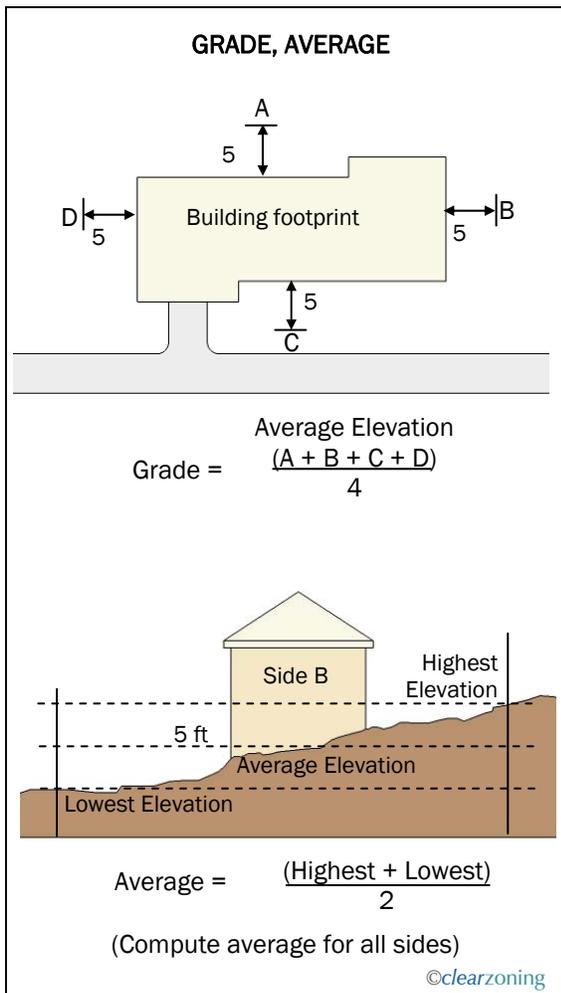
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Grade, average means the average level of the natural grade at five (5) feet from the building wall, with four or more corner points utilized for determining the average. ✍



Gross Vehicle Weight (GVW) means the weight associated with a vehicle fully loaded.

Home occupation means an occupation customarily engaged in by residents in their own dwelling. (See section 36-4.48)

Hospital means any institution, including a sanatorium, which maintains and operates facilities for overnight care and treatment of two or more nonrelated persons as patients suffering mental or physical ailments, but not including any dispensary or first aid treatment facilities maintained by a commercial or industrial plant, educational institution, convent, or a convalescent home, as previously defined.

Hotel means a building occupied as a more or less temporary abiding place of individuals who are lodged with or without meals, in which as a rule the rooms are occupied singly for hire, in which provision is not made for cooking in any individual apartment, except for the management.

Integrated Shopping Center means a commercial, retail or office development one store deep, that fronts or, in some cases, sides on a street

Intersection means a place where two or more streets cross or meet.

Junkyard means any land or building used for commercial, storage and/or sale of paper, rags, scrap metals, other scrap or discarding materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not to be used as a dump.

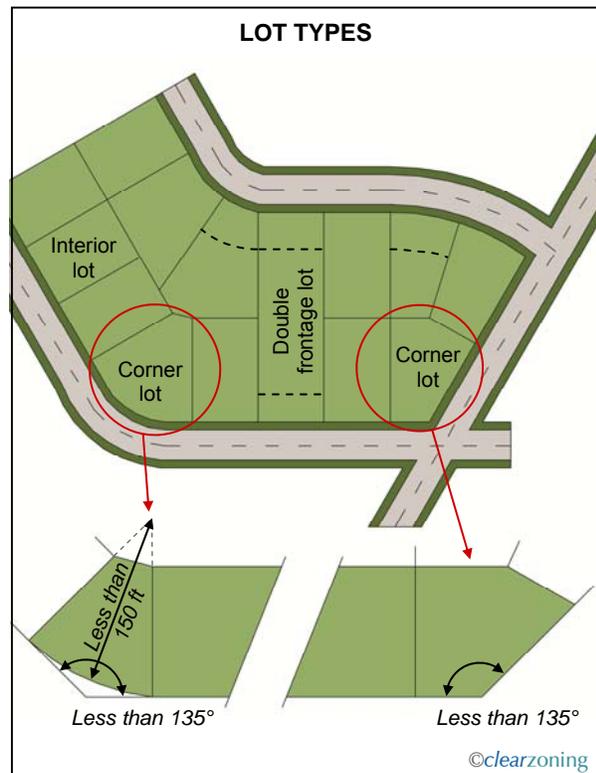
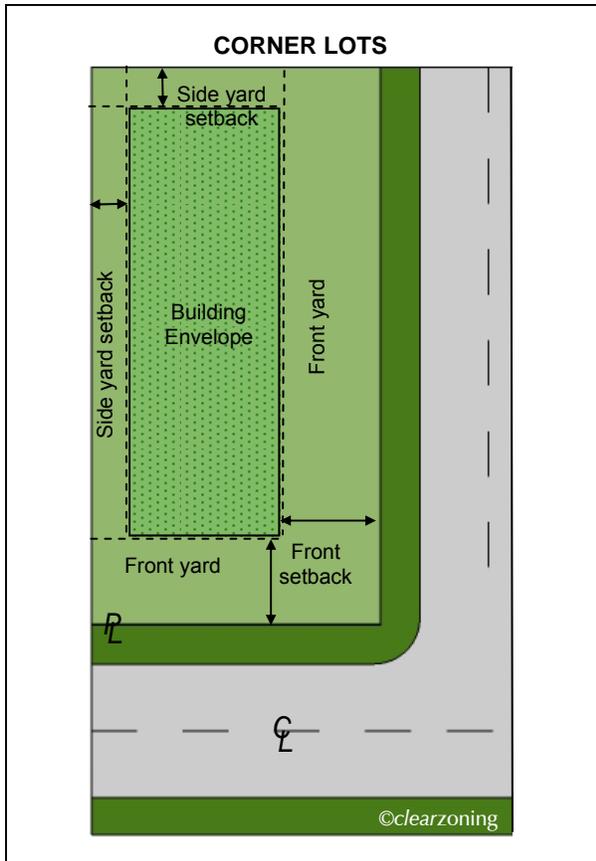
Kenel means a commercial facility for the short-term and long-term boarding of animals on which three (3) or more dogs are permanently or temporarily boarded, and may include exterior facilities for housing and/or exercise areas.

Land banking means the method of designating open space for future additional parking to allow for flexibility in meeting changing parking needs

Limited common elements means the portion(s) of the common elements reserved in the master deed of a condominium project for the exclusive use of less than all the owners of condominium units in the project.

Livestock means horses or any animal which is raised or kept for the production of food for human beings or for the production of fiber.

Loading space means an off-street space on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.



Lot means land occupied or to be occupied by a building and its accessory buildings, or by a dwelling and its accessory buildings, or by a group of buildings where permitted by this chapter, together with such open spaces as are required under the provisions of this chapter for a lot in the district in which such lot is situated, and having the required frontage on a street. A lot may be a platted lot that conforms to the requirements of this chapter or unplatted land that conforms to all requirements of this chapter.

Lot area means the total horizontal area included within the lot line. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as a street with the exception that in the A agricultural district, the lot area shall be the recorded metes and bounds area.

Lot, corner means a lot where the interior angle of two (2) adjacent sides at the intersection of (2) streets is less than one hundred thirty-five degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this chapter, if the arc is of less radius than one hundred fifty (150) feet and the tangents of the curve, at the (2) two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

Lot coverage means the part or percent of the lot occupied by buildings including accessory buildings

Lot, depth of, means the average horizontal distance between the front lot line and the rear lot line.

Lot, double frontage means any interior or through lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provide as required.

Lot, front of, means the side or sides of an interior or through lot which abuts a street; in a corner lot, the side or sides abutting either street will be considered as the front lot line provided that the side selected as the front has the required minimum lot frontage.

Lot frontage means that portion of a lot extending along a street line. In odd-shaped or triangular-shaped lots, the length of the frontage may be reduced to not less than one-half of any minimum frontage required in this chapter and that the actual length of the street line shall be not less than 50 feet.

Lot, interior, means a lot other than a corner lot. *✍*

Lot of record means a lot that was established prior to the effective date of the Zoning Ordinance, Ordinance No. 10. Such lot shall be deemed a buildable lot provided that the placement of such building meets all other site development requirements except required lot area and lot width.

Lot width means the average horizontal width measured at the road right-of-way line. In the case of lots with irregular frontage, the lot width shall be measured at the front setback line.

Manufactured home means a dwelling unit which is designed for long term residential use and is wholly or substantially constructed at an off-site location.

Master deed means the legal document prepared and recorded pursuant to Act 59 of the Public Acts of 1978, as amended, within which are, or to which is attached as exhibits and incorporated by reference, the approved by-laws for the project and the approved condominium subdivision plan for the project.

Master Plan, means the comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township, and includes any unit or part of such plan, and any amendment to such plan or parts thereof

Mezzanine, means an intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third of the area of the room or space in which the level or levels are located.

Mobile home. See "Manufactured home"

Motel means attached or detached buildings which are provided for transient occupancy only, with rental units which may or may not have cooking/kitchen facilities. Entryways and parking shall be oriented around the buildings to assist with such access and it may contain a general kitchen and public dining room for the use of the occupants and other patrons

Nonconforming uses means the use of a building or of land lawfully existing at the time the ordinance from which this chapter derives became effective but which does not conform with the present use regulations of the district in which it is located.

Off-street parking lot means a facility providing vehicular parking spaces along with adequate drive and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than (2) vehicles

Outdoor display means the placement of products for retail sale outside of the building on a seasonal basis. Such use may require a special use permit and will require that an area be specified for such outdoor display on an approved site plan.

Outdoor seating means the placement of tables and chairs outside of the building on a seasonal basis. Such use may require a special use permit and will require that an area be specified for such outdoor seating on an approved site plan. The use of benches near the entrances to the building shall not be considered outdoor seating provided no service is provided outside of the building and the area utilized for such benches does not exceed 16 square feet in area and a clear path of five-foot sidewalk width is retained for pedestrian movement.

Parking space, vehicle, means an area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.



Planned unit development, means and may include such concepts as residential cluster development, planned unit residential development, and similar terminology. It is based upon zoning requirements designed to accomplish the objectives of this chapter, through a land development project review process including the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the surrounding area.

Platted lot means, and includes, any lot within a subdivision, plat or any unit within a site condominium development. Unplatted lots shall be those parcels generally established through land division.

Principal structure means the structure in which is conducted the principal use of the lot on which it is located. Lots with multiple principal uses may have multiple buildings, but storage buildings, garages and other clearly accessory uses shall not be considered principal buildings.

Professional office means rooms or buildings used for office purposes by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, etc., but not including medical or dental clinics.

Recreational unit means any non-shelter type of vehicle and such related equipment not intended to be driven on public roadways without being attached to a trailer, such as snowmobiles, all-terrain vehicles (ATV), off-road vehicles (ORV), boats and jet skis, or similar vehicles and their associated trailers. Such units are designed and intended to be utilized on snow, sand, water or other natural terrain.

Recreational vehicle means any vehicle utilized for recreational purposes and that may be driven on public roadways, such as for travel between destinations and used as temporary living quarters. Such vehicles shall include those vehicles with their own motor power, such as motor homes, or those mounted or attached to another passenger vehicle, such as pickup campers, camper trailers, pop-up tent trailers or similar shelter type vehicles.

Research & Related Uses means uses charged with the principal function of basic research, design and experimental product development, including the following: scientific or medical laboratories, engineering, testing or design facilities or applied research facilities; and the production of prototypical products as may be necessary for research and development operations.

Residential care facilities means homes or care facilities providing care services on a part-time or full-time basis. Such uses are established as permitted or special exception uses based upon their compatibility with uses in those individual zoning districts and state licensing requirements as follows:

1. **Family day care homes:** Includes child day care and adult day care for six or fewer individuals within a residential setting. Such use is considered a permitted use in any district that permits single-family dwellings, subject to definition and state licensing requirements. No nonresident employees are permitted and such use shall operate less than 12 hours per day.
2. **Family adult foster care homes:** Includes adult foster care for six or fewer adults within a residential setting. Such use is considered a special exception use in any residential district that permits single-family dwellings, subject to definition and state licensing requirements. A resident employee is required and not more than one nonresidential employee is permitted. Such use shall be for 24-hour care.
3. **Group day care homes:** Includes group child day care and group adult day care for between seven and 12 individuals within a residential setting. Such use shall be established as a special exception use. A resident employee is required and no more than one nonresident employee is permitted. Such use shall operate less than 24 hours per day.
4. **Limited residential care facilities:** Includes all other day care or foster care facilities for up to 25 individuals, subject to state licensing requirements. This may include nursing homes, assisted living facilities and senior housing for up to 25 people. It is anticipated that these facilities would operate 24 hours per day and would include nonresident employees.
5. **Full residential care facilities:** Includes commercial day care centers, nursing homes, assisted living facilities or other congregate care and/or senior housing facilities. Such use shall be considered a commercial use and include part-time and full-time staff and/or access to medical staff.

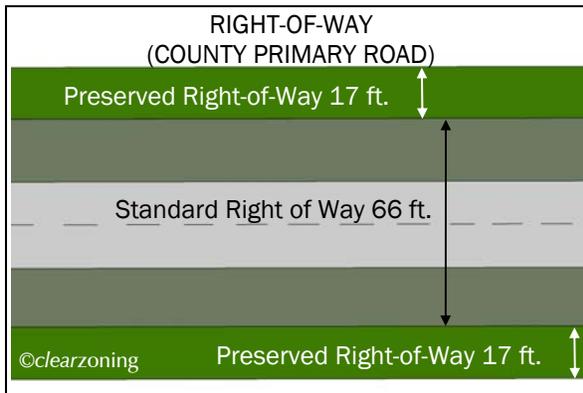
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6. This definition shall include and regulate unlicensed residential facilities and those licensed by the state. It does not include facilities providing treatment, such as substance abuse, or rehabilitation, such as halfway houses, or other uses regulated by the department of corrections.

Retail uses means generally recognized retail businesses which supply commodities on the premises, such as groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions, or hardware.

Right-of-Way, means a right-of-way or easement which has been established for purposes of access, whether for vehicular or non-motorized use. A public road right-of-way may be primary or secondary and are generally 66-feet in width. Where such primary road is intended to support future development, a preserved right-of-way of 100-feet in width may be utilized for purposes of building setbacks or parking areas. The last 17-feet of width on each side of the expanded right-of-way may be utilized for sidewalks or signs where permitted. ✍



Road, private means a private right-of-way or easement which has been approved by the township as part of a PUD district, OSP project or site condominium development. Such private road shall adhere to the minimum road construction standards as established by the Kalamazoo County Road Commission, excepting design/layout of the road.

Service uses, personal means uses which perform services on the premises, including but not limited to shops for the repair of watches, radios, televisions and shoes, tailor shops, photographic studios, barber shops and beauty salons.

Setback means the minimum required distance to achieve front, side or rear yard open space provisions of this chapter.

Shelter, fallout, means a structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids, storms, or other emergencies. Fallout shelters constructed completely below the ground level, except for a vent not exceeding 30 inches in height above ground level, may be contained within any yard area.

Shopping center means a group of five or more commercial establishments planned, developed and managed as a unit, with off-street parking provided on the same property and related in location, size and type of shops in the center.

Sign means any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, which displays numerals, letters, words, trademark or other representation used for direction, or designation of any person, firm, organization, place, product, service, business, or industry which is located upon any land, on any building, in or upon a window, or indoors in such a manner as to attract attention from outside the building.

1. **Animated signs** means any sign that uses movement or change of lighting to depict action or create a special effect or scene.
2. **Awning** means a shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework.
3. **Awning sign** means a sign painted on, printed on or attached flat against the surface of an awning. For purposes of calculating sign areas, an awning sign shall be considered a wall sign.
4. **Sign area** means the surface of the structure used to convey the message exclusive of the necessary supports or any appurtenances required by the building code. The area of open sign structures, consisting of letters or symbols without a solid surface in-between, shall be calculated on the basis of the total area within the perimeter of the group of letters and/or symbols. The area of a double face sign, which is constructed back to back as a single unit, shall be calculated according to the surface area of one side only.



5. **Sign, outdoor advertising**, means a sign which calls attention to a business, commodity, service, entertainment, or other activity conducted, sold or offered elsewhere than on the premises upon which the sign is located.
6. **Sign setback** means the most restrictive distance from a road right-of-way, easement or property line, to the nearest part of the sign, measured at its shortest distance.
7. **Building marker** means any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material and attached to the structure.
8. **Building sign** means any sign attached to any part of a building, as contrasted to a freestanding sign or ground mount sign. For purposes of calculating sign areas, any building sign shall be considered a wall sign.
9. **Bulletin (reader) board** means a sign, which utilizes moveable letters or parts for the purpose of announcing schedules, special events and general information to the public, excluding advertising. (Not directory sign)
10. **Canopy and marquee** mean any permanent rooflike structure projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
11. **Canopy sign and marquee sign** mean a sign attached to or hung from a marquee, mansard, awning, canopy or other structure, projecting from and supported by the building and extending beyond the building wall. For purposes of calculating sign areas, a canopy sign or marquee sign shall be considered a wall sign.
12. **Canopy island** means an accessory roof structure for vehicular or pedestrian use.
13. **Changeable copy sign** means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than two times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this chapter.
14. **Commercial message** means any sign wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity. For purposes of calculating sign areas, any such commercial message shall be part of a wall sign, freestanding or ground-mounted sign.
15. **Construction, contractor, developer sign** means any temporary sign erected on a site designated on a building permit issued by the township as a site for construction which advises the public of pertinent facts regarding the construction, management, sale and/or leasing of the building or property.
16. **Decorative display** means a temporary sign or display designated for the entertainment or cultural enrichment of the public and having no direct sales or advertising content.
17. **Development identification signs** means a sign identifying plats, residential developments, commercial parks, educational and business technology districts, etc., which contain the name of the development only and contain no other commercial message.
18. **Directional signs** means an on-premises sign giving directions, instructions, or facility information and which may contain the name only, with no commercial message, e.g., parking or exit and entrance signs.
19. **Directory sign** means a glass enclosed sign allowing changeable copy for characters not exceeding one inch in height.
20. **Flags** means any fabric, banner or bunting indicating the flags of the United States of America, the state, the county and the township.
21. **Freestanding sign** means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
22. **Ground sign** means a sign attached to a permanent foundation or decorative base and not attached or dependent for support from any building, pole, posts or similar uprights.
23. **Highway identification sign** means a sign within a specified distance of an interstate highway for identifying restaurants, hotels, motels and gasoline service stations in the C4 and EBT districts.



- 24. **Household event sign** means a temporary sign communicating a household event such as yard sales, graduations, family reunions, etc.
- 25. **Menu board** means a remote sign utilized by drive-through establishments for the purpose of placing orders.
- 26. **Message center sign** means a sign that includes electronic changeable content, include both text and graphic messages.
- 27. **Mural** means any painting, other than the detailing of the architectural features of the building.
- 28. **Nonconforming sign** means a sign which existed at the effective date of this chapter, or any amendment thereto, that does not conform to the use regulations of the district in which it is located.
- 29. **Obsolete sign and abandoned sign** mean a sign that no longer correctly advertises a bonafide business, owner, product, person or activity at that location.
- 30. **Off-premises sign** means a sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the lot on which such sign is located. An off-premises sign shall be considered a billboard unless otherwise specified in this chapter.
- 31. **Pennant** means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- 32. **Political sign** means a sign announcing the candidacy of a person running for public office or advocating issues to be voted upon at an election.
- 33. **Portable sign** means any sign that is designed to be transported, including but not limited to signs with wheels removed; with chassis or support constructed without wheels; designed to be transported by trailer or wheels; converted to A- or T-frame signs; attached temporarily or permanently to the ground, a structure or other signs; mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in the normal day to day operations of the business; menu and sandwich boards; searchlight stands; and air- or gas-filled balloons or umbrellas used for advertising. For purposes of calculating sign areas, a portable sign shall be considered a freestanding or ground sign and shall not be permitted on a site on which an existing freestanding or ground sign is located unless otherwise specified in this chapter.
- 34. **Projecting sign** means a sign which is affixed to any building, or part thereof, or structure which extends beyond the building wall, or parts thereof, or structure by more than 12 inches, but not exceeding 48 inches beyond the building wall with a height clearance of at least ten feet. For purposes of calculating sign areas, a projecting sign shall be considered a wall sign.
- 35. **Public event signs** means a temporary sign advertising a noncommercial public service event, which has communitywide interest.
- 36. **Real estate signs** means a temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.
- 37. **Roof sign** means a sign which is erected, constructed and maintained above any portion of the roof but does not exceed the highest portion of that roof. For purposes of calculating sign areas, a roof sign shall be considered a wall sign.
- 38. **Secondary wall sign** means a wall sign that is secondary in nature to the main identification sign and does not exceed any of the provisions detailed in Section 36-5.8.7.
- 39. **Street traffic signs** means signs erected by the state, county, township or federal government for street direction or traffic control.
- 40. **Temporary sign** means a display sign, banner or other advertising device intended for a limited period of display, but not including decorative display for holidays or public demonstration. Signs such as those utilized during periods of construction, real estate development signs, and real estate signs advertising property for sale, rent or lease or household event signs shall be considered temporary signs.
- 41. **Traffic control signs** means stop, yield, speed limit and similar signs, the face of which meet state, county or township standards and which contain no commercial message of any sort.
- 42. **Wall sign** means a sign, identifying a business, attached to, or placed flat against the exterior wall or surface of any building, no portion of which projects more than 12 inches from the wall, and which may not project above the roof or parapet line.



43. **Window sign** means a sign installed inside or on a window and intended to be viewed from the outside. For purposes of calculating sign areas, a window sign shall be considered a wall sign.

Site condominium development means A condominium project in which some or all of the condominium units are building sites.

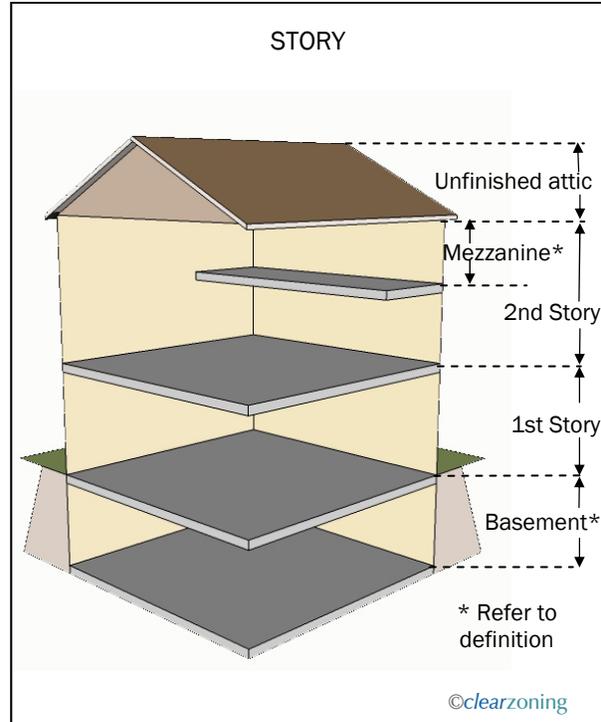
Solid waste transfer facility means a tract of land, building, unit, or appurtenance of a building or unit or combination of land, buildings, and units that is used or intended for use in the rehandling or storage of solid waste incidental to the transportation of the solid waste. A solid waste transfer facility does not include a tract of land or the containers on the land, if the containers have a volume of ten cubic yards or less, and does not include a tract of land and the containers on the land if the containers have a volume of 65 cubic yards or less, and are used only for the storage of solid waste generated on or near the site and incidental to the transportation of the solid waste.

Special exception means the granting to a petitioner, by the board of appeals, certain uses of land and/or buildings, because of their particular nature and due to certain circumstances, to become established as provided in this chapter. (See Section 36-6.3)

Special exception uses means uses of land and/or buildings, because of their particular nature and due to certain circumstances are designated as exceptions, and may be permitted to become established within those districts as specified in this chapter. (See Section 36-6.3)

Storage, Temporary means the use of a structure placed within a residential front yard and not deemed an accessory building or structure, limited to location on an improved surface, such as a driveway, and subject to removal within a maximum of 90 days. Such storage shall be for purposes of storage of personal belongings or construction materials as part of a building renovation or for relocation purposes. It shall be limited in size to an area 10' x 20'.

Story means that portion of a building (excluding a basement) included between the surface of any floor and the surface of the next floor above it. If there is no floor above the floor, the space between the floor and the ceiling next above it shall be included as a story. ✍



Structure means anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something on the ground or attachment to something having location on or in the ground, and shall include fences, tanks, towers, advertising devices, bins, tents, lunch wagons, trailers, dining cars, camp cars or similar structures on wheels, or other supports used for business or living purposes. The term "structure" shall not apply to wires and their supporting poles or frames of electrical or telephone utilities, or to service utilities entirely below the ground.

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Telecommunications Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. The term "tower" includes the structure and any support thereto.

1. *Alternative tower structure means manmade trees, clock towers, steeples, light poles and similar alternative-design mounting structures that camouflage or minimize the presence of antennas or towers.*
2. *Backhaul network means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.*
3. *Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.*
4. *Height means, when referring to a tower or structure, the distance measured from the finished grade to the highest point on the tower or other structure, including the base pad and any antenna.*

Underlying zoning means the zoning classifications and regulations applicable to the property immediately preceding the grant of an application to permit use of the property as a planned unit development

Undeveloped state means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to use of the public.

Use means the principal purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is, or may be used, occupied or maintained.

Variance means the granting to a petitioner, by the board of appeals, permission to vary from the strict application of this chapter as provided in subsection 36-7.5.2.B.

Vehicle charging space means provision for electric vehicle recharge parking spaces to be counted as part of the normal parking space count and the parking requirements that would be associated with a site plan.

Vehicle repair, major means any activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines or trailers; collision service, such as body, frame or fender straightening and repair; overall painting and vehicle rust-proofing; or steam cleaning.

Vehicle repair, minor means any activity involving minor repair and maintenance of passenger vehicles and light trucks and vans, not to exceed 8,000 pounds gross vehicle weight, including, but not limited to vehicle detailing, oil change establishments, audio or cellular installation, and auto glass installation and repair.

Vehicle fuel station means a building and surfaced area where automotive vehicles may be refueled.

Vehicle wash establishment means a building, or portion of a building, the primary purpose of which is washing motor vehicles.

Veterinary clinic means a facility for the care of animals in an office or retail setting, with minimal overnight stays and hours of operation limited to traditional office/clinic hours.



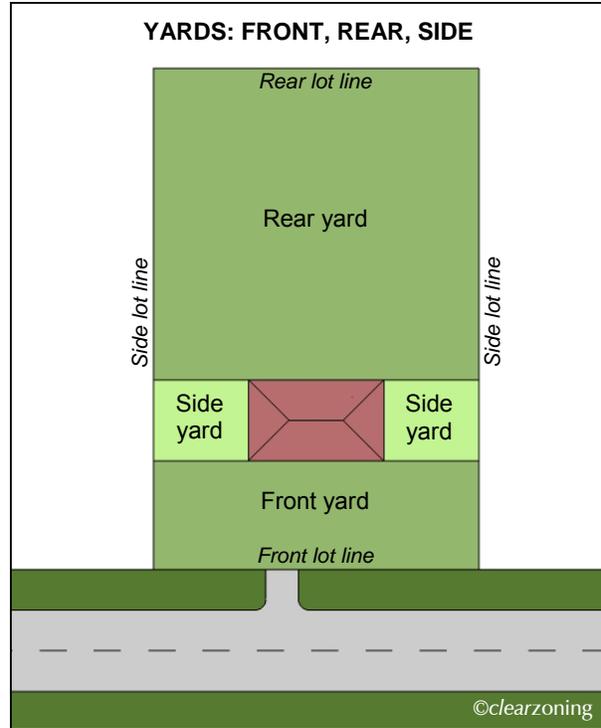
Wind energy conversion system means a system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related equipment. A "small turbine/on-site" system is intended to *primarily* serve the needs of the customer, with a single tower that that may, or may not, be connected to the utility grid. A "large turbine/utility grid system" is designed to generate electricity from one or more towers (within an array) and is intended to serve institutions, residential communities or larger cooperatives.

Yard means open space on the same lot with a building or group of buildings, lying between the building and the nearest lot, or street line, or body of water abutting the lot, and unoccupied and unobstructed from the ground upward, except for plants, trees, shrubs, or fences.

Yard, front, means open space extending across the full width of lot between the front lot line or the proposed front street line and the nearest line of the building or portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line or proposed front street line and the nearest point of the building or any portion thereof. For setbacks required on lots abutting lakes or other bodies of water, see section 36-5.4. ↗

Yard, rear, means open space extending across the full width of lot between the rear line of the lot and the nearest line of the building, porch or projection thereof. The depth of such yard is the average horizontal distance between the rear lot line and the nearest point of the building. For corner lots, the rear yard may be opposite either street frontage. For setbacks required on lots abutting lakes or other bodies of water, see section 36-5.4. ↗

Yard, side, means open space between side lot line, the side street line, or the proposed side street line, if such line falls within the lot, and the nearest line of the building, porch, or projection thereof, extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front lot line or rear lot line. This width of a side yard shall be the shortest distance between the side lot line and the nearest point of the building, porch or projection thereof. For setbacks required on lots abutting lakes or other bodies of water, see section 36-5.4. ↗



Zone. See "District."

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Chapter 36

Article 3.0 Zoning Districts



Chapter 36

Article 3.0 Zoning Districts

- 36-3.1 Districts Established
- 36-3.2 Boundaries
- 36-3.3 EBT Education, Business & Technology
- 36-3.4 Notes to District Standards
- 36-3.5 General Exceptions
- 36-3.6 Distances between Buildings in the R-4 & R-5 Districts
- 36-3.7 Limitations on Height



36-3.0 Zoning Districts

36-3.1 DISTRICTS¹ ESTABLISHED

For the purpose of this Ordinance, the Township of Texas is hereby divided into the following districts:

1. A Agricultural District
2. R-1A Residential District, Single Family
3. R-1 Residential District, Single Family
4. R-2 Residential District, Single Family
5. R-3 Residential District, Single & Two Family
6. R-4 Residential District, Multiple Family
7. R-5 Residential District, High Density, Multiple Family
8. R-6 Mobile Home Park District
9. O-1 Office Service District
10. C-1 Commercial District, Local
11. C-2 Commercial District, General
12. C-3 Commercial District, Shopping Center
13. C-4 Commercial District, Highway
14. I-1 Industrial District, Restricted
15. Reserved for Future Expansion
16. I-3 Industrial District, Service
17. EBT Educational & Business Technology District
18. CBD Corners Business District
19. Reserved for Future Expansion
20. OSP Open Space Preservation Overlay District
21. RC Resource Conservation

 **Digital User Note:**
Click on a district heading to go directly to the corresponding district regulations.

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A Agricultural

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A. INTENT

The A agriculture district is composed of certain land in outlying areas presently of rural character. The A agricultural district is zoned for agricultural use with the intent that agriculture will be the principal land use within the foreseeable future. The regulations for the A agriculture district are designed to stabilize and protect the essential characteristics of the district without unduly restricting its use solely to that of an agricultural nature. To these ends, development in the A agriculture district is limited to a low concentration and to those uses which would not be detrimental to future development.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. **Single-family dwelling** [☐] § 36-4.1
- ii. Any farm or agricultural activities including stock nurseries, animal and livestock raising
- iii. The sale of farm or dairy produce which has been raised on the farm from which it is to be sold
- iv. Family day care homes [☐]
- v. **Class A Home occupations** [☐] § 36-4.48.1
- vi. **Places of worship** § 36-4.13
- vii. **Accessory uses** [☐] § 36-4.2 Or **buildings** § 36.5.10
- viii. **Signs** [☐] § 36-5.8

C. SPECIAL EXCEPTIONS [☐] § 36-6.3

- i. **Cemeteries** § 36-4.11
- ii. **Parochial and private schools** § 36-4.32
- iii. Child care centers or day care centers within places of worship, parochial or private schools
- iv. **Eleemosynary, charitable and philanthropic institutions** § 36-4.22
- v. **Golf courses** § 36-4.18
- vi. **Private noncommercial clubs** § 36-4.14
- vii. **Public utility buildings and structures** necessary for the service of the community § 36-4.29
- viii. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds, other recreational areas and **hospitals** (§ 36-4.20), clinics and nursing homes § 36-4.20
- ix. **Class B Home occupations** [☐] § 36-4.48.2
- x. **Riding stables** § 36-4.42
- xi. **Private airfields or aircraft landing strips** § 36-4.43
- xii. **Earth removal, mining and processing operations** § 36-4.41
- xiii. **Wind energy conversion systems** [☐] § 36-4.39
- xiv. Family adult foster care home [☐]
- xv. **Group day care home** [☐] § 36-4.10
- xvi. **Telecommunication Towers & Antennas** [☐] § 36-4.38
- xvii. **Planned Unit Development** [☐] § 36-4.52



A Agricultural

36-3.1.1

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 2.0 acres
 Minimum lot width[☐]: 200 ft

Lot Coverage[☐]

Maximum lot coverage: 10%
 Accessory buildings: 5%

Setbacks[☐]

Minimum front yard setback: 75 ft
 Minimum rear yard setback: 50 ft
 Accessory buildings: 20 ft
 Minimum side yard setback: 20 ft
 Accessory buildings: 12 ft

Building Height[☐]

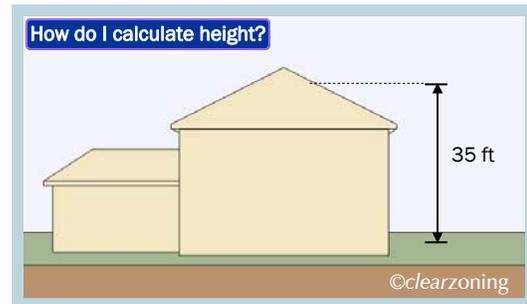
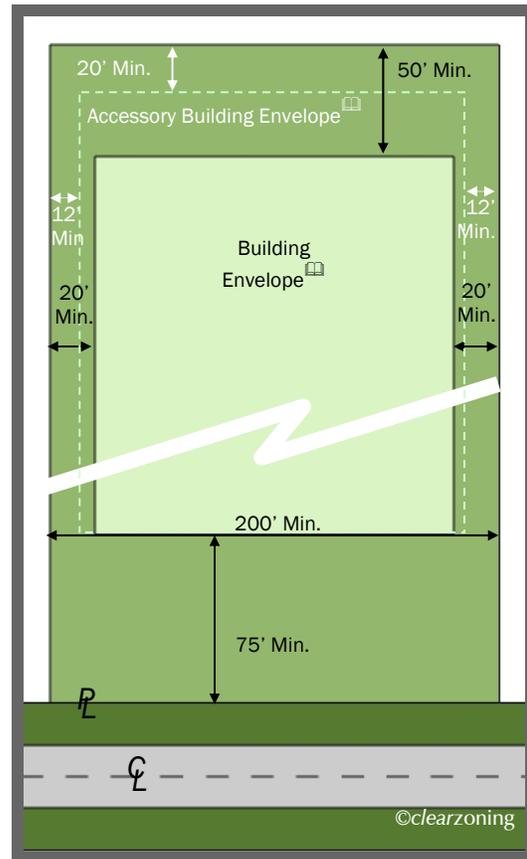
Maximum building height: 35 ft
 Accessory buildings: 20 ft

Floor Area[☐]

Minimum floor area per dwelling[☐]:
 Single Family, 1 story[☐] 1,000 sq ft
 Single Family, 2+ stories 800 sq ft (first floor)
 1,200 sq ft (total)

NOTES

- For additions to the above requirements, refer to [Section 36-3.4.2 Notes to District Standards: A, B, C, E, G](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [General Exceptions](#) § 36-3.5

4. Use Standards

- [Single Family Dwellings](#) § 36-4.1
- [Home Occupations](#) § 36-4.48
- [Accessory Uses](#) § 36-4.2
- [Places of worship](#) § 36-4.13
- [Telecommunication Towers and Antennas](#) § 36-4.38

5. Site Standards

- [Signs](#) § 36-5.8
- [Accessory Buildings](#) § 36.5.10

6. Development Procedures

- [Site Plan Review](#) § 36-6.1
- [Special Exception Use Standards](#) § 36-6.3

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R-1 Residential District, Single Family

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A. INTENT

The R-1 residential district, single-family, is composed of certain land in outlying areas presently of a rural character where low density single-family residential development has occurred, or appears likely to occur. The regulations for the R-1 district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life. To these ends, development in the R-1 district is restricted to low density single-family residential use consistent with limited rural type facilities and services



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Single-family dwelling[☐]
- ii. Reserved for future expansion
- iii. Family day care homes[☐]
- iv. **Places of worship** § 36-4.13
- v. **Class A Home occupations** [☐] § 36-4.48.1
- vi. **Accessory uses** [☐] § 36-4.2 OR **buildings** § 36-5.10
- vii. **Signs** [☐] § 36-5.8

C. SPECIAL EXCEPTION USES[☐] § 36-6.3

- i. **Cemeteries** § 36-4.11
- ii. **Parochial and private schools** § 36-4.32
- iii. Child care centers or day care centers within places of worship, parochial or private schools
- iv. **Eleemosynary, charitable and philanthropic institutions** § 36-4.22
- v. **Golf courses** § 36-4.18
- vi. **Private noncommercial clubs** § 36-4.14
- vii. **Public utility buildings and structures** necessary for the service of the community § 36-4.29
- viii. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds, other recreational areas and **hospitals** (§ 36-4.20), clinics and nursing homes
- ix. **Class B Home occupations** [☐] § 36-4.48.2
- x. Reserved for future expansion
- xi. **Wind energy conversion systems** [☐] § 36-4.39
- xii. Family adult foster care home[☐]
- xiii. **Group day care home** [☐] § 36-4.10
- xiv. **Planned Unit Development** [☐] § 36-4.52



R-1 Residential District, Single Family

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 1.5 acres
 Minimum lot width[☐]: 200 ft

Lot Coverage[☐]

Maximum lot coverage: 15%
 Accessory buildings: 10%

Setbacks[☐]

Minimum front yard setback: 40 ft
 Minimum rear yard setback: 40 ft
 Accessory buildings: 20 ft
 Minimum side yard setback: 12 ft

Building Height[☐]

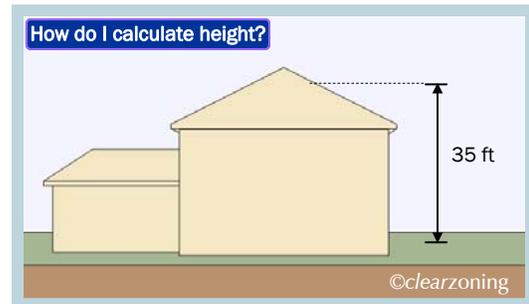
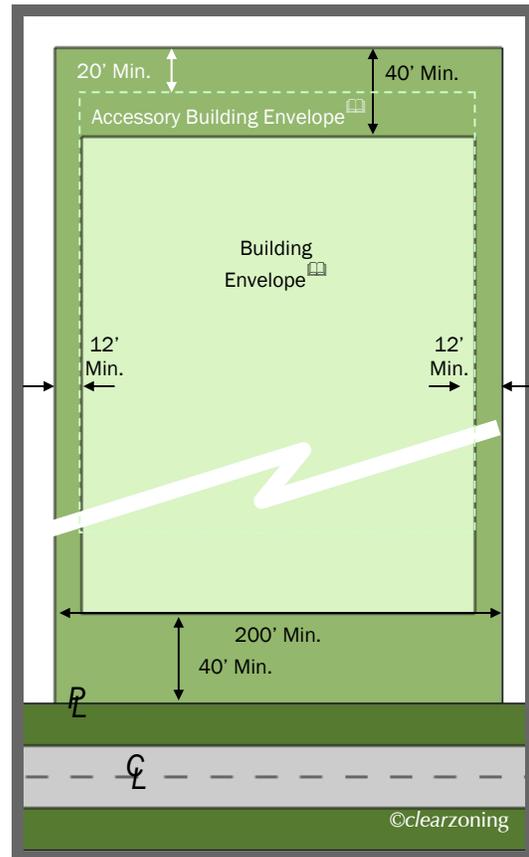
Maximum building height: 35 ft
 Accessory buildings: 20 ft

Floor Area[☐]

Minimum floor area per dwelling[☐]:
 Single Family, 1 story[☐] 1,200 sq ft
 Single Family, 2+ stories 1,000 sq ft (first floor)
 1,500 sq ft (total)

NOTES

- For additions to the above requirements, refer to [Section 36-3.4.2 Notes to District Standards: A, B, C, E, G](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- General Exceptions § 36-3.5

4. Use Standards

- Single Family Dwellings § 36-4.1
- Home Occupations § 36-4.48
- Accessory Uses § 36-4.2
- Places of worship § 36-4.13

5. Site Standards

- Signs § 36-5.8
- Accessory Buildings § 36.5.10

6. Development Procedures

- Site Plan Review § 36-6.1
- Special Exception Use Standards § 36-6.3

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R-1A Residential District, Single Family

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7 Admin and Enforcement

A. INTENT

The R-1A residential district is intended to provide for traditional single-family detached housing development in areas where public utilities are now in place or may be extended in the future. The density of the development permitted shall be based upon the presence of both municipal water and wastewater facilities at the time of application. Surrounding uses of land shall also be compatible with more intensive development than provided for within the R-1 district. Property zoned R-1A is intended to be located adjacent to property zoned R-2 or R-1 but not adjacent to property zoned A, because of the incompatibility of the types and density of uses in R-1A and A.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Single-family dwelling[☐]
- ii. Reserved for future expansion
- iii. Family day care homes[☐]
- iv. **Places of worship** § 36-4.13
- v. **Class A Home occupations** [☐] § 36-4.48.1
- vi. **Accessory uses** [☐] § 36-4.2 OR **buildings** § 36-5.10
- vii. **Signs** [☐] § 36-5.8

C. SPECIAL EXCEPTION USES [☐] § 36-6.3

- i. **Cemeteries** § 36-4.11
- ii. **Parochial and private schools** § 36-4.32
- iii. Child care centers or day care centers within places of worship, parochial or private schools
- iv. **Eleemosynary, charitable and philanthropic institutions** § 36-4.22
- v. **Golf courses** § 36-4.18
- vi. **Private noncommercial clubs** § 36-4.14
- vii. **Public utility buildings and structures** necessary for the service of the community § 36-4.29
- viii. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds, other recreational areas and **hospitals** (§ 36-4.20), clinics and nursing homes
- ix. **Class B Home occupations** [☐] § 36-4.48.2
- x. Reserved for future expansion
- xi. **Wind energy conversion systems** [☐] § 36-4.39
- xii. Family adult foster care home[☐]
- xiii. **Group day care home** [☐] § 36-4.10
- xiv. **Planned Unit Development** [☐] § 36-4.52



R-1A Residential District, Single Family

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]:

With public water & sewer	29,000 sq ft
W/O public water & sewer	1 acre

Minimum lot width[☐]:

With public water & sewer	132 ft
W/O public water & sewer	165 ft

Lot Coverage[☐]

Maximum lot coverage:	15%
Accessory buildings:	10%

Setbacks[☐]

Minimum front yard setback:	40 ft
Minimum rear yard setback:	40 ft
Accessory buildings:	5 ft
Minimum side yard setback:	12 ft

Building Height[☐]

Maximum building height:	35 ft
Accessory buildings:	20 ft

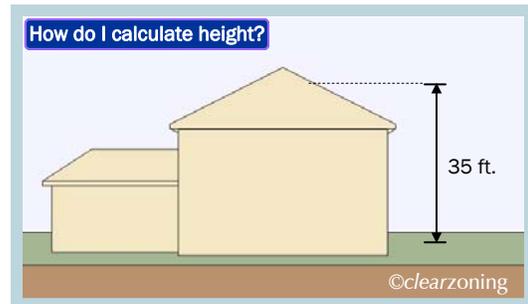
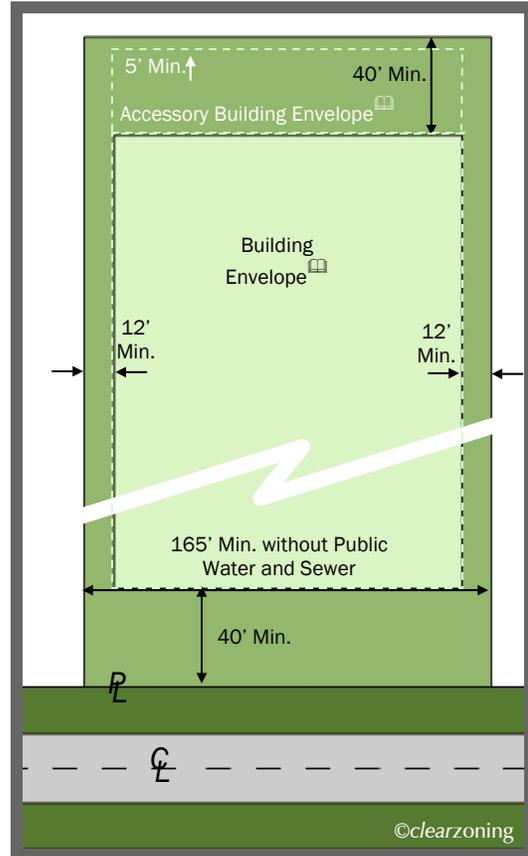
Floor Area[☐]

Minimum floor area per one-family dwelling[☐]:

With public water & sewer	1,000 sq ft
W/O public water & sewer	1,200 sq ft
2+ stories	1,000 sq ft (first floor)

NOTES

- For additions to the above requirements, refer to [Section 3.4.2 Notes to District Standards: A, B, E](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [General Exceptions](#) § 36-3.5

4. Use Standards

- [Single Family Dwellings](#) § 36-4.1
- [Home Occupations](#) § 36-4.48
- [Accessory Uses](#) § 36-4.2
- [Places of worship](#) § 36-4.13

5. Site Standards

- [Signs](#) § 36-5.8
- [Accessory Buildings](#) § 36.5.10

6. Development Procedures

- [Site Plan Review](#) § 36-6.1
- [Special Exception Use Standards](#) § 36-6.3

Other Ordinances

-

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



R-2 Residential District, Single Family

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

A. INTENT

The R-2 residential district, single-family, is composed of medium density single-family residential areas in the township where medium density single-family residential development has occurred, or appears likely to occur. The regulations for the R-2 district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life. To these ends, development in the R-2 district is restricted to medium density single-family residential use, where adequate facilities and services will be provided.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Single-family dwelling[☐]
- ii. Reserved for future expansion
- iii. Family day care homes[☐]
- iv. **Class A Home occupations** [☐] § 36-4.48.1
- v. **Places of worship** § 36-4.13
- vi. **Accessory uses** [☐] § 36-4.2 OR **buildings** § 36-5.10
- vii. **Signs** [☐] § 36-5.8

C. SPECIAL EXCEPTION USES[☐] § 36-6.3

- i. **Cemeteries** § 36-4.11
- ii. **Parochial and private schools** § 36-4.32
- iii. Child care centers or day care centers within places of worship, parochial or private schools
- iv. **Eleemosynary, charitable and philanthropic institutions** § 36-4.22
- v. **Golf courses** § 36-4.18
- vi. **Private noncommercial clubs** § 36-4.14
- vii. **Public utility buildings and structures** necessary for the service of the community § 36-4.29
- viii. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds, other recreational areas and **hospitals** (§ 36-4.20), clinics and nursing homes
- ix. **Class B Home occupations** [☐] § 36-4.48.2
- x. Reserved for future expansion
- xi. **Wind energy conversion systems** [☐] § 36-4.39
- xii. Family adult foster care home[☐]
- xiii. **Group day care home** [☐] § 36-4.10
- xiv. **Hospital** (§ 36-4.20) OR **medical clinic** (§ 36-4.25), excluding animal hospitals
- xv. **Planned Unit Development** [☐] § 36-4.52



R-2 Residential District, Single Family

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]

Any lot, unit or parcel served by sewer, excluding frontage onto county primary roads: 14,500 sq ft
 All other parcels: 35,800 sq ft

Minimum lot width[Ⓜ]:

Any lot, unit or parcel served by sewer, excluding frontage onto county primary roads: 110 ft
 All other parcels: 165 ft

Lot Coverage[Ⓜ]

Maximum lot coverage: 20%
 Accessory buildings: 15%

Setbacks[Ⓜ]

Minimum front yard setback: 40 ft
 Minimum rear yard setback: 35 ft
 Accessory buildings: 5 ft
 Minimum side yard setback: 12 ft

Building Height[Ⓜ]

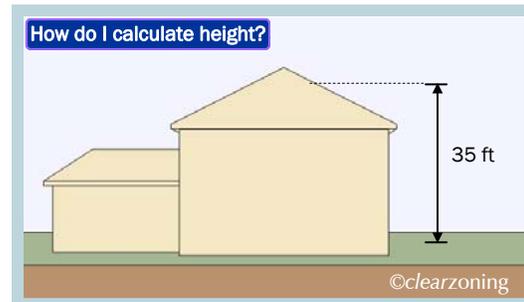
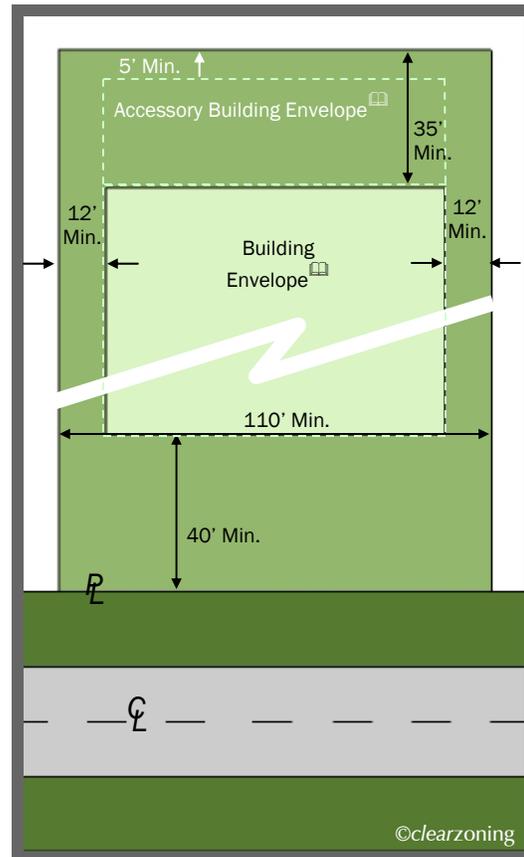
Maximum building height: 35 ft
 Accessory buildings: 20 ft

Floor Area[Ⓜ]

Minimum floor area per dwelling[Ⓜ]:
 Single Family, 1 story 1,200 sq ft
 Single Family, 2+ stories 1,000 sq ft (first floor)
 1,500 sq ft (total)

NOTES

- For additions to the above requirements, refer to [Section 36-3.4.2 Notes to District Standards: A, B, C, D, E, G](#)
- See *Selected References* below for applicability
- See regulations for lake lot setbacks under [Section 36-5.4](#) and for riparian regulations under [Section 36-5.5](#)



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [General Exceptions](#) § 36-3.5

4. Use Standards

- [Single Family Dwellings](#) § 36-4.1
- [Home Occupations](#) § 36-4.48
- [Accessory Uses](#) § 36-4.2
- [Places of worship](#) § 36-4.13

5. Site Standards

- [Signs](#) § 36-5.8
- [Accessory Buildings](#) § 36.5.10

6. Development Procedures

- [Site Plan Review](#) § 36-6.1
- [Special Exception Use Standards](#) § 36-6.3

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R-3 Residential District, Single & Two Family

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2 Definitions

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3 Zoning Districts

3

4 Use Standards

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5 Site Standards

5

6 Development Procedures

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7 Admin and Enforcement

7

A. INTENT

The R-3 residential district, single- and two-family, is composed of higher density single- and two-family residential areas in the township where high density single-family or two-family residential development has occurred, or appears likely to occur. The regulations for the R-3 district are designed to protect and stabilize the essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life. To these ends, development is restricted to higher density single-family and two-family residential use where adequate facilities and services will be provided.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Single-family dwelling[☐]
- ii. Two-family dwelling[☐]
- iii. Family day care homes[☐]
- iv. **Class A Home occupations** [☐] § 36-4.48.1
- v. **Places of worship** § 36-4.13
- vi. **Accessory uses** [☐] § 36-4.2 OR **buildings** § 36-5.10
- vii. **Signs** [☐] § 36-5.8

C. SPECIAL EXCEPTION USES[☐] § 36-6.3

- i. **Cemeteries** § 36-4.11
- ii. **Parochial and private schools** § 36-4.32
- iii. Child care centers or day care centers within places of worship, parochial or private schools
- iv. **Eleemosynary, charitable and philanthropic institutions** § 36-4.22
- v. **Golf courses** § 36-4.18
- vi. **Private noncommercial clubs** § 36-4.14
- vii. **Public utility buildings and structures** necessary for the service of the community § 36-4.29
- viii. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds, other recreational areas and **hospitals** (§ 36-4.20), clinics and nursing homes
- ix. **Class B Home occupations** [☐] § 36-4.48.2
- x. Reserved for future expansion
- xi. **Wind energy conversion systems** [☐] § 36-4.39
- xii. Family adult foster care home[☐]
- xiii. **Group day care home** [☐] § 36-4.10
- xiv. **Hospital** (§ 36-4.20) OR **medical clinic** (§ 36-4.25), excluding animal hospitals
- xv. **Planned Unit Development** [☐] § 36-4.52



R-3 Residential District, Single & Two Family

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area [☐]	
Single Family	14,500 sq ft
Two Family	10,895 sq ft
Minimum lot width [☐] :	110 ft

Lot Coverage[☐]

Maximum lot coverage:	25%
Accessory buildings:	20%

Setbacks[☐]

Minimum front yard setback:	40 ft
Minimum rear yard setback:	30 ft
Minimum side yard setback:	10 ft

Building Height[☐]

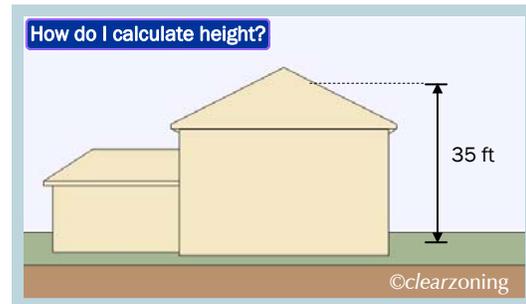
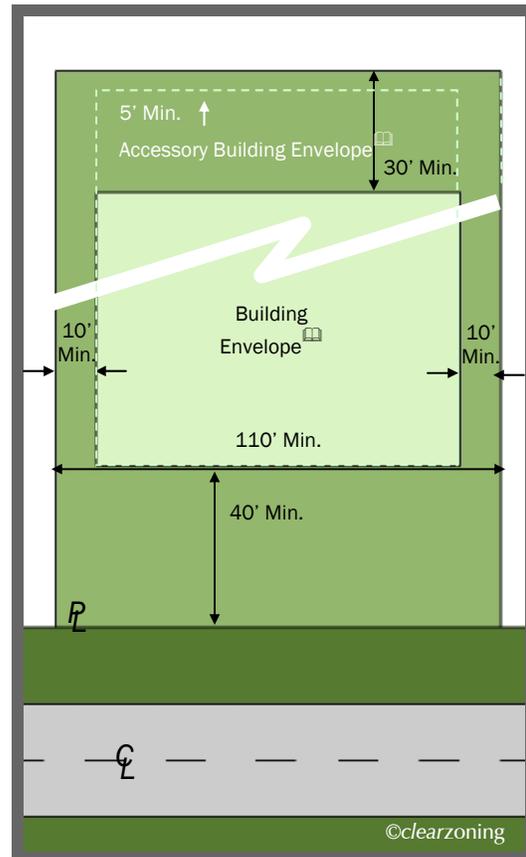
Maximum building height:	35 ft
Accessory buildings:	20 ft

Floor Area[☐]

Minimum floor area per dwelling unit [☐] :	
Single Family, 1 story [☐]	1,200 sq ft
Single Family, 2+ stories	1,000 sq ft (first floor) 1,500 sq ft (total)
Two Family	960 sq ft (per unit)

NOTES

- For additions to the above requirements, refer to [Section 36-3.4.2 Notes to District Standards: A, B, C, D, E, G](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

Zoning Districts

- [General Exceptions](#) § 36-3.5

4. Use Standards

- [Single Family Dwellings](#) § 36-4.1
- [Home Occupations](#) § 36-4.48
- [Accessory Uses](#) § 36-4.2
- [Places of worship](#) § 36-4.13

5. Site Standards

- [Signs](#) § 36-5.8
- [Accessory Buildings](#) § 36.5.10

Other Ordinances

-

6. Development Procedures

- [Site Plan Review](#) § 36-6.1
- [Special Exception Use Standards](#) § 36-6.3

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R-4 Residential District, Multiple Family

1 Purpose and Introduction

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2 Definitions

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3 Zoning Districts

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4 Use Standards

4

5 Site Standards

5

6 Development Procedures

6

7 Admin and Enforcement

7

A. INTENT

The R-4 residential district, multiple-family, is composed of certain areas within the township where multiple-family residential development has occurred, or appears desirable to occur. The regulations for the R-4 district are designed to protect and stabilize the essential characteristics of these areas, and to promote and encourage a suitable and safe environment for family life. To these ends, development in the R-4 district is restricted to multiple-family residential use where adequate public facilities and services will be provided



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Two-family dwelling[□]
- ii. Apartment houses[□], boardinghouses[□], garden apartment development and related accessory structures
- iii. Business offices in an apartment building for conducting business incidental to the rental, operation, service and maintenance of the apartment building, or buildings
- iv. **Accessory uses**[□] § 36-4.2 Or **buildings** § 36-5.10
- v. Family day care homes and group day care homes[□]
- vi. **Class A Home occupations**[□] § 36-4.48.1
- vii. **Places of worship** § 36-4.13
- viii. **Signs**[□] § 36-5.8

C. SPECIAL EXCEPTION USES[□] § 36-6.3

- i. **Cemeteries** § 36-4.11
- ii. **Parochial and private schools** § 36-4.32
- iii. Child care centers or day care centers within places of worship, parochial or private schools
- iv. **Eleemosynary, charitable and philanthropic institutions** § 36-4.22
- v. **Golf courses** § 36-4.18
- vi. **Private noncommercial clubs** § 36-4.14
- vii. **Public utility buildings and structures** necessary for the service of the community § 36-4.29
- viii. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds, other recreational areas and **hospitals** (§ 36-4.20), clinics and nursing homes
- ix. **Class B Home occupations**[□] § 36-4.48.2
- x. Reserved for future expansion
- xi. **Wind energy conversion systems**[□] § 36-4.39
- xii. Family adult foster care home[□]
- xiii. **Hospital** (§ 36-4.20) Or **medical clinic** (§ 36-4.25), excluding animal hospitals
- xiv. Limited residential care facilities[□]
- xv. **Planned Unit Development**[□] § 36-4.52



R-4 Residential District, Multiple Family

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area [Ⓜ] :	
Two Family:	10,895 sq ft
Multiple Family	8,716 sq ft
Minimum lot width [Ⓜ] :	
Two Family:	80 ft
Multiple Family:	100 ft

Lot Coverage[Ⓜ]

Maximum lot coverage:	30%
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Setbacks[Ⓜ]

Minimum front yard setback:	40 ft
Minimum rear yard setback:	30 ft
Minimum side yard setback:	10 ft
Minimum distance between buildings:	Varies (refer to Section 36-3.6)

Building Height[Ⓜ]

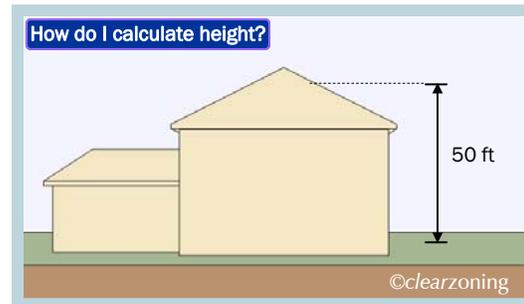
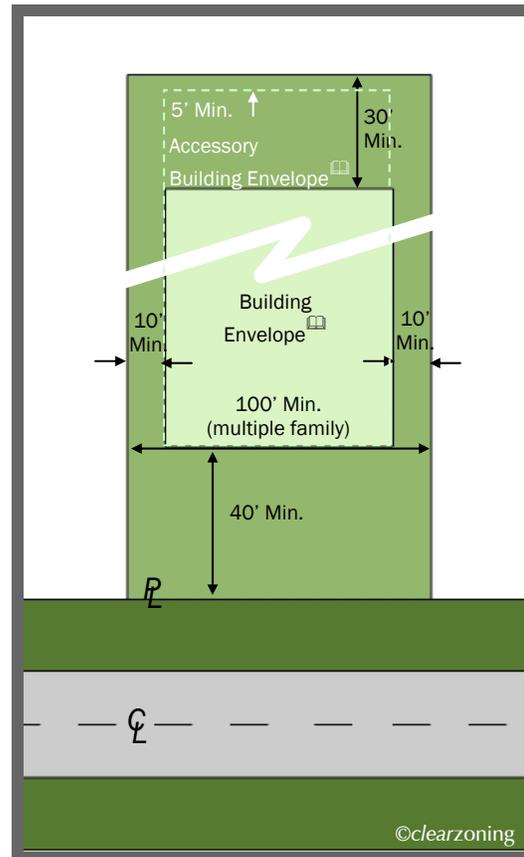
Maximum building height:	50 ft
Accessory buildings:	20 ft

Floor Area[Ⓜ]

Minimum floor area per dwelling unit [Ⓜ] :	
Two Family:	960 sq ft
Multiple Family:	768 sq ft

NOTES

- For additions to the above requirements, refer to [Section 36-3.4.2 Notes to District Standards: A, B, E, G](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [General Exceptions](#) § 36-3.5

4. Use Standards

- [Single Family Dwellings](#) § 36-4.1
- [Home Occupations](#) § 36-4.48
- [Accessory Uses](#) § 36-4.2
- [Places of worship](#) § 36-4.13

5. Site Standards

- [Signs](#) § 36-5.8
- [Accessory Buildings](#) § 36.5.10

Other Ordinances

-

6. Development Procedures

- [Site Plan Review](#) § 36-6.1
- [Special Exception Use Standards](#) § 36-6.3

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R-5 Residential District, High Density Multiple Family

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

A. INTENT

The R-5 residential district, high density multiple-family, is composed of certain areas within the township where high density multiple-family residential development has occurred, or appears desirable to occur. The regulations of the R-5 district are designed to protect and stabilize the essential characteristics of these areas, and to promote and encourage a suitable and safe environment for family life. To these ends, development in the R-5 district is restricted to high density multiple-family residential use where adequate public facilities and services will be provided



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Two-family dwelling[☐]
- ii. Apartment houses[☐], boardinghouses[☐], garden apartment development and related accessory structures
- iii. Business offices in an apartment building for conducting business incidental to the rental, operation, service and maintenance of the apartment building, or buildings
- iv. **Accessory uses**[☐] § 36-4.2 Or **buildings** § 36-5.10
- v. Family day care homes and group day care homes[☐]
- vi. **Class A Home occupations**[☐] § 36-4.48.1
- vii. **Places of worship** § 36-4.13
- viii. **Signs**[☐] § 36-5.8

C. SPECIAL EXCEPTION USES[☐] § 36-6.3

- i. **Cemeteries** § 36-4.11
- ii. **Parochial and private schools** § 36-4.32
- iii. Child care centers or day care centers within places of worship, parochial or private schools
- iv. **Eleemosynary, charitable and philanthropic institutions** § 36-4.22
- v. **Golf courses** § 36-4.18
- vi. **Private noncommercial clubs** § 36-4.14
- vii. **Public utility buildings and structures** necessary for the service of the community § 36-4.29
- viii. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds, other recreational areas and **hospitals** (§ 36-4.20), clinics and nursing homes
- ix. **Class B Home occupations**[☐] § 36-4.48.2
- x. Reserved for future expansion
- xi. **Wind energy conversion systems**[☐] § 36-4.39
- xii. Family adult foster care home[☐]
- xiii. **Hospital** (§ 36-4.20) Or **medical clinic** (§ 36-4.25), excluding animal hospitals
- xiv. Limited residential care facilities[☐]
- xv. **Planned Unit Development**[☐] § 36-4.52



R-5 Residential District, High Density Multiple Family

36-3.1.7

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area [Ⓜ] :	
Two Family:	10,895 sq ft
Multiple Family	4,356 sq ft
Minimum lot width [Ⓜ] :	
Two Family:	80 ft
Multiple Family:	100 ft

Lot Coverage[Ⓜ]

Maximum lot coverage:	35%
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Setbacks[Ⓜ]

Minimum front yard setback:	40 ft
Minimum rear yard setback:	30 ft
Minimum side yard setback:	10 ft
Minimum distance between buildings:	Varies (refer to Section 36-3.6)

Building Height[Ⓜ]

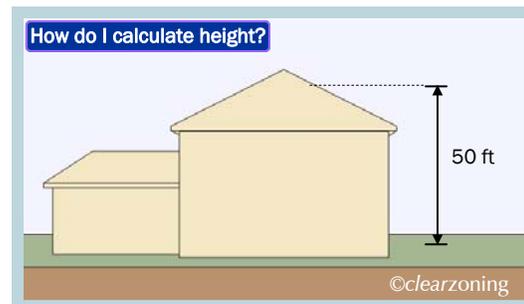
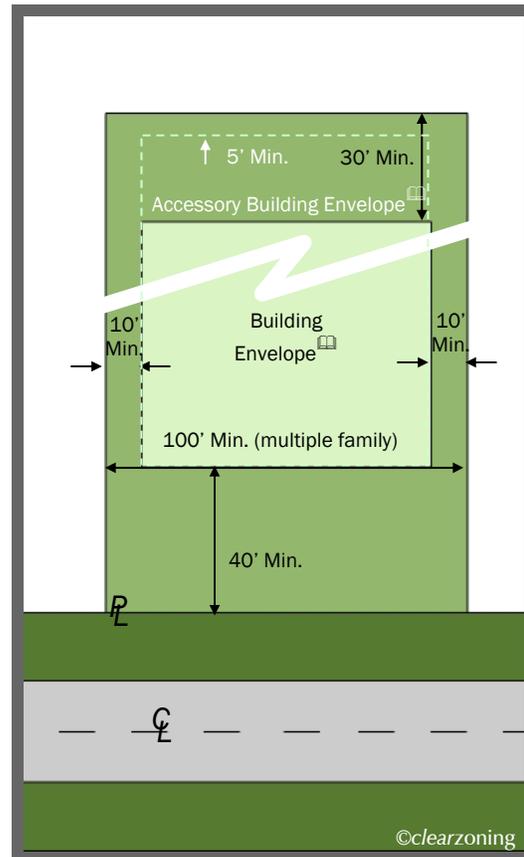
Maximum building height:	50 ft
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Floor Area[Ⓜ]

Minimum floor area per dwelling unit [Ⓜ] :	
Two Family:	960 sq ft
Multiple Family:	768 sq ft

NOTES

- For additions to the above requirements, refer to [Section 36-3.4.2 Notes to District Standards: A, B, E, G](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [General Exceptions](#) § 36-3.5

4. Use Standards

- [Single Family Dwellings](#) § 36-4.1
- [Home Occupations](#) § 36-4.48
- [Accessory Uses](#) § 36-4.2
- [Places of worship](#) § 36-4.13

5. Site Standards

- [Signs](#) § 36-5.8
- [Accessory Buildings](#) § 36-5.10

Other Ordinances

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6. Development Procedures

- [Site Plan Review](#) § 36-6.1
- [Special Exception Use Standards](#) § 36-6.3

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A. INTENT

The R-6 mobile home park district is designed solely for mobile home parks and such accessory structures and uses normally associated thereto, in accordance with those regulations specified by the mobile home commission act, Public Act No. 96 of 1987 (MCL 125.2301 et seq.), and in accordance with the area requirements specified in this chapter.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. **Mobile home parks** ^{§ 36-4.51} and those uses customarily incidental to the principal use
- ii. Family day care homes ^{§ 36-4.12}
- iii. **Places of worship** ^{§ 36-4.13}

C. SPECIAL EXCEPTION USES ^{§ 36-6.3}

- i. **Golf courses** ^{§ 36-4.18}
- ii. **Private noncommercial clubs** ^{§ 36-4.14}
- iii. **Wind energy conversion systems** ^{§ 36-4.39}



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 7,000 sq ft
 Minimum lot width[☐]: 70 ft

Lot Coverage[☐]

Maximum lot coverage: 20%

Setbacks[☐]

Minimum front yard setback: 15 ft
 Minimum rear yard setback: 15 ft
 Minimum side yard setback: 10 ft

Building Height[☐]

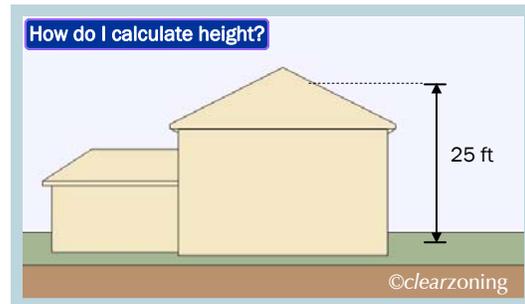
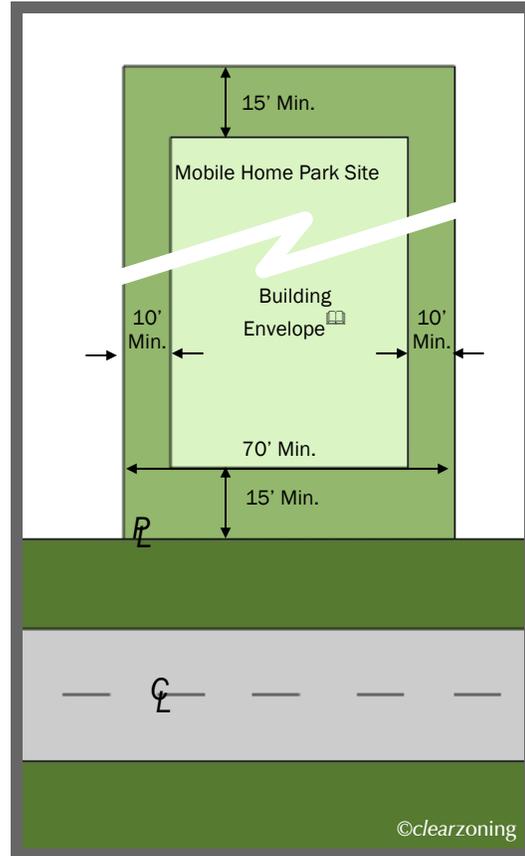
Maximum building height: 25 ft

Floor Area[☐]

Minimum floor area per dwelling[☐]
 Single Family, 1 story 500 sq ft

NOTES

- For additions to the above requirements, refer to [Section 36-3.4.2 Notes to District Standards: A, B, E](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [General Exceptions](#) § 36-3.5

5. Site Standards

- [Signs](#) § 36-5.8

Other Ordinances

-

4. Use Standards

- [Mobile home parks](#)[☐] § 36-4.51
- [Places of worship](#) § 36-4.13
- [Wind energy conversion systems](#)[☐] § 36-4.39

6. Development Procedures

- [Site Plan Review](#) § 36-6.1
- [Special Exception Use Standards](#) § 36-6.3

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36-3.1.9

O-1 Office Service District

A. INTENT

The O-1 office service district is designed to accommodate office uses, office sales uses and certain basic personal services. The following regulations shall apply in all O-1 office service districts and no building, structure or premises except as otherwise provided in this chapter shall be erected, altered or used except for one or more of the uses set out in this section.

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Professional and administrative offices
- ii. Medical offices, including clinics
- iii. Hospitals[☒] and full residential care facilities[☒]
- iv. Banks, credit unions, savings and loan associations, and similar uses
- v. Art shops, photographic studios and interior decorating studios
- vi. Publicly owned buildings, exchanges and public utility offices
- vii. Personal service establishments
- viii. **Accessory uses**[☒] § 36-4.2 OR **buildings** § 36-5.11
- ix. **Signs**[☒] § 36-5.8

C. SPECIAL EXCEPTION USES[☒] § 36-6.3

- i. **Mixed-use development** § 36-4.40
- ii. **Wind energy conversion systems**[☒] § 36-4.39

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 10,000 sq ft
 Minimum lot width[☐]: 75 ft

Lot Coverage[☐]:

The lot or site shall provide for open space consistent with the open space requirements under [Section 6.1 \(Site Plan Review\)](#).

Setbacks[☐]

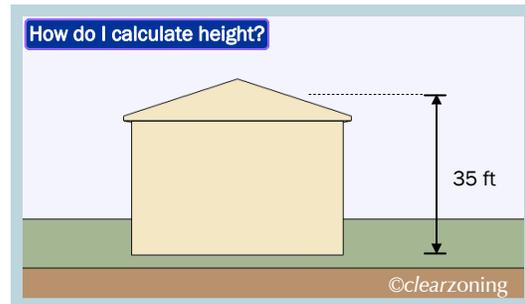
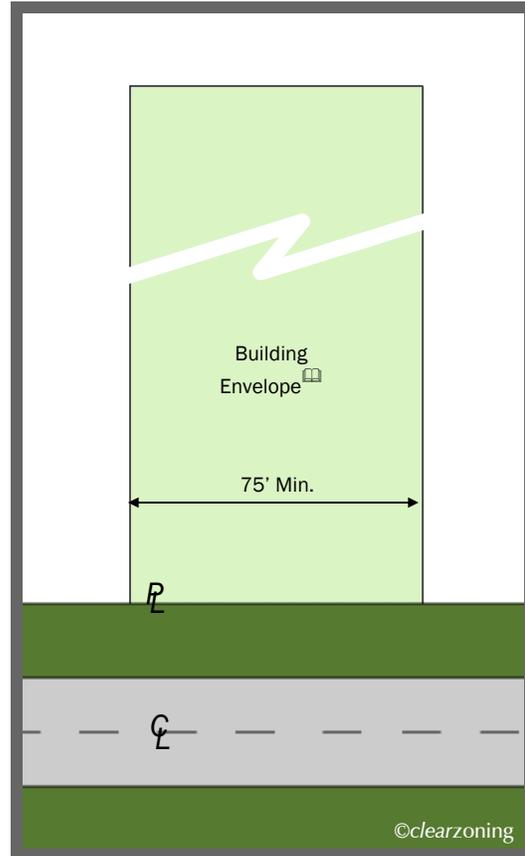
Minimum front yard setback: none
 Minimum rear yard setback: none
 Minimum side yard setback: none

Building Height[☐]

Maximum building height: 35 ft
 Accessory buildings: 20 ft

NOTES

- For additions to the above requirements, refer to [Section 36-3.4.3 Notes to District Standards: A, B, C, D](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [General Exceptions](#) § 36-3.5

4. Use Standards

- [Mixed Use Development](#) § 36-4.40
- [Wind Energy Conversion Systems](#)[☐] § 36-4.39

5. Site Standards

- [Accessory Buildings](#) § 36-5.11
- [Parking](#) § 36-5.7
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- [Access Management](#) § 36-5.9
- [Exterior Lighting](#) § 36-5.6
- [Screening & Fencing](#) § 36-5.3

6. Development Procedures

- [Site Plan Review](#) § 36-6.1
- [Special Exception Use Standards](#) § 36-6.3

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36-3.1.10 C-1 Commercial District, Local

A. INTENT

The C-1 commercial district, as established in this chapter, is designed to meet the day-to-day convenience, shopping and service needs of persons residing in adjacent residential areas

 **User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Retail uses[☒]
- ii. Personal service uses[☒]
- iii. Post offices and similar governmental office buildings serving persons living in the adjacent residential areas
- iv. Professional or administrative offices[☒]
- v. Medical offices, including clinics
- vi. Hospitals[☒] and full residential care facilities[☒]
- vii. Banks, credit unions, savings and loan associations, and similar uses
- viii. Art shops, photographic studios and interior decorating studios
- ix. **Publicly owned buildings, exchanges and public utility offices** § 36-3.5.1
- x. **Accessory uses** [☒] § 36-4.2 Or **buildings** § 36-5.11
- xi. Restaurants
- xii. **Signs** [☒] § 36-5.8

C. SPECIAL EXCEPTION USES[☒] § 36-6.3

- i. Any retail use similar to those permitted in this district, but which are not specifically mentioned in the **C-2**, **C-3** and **C-4** commercial districts.
- ii. Package liquor, beer and wine sales
- iii. **Public utility buildings and structures** § 36-4.29 necessary for the service of the community
- iv. **Motels** [☒] § 36-4.27 and **hotels** [☒] § 36-4.21
- v. **Places of worship** § 36-4.13
- vi. **Mixed-use development** § 36-4.40
- vii. **Wind energy conversion systems** [☒] § 36-4.39

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 10,000 sq ft
 Minimum lot width[Ⓜ]: 75 ft

Lot Coverage[Ⓜ]:

The lot or site shall provide for open space consistent with the open space requirements under [Section 6.1 \(Site Plan Review\)](#).

Setbacks[Ⓜ]

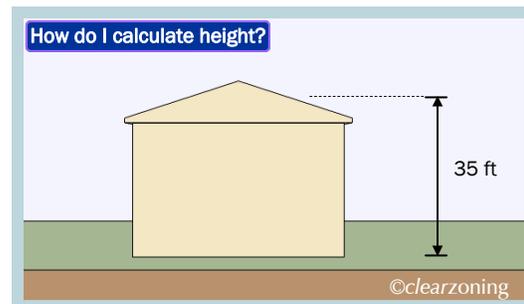
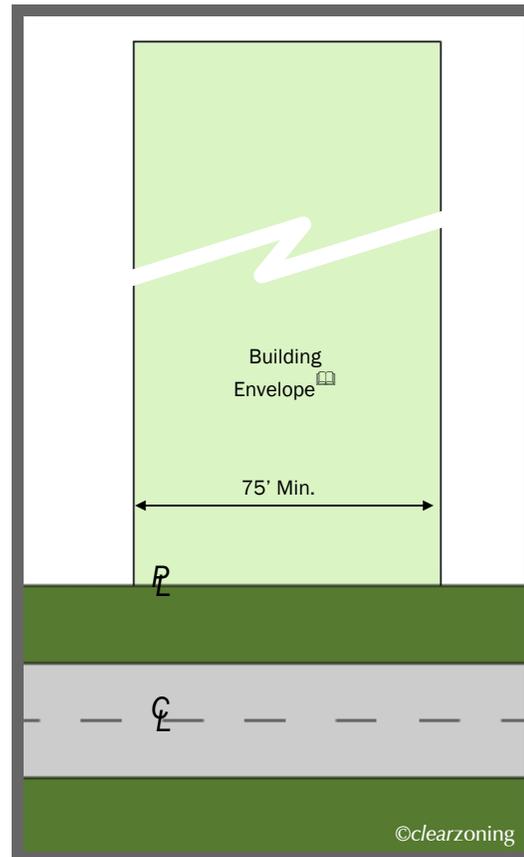
Minimum front yard setback: none
 Minimum rear yard setback: none
 Minimum side yard setback: none

Building Height[Ⓜ]

Maximum building height: 35 ft
 Accessory buildings: 20 ft

NOTES

- For additions to the above requirements, refer to [Section 36-3.4.3 Notes to District Standards: A, B, C, D](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [General Exceptions](#) § 36-3.5

4. Use Standards

- [Mixed Use Development](#) § 36-4.40
- [Wind Energy Conversion Systems](#)[Ⓜ] § 36-4.39

5. Site Standards

- [Accessory Buildings](#) § 36-5.11
- [Parking](#) § 36-5.7
- [Signs](#) § 36-5.8
- [Access Management](#) § 36-5.9
- [Exterior Lighting](#) § 36-5.6
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6. Development Procedures

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C-2 Commercial District, General

A. INTENT

The C-2 commercial district is established for the accommodation of communitywide needs for general retail sales and service facilities. The regulations for the C-2 commercial district are designed to permit development of the enumerated functions as limited to protect the abutting and surrounding properties



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Retail uses[☐]
- ii. Personal service uses[☐]
- iii. Post offices and similar governmental office buildings serving persons living in the adjacent residential areas
- iv. Professional or administrative offices[☐]
- v. Medical offices, including clinics
- vi. Hospitals[☐] and full residential care facilities[☐]
- vii. Banks, credit unions, savings and loan associations, and similar uses
- viii. Art shops, photographic studios and interior decorating studios
- ix. **Publicly owned buildings, exchanges and public utility offices** § 36-3.5.1
- x. **Accessory uses**[☐] § 36-4.2 Or **buildings** § 36-5.11
- xi. Restaurants
- xii. Automobile repair garage
- xiii. **Automobile sales agency** § 36-4.3
- xiv. Boat sales
- xv. Commercial recreation enterprises; indoors
- xvi. Contractor's workshops
- xvii. Greenhouses, nurseries, and landscaping supplies
- xviii. Machinery and heavy equipment sales; indoors
- xix. **Signs**[☐] § 36-5.8

C. SPECIAL EXCEPTION USES[☐] § 36-6.3

- i. **Animal hospital**[☐] § 36-4.5
- ii. Any general retail use similar to those uses permitted in this district
- iii. **Bar, tavern and nightclub** § 36-4.8
- iv. **Places of worship** § 36-4.13
- v. **Commercial recreation enterprises; outdoors** § 36-4.30
- vi. **Gasoline service stations** § 36-4.17
- vii. **Motels**[☐] § 36-4.27 and **hotels**[☐] § 36-4.21
- viii. Package liquor, beer and wine sales
- ix. **Public utility buildings and structures** § 36-4.29 necessary for the service of the community
- x. **Riding stable and racetrack; commercial** § 36-4.31
- xi. **Volunteer or township fire station** § 36-4.37
- xii. **Used car lot** § 36-4.35
- xiii. **Mixed-use development** § 36-4.40
- xiv. **Wind energy conversion systems**[☐] § 36-4.39
- xv. **Kenel**[☐] § 36-4.24
- xvi. Permitted uses that include the outdoor display of goods, provide outdoor seating for serving patrons alcoholic beverages or include drive-through facilities, intended primarily for nonfood related items

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C-2 Commercial District, General

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[Ⓜ]: 30,000 sq ft
 Minimum lot width[Ⓜ]: 150 ft

Lot Coverage[Ⓜ]:

The lot or site shall provide for open space consistent with the open space requirements under [Section 6.1 \(Site Plan Review\)](#).

Setbacks[Ⓜ]

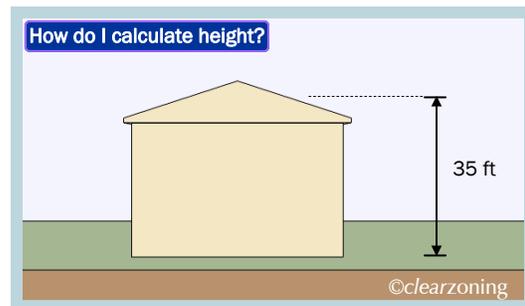
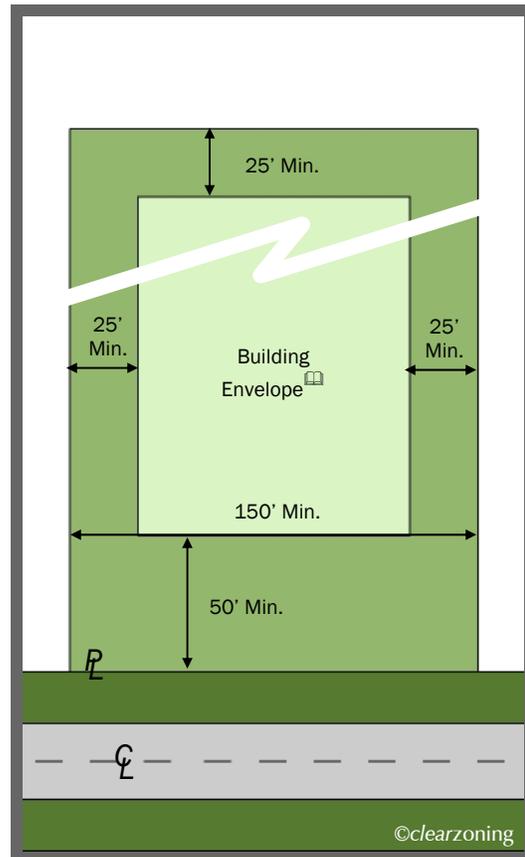
Minimum front yard setback: 50 ft
 Minimum rear yard setback: 25 ft
 Minimum side yard setback: 25 ft

Building Height[Ⓜ]

Maximum building height: 35 ft
 Accessory buildings: 20 ft

NOTES

- For additions to the above requirements, refer to [Section 36-3.4.3 Notes to District Standards: A, B, C, D, E](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [General Exceptions](#) § 36-3.5

4. Use Standards

- [Bar, tavern and nightclub](#) § 36-4.8
- [Places of worship](#) § 36-4.13
- [Mixed Use Development](#) § 36-4.40
- [Wind Energy Conversion Systems](#)[Ⓜ] § 36-4.39

5. Site Standards

- [Accessory Buildings](#) § 36-5.11
- [Parking](#) § 36-5.7
- [Signs](#) § 36-5.8
- [Access Management](#) § 36-5.9
- [Exterior Lighting](#) § 36.5.6
- [Screening & Fencing](#) § 36.5.3

6. Development Procedures

- [Site Plan Review](#) § 36-6.1
- [Special Exception Use Standards](#) § 36-6.3

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C-3 Commercial District, Shopping Center

A. INTENT

The C-3 commercial district is designed solely to provide for integrated community or regional shopping centers. The regulations for the C-3 commercial district are designed to permit development of the enumerated functions as limited by the standards designed to protect abutting and surrounding properties.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Any of the uses below, when established as an integrated shopping center:
 - a. Retail uses[☐]
 - b. Personal service uses[☐]
 - c. Post offices and similar governmental office buildings serving persons living in the adjacent residential areas
 - d. Professional or administrative offices[☐]
 - e. Medical offices, including clinics
 - f. Hospitals[☐] and full residential care facilities[☐]
 - g. Banks, credit unions, savings and loan associations, and similar uses
 - h. Art shops, photographic studios and interior decorating studios
 - i. **Publicly owned buildings, exchanges and public utility offices** § 36-3.5.1
 - j. **Accessory uses**[☐] § 36-4.2 OR **buildings** § 36-5.11
 - k. Restaurants
- ii. Commercial recreation; indoors
- iii. **Outdoor commercial recreation enterprises** § 36-4.30
- iv. **Signs**[☐] § 36-5.8

C. SPECIAL EXCEPTION USES[☐] § 36-6.3

- i. Package liquor, beer and wine sales.
- ii. **Public utility buildings and structures** § 36-4.29 necessary for the service of the community
- iii. **Motels**[☐] § 36-4.27 and **hotels**[☐] § 36-4.21
- iv. **Places of worship** § 36-4.13
- v. **Mixed-use development** § 36-4.40
- vi. **Wind energy conversion systems**[☐] § 36-4.39
- vii. **Outdoor swimming pools** § 36-4.30
- viii. **Veterinary clinics** § 36-4.36 or similar facilities for animal care, including pet shops



C-3 Commercial District, Shopping Center

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 40,000 sq ft
 Minimum lot width[☐]: 200 ft

Lot Coverage[☐]:

The lot or site shall provide for open space consistent with the open space requirements under [Section 6.1 \(Site Plan Review\)](#).

Setbacks[☐]

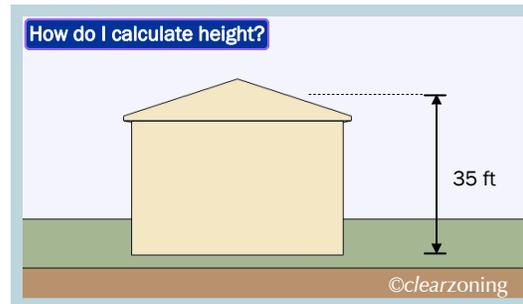
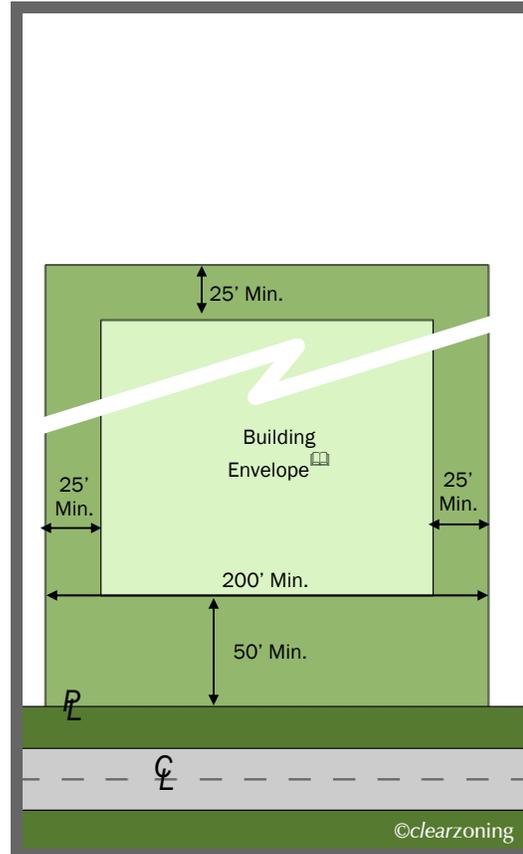
Minimum front yard setback: 50 ft
 Minimum rear yard setback: 25 ft
 Minimum side yard setback: 25 ft

Building Height[☐]

Maximum building height: 35 ft
 Accessory buildings: 20 ft

NOTES

- For additions to the above requirements, refer to [Section 36-3.4.3 Notes to District Standards: A, B, C, D, E](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [General Exceptions](#) § 36-3.5

4. Use Standards

- [Places of worship](#) § 36-4.13
- [Mixed Use Development](#) § 36-4.40
- [Wind Energy Conversion Systems](#) [☐] § 36-4.39

5. Site Standards

- [Accessory Buildings](#) § 36-5.11
- [Parking](#) § 36-5.7
- [Signs](#) § 36-5.8
- [Access Management](#) § 36-5.9
- [Exterior Lighting](#) § 36-5.6
- [Screening & Fencing](#) § 36-5.3

6. Development Procedures

- [Site Plan Review](#) § 36-6.1
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C-4 Commercial District, Highway

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A. INTENT

The C-4 commercial district is composed of certain land along state highways, major county thoroughfares or township roads to serve the residents of the community and for the convenience of those persons in transit and for the purpose of accommodating those commercial establishments which are of a similar nature in their service to the public



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Retail uses[☐]
- ii. Personal service uses[☐]
- iii. Post offices and similar governmental office buildings serving persons living in the adjacent residential areas
- iv. Professional or administrative offices[☐]
- v. Medical offices, including clinics
- vi. Hospitals[☐] and full residential care facilities[☐]
- vii. Banks, credit unions, savings and loan associations, and similar uses
- viii. Art shops, photographic studios and interior decorating studios
- ix. **Publicly owned buildings, exchanges and public utility offices**, including community buildings and public parks, playgrounds and other recreational areas § 36-3.5.1
- x. **Accessory uses**[☐] § 36-4.2 Or **buildings** § 36-5.11
- xi. Restaurants
- xii. Reserved for future expansion
- xiii. **Automobile sales agency** § 36-4.3 and adjoining outdoor sales area
- xiv. Boat sales
- xv. Commercial recreation enterprises
- xvi. Drive-in eating establishments
- xvii. Greenhouses, nurseries, and landscaping supplies
- xviii. **Motels**[☐] § 36-4.27
- xix. Reserved for future expansion
- xx. **Signs**[☐] § 36-5.8

C. SPECIAL EXCEPTION USES[☐] § 36-6.3

- i. **Animal hospital**[☐] § 36-4.5
- ii. Any general retail use similar to those uses permitted in this district
- iii. **Bar, tavern and nightclub** § 36-4.8
- iv. **Places of worship** § 36-4.13
- v. **Gasoline service stations** § 36-4.17
- vi. **Hotels**[☐] § 36-4.21
- vii. Package liquor, beer and wine sales
- viii. **Public utility buildings and structures** § 36-4.29 necessary for the service of the community
- ix. **Riding stable and racetrack; commercial** § 36-4.31
- x. **Volunteer or township fire station** § 36-4.37
- xi. **Used car lot** § 36-4.35
- xii. **Mixed-use development** § 36-4.40
- xiii. **Wind energy conversion systems**[☐] § 36-4.39
- xiv. **Kenel**[☐] § 36-4.24
- xv. **Vehicle repair, minor**[☐] § 36-4.7
- xvi. **Drive-in theater** § 36-4.15
- xvii. **Telecommunication Towers**[☐] § 36-4.38
- xviii. Permitted uses that include the outdoor display of goods, provide outdoor seating for serving patrons alcoholic beverages or include drive-through facilities, intended primarily for nonfood related items



C-4 Commercial District, Highway

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 40,000 sq ft
 Minimum lot width[☐]: 200 ft

Lot Coverage[☐]:

The lot or site shall provide for open space consistent with the open space requirements under [Section 6.1 \(Site Plan Review\)](#).

Setbacks[☐]

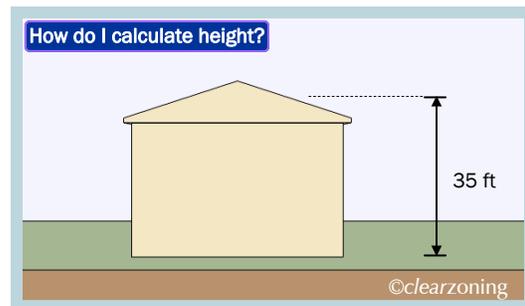
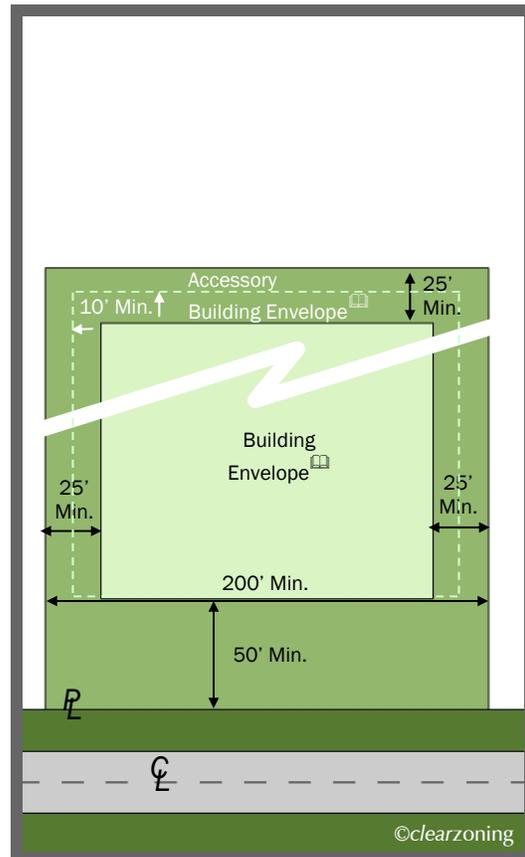
Minimum front yard setback: 50 ft
 Minimum rear yard setback: 25 ft
 Accessory buildings: 10 ft
 Minimum side yard setback: 25 ft
 Accessory buildings: 10 ft

Building Height[☐]

Maximum building height: 35 ft
 Accessory buildings: 20 ft

NOTES

- For additions to the above requirements, refer to [Section 36-3.4.3 Notes to District Standards: A, B, C, D, E](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [General Exceptions](#) § 36-3.5

4. Use Standards

- [Places of worship](#) § 36-4.13
- [Mixed Use Development](#) § 36-4.40
- [Wind Energy Conversion Systems](#)[☐] § 36-4.39
- [Telecommunication Towers](#)[☐] § 36-4.38

5. Site Standards

- [Accessory Buildings](#) § 36-5.11
- [Parking](#) § 36-5.7
- [Signs](#) § 36-5.8
- [Access Management](#) § 36-5.9
- [Exterior Lighting](#) § 36-5.6
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6. Development Procedures

- [Site Plan Review](#) § 36-6.1
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I-1 Industrial District, Restricted

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A. INTENT

The I-1 restricted industrial district is intended to support uses where screening or natural transition achieves some compatibility with adjoining and/or commercial areas. The regulations for the I-1 restricted industrial district are intended to provide standards of intensity of use and standards of external effects or amenities compatible with the surrounding or abutting residential and commercial districts.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Office buildings
- ii. Vehicle repair, major[☐]
- iii. Construction and farm equipment sales
- iv. Hardware and building supplies
- v. Mini-storage warehouse
- vi. Assembly of merchandise such as electrical appliances, electronic or precision instruments, and articles of similar nature
- vii. Packaging of previously prepared materials
- viii. Printing, lithographic, blueprinting and similar uses
- ix. Storage or warehousing of commodities such as hardware, packaged or fresh foods, clothing, and drugs when in an enclosed building
- x. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas
- xi. Child care centers, when internal to business
- xii. Grain equipment and processing
- xiii. Fuel distribution
- xiv. Machine shop
- xv. **Accessory uses**[☐] § 36-4.2 OR **buildings** § 36-5.11
- xvi. **Signs**[☐] § 36-5.8

C. SPECIAL EXCEPTION USES[☐] § 36-6.3

- i. **Research and related uses** § 36-4.45
- ii. **Places of worship** § 36-4.13
- iii. **Adult regulated uses** § 36-4.49
- iv. **Mixed-use development** § 36-4.40
- v. **Wind energy conversion systems**[☐] § 36-4.39
- vi. **Telecommunication Towers** § 36-4.38
- vii. **Processing or compounding commodities such as drugs, cosmetics, pottery, plastics and food products** § 36-6.3
- viii. **Any permitted use utilizing outdoor storage of product or materials where the location is abutting a residential or commercial district** § 36-6.3
- ix. **Contractors equipment yard** § 36-6.3
- x. **Bus terminals** § 36-4.9
- xi. **Truck sales** § 36-6.3



I-1 Industrial District, Restricted

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 2 acres
 Minimum lot width[☐]: 200 ft

Lot Coverage[☐]:

The lot or site shall provide for open space consistent with the open space requirements under [Section 6.1 \(Site Plan Review\)](#).

Setbacks[☐]

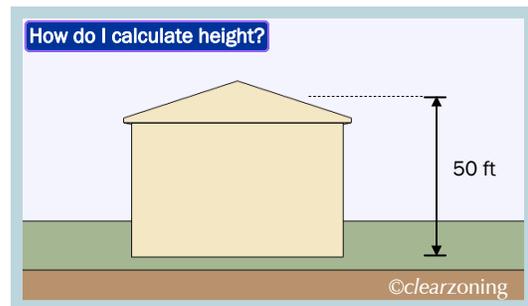
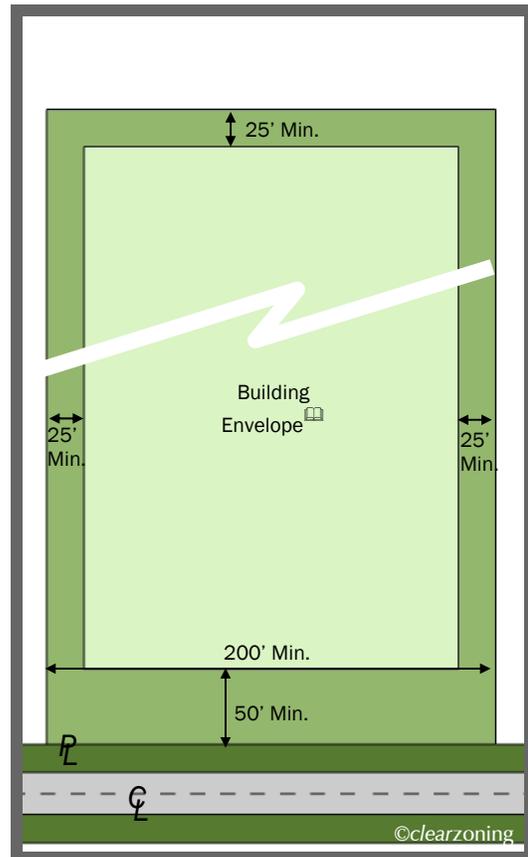
Minimum front yard setback: 50 ft
 Minimum rear yard setback: 25 ft
 Minimum side yard setback: 25 ft

Building Height[☐]

Maximum building height: 50 ft
 Accessory buildings: 20 ft

NOTES

- For additions to the above requirements, refer to [Section 36-3.4.3 Notes to District Standards: A, B, C, D, E, F](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [General Exceptions](#) § 36-3.5
- [I District Standards](#) § 36-3.6

4. Use Standards

- [Places of worship](#) § 36-4.13
- [Mixed Use Development](#) § 36-4.40
- [Wind Energy Conversion Systems](#)[☐] § 36-4.39
- [Telecommunication Towers](#)[☐] § 36-4.38

5. Site Standards

- [Accessory Buildings](#) § 36-5.11
- [Parking](#) § 36-5.7
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- [Access Management](#) § 36-5.9
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A. INTENT

The I-3 service industrial district is composed of certain lands located along state highways, major county thoroughfares and railroad rights-of-way. The I-3 industrial district is designed to provide land for activities of an industrial nature placing emphasis on the service type of industry as opposed to the manufacturing type of industry. Because of the nature of the I-3 industrial district, it should be located so as to be least objectionable to adjoining commercial or residential uses.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Ice and cold storage plant
- ii. Grain equipment and processing
- iii. Fuel distribution
- iv. Packaging of previously prepared materials
- v. Machine shop
- vi. Truck terminal, maintenance and service yard
- vii. Manufacturing, compounding, assembling or treatment of articles, or merchandise, where all work is carried on within an enclosed building
- viii. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas
- ix. Public utility buildings and storage yards
- x. Child care centers, when internal to business
- xi. **Accessory uses** § 36-4.2 Or **buildings** § 36-5.11
- xii. **Signs** § 36-5.8

C. SPECIAL EXCEPTION USES § 36-6.3

- i. **Earth removal and excavation; commercial** § 36-4.16
- ii. **Earth removal, mining and processing operations** § 36-4.41
- iii. **Junkyards and building material salvage yard** § 36-4.23
- iv. **Ready-mix concrete and asphalt plants** § 36-4.6
- v. **Slaughterhouse** § 36-4.33
- vi. Solid waste transfer facilities
- vii. **Places of worship** § 36-4.13
- viii. **Any industrial use which meets the intent and purpose of this district** § 36-4.47
- ix. **Mixed-use development** § 36-4.40
- x. **Wind energy conversion systems** § 36-4.39
- xi. **Telecommunication Towers** § 36-4.38



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 4 acres
 Minimum lot width[☐]: 300 ft

Lot Coverage[☐]:

The lot or site shall provide for open space consistent with the open space requirements under [Section 6.1 \(Site Plan Review\)](#).

Setbacks[☐]

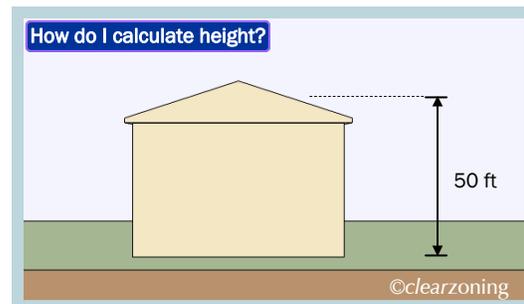
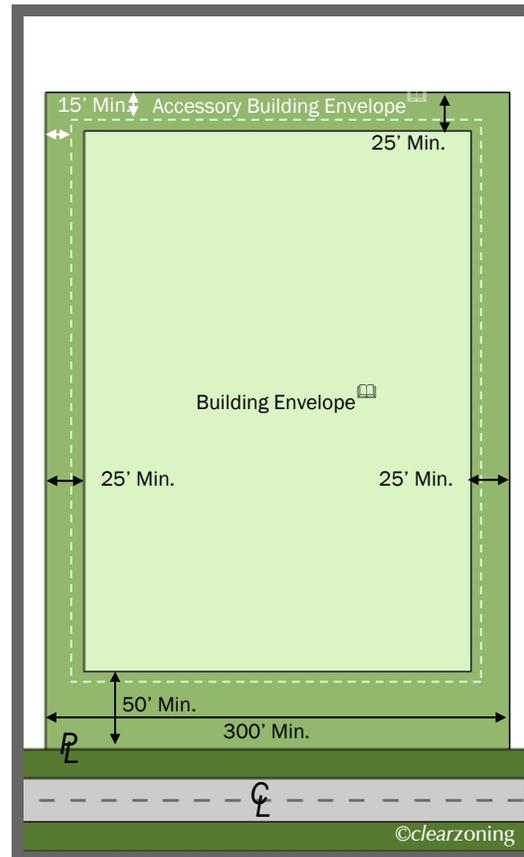
Minimum front yard setback: 50 ft
 Minimum rear yard setback: 25 ft
 Accessory buildings: 15 ft
 Minimum side yard setback: 25 ft
 Accessory buildings: 15 ft

Building Height[☐]

Maximum building height: 50 ft
 Accessory buildings: 20 ft

NOTES

- For additions to the above requirements, refer to [Section 36-3.4.3 Notes to District Standards: A, B, C, D, E](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [General Exceptions](#) § 36-3.5

4. Use Standards

- [Places of worship](#) § 36-4.13
- [Mixed Use Development](#) § 36-4.40
- [Wind Energy Conversion Systems](#) § 36-4.39
- [Telecommunication Towers](#) § 36-4.38

5. Site Standards

- [Accessory Buildings](#) § 36-5.11
- [Parking](#) § 36-5.7
- [Signs](#) § 36-5.8
- [Access Management](#) § 36-5.9
- [Exterior Lighting](#) § 36.5.6
- [Screening & Fencing](#) § 36.5.3

6. Development Procedures

- [Site Plan Review](#) § 36-6.1
- [Special Exception Use Standards](#) § 36-6.3

Other Ordinances

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EBT Educational & Business Technology District

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A. INTENT

The EBT education and business technology district is designed to provide for the combination of educational, research and office facilities and to exclude therefrom certain incompatible uses which would function more properly in other zoning districts. The EBT district may serve as a transitional category between residential, commercial and/or industrial zoning districts. Permissible uses in the EBT district are characterized by no distinguishable amount of nuisance factors such as noise, odor, lighting, glare, heat and the emission of air pollutants. Sensitivity to the environment in the EBT district is encouraged in the design, development process, and operations within the district.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Any use charged with the principal function of the advancement of general education or training in professional or technical fields
- ii. Research and related uses[☐]
- iii. Administrative, professional or medical offices
- iv. Communications, electronics, information transfer, and data processing facilities including computer centers, and related training and maintenance facilities
- v. Publicly owned and operated buildings and uses including schools, colleges, community buildings and parks, playgrounds and other recreational uses
- vi. Accessory uses which are designed and intended to support and compliment permitted uses, such as day care, health fitness centers, cafeterias, product showrooms, office and laboratory equipment services and printing, publishing and related services
- vii. **Signs**[☐] § 36-5.8

C. SPECIAL EXCEPTION USES[☐] § 36-6.3

- i. Packaging and distribution of previously prepared materials
- ii. Processing or compounding commodities such as drugs, cosmetics, pottery, plastics and food products
- iii. Processing and assembly of engineering, medical, laboratory, scientific and research instruments and associated equipment
- iv. Biotechnology facilities, including the boarding and testing of rodents and small animals
- v. **Wind energy conversion systems**[☐] § 36-4.39
- vi. Outdoor storage or related activities, in association with a permitted use
- vii. **Telecommunication Towers**[☐] § 36-4.38



EBT Educational & Business Technology District

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 3 acres
 Minimum lot width[☐]: 250 ft

Lot Coverage[☐]:

The lot or site shall provide for open space consistent with the open space requirements under [Section 6.1 \(Site Plan Review\)](#).

Setbacks[☐]

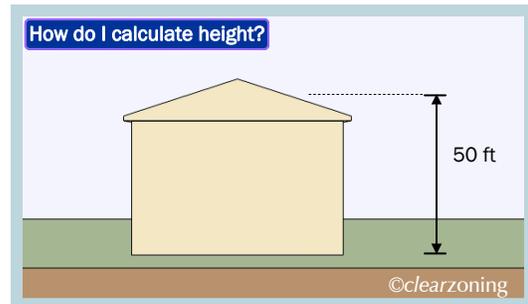
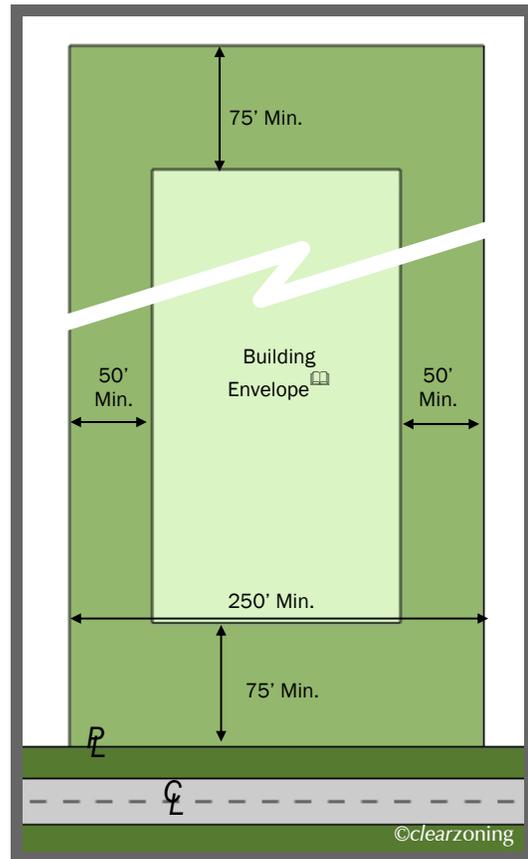
Minimum front yard setback: 75 ft
 Minimum rear yard setback: 75 ft
 Minimum side yard setback: 50 ft

Building Height[☐]

Maximum building height: 50 ft

NOTES

- For additions to the above requirements, refer to [Section 36-3.4.3 Notes to District Standards: A, B, C, D, E](#)
- See *Selected References* below for applicability



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

- [General Exceptions](#) § 36-3.5
- [EBT District Objectives & Standards](#) § 36-3.3

4. Use Standards

- [Wind Energy Conversion Systems](#)[☐] § 36-4.39
- [Telecommunication Towers](#)[☐] § 36-4.38

5. Site Standards

- [Parking](#) § 36-5.7
- [Signs](#) § 36-5.8
- [Access Management](#) § 36-5.9
- [Exterior Lighting](#) § 36-5.6
- [Screening & Fencing](#) § 36-5.3

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CBD Corners Business District

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A. INTENT

The CBD corners business district is a zoning classification specifically designed to support the development of the Texas Corners area as a viable and distinct business district. It uses the Texas Corners subarea plan as the foundation for the district and incorporates design criteria based upon "corridor enhancement guidelines" developed by the township's consultant. This criterion further differentiates the CBD from other commercial development areas within the township. The intent is to support a unique mix of office, retail and service uses directed at supporting the personal needs of area residents, while achieving regional interest based upon shopping, entertainment and restaurant experiences. Toward this end, uses will be in close proximity to one another, or attached, enhancing pedestrian movement and appearance. Buildings are intended to be at a human scale with the size and location of parking facilities blended with landscape improvements and open space.

B. PERMITTED USES

- i. Administrative and professional offices[§]
- ii. Medical offices, including clinics
- iii. Banks, credit unions, savings and loan associations, and similar uses
- iv. Art shops, photographic studios and interior decorating studios
- v. Publicly owned buildings, exchanges and public utility offices
- vi. Personal service establishments[§]
- vii. Child care centers or day care centers
- viii. Restaurants, excluding any use of a drive-in or drive-through nature
- ix. Retail sales[§]
- x. Shopping centers or plazas supporting two or more permitted uses, with any special exception uses subject to that approval process
- xi. Movie theater, video, audio or electronics stores, including minor repair or similar uses
- xii. Municipal offices or public facilities including park and recreation areas, or those devoted to communications and emergency services
- xiii. **Accessory uses**[§] § 36-4.2 Or **buildings** § 36-5.11
- xiv. **Signs**[§] § 36-5.8

C. SPECIAL EXCEPTION USES[§] § 36-6.3

The following are special exception uses in the CBD corners business district. Such uses shall not be subject to the specific conditions listed for special exception uses under Section 36-4, but the planning commission may utilize such standards in consideration of whether conditions should be imposed related to approval of the request.

- i. Package liquor, beer and wines sales, unless secondary and incidental to the primary grocery business
- ii. Places of worship, private schools or similar businesses related to religion or education
- iii. Veterinary clinics or similar facilities for animal care, including pet shops
- iv. Vehicle wash establishment or vehicle fuel station provided there are no more than eight fuel pumps and no vehicle repairs are performed
- v. Contractor's establishment, including roofing, plumbing, heating or electrical or suppliers to such business including lumberyards, provided no outdoor storage is permitted
- vi. Residential units, which shall be attached units, either to a permitted use within this district or to other residential units
 - a. Such units, when attached to a commercial use, shall be located on the second floor.
 - b. Where abutting existing single family detached dwellings, such units shall be in the form of attached, townhouse style condominiums. In other locations, the density and compatibility of style shall be consistent with adjoining land use.
 - c. Each residential unit shall provide for on-site private parking for at least two spaces per unit, with such parking permitted on private access drives as part of the approved development plan.
 - d. Design considerations shall include consistency with the standards for review of a PUD under Section 36-4.52.5, including the use of perimeter open space where abutting residential zoning districts.
- vii. Bed and breakfast[§] or similar lodging establishment that does not exceed six sleeping rooms and in which no meals, other than a breakfast, are served

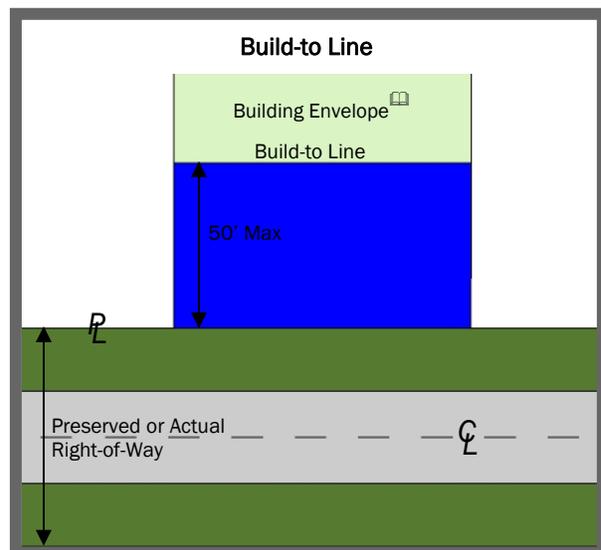
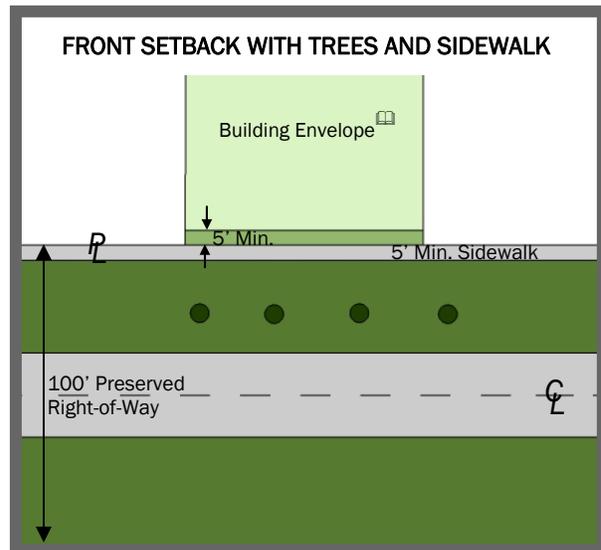
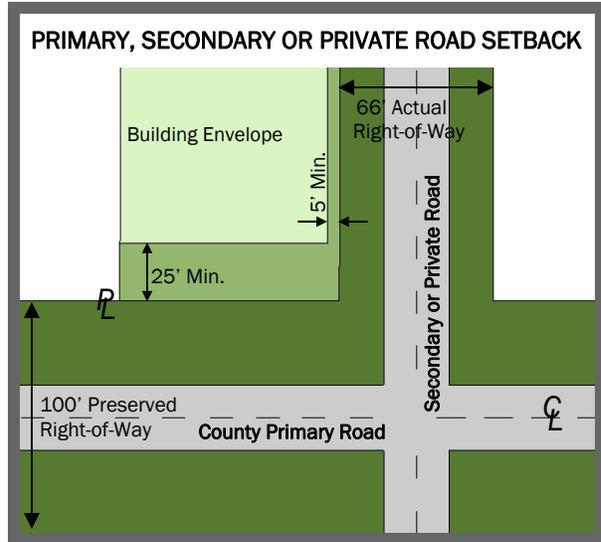


CBD Corners Business District

- viii. Retail laundry and dry cleaning establishments, not including processing facilities
- ix. Limited residential care facilities[Ⓜ] providing homes for up to 12 residents
- x. Permitted uses that include the outdoor display of goods, provide outdoor seating for serving patrons alcoholic beverages or include drive-through facilities, intended primarily for nonfood related items
- xi. Single business with a maximum floor area (per floor) of greater than 15,000 square feet and maximum storefront width greater than 120 feet.
- xii. Mixed Use Development

D. LOT, YARD AND AREA REQUIREMENTS

- i. The lot or site shall be of sufficient size to meet required parking standards for such use under Section 36-5.7.
- ii. The lot or site shall provide for open space consistent with the open space requirements under Section 6.1 (Site Plan Review).
- iii. The maximum building height shall be 35 feet, with exceptions for towers, cupolas or steeples up to a maximum 50 feet in height.
- iv. The maximum floor area for a single business shall be 15,000 square feet (per floor) and the storefront shall have a maximum width of 120 feet, unless an application is made for a special exception use to allow for floor area and storefront width greater than such requirements for the specified and approved use.
- v. On county primary roads the minimum front yard setback for both building and parking areas shall be a minimum of five (5) feet from the preserved right-of-way if street trees and a minimum 5-foot wide sidewalk are included in the preserved right-of-way. Otherwise the setback shall be a minimum of twenty-five (25) feet from the actual right-of-way. On secondary and private roads, the front yard setback for both building and parking areas shall be a minimum of five (5) feet from the actual right-of-way.



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CBD Corners Business District (continued)

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The maximum building setback from the actual or preserved right-of-way line (county primary roads) shall be 50 feet. This "build-to" line is intended to provide a more consistent setback of buildings and to reduce parking areas within the front yard. The Planning Commission may waive this requirement where, in its sole reasonable discretion, it determines such a maximum setback does not achieve this desire for consistency.

E. DESIGN CRITERIA AND REVIEW

Prior to the formal submission of a site plan to the planning commission, a preliminary site plan shall be submitted to a five-member design review committee made up of two members of the downtown development authority, one member of the township board, one member of the planning commission and one member of the general public residing in, or within one mile of, the CBD boundary. Such members shall be appointed by the township supervisor and their role shall be to assist the planning commission in conducting site plan review and shall be advisory in nature. The criteria to be considered, in addition to the requirements for site plan review, are as follows:

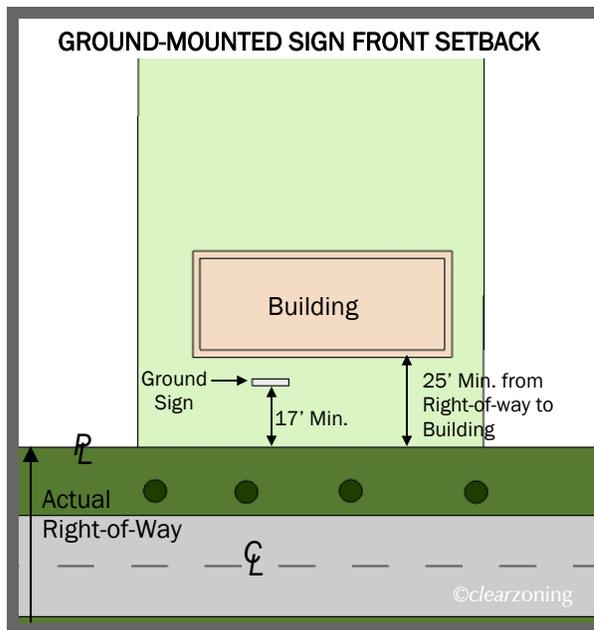
- i. Layout and design. The layout and design shall conform to the corridor enhancement guidelines manual, including curb and gutter, sidewalks and lighting standards. In addition, such layout shall be meet access management requirements and be oriented to enhance pedestrian movement and minimize conflict with vehicular circulation and parking areas. Sidewalks and/or bike paths may be required where planned for or for connection to adjoining businesses.
- ii. Visual appearance. For retail and personal service business, the visual appearance of the building shall include glass for eye-level display and may include porches, awnings or canopies to provide cover for pedestrians.
- iii. Landscaping. Landscaping shall be provided between the roadway and the building and/or between the roadway and any parking or service drive. Shade trees shall be planted at intervals not greater than one tree for every 50 to 75 feet along any public street within the CBD or use shrubbery or planting areas where visibility is of concern for pedestrians and motorists. The use of berms or screen fencing (not to exceed 30 inches in height) shall be considered when large expanses of parking or service drives front onto or parallel

the public street. Landscape islands within the parking lots are required for any lot or site in excess of 50 spaces at 200 square feet for every ten spaces. A landscape plan shall be submitted with the preliminary plan for review by the design committee.

- iv. Exterior lighting. Exterior lighting shall adhere to the standards under Section 36-5.6 and be coordinated with adjoining businesses and to enhance pedestrian movement and safety. Any freestanding poles shall be situated within a landscape island or be designed in a manner that blends with the appearance of the development.
- v. Parking. Parking areas shall be located in a manner that minimizes the conflict with continuous pedestrian movement throughout the CBD. In addition to the access management guidelines and landscaping requirements above, emphasis is placed on reducing the size of individual parking lots unless devoted to shared parking accessible to a number of businesses. Toward this intent, multiuse sites shall not be required to meet parking standards for all uses when it can be shown that days and hours of operation may not overlap between the proposed and existing uses on the site. Where available public parking is within 500 feet of the subject site and connected by sidewalk or bikepath facilities, a site plan may be approved with a deficiency in required parking. It is recommended that parking be located within rear or side yards to reduce conflict with pedestrian movement to the establishment.
- vi. Signs (CBD).
 - a. Individual ground mounted signs shall not exceed a height of six (6) feet in height and shall not exceed 24 square feet in area. The front yard sign setback for any ground mounted sign shall be a minimum of 17 feet from the actual right-of-way line unless located within a landscaped area between an existing or proposed sidewalk and a front yard parking area. No ground mounted sign is permitted where the building is within 25 feet of the actual or preserved right-of-way (from county primary roads) and no freestanding sign is permitted for any lot or parcel with less than 100 feet of lot width. It shall not be closer than 100 feet to any other freestanding sign and shall not be closer than 50 feet to any other freestanding



CBD Corners Business District (continued)



sign and shall not be a physical or visual obstacle to pedestrian or vehicular movement. The base shall be landscaped with shrubbery, plants or flowers .

- b. Multiuse signs identifying no less than four businesses within a shopping center or similar development may not exceed 15 feet in height and 48 square feet in area. Within such a multibusiness sign, each individual nameplate shall not exceed 12 square feet in area. Address identification shall be included with any multiuse sign. Ground-mounted signs with landscaping are required.
- c. Wall signs shall not exceed one square foot for every two linear feet of building wall area for each entrance, not exceeding two sides. The total wall sign area shall not exceed 20 square feet for each sign and shall be separated from any other wall sign by at least five feet. Signage placed in windows within the CBD shall be located inside the window and shall not be counted toward wall signage but will be calculated as a percentage of the total glass area covered with no visibility into the store. In no instance shall the total window signage exceed fifty percent (50%) of the total glass area. Illuminated signs subject to message center restrictions are permitted inside the window provided they do not exceed ten percent (10%) of the total glass area. Signs or posters placed inside the windows for school or local community

events shall not be counted as part of this total.

- d. Decorative projecting signs shall be permitted in place of a wall sign, subject to projecting sign definition. Sandwich board may be permitted as portable signs that do not conflict with the portable sign definition provided they are placed on a sidewalk adjoining the building entrance, with placement allowing for a five foot clear path, and are a daily placement with removal at the end of the business day for that business. Such board shall be limited to one per business, no more than eight (8) square feet in area per side and not exceeding four (4) feet in height.
- e. Use of canopy or awning signs are permitted, provided the sign does not exceed ten square feet in area and the content is limited to business name, logo or address. Down lighting is preferred and any back lighting within the canopy or awning may only illuminate the name, logo or address of the business.

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Reserved for Future Expansion

This Section is reserved for future expansion.

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OSP Open Space Preservation District Overlay

A. INTENT

This overlay district is established to satisfy the requirements of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as may be amended). The act requires that qualified townships provide, at the option of the landowner, for the clustering of residential units on a portion of the property provided that 50 percent or more of the land is preserved in permanent open space.

B. PERMITTED USES

All permitted residential uses within the underlying district are permitted within the OSP overlay district, except that within designated open spaces, the uses of land shall be limited to those approved as part of the approved site plan that preserve the open space in an undeveloped state. At the landowner's option, Single-Family dwellings shall be permitted within residential clusters subject to the following:

- i. Application procedure.
 - a. An application shall be filed identifying the landowner's desire to exercise the open space preservation development option. With the application, the landowner shall submit a comparison plan that adheres to site development requirements for the underlying zoning district. This can be in the form of a proposed plat establishing lots, a land division plan creating parcels or a planned unit residential development creating sites and/or units. This comparison plan shall determine the number of dwelling units that can be developed within the open space preservation plan. The application and comparison plan may be reviewed administratively with the applicant before the submission of a site plan.
 - b. A site plan, adhering to the standards within the ordinance under article IV, shall be submitted for review and approval by the planning commission. It shall be titled "open space preservation plan" and a copy of the comparison plan shall be included with the site plan.
 - c. The planning commission shall review the site plan and determine compliance with the ordinance standards for: a) site plan review; b) requirements within the underlying zoning district; and c) requirements within this overlay district. They may approve the site plan as presented, approve subject to conditions or changes reflected in the motion to approve, table pending the submission of additional information, or deny the request based upon noncompliance with the ordinance standards.
 - d. The applicant shall submit a timeline for development and identify any phases that may require further township review and approval. The planning commission may impose conditions on the development.
 - e. Where the applicant proposes development in phases, open space in each phase shall constitute a minimum of 50 percent of the area for that phase.
 - f. Where a proposed open space development includes condominium units, the plan shall comply with, and shall be reviewed as required by Section 36-6. Where a proposed open space development includes platted lots, the plat shall be reviewed as required by the subdivision control ordinance, sections 16-61 through 16-88, inclusive. Where a proposed open space development includes unplatted land divisions, all such divisions shall be reviewed as required by the land division ordinance, sections 16-31 through 16-38, inclusive.
- ii. Conditions for approval. Conditions concerning layout and design of the dwelling units and preservation of the open space shall apply, as follows:
 - a. Layout/design provisions. The layout and design of clusters of dwelling units shall be arranged to achieve the greatest compatibility with surrounding land use and with the intent and purpose of this overlay district and the underlying zone. It shall balance what is economically feasible for efficient cluster development with the need to preserve the character of the area. Individual parcels, lots or sites within the residential cluster shall meet the following:
 - (1) (Lot) width. The parcels, lots, or sites (units) shall have a lot width of no less than 75 percent of the minimum lot width within the underlying zone.
 - (2) (Lot) Area. The parcels, lots, or sites (units) shall have a lot area of at least 40 percent of the minimum lot area within the underlying zone.

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OSP Open Space Preservation District Overlay

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(3) (Lot) coverage. The parcels, lots, or sites (units) shall have a maximum lot coverage of 20 percent including all structures.

(4) Floor area. The minimum floor area for the dwelling unit shall meet the minimum required within the underlying zone.

(5) Yard/setback. The dwelling units shall meet the following setback provisions:

(a) Front. Fifty percent of the underlying zone but no less than 30 feet.

(b) Side. Fifty percent of the underlying zone but no less than 12 feet. This setback provision shall also apply to accessory structures.

(c) Rear. Fifty percent of the underlying zone but no less than 20 feet.

(6) Height. The maximum height shall meet the maximum height standard within the underlying zone.

iii. In order to comply with the Act, the following the open space to be preserved shall be in an undeveloped state and meet the following:

- a. The applicant shall provide documentation in a form satisfactory to the township of the means to preserve the open space, whether in the form of a conservation easement, deed restriction or similar method, and the party responsible for maintenance of the open space area. If proposed for dedication to the public, a letter of support from the public entity, indicating acceptance and responsibility for maintenance, shall be included in with the application. A single entity, such as a private association, nonprofit organization or a public body, shall have responsibility for maintaining the land in permanent open space. The documentation shall be sufficient to provide notice to purchasers and to the public generally of the area included in the open space, the uses to which it may be put, and the means by which the open space area will be maintained. The documentation shall demonstrate that the open space will satisfy the purpose and intent of the Act and that the applicant is

providing appropriate legal and financial means to permanently preserve the open space in an undeveloped state.

b. No part of the parcels, lots, or sites shall be counted toward the open space, nor any land devoted to roadways or other impervious surfaces, other than those of a recreational nature (such as bikepaths, tennis or basketball courts, or for pavilions or picnic shelters).

c. The open space shall be arranged in a manner so that it is contiguous and accessible by residents within the residential cluster. It shall also be arranged to connect to other open space areas on adjoining properties and/or connected to possible pedestrian or non-motorized trails.

d. The open space shall preserve those areas where protection of the highest quality of natural resource is achieved. This includes areas of mature tree stands or forested areas, habitat areas for wildlife or similar areas that could otherwise be developed.

e. All structures proposed for construction in open space, and all uses within open space shall be shown on the site plan and shall be subject to the requirements of the ordinances of the township, including, but not limited to, the construction codes and fire code.

C. SPECIAL EXCEPTION USES [§] 36-6.3

No special exception use within the underlying zoning district shall be allowed unless such use is processed separately as a special exception use subject to review and approval.

D. OVERALL SITE DEVELOPMENT

The following regulations govern the relationship of the residential cluster(s) and the restricted open space to adjoining properties, including existing road rights-of-way. The term "residential cluster" means the total area bounded by the lot, parcel or site (unit) lines defining the exterior limits of the land upon which dwellings may be constructed.

i. Residential cluster setback. Any residential cluster shall be set back 50 feet from any abutting property line and 100 feet from any existing public road right-of-way. This area may be included within the calculated open space, except for the area of roads or other impervious areas within the setback.

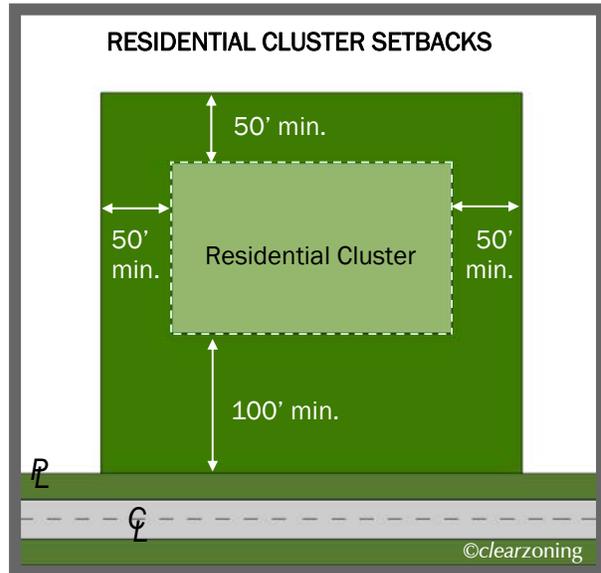
ii. Access. Access to the dwelling units within the residential cluster may be in the form of public



OSP Open Space Preservation District Overlay (continued)

road or private road, with any private road adhering to standards of construction of public roads (but not standards of layout) as established by the Kalamazoo County Road Commission. Permanent dead-end streets shall be limited to 1,320 feet in length, and every permanent dead-end street shall include, at intervals of no more than 500 feet, roundabouts that assure adequate access for fire and emergency vehicles. Roundabouts shall be constructed with a diameter at least equal to the minimum diameter required by the Kalamazoo County Road Commission for cul-de-sacs on local roads. Where an open space development, together with all existing or planned phases of that development, will result in 50 or more building sites, two permanent access streets to the development must be provided.

- iii. Structures and uses of open space. Any structures proposed to be constructed in open space, and any uses of open space that create noise, dust, or odors or that require facilities such as water, waste disposal, or public or utility services, shall be so designed and located that they do not distract from the preservation of the character of the area as land in an undeveloped state that is the goal of this district.



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RC Resource Conservation

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A. INTENT

It is recognized by this ordinance that the principal use of certain areas within the Township should be restricted to Limited development. Conservation of the natural resource base possessed by these areas should be encouraged and maintained. This Ordinance, based upon a long range plan, establishes a Zoning District designed to regulate the location of buildings and other structures, as well as the use of parcels/ lots contained therein. It is the intent of this Ordinance to protect and preserve the natural environment and wildlife habitat. Also, to protect groundwater, waterways, ponds and other bodies of water as well as agriculture, private or public recreation areas. These considerations are based upon the public health and general welfare of the Community. In addition, this district will protect the health of citizens by protecting the well fields and public wells that supply drinking water for human consumption.

It is further understood that some areas within this Zoning District may become suitable for residential development. However any residential development is to be confined and limited to a Planned Unit Development (PUD) subject to Special Use approval based upon retention of the quality open space.



User Note: For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

B. PRINCIPAL PERMITTED USES

- i. Public and private conservation areas for the development, protection and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
- ii. Public parks and recreation areas, not including those listed under Special Exception uses.
- iii. Drives and parking areas associated with the above uses.
- iv. **Signs** § 36-5.8
- v. Essential services

C. SPECIAL EXCEPTION USES § 36-6.3

- i. Public or private game refuge, golf course, park, campground, play ground, or other recreational use.
- ii. Public or private schools, churches, or other similar uses, including those approved under charitable and philanthropic institutions.
- iii. **Planned Unit Development** § 36-4.52 subject to connection to all public utilities.
- iv. All buildings and structures accessory and incidental to permitted uses in this district.
- v. General and specialized farming and agricultural activities. Including the raising or growing of crops (excluding livestock, poultry and other farm animals, products and foodstuffs) and provided that any lot that is kept as idle cropland shall be so treated as to prevent soil erosion by wind or by water.
- vi. The raising or growing of plants, trees, shrubs and nursery stock.



RC Resource Conservation

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area[☐]: 10 acres
 Minimum lot width[☐]: 330 ft

Lot Coverage[☐]

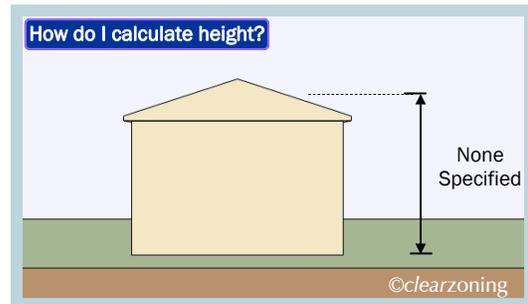
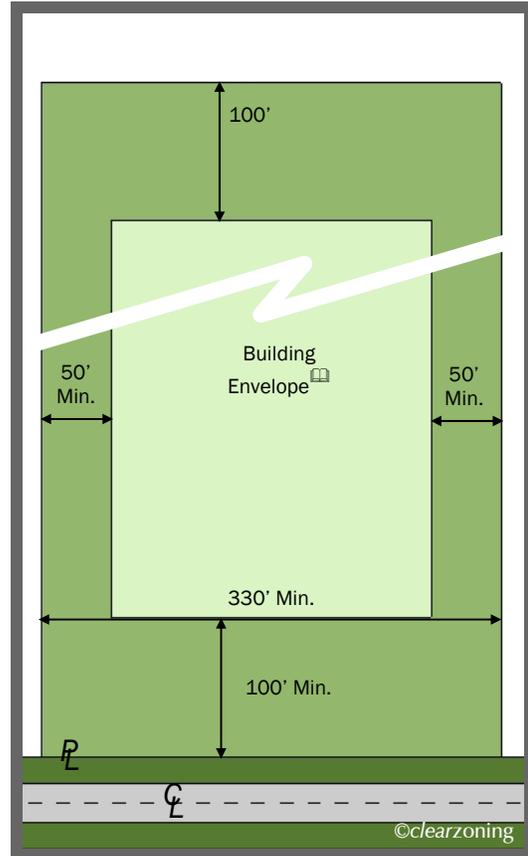
Maximum lot coverage: 2%

Setbacks[☐]

Minimum front yard setback: 100 ft
 Minimum rear yard setback: 100 ft
 Minimum side yard setback: 50 ft
 Corner lot side yard setback: 100 ft

Building Height[☐]

Maximum building height: None Specified



The above drawings are not to scale.

NOTES

- See *Selected References* below for applicability

SELECTED REFERENCES

3. Zoning Districts

- General Exceptions § 36-3.5

4. Use Standards

5. Site Standards

- Parking § 36-5.7
- Signs § 36-5.8
- Access Management § 36-5.9
- Exterior Lighting § 36-5.6
- Screening & Fencing § 36-5.3

6. Development Procedures

- Site Plan Review § 36-6.1
- Special Exception Use Standards § 36-6.3

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36-3.2 BOUNDARIES OF ZONES

1. The location and boundaries of the zones established in the township shall be shown on a map entitled Zoning Map of the Township of Texas, and as the map may be amended subsequent to the adoption thereof; and such map, section or portion thereof, together with all notations, dimensions and other data shown thereon, are hereby made a part of this chapter to the same extent as if the information set forth on such map were fully described and incorporated herein.
2. The official copy of the zoning map shall be in the custody of the clerk and displayed in the township office.
3. Where uncertainty exists as to the boundaries of any of the zones as shown on the zoning map, the following rules shall apply:
 - A. Zone boundary lines are intended to be parallel or perpendicular to street, alley, or lot lines, unless such zone boundary lines are fixed by dimensions, as shown on such zoning map.
 - B. Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines shall be construed to be such boundaries.
 - C. Where zone boundaries are so indicated that they approximately follow lot lines and are not more than 25 feet distant therefrom, such lot lines shall be such boundaries.
 - D. In unsubdivided property or where a zone boundary divides a lot, the location of any such boundary, unless the boundary is indicated by dimensions shown on such maps, or described in the text of the ordinance, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot.
 - E. If all or any portion of any public street, alley, right-of-way, easement or land which is not included in any zone shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, such land shall be subject to all of these regulations which apply within the zone immediately adjacent thereto, or within the most restricted of the immediately adjacent zones, if there be more than one.

36-3.3 EBT EDUCATION, BUSINESS AND TECHNOLOGY DISTRICT

1. The objectives of the EBT education and business technology district are to:
 - A. Ensure a high standard of environmental quality.
 - B. Provide for certain limitations on uses and structures to minimize impacts on any adjoining residential districts.
 - C. Encourage campus-like development that emphasizes the retention of open space.
 - D. Provide for a high quality of uses which will protect the development itself and the surrounding areas.
2. Site Development Requirements and Standards for the EBT District
 - A. Site development requirements. The following site development requirements shall apply in the EBT district:
 - i. The minimum required area to qualify for each education and business technology district shall be 25 contiguous acres.
 - ii. An education and business technology district must have at least 200 feet of frontage on and access to a paved public state highway, county primary or major street.
 - iii. Public water and public sanitary sewer and on-site public or private stormwater drainage facilities shall be required as part of the total site development.
 - iv. A site plan for a development within an education and business technology district shall be submitted and approved in accordance with article IV of this chapter.
 - v. All public utility lines shall be underground.
 - B. Site development standards. Each site plan for a development within an EBT education and business technology district shall include specific evidence and facts that it has made provision for the following conditions:
 - i. Access and parking.
 - a. Not more than two driveways to any one street, unless unusual circumstances demonstrate the need for additional access points,



- consistent with health, safety and welfare.
 - b. No part of any off-street parking area, access and/or service area drive may be located closer than 50 feet from any adjacent residences or single-family residential zoning district.
 - c. Internal streets within an education and business technology district providing access to a public street may be privately owned and maintained, provided such streets are located within a permanent 66-foot easement, and designed and constructed to conform to county road commission subdivision street/road standards and a sufficient maintenance agreement is submitted, approved, and filed of record.
- ii. Screening.
- a. An education and business technology district that adjoins any residences or residential zoning district shall provide a landscaped screening area of at least 20 feet wide adjacent to the property line. Such screening area shall be planted with trees and/or shrubs having a minimum height of six feet. Consideration will be given for existing plantings in the screening area if a minimum of six feet is maintained. This provision shall not be invoked until the time of development of individual parcels within the district.
 - b. Refuse and storage areas shall be completely screened from public view.
 - c. All uses shall be conducted within a fully enclosed building, provided that any outdoor storage or associated outdoor activities shall be subject to review and approval by the planning commission as a special exception use.
- iii. Environmental standards. All uses within the education and business technology district shall conform to the following environmental standards:

- a. Glare and heat. Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line.
- b. Vibration. Operations shall cause no inherent and recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction is excluded from this restriction.
- c. Lighting. All outdoor lighting shall be shaded, shielded, and/or directed so that the surface of the source of the light shall not be visible from adjacent properties and public rights-of-way.
- d. Smoke emissions. No operation shall emit or cause to be emitted into the atmosphere from any air contamination source of emission whatsoever any air contaminant which is of such a shade or density as to obscure an observer's vision to a degree in excess of 20 percent opacity.
- e. Odor emissions. No operation shall cause or allow the emission of odorous air contaminants from any single source such as to result in detectable odors which are measured after the odorous air has been diluted with ten or more volumes of odor-free air.
- f. Particle emissions. No particles of fly ash shall exceed two-tenths grain per cubic foot of flue gas at a stack temperature of 500 degrees Fahrenheit.
- g. Hazardous materials. If any operation utilizes and/or stores hazardous materials (including hazardous wastes) on-site, the site/building shall be designed to comply with all fire and building codes for the hazardous materials used and adequate precautions shall be taken to protect against negative off-site impacts of a

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hazardous materials release, using best available technology.

36-3.4 NOTES TO DISTRICT STANDARDS - SETBACKS

1. Applicability. The notes contained in Section 36-3.4 are additions, exceptions, and clarifications to the district standards contained in Section 36-3.1. The applicability of the individual notes to each district is provided in the table below.
2. Notes to district standards for Agricultural and Residential Districts.
 - A. On corner lots, the width of the side yard adjacent to the side street shall be equal to the front yard setback of the lot adjoining the rear of such corner lot.
 - B. Where property is contiguous to an existing or an officially proposed primary county road, the minimum front, side or rear yard contiguous thereto shall be increased in depth so as to permit a One hundred-foot right-of-way[□] for primary county roads.
 - C. In the A, R-1, R-1A and R-2 zoning districts on non-riparian lots, where there is an attached garage, the minimum side yard abutting the attached garage shall be 50 percent of the regular side yard setback, provided: 1) no such attached garage shall be used for living area, and no living area shall be permitted closer than the regular required side yard setback from a side lot line; and 2) at least one side yard setback shall be the regular required side yard setback. In no event shall an accessory building be closer to the side lot line than the attached garage on the same side of the lot.
 - D. In R-2 and R-3 on irregular shaped lots, the minimum width of the lot at the minimum front yard setback lines shall be at least 110 feet.
 - E. Where a permitted accessory building setback is less than the minimum rear yard setback set forth in the schedule of lot, yard and area requirements, the maximum building height (feet) shall be reduced by one and one-half feet for each foot by which a setback is reduced, provided the minimum rear yard setback shall be five feet.
 - F. When a parcel abuts a higher zoning district, the larger of the abutting yard setbacks applies.
 - G. Corner lots shall adhere to the side yard setbacks for both the rear and side yards.
3. Notes to district standards for Commercial, Industrial and Other Districts
 - A. Where the majority of the frontage along one side of a street within 500 feet of a lot had been built upon at the time of the effective date of the zoning ordinance (August 17, 1963), any building hereafter erected on such lot shall be set back not less than the average setback of buildings on such frontage within 500 feet thereof.
 - B. On corner lots, the width of the side yard adjacent to the side street shall be equal to the front yard setback of the lot adjoining the rear of such corner lot.
 - C. The setback of any commercial or industrial use, or activity associated thereto, maintained on a parcel of land adjacent to an R-1; R-1A or R-2 residential district shall be a minimum of 25 feet or such use or activity shall be effectively screened by compact evergreens, fence or wall, or combination as determined by the Planning Commission, from any adjacent residential district.
 - D. Where property is contiguous to an existing or officially proposed primary county road, the minimum front, side or rear yard contiguous thereto shall be increased in depth so as to permit a One hundred-foot right-of-way[□] for primary county roads.
 - E. Unless that portion of the building extending beyond 35 feet in height is set back from each lot line one additional foot, beyond the minimum requirement, for each foot in height above 35 feet.
 - F. In the I-1 zoning district, the minimum side yard and the minimum rear yard setbacks may be reduced to 25 feet where the property abuts property zoned I-1 and where the planning commission finds that the setbacks provide safe and adequate area for traffic circulation, fire protection, and other emergency services.



36-3.5 GENERAL EXCEPTIONS

1. Public Utility Buildings and Structures
 - A. There is no zoning restriction for utilities to be located in public streets or public rights-of-way.
 - B. Unless expressly permitted, public utility activities of an industrial character such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.
2. Publicly owned buildings, exchanges and public utility offices, unless expressly permitted, shall not include storage yards, transformer stations, substations or gas regulator stations.

36-3.6 DISTANCES BETWEEN BUILDINGS IN THE R-4 AND R-5 DISTRICTS

The minimum distance between multiple-family buildings within a single project area shall be as follows:

1. Where buildings are front to front or front to rear, two times the height of the taller building but not less than 50 feet.
2. Where buildings are side to side, if there are no windows on the side walls, a distance equal to the height of the taller building but not less than 20 feet.
3. Where buildings are front to side or rear to side, if there are no windows on the side walls, 1 1/2 times the height of the taller building but not less than 30 feet.
4. Where buildings are rear to rear and side to side with windows on the side walls, 1 1/2 times the height of the taller building but not less than 40 feet.
5. When a roadway is located between two buildings, the width of the roadway shall be in addition to the minimum distance between buildings enumerated in this subsection.

36-3.7 LIMITATIONS ON HEIGHT.

No building shall be erected, reconstructed, or structurally altered to exceed in height the limit designated in this chapter for the zone in which such building is located, except the height limitations of this chapter shall not apply to place of worship spires, belfries, cupolas, antennas and domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, silos, bulkheads, and necessary mechanical appurtenances usually carried above the roof level, except where, in the opinion of the building inspector, such may be deemed to interfere with aerial navigation or constitute a fire hazard. Such

features, however, shall be considered accessory to the principal use, shall not include any uses specifically listed as permitted or special exception uses, and shall not exceed in total coverage 20 percent of the total roof area and shall not exceed a height of 50 feet.

Flagpoles shall be accessory structures and shall not exceed 20-feet in height in residential districts or the maximum principal building height in all other districts. They may be located in the front yard but shall be setback not less than the height of the pole from all adjoining property lines in all yards.

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Article 4.0 Use Standards



Article 36-4.0 Use Standards

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- 36-4.2 Accessory Uses or Buildings
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- 36-4.4 Municipal Offices or Public Facilities in the CB district
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36-4.0 Use Standards

36-4.1 PRINCIPAL PERMITTED USES IN THE A AGRICULTURE DISTRICT

Single-family dwellings are permitted, except that nothing in this section shall prohibit the conversion or alteration of any single-family structure, in existence before December 31, 1999, into not more than two separate dwelling units, provided that such dwelling units shall conform with the following provisions:

1. That there shall be no change or alteration of the exterior of the dwelling to change its appearance from that of a single dwelling unit.
2. Any single-family dwelling converted under the provisions of this section shall be required to have within the enclosed walls of the original structure a total of not less than 1,760 square feet of habitable floor area for two dwelling units.
3. There shall be a minimum habitable floor area of 800 square feet for each separate dwelling unit within any single-family structure which has been converted to house two families.
4. The provisions of this section shall apply only to the conversion of single-family dwellings and shall not be construed to permit the construction of two-family dwellings

36-4.2 ACCESSORY USES OR BUILDINGS

Any use which complies with all of the following conditions may be operated as an accessory use:

1. Is clearly incidental and customary to and commonly associated with the operation of the permitted uses.
2. Is operated and maintained under the same ownership and on the same lot or contiguous lot to the permitted uses.
3. Does not include structures or structural features inconsistent with permitted uses.
4. Does not include residential occupancy, except for living quarters for farm, domestic or other employees having employment on the premises.
5. Accessory buildings, other than principal farm buildings where no residence has been established, and buildings located on lots fronting lakes, ponds, streams or rivers shall be located in the rear or side yard. All detached buildings and structures, including decks, shall have a 3-foot separation distance from the

principal building to be considered a detached accessory structure.

6. If an accessory use is carried on within the structure containing the permitted uses, the gross floor area within such structure utilized by accessory uses (except garages and off-street loading facilities) shall be not greater than 20 percent of the gross floor area, but not to exceed 300 square feet, of a single unit dwelling; ten percent of the gross floor area of a structure containing any permitted uses other than a single unit dwelling.
7. Fallout shelters are permitted as accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately, and in addition to shelter use may be used for any accessory use permitted in the district, subject to the district regulations on such use. Fallout shelters constructed completely below the ground level, except for a vent not exceeding 30 inches in height above ground level, may be contained within any yard area.

36-4.3 AUTOMOBILE SALES AGENCIES

In the C-2 and C-4 districts, no dismantling of cars, or storage of dismantled cars shall take place outdoors.

36.4.4 MUNICIPAL OFFICES OR PUBLIC FACILITIES IN THE CBD CORNERS BUSINESS DISTRICT

Such use may include both permanent structures, such as playground equipment, enclosed buildings (such as storage and restroom facilities), open-air buildings with roofs (such as pavilions and gazebos) and other permanent or temporary structures for seasonal or community event purposes.

36-4.5 ANIMAL HOSPITALS

Where permitted as a special use, the following standards shall apply:

1. The use shall have frontage on an existing or officially proposed road.
2. The use shall have off-street parking facilities to satisfy peak parking needs.
3. Buildings and activities shall not be closer than 100 feet to adjacent residential properties.

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36-4.6 ASPHALT AND CONCRETE READY-MIX PLANT

Where permitted as a special use, the following standards shall apply:

1. The use shall have frontage on an existing or officially proposed road ;
2. The use shall have off-street parking facilities to satisfy peak parking needs;
3. Buildings and activities shall not be closer than 1,000 feet to adjacent residential properties.

36-4.7 VEHICLE REPAIR, MINOR AND MAJOR

Where permitted as a special use, the following standards shall apply:

1. The use shall have frontage on an existing or officially proposed road.
2. The use shall have off-street parking facilities to satisfy peak parking needs.
3. Buildings and activities shall not be closer than 200 feet to adjacent residential properties.
4. No major repairs or dismantling shall be permitted outside of a closed structure.

36-4.8 BAR, TAVERN AND NIGHTCLUB

Where permitted as a special use, the following standards shall apply:

1. The use shall have frontage on an existing or officially proposed road.
2. The use shall have off-street parking facilities to satisfy peak parking needs.
3. Buildings and activities shall not be closer than 500 feet to adjacent residential properties.

36-4.9 BUS OR TRUCK TERMINAL

Where permitted as a special use, the following standards shall apply:

1. The use shall have frontage on an existing or officially proposed road.
2. The use shall have off-street parking facilities to satisfy peak parking needs.
3. Buildings and activities shall not be closer than 500 feet to adjacent residential properties.

36-4.10 CARE HOME

Where permitted as a special use, the following standards shall apply:

1. The use shall have off-street parking facilities to satisfy average parking needs.
2. Buildings and activities shall not be closer than 25 feet to adjacent residential properties.
3. Group Day Care Homes: Where use of a property as a group day care home is under consideration, the property whereon a group day care home is proposed to be operated shall be maintained in a manner which is consistent with the visible characteristics of the neighborhood

36-4.11 CEMETERY

Where permitted as a special use, the following standards shall apply:

1. The use shall have frontage on an existing or officially proposed road.
2. The use shall have off-street parking facilities to satisfy average parking needs.
3. Buildings and activities shall not be closer than 25 feet to adjacent residential properties.

36-4.12 CHILD CARE CENTER/DAY CARE CENTER

Where permitted as a special use, the following standards shall apply:

1. The use shall have off-street parking facilities to satisfy average parking needs.
2. The use shall have off-street parking facilities to satisfy peak parking needs.
3. Buildings and activities shall not be closer than 25 feet to adjacent residential properties.

36-4.13 PLACE OF WORSHIP

Where permitted, the following standards shall apply:

1. The use shall have frontage on an existing or officially proposed road.
2. Buildings and activities shall not be closer than 50 feet to adjacent residential properties.

36-4.14 CLUB, PRIVATE NONCOMMERCIAL

Where permitted as a special use, the following standards shall apply:

1. The use shall have frontage on an existing or officially proposed road.
2. The use shall have off-street parking facilities to satisfy peak parking needs.



- Buildings and activities shall not be closer than 50 feet to adjacent residential properties.

36-4.15 DRIVE-IN THEATER

Where permitted as a special use, the following standards shall apply:

- The use shall have frontage on an existing or officially proposed road.
- Buildings and activities shall not be closer than 1,000 feet to adjacent residential properties.
- The use shall be enclosed by a solid wall or compact screening of suitable material as determined by the planning commission and shall not be less than six feet in height.

36-4.16 EARTH REMOVAL, EXCAVATIONS COMMERCIAL

Where permitted as a special use, the following standards shall apply:

- The use shall have frontage on an existing or officially proposed road.
- Buildings and activities shall not be closer than 500 feet to adjacent residential properties.

36-4.17 GASOLINE SERVICE STATION

Where permitted as a special use, the following standards shall apply:

- The use shall have frontage on an existing or officially proposed road.
- The use shall have off-street parking facilities to satisfy peak parking needs.
- Buildings and activities shall not be closer than 200 feet to adjacent residential properties.
- Gasoline pumps or other service appliances shall be set back at least 20 feet from the lot line.

36-4.18 GOLF COURSE

Where permitted as a special use, the following standards shall apply:

- The use shall have frontage on an existing or officially proposed road.
- The use shall have off-street parking facilities to satisfy average parking needs.
- Buildings and activities shall not be closer than 200 feet to adjacent residential properties.

36-4.19 GRAVEL PROCESSING AND QUARRYING

Where permitted as a special use, the following standards shall apply:

- The use shall have frontage on an existing or officially proposed road.
- The use shall have off-street parking facilities to satisfy peak parking needs.
- Buildings and activities shall not be closer than 200 feet to adjacent residential properties.

36-4.20 HOSPITAL

Where permitted as a special use, the following standards shall apply:

- The use shall have frontage on an existing or officially proposed road.
- The use shall have off-street parking facilities to satisfy average parking needs.
- Buildings and activities shall not be closer than 100 feet to adjacent residential properties.

36-4.21 HOTEL

Where permitted as a special use, the following standards shall apply:

- The use shall have off-street parking facilities to satisfy peak parking needs.
- Buildings and activities shall not be closer than 50 feet to adjacent residential properties.

36-4.22 INSTITUTIONS, CHARITABLE, ELEEMOSYNARY, PHILANTHROPIC

Where permitted as a special use, the following standards shall apply:

- The use shall have frontage on an existing or officially proposed road. The use shall have off-street parking facilities to satisfy average parking needs., Buildings and activities shall not be closer than 100 feet to adjacent residential properties.
- Rental of facilities to others than charitable, eleemosynary or philanthropic organizations is limited to 14 continuous days per tenant, with at least seven days of nonrental before rental to the same organization. Use by such organizations is restricted to uses compatible with the uses authorized by the special exception use permit and to its surroundings and purposes, without any adverse impact on the surrounding neighborhood. No rental of

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facilities shall be permitted unless specifically authorized in the special exception use permit.

3. No more than 500 persons shall be permitted on the premises at any one time unless an assembly permit has been granted in advance by the township board, acting in its discretion.
4. A minimum of 100 contiguous acres of area shall be required.
5. Total building coverage shall be 2.5 percent or less of the total land area.
6. Hours of outdoor activities shall be limited to 7:00 a.m. to 10:00 p.m.
7. All outdoor lighting shall be shaded, shielded, and/or directed so that light shall not be visible from adjacent properties and public rights-of-way.
8. Snowmobiles, recreational vehicles, ATV's, motorized boats, motorcycles, or any other similar vehicle, or use thereof, is prohibited. However, use of motorized vehicles and motorized equipment for safety purposes, maintenance, and support of institutional programming purposes may be permitted by the planning commission, but not more than a total of 15 such vehicles or items of equipment shall be permitted or used on the property for such purposes.
9. A minimum of 200 feet of road frontage is required.
10. Use of alcoholic beverages or beer shall be prohibited.

36-4.23 JUNKYARDS, BUILDING MATERIAL SALVAGE YARD

Where permitted as a special use, the following standards shall apply:

1. The use shall have frontage on an existing or officially proposed road.
2. The use shall have off-street parking facilities to satisfy peak parking needs.
3. Buildings and activities shall not be closer than 1,000 feet to adjacent residential properties.
4. The use shall be enclosed by a solid wall or compact screening of suitable material as determined by the planning commission and shall not be less than six feet in height.

36-4.24 KENNEL

Where permitted as a special use, the following standards shall apply:

1. The use shall have frontage on an existing or officially proposed road.
2. The use shall have off-street parking facilities to satisfy peak parking needs.
3. Buildings and activities shall not be closer than 500 feet to adjacent residential properties.

36-4.25 MEDICAL CLINIC

Where permitted as a special use, the following standards shall apply:

1. The use shall have frontage on an existing or officially proposed road.
2. The use shall have off-street parking facilities to satisfy peak parking needs.
3. Buildings and activities shall not be closer than 25 feet to adjacent residential properties.

36-4.26 MOBILE HOME SALES

Where permitted as a special use, the following standards shall apply:

1. The use shall have frontage on an existing or officially proposed road.
2. The use shall have off-street parking facilities to satisfy peak parking needs.
3. Buildings and activities shall not be closer than 100 feet to adjacent residential properties.

36-4.27 MOTEL

Where permitted as a special use, the following standards shall apply:

1. The use shall have off-street parking facilities to satisfy peak parking needs.
2. Buildings and activities shall not be closer than 25 feet to adjacent residential properties.

36-4.28 OFFICES AND OFFICE BUILDINGS

Where permitted as a special use, the following standards shall apply:

1. The use shall have frontage on an existing or officially proposed road.
2. The use shall have off-street parking facilities to satisfy peak parking needs.
3. Buildings and activities shall not be closer than 25 feet to adjacent residential properties.



36-4.29 PUBLIC UTILITY BUILDINGS AND STRUCTURES

Where permitted as a special use, the following standards shall apply:

1. The use shall have frontage on an existing or officially proposed road.
2. The use shall have off-street parking facilities to satisfy peak parking needs.
3. Buildings and activities shall not be closer than 25 feet to adjacent residential properties.
4. The use shall be enclosed by a solid wall or compact screening of suitable material as determined by the planning commission and shall not be less than six feet in height.

36-4.30 RECREATION, COMMERCIAL; OUTDOORS

Where permitted as a special use, the following standards shall apply:

1. The uses, including outdoor swimming pools, shall have frontage on an existing or officially proposed road.
2. The use shall have off-street parking facilities to satisfy peak parking needs.
3. Buildings and activities shall not be closer than 500 feet to adjacent residential properties.
4. In the C-3 District, such uses are permitted when they are an integrated part of an indoor commercial recreation enterprise, with the outdoor recreation facilities limited to tennis courts, racquetball courts, platform tennis courts, and walking and jogging tracks, without exterior lighting and with spectators limited to no more than twice the number of participants

36-4.31 RIDING STABLE & RACETRACK; COMMERCIAL

Where permitted as a special use, the following standards shall apply:

1. The use shall have frontage on an existing or officially proposed road.
2. The use shall have off-street parking facilities to satisfy peak parking needs.
3. Buildings and activities shall not be closer than 1,000 feet to adjacent residential properties.

36-4.32 SCHOOL, PAROCHIAL AND PRIVATE

Where permitted as a special use, the following standards shall apply:

1. The use shall have frontage on an existing or officially proposed road.
2. Buildings and activities shall not be closer than 50 feet to adjacent residential properties.

36-4.33 SLAUGHTERHOUSE

Where permitted as a special use, the following standards shall apply:

1. The use shall have frontage on an existing or officially proposed road.
2. The use shall have off-street parking facilities to satisfy peak parking needs.
3. Buildings and activities shall not be closer than 1,000 feet to adjacent residential properties.

36-4.34 STORAGE OR WAREHOUSING OF COMMODITIES IN THE I-1 DISTRICT

Unless expressly permitted, there shall be no storage or warehousing of live fowl or animals, commercial explosives, or above or below ground bulk storage of flammable liquids, or gases, unless and only to the extent that such storage of liquids or gases is directly connected to energy or heating on the premises.

36-4.35 USED CAR LOT

Where permitted as a special use, the following standards shall apply:

1. The use shall have frontage on an existing or officially proposed road.
2. The use shall have off-street parking facilities to satisfy peak parking needs.
3. Buildings and activities shall not be closer than 500 feet to adjacent residential properties.
4. No major repairs or dismantling shall be permitted outside of a closed structure

36-4.36 VETERINARY CLINIC

Where permitted as a special use, the following standards shall apply:

1. The use shall have frontage on an existing or officially proposed road.
2. The use shall have off-street parking facilities to satisfy peak parking needs.

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- 3. Buildings and activities shall not be closer than 25 feet to adjacent residential properties. Shall adhere to rating standards for soundproofing (STC–sound transmission coefficient).

36-4.37 VOLUNTEER OR TOWNSHIP FIRE STATION

Where permitted as a special use, the following standards shall apply:

- 1. The use shall have frontage on an existing or officially proposed road.
- 2. The use shall have off-street parking facilities to satisfy peak parking needs.
- 3. Buildings and activities shall not be closer than 500 feet to adjacent residential properties.

36-4.38 TELECOMMUNICATION TOWERS & ANTENNAS

- 1. Purpose The purpose of this chapter is to establish general guidelines for the siting of wireless communications towers and antennas. In furtherance of these goals, the township shall give due consideration to the township's land use plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas. Terms are defined in Section 36-2.1. The goals of this chapter are to:

- A. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- B. Encourage the location of towers in nonresidential areas;
- C. Minimize the total number of towers throughout the community;
- D. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- E. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- F. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- G. Enhance the ability of the providers of telecommunications services to provide

such services to the community quickly, effectively, and efficiently;

- H. Consider the public health and safety of communication towers; and
 - I. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures
- 2. Applicability
 - A. New towers and antennas. All new towers and antennas in the township shall be regulated pursuant to this chapter, except as provided in subsection B of this section, and they shall not be regulated or permitted as essential services, public utilities, or private utilities.
 - B. Amateur radio station operator and/or receive-only antennas. This chapter shall not govern any tower, or the installation of any antenna, that is under 50 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas.
 - 3. Special exception use
 - A. Generally. The following provisions shall govern the issuance of special exception use permits for towers by the planning commission:
 - i. Applications for special exception use permits under this division shall be subject to the procedures and requirements of section 36-724, pertaining to special exception uses, except as modified in this division.
 - ii. In granting a special exception use permit, the planning commission may impose conditions to the extent the planning commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties or to otherwise further the goal of this division.
 - iii. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
 - iv. Any special exception use request for a tower under this division shall require public notice to all abutting property owners and all property owners of



properties that are located within the corresponding separation distance listed in subsection (2)e.1 of this section in table 1, in addition to any notice otherwise required by this chapter.

B. Tower

- i. Information required. In addition to any information required for applications for special exception use permits pursuant to section 36-724, applicants for a special exception use permit for a tower shall submit the following information
 - a. A scaled site plan clearly indicating the location, type and height of the proposed tower, specifications on all proposed antennas, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), land use plan classification of the site and all properties within the applicable separation distances set forth in subsection (2)e of this section, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the zoning administrator to be necessary to assess compliance.
 - b. Legal description and ownership of the parent tract and leased parcel, if applicable.
 - c. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
 - d. An inventory of its existing towers, antennas or sites approved for towers or antennas that are either within the jurisdiction of the township or within one mile of the border thereof, including specific information about the separation distance, location, height and design of each tower. The applicant shall also identify other existing towers within such area

and the owner/operator of the existing towers, if known.

- e. A landscape plan showing specific landscape materials.
- f. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- g. A description of compliance with all applicable federal, state or local laws.
- h. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- i. Identification of the entities providing the backhaul network for the tower described in the application and other cellular sites owned or operated by the applicant in the township.
- j. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- k. A description of the desirable characteristics justifying the suitability of the proposed location.
- l. A description of the feasible location of future towers or antennas within the township based upon existing physical, engineering, technological or geographical limitations if the proposed tower is erected.
- m. Point of view renderings of how the proposed tower will appear from the surrounding area.
- ii. Factors considered in granting special exception use permits for towers. In addition to any standards for consideration of special use permit applications pursuant to section 36-724, the planning commission shall consider the following factors in determining whether to issue a special

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exception use permit, although the planning commission may waive or reduce the burden on the applicant of one or more of these criteria if the planning commission concludes that the goals of this division are better served thereby:

- a. Height of the proposed tower, but the planning commission shall not have the authority to authorize any tower with a height in excess of 190 feet unless the zoning board of appeals shall have first granted a variance to permit a specific height in excess of that maximum. If the zoning board of appeals grants a height variance, the planning commission may require the applicant to demonstrate compliance with all other standards for approval of the special exception use at that height.
 - b. Proximity of the tower to residential structures and residential district boundaries;
 - c. Nature of uses on adjacent and nearby properties;
 - d. Surrounding topography;
 - e. Surrounding tree coverage and foliage;
 - f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - g. Proposed ingress and egress; and
 - h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in subsection (2)c of this section.
- iii. Availability of suitable existing towers, other structures, or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information

requested by the planning commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be



presumed to render the technology unsuitable.

- iv. **Setbacks.** The following setback requirements shall apply to all towers provided, however, that the planning commission may reduce the standard setback requirements if the goals of this division would be better served thereby: Towers must be set back a distance equal to 110 percent of the height of the tower from any adjoining lot line. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- v. **Separation.** The following separation requirements shall apply to all towers provided, however, that the planning commission may reduce the standard separation requirements if the goals of this division would be better served thereby.
 - a. **Separation from off-site uses/designated areas.**
 - (1) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in table 1, except as otherwise provided in the following table.
 - (2) Separation requirements for towers shall comply with the minimum standards established in the following table.
 - b. **Separation distances between towers.**

Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances between all types of towers shall be 5,000 feet.
- vi. **Collocation and maximum tower height.** The maximum tower height for a single user shall be 120 feet; for two users, 135 feet; for three users, 150

Separation of towers from off-site uses	
Off-Site Use/Designated Area	Separation Distance
Single Family or Duplex residential units, including modular and mobile homes used for living purposes	200 feet or 300 percent height of tower, whichever is greater
Vacant Single Family or Duplex residentially zoned land which is either platted or has valid preliminary subdivision plan approval	200 feet or 300 percent height of tower, whichever is greater, measured from the base of the tower to closest building setback line
Vacant unplatted residentially zoned lands, including any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.	100 feet or 110 percent height of tower, whichever is greater
Existing multifamily residential units greater than duplex units	100 feet or 110 percent height of tower, whichever is greater
Nonresidentially zoned lands or nonresidential uses	None; only setbacks apply

- feet; and for four or more users, 190 feet. The applicant shall identify the location for supporting such multiple users and additional antennas without structural alteration. Any tower intended to have multiple users shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for the other users. Applicants proposing multiple user towers shall furnish a written agreement providing that the applicant shall not prevent or deny space on the tower for other users, and shall make the tower available to share at a fair market rate as determined by customary industry standards.
- vii. **Security fencing.** Towers and guyed wires shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anticlimbing device; provided, however, that the planning commission may reduce or waive such

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requirements, if the goals of this division would be better served.

- viii. Landscaping. A six-foot tall landscaped screen is required to effectively screen the tower compound from adjacent residential property, streets and public property. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived by the planning commission if the goal of this division would be better served.
- ix. Lighting. The tower shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for the tower. If such lighting is required, it shall be oriented inward so as not to project onto surrounding residential property and the design chosen must cause the least disturbance to surrounding properties.
- x. Signs. The use of any portion of a tower for signs other than warning or equipment information is prohibited.
- xi. Abandonment of unused towers or portions of towers. Abandoned or unused towers or portions of towers and associated facilities shall be removed within 12 months of the cessation of the operations at the site unless a time extension is approved by the planning commission. A copy of the relevant documents (including the signed lease, deed or land contract restrictions) which require the applicant to remove the tower and associated facilities upon cessation of the operations shall be submitted at the time of application for site plan review. If a tower is not removed within 12 months of the cessation of operations at the site, the tower and associated facilities may be removed by the township and the costs of removal assessed against the real property.

4. Permitted uses.

The following use is specifically permitted and shall not require a special use permit: Antennas or towers located on property owned, leased, or otherwise controlled by the township provided a

license or lease authorizing such antenna or tower has been approved by the township

5. General requirements

- A. Principal or accessory use. Antennas and towers may be considered either principal or accessory uses.
- B. Lot size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- C. Aesthetics. Towers and antennas shall meet the following requirements
 - i. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color so as to reduce visual obtrusiveness.
 - ii. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - iii. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible
- D. Accessory buildings. All buildings and structures accessory to a tower or antenna shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.
- E. Site plan. No tower, antenna or accessory building shall be constructed or installed



except in conformance with an approved site plan.

- F. Antenna installation. An antenna may be installed on an existing structure other than a tower in any zone, provided the antenna shall not extend more than ten feet above the height of the existing structure, and the antenna and any accessory structures or facilities shall conform to the requirements of a special exception use permit and an approved site plan.
- G. Unpaved driveways and parking areas. Notwithstanding any other provision of this chapter, the planning commission may approve unpaved driveways and parking areas as part of a site plan for a telecommunications tower and accessory buildings and structures if the planning commission finds from the evidence presented that paving would not blend into the natural setting; that the nature and extent of the use does not require paved driveways and parking areas for public safety purposes; and that gravel (or other surfacing as specified in the approved site plan) will be consistent with the purpose and the intent of this chapter.

36-4.39 WIND ENERGY CONVERSION SYSTEMS

1. Purpose.

The regulation of wind energy conversion systems, including the height, minimum lot area and required setbacks for such systems, is intended to provide for an alternative source of power generation while protecting the health, safety and welfare of township residents

2. Special exception use.

Due to the concerns related to health, safety and welfare, such systems shall be regulated as special exception uses within all zoning districts, provided such land area is sufficient to support their development and operation. The following requirements shall be met and the planning commission may impose additional conditions where appropriate:

- A. In addition to the requirements of section 36-6.1, the site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy

wires or other support devices, and the location of all dwelling units within 500 feet of the WECS.

- B. Each special use permit application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following:
 - i. A standard foundation and anchor design or specifications for normal soil conditions;
 - ii. Detailed instructions for operation and maintenance of the WECS on site;
 - iii. A copy of all warnings and/or documents provided by the manufacturer of the WECS, including rotor speed and use of governors;
 - iv. Grounding and lightning procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters); and
 - v. Proof of insurance.
 - vi. In addition, the underwriters label shall be attached to the base of the tower and any subsystem, such as the generator, and the following information shall be included:
 - a. The name, address, and telephone number of the owner of the tower/subsystem;
 - b. Manufacturer's name and address;
 - c. Model number;
 - d. Serial number;
 - e. Emergency and normal shutdown procedures;
 - f. The survival wind speed in miles per hour and meters per second for the tower and the maximum power output for the generator;
 - g. Name of installer;
 - h. Name of person responsible for maintenance; and
 - i. Emergency telephone number in force for the installer and the person responsible for maintenance.
- C. Electromagnetic interference. The entire WECS (including turbines, alternators,

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generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, and/or television broadcasting or reception, and shall comply with Federal Communication Rules, 47 CFR, parts 15 (including subparts A and F) and 18 (including subparts A, D and H).

- D. Noise. The maximum level of noise permitted to be generated by any WECS shall be 50 decibels, as measured on the DBA scale, measured at the property line nearest the WECS. The planning commission may request that a baseline study of the decibel levels existing prior to the installation be included as required documentation for review.
- 3. Site development.
 - A. Lot area/setbacks. No small turbine/on-site WECS shall be erected on any lot or parcel less than one acre in area and shall be situated on the lot or parcel so that no portion of the tower or turbine is closer to above ground utility lines and/or property lines than 110 percent of the height of the tower as defined in subsection (b) below. . Roof-mounted systems and towers [as defined in subsection (b) below] that do not exceed the height requirement within the underlying zoning district shall be exempt from this lot area and setback provision. No large turbine/utility grid WECS shall be erected on any parcel less than 20 acres in area and shall be situated on the parcel so that no portion of the tower or turbine is closer to above ground utility lines and/or property lines than 110 percent of the height of the tower as defined in subsection (b) below.
 - B. Height. The maximum allowable height for any small turbine/on-site WECS, based upon the combined tower and rotor blade length, shall be 60 feet for parcels of one to less than five acres, 120 feet for parcels of five to less than ten acres, and up to 180 feet for parcels of ten acres or more. The maximum allowable height for any large turbine/utility grid WECS, based upon the combined tower and rotor blade length, shall be 400 feet. The planning commission, in consideration of such request, may waive these height and parcel

size requirements where, in their sole reasonable discretion, they believe that such proposed location does not negatively impact adjoining properties.

- C. Ground clearance. For horizontal axis turbines, the WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is at least 20 feet. For vertical axis turbines, the area protected from access shall be not less than 200% of the width of the system
- D. Accessibility. Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of no less than 12 feet, unless such access is internal to the tower or similar access control is utilized.
- E. Connection to power grid. In the case of the WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto. The resident shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback or non-sellback) and the customer will be required to install a disconnecting device adjacent to the electric meter(s).
- F. Vibration. Under no circumstances shall a WECS produce vibrations humanly perceptible beyond lot boundaries.
- G. Additional studies. The applicant may offer and submit, or the planning commission may require, that the applicant submit studies related to noise, vibration, or similar issues that may be considered a nuisance. In addition, such studies may include avian and wildlife impact, visual impacts, shadow flicker (changes in light intensity caused by the moving blade) or similar issues based upon compatibility of the proposed use in the requested location.
- 4. Decommission plan/site reclamation. The applicant shall submit a plan that indicates the anticipated life of the project, the estimated cost and method to ensure the availability of such funds, and the manner in which the site will be reclaimed.



36-4.40 MIXED USE DEVELOPMENT

1. Purpose.

The intent of providing for mixed-use development is to allow for a wider range of uses in areas of the township where such use can achieve the goals of the developer while retaining the compatibility of use associated with special exception use approval. Toward this end, the potential range of uses that may be considered includes residential uses permitted within the R-3, R-4 and R-5 districts, office uses permitted in the O-1 district, and commercial uses permitted in the C-1, C-2 and C-3 districts. The intent is further directed at providing for less-intensive uses in more-intensive districts rather than more-intensive uses in less-intensive districts (such as C-1 uses in I-3 but not I-3 uses in C-1).

2. Location.

An application for mixed-use development may include land designated within the Texas Township Master Plan for medium- and high-density residential, office, neighborhood, central and regional commercial and industrial. Where the underlying zoning does not allow for mixed-use development as a special exception use, only those uses permitted by right shall be included within that portion of the development area. Within this type of application, separation between residential use and more intensive use (in the form of a greenbelt buffer or similar screening) may not be required or desired.

3. Application.

An application shall adhere to the process for all special exception uses under article VI, division 7, with this application including a separate submission under article IV (Site Plan Review). The submitted site plan shall identify the development area in total, the underlying zoning district(s) and any manmade features within 300 feet of the site perimeter. The planning commission shall first consider the application for special exception use and then consider the application for site plan review. All conditions imposed on the approval of the special exception use shall be reflected on the final site plan.

4. Conditions.

The following conditions shall apply to any application for mixed-use development:

- A. The minimum parcel size for any development area shall be five acres. This may include consolidation of parcels for purposes of such application.

- B. There shall be frontage of at least 330 feet along an existing road, or an existing public road or private road that can support the scope of the proposed mixed use.
- C. Perimeter setbacks shall adhere to the setback requirements for the underlying zoning district, unless located within the CBD, in which case the Planning Commission shall determine what perimeter treatment, if any, is needed to achieve compatibility between users. Interior setbacks between the proposed uses or separation distance between any proposed or existing buildings within the development area shall be indicated on the site plan. In no instance shall this setback or separation for detached buildings be less than ten feet, or the height of the building, whichever is greater.
- D. No less than 25 percent of the development area shall be preserved in open space, with such open space to be located both internally (to the benefit of the residents, employees or patrons of the development) and along the perimeter as a buffer from less intensive uses. Emphasis should be placed on pedestrian movement within the site and the connection of the development area to any off-site nonmotorized facilities (sidewalks, bike lanes or bike paths).
- E. If the proposed development is to be constructed in phases, these must be identified on the site plan and any initial phase shall include a use that is a permitted use within the underlying zoning district, unless specifically waived by the planning commission. In every instance, the final mix of uses shall include a permitted use within the underlying district.
- F. The applicant may include other special exception uses from the underlying zoning district or from those districts listed for permitted uses under section 36-726. In no instance shall the special exception use exceed a land area of more than 50 percent of the total development area unless specifically waived by the planning commission.
- G. The development shall be served by public sewer and water, utilize concrete curb and gutter and adhere to landscape standards listed under subsection 36-123(3)h.

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36-4.41 EARTH REMOVAL, MINING AND PROCESSING OPERATIONS*

1. Generally.

Prior to approval of a special exception use for earth removal, including marl or peat removal, extraction or mining, or for quarrying or gravel processing in any area of the township, the planning commission shall be certain the following conditions and limitations are or shall be strictly complied with, in addition to any other requirements contained in the township zoning ordinance or in any other township ordinance controlling such operations. The terms business or operation shall mean the entire scope of such business, including access and transportation to and from such site.

2. Location.

- A. The minimum parcel size shall be 40 acres.
- B. All such operations shall be located on a primary road, as defined by the County of Kalamazoo, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the planning commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition of such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads. Under no circumstances shall trucks use private drives or private access routes which are within 300 feet of any residence.
- C. Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such business shall be permitted closer than 200 feet from interior boundary lines of subject property, unless an approved mining operation is being conducted on the adjoining property and/or the adjoining property owner consents in writing thereto and further providing that all setback provisions contained in this ordinance are complied with as applied to other properties. In addition, no such business shall be permitted within 300 feet of any residence.
- D. No such business shall be permitted within 150 feet of adjoining public rights-of-way

except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. However, if the authority having jurisdiction over any particular road consents in writing to a reduced setback, then the planning commission may allow for such use to no less than 50 feet of any road right-of-way line, if adequate screening and all other provisions of the ordinance including other setback regulations are complied with. Such businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.

- E. Processing plants shall be limited to the processing of materials from the site except in the I-3 zoning district. A processing plant and any accessory structures shall not be located closer than 250 feet from any boundary lines and public rights-of-way or less than 500 feet from any residence, and shall, where practicable, be as close to the center of the subject property as possible and at a lower level than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus, the stockpiling or loading of material, or the equipment used for transportation of the material.
 - F. No such businesses shall be located within 300 feet of the margin of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, the Michigan Department of Environmental Quality, or such other state agency having jurisdiction thereof. No such operation shall interfere with the natural established flow of surface waters or subsurface waters to the detriment or damage of adjoining public or private properties. The planning commission shall have the right to require an applicant to construct adequate sediment basins if it appears that any sediment may be carried into any nearby watercourse.
3. Site barriers and fencing.
- A. Site barriers shall be provided within all setback lines of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall be constructed and in place before removal of any minerals from the site and shall consist of one or more of the following:



- i. Earth berms shall be constructed to a height of ten feet above the mean elevation in the centerline of the adjacent public highway or ten feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one foot vertical to three feet horizontal and shall be planted with grass or trees or shrubs.
 - ii. Plantings of evergreen trees not more than ten feet apart or shrubbery not more than five feet apart, in three staggered rows parallel to the boundaries of the property. Such plantings shall consist of varieties which will grow to not less than ten feet in height. Such plantings shall be spaced to provide effective site barriers when ten feet in height. Trees or shrubs which die must be replaced.
 - iii. Earth berms planted with grass and evergreen trees or shrubbery as specified in (b) above, provided that the total height of the berm and the trees or the shrubbery, at the time of planting, will be at least ten feet above the general level of the terrain along interior property lines or the mean elevation of the center line of the adjacent public highway, as the case may be.
- B. The minimum ten-foot requirement for screening by means of a berm and/or plantings may be reduced by the planning commission to not less than six feet in height if the particular site and terrain, with screening of a reduced height, will afford adequate site barriers. This minimum requirement for screening may also be increased by the planning commission to no more than 15 feet if additional site barrier is needed within a given location.
4. Nuisance abatement. Air pollution, noise and vibrations shall be minimized as to their effect upon adjacent properties by the utilization of adequate soundproofed equipment (including motion detectors rather than back-up beepers where permitted), buildings that are located and designed to accomplish such minimization and by the proper use of berms, walls and natural planting screens. Interior and adjoining roads used in the operation shall have their surface treated to minimize any such conditions, including specific dust control measures. All abatement measures shall

comply with any other township ordinances and state laws related to noise, blight or other defined nuisance.

- 5. Time limits. The planning commission shall approve both the hours of operation and the duration of the mining activity and may make alterations or impose conditions during the annual review if compliance with the original terms is no longer feasible. At a maximum, such operations shall be conducted between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday and some Saturday hours may be allowed. Any maintenance of equipment shall be conducted within an enclosed building if occurring outside the operating time limits for the business. No operation shall occur on legal holidays and Sundays. The planning commission may establish a termination date for the mining or excavating of any given area due to its proximity or visibility from residential districts or property used for residential purposes. The maximum duration for the operation shall be no more than ten years unless extended by the planning commission during an annual review based upon mining activity levels less than previously anticipated.
- 6. Fencing/lighting. Any dangerous excavations, dangerous pits, dangerous pond areas, dangerous banks or dangerous slopes shall be adequately guarded or fenced and posted with signs around the perimeter thereof to prevent injury to children or other persons, and such dangerous conditions shall be eliminated as expediently as possible. Security lighting may be permitted by the planning commission, but shall be aligned so that no part of the illumination shall fall on any adjoining residential property, and the height, location and type of lighting shall be such that lights do not cause glare onto adjoining property.
- 7. Liability insurance. All applicants shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in the amount of not less than \$1,000,000.00 for each person injured or property damaged and not less than \$2,000,000.00 for injury or damage to more than one person or more than one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as the result of conditions or activities existing upon the site. Such policies shall be filed with the township clerk.

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8. Parking. The use shall have off-street parking facilities to satisfy peak parking needs.
9. Reclamation of mined areas.
 - A. Reclamation or rehabilitation of mined areas shall be accomplished as provided for in the permit following the mining or excavation of an area. Where possible, such rehabilitation or reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of reclamation rehabilitation shall be effected within two years after termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.
 - B. The following standards shall control reclamation rehabilitation
 - i. All excavations shall be either to a water producing depth of not less than five feet below the average summer level of water in the excavation, or shall be graded or backfilled with nontoxic, nonflammable, nonorganic and noncombustible solids. The reclamation plan shall identify to the satisfaction of the planning commission the materials to be used.
 - ii. Excavated areas shall not collect stagnant water and shall not permit the same to remain therein.
 - iii. Surface that is not permanently submerged shall be graded and backfilled as necessary to produce a gentle rolling surface that will minimize wind and water erosion, and which will be generally compatible to the adjoining land area.
 - iv. The banks of all excavations shall be sloped to the water line in a water-producing excavation and to the pit floor in a dry operation, at a slope which shall not be steeper than one foot vertical to three feet horizontal. Some mining within the setback areas may occur only during the construction of the berms subject to review and approval by the planning commission. Water-producing excavations shall have a reasonably level bottom, free of sharp drop-offs or holes.
 - v. Topsoil of a quality equal to that occurring naturally in the area shall be

- vi. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion. The planning commission may require the seeding and plantings to conform to the standards and specifications adopted by the Kalamazoo County Soil Conservation District and as they may be amended from time to time.
 - vii. Upon cessation of mining operations by abandonment or otherwise, the applicant, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, buildings, stock piles and equipment, provided that buildings and structures which have a function under the reclamation plan which can be lawfully used under requirements of the zoning district in which they will be located under such plan, may be retained.
- C. Financial guarantee shall be furnished the township insuring the proper rehabilitation reclamation of mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$10,000.00 per acre proposed to be mined or excavated in the following 12-month period and which has previously been mined or excavated during any preceding period and not reclaimed or rehabilitated in accordance with this division in the applicant's filed plan. Mined areas resulting in a water depth of five feet or more shall be deemed to be reclaimed areas to within 15 feet of any shore line thereof and to the extent of the shore line where the same has been sloped to a grade of not more than one foot vertical to



three feet horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually, on or about the anniversary date of the excavation permit, for adjustment in compliance of the foregoing requirements by the zoning administrator of the township or such other official as may be designated by the township board. Such financial guarantee may be in the form of cash, certified check, a revocable bank letter of credit, or corporate bond of a licensed insurance company.

10. Submission of operational and reclamation plans. No special exception use permit for earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be approved, nor shall any such activity be allowed or commenced until a plan has been submitted to the planning commission, disclosing compliance with all of the provisions of this division or the manner of which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
 - A. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are on all-weather roads, additional roads, if any to be constructed and the location and nature of abutting improvements on adjoining property. The truck haul route for the operation shall be shown on the vicinity map for the site.
 - B. The number of acres and the location of the same proposed to be operated upon within the following 12-month period after commencement of operations.
 - C. Type of mining or processing proposed to be conducted and the nature of the equipment to be used.
 - D. Location of the principal processing plant, berms, driveways and the distance of any proposed excavation or mining and the boundaries of the site.
 - E. A map or plan disclosing the approximate final grades and levels to be established following the completion of the mining operations, including the proposed uses being contemplated for the land, future lakes and roads, such other matters as may evidence the bona fide nature of the reclamation rehabilitation plans and the fact that the land will not be devastated

and rendered unusable by the proposed mining activities.

11. Hearing.
 - A. After receiving an application for a permit or for an extension or renewal of a permit for an earth removal, quarrying, gravel processing, mining or related mineral extraction business accompanied by the required plans and specifications and permit fee, the planning commission shall hold a public hearing upon such application.
 - B. Following such hearing, said board shall grant or deny the application and set forth its reasons for its decision. Such decision shall be based upon the criteria set forth in this ordinance and shall be based, in addition, on a consideration of the following:
 - i. The most advantageous use of the land, resources and property.
 - ii. The character of the area in question and its particular suitability, if any, for particular uses.
 - iii. Conservation of property values, as well as natural resources and the general appropriate trend and character of development in the subject area.
 - iv. The protection and preservation of the general health, safety and welfare of the township.
 - v. The scarcity or value of minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.
 - vi. In making any decision, the planning commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residence and property owners. It may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same. It shall be authorized to renew or extend the permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. The

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revocation or failure to renew or extend the permit shall not release the applicant from the duty of rehabilitation or reclamation of said mines or disturbed area.

- Existing mining operations. All existing mining operations, gravel processing operations or quarrying operations existing on the effective date of this division [May 20, 2003] shall be subject to the within regulations with regard to future operations. A special exception permit shall not, however, be required unless changes are proposed to the operation that increase the potential impact of such operation on adjoining properties.

36-4.42 RIDING STABLES

- The minimum lot area for any one riding stable shall comprise at least 40 acres.
- The use shall have frontage on an existing or officially proposed road having a major or greater road classification.
- The use shall have off-street parking facilities to satisfy peak parking needs.
- Buildings shall have a front line setback of 100 feet and a side line setback of 300 feet where the lot on which the building is located is adjacent to any residential property.
- The area so used shall be completely fenced with 48-inch high woven wire, topped with at least one strand of barbed wire.
- A minimum of at least 1 1/2 acres for each horse

36-4.43 PRIVATE AIRFIELDS OR AIRCRAFT LANDING STRIPS

- No private airfield or aircraft landing strip may be constructed on any property unless the owner thereof has at least 20 acres of contiguous property and also the site plan drawn to scale showing the location and dimensions of the airfield and the setback from adjoining property lines, wires and poles, adjoining roads and nearby residences has been approved by the planning commission.
- The planning commission shall determine that the private airfield or landing strip will not adversely affect the use and enjoyment of adjoining properties or constitute a safety hazard and that there will be adequate setback distances from adjoining property lines of not less than 200 feet from the ends of the private

airstrip to any boundary line of the property and that there will be adequate clearance of any telephone or power lines or other obstructions which may pose a threat to the landing and takeoff of aircraft.

- The airstrip may not be constructed closer than 500 feet to any existing residence other than the property owner's residence or a residence located on the subject property. Under no circumstance shall any commercial use be made of any such private landing strip such as by allowing other persons or firms to use the landing strip.
- The landing strip shall be for the sole use of the principal occupant's private aircraft.

36-4.44 BARNES OR SIMILAR STRUCTURES IN RESIDENTIAL DISTRICTS

Where permitted in residential districts, such barns or accessory structures may be utilized for the keeping of livestock, excluding swine, which are prohibited, subject to the following conditions:

- No building or shelter for such animals shall be located less than 200 feet from any adjoining residence under separate ownership, nor less than 50 feet from any adjoining residential property under separate ownership or have any open enclosure for such animals less than 100 feet from any adjoining residence under separate ownership.
- No parcel of land for such purposes shall be less than two acres, which would allow one head of livestock.
- Areas used for the temporary storage of manure shall be not less than 200 feet from a public street or adjoining residence under separate ownership. All accumulation of manure shall be removed on a weekly basis.
- One and one-half additional acres shall be provided for each one additional head of livestock.

36-4.45 RESEARCH AND RELATED USES IN THE INDUSTRIAL DISTRICTS

All such uses in Industrial Districts shall be subject to the following conditions:

- These uses include only the following types of uses: which shall include only the following types of uses: scientific, industrial or business research and testing laboratories; any use



- charged with the principal function of educational or technical training; hospitals and clinics for the treatment of animals; the raising of animals for research purposes; and executive or administrative office buildings and accessory uses or buildings which are incidental to such research activities
2. All such uses and activities shall be conducted within a fully enclosed building; provided, however, that the planning commission shall have discretion, in passing upon such special exception use, to permit outdoor activities under such terms and conditions as the planning commission shall deem advisable.
 3. No unreasonable or unnecessarily loud noise or disturbance shall be created which shall be injurious to the health, peace or quiet of the residents and property owners of the township. Specifically, noise shall not exceed 80 decibels as measured at the property line between the hours of 7:00 a.m. and 10:00 p.m. In addition, noise shall not exceed 75 decibels as measured at the property line between the hours of 10:00 p.m. and 7:00 a.m.
 4. No obnoxious, toxic, or corrosive fumes or gases shall be emitted which is injurious to the health, safety or welfare of the residents and property owners of the township.
 5. No smoke, odorous gases or other odorous matter shall be emitted in such quantities as to be offensive to the health, safety and general welfare of the residents and property owners of the township at or beyond any boundary of the use of the parcel. For the purpose of grading the density of smoke, odorous gases or other odorous matter, the shade or appearance of smoke which is equal to but not darker than No. 1 of the Ringlemann Chart, as published and used by the United States Bureau of Mines, may be emitted for a period not exceeding four minutes in any 30 minutes.
 6. No dust or other particulate matter may be released that is detectable at the lot line.
 7. No physical vibrations which are detectable at the lot line shall be produced.
 8. No radioactive materials that exceed quantities established by the United States Bureau of Standards shall be discharged.
 9. No activity involving the storage, use or manufacture of materials that decompose by detonation may be carried on.
 10. No heat shall be produced at the lot line so intense as to be a public nuisance.

11. No such use may cause illumination by light or glare at or beyond any residential district boundary in excess of 0.1 footcandle in any plain.
12. All uses shall be connected to a public sanitary sewer disposal facility.

36-4.46 SPECIAL EXCEPTION USES IN THE I-3 SERVICE INDUSTRIAL DISTRICT

Where an industrial use meets the intent of the chapter and where all work is carried on within an enclosed building, and which does not emanate noise, vibration, odor, smoke, liquid wastes, or light to such an extent as to be objectionable to surrounding properties. A determination of the board of appeals established under state statute and this chapter shall be conclusive on any questions of nuisance or objectionableness of any business or operation under the terms of this section.

36-4.47 ACCESSORY USES IN THE EBT DISTRICT

1. Any such use shall be located wholly within the building of the principal use which it serves, and shall be conducted solely for the convenience of the occupants of such building, and shall have no exterior advertising or displays
2. Accessory uses shall occupy no more than 25 percent of the total floor area of the building in which they are located;
3. No outdoor storage shall be permitted.

36-4.48 HOME OCCUPATIONS

1. Class A Home Occupations. An occupation that meets all of the criteria for a home occupation set forth in subsection 2 of this section, that does not have a sign, and that does not involve any physical presence at the dwelling by customers or by business associates not residing in the dwelling shall be allowed as a permitted accessory use and shall not be deemed a home occupation requiring a special exception use permit.
2. Class B Home Occupations. Any person wishing to operate a home occupation must petition the planning commission for the grant of a special

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exception use according to the provisions of Chapter 7 of this article. A special exception use for a home occupation shall be granted only if it complies with all of the following conditions:

- A. That it is limited to a single-family or two-family semidetached dwellings and is operated in its entirety within the single dwelling and not in a garage or accessory building, and only by the person, or persons, maintaining a dwelling therein.
 - B. That it does not have any employees, or regular assistants not residing in the dwelling.
 - C. That the dwelling does not have any exterior evidence, other than a permitted sign attached to the dwelling, to indicate that the building is being utilized for any purpose other than that of a dwelling.
 - D. That the occupation conducted therein is clearly incidental and secondary to the residential use of the building.
 - E. No article or service is sold or offered for sale on the premises except as is produced on the premises by the home occupation or is clearly incidental and directly related to the principal activity constituting the home occupations.
 - F. It shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas.
 - G. That it does not utilize more than 20 percent of the gross floor area, but not to exceed 300 square feet, in the single unit dwelling.
3. The following shall not be deemed home occupations: medical clinics or offices, hospitals, nurseries, child care facilities, barbershops and beauty salons (except barbershops and beauty salons limited only to one operator provided there is sufficient off-street parking to accommodate peak parking demands as determined by the planning commission), tearooms, veterinarian clinics or offices, kennels, and other occupations determined by the planning commission to be similar to the occupations listed in this subsection.

36-4.49 ADULT USES

1. Purpose. In the development and execution of this division, it is recognized that there are some uses that, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated in an area, thereby causing a deleterious effect upon the adjacent areas. These uses are referred to in this division as "adult regulated uses." The secondary effects of the uses so regulated have been recognized and documented in other communities, and reports of those effects have been reviewed and considered by the township. Regulation of adult regulated uses is directed at protection of the health, safety and welfare of township residents through the establishment of conditions under which such uses may be approved. The intent is to minimize the negative impacts of such uses, including potential blight and possible criminal activity associated with such adult uses. It is not the intent of this ordinance to regulate the content of materials associated with the use, but to require the separation of incompatible uses that may result in loss of property value.
2. District. Adult regulated uses are special exception uses within the I-1 Industrial district. Such uses are deemed to be incompatible with uses permitted within the agricultural, residential and commercial districts, and the site development regulations provide for increased setback and lot area to further reduce such incompatibility.
3. Conditions. In order to reduce or mitigate the incompatibility of such uses with surrounding uses, the following conditions shall apply for adult regulated uses, in addition to the conditions and regulations of division 7 that apply to all special exception uses:
 - A. All such facilities shall meet any state licensing requirements, fire regulations or other state or local requirements for operation.
 - B. All such facilities shall provide for separate male and female restrooms and such restrooms shall be free to the public.
 - C. The entrance to such facilities shall be clearly posted "for adults only" and anyone entering the facility shall be asked for permanent identification to determine that no person under the age of 18 is allowed.
 - D. Signage shall adhere to the township sign regulations and no advertisement shall be



visible from the exterior of the facility related to the display or description of materials defined as "specified sexual activities" or specified anatomical areas" or any language considered slang providing for the same description.

- E. A site plan shall be submitted which meets the township's standards for site plan review, including landscaping and lighting that will decrease the incompatibility with surrounding uses. The site plan shall also indicate any existing uses, buildings or structures within 500 feet of the property.
 - F. The site for such adult regulated use shall not be located within 500 feet of any places of worship, schools, public parks or public buildings.
 - G. The site for such adult regulated use shall not be located within 500 feet of any residence or residential zoning district.
 - H. The site for such adult regulated use shall not be located within 1,000 feet of any other adult entertainment use as defined in this division.
 - I. Parking areas shall be well lit and no loitering or congregation of patrons outside of the facility shall be allowed by the proprietor of the business.
 - J. The applicant shall indicate what hours of operation are planned, and demonstrate that those hours of operation will satisfy the requirements of this division for a special exception use.
4. Exempt uses. Any use that is licensed or certified for purposes of other professional service, including barbers or beauticians, massage or physical therapists, athletic trainers or other professions where bodily contact is anticipated as part of the service, shall be exempt from these provisions so long as the use does not extend to providing services similar to those identified under this section.

36-4.50 SOLID WASTE TRANSFER FACILITIES

- 1. Generally. Prior to approval of the planning commission of a special exception use for a solid waste transfer facility, as defined in this article, in any area of the township, the planning commission shall be certain that the following limitations and conditions are or shall be strictly complied with, in addition to any other requirements contained in this chapter or in any other township ordinance controlling such operations. These limitations and

conditions shall apply not only to solid waste transfer facilities established as a special exception use in the I-3 industrial district service zoning classification, but shall also apply to solid waste transfer facilities hereafter established in any other area of the township by virtue of the provisions of Part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.). The rules and regulations of this article shall apply specifically to each transfer facility, unless county or state regulations on any particular requirement are more restrictive, and then such more restrictive regulation may apply.

- 2. Location.
 - A. All such operations shall be located on a state highway or all-season county primary road, as defined by the county road commission, for ingress and egress thereto, and on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the planning commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations, as a condition of such operation, and for the purpose of routing traffic around residential areas. A stop sign shall be erected and maintained by the owner/operator at all egress roads of the disposal area. Under no circumstances shall trucks use private drives or private access routes from the applicants' property which are within 150 feet of any residence.
 - B. No such transfer facility shall be permitted closer than 100 feet from the interior boundary lines. In addition, no transfer facility shall be permitted closer than 300 feet to any domicile, or within 300 feet of any residential districts. No such transfer facility operations shall be permitted closer than 100 feet to adjacent public rights-of-way, property lines or lakes and streams.
 - C. Any permanent processing plant and its accessory structures shall not be located closer than 250 feet from the interior boundary lines. In addition, if located within 1,000 feet of a residence, it shall be obscured by a suitable barrier, not less than ten feet high, with screening, of a type to be decided on an individual basis, by the planning commission at the time of application. Where practicable, the processing plant shall be as close to the center of the subject property as possible,

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and at a lower level than the surrounding terrain to lessen visual and noise impact. The provisions of this subsection shall not apply to the digging or excavating apparatus, nor to the stockpiling or loading and transportation equipment.

- D. No such transfer facility shall interfere with the established natural flow of surface waters, to the detriment or damage to adjoining public or private properties. The planning commission shall have the right to require an applicant to construct adequate sediment basins if it appears that substantial sediment may be carried into any nearby watercourse.
 - E. Any transfer facility, located within the boundaries of the township, whether publicly or privately owned, shall be open to township residents, property owners and businesses, during established business hours, at a rate competitive with other transfer facilities in Southwestern Michigan. Other persons or parties may also be granted access to a public facility, subject to paying charges as determined by the public body having jurisdiction. Private waste transfer facilities shall provide service to all persons and businesses, regardless of where located. Special handling fees may be charged for bulky or difficult to process items. Hazardous materials, as defined in Part 111 of Public Act No. 451 of 1994 (MCL 324.11101 et seq.) and defined by the Department of Environmental Quality in its Hazardous Waste Management Rules, Sections R299.3101--299.11107 inclusive, containing Rules 101--1107 exclusively, and dated December 28, 1985, are prohibited.
 - F. Greater isolation distances may be required by the planning commission if the transfer facility being proposed is adjacent to special quiet zones, as designated by local or state government.
 - G. All unloading, compaction, reloading and related activities shall take place within enclosed structures except that the planning commission may approve provisions to receive waste and trash from small privately owned vehicles.
3. Sight barriers and fencing.
- A. Sight barriers shall be provided along all setback lines of the sites which lack natural screening conditions through

existing contours or evergreen growth. Such barriers shall consist of the following: A berm of at least ten feet in height and plantings of evergreen trees, not more than ten feet apart, or shrubbery not more than five feet apart, in staggered rows, on the berm, parallel to the boundaries of the property. Evergreens shall be at least two-year transplants at the time of planting, and shall grow to not less than ten feet in height, and shall be sufficiently spaced to provide effective sight barriers when ten feet in height. Trees or shrubs which die must be replaced. The requirements for screening by means of a berm and plantings may be reduced or eliminated by the planning commission if the particular site and terrain of the subject property (with screening of a reduced height) will afford adequate sign barriers for adjoining property owners, residents or passersby.

- B. The transfer facility area is to be fenced with an eight-foot high chainlink fence with three strands of barbed wire, angled 45 degrees toward the outside of the premises on the top. Such fence shall be located inside of any berms or screening following the exterior boundaries. The entrance to the transfer facility area shall have a gate which shall be closed and locked at all times that the transfer facility is not open.
4. Nuisance abatement
- A. Air pollution, noise and vibration, and their effect upon adjacent properties shall be minimized by the utilization of adequate soundproofed equipment and buildings designed to accomplish such minimization, and by the proper use of berms, walls and natural planting screens. Interior and adjoining roads used in the solid waste transfer operations shall have their surfaces treated to minimize any adverse condition.
 - B. Rodent traps, if needed, shall be placed every 100 yards, around the perimeter of the transfer facility area, inside the fence, and shall be regularly inspected and cleaned, not less frequently than once each week.
 - C. Any security lighting deemed necessary by the owner/operator shall be aligned so that no part of the illuminated field shall fall on any adjoining residential property.



- D. Every transfer facility, which accepts refuse, shall have adequate water supply and facilities for quick delivery of water to any part of the property for the purpose of extinguishing fires. Capacity shall be such that at least 50 gallons of water per minute can be applied to any fire, continuously, for at least ten hours. The source of the water supply and the facilities to provide for the delivery of the water shall be indicated on the plans submitted for approval by the planning commission.
 - E. All litter shall be collected from the transfer facility site by the end of each working day and stored in a covered container.
 - F. Dumping, compaction and reloading areas shall be hosed clean at the end of each day
5. Time limits.
- A. All operations, other than the maintenance of equipment within a fully enclosed building, shall be conducted only between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and 7:00 a.m. and 3:00 p.m. on Saturdays and legal holidays. A sign stating the hours and prohibiting operation at other times shall be placed in a conspicuous location at the entrance.
 - B. Keys for admittance to the transfer area shall be given to the township clerk.
 - C. Transfer facilities shall have qualified personnel on duty at all times to direct the receiving and transfer operation.
6. Liability insurance. All applicants shall be required to carry personal injury and property damage insurance, in addition to any and all bonds required by state statute, while the facility is in operation. Such insurance shall be in the amount of not less than \$1,000,000.00 for each person injured or property damaged, or for any injury or damage to more than one person or one person's property, arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operation, as well as upon properties adjoining thereto, as the result of conditions or activities existing upon the site. Such policies shall be filed with the township clerk, and shall be maintained in effect for a period of not less than five years following final closure and termination of transfer facility activities. The deductible written into the insurance policy shall not exceed five percent of the per incident limit of the liability of the policy. The coverage

obtained by the owner/operator to fulfill the requirements of this section shall include the provisions that this section shall include the provision that the insurer shall notify the township 30 days prior to the cancellation of the insurance for any reason.

7. Submission of operational plans

- A. No transfer facility activities shall be allowed or commenced until a plan has been submitted to the township planning commission, disclosing compliance with all of the provisions within this chapter, or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
 - i. A contour map of the tract of land involved in the operations, including dimensions of the land, access thereto, abutting public streets, and whether or not the streets are on state or county primary roads, additional roads, if any, to be constructed and the location and nature of abutting improvements of adjoining properties.
 - ii. The number of acres and the location of the acres, proposed to be operated upon within the following 12-month period after commencement of operations.
 - iii. The type of transfer facility proposed to be constructed, the nature of the equipment to be used and the materials to be accepted.
 - iv. A survey by a registered surveyor, showing the location and the boundaries of the site.
 - v. A site plan disclosing the location and dimensions of all structures and the final grade and the levels to be established following completion of the construction.

8. Criteria

- A. A recommendation by the planning commission and approval by the township board shall be based upon the criteria set forth within such ordinance and shall be based, in addition, on a consideration of the following:
 - i. The most advantageous use of the land, resources and property.
 - ii. The character of the area in question and its particular suitability, if any, for the particular use.



- iii. Conservation of property values as well as natural resources and the general appropriate trend and character of development in the subject area.
 - iv. The protection and preservation of the general health, safety and welfare of the township.
 - v. The scarcity or value of transfer facilities as compared with the effect upon adjacent communities near the proposed operation.
- B. The planning commission may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon such operations.
9. Existing transfer facility operations. All licensed transfer facility operations existing on the effective date of the ordinance from which this chapter is derived shall be subject to the within regulations with regard to future operations; however, such preexisting transfer facility shall be allowed to continue in operation on its then existing land. A special exception use shall not be required for such preexisting transfer facility.

36-4.51 MOBILE HOME PARK REGULATIONS

- 1. Mobile homes not complying with the definition of a "dwelling" for the purpose of this chapter cannot be used for habitation except within mobile home parks.
- 2. Mobile home park districts shall have frontage on a primary or major county street, or similarly adequate thoroughfare of a state trunkline.
- 3. Mobile home park districts shall not be less than 20 acres in size.
- 4. The owner of every mobile home park which lies immediately adjacent to a residential district shall provide a screening area separating such park from the adjoining residential district. The screen shall be in the form of either a wall, fence, or evergreen planting which is compact and maintained in good condition at all times. The height of the screen shall not be less than five feet, except where the screen would interfere with traffic safety, in which case it may be reduced in height to, but not less than, three feet in height. Adequate landscaping shall also be provided, by the owner of the mobile home park, within the front yard setback area between the mobile home sites and any public street so as to provide an attractive frontage upon such street.

- 5. All interior drives within a mobile home park shall be paved with asphalt or similar hard-surface to a minimum width of 36 feet, including curb and gutter. Paved parking spaces for two automobiles shall be provided on each mobile home site.
- 6. Sidewalks not less than four feet wide, constructed of asphalt or concrete shall be provided, extending between individual mobile home sites and the park service buildings.
- 7. Interior drives and walkways shall be lighted at intervals of not more than 100 feet by electric lamps of not less than 100 watts each.
- 8. Each mobile home site shall contain an area of not less than 7,000 square feet and shall have a width of not less than 70 feet.
- 9. Each mobile home site shall be well-drained and be provided with a concrete slab base for the storage of the mobile home and shall have its own electric service and sewer connections approved by the township.
- 10. No mobile home within a park shall be within 35 feet of a residential district boundary.
- 11. Where individual fuel oil tanks are used above ground level, they shall be placed on permanent masonry foundations of uniform design.
- 12. Site and development plans of new mobile home parks or additions to existing parks shall be submitted to and approved by the township board, or its authorized representatives, as such may be designated from time to time by the board, and no mobile home park shall be licensed or licensable unless the plans are first approved by the township board, or its authorized representative.
- 13. Every mobile home park established within the township shall be inspected periodically by an official designated by the township board. The frequency of such inspections, and any fees associated thereto, shall be determined by the township board.
- 14. Every mobile home shall be self-contained and have its own toilet and bath facilities.
- 15. The electrical distribution system of every mobile home park shall be underground and comply with the National Electrical Code.
- 16. Mobile home parks shall have a sanitary sewer system connected to a public or municipal sewer system and shall have a water system connected to a public or municipal water system. Fire hydrants shall be installed and



connected within 200 feet of any mobile home site or other structure in the park.

17. Postal service shall be provided at a central building within the mobile home park or at each mobile home site, but not on the main street described in subsection (2) of this section.
18. Each mobile home site shall be provided with adequate devices, approved by the township, for securing each mobile home against high winds.

4.52 PLANNED UNIT DEVELOPMENT USE STANDARDS

1. This section provides enabling authority and standards for the submission, review, and approval of special exception use applications for planned unit developments. It is the intent of this division to authorize the consideration and use of planned unit development regulations for the following purposes:
 - a. To encourage the use of land in accordance with its character and adaptability.
 - b. To promote the conservation of natural features and fragile lands and the preservation of important community resources.
 - c. To encourage flexibility and innovation in land use and design to protect the rural character of the community and enhance the quality of life in the township.
 - d. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.
 - e. To promote the enhancement of housing diversity, shopping, traffic circulation, and recreational opportunities for the people of the township.
 - f. To promote and ensure greater compatibility of design and use between and among neighboring properties.
- ii. A planned unit development must comply with this division. The provisions of this division are intended to result in land use and development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this division to ensure appropriate, fair, and consistent decision-making. The planned unit development provisions are not intended as a

device for ignoring this chapter or the planning upon which it has been based.

2. Qualifying Conditions

- A. In order to be eligible for planned unit development, the proposed area shall consist of a minimum of 15 acres.
- B. Public water and sanitary sewer shall be extended to service the planned unit development site where such existing utilities are within one half mile (2.640 feet) of the site.
- C. A planned unit development may be permitted in all residential zoning districts including than the agriculture district.
- D. As a condition of for approval of a planned unit development, the applicant must demonstrate that the planned unit development will result in a recognizable and substantial benefit to the ultimate users and occupants of the project and to the community, where such benefit would otherwise be unfeasible or unlikely. Such benefit may include, but shall not be limited to, the preservation of important natural features, wildlife areas, the provision of open lands, the provision of a mix of housing types or land uses, and/or innovation in design and project configuration.

3. Development requirements

- A. Generally. The township shall evaluate each residential planned unit development application in accord with the general standards for approval of all special exception uses and the following specific standards. The proposed development shall:
 - i. Be designed, constructed, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;
 - ii. Not change the essential character of the area in which it is proposed;
 - iii. Be served adequately by essential public facilities and services, such as highways, streets, pedestrian ways, police and fire protection, drainage structures, refuse disposal, water and sewer;

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- iv. Not create excessive additional requirements at public cost for public facilities and services; and
- v. Be developed in accordance with the intent for a planned unit development as contained in this division.
- B. Density and dwelling unit computation. The maximum density for residential uses in any planned unit development shall not exceed that which would be permitted in a feasible comparison plan, prepared in accordance with township regulations pertaining to the underlying zoning, except as provided in subsection (e) of this section. For the purposes of this division, a comparison plan shall consist of a feasible layout of dwelling units which may be permitted by right in accord with the underlying zoning applicable to the proposed site. The comparison plan shall include the information required for site plan review pursuant to section 36-123. The maximum number of dwelling units permitted by the township board for the planned unit development shall be determined based on the number of units that may be properly developed as shown on the comparison plan. In the case where the proprietor proceeds in phases and develops only a portion of the total proposed development at one time, each phase shall consist of land use planned and developed in such a way that the required open space, in relation to the permitted density, is adhered to within each phase or accumulated in the earlier phases of the project. This open space may be accomplished through the utilization of conservation easements, or other lawful means, as approved by the township.
- Bonus density. The applicant/developer may request the granting of a bonus density in those situations where the applicant has presented a plan that would exceed the minimum requirements for approval. Such requirements include open space that exceeds 20% of the site, preservation of the natural open space or landscape without changes to grade or landscape and/or reductions in site standards, such as lot area, lot width or setbacks that conform better to adjoining residential development areas. Such bonus shall not exceed 10% of the total number of units established by the comparison plan and approval by the Township Board

shall be based upon the recommendation of the Planning Commission with a clear rationale as to why such bonus density should be granted."

- C. Open space. Each planned unit development shall contain open space areas equal to a minimum of twenty (20) percent of the total site area. Such open space shall be contiguous to or a part of the subject site, maintained in perpetuity by the owner, owner's agent or homeowner's association and shall be set aside for the common use of the home or lot owners within the planned unit development with recorded assurances satisfactory to the township that the required open space shall be properly maintained in perpetuity. In any such recorded assurances, the township shall be identified as having the right, but not the obligation, to enforce the conditions, covenants and restrictions placed on the open space. For purposes of this section, open space shall only be considered to be those areas having a minimum dimension of 50 feet by 100 feet, unless part of a bike path or trail system. A minimum of one large open space area shall be preserved for every thirty (30) acres within the site, with a minimum of one (1) acre per every fifteen (15) acres and with at least one such area designed for active recreational use. Such areas shall be either centrally located within the development or located near the frontage to the development area. A minimum of 50 ft of open space shall be preserved along any existing primary or secondary road abutting the development. Land in streets, sidewalks, parking areas or in required yard or setback areas shall not be considered as open space. Open space areas may include open air recreational uses and/or unimproved natural areas. Unfenced stormwater (retention or detention) basins may be counted as open space where such location is integrated into the overall open space plan. The township board shall have the discretion to approve alternative open space uses, such as public or semipublic recreational use. Open space may include incidental and accessory buildings and structures as determined by the township board, after recommendation by the planning commission.



- D. Landscaping and grading. In order to keep all graded areas and cuts to a minimum, to eliminate unsightly grading and to preserve the natural appearance and beauty of the property as far as possible while enabling an economic development, specific requirements may be placed on the size of areas to be graded or to be used for building and on the extent of removal of trees and natural features. All areas indicated as natural open space shall be undisturbed by grading, excavation or structures to the greatest extent possible. Where drainage improvements, utility lines, hiking or bicycle paths or similar recreational improvements are to be placed in natural areas, best engineering and design practices shall be used to make such improvements as unobtrusive as practicable. The planned unit development concept and final development plan shall include provision for the retention of existing landscape features and for the installation of appropriate new plantings of varying species, dimensions and design.
- E. Permitted uses within a planned unit development. In the planned unit development, the planning commission and the township board shall permit principal and/or accessory uses, and may permit other special uses, which are authorized in either the underlying zoning district or the corresponding districts as set forth in the following table. Such uses must be compatible with the design principles and purposes of this division and the land uses in the general vicinity of the proposed project.

- 4. Applicable regulations
 - A. Unless specifically waived by the township board upon the recommendation of the planning commission through the provisions of subsection (b) of this section, all regulations of the underlying zoning district prior to the planned unit development request relative to lot size, lot width, yard area, lot coverage, structure height, setback, signs, parking and loading, landscaping, general provisions and other applicable regulations shall apply. In projects with more than one underlying district, the most restrictive district regulations within this chapter shall apply.
 - B. Consistent with the planned unit development concept, and to encourage flexibility and creativity in development, departures from the regulations outlined in subsection (a) of this section may be granted at the discretion of the township board upon the recommendation of the planning commission as part of the approval of a planned unit development. Such departures may be authorized if there are features or planning mechanisms incorporated into the project which would achieve the objectives of each of the regulations from which a departure is being requested. In no instance shall such departures be greater the following: Fifty percent (50%) of the underlying district requirement in terms of lot area, or seventy percent (70%) of the underlying district, where no public utilities are extended, 70% of the underlying district for lot width, provided the minimum lot width is sixty-six (66) feet, fifty percent (50%) of the

Permitted Uses within a Planned Unit Development								
Uses permitted in a residential PUD are limited to those in the corresponding zoning districts	Districts*							
	A	R-1	R-1A	R-2	R-3	R-4	R-5	RC
A	✓	✓	✓	✓	✓	✓	✓	✓
R-1		✓	✓	✓	✓	✓	✓	
R-2			✓	✓	✓	✓	✓	
R-3				✓	✓	✓	✓	
R-4					✓	✓	✓	
R-5						✓	✓	
RC								✓

*For proposed planned unit developments with more than one underlying zoning district, the standards of the least restrictive district would apply



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underlying district requirement for yard setbacks, with no less than 30 foot front yard, 10 foot side yard and 20 foot rear yard minimums. The maximum lot coverage shall be twenty five percent (25%).

- C. The stages or phases of any planned unit development shall be so structured and scheduled that, if later stages or phases of the development are not implemented, the initial stage shall be consistent with the provisions of this division and shall not detract from the feasibility of developing the remaining portion of the subject planned unit development area in an appropriate and desirable manner.
- D. Private roads within the planned unit development, if proposed as part of a site condominium project, shall conform to the requirements under Section 36-6.1.2.iii.g of this ordinance.
- E. The proposed location and arrangement of structures shall not have a detrimental effect on residents of existing developments in the vicinity of the proposed planned unit development. Open space shall be used as a transitional device to buffer surrounding uses, as appropriate.
- F. Any existing use of property not permitted within the planned unit development, shall be subject to the provisions of Section 36-7.9 pertaining to nonconforming land uses.

5. Design Considerations

A proposed planned unit development shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located:

- A. Perimeter setbacks.
- B. Street drainage and utility design with respect to location, availability, ownership, and compatibility.
- C. Underground installation of utilities.
- D. Separation of pedestrian and bicycle paths from vehicular traffic.
- E. Achievement of integrated and harmonious development with respect to signs, lighting, landscaping, and construction materials.

- F. Noise reduction and visual screening mechanisms from adjoining residential uses.
 - G. Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.
 - H. Off-street parking, loading, refuse, and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration, and odor emanating from such facilities on adjoining properties and uses.
 - I. Screening and buffering with respect to dimensions and character.
 - J. Yard areas and other open space.
 - K. Density and intensity of development expressed in terms of units per acre and include the height of buildings and other structures.
 - L. The preservation of natural resources and natural features.
6. Application and processing procedures
- A. In general. The procedure for application, review and approval of a planned unit development shall be a two-part process. The first part shall be application and approval of a concept development plan, which shall include review and recommendation by the planning commission and review and approval by the township board of the special exception use. The township board may utilize the general standards for approval of all special exception uses in their consideration of this request. Such action shall confer upon the applicant concept approval for the length of time established by the township board. The second part of the review and approval process shall be the application for approval of a final development plan for the entire project or for any one or more phases of the project. Final development plan approval shall require the grant of site plan approval by the planning commission pursuant to Section 36-6
 - B. Preapplication conference. Prior to the submission of an application for planned unit development, the applicant shall meet with the building official, and/or such consultants as deemed appropriate. The applicant shall present at such conference



a sketch plan of the planned unit development, and the following information:

- i. A legal description of the property in question;
 - ii. The total number of acres to be included in the project;
 - iii. A statement of the approximate number of residential units and/or the approximate number, type, and square footage of nonresidential units;
 - iv. A comparison plan indicating the maximum number of dwelling units that may be developed on the site under the terms of the existing provisions of this chapter, taking into account unbuildable areas as part of this calculation.
 - v. The approximate number of acres to be occupied and/or devoted to or by each type of use;
 - vi. Departures from the regulations of this chapter which may be requested;
 - vii. The number of acres to be preserved as open space or recreation space;
 - viii. All known natural resources and natural features; and
 - ix. The benefits that are expected to result from the adoption of the planned unit development provisions pertaining to the subject site.
- C. Preliminary concept development plan–Submission and content. Following the conference mentioned in subsection (iii) of this section, 12 copies of a preliminary concept development plan and application for a planned unit development request shall be submitted. The submission shall be made to the official who shall forward it to the planning commission for consideration at a regular or special meeting. The plan shall be prepared by a licensed professional engineer, community planner or architect and shall be accompanied by an application form and fee as determined by the township board. The preliminary site development plan shall contain the following information unless specifically waived by the zoning official:
- i. Date, north arrow, and scale which shall not be more than one inch equals 100 feet.
 - ii. Locational sketch of the site in relation to surrounding area.
 - iii. Legal description of property including common street address.
 - iv. Size of parcel.
 - v. All lot or property lines with dimensions.
 - vi. General location of all buildings within 100 feet of the property lines.
 - vii. General location and size of all existing structures on the site.
 - viii. General location and size of all proposed structures on the site.
 - ix. General location and dimensions of all existing and proposed streets, driveways, and parking areas, including total number of spaces and typical dimensions.
 - x. General size and location of all areas devoted to open space.
 - xi. Location of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
 - xii. All areas within the 100-year floodplain, wetland areas or bodies of water.
 - xiii. Existing topographical contours at a minimum of five-foot intervals.
 - xiv. A comparison plan indicating the maximum number of dwelling units that may be developed on the site under the terms of this existing chapter.
 - xv. An illustration of any project phases or stages.
 - xvi. A specific listing of all departures from the regulations of the this chapter which are requested.
 - xvii. A narrative describing the following:
 - a. The nature and concept of the project.
 - b. The proposed density, number, and types of dwelling units if a residential planned unit development.
 - c. A statement describing how the proposed project meets the objectives of the planned unit development including the benefits that are expected to result from the adoption of the

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planned unit development provisions pertaining to the subject site.

- d. A detailed description of the legal mechanisms and structures proposed to ensure the perpetual maintenance of all open space proposed.
- e. A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer and storm drainage.
- f. The phasing or staging plan.
- g. Proof of ownership or legal interest in property.

xviii. The name, address and phone number of the applicant

xix. The name, address and seal of the professional engineer, planner or architect that prepared the plan.

D. Preliminary concept development plan-- Planning commission review. The planning commission shall review the preliminary site development plan and shall make reasonable inquiries of the applicant. The planning commission shall review the preliminary concept development plan according to the provisions of Sections 36-3.1.20.C through 36-3.1.20.F and transmit its recommendations for changes or modifications of the preliminary concept development plan to the applicant.

E. Public hearing. Prior to setting the public hearing, the applicant shall submit all required and requested information to the township. Once complete, the township staff shall transmit the complete application to the planning commission. The planning commission, at a regular or special meeting, shall set a time and place for a public hearing and provide for the legal publishing and proper posting of notices of such hearing subject to section 103 of P.A. 110 of 2006, as may be amended.

7. Standards for Approval

Following the public hearing, the planning commission shall recommend to the township board either approval, denial or approval with conditions of the planned unit development request and preliminary concept development plan. In making its recommendation, the planning

commission shall find that the proposed planned unit development meets the intent of the planned unit development and the following standards

- A. Granting of the planned unit development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.
 - B. In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
 - C. The proposed development shall be compatible with the master plan of the township and shall be consistent with the intent and spirit of this division.
 - D. The planned unit development shall not change the essential character of the surrounding area.
 - E. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this chapter. This subsection shall not prohibit a transfer of ownership or control upon due notice to the building inspector.
 - F. The proposed phasing plan is feasible and each of the proposed phases shall be capable of standing on its own and in conjunction with previously constructed phases in terms of the provision of all required services, facilities, open space and amenities to ensure the protection of natural resources and the health, safety and welfare of the users of the planned unit development and surrounding residents.
8. Township Board Approval
- A. After receiving the recommendation of the planning commission, the township board shall either approve, deny, or approve with conditions the planned unit development special exception use application with preliminary concept development plan in based upon the standards for approval and conditions for a planned unit development as contained in this chapter. A building permit shall not be issued until planning



commission approval of the planned unit development final development plan.

- B. Where provisions of Public Act No. 288 of 1967 (MCL 560.101 et seq.) shall apply, the applicant shall thereafter submit the information and plans as may be required by such act, chapter 16 of this Code and all other local procedures or regulations pertaining to platting approval.
- C. Where a planned unit development contains plans for a site condominium development, the development shall comply with the requirements of Public Act No. 59 of 1978 (MCL 559.101 et seq.) and all zoning ordinance regulations pertaining to site condominium approval.

9. Effect of Approval

- A. The planned unit development and the preliminary concept development plan as approved, the incorporated narrative and all special use conditions imposed, if any, shall constitute the land use authorization for the property. Such authorization shall remain in effect for a period of one year unless a longer period is granted by the township board upon the recommendation of the planning commission. All uses not specifically identified in the preliminary concept development plan are disallowed and not permitted on the property. All improvements and uses shall be in conformity with this amendment, except as permitted by Section 36-3.1.20.0. During the period of effectiveness of the concept development plan, the applicant shall be permitted to submit one (or more if the project is to be proposed in phases) site plan application seeking final site development plan approval pursuant to section 36–2.1.20.J
- B. If an application for a final site development plan is not submitted within the time limits set forth in the approved preliminary concept development plan and any extensions thereof that may be permitted and approved, the approval granted under this division shall expire based upon failure to have a final site development plan approved by the planning commission.
- C. The applicant shall record an affidavit with the county register of deeds which shall contain the following:

- i. Date of approval of the planned unit development by the township board.
- ii. Legal description of the property.
- iii. Legal description of the required open space along with a plan stating how this open space is to be maintained.
- iv. A statement that the property shall be developed in accordance with the approved planned unit development final site development plan and any conditions imposed by the township board or planning commission unless an amendment thereto is duly approved by the township upon the request and/or approval of the applicant or applicant's transferees and/or assigns.

10. Final site development plan

- A. After receiving the planned unit development and preliminary site development plan approval from the township board, the applicant shall submit a final site development plan for review and approval by the planning commission prior to starting any construction. The final site development plan shall contain the same information required for the preliminary concept development plan, the information required for site plan review in section 36-6, the following additional information and information specifically requested by the planning commission in its review of the preliminary site development plan:
 - i. Location and size of all water, sanitary sewer, and storm sewer lines serving the development and each of the buildings and units within the project.
 - ii. Proposed landscaping including type, number, and size of trees and shrubs.
 - iii. Location of signs and exterior lighting.
 - iv. Location of sidewalk, footpaths, or other pedestrian walkways.
 - v. Distance of all buildings from lot lines, rights-of-way, and other principal buildings.
 - vi. Exterior architectural drawings noting building materials, height and area of buildings, accessory structures and fencing.
 - vii. Proposed phases of project.
- B. Reserved.

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11. Standards for final site development plan approval

The planning commission shall either approve, deny, or approve with conditions the final site development plan. In making its decision, the planning commission shall find that the proposed planned unit development meets the intent of the planned unit development and the following standards:

- A. The site plan approval standards set forth in section 36-6 except where specific deviations have been authorized pursuant to the approved planned unit development concept development plan.
- B. Ingress and egress to the property and proposed structures, with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in cases of fire, catastrophe, or emergency. Permanent dead-end streets shall be limited to 1,320 feet in length, and every permanent dead-end street shall include, at intervals of no more than 500 feet, roundabouts that assure adequate access for fire and emergency vehicles. Roundabouts shall be constructed with a diameter at least equal to the minimum diameter required by the Kalamazoo County Road Commission for culs-de-sac on local roads. Where a PUD, together with all existing or planned phases of that development, will result in 50 or more building sites, two permanent access streets to the development must be provided.
- C. Off-street parking and loading areas, where required, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
- D. Sewer, water, and storm drainage with reference to locations, availability, and compatibility.
- E. Screening and buffering with reference to type, dimensions, and character.
- F. Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.
- G. Where a proposed planned unit development includes condominium units, the plan shall comply with, and shall be reviewed as required by, section 36-6.2. Where a proposed planned unit

development includes platted lots, the plat shall be reviewed as required by the subdivision control ordinance, sections 16.61 through 16-88, inclusive. Where a proposed planned unit development includes unplatted land divisions, all such divisions shall be reviewed as required by the land division ordinance, sections 16-31 through 16-38, inclusive.

12. Conditions

- A. In approving a planned unit development final site development plan, the planning commission may impose reasonable conditions which include but are not limited to conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; protect the natural environment and conserve natural resources and energy; ensure compatibility with adjacent uses of land; and promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - i. Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - ii. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - iii. Be necessary to meet the intent and purpose of this chapter, be related to the standards established in this chapter for the land use or activity under consideration, and be necessary to ensure compliance with those standards
- B. The conditions imposed with respect to the approval of a planned unit development final site development plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the planning commission and the landowner. The planning commission shall maintain a



record of conditions which are unchanged. The final site development plan, as approved, shall act as a restriction upon the development. The development must conform with the final site development plan and no building permit shall be issued for any improvements that are not in compliance with such plan.

13. Performance guarantees.

The planning commission and/or the township board may require a performance bond or similar guarantee in accordance with section 36-6.1.8 in order to ensure the completion of required improvements.

14. Commencement of construction

A. Construction of a planned unit development must be started within one year from the effective date of the grant of final site development plan approval. This time limit may be extended one year upon application to the planning commission if it is demonstrated that substantial progress is being made in completing plans and securing financing. In the case of a multiple-phase planned unit development, beginning construction of a phase shall satisfy the requirements of this subsection even though the total planned unit development may be a number of years from completion; provided, however, that consecutive phases must be started within the later of one year of the schedule set forth in the approved concept development plan, or completion of the previous phase. This time limit may be extended by the planning commission annually for a cumulative total of four years, if it is determined by the planning commission that conditions beyond the applicant's control have caused the need for the extension, and, taking into consideration any changed facts or circumstances. If construction has not commenced within these time limits and any extensions thereof that may be permitted and approved, the approval granted under this division shall expire. For the purposes of this subsection, completion of a phase shall be the date all structures intended for occupancy by homeowners, tenants, residents or businesses have been approved for occupancy.

B. Where a planned unit development project is proposed for construction in phases, the planning and construction of each phase,

in conjunction with any previously completed phases, shall be capable of standing on its own in terms of the provision of all required services, facilities, open space and amenities to ensure the protection of natural resources and the health, safety and welfare of the users of the planned unit development and surrounding residents.

C. No building permit for any structure within a PUD shall be issued until the private road upon which the building site has frontage has a surface consisting, at a minimum, of six inches of stabilized gravel base for the full width of the pavement to be provided, so as to provide access for fire and emergency protection. Where the building site within a PUD has frontage on a public street, no building permit shall be issued until a paved surface has been provided on that street. In either case, the surfacing required by this subsection shall extend to the existing public street outside the boundaries of the PUD. No occupancy permit for any structure within a PUD shall be issued until the private road or public street upon which the building site has frontage has been completed, inspected, and approved by the authorized representative of the township for a private road or by the Kalamazoo County Road Commission for a public street

15. Modification of plan and development

A. Minor changes to a planned unit development final site development plan may be approved by mutual agreement of the applicant or successors in interest and the planning commission, provided the changes comply with all applicable requirements of this chapter and all other township regulations or state law. Minor changes include the following:

- i. All matters that were approved by the planning commission in the final site development plan that were not part of the preliminary concept development plan;
- ii. The relocation of structures, roads, planting areas, parking areas, signs, lighting, and driveways provided that all such improvements remain in the same general location as approved in the preliminary concept development plan, as determined by the planning commission; and

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- iii. Adjustments to building size that does not exceed 5,000 square feet or five percent of the gross floor area, whichever is smaller.
- B. A major change to an approved planned unit development shall comply with the original approval procedures for a planned unit development. Major changes include but are not limited to increase in density or number of dwelling units, increase in land area or building size, except as noted in subsection (i) of this section or changes in, or the addition of other uses not authorized by, the original planned unit development approval.



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Chapter 36

Article 5.0 Site Standards



Chapter 36

Article 5.0 Site Standards

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- 36-5.2 Limitations on Area and Lot Frontages
- 36-5.3 Screening and Fencing
- 36-5.4 Setbacks from Lakes, Ponds, Streams and Rivers
- 36-5.5 Riparian Lot Use Regulations
- 36-5.6 Exterior Lighting Requirements
- 36-5.7 Parking Requirements
- 36-5.8 Signs
- 36-5.9 Access Management
- 36-5.10 Maximum Accessory Building Lot Coverage (includes both side and rear yard)
- 36-5.11 Accessory Buildings in Non-Residential Districts



36-5.0 Site Standards

36-5.1 LIMITATIONS ON ALL LAND & STRUCTURES

1. No building shall be erected and no existing building shall be moved, altered, added to or enlarged nor shall any land or building be used, designed, arranged to be used for any purpose or in any manner other than that included among the uses listed as permitted in the zone in which such building or land is located.
2. Every building hereinafter erected shall be located on a lot as defined in this chapter; and, except as provided in this chapter, there shall be not more than one single-family dwelling on one lot.
3. Every dwelling structure shall be built upon a lot with frontage upon a public street, except:
 - A. Any lot of record without the required frontage on a public street may be granted a building permit providing all other requirements of this chapter can be met, including required building setbacks. Where such lot has no frontage upon a public street or approved private road it shall not be issued a building permit until it has been provided with an easement or other right-of-way no less than 20 feet wide for access purposes.
 - B. Dwelling structures may be constructed on building sites approved as part of a planned unit development or an open space development that includes private roads approved by the township board in accordance with the subdivision control ordinance or the site condominium plan review provisions of this chapter.
4. The illumination of any buildings or uses of land shall be designed and operated so that the source of light shall not be directed upon adjacent properties or the public street. In no event shall the illumination of a building or use of land be permitted to flood upon adjacent residential structures.

36-5.2 LIMITATIONS ON AREA AND LOT FRONTAGES

1. No buildings shall be erected, nor shall any existing building be altered, enlarged, moved or rebuilt nor shall any open space surrounding any building nor any lot frontage for any building be encroached upon or reduced in any manner, except in conformity with the yard, lot, area and building location regulations

designated in this chapter for the zone in which such buildings or open space is located, except as otherwise specifically provided.

2. No yard or other open space provided about any building and no lot frontage allocated to any building for the purpose of complying with the minimum requirements imposed by this chapter shall be considered as a yard, open space or lot frontage for any other principal structure.
3. Any lot, as defined in this chapter, which was legally recorded at the time of adoption of the ordinance from which this chapter is derived, and which was a buildable lot under this chapter in effect immediately prior to the adoption of the ordinance from which this chapter is derived, shall be deemed a buildable lot even though it may have less than the minimum area requirements.

36-5.3 SCREENING AND FENCING

1. Screening. Every commercial or industrial use occupying land immediately adjacent to a residential district shall have a screening area separating such commercial or industrial use from adjoining residential districts. The screen shall be in the form of either a wall, fence or evergreen planting which is compact and maintained in good condition at all times. The height of the screen shall not be less than six feet, except where the screen would interfere with traffic safety, in which case it may be reduced in height to, but not less than, three feet in height. In consideration of such applications during site plan review, the planning commission may waive such screening requirements based upon the intent of the district, such as within the CBD, or where such uses are deemed compatible, such as within a mixed use development.
2. Fencing. For purposes of interpretation, a fence shall be considered a structure that is exempt from setback requirements in all districts, unless otherwise stipulated. Such fencing shall be further defined as being either less than 50 percent solid or as opaque, which includes all fencing of between 50 percent to 100 percent solid. Materials utilized shall be in the form of traditional fencing sold for retail purposes, including metal, vinyl or wood. Height shall be measured from the existing, or preconstruction, grade and shall not be placed upon a berm unless specifically approved as part of site plan review.

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- A. In the commercial ("C-1", "O-1", "C-2", "C-3", "C-4" and "CBD") and industrial ("I-1", "I-3" and "EBT") districts, the maximum height for any fencing within the side and rear yards shall be eight feet. In the front yard, the maximum height shall be six feet and the fence shall not be opaque (i.e., such as to substantially obstruct the premises from the view of passersby).
- B. In the agricultural "A" district, or within any residential district, where the principal use is agricultural, the maximum height of any fencing shall be six feet and shall be not more than 50 percent solid within the front yard. For purposes of pasture enclosure, barbed woven wire or electrified fencing may be utilized. The planning commission, in considering a request for a special exception use permit in the agricultural district, may require fencing in excess of six feet as a condition of approval if it determines, in its sole reasonable discretion, that such fencing will help assure that the standards for approving the special exception use permit are satisfied.
- C. In residential districts ("R-1", "R-1A", "R-2", "R-3", "R-4", "R-5" and "R-6") and within the "A" agricultural districts within platted, open space or site condominium developments, the maximum height of any fencing shall be six feet, provided such fencing is not located within the front yard. Any fencing located within the front yard (excluding riparian lots) shall not exceed four (4) feet in height, and shall not be opaque in nature. On riparian lots, any permitted fencing shall be setback not less than 20 feet from the Ordinary Water Elevation or not closer than the property's legal boundary if more than twenty (20) feet from the Ordinary Water Elevation for each of the listed lakes. For riparian lot regulations, see Article 5 'Site Standards', Section 5.4 of this Chapter.

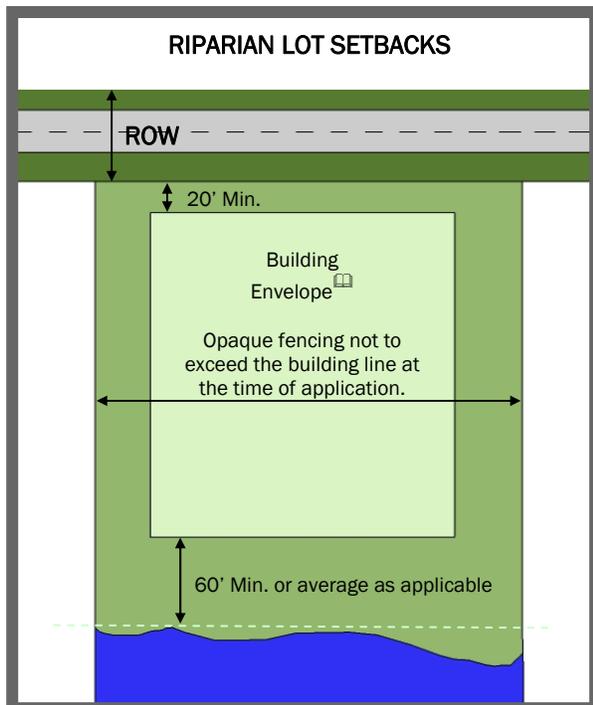
36-5.4 SETBACKS FROM LAKES, PONDS, STREAMS AND RIVERS

- 1. Any building or structure, including fences more than 50 percent solid constructed on a lot abutting a lake, pond, stream or river shall be setback at least 60 feet from the "ordinary water elevation" set out in subsection (b), below, except:

- A. Those buildings and structures in existence at the time of passage of the ordinance from which this chapter derives.
 - B. Where the majority of the property abutting such water line within 500 feet of a lot has been built upon at the time of application for a building permit for a structure on that lot, the setback of the structure to which the building permit applies shall not be required to be greater than the average setback of the improved properties.
 - C. Docks, together with temporary boat shelters which are dismantled during the winter months, shall comply with state regulations.
2. The required setback shall be measured from the "ordinary water elevation" set out below for each of the listed lakes and ponds. The "benchmark" is a metal cap placed at the elevation listed, and it can be used as a reference point to determine the "ordinary water elevation." For any lake, pond, stream or river not listed below, in the event of a controversy concerning the location of the benchmark from which the required setback shall be measured, the determination of the board of appeals established under this Ordinance shall be conclusive.
 3. On the street side of a lot abutting a lake, river or stream, every building or structure, and every fence 50 percent or more solid and every berm and shall be set back from the street at least 20 feet. On the riparian side(s) of the lot, no opaque, or more than 50 percent solid, fencing shall be permitted up to a height of three (3) feet. Any opaque fencing or any fencing greater than 4-feet in height shall only be permitted between the building line on the riparian side and the 20-foot setback line on the road side, unless attached to a detached accessory building at the 12-foot setback line. The opaque fencing on the side lot lines may be based upon the building line for either abutting property. In no instance shall an opaque fence be in front of the principal building facing the road or the riparian frontage.
 4. Where the majority of the frontage along one side of a street within 500 feet of a lot had been built upon at the time of the effective date of the zoning ordinance (August 17, 1963), any building hereafter erected on such lot shall be set back not less than the average setback of buildings on such frontage within 500 feet thereof.



5. For accessory buildings on lots fronting on a lake, stream, pond or river, the minimum building setback shall be 12 feet from a public street and the minimum setback from the side lot line shall be three feet; provided, however, that this section shall apply only to lots of record created prior to the effective date of the ordinance from which chapter 16 of this Code derives.
6. On lots that were of record when the zoning ordinance was adopted, and that have frontage on a lake, where a lot is 60 feet wide or less (measured at the building setback line) the following standards shall apply:
 - A. Side yards of at least nine feet on each side, measured from the foundation, shall be required.
 - B. An eave of up to one-foot wide on each side of the principal building extending into the required side yard shall be permitted.
 - C. The eave width of up to one foot shall not be considered in calculating lot coverage. This provision applies to all buildings.
 - D. The maximum permitted height of the building shall be reduced by one and one-half feet for each foot by which the side yard setbacks (excluding one-foot eaves) are less than 12 feet.
 - E. Maximum lot coverage of principal buildings shall be 22 percent.



Elevation Table—DATUM: (NAVID '88)	
Paw Paw Lake:	
Benchmark (Brass Cap): Located on South property line of House #10437, tan frame walkout. 2.65' ENE from flagpole. 10.5'± E of edge of water. 4' NE of NE corner of wood headwall N-245711.8521 ; E-12747534.4031	
Ordinary water elevation-- 871.59 feet.	Elevation of benchmark-- 873.06 feet
Pretty Lake:	
Benchmark (Brass Cap): Located at 178 Pretty Lake Drive. 2' S; 2' E of the NW corner of steel sea wall N-256374.4197 ; E-12755284.8662	
Ordinary water elevation-- 901.51 feet.	Elevation of benchmark-- 903.76 feet
Crooked Lake:	
Benchmark (Brass Cap): Located at 184 W. Crooked Lake Drive. 2'± N of sea wall; 6'± E of property line. N--None ; E--None	
Ordinary water elevation-- 893.87 feet	Elevation of benchmark-- 897.15 feet
Bass Lake:	
Benchmark (Brass Cap): Located in sandy beach at the foot of the hill of the Cub Camp Administration Building. Go down steps to the N of building to Klepper's Water Front Building. Then from the bottom of the steps to the beach at the N corner of the last concrete step, head W 91'± to monument. Monument is N of face of 12-inch poplar, 14.2', and ENE of face of 12-inch red oak 42'±. N-262380.8431 ; E-12767200.1560	
Ordinary water elevation-- 883.13 feet	Elevation of benchmark-- 883.13 feet
Scouter's Pond:	
Ordinary water elevation--879.86 feet (Elevation recorded at outlet control structure invert on NE side of Scouter's Pond.)	
Eagle Lake	
Benchmark (Brass Cap): Located approximately 8 ft east of west property fence, approximately 30 ft south of gravel parking area, approximately 35 ft west of boat ramp, and approximately 69 ft from the south end of the fence. N-265122.70 ; E-12755266.69	
Ordinary water elevation-- 899.84 feet	Elevation of benchmark-- 900.92 ft

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36-5.5 RIPARIAN LOT USE REGULATIONS

In all residential districts where a vacant parcel of land is contiguous to a lake, river, stream, or pond, such vacant parcel of land may be used and developed as a recreational park for the purpose of gaining riparian access and enjoyment to such body of water for the owners and occupants of two or more residential lots or structures within, but not exceeding, one-quarter mile of such vacant parcel of land, subject to the following conditions:

1. Where applicable, there shall be full compliance with the terms, conditions, and limitations imposed by chapter 16 of this Code.
2. That such vacant parcel of land shall contain a lot depth of at least 150 feet and at least 20 lineal feet of water frontage for each dwelling unit to which such privileges are extended or dedicated.
3. That in no event shall such vacant parcel of land have less than 300 lineal feet of water frontage regardless of the number of dwelling units to which such privileges are extended.
4. That in no event shall such vacant parcel of land consist of a swamp, marsh or bog as shown on the most recent United States geological survey maps, or manmade canals.
5. That in no event shall the launching of boats or the construction of docks therefrom be permitted from any such vacant parcel of land.
6. Meander lines that are indicated on the legal description may be utilized to measure lot coverage, but shall not be used for calculating required setbacks.

36-5.6 EXTERIOR LIGHTING

1. Purpose. The purpose of this division is to regulate the placement and arrangement of lighting on all properties and uses except single - and two-family dwellings within the township. The regulations in this division are intended to protect the public health, safety and general welfare; to provide for the fair and consistent enforcement of these regulations; to control light spillover and glare; to minimize the detrimental effect of exterior lighting on astronomical observations by the general public; to encourage lighting systems which conserve energy and costs; to preserve community character; and to provide for nighttime safety, utility, security and productivity.

2. Objectives. The standards of this division are intended to accomplish the following objectives:
 - A. Avoid light spillover onto any adjacent premises.
 - B. Any illuminated source shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to surrounding areas.
 - C. Control illumination of vertical architectural surfaces.
3. Standards.
 - A. Site and area lighting. Site and area lighting shall be designed such that light levels do not exceed 0.5 footcandles at any point along the perimeter of the property, or adjacent to residential zones or to residential uses, except for light levels of up to 2.0 footcandles along the perimeter of property adjacent to commercial or industrial zones or uses, where the planning commission determines during site plan review that the higher light levels are consistent with the purpose and intent of this division. Site and area lighting shall be designed so that light levels do not exceed 15.0 footcandles within the site, except as explicitly permitted for illumination of building exteriors, signs, and task areas as approved by the planning commission.
 - B. Pole-mounted fixtures. Pole-mounted light fixtures used for site and area lighting shall be subject to the following design guidelines:
 - i. Pole-mounted lighting with a pole height of 15 feet or less shall not exceed 175 watts per lamp regardless of lamp type. The light shall be so shaded, shielded or directed that the light intensity or brightness will not be unreasonably objectionable to surrounding areas.
 - ii. Pole-mounted lighting with a pole height of greater than 15 feet and not exceeding 35 feet in height shall be a down-type, mounted horizontally and angled perpendicular to the ground (Illuminating Engineering Society of North America (IES) sharp cut-off).
 - iii. Street lighting shall be reviewed by the township for compliance with the intent of this division and shall be in character with the lighting called for in



- subsections (b)(1) and (b)(2) of this section.
- C. Building-mounted fixtures. Building-mounted lighting fixtures shall not exceed 175 watts per lamp regardless of lamp type and shall not exceed a 35-foot mounting height. The light shall be so shaded, shielded or directed that the light intensity or brightness will not be unreasonably objectionable to surrounding areas.
 - D. Illumination of building exteriors, signs, and task areas. The illumination of building areas and signs shall not exceed the footcandle levels set forth by the Illuminating Engineering Society of North America, not to exceed 20.0 footcandles. The planning commission may approve task area lighting within a site at levels up to 20.0 footcandles where it finds that all of the following standards are met:
 - i. Where normal performance or function of permitted outdoor tasks requires light levels greater than 15.0 footcandles, the light levels on the task area can be increased in accordance with the levels recommended for that task by the Illuminating Engineering Society of North America.
 - ii. Task areas where the planning commission authorizes such increased light levels, and the lighting within such task areas, must satisfy the other requirements of the zoning ordinance and all conditions imposed by the planning commission.
 - iii. The applicant for approval of special lighting levels for task areas shall have the burden of demonstrating that the area satisfies the requirements for a task area and that the higher light levels requested will not create light spillover or glare inconsistent with the objectives of this division.
 - E. Landscape light fixtures. Landscape light fixtures, including ground lighting for signs, flag poles and statues, shall not exceed 175 watts per lamp and shall be equipped with shields or shutters to help eliminate glare. The light shall be so shaded, shielded or directed that the light intensity or brightness will not be unreasonably objectionable to surrounding areas.

- F. Blinking, flashing and temporary lighting. There shall be no lighting of a blinking, flashing, rotating or fluttering nature, including changes in light intensity, brightness or color except for public safety purposes. Temporary seasonal (holiday) lighting is not prohibited by this subsection.
- G. Site lighting plan. Whenever any change to site lighting is proposed, a site lighting plan for uses requiring site plan review shall be submitted and shall provide the following information:
 - i. Proposed location on premises of all exterior light fixtures.
 - ii. Description of illumination devices, fixtures, lamps, supports, reflectors and other devices (e.g., fixture type, mounting height, wattage).
 - iii. Photometric data of illumination cast on horizontal surfaces. Vertical photometric data may be required.
 - iv. Illumination level for all building, vertical architectural and landscaping lighting proposed.
 - v. Isofoot candle plan must be submitted.
- H. Reduced lighting. For uses requiring site plan review, lighting shall be significantly reduced during nonoperational building hours, allowing only lighting necessary for security purposes. The lighting plan submitted for review shall note where this distinction applies.

36-5.7 PARKING REQUIREMENTS

1. Off-street parking spaces required. Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto, in each district for all the occupants, employees and patrons of such property
2. Submission of parking and loading space plan with application for building permit. A plan showing the required parking and loading spaces including the means of access and interior circulation, except for one-family and two-family dwellings, shall be provided at the time of application for a building permit for the erection or enlargement of any building.



3. Minimum required parking spaces.
Minimum required parking spaces shall be as follows

Use	Minimum Number of Parking Spaces per Unit of Measure
Residential	
Apartment houses, two-family semi-detached dwellings, and garden apartment developments	Three parking spaces per family unit.
Business and Commercial	
Office buildings	One space per every 300 square feet of gross floor area (GFA)
Retail stores, supermarkets, department stores, personnel service shops and shopping centers	One parking space for each 100 square feet area in the basement and on the first floor—used for retail sales; and One space for each 150 square feet of floor area on the second floor used for retail sales; One space for each 300 square feet of floor area on the third floor used for retail sales; One space for each 400 square feet on any additional floor used for retail sales.
Bowling alleys	Three parking spaces for each alley
Motels	One parking space for each separate unit
Theaters, auditoriums, stadiums and places of worship	One parking space for each three seats
Dancehalls, assembly halls, and convention halls without fixed seats	One parking space for each 100 square feet of floor area if to be used for dancing or assembly
Restaurants and nightclubs	One parking space for each 100 square feet of gross floor area, plus one space per every two employees
Hotels	One parking space for each rental unit and one parking space per every two employees per shift, plus one parking space for each 100 square feet of floor area devoted to restaurant, meeting room and/or banquet facilities
Child care center or day care center	One parking space for each employee or care giver in addition to one client parking space for each six children



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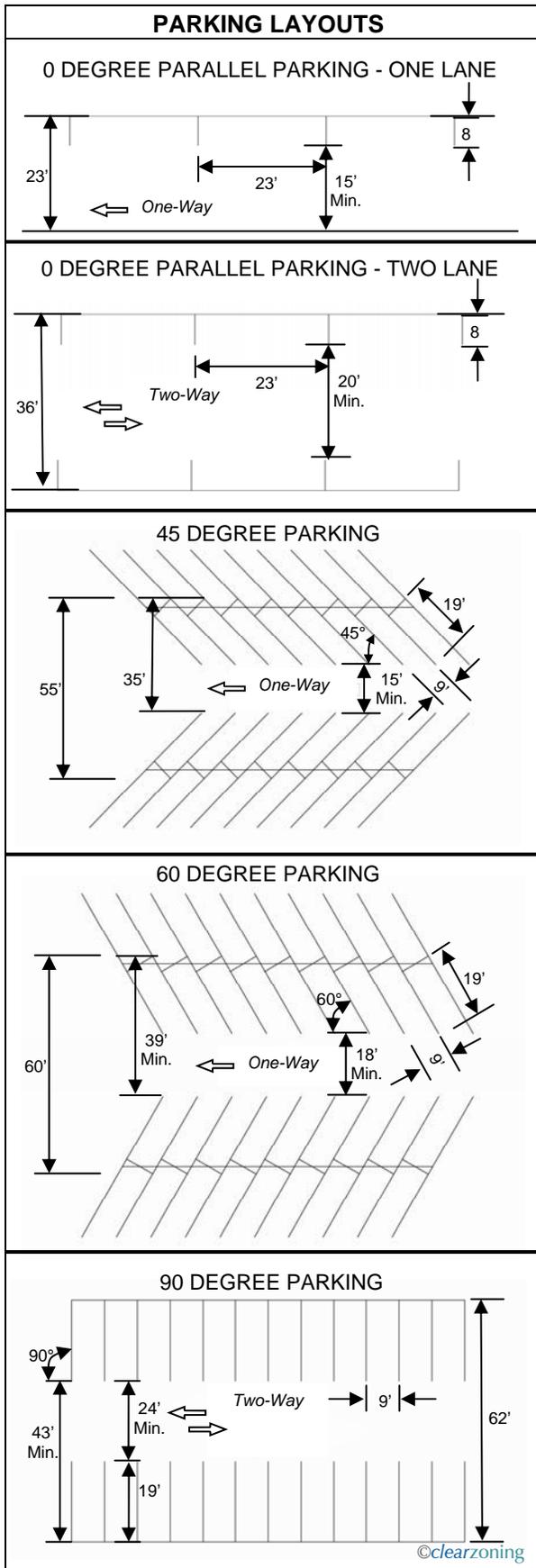
Use	Minimum Number of Parking Spaces per Unit of Measure
Business and Commercial (continued)	
Carry-out and drive-in restaurants	One parking space per 200 square feet of gross floor area plus one space per each two employees, ten spaces minimum
Golf courses, private or public (except miniature golf)	Six spaces per hole, plus one space for each employee
Hospitals	One space per each bed, plus one space for each employee
Housing for elderly and nursing homes	One space per two units, plus one space for each employee
Automobile service stations	Two parking spaces for each interior stall, rack or pit, plus one parking space for each gas pump
Auto wash	One parking space for each wash stall, plus one for each employee
Laundromat/dry cleaner	One parking space for each three washing machines/dry cleaning units
Motor vehicle sales, trailer and boat sales, and rental showrooms	One parking space per 100 square feet of gross floor area of sales/showroom, plus one stall for each employee
Open air business	One parking space for each 600 square feet of lot area developed or used for open air business
Banks and savings and loans	One space per every 220 square feet of gross floor area
Medical or dental clinic, professional office of doctor, dentist, or similar profession	One parking space per 150 square feet of gross floor area
Animal hospital, clinic and kennel	One parking space per 400 square feet of gross floor area, plus one stall per every two employees
Fast food and drive-in restaurants (a waiver from this requirement may be possible when the business is primarily or exclusively drive-through)	One parking space per 125 square feet of gross floor area, plus one space per every two employees, with a minimum total of 25 parking spaces
E. Industrial	
i. Industrial or research establishments	Five (5) plus one (1) for every one and one-half (1½) employees in the largest working shift, or one (1) for every five hundred fifty (550) square feet of usable floor space, whichever is greater (Spaces shall also be provided on site for all construction workers during periods of plant construction)
ii. Wholesale establishments	Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every one thousand seven hundred (1,700) square feet of usable floor space, whichever is greater



4. Number and location of parking spaces. Parking space shall be provided in the following specified manner and location:
 - A. No parking area, parking space or loading space which exists at the time the ordinance from which this chapter derives becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this chapter shall thereafter be relinquished or reduced in any manner below the requirements established by this chapter, unless additional parking area or space is provided sufficient for the purpose of complying with the provision of this chapter within 300 feet of the proposed or existing uses for which such parking will be available.
 - B. Parking of motor vehicles in residential zones, except for those used for farming or for public utility or emergency vehicles, shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type, not to exceed 8,000 pounds gross vehicle weight. The parking of any other type of commercial vehicle, or buses, except those parked on school property, is prohibited in a residential zone.
5. Requirements for parking spaces and lots. Requirements for all parking spaces and parking lots shall be as follows:
 - A. For 90-degree parking, each automobile parking space shall be not less than 180 square feet nor less than nine feet wide exclusive of driveway and aisle space. See the chart in subsection (L) of this section.
 - B. In commercial, industrial and multiple-family zones, all off-street parking facilities shall be drained so as to prevent damage to abutting properties or public streets and shall be constructed of materials which will have a dust free surface resistant to erosion, and consist of a bituminous or concrete material.
 - C. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lots. Section 36-5.6 sets out specific lighting standards for parking areas.
 - D. No parking space or parallel drive aisle shall be closer than five feet from the front, side or rear property line. In the O-1, C-1, C-2, C-3 and C-4 zoning districts, no parking space or parallel drive aisle shall be closer than ten feet from any existing public road, with this strip utilized for perimeter landscaping and for sidewalks where such facilities are not permitted in the public right-of-way. A joint driveway may be located anywhere on a parcel provided that:
 - i. The Kalamazoo County Road Commission has granted a driveway permit;
 - ii. The owners of each property to be served by the driveway have agreed in writing to the joint driveway and have filed with the register of deeds an easement identifying the location of the easement for the driveway and a maintenance agreement pertaining thereto, to be binding upon them and their successors; and
 - iii. The joint driveway shall not serve more than two single-family dwellings or, where the joint driveway serve property subject to site plan review, it has been approved as part of a site plan.
 - E. Off-street parking facilities in nonresidential zones shall be effectively screened on any side which adjoins or

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total 1 Tier	Total 2 Tiers
0°	One lane 15 ft	8 ft	23 ft	23 ft	-----
0°	Two lanes 20 ft	8 ft	23 ft	28 ft	36 ft
45°	One lane 15 ft	9 ft	19 ft	35 ft	55 ft
60°	One lane 18 ft	9 ft	19 ft	39 ft	60 ft
90°	Two lanes 24 ft	9 ft	19 ft	43 ft	62 ft





faces property in any residential zone by a wall, fence, or compact conifer type plantings not less than six feet in height. Plantings shall not be so placed or maintained so as to provide a traffic hazard through obstruction of visibility.

- F. In residential zones, parking shall not be allowed within the front yard other than designated driveway areas.
- G. The storage of merchandise or the repair of vehicles is prohibited in parking spaces or parking lots.
- H. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one-family or two-family dwellings.
- I. Space for all necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement. The loading and unloading space shall be ten feet by 40 feet and be situated so not to interfere with required building parking spaces or drives. One loading and unloading space is required for any commercial and industrial use.
- J. Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common parking facility, cooperatively established and operated, provided that the number of spaces designated is not less than the sum of individual requirements and provided further that the specifications in regard to location, plan, etc., are complied with. Such use calculations may be waived in the CBD based upon sidewalk or bike path connection to other parking facilities. Required parking may be reduced subject to the conditions identified in Section 5.9.2.C
- K. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of requirements for the various individual uses, computed

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in accordance with this section: parking facilities for one use shall not be considered as providing the required parking facilities for any other use. Such use calculations may be waived in the CBD based upon sidewalk or bike path connection to other parking facilities.

- L. Parking space requirements, which are illustrated in the accompanying graphic (See graphic on page 5-11):

36-5.8 SIGNS

1. Purpose. The purposes of this section are to:
 - A. Encourage the effective use of signs as a means of communication;
 - B. Reserved for future expansion
 - C. Improve and maintain pedestrian and traffic safety;
 - D. Minimize the possible adverse effect of signs on nearby public and private property; and
 - E. Enable the fair and consistent enforcement of these sign restrictions.
2. Applicability. A sign may be erected, placed, established, painted, created or maintained in the township, only in conformance with the standards, procedures, exemptions, and other requirements of this division. The effect of this division as more specifically set forth in this section is to:
 - A. Maintain a permit system to allow a variety of types of signs, subject to the standards and permit procedures of the township;
 - B. Allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the requirements of this division, but without a requirement for permits;
 - C. Prohibit all signs not expressly permitted by this division;
 - D. Provide for the enforcement of the provisions of this division; and
 - E. Maintain clear vision requirements at all roadways.
3. Prohibited signs. All signs not expressly permitted under this division or exempt from regulation hereunder in accordance with section 36-5.8.5 are prohibited. Such prohibited signs, and their related accessory parts or materials, include, but are not limited

to, beacons, pennants, inflatable signs, off-premises signs (except for permitted billboards), tethered balloons, animated or moving signs, rotating and oscillating lights, intermittently lit signs and strings of lights not permanently mounted to a rigid background.

4. Signs exempt from regulation. The following signs are exempt from regulation:
 - A. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
 - B. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than, three feet beyond the lot line of the parcel on which such sign is located.
 - C. Traffic control signs on private property, not exceeding four square feet in area.
 - D. Directional signs on private property, not exceeding two square feet in area, six feet in height and set back a minimum of 100 feet from the road right-of-way.
5. Signs in the public right-of-way. No signs shall be allowed in the public right-of-way, except for the following:
 - A. Permanent signs, no sign permit required.
 - i. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic;
 - ii. Bus stop signs erected by a public transit company;
 - iii. Informational signs of a public utility regarding its poles, lines, pipes or facilities
 - B. Emergency signs, no sign permit required. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
 - C. Other signs forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this division, shall be forfeited to the public and subject to confiscation.
6. Signs allowed on private property with and without permits. Signs shall be allowed on private property in accordance with the standards listed as follows:



- A. A sign shall be allowed only if:
 - i. The sum of the area of all building and freestanding signs on the lot does not exceed the maximum permitted sign area specified in this division.
 - ii. The height and number of signs on the lot conforms to the requirements specified in this division.
 - iii. The setbacks from streets and property lines comply with the requirements specified in this division.
- B. Signs not requiring permits are indicated in the sections that mention them.
- C. In any zone, political signs are allowed (without permit), provided they do not exceed six square feet in area or four feet in height and shall not be permitted in the public right-of-way. All political signs shall be removed within seven days after the election to which the sign pertains.
- D. For zone CBD, please see Section 36-3.1.18.E.
- E. In any zone, one temporary public event sign is permitted per lot. Such sign shall not exceed six square feet in area, four feet in height, be permitted outside of the public right-of-way, be erected no more than 14 days prior to the event, and shall be removed within two days following the event. A lot with frontage on more than one street is permitted one sign per street.
- F. In any zone where agricultural use is permitted, a freestanding sign advertising the sale of farm products grown on the premises is permitted, and shall not exceed 32 square feet in area and eight feet in height. Setbacks shall be equal to no less than one-half the principal structure setback as indicated for that zone in Section 36-3.1. In addition to the one freestanding sign, no more than four (4) temporary or seasonal off-premise farm market signs, not to exceed two (2) square feet, shall be permitted within a two (2) mile radius of the site and may be placed no closer than 1,000 feet to another such sign for that business.
- G. In any district where one- and two-family residential use is permitted, a sign identifying a home occupation, (see section 36-4.48), is permitted not to exceed two square feet in area and bearing no commercial message. Such sign may be located at the driveway entrance or on the building.
- H. In any residential zone, two ground-mounted development identification signs are permitted, not exceeding 24 square feet in area or eight feet in height. Setbacks shall be equal to no less than one-half the principal structure setbacks for that zone as indicated in Section 36-3.1. In multi-family developments, one wall sign not exceeding four square feet in area, to identify the management office, shall be permitted.
- I. In any residential zone, temporary household event signs may be erected (without permit), provided it does not exceed six square feet in area, is limited to four feet in height and is removed within 72 hours.
- J. In any zone, one no trespassing sign is permitted (without permit) per parcel or not within 200 feet of each sign for larger parcels, not to exceed four (4) square feet in area. One temporary real estate sign shall be permitted (without permit) to identify property or structures for sale or lease, not to exceed six (6) square feet in area for residential zones and twenty four (24) square feet in area for nonresidential zones. Setbacks shall be not less than seventeen (17) feet from the actual road right-of-way or aligned with the preserved right-of-way and the location shall not block clear vision standards. Such signs shall be located only on the property to which it identifies and shall be immediately removed upon transfer of ownership or tenancy.
- K. In any zone, one temporary sign for plat developments, buildings or site work under construction is permitted (without permit) to advertise the construction contractor and professional involved, provided it does not to exceed 16 square feet in area in residential districts and 48 square feet in area for nonresidential districts. Height shall be limited to eight feet. Setbacks shall be no less than one-half the principal structure setback as indicated for that zone in Section 36-3.1. Such sign shall be immediately removed upon issuance of a certificate of occupancy for buildings, or when 50 percent of the lots are developed, within the plat development.

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- L. In commercial, office, educational and business technology (EBT) or industrial district zones, signs are permitted identifying the business, office or industry occupying the same lot or parcel upon which the sign is erected. A message center sign shall be permitted as a permitted freestanding or ground-mounted sign subject to those requirements. All such signs shall meet the area, setback, height, and other requirements specified as follows:
- i. One freestanding or ground-mounted identification sign for each separate commercial or industrial enterprise on an individual lot or parcel, operated under separate ownership, not exceeding the following:
 - a. Zones C-1, C-2 and O-1--Thirty-two square feet in area, setback no less than 25 feet from the road right-of-way and shall not exceed eight feet in height. For lots exceeding the minimum lot widths, as indicated in Section 36-3.1, the sign area may be increased by one square foot for every five lineal feet of additional frontage, but not to exceed a total of 50 square feet.
 - b. Zone C-3 and C-4--Fifty square feet in area, setback no less than 25 feet from the road right-of-way, and shall not exceed 15 feet in height. For lots exceeding the minimum lot widths, as indicated in Section 36-3.1, the sign area may be increased by one square foot for every five lineal feet of additional frontage, but not to exceed a total of 80 square feet.
 - c. Zones I-1, I-3 and EBT--Forty square feet in area, setback no less than 25 feet from the road right-of-way and shall not exceed eight feet in height. For lots within industrial parks and educational and business technology districts with 500 feet of uninterrupted frontage on a single street, up to two freestanding identification signs shall be permitted, provided that the signs are no less than 400 feet apart and comply with the area, setback and height requirements for each sign.
 - d. Zone CBD--See section 36-549(6).
 - ii. One multi-use freestanding or ground-mounted development, identifying no less than four businesses within a shopping center, or other integrated group of businesses, offices or commercial buildings, shall not to exceed a total of 80 square feet in area, setback no less than 25 feet from the road right-of-way and shall not exceed 15 feet in height. Such sign shall not be located within 100 feet of any other freestanding sign and no other freestanding signs shall be permitted for businesses within that development.
 - iii. Building signs including wall, canopy, canopy island, awning, window and roof signs, are permitted with a total combined area not to exceed one square feet for each foot of length of building wall to which it is affixed, but not to exceed a total area of 60 square feet for the first 200 linear feet and up to a maximum 120 square feet for any buildings in excess of 200 linear feet, with this for each separate commercial or industrial business. For multi-use buildings, the maximum area shall be based upon one square foot for every two linear feet, with a maximum area of 40 square feet for each use. Wall signs shall be separated from any other wall sign by at least five feet. In multi-leveled buildings, the height of the wall sign shall be permitted to exceed the height of the first floor.
 - iv. Canopies and awnings shall contain no backlighting except for that which is immediately behind the allowable sign area.
 - v. One directional sign per vehicular entrance from the road right-of-way shall be permitted, provided the sign does not exceed four (4) square feet in area, is limited to four feet in height and is set back from the road right-of-way a distance that provides for safe and clear vision for traffic purposes. Directional signs shall include the address and may include the business name of a business accessible from the entrance. Beyond 100 feet from the road right-of-way, an individual business sign shall be permitted at each location where an access



connector or drive aisle entrance directs patrons to parking areas .

- vi. Up to two (2) menu boards shall be permitted, provided each sign does not exceed 32 square feet in area, is limited to eight feet in height as measured from the normal grade level, and is no closer to the property lines than the required building setbacks.
- M. Industrial parks or educational and business technology districts may be permitted one freestanding/ground mount development identification sign per entrance drive, provided the drives are no less than 1,320 feet apart. The signs shall be no greater than 50 square feet in area (each), nor greater than eight feet height and have a setback that is one-half the principal building setback, as stated in Section 36-3.1.
- N. In any zone, where places of worship, schools or public institutions are permitted, signs identifying places of worship, schools or public institutions shall comply with the provisions for freestanding identification signs consistent with the C-1 district.
- O. Highway identification sign. In addition to the identification sign authorized in this section, one additional highway identification sign may be permitted to identify a restaurant, hotel, motel or gasoline service station in the C-4 district or to identify businesses within the EBT district, provided:
- i. Such sign shall be erected not more than 1,320 feet from the intersection of the centerlines of the right-of-way of a limited access interstate highway and an intersecting street from which vehicular access to the interstate highway is provided (hereinafter referred to as the intersection);
 - ii. Such sign shall not exceed 150 square feet in area, nor 26 inches in thickness nor 50 feet in overall height;
 - iii. Such sign shall be erected on the same parcel as the business it identifies; and
 - iv. Such sign shall not be located in the front yard.
- P. Billboards/outdoor advertising. Billboards may be established in the “C-3” and “C-4” commercial districts and the “I-1” industrial zoning district within 500 feet of

the centerline feet of the I-94 right-of-way subject to the following conditions:

- i. Not more than three billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of the township where the particular street or highway extends beyond such boundaries. No billboard shall be located within 1,000 feet of another billboard abutting either side of the same street or highway.
- ii. The total surface area of any billboard shall not exceed 300 square feet. Double-faced billboard structures (i.e., structures having back-to-back billboard faces), V-type billboards and side-by-side or stacked (one above the other) billboard faces shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing set forth in subsection n.1 of this section.
- iii. The height of a billboard shall not exceed 30 feet above (i) the grade of the ground on which the billboard sits or (ii) the grade of the abutting roadway, whichever is higher.
- iv. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
- v. Billboards are required to have the same setback as other principal structures or buildings in the zone in which they are erected. No billboard shall be located within 500 feet of a residential zone.
- vi. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- vii. A billboard must be constructed so that it will withstand all wind and vibration forces which can normally be

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expected to occur in the vicinity and shall be kept in good repair and in a proper state of preservation with all display surfaces neatly painted or posted at all times. In no instance shall the sign face exceed the sign area measured by more than one (1) foot from any direction.

7. Computations.

The following principles shall control the computation of sign area, sign height and setbacks:

- A. Computation of area of individual signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, lighting or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any structurally required framework, or decorative fence or wall when such fence or wall otherwise meets the regulations of this chapter and is clearly incidental to the display itself.
- B. Computation of area for multiple or multifaced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, that sign area shall be computed by the measurement of one of the faces.
- C. Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:
 - i. Existing grade prior to construction; or
 - ii. The newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign.

In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street.

- D. Computation of maximum total permitted building sign area for a corner lot. Lots fronting on two or more streets are allowed 125 percent of the permitted sign area, but no one side shall exceed 100 percent of the permitted sign area.
 - E. Front, side and rear yard setbacks. Setbacks shall be measured from the farthest projection of the sign or its supporting structure to the closest point of the property line, easement or street right-of-way.
8. Design, construction and maintenance. All signs shall be designed, constructed, and maintained in accordance with the following standards:
- A. Building and electrical codes. All signs shall comply with applicable provisions of the current building and electrical codes of the township at all times.
 - B. Materials. Except for flags, temporary signs, and window signs conforming in all respects with the requirements of this division, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
 - C. Condition. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes.
 - D. Vertical clearance. For any sign, a minimum vertical clearance from a sidewalk or private drive or parking area to the bottom of the sign shall be 11 feet.
 - E. Illumination. Signs may be illuminated; however, such illumination shall be concentrated upon the surface of the sign and the sign shall be so located and illumination arranged as to avoid glare or reflection onto any portion of any adjacent highway, or into the path of oncoming traffic, or onto adjacent property exceeding .5 footcandles at 150 feet from the sign location. For message center signs, the message screen shall not



change at a frequency of less than every 5 seconds.

- F. Obstruction of traffic sign or signal. No sign or outdoor advertising structure shall be erected at any location where by reason of the position, size, shape or color may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or so as to interfere with, mislead or confuse traffic.
 - G. Signage on or affixed to Vehicles and/or Trailers, without regard to the use of the vehicle and/or trailer. Use of signage on or affixed to vehicles and/or trailers is permitted, provided that it is lettered onto or affixed by magnetic or channeled letters onto the main body of the vehicle or trailer. No accessory attachments or extensions to the vehicle or trailer are permitted to support such lettering. Parking of such vehicles or trailers shall be within an approved parking space.
9. General permit procedures.
- A. Applications. All applications for sign permits of any kind shall be submitted to the township in accordance with building permit application procedures as set forth by the building department. The building department may require submittal of an application to the planning commission for site plan review.
 - B. Fees. Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the township board from time to time by resolution.
 - C. Permits to construct or modify signs on private property. Signs shall be erected, installed, or created only in accordance with a duly issued permit. Such permits shall be issued only in accordance with the following requirements and procedures:
 - i. Permit for new sign or for sign modification. Except where identified otherwise, an application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the signs' area dimensions, height, design, structure, and location of each particular sign. One application and permit may include multiple signs on the same lot.
 - ii. Inspection. An inspection shall be made of the lot and new or modified existing sign, for which each permit has been issued to verify zoning as well as building and electrical code requirements. Inspections shall include but may not be limited to the measurement of setback requirements, sign size and height, inspection of foundations, structural construction and electrical work. All sign area and sign heights will be verified for compliance with zoning, prior to elevating to final placement.
 - iii. Temporary sign permits on private property. Temporary signs on private property shall be allowed only upon the issuance of a temporary sign permit, which shall be subject to the following requirements:
 - a. Term. A temporary sign permit shall be granted to a business on an annual basis provided the application establishes the size, location and use during the course of the calendar year, with the total number of days not to exceed 52 days, the total sign area not to exceed twelve (12) square feet, no more than six (6) feet in height and the location on the site to not block clear vision standards .
 - b. Number. Only one temporary sign permit shall be issued to the same business on the same lot in any calendar year. A change in ownership or change in business use at that location shall allow for a new permit to be issued.
 - iv. Grand opening advertising. Grand opening signs may be permitted, pursuant to a permit. Such display period shall not exceed 30 days.
 - v. Site plan compliance. A sign must be in conformance with any previously approved site plan.
10. Existing nonconforming signs.
- It is the intent of this division to recognize the eventual elimination, as expeditiously as reasonable, of existing signs that are not in conformity with the provisions of this division. This is as much a subject of public health, safety and welfare as is the prohibition of new signs that would violate the provisions



contained in this division. It is also the intent of this division that the elimination of lawful nonconforming signs shall be effected so as to avoid any unreasonable invasion of established private property rights. To this end, the following restrictions are imposed:

- A. No lawful nonconforming sign shall be enlarged or altered in a way, which increases its nonconformity.
 - B. No lawful nonconforming sign shall be replaced by another nonconforming sign unless approved by the zoning board of appeals. The zoning board of appeals shall not grant such approval unless it finds that the proposed replacement sign would be less nonconforming than the existing sign.
 - C. No lawful nonconforming sign shall be altered so as to prolong the life of the sign. Changes may be made in the words or symbols used the message displayed on a lawful nonconforming sign so long as the sign is not enlarged or altered in a way that increases its nonconformance.
 - D. If the costs of repair or replacement of a lawful nonconforming sign, which has been damaged by reason of windstorm, fire, any act of nature or the public enemy, exceeds 50 percent of the total replacement cost of the sign as reasonably estimated by the township building official, the sign shall not be continued or rebuilt except in conformance with the provisions of this division.
 - E. Whenever the activity, business or usage of a primary premises to which a sign is attached or related has been discontinued for a period of one year or longer, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the lawful nonconforming sign attached or related thereto. At the end of this period of abandonment, the nonconforming sign shall either be removed or altered to conform to the provisions of this division.
 - F. In the case of any conflict between the provisions of this division and the more general provisions pertaining to nonconforming uses and structures contained in section 36-7.9, the provisions of this division shall control.
11. Obsolete signs. Obsolete signs, and any nonconforming structures either attaching or

supporting the sign, shall be removed within 30 days of the discontinuance of the business, service or activity, which it advertises. The fact that an obsolete sign is nonconforming shall not be construed as modifying any of the requirements of this division.

- 12. Hazardous signs. A sign which is deteriorated or defective to a point of causing a hazardous condition which threatens the health, safety or general welfare of the public as determined by the building official shall be removed within 30 days of notice from the building official.

36-5.9 ACCESS MANAGEMENT

- 1. Description and purpose of regulations. These regulations are established to improve traffic operations and reduce the potential for accidents through the control of the number of access points along a roadway. These provisions apply in areas of more intensive development in order to preserve rights-of-way for future expansion or to improve the existing street for purposes of movement and safety.
- 2. Site development requirements (access management). The following conditions are imposed on the creation of any new or additional access points from an existing public street to any property. The planning commission may permit access points in locations that do not conform to the strict requirements of this section where it determines as part of site plan review that other locations accomplish the purposes of this chapter. The distances referred to in this section shall be measured along the same side of the public street as the proposed access point. No access point shall be permitted for any property with less than 200 feet of frontage unless the parcel conforms with both subsections (B) and (C) below.
 - A. Distance from approved driveway. No access point shall be permitted within 200 feet of any existing or approved driveway. Such measurement shall be from the center of the access point to the center of the driveway.
 - B. Distance from approved access drive or street intersection. No access point shall be permitted within 330 feet of any existing or approved access drive or street intersection. Such measurement shall be from the center of the access point to the center of the access drive or street intersection.



- C. Parking. All uses shall be subject to the parking space requirements within section 36-5.7.5 of this chapter. For uses utilizing a shared driveway, cross access agreements or access drive and exceeding 50 required spaces, the planning commission may waive up to 20 percent of the total required spaces provided that pedestrian access connects the parking areas and is approved on the required site plan. Within the CBD, the planning commission may waive up to 50 percent of the required parking where public or private parking is within 330 feet of the site, multiple uses allow for differing hours of operation and cross access agreements or contiguous sidewalks are in place to support such use. Any waiver of required parking based upon the availability of parking on adjoining parcels shall require a cross access agreement with such approval in the form of a recorded affidavit stating such agreement. In addition, cross access agreements may be required by the Planning Commission for circulation purposes related to any project requiring site plan review or approval of an amendment.
- D. Shared/cross access shall be provided to all adjoining properties when site plans are submitted for development and/or redevelopment. The private property owners shall cooperate and negotiate in good faith to reach a reasonable shared access agreement. No property owner shall unreasonably withhold shared/cross access as required by the site plan and these access management provisions (rather than Access Management Ordinance as written). If a shared/cross access agreement cannot reasonable be agreed to, the private party owners shall seek a third party mediator and shall equally divide the expenses of such mediation. Site plans for the adjoining properties shall contain this condition in its entirety.”
- E. Front yard setbacks. Unless otherwise regulated, such as within the CBD, the minimum required front yard setback shall be no less than 50 feet from the existing or preserved right-of-way line, but in no instance shall this distance be less than 100 feet from the centerline of the road. A preserved right-of-way line shall be defined as a county primary road where any segment of that right-of-way achieves 100 feet in width.
3. Secondary Road: All through streets or roads certified as Local County Roads by Kalamazoo County Road Commission, other than roads within a residential development. The road shall be constructed to the standards of the Kalamazoo County Road “Procedures, Guidelines and Specifications for Developing New Public Roads” adopted on March 3, 2006.
 4. Local Road: A road or street that is designated as a local road or street by the Kalamazoo County Road Commission.
 5. Access Connector: An internal access drive inside a Mixed Use Site Condominium development with a 40’ easement for public utilities and recorded documents addressing the Maintenance and Repair agreement of the surfaces and utilities. All Access connector drive aisles shall be at least 24 feet in width. All new Access Connectors shall be named as follows: connectors with predominant north-south directions shall be named “Street”; connectors with predominant east-west directions shall be named “Avenue”; meandering connectors shall be named , “Drive”, “Lane”, “Path”, “Road” or “Trail” etc., and cul-de-sacs shall be named, “Circle”, “Court”, “Way” or “Place”. Access connectors should intersect at 90 degrees or closely thereto. There will be no parking within the first 100 feet from the adjoining road.
- A. Design and Construction Requirements for Access Connectors:
- i. Determination for Access Connectors. Access Connectors may be permitted by the Township Planning Commission if it finds that Connectors within the condominium project will not adversely affect public health, safety or welfare. In determining same, the Commission shall consider:
 - a. A. The number of units, building sites or lots to be served by said road or access connectors;
 - b. B. The layout of the proposed development;
 - c. C. Ability to access with emergency vehicles;
 - d. D. Whether the connector will serve as a link between different roads.
 - ii. All Access Connectors will require a 40 foot wide easement for public utilities.



- iii. All new Access Connectors shall be named as follows: connectors with predominant north-south directions shall be named, "Street"; connectors with predominant east-west directions shall be named, "Avenue"; meandering connectors shall be named, "Drive," "Lane", "Path," "Road" or "Trail," etc., and cul-de-sacs shall be named, "Circle," "Court," "Way" or "Place," etc.
 - iv. All access connectors will be constructed with a minimum width of 24 feet.
 - v. The access connector shall be named in conformance with the approval of Kalamazoo County or their designated representative.
 - vi. Access Connectors should intersect at 90 degrees or closely thereto.
 - vii. All access connector will be paved with hot mix asphalt or concrete.
- B. Documentary Requirements for Access Connectors: .
- i. Utility Easements. No access connector within the scope of this Section shall be established unless an easement is provided to the Township within or adjoining said access connector for all public utilities.
 - ii. Maintenance and Repair Agreement. No Access Connector within the scope of this Section shall be established unless a maintenance and repair agreement, recordable with the County Register of Deeds, is supplied providing:
 - a. Legal description(s) of all property enjoying a right to utilize or anticipated to utilize, the access connector or private road, ie., "benefited properties";
 - b. Legal description(s) of all right-of-way and public utility easements;
 - c. Legal description(s) of all properties having a responsibility for repair, maintenance and/or snow removal for the private road, or access connector i.e., "responsible properties";
 - d. A description of the respective responsibilities, monetary and otherwise, of such responsible

party(ies) for repair, maintenance and/or snow removal;

- e. The method by which decisions regarding repair, maintenance or snow removal are to be made by the owner(s) of the responsible property(ies);
- f. A provision indicating that the agreement runs with the land and is binding on all grantees, heirs or successors in interest as to the benefitted and responsible property(ies);
- g. Signatures of all persons having any interest in the property or properties on which the street, access connector, or road is located, benefited properties and responsible parties.

36-5.10 MAXIMUM ACCESSORY BUILDING LOT COVERAGE (INCLUDES BOTH SIDE AND REAR YARD)

1. Side and Rear Yard Setbacks in the A, R-1, R-1A, and R-2 Districts: the minimum side yard setback shall be twelve (12) feet; the minimum rear yard shall be twenty (20) feet in the A and R-1 District; and five (5) feet in the R-1A and R-2 District.
2. Side and Rear Yard Setbacks in the R-3, R-4 and R-5 Districts: the minimum side and rear yard setbacks shall be five (5) feet.
3. Side and Rear Yard Setbacks in the R-6 District: the minimum side and rear yard setbacks shall be twenty-five (25) feet.
4. Maximum accessory building lot coverage in side and rear yards:
 - A. A District: five (5) percent.
 - B. R-1 and R-1A Districts: ten (10) percent
 - C. R-2 District: fifteen (15) percent
 - D. R-3 and R-6 District: twenty (20) percent
 - E. R4 and R-5 District: twenty-five (25) percent
5. Maximum Height shall be twenty (20) feet in all residential districts
6. See Section 36-3.5.2 (B), (I), (L) and (O) for notes to this section



36-5.11 ACCESSORY BUILDINGS IN NON-RESIDENTIAL DISTRICTS

1. Side and Rear Yard Setbacks in the C-3 and I-1 Districts: the minimum side and rear yard setbacks shall be twenty-five (25) feet
2. Side and Rear Yard Setbacks in the C-4 District: the minimum side and rear yard setbacks shall be ten (10) feet
3. Side and Rear Yard Setbacks in the I-3 District: the minimum side and rear yard setbacks shall be fifteen (15) feet
4. Maximum building coverage shall be ten (10) percent in all non-residential districts
5. Maximum Height shall be twenty (20) feet in all non-residential districts
6. See Section 36-3.4.3 (A) - (F) for notes to this section

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Chapter 36

Article 6.0 Development Procedures



Article 6.0 Development Procedures

- 36-6.1 Site Plan Review
- 36-6.2 Site Condominium Approval
- 36-6.2A CBD Mixed Use Site Condominium Plan Review
- 36-6.3 Special Exception Uses
- 36-6.4 Conditional Rezoning



36-6.0 Development Procedures

36-6.1 SITE PLAN REVIEW

The intent of this article is to provide for consultation and cooperation between the land developer and the township planning commission in order that the developer may accomplish his objectives in the utilization of his land with the regulations of this chapter and with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity.

1. Developments requiring site plan review.
 - A. Review and approval of a detailed site plan, or of an amendment to an approved site plan, by the township planning commission shall be required for the following:
 - i. Multiple-family residential development or use;
 - ii. Mobile home park development or use;
 - iii. Office development or use;
 - iv. Commercial development or use, including schools or colleges, churches or other places of assembly which may be permitted within agricultural or residential districts;
 - v. Industrial development or use;
 - vi. All special exception uses and development of property for any special exception use;
 - vii. Any change in any of the developments or uses of land in subsections (a)(1)–(a)(6) of this section which:
 - a. Changes the existing use of any part or all of a parcel or site;
 - b. Changes the area or location of any building, structure or use;
 - c. Changes any building height or the height of any structure;
 - d. Changes the area of the parcel or site;
 - e. Changes any driveway, sidewalk, parking area, or other vehicular or pedestrian circulation feature;
 - f. Changes any use, structure, building, grade or other feature shown (or required by section 36-123(3) to be shown) on an approved site plan;

- viii. Any structure or use other than single-family or two-family dwellings in the A district; or
 - ix. Education and business technology district development or use.
 - x. Every site condominium development, and as to such development, the site plan shall comply with, and shall be reviewed as required by section 36-130, Site condominium plan review.
 - xi. Public Road development (for purposes of land division).
- B. The building inspector shall not issue a building permit for any of the items listed in subsection (a) of this section, nor shall any permit to connect to public sanitary sewer or water lines be issued, until site plan review and approval has been granted where required by this section or by any other provision of this chapter.
 - C. Notwithstanding the provisions of subsection (b), the zoning administrator is hereby authorized to review and approve an amendment to an existing site plan where the proposed improvement or modification to an existing site does not: (1) increase required parking or decrease parking below that which is required; (2) increase building size more than ten percent of the existing footprint or building height beyond what is permitted under Section 36-3.1 for maximum height; and (3) change the approved vehicular or pedestrian circulation features on the site. In addition, the zoning administrator may conduct final site plan review and approval for any site plan that has been approved by the planning commission subject to modification or additional submission, such as for landscaping or lighting plans. The Zoning Administrator may also direct proposed amendments for current projects back to the Planning Commission, provided such amendments are presented not less than 12 days before the next regular meeting and made a part of the agenda package. A current project is one that has not closed escrow and any required fees established by the Township Board for such amendment can be added to the overall project cost.

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D. In addition to the foregoing, the zoning administrator may approve temporary site plan amendments to the approved site plan for temporary uses on commercial property that would be permitted uses within the zoning district in which the property is located, in the following circumstances:

- i. The temporary use shall not exceed four days.
- ii. No changes in existing structures will occur, and temporary structures such as tents, etc., will be removed within 24 hours of the end of the temporary use.
- iii. No outdoor sales or consumption of liquor, wine or beer will be permitted, unless previously approved for that business or location subject to special exception use.
- iv. The proposed use and temporary changes in layout of parking and access areas have been reviewed and approved by the fire chief for compliance with applicable fire code requirements.
- v. Any outdoor activities will be limited to the hours between 8:00 a.m. and midnight, but the zoning administrator shall not grant approval for any temporary site plan amendment where the zoning administrator determines that the proposed activities will generate noise, odor, dust or other impacts that would have a negative impact on the surrounding neighborhood.
- vi. The applicant posts security for compliance with the provisions of the amendment and the ordinance in such amount as the zoning administrator requires, as determined by the township board by resolution from time to time.

Temporary uses exceeding four days' duration shall require site plan review and approval by the planning commission in accordance with this article, and the zoning administrator shall have the authority to require compliance with this article if site plan amendments for temporary uses on a site have been granted under this subsection two times in the preceding two years.

E. The zoning administrator may conduct final site plan review and approval for any site plan that has been approved by the planning commission subject to modification or additional submission, such as for landscaping or lighting plans, where the planning commission so directs.

2. Application.

A. Requests for site plan review shall be made by filing with the township clerk the following:

- i. A review fee for site plan review shall be determined by the township board based on the cost of processing the review and shall be made available to the public at the township office.
- ii. Fifteen copies of the application for site plan review, which shall contain the following data:
 - a. The name and address of the applicant.
 - b. The legal description of the subject parcel of land.
 - c. The area of the subject parcel of land stated in acres or, if less than one acre, in square feet.
 - d. The present zoning classification of the subject parcel of land.
 - e. A general description of the proposed development.
 - f. A schematic floor plan with room designations and exterior elevation showing structure height and specifying square foot areas for each use.

iii. One full-size copy of the site plan, 15 copies at one-half scale and submission of the plan electronically (PDF format), which shall include the following data:

- a. *Scale.* The full size plan shall be of a scale of one inch equals 20 feet, except that plans encompassing an area of four or more acres shall have a scale of not less than one inch equals 200 feet; however, the scale shall in every situation be of such size and accuracy that the planning commission can readily interpret the plan.
- b. *Legend.* It shall show an appropriate descriptive legend,



north arrow, scale, date of preparation, and the name and address of the individual or firm preparing the plan.

- c. *Lot dimension/legal description/setbacks.* It shall identify the subject property by lot lines and location, including dimension, angles and size, correlated with the legal description. It shall show all required setbacks and include right-of-way width and the preserved right-of-way width if applicable.
- d. *Topography/natural features.* It shall show the topography at two-foot contour intervals or less and all natural features, including wood lots, streams, rivers, lakes, drains, wetlands, natural drainage channels, unstable soils and similar features.
- e. *Manmade features.* It shall show existing manmade features on and within 100 feet (330 feet in the CBD) of the site, such as buildings, structures, parking areas, sidewalks, bikepaths and trails, high tension towers, pipelines, existing utilities, including water and sewer lines, excavations, bridges, culverts, drain and easements.
- f. *Building information.* It shall show the location, proposed finished floor and grade line elevations and size of proposed main and accessory buildings, their relation to one another and to all existing structures on the site, the height of all buildings and square footage of floor space. Site plans for multiple-family residential development shall include a density schedule showing the number of dwelling units per acre, including a dwelling schedule showing the type and number of each unit type.
- g. *Access/vehicular and pedestrian circulation/parking.* It shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site;

also the location, size and number of parking spaces in the off-street parking areas and the identification of service lanes, and service parking and loading and unloading areas. It shall also identify the areas to be utilized for snow removal storage. Such areas may be designated in parking areas beyond what is required for such use within the ordinance or in areas designated for open space, provided such storage does not create visibility conflicts for vehicular movement on or off-site. The plan shall adhere to the parking requirements under Section 36-5.7 and access management requirements under section 36-5.9. A waiver of no more than 50 percent of the minimum required parking spaces may be permitted subject to this section, with this dependent upon the use of shared driveways, cross access agreements, expanded open space areas and/or available public or private parking within 330 feet of the subject site. Sidewalks shall be required unless subject to the township's sidewalk construction deferral policy. Land banking may be utilized to provide for future parking areas where waivers have been granted or in support of future development, provided such areas are in excess of the required minimum of 20% open space under (h.) below. Vehicle charging spaces shall be designated on the site plan for support of such technology, with such spaces striped out and signed as a recharging station.

- h. *Open space/landscaping/lighting.* It shall show the proposed location, use and size of open spaces and the location of any landscaping, fences or walls on the site. The plan shall include landscaping, or a separate landscaping plan shall be submitted, that achieves at least 20 percent of the site area in open space. This landscaped open space shall include perimeter

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landscaping between any parking areas and the public right-of-way and interior landscaping between the buildings and parking areas, or within the parking areas themselves. A minimum of 200 square feet of landscape islands shall be provided for every ten parking spaces, unless coordinated into either perimeter or interior landscaping. Landscape islands or areas shall support pole lighting locations and free-standing sign locations and include trees or shrubs where appropriate. Fenced retention areas shall not be included within this calculation although unfenced drainage areas and swales may be included within the 20 percent open space area. Preservation of natural landscaping on site shall be encouraged and any proposed alterations to the topography and other natural features shall be indicated. The Planning Commission, in its sole reasonable discretion, may require that the open space be balanced between streetscape, perimeter setbacks, parking areas and within area supporting pedestrian movements.

The landscape plan shall identify the size and type of trees, shrubs or ground cover to be planted. Trees shall have a minimum caliper of 2 1/2 inches at the time of planting. Evergreens shall not be utilized as street trees. Prohibited species for street trees or within/over pedestrian or vehicular access areas to include the following: Silver Maple, Box Elder, Tree of Heaven, European Barberry, Northern Catalpa, Easter Red Cedar, Poplar, Willow or American Elm. Planting shall occur in season, (March through November) following approval of occupancy for the building. No synthetic materials shall be utilized. The planting detail shall indicate the method for installation. All new material shall consist of healthy specimens compatible with local and site related conditions. Any dead

specimens must be removed and replaced. The planning commission may limit the use of certain species of trees or shrubs based upon concern for safety, visibility or maintenance. Street trees shall be spaced no less than one per every 50 feet of frontage, with credit provided for any existing trees retained on the site. Screening may also be required under section 36-5.3. A photometric plan shall be submitted consistent with the exterior lighting requirements under section 36-5.6.

- i. *Vicinity/zoning.* A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system, and shall identify the existing uses and zoning of adjacent properties.
- j. *Other required permits.* Proof that the plan has been submitted for review to affected county, state and federal agencies including, but not limited to, road commissions, health departments, the drain commissioner, state department of transportation, and the state department of environmental resources.
- k. *Stormwater.* Stormwater shall be controlled for the site in accordance with Section 5 and 6 of The Charter Township of Texas Performance Standards for Groundwater Protection within Wellhead Protection Capture Zones and Stormwater Quality Management.
- l. *Soil testing.* Soil testing shall be provided showing that the site's soil will infiltrate a minimum of one inch per hour (granular soils). Such excavations shall extend eight feet below the proposed bottom of the pond or stormwater disposal facility. This should generally be spaced with one test area per every 10,000 square feet of infiltration area.



- m. *Waste disposal.* All waste shall be stored within dumpsters that have been located in areas so as not to conflict with parking or drive aisles. A detail of the dumpster shall be provided showing required fencing and interior bollards at each corner and along the rear section of the fenced enclosure. The planning commission may waive the required fencing where existing or proposed landscaping is sufficient to screen the dumpster from view from public roadways or from the general view of patrons to the business location.
- iv. All required documents and copies and the required fee must be filed with the township clerk at least 28 calendar days before the meeting of the planning commission at which the site plan will be placed on the agenda. The applicant may request that the planning commission waive any of the items required under subsection (3) where such requirement is beyond the scope of information or regulation needed to support the proposed development or redevelopment of the site. Upon preliminary review, the zoning administrator, in conjunction with the chair of the planning commission, may withhold placement on the agenda where an incomplete application has been submitted or where the information/changes requested following staff/consultant reviews has not been addressed.
- v. When the application is deemed to be complete under subsection (4) above, the township clerk shall transmit it to the chair of the planning commission, who shall place it on the agenda of the planning commission and cause written notice to be given to the applicant of the date, time and place when his application will be reviewed. The applicant shall be given the opportunity to appear before the planning commission at the time, date and place stated in the notice to present his plan and discuss it with the planning commission.

3. Public hearing.

When any land proposed for site plan review is contiguous to any residential district, not separated by a public road right-of-way, the planning commission shall conduct a public hearing. Written notice of the public hearing shall be given by first class mail to all residents and property owners within 300 feet of the area proposed to be developed as outlined in the site plans submitted. The written notice shall be served not less than 15 days before such public hearing and shall contain the date, time and place of such public hearing as well as a brief statement concerning the nature of the application and the hearing. All persons appearing at such public hearing shall be given an opportunity to be heard, subject, however, to such reasonable rules and regulations which the planning commission may direct. Because such public hearing is not required for site plan review under state statute, only one public hearing shall be required for the original site plan and no additional public hearings shall be required for amendments or revisions to the site plan following this initial approval.

4. Standards for site plan review.

In reviewing the detailed site plan, the planning commission shall ascertain whether the proposed site plan is consistent with all regulations of this chapter. Further, in consideration of each site plan, the planning commission shall endeavor to ensure the following:

- A. The proper development of roads, easements and public utilities has been provided to protect the general health, safety and welfare of the township including the following:
 - i. All drives and parking areas to be surfaced with bituminous or concrete paving or equivalent, unless waived by the Planning Commission based upon alternative design or material, which provides a dust-free surface, which may be based upon temporary, seasonal or recreational use.
 - ii. Roads and streets serving more than one structure or ten dwelling units shall be equal to county road commission standards of construction and drainage.
 - iii. All roads, streets, drives and parking areas shall provide for disposal of surface water into the ground, into an approved leaching basin, or into a public sewer.



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- iv. Roads, streets and parking areas shall be provided with artificial lighting automatically timed and providing a minimum of one watt per 20 square feet of road or parking surface with all light sources shielded from adjacent residential windows.
- B. There is a proper relationship between major thoroughfares and proposed service drives, driveways and parking areas so as to ensure the safety and convenience of pedestrian and vehicular traffic. In particular, the site plan must comply with Section 36-5.9 Access Management.
- C. The adverse effects resulting from the locations of buildings and accessory structures will be minimized to the occupants of the subject parcel and the occupants of adjacent properties.
- D. The proposed use will not have a harmful effect on the surrounding neighborhood development. Provisions for fencing, walls and landscaping devices may be required to provide screening from adjacent land.
- E. That the proposed use is consistent with and promotes the intent and purposes of this chapter, is compatible with the natural environment and the capacities of public services and facilities affected by the proposed use.
- F. That the proposed development and use conforms to the applicable standards of county, state and federal agencies, including but not limited to those listed in subsection 36-6.1.2.iii.j.
- 5. Approval/disapproval.
 - A. After review, the planning commission shall either approve or disapprove the site plan. Upon approval by the planning commission of the detailed site plan, the applicant shall file with the planning commission four copies of the final site plan as approved and an electronic file shall also be forwarded to the township for purposes of coordination with adjoining properties. Within ten days thereafter, the secretary of the planning commission shall transmit to the township building department two copies of the final site plan with the secretary's certificate thereon stating the date of approval. If the plan is disapproved, the planning commission shall state the reasons for the disapproval.
 - B. The planning commission is hereby given the discretion and authority to impose reasonable conditions as a condition of approval of any site plan. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity to protect the natural environment and conserve natural resources and energy, to ensure compatibility of adjacent uses of land and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - i. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - ii. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - iii. Be necessary to meet the intent and purpose of this chapter, be related to the standards established in this chapter for the land use or activity under consideration and be necessary to ensure compliance with those standards.

Conditions imposed with respect to the approval of a site plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the planning commission and the applicant.

- 6. Conformity to approved site plan required.

Development of the subject parcel shall be in complete conformity with the approved site plan and any amendments thereto approved by the planning commission. Approval of a site plan shall be valid for a period of 18 months if a building permit has been obtained within six months of the date of approval. No site work shall be undertaken until a building permit has been issued. If substantial progress has not been made within one year of the date of approval, the site plan shall become void and the developer shall make a new application for approval before proceeding.



Substantial progress is defined as completion of footings and foundation wall to grade elevation. If a site plan becomes void, the site shall be restored to pre-construction conditions. The planning commission is authorized to require a deposit of security in accordance with section 36-6.1.5.8 as a condition of site plan approval to assure that conditions on the site are restored in the event an approved site plan becomes void. No time extension to site plan approval will be granted.

7. Amendment to site plan.

A proposed amendment or modification to a previously approved site plan may be submitted for review in the same manner as the original application for site plan review.

8. Deposit of security.

A. To ensure compliance with the approved site plan, this chapter and any conditions imposed as a result of site plan review approval, the planning commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township covering the estimated cost of improvements associated with a project for which site plan approval is sought be deposited with the township clerk to ensure faithful completion of the improvement. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The planning commission shall establish procedures whereby a rebate of any cash deposit in reasonable proportion to a ratio of work completed on the required improvements will be made as work progresses.

B. As used in this section, the term "improvements" means those features and actions associated with a project which are considered necessary by the planning commission to protect natural resources, or the health, safety and welfare of the residents of the township and future users or inhabitants of the project or project areas including roadways, lighting, utilities, sidewalks, screening, and drainage. The term "improvements" does not include the entire project which is the subject of site plan review and approval.

36-6.2 SITE CONDOMINIUM PLAN REVIEW

1. *Purpose.* The purpose of this section is to regulate and control the development of land in the township under the provisions of 1978 PA 59, where condominium units that are residential building sites are created. This section establishes a system of site plan review performed by the planning commission and by the township board to assure that building sites within condominium developments have characteristics that conform to all requirements of the township zoning ordinance and to standards that apply to all building sites created in the township by land division, platting, or condominium development.
2. *Authority.* This section is enacted pursuant to the authority granted by the Michigan Condominium Act (1978 PA 59, as amended), 1945 PA 246, as amended, which authorizes township boards to adopt ordinances to secure the public health, safety and general welfare, and the township zoning act, as amended.
3. *Compliance required.* All site condominium developments shall comply with the provisions of the Michigan Condominium Act (1978 PA 59, as amended), and with the provisions of this section and other applicable ordinances of the Charter Township of Texas. No building permit for any building located in a site condominium project shall be issued until the site condominium project including the building site upon which the building is to be constructed has been finally approved under this ordinance, or the building site has been approved as a lot or as a division as required by the Land Division Act and the Ordinances of the Charter Township of Texas.
4. Tentative approval of preliminary site condominium plan (step 1 approval).
 - A. *Submission.* Every developer (whether a person, firm or corporation) proposing to create a site condominium development within the township shall submit a preliminary site condominium plan to the township board for tentative approval. Not less than 15 legible copies of the proposed preliminary plan prepared by a registered civil engineer or land surveyor or by an architect licensed in the state shall be submitted, along with fees as established by the township board by resolution from time to time. The preliminary plan shall include, at a minimum, the following information:

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- i. Show a relief map of the area proposed to be developed as a site condominium with not more than four-foot contour intervals.
- ii. Show street layout, sidewalks, bikepaths and any vehicular and non-motorized improvements. Indicate dimensions (width) and materials to be utilized (concrete curb and gutter required) and show how such improvements will connect to other facilities adjoining or in close proximity to the development. Show street lighting, with lighting at all intersections, and indicate which road shall provide access for any corner lot. Sidewalks shall be developed at time of road construction to retain a consistent grade between such improvements or may be deferred upon approval by the township board on conditions it determines are appropriate and consistent with the public safety and welfare.

Entryway. There shall be a minimum width of 86 feet to allow for the road right-of-way and 10 additional feet on each side of the new right-of-way with this extending 180 feet from the right-of-way line from a county road typically defined by lettered avenue or numbered street. Within the first 50 feet of the development area (100 feet for an OSP Project), there shall be an open space (common element) area that defines the entry into the development. This area shall include the following: development identification sign location (See Section 5.8.6.H); one street tree shall be planted along this frontage for every 50 feet of width, with these either clustered or individual in their spacing; sidewalk or bike path dependent upon adjoining property improvements or non-motorized plan; and lighting as required. (See Guidebook for examples).

- iii. Show building site layout, showing size and shape of proposed building sites, as well as any dedicated common open space
- iv. Indicate whether the site condominium development will be served by public sanitary sewer and/or water system.

- v. Indicate the general location and size of any flood plain possibly located within the site condominium development.
- vi. Indicate, in general, the methods for stormwater disposal. Stormwater disposal and all facilities therefore shall meet drain commissioner standards and shall be inspected by the township engineer for compliance, at the expense of the applicant.
- vii. When the applicant owns or plans to acquire and anticipates platting adjoining land or making it into a site condominium development, a tentative plan showing the feasibility of the development of such adjoining land.

B. *Planning commission review.* Upon receipt of a proposed preliminary site condominium plan for tentative approval, the township clerk shall forward a copy of the same to the township planning commission for its review of the plan for its compliance with the applicable standards set forth in subsection (c) and for the township planning commission's recommendation regarding the same. The planning commission shall make its recommendation, if any, within 45 days of the township's receipt of the plan.

C. *Township board review.* After receipt of the township planning commission's recommendation or the passage of 45 days from the township's receipt of the plan (whichever occurs first), the township board shall examine said preliminary plan with such assistance and review by the township engineer and the township attorney as the township board shall require. The township board shall determine whether said proposed preliminary site condominium plan complies with all township ordinances and state statutes as well as makes adequate provision for the following:

- i. Streets.
 - a. Compliance with a major street thoroughfare plan adopted by the township, if any.
 - b. The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the new condominium project or plat.



- c. Where adjoining areas are not developed, the arrangement of streets in the proposed condominium project shall be extended to the boundary line of the tract to make provision for the future projection of streets into the adjoining areas; provided, however, that minor streets within the development shall be so laid out that their use by through traffic will be discouraged. Permanent dead-end streets shall be limited to 1,320 feet in length, and every permanent dead-end street shall include, at intervals of no more than 500 feet, roundabouts that assure adequate access for fire and emergency vehicles. Roundabouts shall be constructed with a diameter at least equal to the minimum diameter required by the Kalamazoo County Road Commission for culs-de-sac on local roads.
- d. Where the proposed site condominium development abuts or contains a county primary road or major thoroughfare as defined in the township major thoroughfare plan, the township board may require marginal access streets approximately parallel to the right-of-way of the primary road or major thoroughfare and may require such other treatment as is deemed necessary for the adequate protection of properties and to afford separation of through and local traffic.
- e. Private roads may be permitted by the township board if the township board finds that private roads within the site condominium project will not adversely affect public health, safety or welfare. In determining the same, the township board shall require the following:
 - (1) All private roads shall be established by recorded conveyance of a 66-foot right-of-way and indicate the owner,

association or party responsible for maintenance of the private road. The conveyance shall also stipulate that the Township shall be authorized to make required repairs to the road, with such cost assessed to the owner, association or party responsible for such maintenance. This provision shall be so stipulated within the recorded master deed.

- (2) The private road shall be constructed to the standards of the Kalamazoo County Road Commission, as adopted on March 3, 2006, including standards for stormwater runoff, subject to certification by a licensed civil engineer, with submission and inspection by an approved Township engineer.
- (3) The private road shall be named in conformance with the approval of Kalamazoo County or their designated representative.
- (4) The private road sign face shall be consistent with Road Commission design standards for color and reflective material and placed in conformance with Township setback and/or County approval for such location.
- (5) The applicant shall provide a 10-foot wide utility easement adjoining the private road right-of-way and shall install a sidewalk or bikepath pursuant to the Township's Sidewalk and Pathway Ordinance, unless specifically waived by the Township Board.
- f. A site condominium project creating a total of 50 or more units must be developed so as to provide two or more access streets or private roads.

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- ii. Building sites.
 - a. For single-family and two-family residential developments, each building site shall comply with the minimum lot dimension provisions set forth in the zoning ordinance.
 - b. Corner building sites generally should have extra width to permit appropriate building setback from both streets.
- iii. General provisions.
 - a. Privately held reserve strips controlling access to streets shall be prohibited.
 - b. Existing natural features which add value to residential development, that enhance the attractiveness of the community (such as streams, water courses, historic spots and similar irreplaceable assets) should be preserved insofar as possible in the design of the site condominium development.
 - c. Lands subject to flooding or otherwise determined by the township board to be uninhabitable should not be developed for residential, commercial or industrial purposes unless such lands within a development are set aside for other purposes such as parks and/or open space.
 - iv. If the township board determines that the proposed preliminary site condominium plan complies with all applicable ordinances and statutes and the provisions set forth above, it shall grant tentative approval of the preliminary plan, which approval shall confer upon the applicant for a period of one year from the date thereof, approval for development purposes of the building site size, building site orientation and street layout. Such tentative approval may be extended in the discretion of the township board upon application of the applicant.
- 5. Final approval of preliminary site condominium plan (step 2 approval).
 - A. *Submission.* Every developer which shall hereafter submit a proposed preliminary site condominium plan to the Township

Planning Commission for its review and approval. In addition to the relevant data and fees the plan shall including the following:

- i. Evidence that all requirements imposed by the township board at the time of granting tentative approval have been incorporated into the proposed plan.
 - ii. Detailed working drawings showing grades, drainage structures, proposed utilities and road construction plans for public and/or private streets within and adjoining said condominium project. Prior to submitting copies of the preliminary site condominium plan to the Planning Commission for final approval, the developer shall document consultation with all public utilities that will be serving the development to resolve any conflicts in location between public utility facilities and other improvements.
 - iii. A fee established by resolution of the township board.
 - iv. Certifications of statutorily required governmental agency approvals, including, if individual sewage disposal systems are proposed and public sewage facilities are not reasonably available, certification from the Kalamazoo County Environmental Health Department as to the suitability of the land included in the development for the use of septic tank, dry wells and tile fields.
- B. *Standards for approval.* Upon receipt of all required copies of the preliminary site condominium plan for final approval, the Planning Commission shall examine the same with assistance and review by the Township Engineer and Township Attorney as may be necessary. A draft master deed shall be included for review as part of this documentation. Upon completing the review, the Planning Commission shall determine whether said site condominium plan complies with the requirements imposed by it at the time of tentative approval, has obtained the required statutory approval of other governmental agencies and, in addition, meets the following requirements:



- i. Connection to sanitary sewers and/or water mains may be required by the township board when the township board determines, in its discretion, that said sewers and/or water mains are reasonably available to the proposed development.
 - ii. In the discretion of the township board, the proprietor shall make arrangements for all distribution lines of telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the residential area. Electric distribution lines shall be defined in accordance with the rules and regulations promulgated by the Michigan Public Service Commission. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission or other government agency having jurisdiction. Private easements for underground utilities shall be shown on the preliminary plan. Any other easements shall be shown.
 - iii. No land within the development may be isolated from a public highway, nor may any adjoining land of the proprietor or others be isolated from a public thoroughfare thereby creating land-locked parcels.
 - iv. Street lighting may be required by the township board when the Board determines that street lighting is necessary or desirable for public health, safety and welfare.
- C. *Approval.* If the Planning Commission determines that the preliminary site condominium plan has obtained the required statutory approval of other governmental agencies and complies with the requirements set forth above in this section, the Planning Commission shall grant final approval of the preliminary plan which shall confer upon the proprietor for a period of two years from date of approval
- the conditional right that the general terms and conditions under which said approval was granted will not be changed. Said two-year period may be extended in the discretion of the township board upon application by the proprietor.
6. Final approval of final condominium plan (step 3 approval).
- A. *Submission.* Every developer which shall hereafter submit a proposed final site condominium plan to the township board for final approval shall also submit the following relevant data and fees:
 - i. An abstract of title or title insurance policy showing merchantable title in the developer for approval of the proposed final site condominium.
 - ii. A fee established by resolution of the township board.
 - B. *Standards for approval.* The township board shall review the proposed final site condominium plan and grant final approval if it determines that all of the following have been satisfied:
 - i. All monuments required to be placed in the condominium project have either been placed or a cash or equivalent deposit has been made with the township and a deposit agreement executed by the proprietors.
 - ii. All roads, streets, bridges and culverts have been completed and installed or a cash or equivalent deposit has been made with the township and a deposit agreement executed by the proprietors.
 - iii. If the site condominium project has any waterways or lagoons, etc., that all such waterways, etc., shall be installed or a cash or equivalent deposit made to the township and a deposit agreement executed by the proprietors.
 - iv. If any flood plains are involved in the proposed site condominium project, then such flood plains shall be restricted as provided by the Condominium Act, and such restrictions shall be submitted to the township board for review and approval prior to recording and thereafter shall be recorded in the office of the register of deeds as part

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of the master deed or contemporaneously with the recording of the master deed.

- v. All utilities servicing the site condominium project have been installed and water and sanitary sewer mains have been stubbed to the building site line or a cash or equivalent deposit has been made with the township board in an amount sufficient to insure completion thereof within the time specified and a deposit agreement executed by the proprietors.
- vi. All underground utility installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. These easements shall be recorded as part of the master deed as private easements for public utilities or easements provided by separate instrument. Easements across building sites or centered on rear or side building site lines provided for utilities shall be at least 12 feet wide, usually six feet dedicated from each building site except side building site easements three feet wide granted for street lighting dropouts. These easements shall be direct and continuous from block to block.
- vii. All public improvements, such as street lights, fire hydrants, sidewalks, parks, etc., which have been required by the township board, have been completed and installed and reviewed and approved by the township engineer at the applicant's expense or a cash or equivalent deposit has been made with the township sufficient in amount to insure completion within the time specified and a deposit agreement executed by the proprietors.
- viii. The proposed final site condominium plan complies with all applicable state statutes and township ordinances and has received the requisite statutory approval of other governmental agencies.
- ix. That the master deed is executed by all required owners, has been properly

recorded and has been filed with the township before issuance of any building permits

- 7. *Failure to complete a public improvement.* In the event the developer shall fail to complete required work within the period of time required by the conditions of a guarantee for the completion of public improvements, it shall be the responsibility of the township board to proceed to have such work completed. In order to accomplish this, the township board shall reimburse itself for the cost and expense thereof by appropriating the security deposit which the developer has deposited with the township or it may take such steps as may be necessary to require performance in accordance with the deposit agreement executed by the proprietors.
- 8. *Building site.* After a site condominium development has been approved and the master deed has been recorded, building sites may thereafter be partitioned or divided with the approval of the township board into not more than four parts, provided that the building sites shall comply with the minimum lot size and width requirements in the township zoning ordinance and also provided that such resulting building sites shall each have direct access to a public or private roadway constructed to the standards of this chapter, and also to public utilities necessary or required to serve such building sites, and provided further, that all such resulting building sites shall conform in all particulars to the requirements of all applicable statutes and township ordinances.
- 9. *Variance procedure.* Where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this section, the township board shall have power in passing upon proposed site condominium projects to modify any of the terms and provisions of this section so that the spirit of the section shall be observed and public health, safety and welfare secured.
- 10. *Amendments.* All amendments to the site condominium plan, other than building site/lot divisions approved under subsection (i) above, shall be submitted for review and approval under subsections (e), (f) and (g) above.
- 11. *Fees.* The township board may establish or amend by resolution at any public meeting a schedule of fees for the administering of this section, provided that the same are reasonable and bear a reasonable relationship to the cost and expense of such administration and activity.



36-6.2A CBD MIXED USE SITE CONDOMINIUM
PLAN REVIEW

1. **Purpose.** The purpose of this subsection is to regulate and control the development of land within the Township under the provisions of 1978 PA 59, as amended, with the objective interest of achieving the same source characteristics and land use results as if the development and improvements were being proposed in accordance with general subdivisions, including all requirements of the Township Clearzoning Zoning Ordinance. It is the intent of the Township to insure that each type of project meets certain minimum standards, and to treat each type of development in the same manner.
2. Definitions applicable to this subsection. For purposes of this subsection certain terms and words used herein shall have the following meaning:
 - A. **Access Connector.** An internal access drive inside a Site Condominium development with a 40' easement for public utilities and recorded documents addressing the Maintenance and Repair agreement of the surfaces and utilities.
 - B. **Building Site.** Within a condominium development the same shall mean that portion of a lot or parcel which is a two dimensional condominium unit of land (i.e., envelope, foot print), along with any and all limited or general common elements designed for the construction of a principal condominium building in addition to accessory condominium buildings. All building sites shall have access to a public or private road, or access connector.
 - C. **Common Elements.** The portions of a condominium project other than the condominium units.
 - D. **Condominium Project.** A development or project consisting of not less than two condominium units established in conformance with, and pursuant to, the Condominium Act, Act No. 59 of the Public Acts of 1978, as amended.
 - E. **Condominium Plan.** The plan as required in this ordinance, including but not limited to, the survey and utility plans, building site, the existing and proposed structures and improvements including their location on the land.

- F. **Condominium Unit.** That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed of the project, regardless of whether it is intended for residential, office, industrial, business, recreational or any other type of use approved by the Michigan Department of Commerce for such projects.
 - G. **Consolidating Master Deed.** The final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
 - H. **Contractible Condominium.** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to the express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
 - I. **Limited Common Elements.** The portion(s) of the common elements reserved in the master deed of a condominium project for the exclusive use of less than all the owners of condominium units in the project.
 - J. **Unit.** A single unit or division of land contained in a building site, whether it be numbered, lettered or otherwise designated.
 - K. **Master Deed.** The legal document prepared and recorded pursuant to Act 59 of the Public Acts of 1978, as amended, within which are, or to which is attached as exhibits and incorporated by reference, the approved by-laws for the project and the approved condominium subdivision plan for the project.
3. **Compliance with Ordinance.** No Mixed Use site condominium development shall hereafter be established in Texas Township without first obtaining the Township Planning Commission approvals prescribed by this Ordinance and fully complying with all the requirements contained herein.
 4. **Approval of Preliminary Mixed Use Site Condominium Plan (Step 1 Approval).**
 - A. **Submission.** Every person, firm or corporation which shall hereafter submit a preliminary site condominium plan to the

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Planning Commission for tentative approval shall submit not less than four (4) legible copies and a electronic PDF file of said proposed preliminary plan. It shall be prepared by a registered civil engineer or land surveyor or by an architect licensed in the state. Said copies must contain, at a minimum, the information set forth in item "C" below and fees as determined by resolution of the Township Board.

B. Planning Commission Review. Upon receipt of said proposed preliminary condominium plan for approval, the Township Clerk shall forward a copy of the same to the Township Planning Commission. The Planning Commission shall examine said plan with such assistance and review by the Township Engineer and the Township Attorney as the Planning Commission shall require. The Planning Commission shall determine whether said proposed preliminary condominium plan complies with all Township Ordinances and state statutes as well as makes adequate provision for the following applicable standards set forth in Subsection "D" below.

- C. Standards for Submittal.
 - i. Proposed name of the project.
 - ii. Full legal description to adequately describe the lots, parcels or building sites comprising the project.
 - iii. Names and addresses of the applicant, owners, and professionals who designed the project.
 - iv. The names and addresses of the developers and the ownership interest in each in the land included in the Preliminary Plan.
 - v. Scale of the plan (maximum scale shall be 20 feet to an inch).
 - vi. Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for site condominium, including those areas across abutting roads.
 - vii. Show relief of area proposed to be developed with not more than two foot (2') contour intervals.
 - viii. Indicate Public and Private Road and Access Connector layout and the type of street construction and drainage

structures or facilities intended to be installed. Indicate sidewalks, bike paths and non motorized improvements.

- ix. Indicate unit or building site layout, showing size and shape of proposed units or building sites. Also show dedicated common spaces.
 - x. Indicate from what location proposed site condominium or plat will be served by sanitary sewer and/or water.
 - xi. Location of existing sewers, water mains, storm drains, and other underground utilities within or adjacent to the tract being proposed for a condominium.
 - xii. The location of significant natural features such as natural water courses, bodies of water, stands of trees, and individual trees within the project's area having a caliper of twelve (12") inches or greater at a height of two (2') feet above existing grade.
 - xiii. Indicate the general location and size of any flood plain possibly located within the area to be developed.
 - xiv. Indicate in general the methods proposed for storm water disposal.
 - xv. When the developer owns or plans to acquire developing adjoining land, he shall submit, with the preliminary plan for tentative approval, a tentative plan showing the feasibility of the development of such adjoining land.
 - xvi. Letter from the Kalamazoo County Road Commission, where applicable, with said agency (ies) recommendations to the township as to the suitability of the street layout and conformity to the location, alignment and construction requirements of such commission and/or department.
- D. Layout, Road and Access Connector Standards for Preliminary Review:
- i. Roads and access connectors shall comply with the Access Management plan adopted by the Township.
 - ii. The arrangement of roads shall provide for a continuation of existing streets from adjoining areas into the new condominium project.



- iii. Where adjoining areas are not developed, the arrangement of roads in the proposed condominium project should be extended to the boundary line of the tract to make provision for the future projection of roads into the adjoining areas, provided, however, that access connectors within the development shall be so laid out that their use by through traffic will be discouraged. In blocks exceeding 800 lineal feet in length the Planning Commission may require a reservation of an easement through the block to provide for the crossing of underground utilities and/or pedestrian traffic where needed or desirable, and may specify, at its discretion, that a paved trail be provided for by the developer. The pedestrian way shall be treated as an easement.
- iv. Direct access to a County primary road shall be prohibited for all building sites or lots abutting such roads. Where the proposed development abuts or contains a county primary road, the Township Planning Commission may require access connectors approximately parallel to the right-of-way of the primary road and may require such other treatment as is deemed necessary to meet the access management, to afford separation from local traffic.
- v. Where the proposed continuation of a road at an intersection is not in alignment with the existing road, it must not intersect such cross road closer than 255 feet from such opposite existing road, as measured from the centerline of said roads. This would apply to all secondary public or private roads.
- vi. The maximum length allowed for uninterrupted single street or access connector length shall be 500 feet.
- vii. No units shall be permitted driveway access from a road that is not an interior road or access connector of the condominium development.
- viii. All primary road rights-of-way, as designated by the Kalamazoo County Road Commission, within or abutting the proposed development, shall

- provide a 50-foot half-width. All other road rights-of-way within the development shall be not less than 66 feet in width. Permanent dead-end streets in excess of 1,320 feet in length and temporary dead-end streets in excess of 500 feet in length as measured from the through intersection or "T" intersection shall be prohibited except upon a waiver from the Township Planning Commission, to be granted only where the topography of the area, rivers, streams, or other natural conditions or the prior development of the area cause practical difficulties or unnecessary hardships in layout, and an extension can be granted without creating a safety hazard.
 - ix. A condominium project creating a total of 50 or more units must be developed so as to provide connection to 2 or more roads.
 - x. Lighting shall be adequate to service the proposed development given its size and layout. The Township Planning Commission shall consider the recommendation of the applicable electrical utilities and in determining the adequacy of proposed lighting. Any intersection with a access connector with a road will require a Downtown Development Association (DDA) approved light. Required photometric plan including street lighting will be provided with a site plan. Any public or private road will require DDA approved lighting at 120' -140' centers along one side of street.
 - xi. Privately held reserve strips controlling access to streets shall be prohibited.
- E. If the Planning Commission determines that the proposed preliminary condominium plan complies with all applicable Ordinances and statutes and the provisions set forth above, it shall grant tentative approval of the preliminary plan, which approval shall confer upon the developer for a period of one (1) year from the date thereof, approval for development purposes of the lot size, lot orientation and street layout. Such tentative approval may be extended in the discretion of the Planning Commission upon application of the developer.



5. *Preconstruction Approval of Mixed Use Site Condominium Plan Site Plan Review (Step 2 Approval).*

A. Submission. Every person, firm, or corporation which shall hereafter submit copies of a proposed preconstruction condominium plan to the Planning Commission for final approval shall submit the relevant data and fees as determined by resolution of the Township Board:

- i. Evidence that all requirements imposed by the Planning Commission at the time of granting tentative approval have been incorporated into the proposed plan.
- ii. Detailed working drawings showing grades, drainage structures, proposed utilities and road construction plans for public and/or private road within and adjoining said condominium project. Prior to submitting copies of the preconstruction condominium plan to the Planning Commission for final approval, the developer shall document consultation with all public utilities which will be servicing the development to resolve any conflicts in location between public utility facilities and other improvements.
- iii. All applicants shall submit not less than four (4) legible copies and an electronic PDF file.

B. Planning Commission Review. Upon receipt of said proposed preconstruction condominium plan for approval, the Township Clerk shall forward a copy of the same to the Township Planning Commission. The Planning Commission shall examine said plan with such assistance and review by the Township Engineer and the Township Attorney as the Planning Commission shall require. The Planning Commission shall determine whether said proposed preconstruction condominium plan complies with all Township Ordinances and state statutes as well as makes adequate provision for the following applicable standards set forth in Subsection "C" immediately below

C. Standards for Approval

- i. All roads both public and private shall be paved with hot asphalt mix and constructed to the then existing Kalamazoo County Road Commission

2006 "Procedures, Guidelines and Specifications for Developing New Public Roads".

- ii. Permanent dead-end streets shall be provided at the closed end with a turn-around having an outside improved roadway diameter of at least 100 feet as measured from the centerline of the gutter or back of curb and a street property line diameter of at least 140 feet according to Kalamazoo County Road Commission 2006 "Procedures, Guidelines and Specifications for Developing New Public Roads". A permanent dead-end street is defined as one which is not reasonably anticipated to be extended within the following ten (10) years.
- iii. All surface waters shall be adequately drained within the development by a separate system of drainage structures or through the connection of such separate system to an adequate adjoining system. Where storm sewers are used, inlet basins must not be spaced further apart than 300 feet except upon express approval of the Planning Commission, upon recommendation of the Township Engineer, to be granted only where other equivalent and sufficient drainage shall be left to the Planning Commission upon the recommendation of the Township Engineer.
- iv. Connection to sanitary sewers and/or water mains will be required.
- v. In the discretion of the Planning Commission, the developer shall make arrangements for all distribution lines of telephone, gas, electric, television and other similar services distributed by wire or cable to be placed underground entirely through the Development area. Electric distribution lines shall be defined in accordance with the rules and regulations promulgated by the Michigan Public Service Commission. Private easements for underground utilities shall be shown on the preconstruction plan.



- vi. Storm water disposal methods proposed for the development must be adequate to insure each building site and roadway will not be flooded and that all necessary easements for storm sewers or open drains can feasibly be dedicated to the public for such purposes. If a proposed drainage system will carry water across private land outside the development, appropriate drainage rights shall be secured.
- vii. No unit, building site, out-lot or land within the development may be isolated from a public highway, nor may any adjoining land of the developer or others be isolated from a public thoroughfare thereby creating land-locked parcels. No units shall be permitted driveway access from a road that is not an interior road of the condominium development. Such isolation may be avoided and direct access to a public street or highway shall be satisfied and accomplished through a access connector with dedicated easement for ingress and egress, and all public utilities, shown upon the plan, which easement shall be of suitable width of not less than forth (40) feet in width assuring permanent access to such unit, out-lot, or parcel of land.
- viii. No units shall be permitted driveway access from a road that is not an interior road or access connector of the condominium development.
- ix. Lighting shall be adequate to service the proposed development given its size and layout. The Township Planning Commission shall consider the recommendation of the applicable electrical utilities and in determining the adequacy of proposed lighting. Any intersection with a access connector with a road will require a DDA approved light. Required photometric plan including street lighting will be provided with a site plan. Any public or private road will require DDA approved lighting at 120' -140' centers along one side of street.
- x. Sidewalks will be required by the Planning Commission when in its opinion, sidewalks are necessary for pedestrian safety, public health and

- welfare. When required, sidewalks shall be constructed of concrete five feet in width, four (4") inches in depth, upon a six-inch (6") minimum sand base with expansion joints set at a minimum of fifty feet (50'); sidewalks built across concrete driveways shall be constructed of concrete six inches (6") in depth. The Planning Commission may require a paved walkway to be provided by the Developer. The pedestrian way shall be treated as an easement.
- xi. The Planning Commission may require a paved walkway to be provided by the developer. The pedestrian way shall be treated as an easement.
- xii. Landscaping plan will show required street trees and other required landscaping elements.
- xiii. The developer shall make arrangements for and assume the costs of the assignment of a street number for each unit or building site proposed to be included within the development.
- xiv. If a proposed drainage system will carry water across private land outside the development, appropriate drainage rights shall be secured.
- xv. Existing natural features which add value to Mixed Use development, that enhance the attractiveness of the community (such as streams, watercourses, historic spots and similar irreplaceable assets) should be preserved insofar as possible in the design of the condominium development.
- xvi. Lands subject to flooding or otherwise determined by the Township Planning Commission to be uninhabitable should not be developed for residential or commercial purposes. Such lands within a development may be set aside for other purposes such as parks and/ or open space.
- xvii. Reservation of Public Use Areas: Where a proposed park, playground, open spaces, public school library or other public use area shown in the adopted general development plan, or in an adopted applicable part of such plan, is located in whole or in part in a

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proposed development, such area or areas shall be shown on the site plan. Such area or areas may be dedicated to the Township or other applicable public agency by the developer if the Township Board or other applicable public agency approves such dedication. Such areas, if not dedicated, shall be reserved by the developer for future purchase by the Township or other appropriate public agency.

D. Approval If the Planning Commission determines that the preconstruction condominium plan has obtained the required statutory approval of other governmental agencies and complies with the requirements set for the above in the this Ordinance section, the Planning Commission shall grant final approval of the preconstruction plan which shall confer upon the developer for a period of two (2) years from the date of approval the conditional right that the general terms and conditions under which said approval was granted will not be changed. Said two (2) year period may be extended in the discretion of the Planning Commission upon application by the developer.

6. Final Site Plan Approval (Step 3 Approval).

A. Submission. Every person, firm or corporation which shall hereafter submit a final as-built condominium development plan to the Zoning Administrator for final approval shall also submit the following relevant data and fees as determined by resolution of the Township Board:

- i. An abstract of title or title insurance policy showing merchantable title in the developer of the proposed site condominium.
- ii. Evidence that all requirements imposed by the Planning Commission at the time of the final approval have been incorporated into the as-built plan.
- iii. All submissions shall contain four copies and one electronic copy in PDF format.

B. Standards for approval. The Zoning Administrator and a member of the Planning Commission shall review the final site condominium plan and grant final approval if it determines that all of the following have been satisfied:

- i. All monuments required to be placed in the plat or condominium project have either been placed or a cash bond or equivalent deposit has been made with the Township and a Deposit Agreement executed by the developers.
- ii. All roads, streets, bridges and culverts have been completed and installed or a cash or equivalent deposit has been made with the Township and a bond executed by the developers.
- iii. If the condominium project has any waterways or lagoons, etc., that all such waterways, etc., shall be installed or a cash or equivalent deposit made to the Township and a Deposit Agreement executed by the developers.
- iv. If any flood plains are involved in the condominium project, then such flood plains shall be restricted as provided by the Condominium Act, and such restrictions shall be submitted to the Planning Commission for review and approval prior to recording and thereafter shall be recorded in the Office of the Register of Deeds as part of the Plat or Master Deed or contemporaneously with the recording of the Master Deed.
- v. All utilities servicing the plat or condominium project have been installed and water and sanitary sewer mains have been stubbed to the unit line or building site line or a cash or bond has been made with the Township Board in an amount sufficient to insure completion thereof within the time specified and a bond executed by the developers.
- vi. All underground utility installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by the developer and approved by the public utility. These easements shall be recorded as part of the Master Deed as private easements for public utilities or easements provided by separate instrument. Easements across units or centered on rear or side unit lines provided for utilities shall be at least twelve (12') feet wide, usually six (6')



36-6.3 SPECIAL EXCEPTION USES

1. Explanation and purpose.

In order to make this chapter flexible to meet the needs of changing trends in development and new technology, the planning commission is authorized to approve the establishment of special exception uses. In this way this chapter does not become a rigid document that cannot be altered, but serves as a guideline upon which the planning commission may make enlightened judgments keeping development within the general philosophy of this chapter. Land and structure uses not specifically mentioned in the foregoing text or which possess unique characteristics are either designated in this chapter or may hereafter be designated in this chapter as special exception uses and, as such, may be authorized by the issuance of a special exception use permit with such conditions as may be deemed necessary under the guidelines of this chapter. Certain types of uses are required to secure a permit to allow them to be placed in one or more zones in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another. A few uses, such as dumps and junkyards, are inherently so objectionable as to make extra regulations and controls advisable even in the zone to which they are permitted. Others, such as gasoline stations and taverns, must be located with discrimination in relation to their surroundings. All the items listed are proper uses of land, but have certain aspects which call for special consideration of each proposal. Because under certain conditions they could be detrimental to the health, safety or general welfare of the public, the uses listed as special exceptions are permitted in certain zones only if granted approval by the planning commission.

2. Filing request for special exception.

A. Petitions for the grant of special exceptions shall be filed with the township clerk on forms provided therefor. The petitioner shall submit plans and specifications or other data or explanatory material stating the methods by which he will comply with the conditions specified for each grant of special exception. At the time of filing his request for a grant of special exception, the petitioner shall pay to the clerk the fee required to cover the cost of advertising and of sending notices and other miscellaneous expenses in connection with this petition. No application for a special exception use which has been denied wholly or in part shall be resubmitted for a

feet dedicated from each lot or parcel except side lot easements three (3') feet wide granted for street lighting dropouts. These easements shall be direct and continuous from block to block.

- vii. All public improvements, in common areas, such as street lights, fire hydrants, sidewalks, parks, etc., which have been required by the Planning Commission, have been completed and installed and reviewed and approved by an engineer or a cash or equivalent bond has been made with the Township sufficient in amount to insure completion within the time specified and a bond executed by the developers.
 - viii. The proposed final condominium project complies with all applicable state statutes and Township Ordinances and has received the requisite statutory approval of other governmental agencies.
 - ix. That the Master Deed is executed by all required owners has been properly recorded and has been filed with the Township.
 - x. No building Occupancy Permits will be issued before final approval of Site Plan/ Condominium plan or a cash or equivalent bond has been made with the Township sufficient in amount to insure completion within the time specified and a bond executed by the developers.
- C. Failure To Complete A Public Improvement in the event the developer shall, in any case, fail to complete such work within such period of time as required by the conditions of the guarantee for the completion of public improvements, it shall be the responsibility of the Township Board to proceed to have such work completed. In order to accomplish this, the Township Board shall reimburse itself for the cost and expense thereof by appropriating the bond which the developer has deposited with the Township or it may take such steps as may be necessary to require performance in accordance with the bond executed by the developers.
- D. Amendments. All amendments to the condominium plan shall be submitted for review and approval under Sections 6.2.A.4 & 5, herein.



period of one year from the date of the last denial.

B. The planning commission shall review and decide all applications for approval of special exception uses and shall hold a public hearing. The township shall adhere to all requirements for publication of the hearing and notice to required owners and occupants as defined under section 103 of P.A. 110 of 2006, as may be amended.

C. The Planning Commission may approve the special exception use subject to submission of a required site plan. The public hearing for the special exception use shall serve as the public hearing for the site plan if such public hearing is required by any other provision of this ordinance. The Planning Commission, following approval of the special exception use, shall: (1)approve the site plan as submitted; (2) approve the site plan subject to modification, with final review by the Zoning Administrator and/or the Township Engineer; or (3)table the site plan pending resubmission of a revised plan for Planning Commission review. Such revised plan shall be submitted not less than 15 days before the next scheduled meeting. The Planning Commission can approve site plans for special exception uses lacking some of the required items under Sec. 36-6.1 if, in their sole reasonable discretion, they believe such detail is not necessary for such application, including those for home occupations. The application for special exception use approval is not complete and no use shall commence until the site plan is approved.

3. General provisions.

In hearing a request for any special exception, the planning commission shall be governed by the following principles and conditions, as well as the special use standards listed in Section 36-4 for specific uses:

- A. The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the planning commission.
- B. A special exception may be granted when the planning commission finds from the evidence produced at the hearing that:

- i. The proposed use does not affect adversely the general plan for physical development of the township as embodied in this chapter and in any master plan or portion thereof adopted by the township;
- ii. The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood;
- iii. The standards as may be set forth for a particular use for which a special exception may be granted can and will be met by the applicant; and
- iv. The proposed use is compatible with the natural environment and the capacities of public services and facilities affected by the proposed use.

4. Special provisions.

A. The planning commission is hereby authorized to impose reasonable conditions in connection with any approval granted for a special exception use. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- i. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- ii. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- iii. Be necessary to meet the intent and purpose of this chapter, be related to



the standards established in this chapter for the land use or activity under consideration and be necessary to ensure compliance with those standards.

- B. The conditions imposed with respect to the approval of a special exception use shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the planning commission and the applicant. The zoning board of appeals shall not have authority to hear any appeals taken by an aggrieved person from a decision of the planning commission on any special exception use request.

36.6.4 CONDITIONAL REZONING

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 16i of the Township Zoning Act (MCL125.286i) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

1. Application and Offer of Conditions.
 - A. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
 - B. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
 - C. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
 - D. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

- E. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
 - F. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
 - G. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
 - H. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
2. Planning Commission Review. The Planning Commission, after public hearing and consideration of the factors for rezoning, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
 3. Township Board Review. After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning. Should the Township Board consider

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6. Time Period for Establishing Development or Use. Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
7. Reversion of Zoning. If approved development and/or use of the rezoned land does not occur within the time frame specified under Section 6 above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405 et seq. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.
8. Subsequent Rezoning of Land. When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section 7 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.
9. Amendment of Conditions.
 - A. During the time period for commencement of an approved development or use specified pursuant to Section 6 above or during any extension thereof granted by the Township Board, the Township shall

not add to or alter the conditions in the Statement of Conditions.

- B. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.
10. Township Right to Rezone. Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Enabling Act (MCL 125.1301 et seq.)
11. Failure to Offer Conditions. The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

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Chapter 36

Article 7.0 Administration, Appeals and Enforcement



Article 36-7.0 Administration, Appeals and Enforcement

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36-7.0 Administration, Appeals, and Enforcement

36-7.1 ADMINISTRATION

The provisions of this chapter shall be administered by such person or persons whom shall be designated by the township board in accordance with the applicable state statute.

36-7.2 ENFORCEMENT

The provisions of this chapter shall be enforced by such official as may be from time to time designated by resolution of the township board.

36-7.3 VIOLATIONS

Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this chapter are declared to be a nuisance per se.

36-7.4 SANCTIONS

1. Any person or other entity who violates any provision of this chapter, or any permit, license or exception granted under this chapter, or any lawful order of the zoning enforcement officer, board of appeals, planning commission, or the township board issued in pursuance of this chapter whether as owner, lessee, licensee, agent, servant, or employee, shall be liable as a principal.
2. Any violation of any provision of this chapter or any permit, license or exception granted under this chapter, or any lawful order of the zoning enforcement officer, board of appeals, planning commission, or the township board issued in pursuance of this chapter shall constitute a basis for injunctive relief against the violator, restraining and prohibiting continuation of the violation, in addition to any other relief or sanction set forth in this chapter or allowed by law.
3. Any person or other entity who violates any provision of this chapter, or any permit, license or exception granted under this chapter, or any lawful order of the zoning enforcement officer, board of appeals, planning commission, or the township board issued in pursuance of this chapter shall be deemed to be responsible for a municipal civil infraction as defined by state statute which shall be punishable by a civil fine determined in accordance with the schedule in section 18-62(a).

36-7.5 ZONING BOARD OF APPEALS

1. Establishment. There shall be a board of appeals as provided under the applicable state statute, which shall consist of five regular members, plus no more than two alternate members, appointed in accordance with state statute and which shall have such powers and duties as prescribed by law and by this chapter.
2. Authority. The board of appeals shall have the authority to do as follows:
 - A. Hear and decide upon request, the interpretation of the provisions of this chapter.
 - B. Nonuse and Dimensional Variances
 - i. Grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements within the zoning ordinance or any other nonuse standard where there are practical difficulties in carrying out the strict letter of this chapter so that the spirit of the chapter shall be observed, public health and safety secured, and substantial justice done. in making such determination, the zoning board of appeals shall base its decision on the following standards:
 - a. That the variance will not permit the establishment of any use which is not allowed as a permitted or special exception use within the zoning district in which the property is located.
 - b. That compliance with the strict letter of the chapter would unreasonably prevent the owner or occupant of the property from using such property for a permitted use and that relaxation of the requirement would provide substantial relief to the owner or occupant and would be consistent with justice afforded to other property owners.
 - c. That the granting of the variance is not based upon a self-created hardship but, rather, on the unique characteristics of the property.
 - d. That in granting the variance, conditions may be imposed in order to ensure that the applicant

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does not receive relief beyond that which is necessary to achieve such justice under the chapter.

- ii. Approval of a dimensional variance related to a special exception use shall not constitute approval of that use, but shall be considered by the planning commission in connection with an application for a special exception use or for an amendment to a special exception use that was previously approved. The zoning board of appeals shall act on any variance requests related to a special exception use before planning commission action on the application for special exception use or for an amendment to a special exception use permit.
 - C. Hear and decide appeals where it is alleged by appellants that there is error in any refusal of building, use, or occupancy permit or in any other order, requirement, decision, or determination made by the building inspector, zoning enforcement officer, or other township employee when passing upon an application for a building or other permit, or by any other officer or body in the administration of this chapter. Nothing in this section shall be deemed to authorize appeals from planning commission decisions arising from requests for special exception use permits.
3. Limitation of authority
- A. Nothing contained in this chapter shall be deemed to authorize the board of appeals to reverse or modify any refusal of a permit or any other order, requirement, decision, or determination which conforms to the provisions of this chapter and which, therefore, is not erroneous; nor to authorize the board of appeals to validate, ratify, or legalize any violation of law or any of the regulations of this chapter.
 - B. The board of appeals shall not amend any portion of this chapter or the zoning map; nor shall such power or authority be vested in the board of appeals.
 - C. A variance granted by the board of appeals shall be valid for a period of one year, unless during such time a building permit for any construction pursuant to such variance shall be obtained and construction started. A variance related to lot area or lot width shall run with the land, establishing as the equivalent to a lot of record.

- D. No application for a variance which has been denied wholly or in part by the board of appeals shall be resubmitted for a period of one year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the board of appeals to be valid.

36-7.6 APPLICATION FOR VARIANCES OR APPEALS

- 1. Requests for variances or appeals may be made to the board of appeals by submitting an application, in writing, to the township clerk. A fee shall accompany the application to help defray the costs of processing such application, which fee shall be established from time to time by resolution of the township board.
- 2. A site plan, plot plan or development plan of the total property involved, showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses, shall be submitted with each request for variance or appeal. Twelve copies of the request for variance or appeal and of all supporting documents shall be submitted.

36-7.7 ZONING PERMIT TO ERECT OR ALTER STRUCTURES OR TO CHANGE BOUNDARIES OF PARCELS

- 1. Except as provided in subsection (b) of this section, no building or structure shall be erected, altered or excavation started, nor shall any building or structure be enlarged, altered, moved, improved, or converted to a different use, in whole or in part, nor shall the boundaries of any parcel of land be changed without first obtaining a zoning permit from the zoning administrator.
- 2. The following are exempt from the requirement to obtain a zoning permit:
 - A. Docks.
 - B. Buildings or structures under 200 square feet in area.
 - C. Changes in parcel boundaries that have been approved as part of a land division or platting.
- 3. No separate zoning permit shall be required in any case where a building permit for the work has been obtained.



4. Applicants for zoning permits shall pay a fee according to the fee schedule established at the discretion of the township board by resolution.
5. The application for a zoning permit shall be made on a form provided by the township, and shall include, at a minimum, the following:
 - A. A drawing showing the location of the proposed building or structure in relation to the boundaries of the lot upon which it is located, and in relation to existing improvements on the property. Where boundaries are to be changed, the drawing shall show dimensions and bearings of existing and proposed boundaries, and the location of all existing buildings and structures on the parcels being changed.
 - B. A statement of the proposed use of the building or structure.
 - C. The dimensions of the building or structure, and if it is to be served by electricity or water, proof that the service is safe and conforms to all applicable township, county and state law requirements.
6. A zoning permit shall be issued if the application and supporting information show that the proposed building or structure, or where applicable, the proposed change in the parcel together with the buildings and structures thereon, conforms to all applicable ordinance requirements.

36-7.8 CERTIFICATE OF OCCUPANCY

1. It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, located, erected, changed, converted or enlarged wholly or partly until a certificate of occupancy has been issued for that premises certifying that the structure or use complies with the provisions of this chapter. Such occupancy permits shall be granted or denied within ten days from the date that a written application is filed with the building inspector or zoning enforcement officer.
2. The issuance of a certificate of occupancy shall not be construed as permitting any violation of this chapter.

36-7.9 NONCONFORMING USES

The following regulations shall control nonconforming uses in existence at the time of passage of the ordinance from which this chapter is derived:

1. If the cost of repair or replacement of a nonconforming use or structure, which has been destroyed by reason of windstorm, fire, explosion or any act of God or the public enemy, exceeds 50 percent of the total replacement cost of the use or structure, such use or structure shall not be continued or rebuilt except in conformity with the provisions of this chapter.
2. Nonconforming uses or structures in existence at the time of passage of this chapter shall not be extended, added to or altered unless such extension, alterations or additions are in conformity with the provisions of this chapter. Agricultural uses that are legally nonconforming due to use shall be considered conforming for purposes of adding land and/or buildings or structures in support of an agricultural operation. This shall not permit the use of land, buildings or structures that do not have such agricultural use from establishing such use in the future.
3. If the nonconforming use of any land or structure shall terminate its activity for a continuous period of time exceeding one year, such use shall not be reestablished, and any future use of land and structure shall be in conformity with this chapter.
4. If a nonconforming use is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a nonconforming or less restrictive use.
5. The lawful nonconforming use of land not involving substantial buildings, nonconforming advertising signs and structures which are not necessary to the permitted uses or substantial structures, and temporary, movable or makeshift buildings, fences and other structures which are accessory to nonconforming uses not involving substantial buildings, shall be discontinued and the incidental structures removed within five years from the date of passage of the ordinance from which this chapter derives. All subsequent use of such land shall be in conformity with the provisions of this chapter.

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6. Uses of land, signs, buildings or other structures in violation of the original township zoning ordinance, being Ordinance Number One of the township, at the time of the ordinance from which this chapter derives becomes effective which are also in violation of such ordinance shall not be nonconforming uses under this chapter.

36-7.10 NONCONFORMITY CREATED BY EXERCISE OF POWER OF EMINENT DOMAIN

In commercial, office service and industrial zoning districts adjoining the right-of-way of limited access interstate highways, or of limited access ramps to interstate highways, when additional right-of-way is acquired by the state department of transportation, exercising the power of eminent domain for the purpose of construction, widening or relocation, and the additional right-of-way is taken from a developed lot (meaning a site upon which a building or structure existed at the time of taking), there results a nonconformance with a required minimum setback, lot width, or parking requirement of this chapter, existing buildings or structures rendered nonconforming thereby shall be permitted to be altered, enlarged or rebuilt, provided that (i) the specific nonconformity created when the right-of-way was acquired is not increased; and (ii) all such altered, enlarged or rebuilt buildings and structures shall conform to all other requirements of this chapter. However, the provisions of this section shall not apply to buildings or structures which have a setback from the new right-of-way line of less than 50 percent of the required minimum setback. As to such buildings and structures, an application for a variance must be submitted to the board of appeals before any alteration, enlargement, or rebuilding, and the board of appeals shall determine whether a variance will be granted, taking into account the applicable standards governing its decisions.

36-7.11 BUILDING UPON UNPLATTED LAND

1. The purpose of this article is to secure the more orderly development of property in unplatted areas through the encouragement and regulation of open spaces between buildings, the lessening of congestion, the encouragement of more efficient and conservative land use, the facilitating of transportation, sewage disposal, water supply and other public requirements, and by providing for future access to interior land which might not otherwise be adaptable to proper and advantageous development.

2. Variances. The zoning board of appeals is hereby given the right to grant a variance from this article where there are practical difficulties or unnecessary hardship in the way of carrying out strict compliance with this article, or where, in the opinion of such board, the spirit of the provisions of this article are still observed, public safety, health, and welfare secured, and substantial justice thereby accomplished.
3. Rights-of-way. The zoning board of appeals is hereby further given the right and authority to require the conveyance or dedication to the public of a 66-foot-wide right-of-way for ingress and egress to and from interior land having otherwise insufficient or inadequate public access for normal, proper and logical development as a condition to the granting of any variance as provided in this chapter and to further secure the public health, safety, and general welfare.
4. Previously recorded land exempted. The provisions of this article shall not apply to any parcel of land, the boundaries of which have heretofore been established by any instrument recorded previous to the effective date of the ordinance from which this chapter derives, in the office of the county register of deeds, or previously established by operation of law.
5. If access to any parcel that has been newly-created via land division is to be from a new public road, such public road shall first be reviewed and approved by the Planning Commission under site plan review

36-7.12 AMENDMENT PROCEDURE

1. Generally. Such regulations, restrictions, and boundaries established by this chapter may from time to time be amended, supplemented or repealed by the township as provided by the applicable state statute. Requests for amendment of this chapter may be made by any interested person or governmental agency by submitting an application in writing for the proposed amendment to the township clerk. The application for amendment or rezoning shall be accompanied by the check, cash or money order of the applicant in an amount as may be from time to time determined by the township board to defray in whole or in part the cost of such amendment or rezoning procedure.
2. Text amendment. In case of a text amendment, the applicant shall submit, in writing, the proposed text to be added and/or the existing text to be deleted



3. Map amendments. In case of a map amendment, the applicant shall submit a written statement specifying the following:

- A. The name and address of the owner of the land.
- B. The street number, if any, or, if none, the location with respect to nearby public roads serving the land which is proposed to be reclassified.
- C. A description by metes and bounds, courses and distances of the land, or if the boundaries conform to lot boundaries within a subdivision for which a plat is recorded in the land records of the county, then a lot, block, and subdivision designation with appropriate plat reference.
- D. An identification plat prepared by a civil engineer, surveyor, or other competent person, and certified thereon by him to be correct and in conformity with this section, showing the land proposed to be reclassified, or if the boundaries conform to lot boundaries within a subdivision for which a plat is recorded among the land records of the county, then a copy of such plat, the land proposed to be reclassified appearing in a color distinctive from that of other land shown on the plat.
- E. The area of the land proposed to be rezoned, stated in square feet if less than one acre and in acres if one acre or more.
- F. The present classification and the classification proposed for such land.



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