



**CHARTER TOWNSHIP OF
TEXAS ORDINANCE NO. 347**

**ORDINANCE AMENDING THE ZONING ORDINANCE OF TEXAS
CHARTER TOWNSHIP REGARDING ACCESS MANAGEMENT**

**Adopted September 23, 2019
Published September 29, 2019
Effective October 6, 2019**

TEXAS CHARTER TOWNSHIP

ORDAINS:

Section 1. Amendment to Article 2.

Article 2, Section 2.2 of the Township's Zoning Ordinance entitled "Definitions" is hereby amended to read as follows:

Road, private means a private right-of-way or easement approved by the township as part of a PUD district, OSP project or site condominium development. Private roads shall adhere to the minimum road construction standards established by the Road Commission of Kalamazoo County, except geometric and layout requirements.

Section 2. Amendment to Article 3.

Article 3, Section 3.1.20.D. of the Township's Zoning Ordinance entitled "Open Space Preservation District Overlay" is hereby amended to read as follows:

36-3.1.20.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. through iii. Unchanged
- iv. Access Management. Access management shall be provided in accordance with Section 36-5.9.

Section 3. Amendment to Article 4.

Article 4, Section 4.52. of the Township's Zoning Ordinance entitled "Planned Unit Development Use Standards" is hereby amended to read as follows:

36-4.52 Planned Unit Development Use Standards

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 frontage, yard area, lot coverage, structure height, setback, signs, parking and loading, landscaping, general provisions, access management and other applicable regulations shall apply. In projects with one underlying district, the most restrictive district regulations within this Chapter shall apply.

B. through F. Unchanged

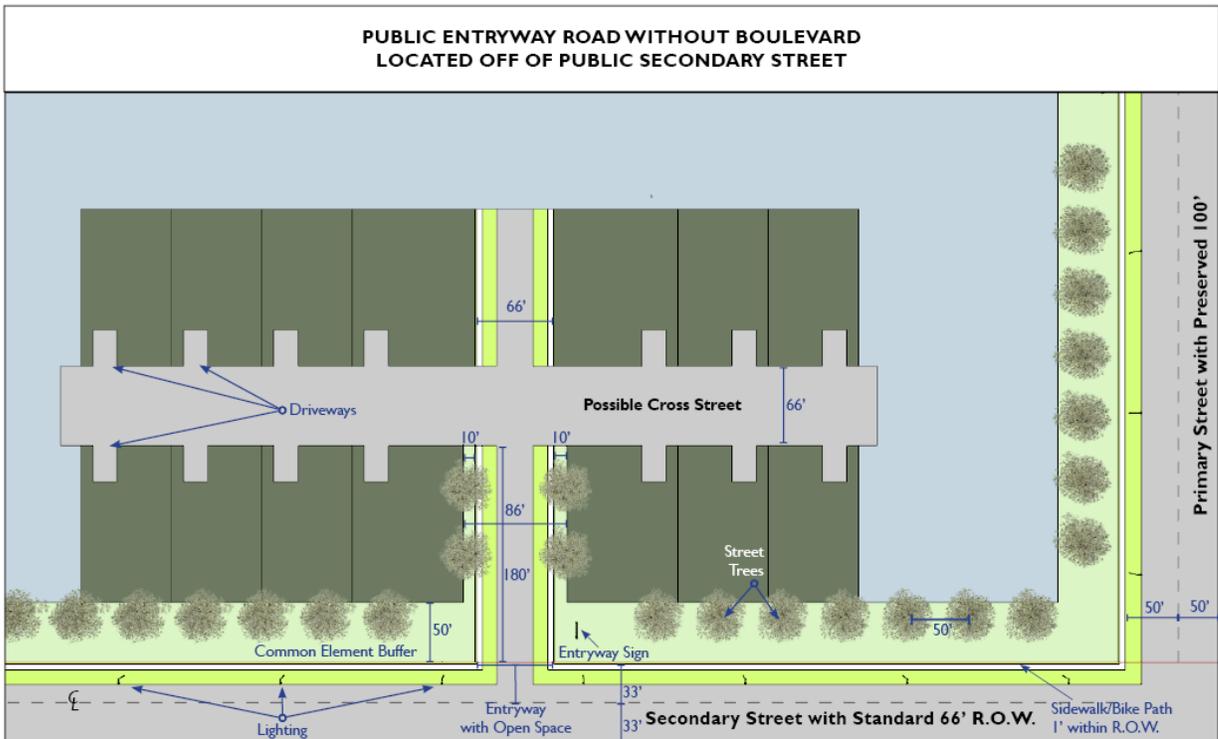
Section 4. Amendment to Article 5.

Article 5, Section 5.9 of the Township’s Zoning Ordinance entitled “Access Management” is hereby amended to read as follows:

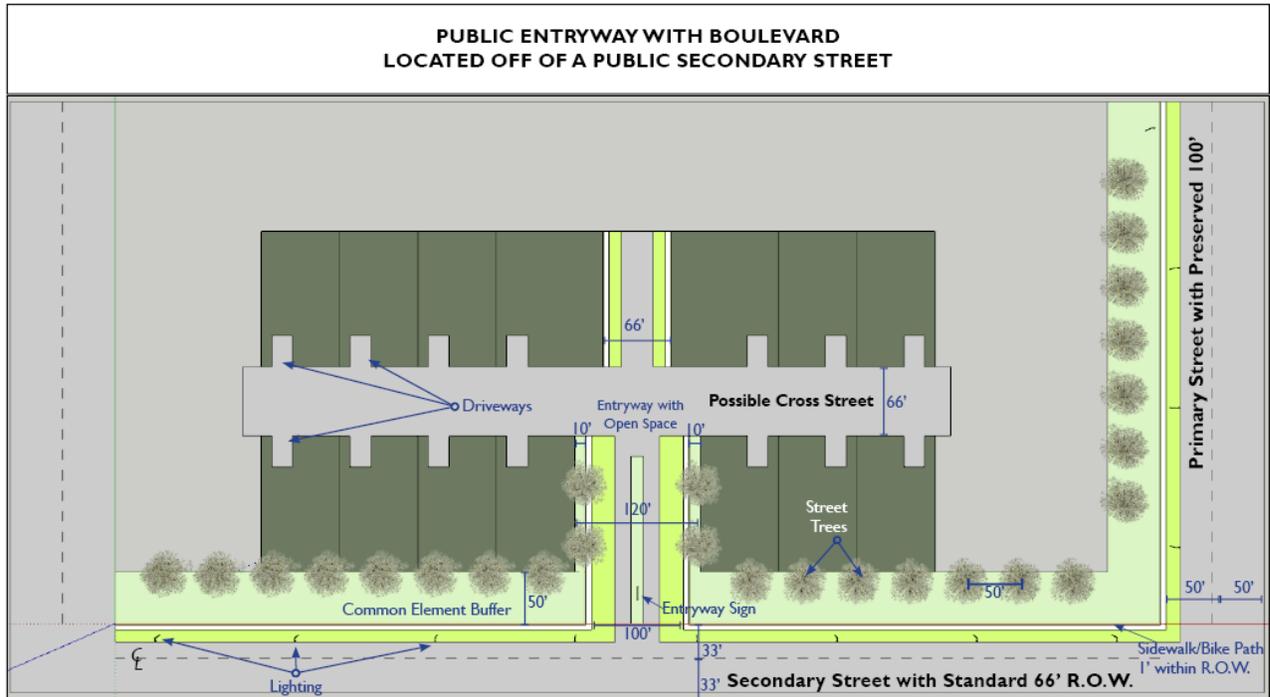
36-5.9 Access Management

1. Through 5. Unchanged

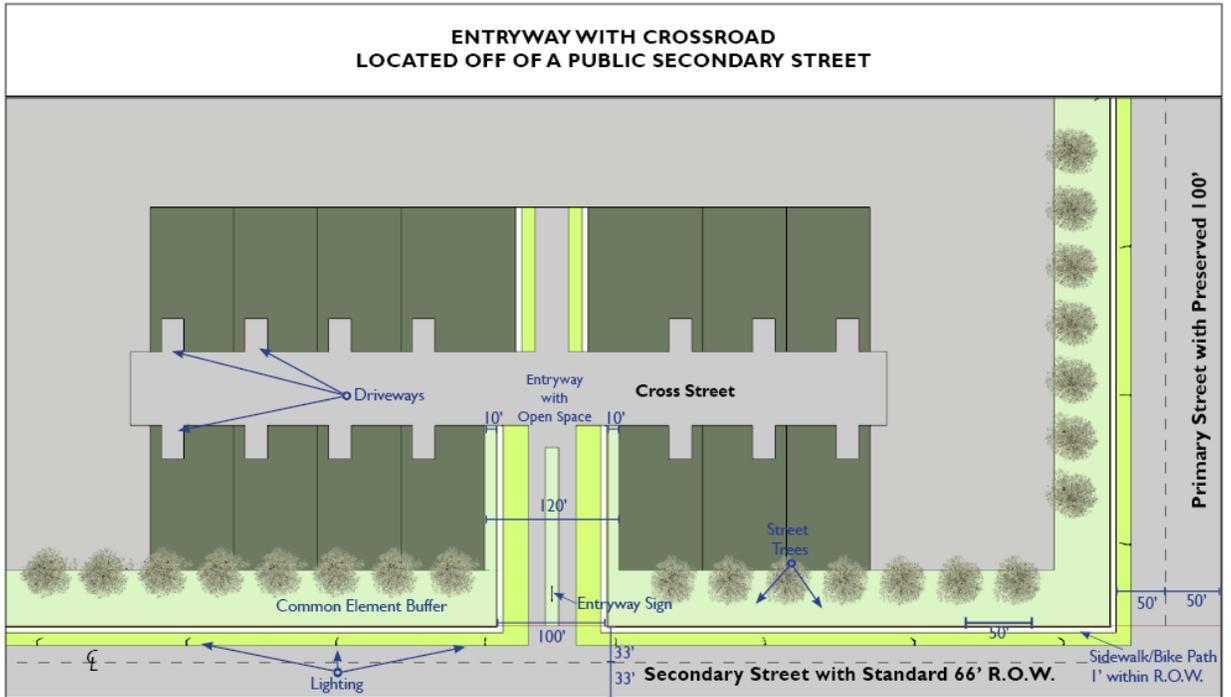
6. Entryway. In A, RC, R-1A, R-1, and R-2 zones: Minimum width of 66’ to allow for the road right-of-way and 10 additional feet on each side of the new right-of-way extending 180’ from the right-of-way line of a County road typically defined by lettered avenue or numbered street.



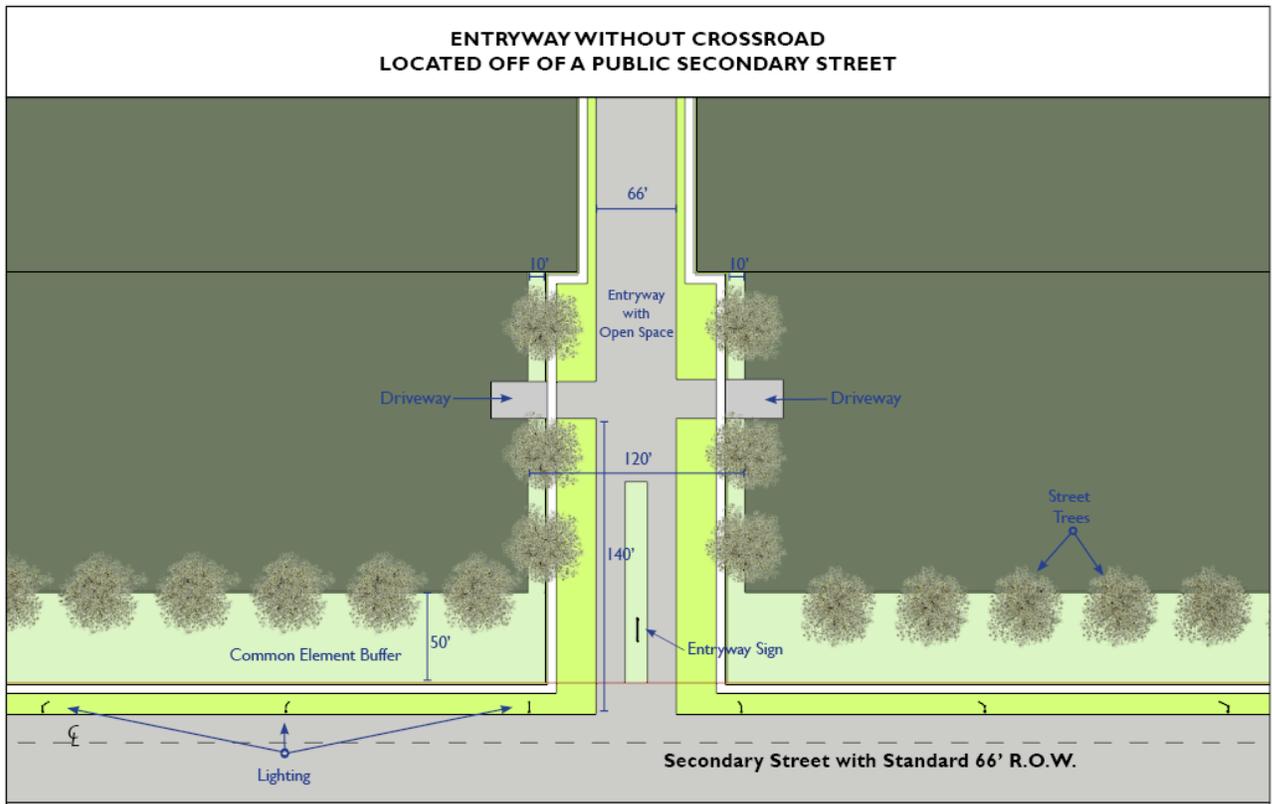
a. Entryways that include boulevards shall be a minimum width of 100’ to allow for the road right-of-way and 10 additional feet on each side of the new right-of-way. There shall be a common open space element that defines the entry into the condominium within the distance listed below based on the entryway type. Furthermore, there shall be a perimeter common open space element 50’ in width (100’ for an Open Space Overlay district) around the perimeter of the development area along primary (lettered avenue or numbered street) or secondary roads.



- b. No driveways, cross-access drives, or other vehicular encroachments other than the entryway are permitted through the common open space element. 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' 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)
- c. Entryway with cross road. Vehicular encroachments prohibited within the first 180' from the right-of-way line or preserved ROW, whichever is greater.



- d. Entryway without cross road. Vehicular encroachments prohibited within the first 140' from the right-of-way line or preserved ROW, whichever is greater.



7. Streets. The Planning Commission may determine if the arrangement of streets must continue existing streets from adjoining areas into the proposed condominium development. Where adjoining areas are not developed, the arrangement of proposed



condominium streets may be extended to the subject parcel(s) boundary for the future projection extension of streets as long as the design discourages use by through traffic. Permanent dead-end streets must be limited to 1,320' in length for adequate fire and emergency vehicle access. The Planning Commission may waive these standards, subject to the applicant demonstrating that adequate public safety access will be provided and approval from the Texas Township Fire Department. All proposed streets must be constructed to Road Commission of Kalamazoo County standards including traffic control devices and signs. Private roads may be allowed by the Township if they will not adversely affect public health, safety or welfare. In determining whether private roads are allowable, the Township must require the following:

- a. All private roads must be established by recorded conveyance of a 66' right-of-way and indicate the responsible party for the private road maintenance. The conveyance must also stipulate in the recorded master deed that the Township is authorized to make required repairs to the road, with such cost assessed to the responsible party.
- b. The private road must be constructed to Road Commission of Kalamazoo County design and geometric standards with the following exceptions.
 - i. Design standards mean road bed and other construction-related details and standards that shall follow Road Commission of Kalamazoo County design standards.
 - ii. Geometric standards such as curve, radius, width and other layout-related features may differ from the standards of the Road Commission of Kalamazoo County, provided that the applicant demonstrates to the satisfaction of the Planning Commission that public safety will not be compromised with the proposed road design. Kalamazoo County must approve the name of the private road. The applicant must provide a 10' wide utility easement adjoining the private road right-of-way. The applicant must install sidewalks, trails or bike paths consistent with the Township's Master Plan and shall connect all units and common areas within the proposed condominium.
- c. A site condominium creating a total of 50 or more units must provide two or more points of vehicular access to a public or private road.
- d. Where the proposed site condominium development abuts or contains a county primary road or major thoroughfare as defined in the Township's Thoroughfare Plan, the Planning Commission 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.

Section 5. Amendment to Article 6.

Article 6, Section 6.2.4.A. of the Township's Zoning Ordinance entitled "Preliminary Site Condominium Plan Approval" is hereby amended to read as follows:

36-6.2 Site Condominium Plan Review



4.A. Submission. The developer proposing a site condominium development must submit a preliminary site condominium plan to the Township for approval. The Planning Commission must establish an application, a review procedure, and a submission materials checklist. The preliminary plan must include at a minimum, the following information.

- iii. Access Management. How the proposal complies with the Township’s access management standards provided in Section 36-5.9.
- iv. Entryway. There shall be a minimum width of 66’ to allow for the road right-of-way and 10 additional feet on each side of the new right-of-way extending 180’ from the right-of-way line of a County road typically defined by lettered avenue or numbered street. Entryways that include boulevards shall be a minimum width of 100’ to allow for the road right-of-way and 10 additional feet on each side of the new right-of-way. There shall be a common open space element that defines the entry into the condominium within the distance listed below based on the entryway type. Furthermore, there shall be a perimeter common open space element 50’ in width (100’ for an Open Space Overlay district) around the perimeter of the development area along primary (lettered avenue or numbered street) or secondary roads. No driveways, cross-access drives, or other vehicular encroachments other than the entryway are permitted through the common open space element. 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’ 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)
 - a. Entryway with cross road. Vehicular encroachments prohibited within the first 180’ from the right-of-way line or preserved ROW, whichever is greater.
 - b. Entryway without cross road. Vehicular encroachments prohibited within the first 140’ from the right-of-way line or preserved ROW, whichever is greater.

Section 6. Amendment to Article 6.

Article 6, Section 6.2.4.B. of the Township’s Zoning Ordinance entitled “Site Condominium Approval” is hereby deleted as follows:

36-6.2 Site Condominium Plan Review

Section 7. Amendment to Article 6.

Article 6, Section 6.3.3.B. of the Township’s Zoning Ordinance entitled “Special Exception Uses” is hereby amended as follows:

36-6.3 Special Exception uses

3. B. A special exception may be granted when the Planning Commission finds from the evidence produced at the hearing that:

- i. and ii. Unchanged
- iii. The standards as may be set forth for a particular use for which a special exception may



be granted, as well as all site standards, including access management, can and will be met by the applicant; and

- iv. Unchanged

Section 8. Amendment to Article 7.

Article 7, Section 7.11.5. of the Township’s Zoning Ordinance entitled “Building Upon Unplatted Land” is hereby amended to read as follows:

36-7.11 Building Upon Unplatted Land

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 view. Access management shall be provided in accordance with Section 36-5.9.

Section 9. Validity and Severability.

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 10. Repealer Clause.

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 11. Effective Date.

This Ordinance shall take effect seven days after publication as provided by law.