



# Texas Township Zoning Ordinance

Effective: July 8, 2018

Amended through October 6, 2019

*clearzoning*  
powered by  
giffels webster

(Intentionally Blank)

# Table of Contents

Table of Contents with Sections _____	ii
How to Use this Ordinance _____	vi
Article 1.0 Purpose and Introduction _____	1-1
Article 2.0 Definitions _____	2-1
Article 3.0 Zoning Districts _____	3-1
Article 4.0 Use Standards _____	4-1
Article 5.0 Site Standards _____	5-1
Article 6.0 Development Procedures _____	6-1
Article 7.0 Administration, Appeals and Enforcement _____	7-1



# Table of Contents with Sections

<b>How to Use this Ordinance</b> _____	<b>vi</b>
1. Content Organization and Page Layout _____	vi
2. Symbols and User Notes _____	vii
3. Reading the Ordinance _____	viii
4. Use Matrix _____	ix
5. District Summary Table _____	xv
6. Zoning Map _____	xvii
<b>Article 1.0 Purpose and Introduction</b> _____	<b>1-1</b>
Sec. 1.1 Purpose _____	1-3
Sec. 1.2 Vested Right _____	1-3
Sec. 1.3 Conflicting Regulations _____	1-3
<b>Article 2.0 Definitions</b> _____	<b>2-1</b>
Sec. 2.1 Construction of Language _____	2-3
Sec. 2.2 Definitions _____	2-3
<b>Article 3.0 Zoning Districts</b> _____	<b>3-1</b>
Sec. 3.1 Districts Established _____	3-3
Sec. 3.2 Boundaries _____	3-46
Sec. 3.3 EBT Education, Business and Technology District _____	3-46
Sec. 3.4 Notes to District Standards _____	3-48
Sec. 3.5 General Exceptions _____	3-49
Sec. 3.6 Distances between Buildings in the R-4 & R-5 Districts _____	3-49
Sec. 3.7 Limitations on Height _____	3-49
<b>Article 4.0 Use Standards</b> _____	<b>4-1</b>
Sec. 4.1 Principal Permitted Uses in the A District _____	4-3
Sec. 4.2 Front Yard Accessory Buildings in A, RC, R-1, R-1-A and R-2 Zoning Districts _____	4-3
Sec. 4.3 Vehicle Sales _____	4-3
Sec. 4.4 Municipal Offices or Public Facilities in the CB district _____	4-3



# Table of Contents with Sections

Sec. 4.5	Animal Hospitals _____	4-3
Sec. 4.6	Asphalt & Concrete Ready-Mix Plant _____	4-4
Sec. 4.7	Vehicle Repair; Vehicle Repair, Large; Vehicle Sales and Vehicle Service _____	4-4
Sec. 4.8	Bars, Taverns, and Nightclubs _____	4-4
Sec. 4.9	Reserved _____	4-4
Sec. 4.10	Care Homes _____	4-4
Sec. 4.11	Cemetery _____	4-4
Sec. 4.12	Child Care Centers/Day Care Center _____	4-4
Sec. 4.13	Places of worship _____	4-4
Sec. 4.14	Club, Private Noncommercial _____	4-5
Sec. 4.15	Drive-in Theater _____	4-5
Sec. 4.16	Earth Removal, Excavations Commercial _____	4-5
Sec. 4.17	Gasoline Service Station _____	4-5
Sec. 4.18	Golf Course _____	4-5
Sec. 4.19	Gravel Processing and Quarrying _____	4-5
Sec. 4.20	Hospitals _____	4-5
Sec. 4.21	Hotel _____	4-5
Sec. 4.22	Institutions, Charitable Eleemosynary, Philanthropic _____	4-6
Sec. 4.23	Junkyards, Building Material Salvage Yards _____	4-6
Sec. 4.24	Kennel _____	4-6
Sec. 4.25	Medical Clinic _____	4-6
Sec. 4.26	Mobile Home Sales _____	4-6
Sec. 4.27	Motel _____	4-7
Sec. 4.28	Offices and Office Buildings _____	4-7
Sec. 4.29	Public Utility Buildings and Structure _____	4-7
Sec. 4.30	Recreation, Commercial, Outdoors _____	4-7
Sec. 4.31	Riding Stables, and Racetracks, Commercial _____	4-7
Sec. 4.32	Schools, Parochial and Private _____	4-7
Sec. 4.33	Slaughterhouses _____	4-7
Sec. 4.34	Storage or warehousing of commodities in the I-1 District _____	4-7
Sec. 4.35	Reserved _____	4-8
Sec. 4.36	Veterinary Clinics _____	4-8
Sec. 4.37	Volunteer or Township Fire Stations _____	4-8
Sec. 4.38	Telecommunication Towers and Antennas _____	4-8



# Table of Contents with Sections

Sec. 4.38	Telecommunication Towers and Antennas _____	4-8
Sec. 4.39	Wind Energy Conversion Systems _____	4-13
Sec. 4.40	Mixed Use Development _____	4-15
Sec. 4.41	Earth Removal, Mining and Processing Operations _____	4-16
Sec. 4.42	Riding Stables _____	4-20
Sec. 4.43	Private Airfields or Aircraft Landing Strips _____	4-20
Sec. 4.44	Barns or Similar Structures in Residential Districts _____	4-21
Sec. 4.45	Research and Related Uses in the Industrial Districts _____	4-21
Sec. 4.46	Special Exception Uses in the I-3 District _____	4-22
Sec. 4.47	Accessory Uses in the EBT District _____	4-22
Sec. 4.48	Home Occupations _____	4-22
Sec. 4.49	Adult Uses _____	4-23
Sec. 4.50	Solid Waste Transfer Facilities _____	4-24
Sec. 4.51	Mobile Home Park Regulations _____	4-27
Sec. 4.52	Planned Unit Development Standards _____	4-27
Sec. 4.53	Bed and Breakfast _____	4-36
Sec. 4.54	Outdoor Seating for Serving Patrons Alcoholic Beverages _____	4-37
Sec. 4.55	Manufacturing, Compounding, and Assembling or Treatment of Articles or Merchandise _____	4-37
Sec. 4.56	Single Family Dwellings in the RC District _____	4-37
Sec. 4.57	Banquet Halls & Event Centers _____	4-37
Sec. 4.58	Temporary Single Family Dwellings _____	4-37
<b>Article 5.0</b>	<b>Site Standards _____</b>	<b>5-1</b>
Sec. 5.1	Limitations on all Land and Structures _____	5-3
Sec. 5.2	Limitations on Area and Lot Frontages _____	5-3
Sec. 5.3	Screening, Fencing, and Landscaping _____	5-3
Sec. 5.4	Setbacks from Lakes, Ponds, Streams and Rivers _____	5-6
Sec. 5.5	Riparian Lot Use Regulations _____	5-8
Sec. 5.6	Exterior Lighting Requirements _____	5-8
Sec. 5.7	Parking Requirements _____	5-10
Sec. 5.8	Signs _____	5-14
Sec. 5.9	Access Management _____	5-21
Sec. 5.10	Underground Utilities _____	5-23



# Table of Contents with Sections

Sec. 5.11	Reserved_____	5-23
Sec. 5.12	Stub Roads and Cul-de-Sacs that Abut Property Lines at the Boundaries of Platted and Condominium Subdivisions _____	5-23
Sec 5.13	Accessory Buildings in Agricultural, Resource Conservation, and Residential Districts _____	5-28
<b>Article 6.0</b>	<b>Development Procedures _____</b>	<b>6-1</b>
Sec. 6.1	Site Plan Review _____	6-3
Sec. 6.2	Site Condominium Approval _____	6-11
Sec. 6.2A	CBD Mixed Use Site Condominium Plan Review _____	6-15
Sec. 6.3	Special Exception Uses _____	6-22
Sec. 6.4	Conditional Rezoning _____	6-23
Sec. 6.5	Prohibition on Medical Marijuana Provision in Centers, Dispensaries and Safety Compliance Facilities _____	6-26
<b>Article 7.0</b>	<b>Administration, Appeals and Enforcement _____</b>	<b>7-1</b>
Sec. 7.1	Administration _____	7-3
Sec. 7.2	Enforcement _____	7-3
Sec. 7.3	Violations _____	7-3
Sec. 7.4	Sanctions _____	7-3
Sec. 7.5	Zoning Board of Appeals _____	7-3
Sec. 7.6	Application for Variances or Appeals _____	7-4
Sec. 7.7	Zoning Permit to Erect or Alter Structures _____	7-4
Sec. 7.8	Certificate of Occupancy _____	7-5
Sec. 7.9	Nonconforming Uses _____	7-5
Sec. 7.10	Nonconformity Created by Exercise of Power of Eminent Domain _____	7-6
Sec. 7.11	Building Upon Unplatted Land _____	7-6
Sec. 7.12	Amendment Procedure _____	7-6



# 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 shows a page from the Texas Township Zoning Ordinance, specifically Article 36-3.1.4, titled "R-2 Residential District, Single Family". The page is annotated with arrows pointing to various features:

- Article Tabs (1-7):** Located on the left and right sides of the page, these tabs are numbered 1 through 7, representing different sections of the ordinance. Tab 3 is highlighted in red, indicating the current page.
- User Note:** A blue box containing text: "User Note: For uses listed in bold blue, refer to Article 4, or click on use, for use-specific standards."
- Sections and Subsections:** The page is organized into sections A (INTENT), B (PRINCIPAL PERMITTED USES), C (SPECIAL EXCEPTION USES), and D (DEVELOPMENT STANDARDS). Section D includes a table of standards such as Lot Size, Lot Coverage, Setbacks, Building Height, and Floor Area.
- Blue bold font:** Links to standards in other sections of the Ordinance are shown in blue bold font.
- Graphics, figures, and tables:** A diagram illustrates the setbacks and building height requirements for a building in the R-2 Residential District. The diagram shows a building with a 35' height and setbacks of 12' Min. on the sides and 40' Min. on the front. A table below the diagram lists setbacks for different directions.
- Selected References:** A section at the bottom of the page lists references to other sections of the ordinance, including Zoning Districts, Site Standards, Use Standards, Development Procedures, and Other Ordinances.

**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?

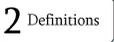
A link allows for quick reference to a relevant section. By ‘clicking’ a link, the user is taken directly to a page in the Ordinance or another reference document. The user may return to the original page by clicking the ‘previous view’ button in Adobe Acrobat Reader.

 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	P								S
Apartment						P	P		
Apartment building offices						P	P		
Bed and breakfast	S	S	S	S					
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		

Continued on next page



# 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
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				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.

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.

	O-1	C-1	C-2	C-3	C-4	I-1	EBT	CBD
Accessory structures and uses customarily incident to the permitted use	P	P	P	P	P	P	P	P
Adult regulated uses						S		
Agricultural commodity processing						S		
Animal Hospital			S		S			
Art shops	P	P	P	P	P			P
Assembly of merchandise						P/S		
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
Banquet halls/event centers		S	S	S	S	S		S
Bar, tavern and nightclub			S		S			
Bed and Breakfast								S
Biotechnology facilities							S	
Boat sales			P		P			
Bus terminals					S	P		
Car wash								S
Child care centers	P	P	P	P	P	P		P
Commercial recreation enterprises, outdoors			S	P	P		S	
Commercial recreation enterprises; indoors			P	P	P		S	
Communications facilities							P	
Construction and farm equipment sales						P		
Contractor's equipment yard						P		
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			

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.

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.

	O-1	C-1	C-2	C-3	C-4	I-1	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		S	
Fire station, volunteer or township			S		S			
Fuel distribution						P		
Gasoline service stations			S		S			S
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		
Manufacturing						S		
Medical offices, including clinics	P	P	P	P	P		P	P
Mixed-use development	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			S
Outdoor seating for serving alcohol			S	S	S			S
Package liquor, beer and wine sales		S	S	S	S			S
Packaging of previously prepared materials						P	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.

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.

	O-1	C-1	C-2	C-3	C-4	I-1	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
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	S	
Private schools								S
Processing and assembly of engineering, medical, laboratory, scientific, and research instruments							S	
Processing or compounding commodities						P	S	
Production of prototypical products							P	
Public utility buildings and structures		S	S	S	S			
Publicly owned and operated buildings and uses	P	P	P	P	P	P	P	P
Ready-mix concrete and asphalt plants								
Research & related uses, design and experimental product development						S	P	
Residential or multiple family units, attached								S
Restaurants		P	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		
Signs	P	P	P	P	P	P	P	P
Solid waster transfer facilities						S		
Storage or warehousing of commodities						P	S	
Storage, mini- or self- warehouse						P		
Storage, outdoors						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.

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.

	O-1	C-1	C-2	C-3	C-4	I-1	EBT	CBD
Swimming pools; outdoor				S				
Telecommunication towers					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			S
Veterinary clinics or similar facilities, including pet shops				S				S
Wind energy conversion systems	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 - Residential					
District	Minimum Lot Size	Minimum Lot Frontage (feet)	Setbacks		
			Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
A Agricultural	3.0 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	35,800 sq ft (without sewer) 14,500 sq ft (with sewer *)	165 (without sewer) 110 (with sewer *)	40	12	35
R-3 Single & Two Family Residential	14,500 sq ft d/u (single family w/ sewer) 35,800 sq ft d/u (single family w/o sewer) 10,895 sq ft (two family w/ sewer) 21,780 sq ft (two family w/o sewer)	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

\* Parcels with frontage onto county primary roads shall meet the 35,800 sq ft minimum lot size and 165 ft minimum lot width

*Continued on next page*



# How to Use This Ordinance

## 5. DISTRICT SUMMARY TABLE (CONTINUED)

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 - Non-Residential					
District	Minimum Lot Size	Minimum Lot Frontage (feet)	Setbacks		
			Front Yard (feet)	Side Yards (feet)	Rear Yard (feet)
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 Industrial	2.0 acres	200	50	25	25
EBT Education & Business Technology	3.0 acres	250	75	50	75

\* Parcels with frontage onto county primary roads shall meet the 35,800 sq ft minimum lot size and 165 ft minimum lot width





(Intentionally Blank)



# 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

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement

(Intentionally Blank)



**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement

# Chapter 36

## Article 2.0 Definitions



# Chapter 36

## Article 2.0 Definitions

### 2.1 Construction of Language

### 2.2 Definitions

Access drive	Floor area	Setback
Access connector	Floor area, commercial	Shelter, fallout
Access management	Garage, attached	Shopping center
Access point	Gasoline service station	Sign*
Accessory Uses	Grade, average	Site condominium development
Adult Regulated Uses*	Gross vehicle weight (GVW)	Solid waste transfer facility
Alley	Home occupation	Special exception
Animal	Hospital	Special exception uses
Animal hospital	Hotel	Storage, temporary
Apartment house	Integrated shopping center	Story
Banquet Hall/Event Center	Intersection	Structure
Basement	Junkyard	Telecommunications tower
Beacon	Kennel	Underlying zoning
Berm	Land banking	Undeveloped state
Boardinghouse	Limited common elements	Use
Boathouse	Loading space	Vehicle body and paint shops
Building	Lot	Vehicle charging space
Building, accessory	Lot area	Vehicle fuel station
Building envelope	Lot, corner	Vehicle repair
Building height	Lot coverage	Vehicle repair, large
Building line	Lot, depth of	Vehicle sales
Building site	Lot, double frontage	Vehicle service
Clinic	Lot, front of	Vehicle wash establishment
Club	Lot frontage	Veterinary clinic
Commercial	Lot, interior	Wind energy conversion system
Common elements	Lot of record	Yard
Condominium project	Master deed	Yard, front
Condominium plan	Master plan	Yard, rear
Condominium unit	Mobile home	Yard, side
Developer	Nonconforming uses	Yard sale
District	Off-street parking lot	Zone
Dwelling	Outdoor display	
Dwelling, semi-detached	Parking space, vehicle	
Dwelling, single-family	Planned unit development	
Dwelling, temporary	Principal building	
Dwelling, two-family	Professional office	
Dwelling, multiple-family	Recreational unit	
Dwelling unit	Recreational vehicle	
Essential services	Research & related uses	
Excavation	Residential care facilities*	
Excavations, commercial	Retail uses	
Facilities and services	Right-of-way	
Family	Road, private	
Farming	Safety compliance facility §36-6.5	
Fence	Service uses, personal	

\* 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 Section 36-5.9 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.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



- 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).

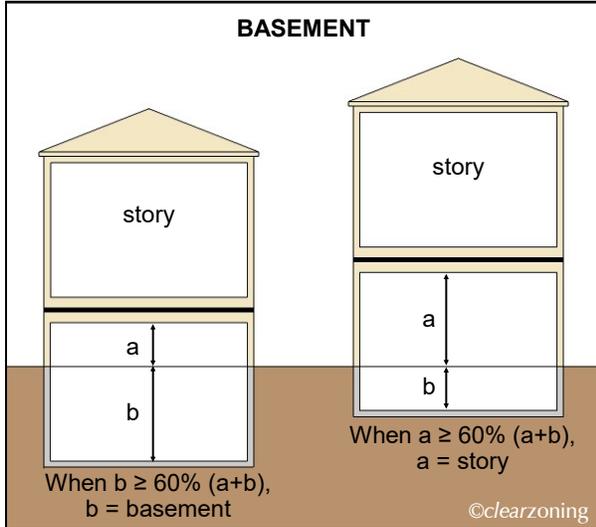
**Animal hospital** means a facility for the care of animals that may, or may not, include overnight stays as part of the treatment process. Such use shall not include kennel operations but may include emergency care facilities open 24 hours per day.

**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.

**Banquet Hall/Event Center** means a privately-owned structure or area of property, including flexible interior space divided into various-sized spaces, used for the purposes of hosting meetings, public performances, private receptions or parties, banquets, weddings, or similar events and for commercial purposes or gain. All event centers shall comply with all requirements of this Ordinance and any other applicable provisions of any federal, state or local statute, ordinance, rule or regulation, including without limitation the Michigan Building, Electrical, Mechanical and Fire Codes.



**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.

**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.

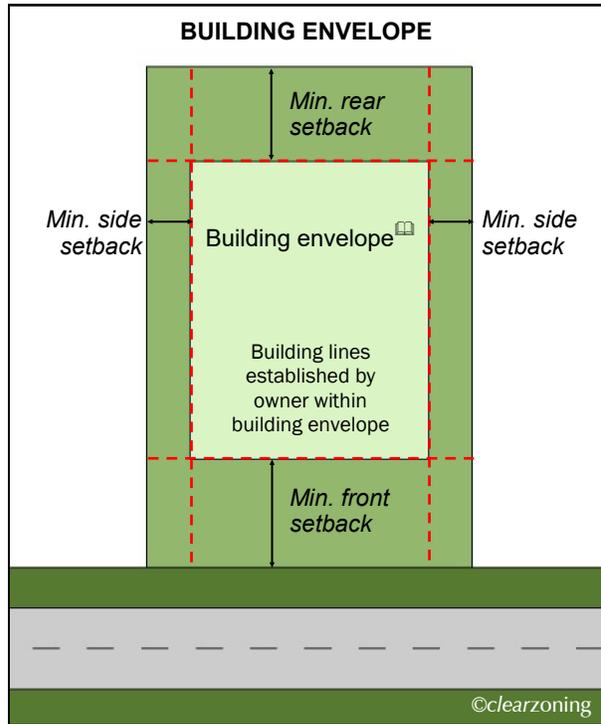
**Boardinghouse** means a dwelling in which lodging or meals, or both, are furnished to three or more guests for compensation.

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

**Building** means a combination of materials, whether portable or fixed, forming a structure affording a facility or shelter for use or occupancy by persons, animals, or property. Mobile homes and house trailers, when permitted for human habitation and comply with HUD manufactured home construction and safety standards, are buildings.

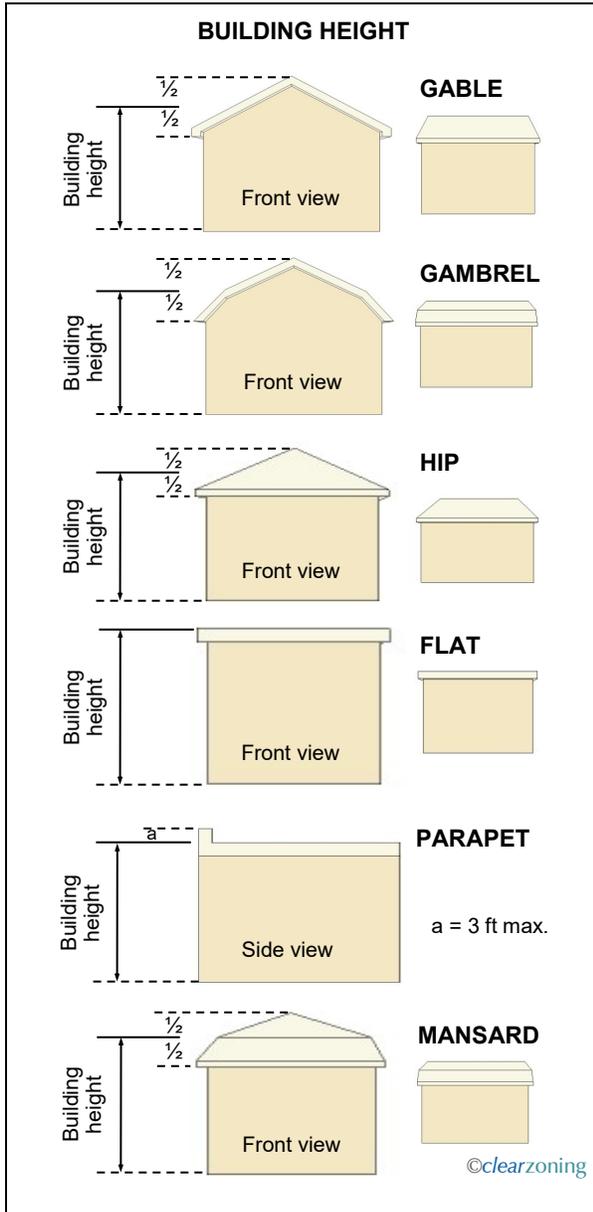
**Building, accessory**, means a building that is customarily incidental and subordinate to the principal building(s) on the property and physically detached from the principal building(s). An accessory building may not share a common wall or common roof with a principal building.

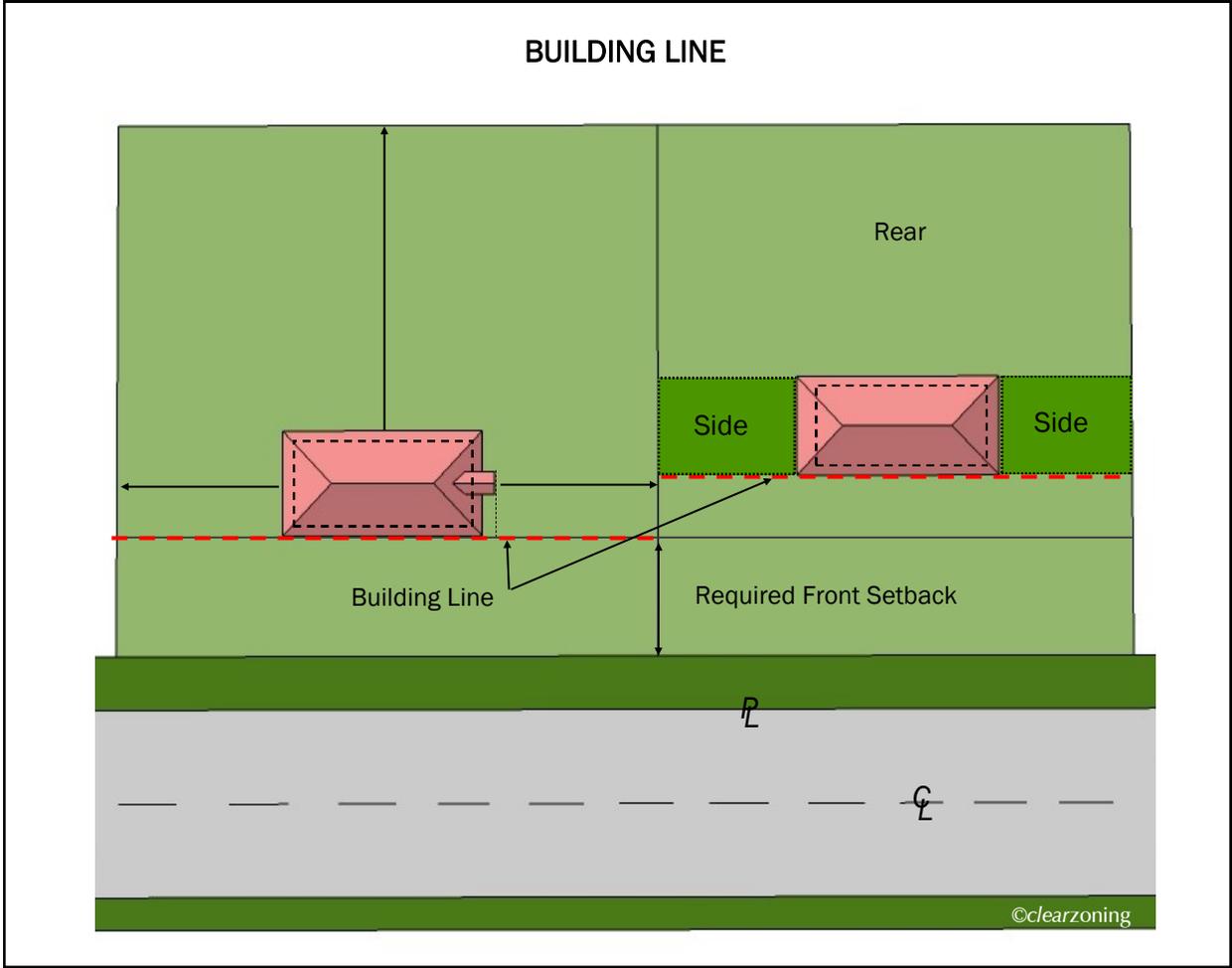
**Building envelope** means the area of a parcel within which the principal building may be constructed. This area excludes all setbacks pertaining to the principal building. ✍



**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.

**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.*
6. *A dwelling to be used for sleeping by a family member (i.e. in-law apartment, accessory apartment...) may be permitted if the unit is connected by utilities and receives Special Exception Use permit approval.*

The standards of subsections 1 - 5 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, Temporary,** means a single-family dwelling on the same lot as another single-family dwelling for a temporary period no greater than one (1) year subject to the conditions and standards set forth in [Section 26-4.58](#) of this Ordinance and for the purposes set forth in said section.

**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 sleeping 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.

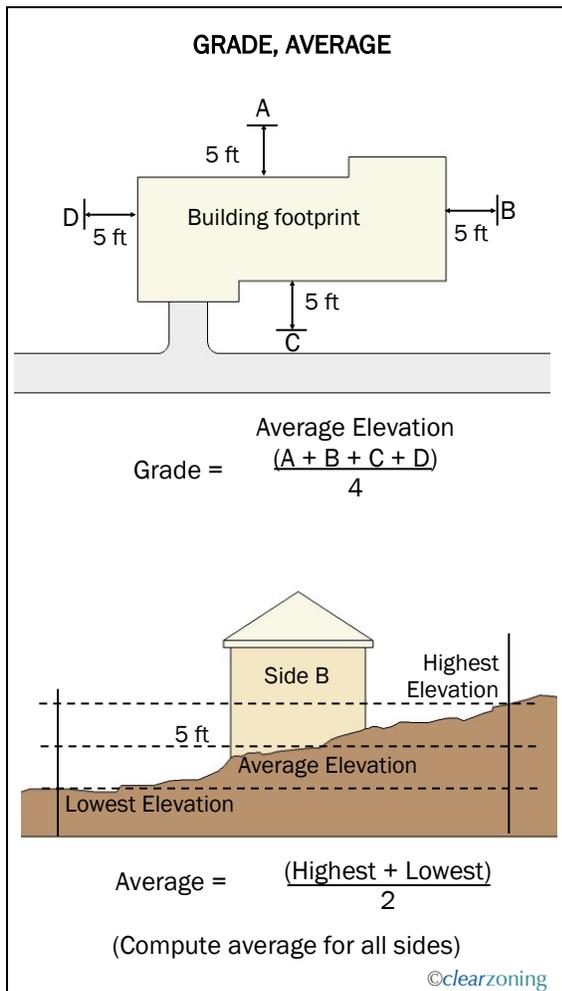
**Floor area, commercial**, means the sum in gross square feet of the area of each floor level in a building as measured from exterior walls. Cellars, basements, mezzanines, penthouses, corridors and lobbies that are within the principal outside faces of exterior walls are included, except architectural 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 .

**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.



**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 that provides temporary paid lodging.

**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.

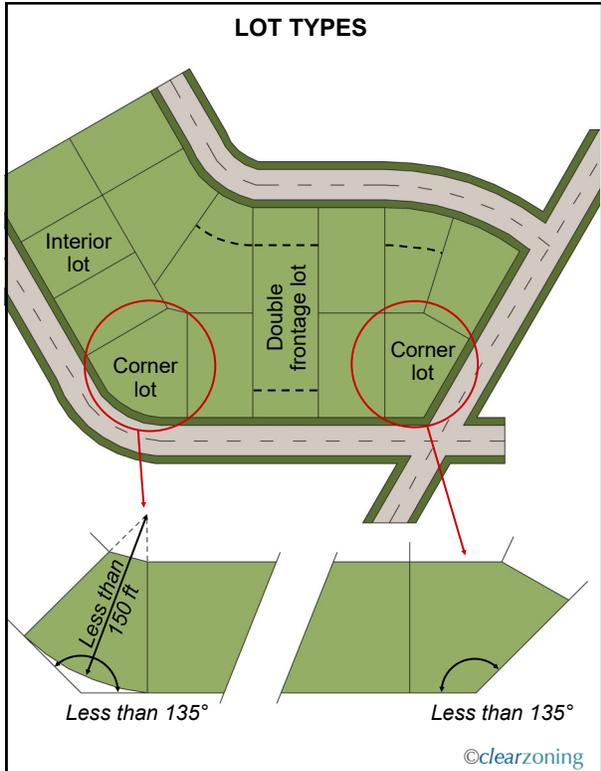
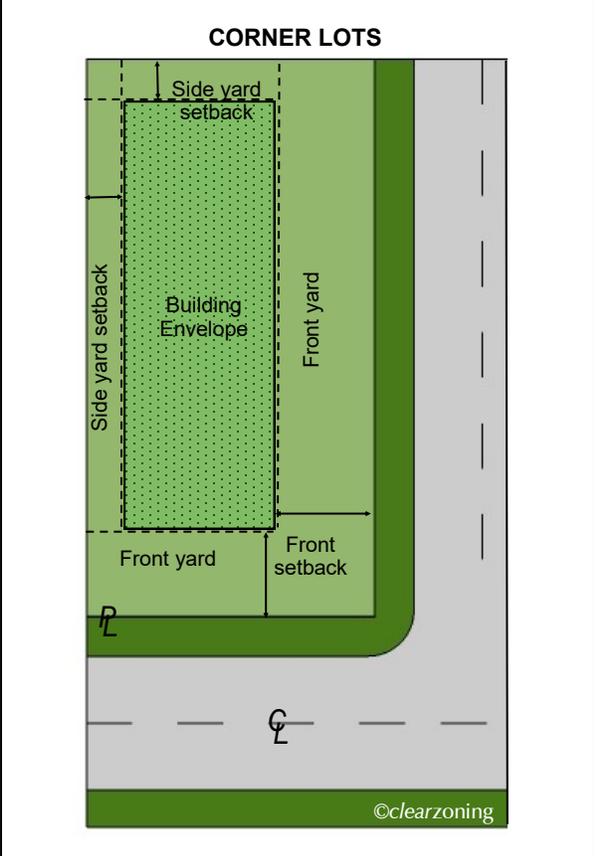
**Junkyard** means any land or building used for commercial, storage and/or sale of paper, rags, scrap metals, other scrap or discarding materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not to be used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

**Kennel** means a facility for the temporary overnight boarding of 3 or more domestic animals, and may include exterior facilities for housing and/or exercise areas. A dog kennel is further regulated with Michigan Department of Agricultural Regulation Rule No. 129 as administered by Kalamazoo County Animal Services and Enforcement. Special exception use standards for kennels are in Section 36-4.24.

**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.

**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 a parcel of unplatted land, a platted subdivision lot, or a unit in a condominium subdivision.

**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 cumulative portion of the area of a lot normally expressed as a percentage, occupied by specified buildings, measured from the exterior walls. For example, a 50,000 SF lot in the R-2 district may have a 10,000 sq. ft. maximum principal building. The allowable accessory building lot coverage is a calculation of 15% of the remaining side and rear yard areas. Any accessory structure attached to the principal building greater than 12' tall must be included in the calculation of principal building lot coverage.

**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 established prior to August 17, 1963, the effective date of the Zoning Ordinance. Such lot is a buildable lot provided that building placement meets all dimensional standards except minimum lot area and lot frontage. If the boundary lines of a lot of record are altered or modified, the property is no longer a lot of record. If two or more contiguous lots or parts of lots are under common ownership as shown in an instrument recorded with the Register of Deeds and consolidated under a single tax identification number, such lots or parts of lots shall be considered a single lot of record. No single lot of record that conforms to the requirements of the Zoning Ordinance for the zoning district in which it is located shall be changed or revert to a nonconforming lot of record. See [Sec. 36-7.9](#).

**Manufactured home** means a structure that is transportable in 1 or more sections, built on a chassis, and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure and complies with HUD manufactured home construction and safety standards.

**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 a plan prepared and adopted by the Planning Commission in accordance with the Michigan Planning Enabling Act, PA 33 of 2008, in order to satisfy the requirement of section 203(1) of the Michigan Zoning Enabling Act, 2006 PA 110, MCL 125.3203.

**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.

**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.

**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.



**Principal building** means the building in which the principal use of the property is conducted. Parcels with multiple principal uses may have multiple principal buildings, but storage buildings, garages and other clearly subordinate, customary and incidental accessory buildings are not 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 licensed 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:

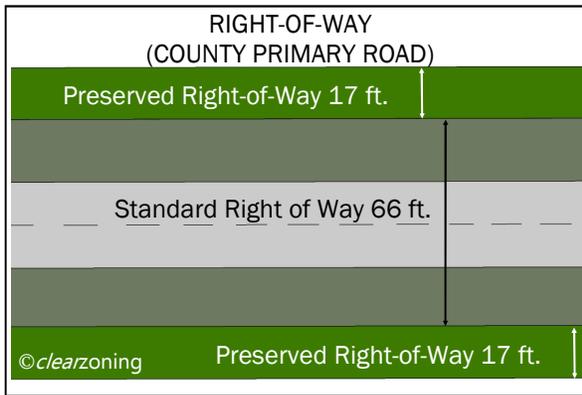
1. **Family day care homes:** Includes child day care and adult day care for six or fewer individuals within a residential setting. Such use is considered a permitted use in any district that permits single-family dwellings, subject to definition and state licensing requirements. No nonresident employees are permitted and such use shall operate less than 12 hours per day.
2. **Family adult foster care homes:** Includes adult foster care for within a residential setting. Such use is considered a principal permitted use when there are 6 or fewer residents in any residential district that permits single-family dwellings, subject to state licensing requirements. Such use is considered a special exception use when there are 7 or more residents in any residential district that permits single-family dwellings, in addition to state licensing requirements.
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.

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 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.

**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** is an advertisement, display, device, written and/or projected message, placard or similar device intended or used to advertise, inform or direct attention to an object, product, place, activity, person, institution, organization, business or industry, and/or concept.

1. **Freestanding sign** means a sign attached to a permanent foundation or decorative base and not attached or dependent for support from any building.
2. **Menu boards** are accessory signs specific to a drive through use.
3. **Message center signs** are signs that include electronic changeable content or changeable letters.
4. **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; searchlight stands; and air or gas-filled balloons or umbrellas used for advertising.
5. **Wall sign** means a sign 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 may not project above the roof or parapet line.
6. **Window signs** are signs installed inside or on a window and intended to be viewed from outside the building. Window signs area is calculated separately from wall signs .



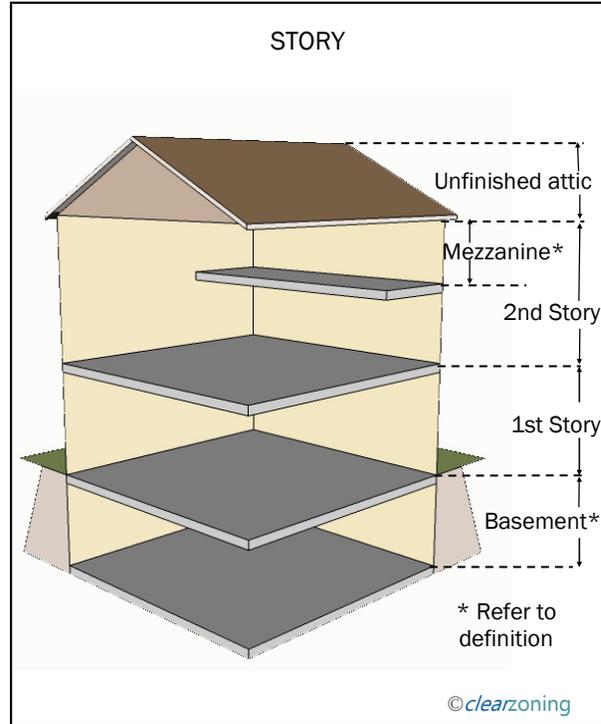
**Site condominium development** means A condominium project in which some or all of the condominium units are building sites.

**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 Planning Commission, 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)

**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.



**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 establish an overlay zoning district.

**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.

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

**Vehicle repair, major** means any activity that involves the including but not limited to the general repair, rebuilding or reconditioning of vehicles. This includes body work, frame and fender work, painting and rustproofing and cleaning, on large vehicles.

**Vehicle repair, minor** means any activity involving repair and maintenance of passenger vehicles, light trucks and vans that do not exceed 8,000 pounds gross vehicle weight (GVW), including services such as but not limited to, vehicle detailing, oil changes, tire replacement, audio or cellular installation, and auto glass installation and repair.

**Vehicle sales** means the exchange of money for new or used automotive vehicles.

**Vehicle service and repair, major**, means any activity that involves the repair of vehicles, including but not limited to the general repair, rebuilding or reconditioning of vehicles. This includes body work, frame and fender work, painting and rustproofing and cleaning, on large vehicles.

**Vehicle service and repair, minor**, means any activity involving repair and maintenance of passenger vehicles, light trucks and vans that do not exceed 8,000 pounds of gross vehicle weight (GVW), including services such as, but not limited to, vehicle detailing, oil changes, tire replacement, audio or cellular installation, and auto glass installation and repair.

**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.



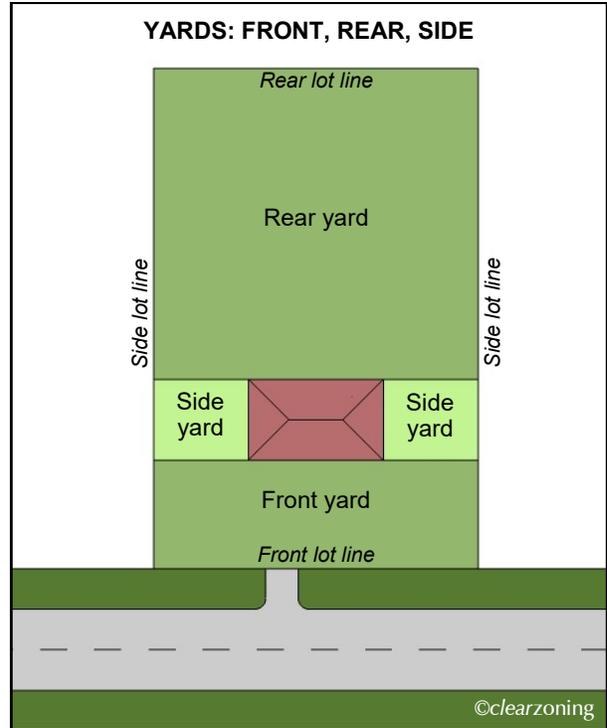
**Wind energy conversion system** means a system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related equipment. A "small turbine/on-site" system is intended to *primarily* serve the needs of the customer, 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. ✍



**Yard Sale** means a sale in any garage, basement, and/or yard operating 4 days or less in any single 3 month period.

**Zone.** See "District."

**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

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement

(Intentionally Blank)



**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement

# 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 DISTRICTS<sup>1</sup> 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, Neighborhood Business
13. C-4 Commercial District, Highway
14. I-1 Industrial District
15. Reserved for Future Expansion
16. Reserved for Future Expansion
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.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



# A Agricultural

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 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** <sup>☐</sup> § 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 <sup>☐</sup>
- v. **Class A Home occupations** <sup>☐</sup> § 36-4.48.1
- vi. **Places of worship** § 36-4.13
- vii. Accessory uses <sup>☐</sup> or **buildings** § 36-4.2
- viii. **Signs** <sup>☐</sup> § 36-5.8

## C. SPECIAL EXCEPTIONS <sup>☐</sup> § 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** <sup>☐</sup> § 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** <sup>☐</sup> § 36-4.39
- xiv. Family adult foster care home <sup>☐</sup>
- xv. **Group day care home** <sup>☐</sup> § 36-4.10
- xvi. **Telecommunication Towers & Antennas** <sup>☐</sup> § 36-4.38
- xvii. **Planned Unit Development** <sup>☐</sup> § 36-4.52
- xviii. **Bed and Breakfast** § 36-4.53



# A Agricultural

36-3.1.1

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: 3.0 acres\*  
 Minimum lot frontage<sup>☐</sup>: 200 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage:  
 Principal buildings: 10%  
 Accessory buildings: 5% of rear or side yard  
 Front yard accessory buildings: See [Section 36-5.13](#)

### Setbacks<sup>☐</sup>

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<sup>☐</sup>

Maximum building height: 35 ft  
     Accessory buildings: 20 ft

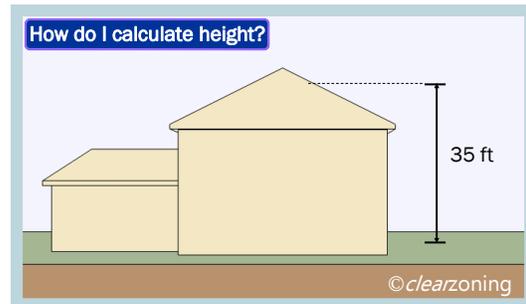
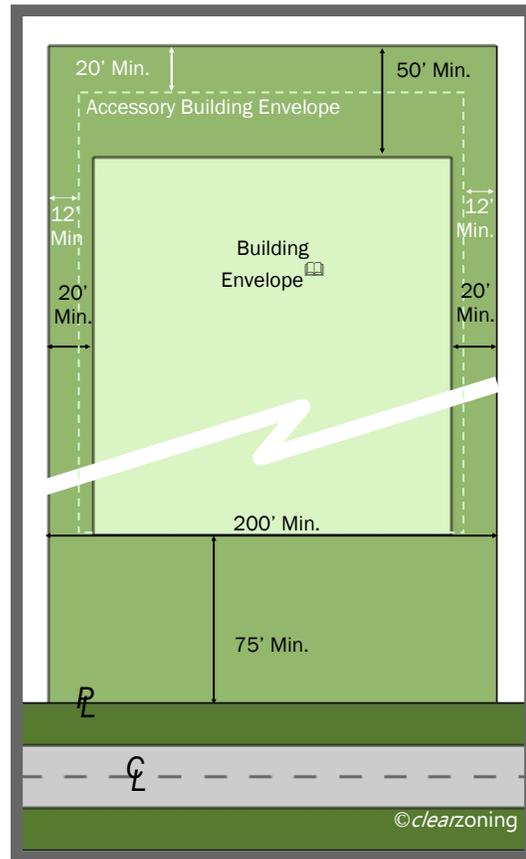
### Floor Area<sup>☐</sup>

Minimum floor area per dwelling<sup>☐</sup>:  
     Single Family, 1 story<sup>☐</sup>: 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

\* Non-Conforming A-Agricultural parcels or lots means the development of land lawfully existing on the date of May, 8 2017 Ordinance 321 became effective but which does not conform to the present size regulations of the A-Agricultural district in which it is located. Lots created before the adoption of newly created minimum size requirements will be buildable if they meet standards for setbacks and lot coverage.



The above drawings are not to scale.

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 36-3.5
- Limitations on Height § 36-3.7

### 4. Use Standards

- Single Family Dwellings § 36-4.1
- Home Occupations § 36-4.48
- Places of worship § 36-4.13
- Telecommunication Towers and Antennas § 36-4.38

### 5. Site Standards

- Signs § 36-5.8
- Stub Roads and Cul-de Sacs... § 36-5.12
- Accessory Buildings... § 36-5.13
- Parking Requirements § 36-5.7.5.F

### 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-1 Residential District, Single Family

1 Purpose and Introduction

1

2 Definitions

2

3 Zoning Districts

3

4 Use Standards

4

5 Site Standards

5

6 Development Procedures

6

7 Admin and Enforcement

7

## 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<sup>☐</sup>
- ii. Reserved for future expansion
- iii. Family day care homes<sup>☐</sup>
- iv. **Places of worship** § 36-4.13
- v. **Class A Home occupations** <sup>☐</sup> § 36-4.48.1
- vi. Accessory uses<sup>☐</sup> or **buildings** § 36-4.2
- vii. **Signs** <sup>☐</sup> § 36-5.8

## C. SPECIAL EXCEPTION USES<sup>☐</sup> § 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** <sup>☐</sup> § 36-4.48.2
- x. Reserved for future expansion
- xi. **Wind energy conversion systems** <sup>☐</sup> § 36-4.39
- xii. Family adult foster care home<sup>☐</sup>
- xiii. **Group day care home** <sup>☐</sup> § 36-4.10
- xiv. **Planned Unit Development** <sup>☐</sup> § 36-4.52
- xv. **Bed and Breakfast** § 36-4.53



# R-1 Residential District, Single Family

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: 1.5 acres  
 Minimum lot frontage<sup>☐</sup>: 200 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage:  
 Principal buildings: 15%  
 Accessory buildings: 10% of rear or side yard  
 Front yard accessory buildings: See [Section 36-5.13](#)

### Setbacks<sup>☐</sup>

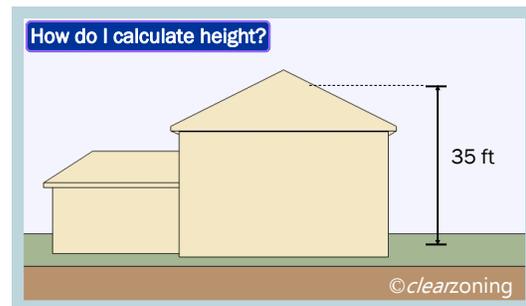
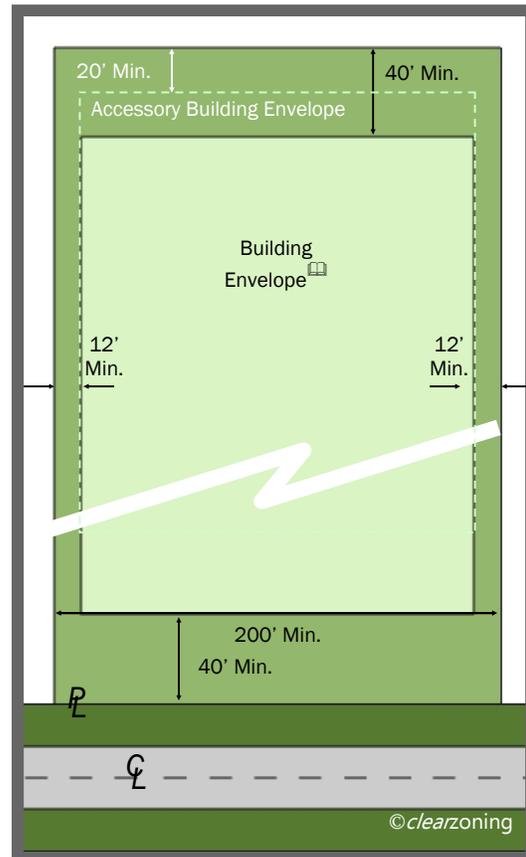
Minimum front yard setback: 40 ft  
 Minimum rear yard setback: 40 ft  
 Accessory buildings: 20 ft  
 Minimum side yard setback: 12 ft

### Building Height<sup>☐</sup>

Maximum building height: 35 ft  
 Accessory buildings: 20 ft

### Floor Area<sup>☐</sup>

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



The above drawings are not to scale.

### 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

## SELECTED REFERENCES

### 3. Zoning Districts

- General Exceptions § 36-3.5
- Limitations on Height § 36-3.7

### 4. Use Standards

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

### 5. Site Standards

- Signs § 36-5.8
- Stub Roads and Cul-de Sacs... § 36-5.12
- Accessory Buildings... § 36-5.13
- Parking Requirements § 36-5.7.5.F

### 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-1A 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-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<sup>☞</sup>
- ii. Reserved for future expansion
- iii. Family day care homes<sup>☞</sup>
- iv. **Places of worship** § 36-4.13
- v. **Class A Home occupations** <sup>☞</sup> § 36-4.48.1
- vi. Accessory uses<sup>☞</sup> or **buildings** § 36-4.2
- vii. **Signs** <sup>☞</sup> § 36-5.8

## C. SPECIAL EXCEPTION USES <sup>☞</sup> § 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** <sup>☞</sup> § 36-4.48.2
- x. Reserved for future expansion
- xi. **Wind energy conversion systems** <sup>☞</sup> § 36-4.39
- xii. Family adult foster care home<sup>☞</sup>
- xiii. **Group day care home** <sup>☞</sup> § 36-4.10
- xiv. **Planned Unit Development** <sup>☞</sup> § 36-4.52
- xv. **Bed and Breakfast** § 36-4.53



# R-1A Residential District, Single Family

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>Ⓜ</sup>:

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

Minimum lot frontage<sup>Ⓜ</sup>:

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

### Lot Coverage<sup>Ⓜ</sup>

Maximum lot coverage:

Principal buildings:	15%
Accessory buildings:	10% of rear or side yard

Front yard accessory buildings: See [Section 36-5.13](#)

### Setbacks<sup>Ⓜ</sup>

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

### Building Height<sup>Ⓜ</sup>

Maximum building height:	35 ft
Accessory buildings:	20 ft

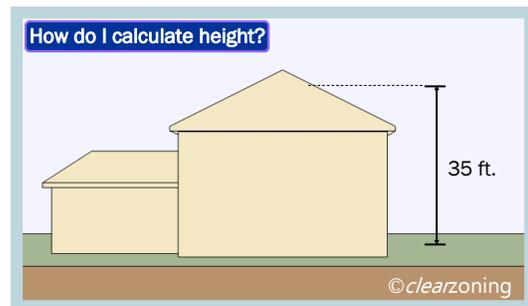
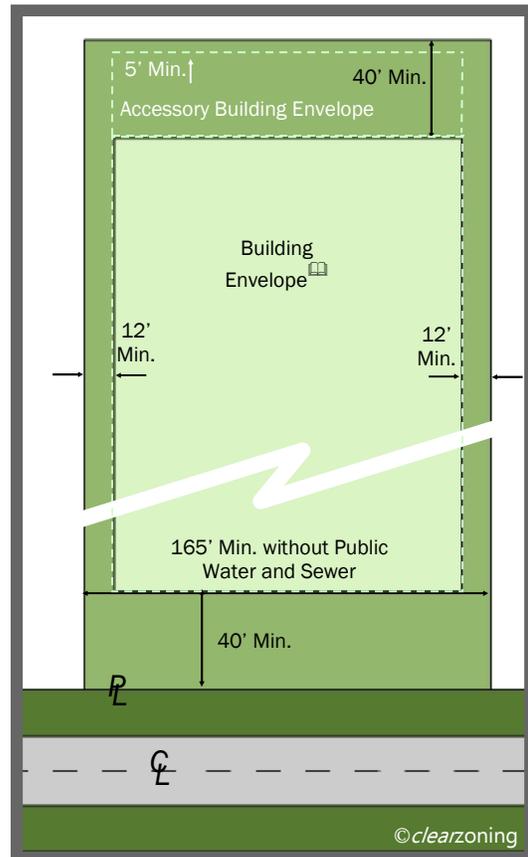
### Floor Area<sup>Ⓜ</sup>

Minimum floor area per one-family dwelling<sup>Ⓜ</sup>:

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
- [Limitations on Height](#) § 36-3.7

### 4. Use Standards

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

### 5. Site Standards

- [Signs](#) § 36-5.8
- [Stub Roads and Cul-de Sacs...](#) § 36-5.12
- [Accessory Buildings...](#) § 36-5.13
- [Parking Requirements](#) § 36-5.7.5.F

### Other Ordinances

- 

### 6. Development Procedures

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

- 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<sup>☐</sup>
- ii. Reserved for future expansion
- iii. Family day care homes<sup>☐</sup>
- iv. **Class A Home occupations** <sup>☐</sup> § 36-4.48.1
- v. **Places of worship** § 36-4.13
- vi. Accessory uses<sup>☐</sup> or **buildings** § 36-4.2
- vii. **Signs** <sup>☐</sup> § 36-5.8

## C. SPECIAL EXCEPTION USES<sup>☐</sup> § 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** <sup>☐</sup> § 36-4.48.2
- x. Reserved for future expansion
- xi. **Wind energy conversion systems** <sup>☐</sup> § 36-4.39
- xii. Family adult foster care home<sup>☐</sup>
- xiii. **Group day care home** <sup>☐</sup> § 36-4.10
- xiv. **Hospital** (§ 36-4.20) OR **medical clinic** (§ 36-4.25), excluding animal hospitals
- xv. **Planned Unit Development** <sup>☐</sup> § 36-4.52
- xvi. **Bed and Breakfast** § 36-4.53



# R-2 Residential District, Single Family

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>Ⓜ</sup>	
With sewer, excluding frontage onto county primary roads:	14,500 sq ft
All other parcels:	35,800 sq ft
Minimum lot frontage <sup>Ⓜ</sup> :	
With sewer, excluding frontage onto county primary roads:	110 ft
All other parcels:	165 ft

### Lot Coverage<sup>Ⓜ</sup>

Maximum lot coverage:	
Principal buildings:	20%
Accessory buildings:	15% of rear or side yard
Front yard accessory buildings:	See <a href="#">Section 36-5.13</a>

### Setbacks<sup>Ⓜ</sup>

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

### Building Height<sup>Ⓜ</sup>

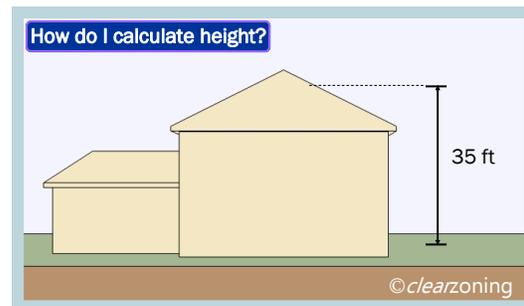
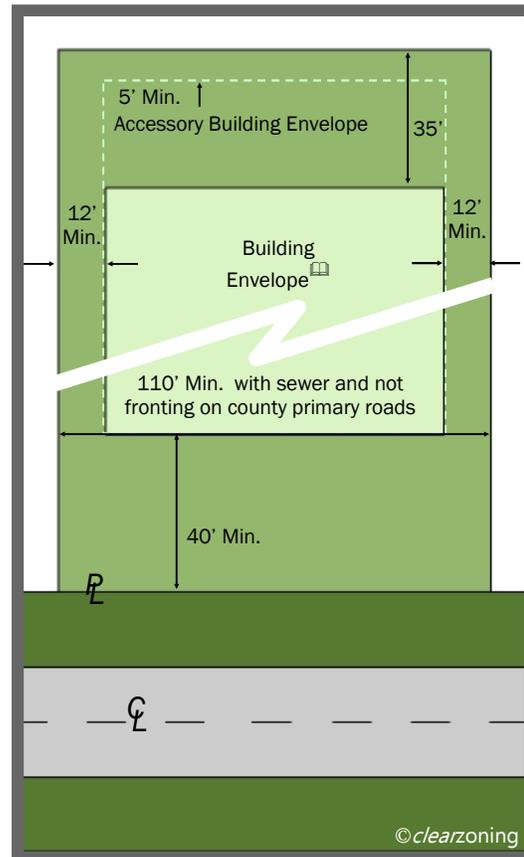
Maximum building height:	35 ft
Accessory buildings:	20 ft

### Floor Area<sup>Ⓜ</sup>

Minimum floor area per dwelling <sup>Ⓜ</sup> :	
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
- [Limitations on Height](#) § 36-3.7

### 4. Use Standards

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

### 5. Site Standards

- [Signs](#) § 36-5.8
- [Stub Roads and Cul-de Sacs...](#) § 36-5.12
- [Accessory Buildings...](#) § 36-5.13
- [Parking Requirements](#) § 36-5.7.5.F

### 6. Development Procedures

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

- 1 Purpose and Introduction
- 2 Definitions
- 3 Zoning Districts
- 4 Use Standards
- 5 Site Standards
- 6 Development Procedures
- 7 Admin and Enforcement



# R-3 Residential District, Single & Two Family

1 Purpose and Introduction

1

2 Definitions

2

3 Zoning Districts

3

4 Use Standards

4

5 Site Standards

5

6 Development Procedures

6

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<sup>☐</sup>
- ii. Two-family dwelling<sup>☐</sup>
- iii. Family day care homes<sup>☐</sup>
- iv. **Class A Home occupations** <sup>☐</sup> § 36-4.48.1
- v. **Places of worship** § 36-4.13
- vi. Accessory uses<sup>☐</sup> or buildings
- vii. **Signs** <sup>☐</sup> § 36-5.8

## C. SPECIAL EXCEPTION USES<sup>☐</sup> § 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** <sup>☐</sup> § 36-4.48.2
- x. Reserved for future expansion
- xi. **Wind energy conversion systems** <sup>☐</sup> § 36-4.39
- xii. Family adult foster care home<sup>☐</sup>
- xiii. **Group day care home** <sup>☐</sup> § 36-4.10
- xiv. **Hospital** (§ 36-4.20) OR **medical clinic** (§ 36-4.25), excluding animal hospitals
- xv. **Planned Unit Development** <sup>☐</sup> § 36-4.52



# R-3 Residential District, Single & Two Family

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum Lot Area <sup>Ⓜ</sup>	
Single-family (per dwelling unit)	14,500 sq ft w/ sewer
	38,500 sq. ft. w/o sewer
Two-family (per dwelling unit)	10,895 sq ft w/ sewer
	21,780 w/o sewer

Minimum lot frontage<sup>Ⓜ</sup>: 110 ft

### Lot Coverage<sup>Ⓜ</sup>

Maximum lot coverage:  
 Principal buildings: 25%  
 Accessory buildings: 20% of rear and side yard

### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback: 40 ft  
 Minimum rear yard setback: 30 ft  
     Accessory buildings: 5 ft  
 Minimum side yard setback: 10 ft  
     Accessory buildings: 5 ft

### Building Height<sup>Ⓜ</sup>

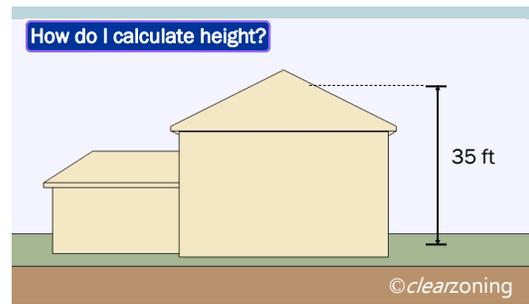
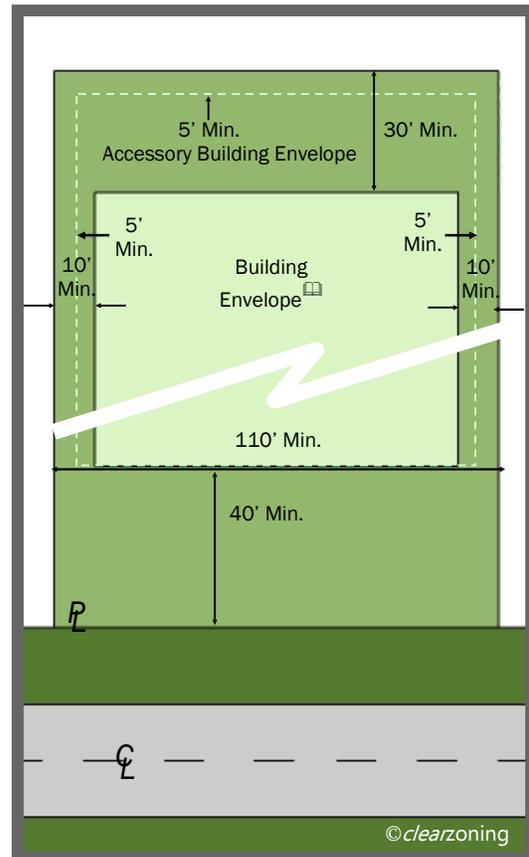
Maximum building height: 35 ft  
 Accessory buildings: 20 ft

### Floor Area<sup>Ⓜ</sup>

Minimum floor area per dwelling unit<sup>Ⓜ</sup>:  
 Single Family, 1 story<sup>Ⓜ</sup> 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
- [Limitations on Height](#) § 36-3.7

### 4. Use Standards

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

### 5. Site Standards

- [Signs](#) § 36-5.8
- [Stub Roads and Cul-de Sacs...](#) § 36-5.12
- [Accessory Buildings...](#) § 36-5.13
- [Parking Requirements](#) § 36-5.7.5.F

### 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-4 Residential District, 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-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<sup>☐</sup>
- ii. Apartment houses<sup>☐</sup>, boardinghouses<sup>☐</sup>, 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<sup>☐</sup> or buildings
- v. Family day care homes and group day care homes<sup>☐</sup>
- vi. **Class A Home occupations** <sup>☐</sup> § 36-4.48.1
- vii. **Places of worship** § 36-4.13
- viii. **Signs** <sup>☐</sup> § 36-5.8

## C. SPECIAL EXCEPTION USES<sup>☐</sup> § 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** <sup>☐</sup> § 36-4.48.2
- x. Reserved for future expansion
- xi. **Wind energy conversion systems** <sup>☐</sup> § 36-4.39
- xii. Family adult foster care home<sup>☐</sup>
- xiii. **Hospital** (§ 36-4.20) Or **medical clinic** (§ 36-4.25), excluding animal hospitals
- xiv. Limited residential care facilities<sup>☐</sup>
- xv. **Planned Unit Development** <sup>☐</sup> § 36-4.52



# R-4 Residential District, Multiple Family

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>Ⓜ</sup> :	
Two Family:	10,895 sq ft*
Multiple Family	8,716 sq ft*
Minimum lot frontage <sup>Ⓜ</sup> :	
Two Family:	80 ft*
Multiple Family:	100 ft*

\*per dwelling unit

### Lot Coverage<sup>Ⓜ</sup>

Maximum lot coverage:	30%
Accessory buildings:	25%

### Setbacks<sup>Ⓜ</sup>

Minimum front yard setback:	40 ft
Minimum rear yard setback:	30 ft
Accessory buildings:	5 ft
Minimum side yard setback:	10 ft
Accessory buildings:	5 ft
Minimum distance between buildings:	Varies (refer to <a href="#">Section 36-3.6</a> )

### Building Height<sup>Ⓜ</sup>

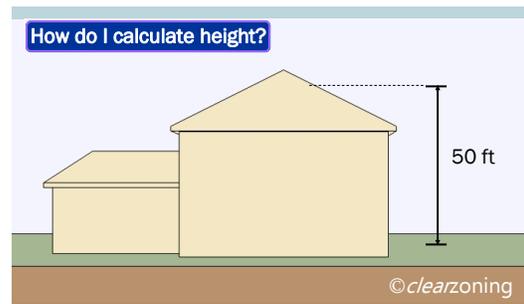
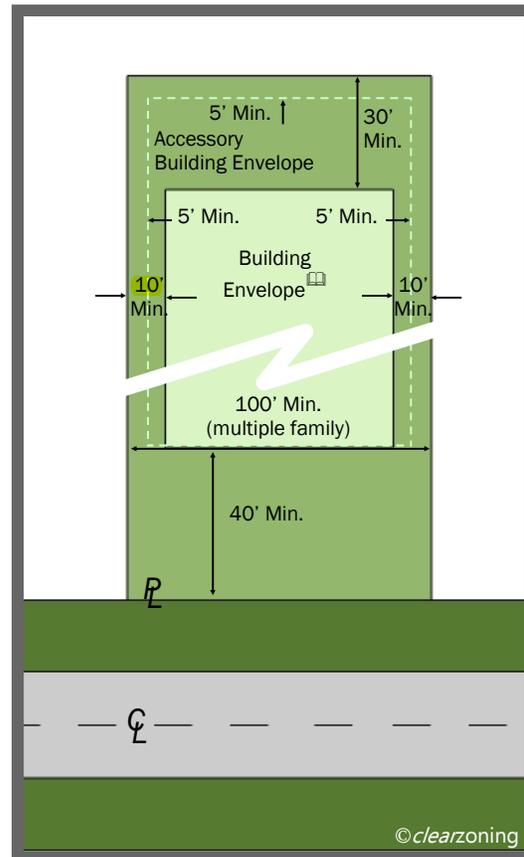
Maximum building height:	50 ft
Accessory buildings:	20 ft

### Floor Area<sup>Ⓜ</sup>

Minimum floor area per dwelling unit <sup>Ⓜ</sup> :	
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
- [Limitations on Height](#) § 36-3.7

### 4. Use Standards

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

### 5. Site Standards

- [Signs](#) § 36-5.8
- [Stub Roads and Cul-de Sacs...](#) § 36-5.12
- [Accessory Buildings...](#) § 36-5.13
- [Parking Requirements](#) § 36-5.7.5.F

### 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-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<sup>☐</sup>
- ii. Apartment houses<sup>☐</sup>, boardinghouses<sup>☐</sup>, 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<sup>☐</sup> or buildings
- v. Family day care homes and group day care homes<sup>☐</sup>
- vi. **Class A Home occupations** <sup>☐</sup> § 36-4.48.1
- vii. **Places of worship** § 36-4.13
- viii. **Signs** <sup>☐</sup> § 36-5.8

## C. SPECIAL EXCEPTION USES<sup>☐</sup> § 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** <sup>☐</sup> § 36-4.48.2
- x. Reserved for future expansion
- xi. **Wind energy conversion systems** <sup>☐</sup> § 36-4.39
- xii. Family adult foster care home<sup>☐</sup>
- xiii. **Hospital** (§ 36-4.20) Or **medical clinic** (§ 36-4.25), excluding animal hospitals
- xiv. Limited residential care facilities<sup>☐</sup>
- xv. **Planned Unit Development** <sup>☐</sup> § 36-4.52



# R-5 Residential District, High Density Multiple Family

36-3.1.7

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area <sup>☐</sup> :	
Two Family:	10,895 sq ft*
Multiple Family	4,356 sq ft*
Minimum lot frontage <sup>☐</sup> :	
Two Family:	80 ft*
Multiple Family:	100 ft*

\*per dwelling unit

### Lot Coverage<sup>☐</sup>

Maximum lot coverage:	35%
Accessory buildings:	25%

### Setbacks<sup>☐</sup>

Minimum front yard setback:	40 ft
Minimum rear yard setback:	30 ft
Accessory buildings:	5 ft
Minimum side yard setback:	10 ft
Accessory buildings:	5 ft
Minimum distance between buildings:	Varies (refer to <a href="#">Section 36-3.6</a> )

### Building Height<sup>☐</sup>

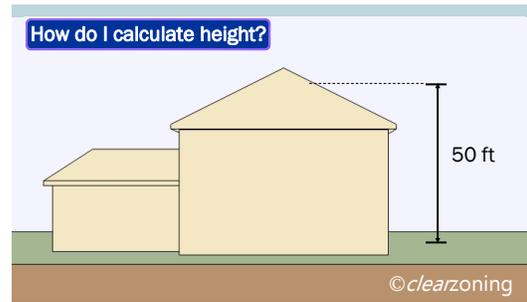
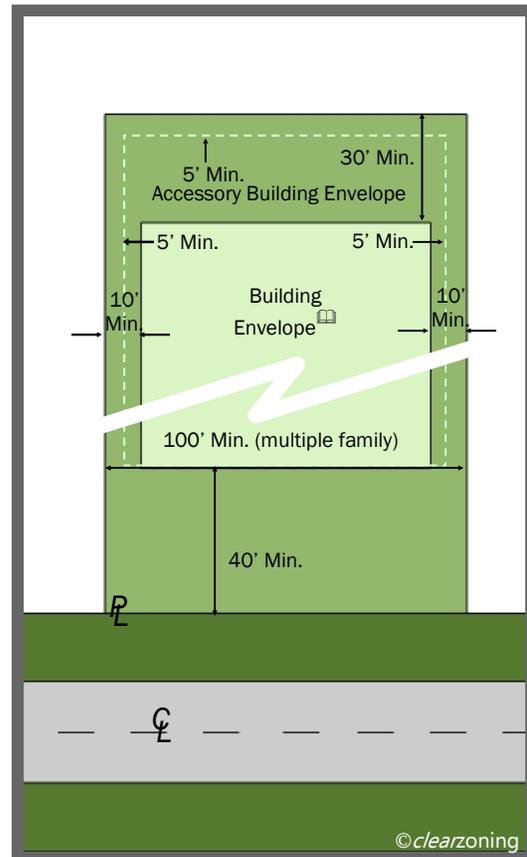
Maximum building height:	50 ft
--------------------------	-------

### Floor Area<sup>☐</sup>

Minimum floor area per dwelling unit <sup>☐</sup> :	
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

### . Zoning Districts

- [General Exceptions](#) § 36-3.5
- [Limitations on Height](#) § 36-3.7

### 4. Use Standards

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

### 5. Site Standards

- [Signs](#) § 36-5.8
- [Stub Roads and Cul-de Sacs...](#) § 36-5.12
- [Accessory Buildings...](#) § 36-5.13
- [Parking Requirements](#) § 36-5.7.5.F

### 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



## 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** <sup>§ 36-4.51</sup> and those uses customarily incidental to the principal use
- ii. Family day care homes <sup>§ 36-4.12</sup>
- iii. **Places of worship** <sup>§ 36-4.13</sup>

C. SPECIAL EXCEPTION USES <sup>§ 36-6.3</sup>

- i. **Golf courses** <sup>§ 36-4.18</sup>
- ii. **Private noncommercial clubs** <sup>§ 36-4.14</sup>
- iii. **Wind energy conversion systems** <sup>§ 36-4.39</sup>



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: 7,000 sq ft  
 Minimum lot frontage<sup>☐</sup>: 70 ft

### Lot Coverage<sup>☐</sup>

Maximum lot coverage: 20%  
 Accessory buildings: 20%

### Setbacks<sup>☐</sup>

Minimum front yard setback: 15 ft  
 Minimum rear yard setback: 15 ft  
 Accessory buildings: 25 ft  
 Minimum side yard setback: 10 ft  
 Accessory buildings: 25 ft

### Building Height<sup>☐</sup>

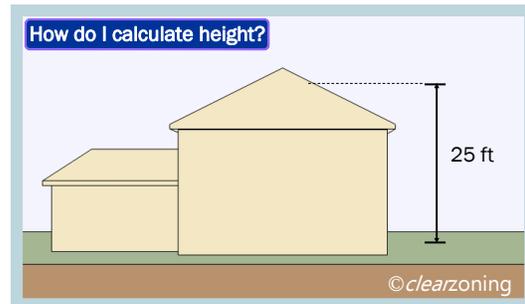
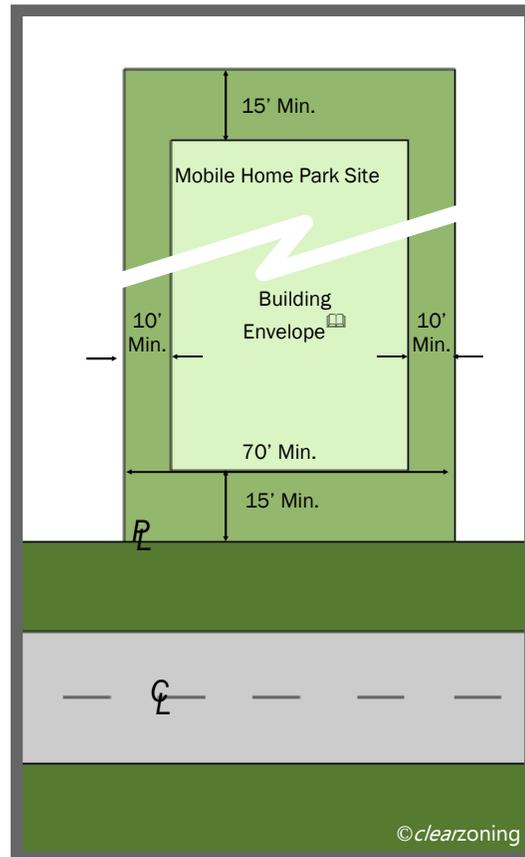
Maximum building height: 25 ft

### Floor Area<sup>☐</sup>

Minimum floor area per dwelling<sup>☐</sup>  
 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
- [Limitations on Height](#) § 36-3.7

### 4. Use Standards

- [Manufactured home parks](#) <sup>☐</sup> § 36-4.51
- [Places of worship](#) § 36-4.13
- [Wind energy conversion systems](#) <sup>☐</sup> § 36-4.39

### 5. Site Standards

- [Signs](#) § 36-5.8
- [Parking Requirements](#) § 36-5.7.5.F

### Other Ordinances

- 

### 6. Development Procedures

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

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 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<sup>☐</sup> and full residential care facilities<sup>☐</sup>
- 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<sup>☐</sup> or buildings
- ix. **Signs**<sup>☐</sup> § 36-5.8

C. SPECIAL EXCEPTION USES<sup>☐</sup> § 36-6.3

- i. **Mixed-use development** § 36-4.40
- ii. **Wind energy conversion systems**<sup>☐</sup> § 36-4.39



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: 10,000 sq ft  
 Minimum lot frontage<sup>☐</sup>: 75 ft

### Lot Coverage<sup>☐</sup>:

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

### Setbacks<sup>☐</sup>

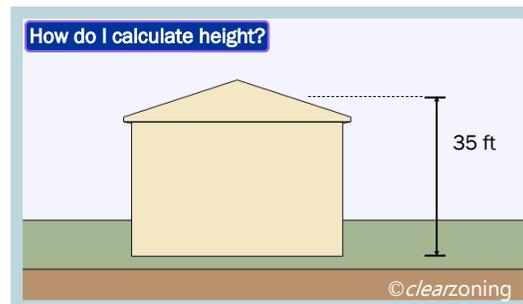
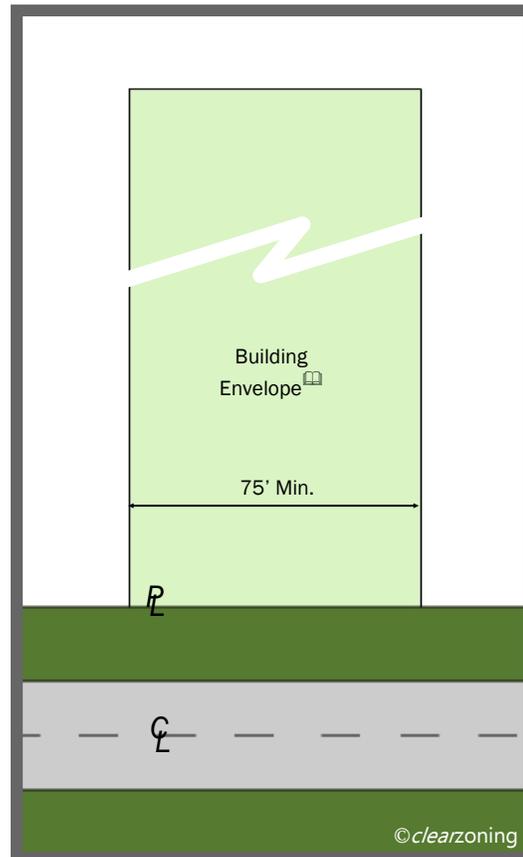
Minimum front yard setback: none  
 Minimum rear yard setback: none  
 Minimum side yard setback: none

### Building Height<sup>☐</sup>

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
- [Limitations on Height](#) § 36-3.7

### 4. Use Standards

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

### 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

### Other Ordinances

- 

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



## 36-3.1.10

## C-1 Commercial District, Local

## A. INTENT

The C-1 Local 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<sup>☐</sup>
- ii. Personal service uses<sup>☐</sup>
- iii. Post offices and similar governmental office buildings serving persons living in the adjacent residential areas
- iv. Professional or administrative offices<sup>☐</sup>
- v. Medical offices, including clinics
- vi. Hospitals<sup>☐</sup> and full residential care facilities<sup>☐</sup>
- 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<sup>☐</sup> or buildings
- xi. Restaurants
- xii. **Signs**<sup>☐</sup> § 36-5.8

C. SPECIAL EXCEPTION USES<sup>☐</sup> § 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**<sup>☐</sup> § 36-4.27 and **hotels**<sup>☐</sup> § 36-4.21
- v. **Places of worship** § 36-4.13
- vi. **Mixed-use development** § 36-4.40
- vii. **Wind energy conversion systems**<sup>☐</sup> § 36-4.39
- viii. **Banquet halls/event centers**<sup>☐</sup> § 36-4.57



## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: 10,000 sq ft  
 Minimum lot frontage<sup>☐</sup>: 75 ft

### Lot Coverage<sup>☐</sup>:

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

### Setbacks<sup>☐</sup>

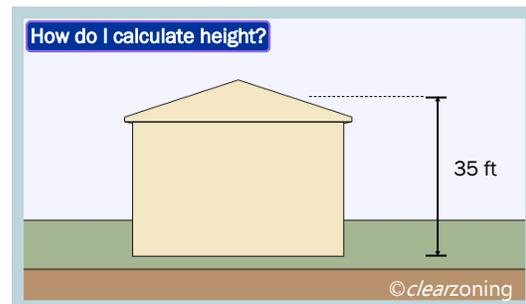
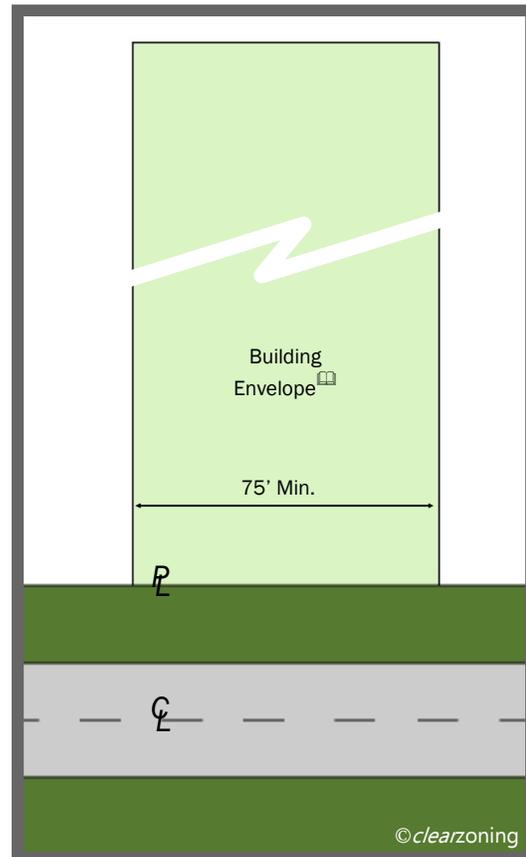
Minimum front yard setback: none  
 Minimum rear yard setback: none  
 Minimum side yard setback: none

### Building Height<sup>☐</sup>

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
- [Limitations on Height](#) § 36-3.7

### 4. Use Standards

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

### 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

### Other Ordinances

- 

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



# C-2 Commercial District, General

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 C-2 General Commercial district is established for the accommodation of communitywide needs for general retail sales and service facilities. The regulations for the C-2 General 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<sup>☐</sup>
- ii. Personal service uses<sup>☐</sup>
- iii. Post offices and similar governmental office buildings serving persons living in the adjacent residential areas
- iv. Professional or administrative offices<sup>☐</sup>
- v. Medical offices, including clinics
- vi. Hospitals<sup>☐</sup> and full residential care facilities<sup>☐</sup>
- 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<sup>☐</sup> or buildings
- xi. Restaurants
- xii. Vehicle repair, minor
- 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**<sup>☐</sup> § 36-5.8

## C. SPECIAL EXCEPTION USES<sup>☐</sup> § 36-6.3

- i. **Animal hospital**<sup>☐</sup> § 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**<sup>☐</sup> § 36-4.27 and **hotels**<sup>☐</sup> § 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**<sup>☐</sup> § 36-4.39
- xv. **Kennel**<sup>☐</sup> § 36-4.24
- xvi. Permitted uses that include the outdoor display of goods, provide **outdoor seating for serving patrons alcoholic beverages** § 36-4.54 or include drive-through facilities, intended primarily for nonfood related items
- xvii. **Banquet halls/event centers**<sup>☐</sup> § 36-4.57



# C-2 Commercial District, General

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>Ⓜ</sup>: 30,000 sq ft  
 Minimum lot frontage<sup>Ⓜ</sup>: 150 ft

### Lot Coverage<sup>Ⓜ</sup>:

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

### Setbacks<sup>Ⓜ</sup>

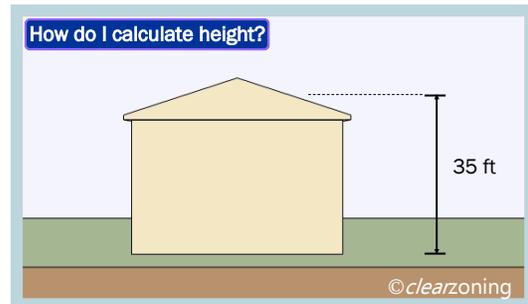
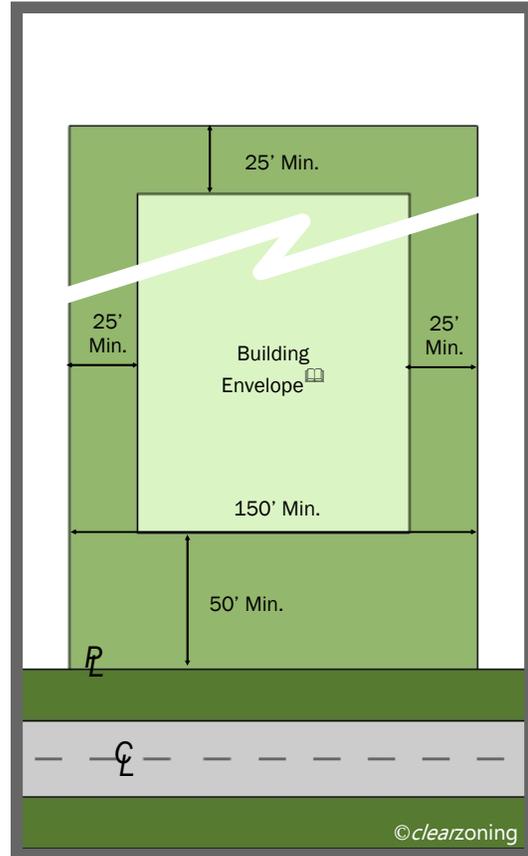
Minimum front yard setback: 50 ft  
 Minimum rear yard setback: 25 ft  
 Minimum side yard setback: 25 ft

### Building Height<sup>Ⓜ</sup>

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
- [Limitations on Height](#) § 36-3.7

### 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](#)<sup>Ⓜ</sup> § 36-4.39

### 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

### Other Ordinances

- 

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



# C-3 Commercial District, Neighborhood Business

## A. INTENT

The C-3 Commercial district is designed solely to provide for Neighborhood Business. 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. Retail uses<sup>☒</sup>
- ii. Personal service uses<sup>☒</sup>
- iii. Post offices and similar governmental office buildings serving persons living in the adjacent residential areas
- iv. Professional or administrative offices<sup>☒</sup>
- v. Medical offices, including clinics, hospitals<sup>☒</sup> and full residential care facilities<sup>☒</sup>
- vi. Banks, credit unions, savings and loan associations, and similar uses
- vii. Art shops, photographic studios and interior decorating studios
- viii. **Publicly owned buildings, exchanges and public utility offices** § 36-3.5.1
- ix. Accessory uses<sup>☒</sup> or buildings
- x. Restaurants
- xi. Commercial recreation; indoors
- xii. **Outdoor commercial recreation enterprises** § 36-4.30
- xiii. **Signs**<sup>☒</sup> § 36-5.8

## C. SPECIAL EXCEPTION USES<sup>☒</sup> § 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**<sup>☒</sup> § 36-4.27 and **hotels**<sup>☒</sup> § 36-4.21
- iv. **Places of worship** § 36-4.13
- v. **Mixed-use development** § 36-4.40
- vi. **Wind energy conversion systems**<sup>☒</sup> § 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
- ix. **Banquet halls/event centers**<sup>☒</sup> § 36-4.57



# C-3 Commercial District, Neighborhood Business

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: 40,000 sq ft  
 Minimum lot frontage<sup>☐</sup>: 200 ft

### Lot Coverage<sup>☐</sup>:

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

### Setbacks<sup>☐</sup>

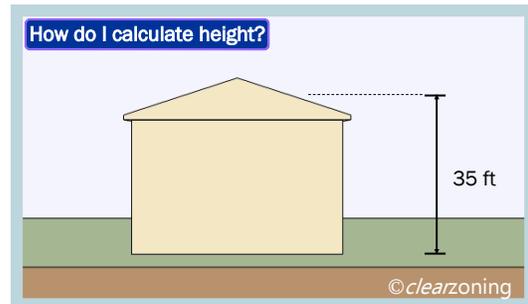
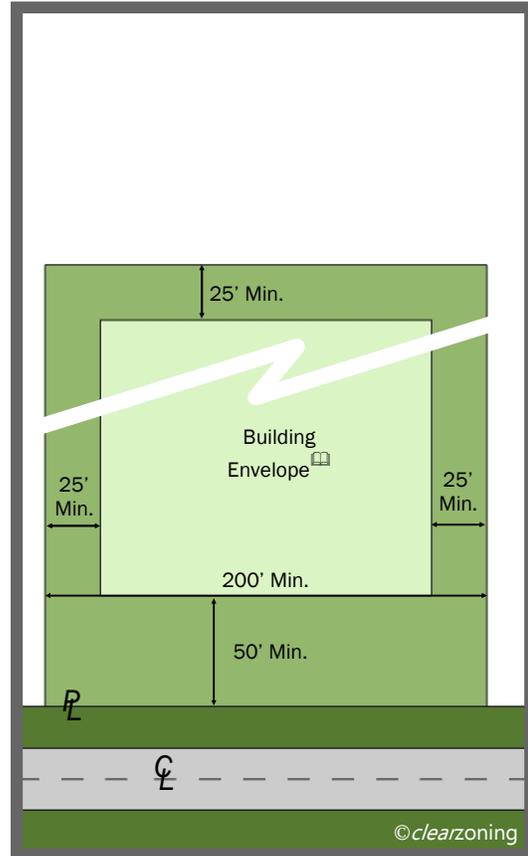
Minimum front yard setback: 50 ft  
 Minimum rear yard setback: 25 ft  
     Accessory buildings: 25 ft  
 Minimum side yard setback: 25 ft  
     Accessory buildings: 25 ft

### Building Height<sup>☐</sup>

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
- [Limitations on Height](#) § 36-3.7

### 4. Use Standards

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

### 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

### Other Ordinances

- 

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



# C-4 Commercial District, Highway

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 C-4 Highway 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<sup>☐</sup>
- ii. Personal service uses<sup>☐</sup>
- iii. Post offices and similar governmental office buildings serving persons living in the adjacent residential areas
- iv. Professional or administrative offices<sup>☐</sup>
- v. Medical offices, including clinics
- vi. Hospitals<sup>☐</sup> and full residential care facilities<sup>☐</sup>
- 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<sup>☐</sup> or buildings
- 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, indoors
- xvi. Commercial recreation, outdoors
- xvii. Drive-in eating establishments
- xviii. Greenhouses, nurseries, and landscaping supplies
- xix. **Motels**<sup>☐</sup> § 36-4.27
- xx. Reserved for future expansion
- xxi. **Signs**<sup>☐</sup> § 36-5.8

## C. SPECIAL EXCEPTION USES<sup>☐</sup> § 36-6.3

- i. **Animal hospital**<sup>☐</sup> § 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**<sup>☐</sup> § 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**<sup>☐</sup> § 36-4.39
- xiv. **Kennel**<sup>☐</sup> § 36-4.24
- xv. **Vehicle repair, minor**<sup>☐</sup> § 36-4.7
- xvi. **Drive-in theater** § 36-4.15
- xvii. **Telecommunication Towers**<sup>☐</sup> § 36-4.38
- xviii. Permitted uses that include the outdoor display of goods, provide **outdoor seating for serving patrons alcoholic beverages** § 36-4.54 or include drive-through facilities, intended primarily for nonfood related items
- xix. **Banquet halls/event centers**<sup>☐</sup> § 36-4.57



# C-4 Commercial District, Highway

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: 40,000 sq ft  
 Minimum lot frontage<sup>☐</sup>: 200 ft

### Lot Coverage<sup>☐</sup>:

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

### Setbacks<sup>☐</sup>

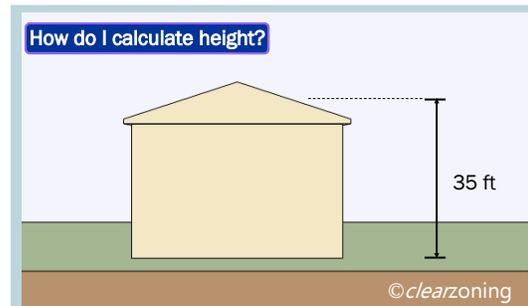
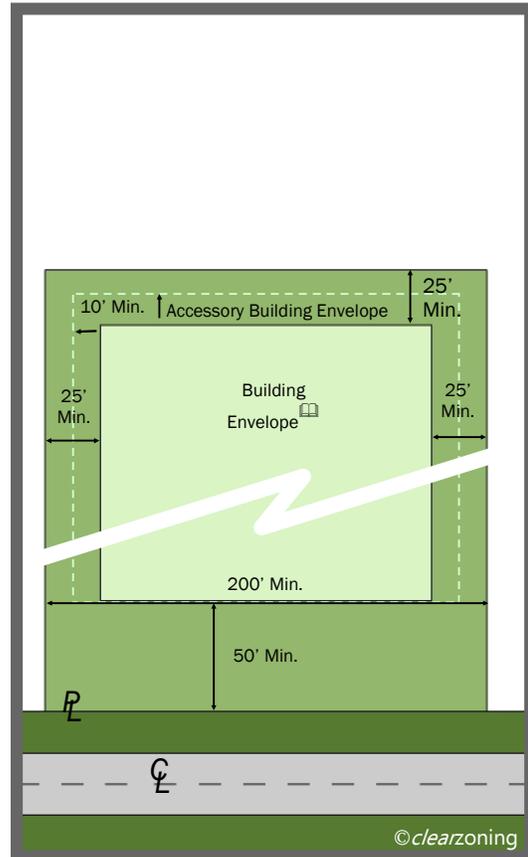
Minimum front yard setback: 50 ft  
 Minimum rear yard setback: 25 ft  
     Accessory buildings: 10 ft  
 Minimum side yard setback: 25 ft  
     Accessory buildings: 10 ft

### Building Height<sup>☐</sup>

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
- [Limitations on Height](#) § 36-3.7

### 4. Use Standards

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

### 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



# I-1 Industrial District

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 I-1 Industrial district is composed of certain lands located along highways and major county roads. The I-1 Industrial district provides use intensity and external effects or amenities standards so that principal permitted uses are compatible with abutting zoning districts. Special exception uses shall be located in the least objectionable manner to nearby non-industrial 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. Office buildings
- ii. Vehicle repair, major<sup>☐</sup>
- iii. Construction and farm equipment sales
- iv. Truck sales
- v. Hardware and building supplies
- vi. Contractors equipment yard
- vii. Mini-storage warehouse or self-storage warehousing
- viii. Bus or truck terminals, maintenance, and storage yard
- ix. Assembly of merchandise such as electrical appliances, electronic or precision instruments, and articles of similar nature
- x. Packaging of previously prepared materials
- xi. Printing, lithographic, blueprinting and similar uses
- xii. Storage or warehousing of commodities such as hardware, packaged or fresh foods, clothing, and drugs when in an enclosed building
- xiii. Processing or compounding commodities such as drugs, cosmetics, pottery, plastics and food products
- xiv. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas
- xv. Child care centers, when internal to business
- xvi. Fuel distribution
- xvii. Machine shop
- xviii. Ice and cold storage plant
- xix. Accessory uses<sup>☐</sup> or buildings
- xx. **Signs**<sup>☐</sup> § 36-5.8

## C. SPECIAL EXCEPTION USES<sup>☐</sup> § 36-6.3

- i. **Research and related uses** § 36-4.45
- ii. **Manufacturing, compounding, and assembling or treatment of articles or merchandise** § 36-4.55
- iii. **Agriculture commodity processing and slaughterhouses** § 36-4.33
- iv. **Places of worship** § 36-4.13
- v. **Adult regulated uses** § 36-4.49
- vi. **Wind energy conversion systems**<sup>☐</sup> § 36-4.39
- vii. **Telecommunication Towers** § 36-4.38
- 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. **Junkyard or building material salvage yard** § 36-4.23
- x. **Solid waste transfer facilities** § 36-4.50
- xi. **Banquet halls/event centers**<sup>☐</sup> § 36-4.57



# I-1 Industrial District

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: 2 acres  
 Minimum lot frontage<sup>☐</sup>: 200 ft

### Lot Coverage<sup>☐</sup>:

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

### Setbacks<sup>☐</sup>

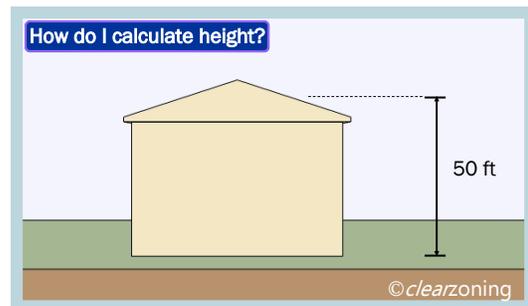
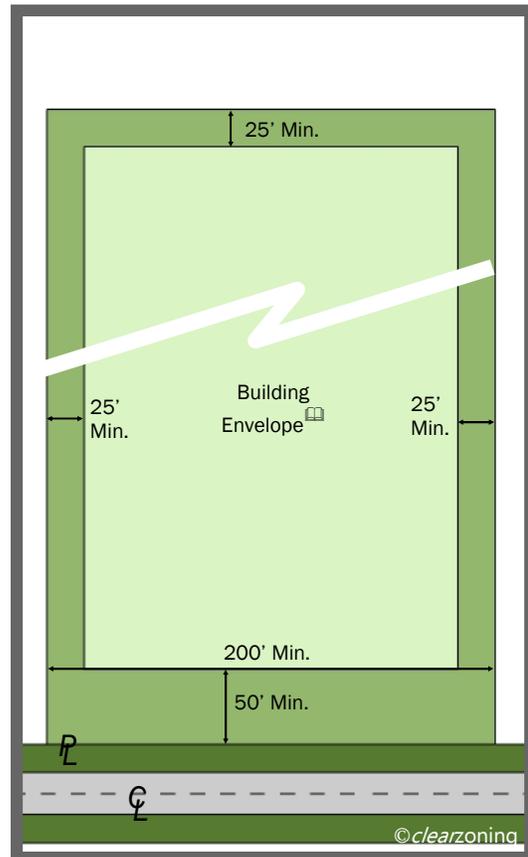
Minimum front yard setback: 50 ft  
 Minimum rear yard setback: 25 ft  
     Accessory buildings: 15 ft  
 Minimum side yard setback: 25 ft  
     Accessory buildings: 15 ft

### Building Height<sup>☐</sup>

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
- [Limitations on Height](#) § 36-3.7

### 4. Use Standards

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

### 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



# Reserved for Future Expansion

This Section is reserved for future expansion.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



# Reserved for Future Expansion

36-3.1.16

This Section is reserved for future expansion.

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



# EBT Educational & Business Technology District

1 Purpose and Introduction

1

2 Definitions

2

3 Zoning Districts

3

4 Use Standards

4

5 Site Standards

5

6 Development Procedures

6

7 Admin and Enforcement

7

## 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<sup>☐</sup>
- 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**<sup>☐</sup> § 36-5.8

## C. SPECIAL EXCEPTION USES<sup>☐</sup> § 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**<sup>☐</sup> § 36-4.39
- vi. Outdoor storage or related activities, in association with a permitted use
- vii. **Telecommunication Towers**<sup>☐</sup> § 36-4.38
- viii. Mixed use development
- ix. Printing, lithographic, blueprinting and similar uses
- x. Storage or warehousing of commodities, such as hardware, packaged or fresh foods, clothing and drugs when in an enclosed building
- xi. Commercial recreation, indoors
- xii. Commercial recreation, outdoors
- xiii. Hospitals and Full Residential Care facilities
- xiv. Light industrial uses, including metal fabrication, plastic injection molding or other automobile related uses



# EBT Educational & Business Technology District

## D. DEVELOPMENT STANDARDS

### Lot Size

Minimum lot area<sup>☐</sup>: 3 acres  
 Minimum lot frontage<sup>☐</sup>: 250 ft

### Lot Coverage<sup>☐</sup>:

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

### Setbacks<sup>☐</sup>

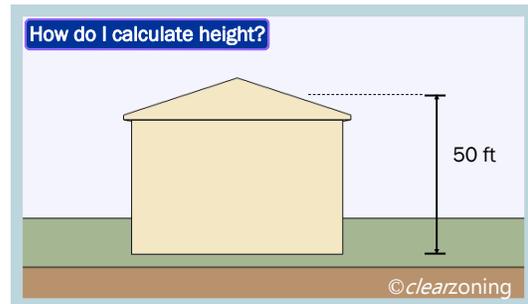
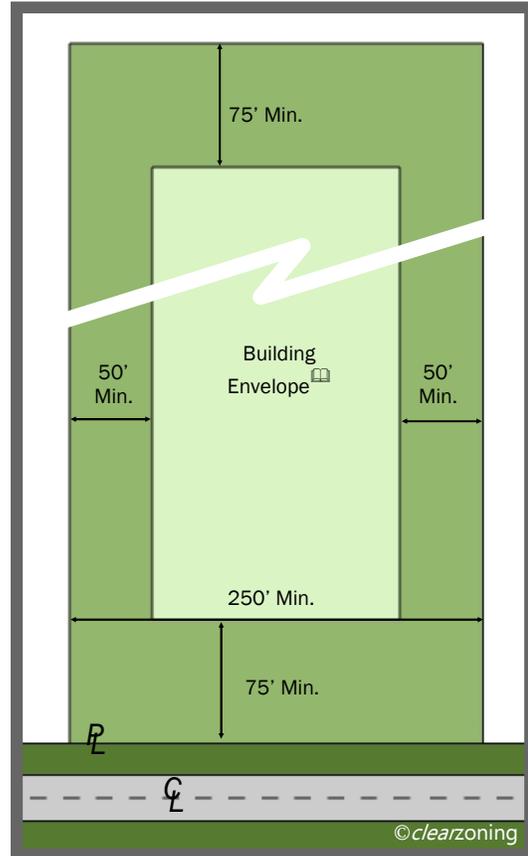
Minimum front yard setback: 75 ft  
 Minimum rear yard setback: 75 ft  
 Minimum side yard setback: 50 ft

### Building Height<sup>☐</sup>

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
- [EBT District Objectives & Standards](#) § 36-3.3
- [Limitations on Height](#) § 36-3.7

### 4. Use Standards

- [Wind Energy Conversion Systems](#)<sup>☐</sup> § 36-4.39
- [Telecommunication Towers](#)<sup>☐</sup> § 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

### 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



# CBD Corners Business District

Purpose and Introduction

1

Definitions

2

Zoning Districts

3

Use Standards

4

Site Standards

5

Development Procedures

6

Admin and Enforcement

7

## 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<sup>§</sup>
- 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<sup>§</sup>
- vii. Child care centers or day care centers
- viii. Restaurants, excluding any use of a drive-in or drive-through nature
- ix. Retail sales<sup>§</sup>
- 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

§ 36-4.4

- i. Accessory uses<sup>§</sup> or buildings
- ii. **Signs**<sup>§</sup> § 36-5.8

## C. SPECIAL EXCEPTION USES<sup>§</sup> § 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 Article 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. Car washes, fuel stations with 8 or fewer pumps, and vehicle repair garages
- 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** § 36-4.53 or similar lodging establishment that does not exceed six sleeping rooms and in which no meals, other than a breakfast, are served

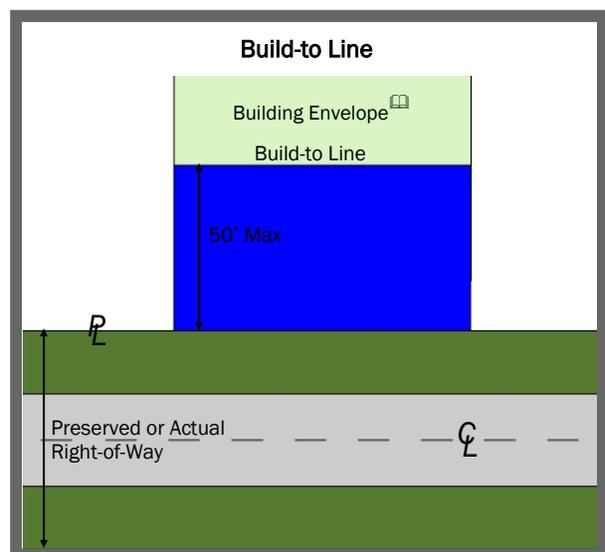
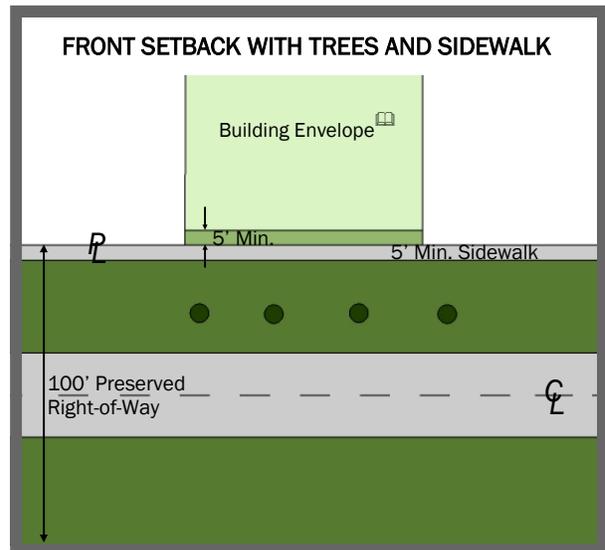
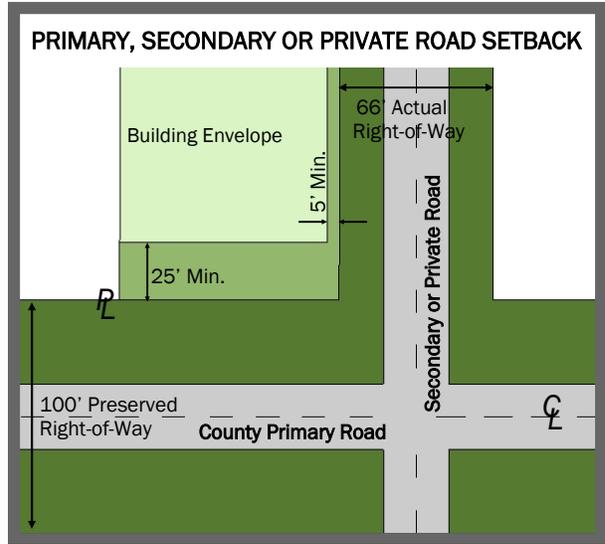


# CBD Corners Business District

- viii. Retail laundry and dry cleaning establishments, not including processing facilities
- ix. Limited and full residential care facilities
- x. Permitted uses that include the outdoor display of goods, provide **outdoor seating for serving patrons alcoholic beverages** § 36-4.54 or include drive-through facilities.
- 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
- xiii. **Banquet halls/event centers** § 36-4.57
- xiv. **Vehicle service** § 36-4.7

## 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.



- 1 Purpose and Introduction
- 2 Definitions
- 3 Zoning Districts
- 4 Use Standards
- 5 Site Standards
- 6 Development Procedures
- 7 Admin and Enforcement



# CBD Corners Business District (continued)

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

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 bike path 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.



# CBD Corners Business District (continued)

(Intentionally Blank)

**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement



# Reserved for Future Expansion

This Section is reserved for future expansion.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



# 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) frontage. The parcels, lots, or sites (units) shall have a lot frontage of no less than 75 percent of the minimum lot frontage 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.

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



# OSP Open Space Preservation District Overlay

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

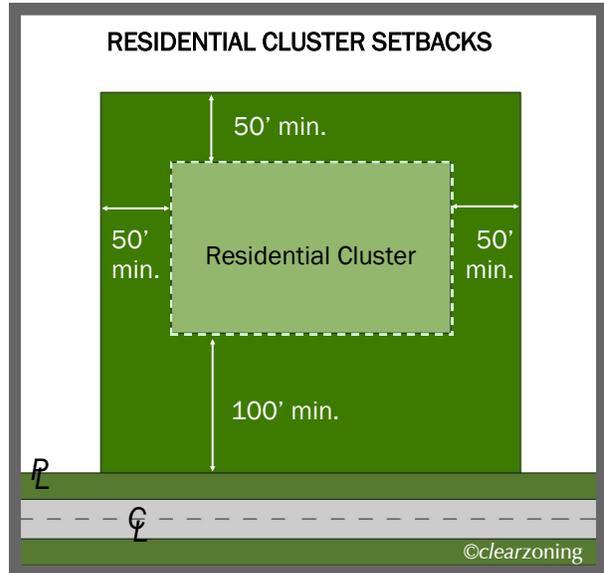
- (3) (Lot) coverage. The parcels, lots, or sites (units) shall have a maximum lot coverage of 20 percent including all structures.
- (4) Floor area. The minimum floor area for the dwelling unit shall meet the minimum required within the underlying zone.
- (5) Yard/setback. The dwelling units shall meet 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.



- 1 Purpose and Introduction
- 2 Definitions
- 3 Zoning Districts
- 4 Use Standards
- 5 Site Standards
- 6 Development Procedures
- 7 Admin and Enforcement



# RC Resource Conservation

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

## 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** <sup>☐</sup> § 36-5.8
- v. Essential services
- vi. **Accessory buildings** § 36-4.2
- vii. **Single family dwellings** <sup>☐</sup> § 36-4.56, established prior to May 8, 2017, as long as the property has a minimum lot area of 14,500 SF with sewer or 35,800 SF without sewer AND a minimum lot width of 110' with sewer or 165' without sewer. Any single family residential lot with frontage on a county primary road must have at least 165' of frontage.

## C. SPECIAL EXCEPTION USES <sup>☐</sup> § 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** <sup>☐</sup> § 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<sup>Ⓜ</sup>: 10 acres  
 Minimum lot frontage<sup>Ⓜ</sup>: 330 ft

### Lot Coverage<sup>Ⓜ</sup>

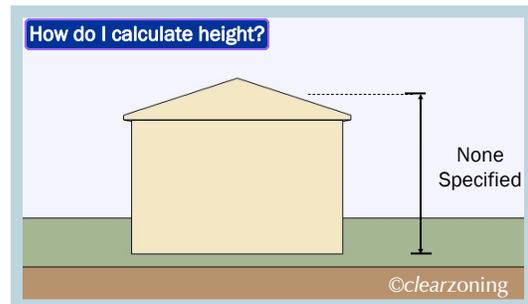
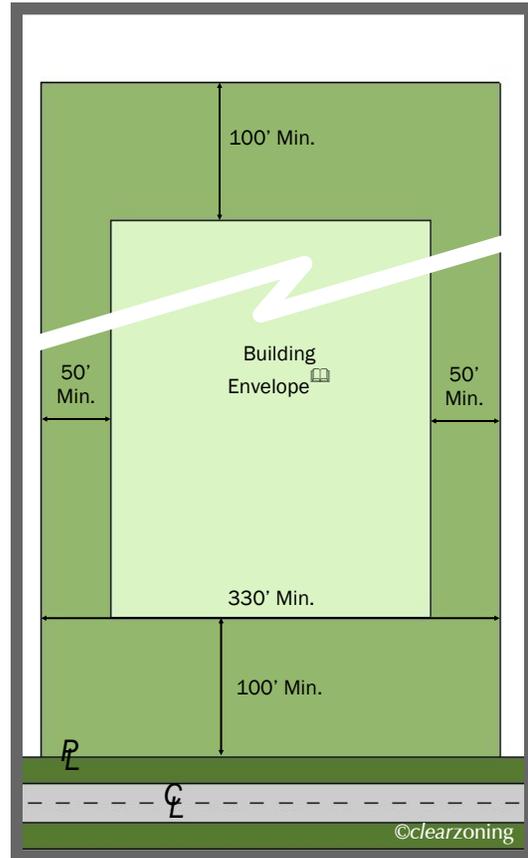
Maximum lot coverage: 2%

### Setbacks<sup>Ⓜ</sup>

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<sup>Ⓜ</sup>

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
- Accessory Buildings... § 36-5.13

### 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



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 6 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

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



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<sup>□</sup> 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.
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<sup>□</sup> 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.
- 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.



### 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.

**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

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

(Intentionally Blank)



**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement

# Chapter 36

## Article 4.0 Use Standards



## Article 36-4.0 Use Standards

- |         |  |         |  |
|---------|--|---------|--|
| 36-4.1  | Principal Permitted Uses in the A District                                 | 36-4.33 | Slaughterhouses  |
| 36-4.2  | Front Yard Accessory Buildings in A, RC, R-1,R-1A AND R-2 Zoning Districts | 36-4.34 | Storage or Warehousing of Commodities in the I-1 District                          |
| 36-4.3  | Vehicle Sales  | 36-4.35 | Reserved for Future Use  |
| 36-4.4  | Municipal Offices or Public Facilities in the CB district                  | 36-4.36 | Veterinary Clinics   |
| 36-4.5  | Animal Hospitals   | 36-4.37 | Volunteer or Township Fire Stations  |
| 36-4.6  | Asphalt & Concrete Ready-Mix Plant   | 36-4.38 | Telecommunication Towers and Antennas  |
| 36-4.7  | Vehicle Repair, Minor and Major  | 36-4.39 | Wind Energy Conversion Systems   |
| 36-4.8  | Bars, Taverns, and Nightclubs  | 36-4.40 | Mixed Use Development  |
| 36-4.9  | Reserved   | 36-4.41 | Earth Removal, Mining and Processing Operations                                    |
| 36-4.10 | Residential Care Homes   | 36-4.42 | Riding Stables   |
| 36-4.11 | Cemetery   | 36-4.43 | Private Airfields or Aircraft Landing Strips                                       |
| 36-4.12 | Child Care Centers/Day Care Center   | 36-4.44 | Barns or Similar Structures in Residential Districts                               |
| 36-4.13 | Place of Worship   | 36-4.45 | Research and Related Uses in the Industrial Districts                              |
| 36-4.14 | Club, Private Noncommercial  | 36-4.46 | Special Exception Uses in the I-3 District   |
| 36-4.15 | Drive-in Theater   | 36-4.47 | Accessory Uses in the EBT District   |
| 36-4.16 | Earth Removal, Excavations Commercial                                      | 36-4.48 | Home Occupations   |
| 36-4.17 | Gasoline Service Station   | 36-4.49 | Adult Uses   |
| 36-4.18 | Golf Course  | 36-4.50 | Solid Waste Transfer Facilities  |
| 36-4.19 | Gravel Processing and Quarrying  | 36-4.51 | Mobile Home Park Regulations   |
| 36-4.20 | Hospitals  | 36-4.52 | Planned Unit Development Standards   |
| 36-4.21 | Hotel  | 36-4.53 | Bed and Breakfast  |
| 36-4.22 | Institutions, Charitable Eleemosynary, Philanthropic                       | 36-4.54 | Outdoor Seating for Serving Patrons Alcoholic Beverages                            |
| 36-4.23 | Junkyards, Building Material Salvage Yards                                 | 36-4.55 | Manufacturing, Compounding, and Assembling or Treatment of Articles or Merchandise |
| 36-4.24 | Kennel   | 36-4.56 | Single Family Dwellings in the RC District   |
| 36-4.25 | Medical Clinic   | 36-4.57 | Banquet Halls & Event Centers  |
| 36-4.26 | Manufactured Home Sales  | 36-4.58 | Temporary Single Family Dwellings  |
| 36-4.27 | Motel  |         |  |
| 36-4.28 | Offices and Office Buildings   |         |  |
| 36-4.29 | Public Utility Buildings and Structure                                     |         |  |
| 36-4.30 | Recreation, Commercial, Outdoors   |         |  |
| 36-4.31 | Riding Stables, and Racetracks, Commercial                                 |         |  |
| 36-4.32 | Schools, Parochial and Private   |         |  |



# 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 FRONT YARD ACCESSORY BUILDINGS IN A, RC, R-1, R-1A AND R-2 ZONING DISTRICTS

Front yard accessory buildings in A, RC, R-1, R-1A and R-2 zoning districts may be allowed as a special exception use if the square footage exceeds the limit identified in [Section 36-5.13](#), and if the following conditions are met:

1. The accessory building shall be located at least twice the front yard setback for the zoning district where it is located.
2. The accessory building shall not have a material adverse impact on surrounding properties.
3. All applications for a special exception use under this section must be accompanied with a plan including the following:
  - A. North area and graphic scale sufficient to demonstrate the relationship of the proposed building and all properties and buildings within 500’;

- B. All property lines, easements, and rights-of-way shown with dimensions;
- C. A topographic map of the property;
- D. Pictures or other exhibits as necessary;
- E. The height and elevation drawings of the proposed building; and
- F. A statement setting forth the proposed use (s) within the accessory building. No accessory building allowed pursuant to this subsection shall be allowed for a use other than that approved by the Planning Commission.

## 36-4.3 VEHICLE SALES AND REPAIRS

Where permitted, the following standards apply:

1. The use shall have direct access and frontage on a public road.
2. Buildings and activities shall not be closer than 200 feet to adjacent residential properties.
3. Outdoor vehicle display areas shall be indicated on the site plan. Parking may be required to be fenced and screened at the discretion of the Planning Commission.
4. The Planning Commission may permit the display of recreational vehicles that exceed the GVW as defined in Section 2.2 subject to the following:
  - A. The display of such recreational vehicles over 8,000 pounds of GVW comprises less than twenty-five percent of all display on the premises.
  - B. The parking of such vehicles awaiting sale shall not be permitted in the front yard.
5. All other non-display 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.
6. The accessory sale of vehicles in conjunction with an otherwise permitted use is prohibited

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
5	Site Standards
6	Development Procedures
7	Admin and Enforcement

**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.

**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 RESERVED**

**36-4.10 RESIDENTIAL CARE FACILITIES**

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.
3. 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:

1. The use shall have frontage on an existing or officially proposed road.
2. Buildings and activities shall not be closer than 1,000 feet to adjacent residential properties.
3. 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:

1. The use shall have frontage on an existing or officially proposed road.
2. 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:

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. 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:

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 200 feet to adjacent residential properties.

### 36-4.19 GRAVEL PROCESSING AND QUARRYING

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.

### 36-4.20 HOSPITAL

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 100 feet to adjacent residential properties.



**36-4.21 HOTEL**

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 50 feet to adjacent residential properties.

**36-4.22 INSTITUTIONS, CHARITABLE, ELEMOSYNARY, PHILANTHROPIC**

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

1. 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.
2. 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 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 MANUFACTURED 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, 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, pickleball courts, platform tennis courts, and walking and jogging tracks, without exterior lighting and with spectator seating 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.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



- 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 RESERVED FOR FUTURE USE**

**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.
- 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 36-2.2. 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 Section shall be subject to the procedures and requirements of Section 36-6.3.4, pertaining to special exception uses, except as modified in this Section.
- 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 Section.
- 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 Section 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 Table 36-4.38.3.B.v.a, 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 36-6.3.4, 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 Section 36-4.38.3.B.v, 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

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



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 36-6.3.4, the Planning Commission shall consider the following factors in determining whether to issue a special 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 Section 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 Section 36-4.38.B.iii.
- 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 Section 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 Section would be better served thereby.
  - a. Separation from off-site uses/designated areas.

36-4.38.3.B.v.a. 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

- (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 4.38.3.B.v.a, except as otherwise provided in the following table.
- (2) Separation requirements for towers shall comply with the minimum standards established in table 4.38.3.B.v.a.



- 1 Purpose and Introduction
- 2 Definitions
- 3 Zoning Districts
- 4 Use Standards
- 5 Site Standards
- 6 Development Procedures
- 7 Admin and Enforcement

- 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 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 requirements, if the goals of this Section 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 Section 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, 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 Section 36-6.3, with this application including a separate submission under Section 36-6.1 (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.

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
5	Site Standards
6	Development Procedures
7	Admin and Enforcement

- B. There shall be frontage of at least 330 feet along 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 36-4.40. 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 36-5.3.

### 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.
  - 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.
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.

- 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 replaced on excavated areas not covered by water, except where streets, beaches or other planned improvements shall be completed within two years of termination of mining or excavation operations. When used, topsoil shall be applied to a minimum depth of four inches sufficient to support vegetation.
  - 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 Section 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 Section 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.

- 1 Purpose and Introduction
- 2 Definitions
- 3 Zoning Districts
- 4 Use Standards
- 5 Site Standards
- 6 Development Procedures
- 7 Admin and Enforcement



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 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.

- 12. Existing Mining Operations. All existing mining operations, gravel processing operations or quarrying operations existing on the effective date of this Section [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**

- 1. The minimum lot area for any one riding stable shall comprise at least 40 acres.
- 2. The use shall have frontage on an existing or officially proposed road having a major or greater road classification.
- 3. The use shall have off-street parking facilities to satisfy peak parking needs.
- 4. 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.
- 5. The area so used shall be completely fenced with 48-inch high woven wire, topped with at least one strand of barbed wire.
- 6. A minimum of at least 1 1/2 acres for each horse

**36-4.43 PRIVATE AIRFIELDS OR AIRCRAFT LANDING STRIPS**

- 1. 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.
- 2. The Planning Commission shall determine that the private airfield or landing strip will not adversely affect the use and enjoyment of



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.

3. 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.
4. 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:

1. 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.
2. No parcel of land for such purposes shall be less than two acres, which would allow one head of livestock.
3. 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.
4. 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:

1. These uses 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 exception use according to the provisions of Section 36-6.3. 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 Section, 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 Section 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 Article 4 and Section 36-6.3 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.
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.
  - 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 Section.
  - 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 Section for a special exception use.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



### 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, 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

- 1** Purpose and Introduction
- 2** Definitions
- 3** Zoning Districts
- 4** Use Standards
- 5** Site Standards
- 6** Development Procedures
- 7** Admin and Enforcement



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 MANUFACTURED 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 Section 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 Section. The provisions of this Section 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 Section 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 the Agriculture district.
  - D. As a condition of 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;
- 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 Section.

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 Section, 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 36-6.1.2. 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 frontage 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 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 table 4.52.3.E. Such uses must be compatible with the design principles and purposes of this Section 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 frontage, yard area, lot coverage, structure height, setback, signs, parking and loading, landscaping, general provisions and other



1	Purpose and Introduction
2	Definitions
3	Zoning Districts
4	Use Standards
5	Site Standards
6	Development Procedures
7	Admin and Enforcement

**36-4.52.3.E 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

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 frontage, provided the minimum lot frontage is sixty-six (66) feet, fifty percent (50%) of the 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 Section 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 6.B 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

**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
5	Site Standards
6	Development Procedures
7	Admin and Enforcement

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 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 Section.
  - 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 subsection 15. 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 subsection 10.

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
5	Site Standards
6	Development Procedures
7	Admin and Enforcement

- 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 Section 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.
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 Road Commission of Kalamazoo County 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

- 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
5	Site Standards
6	Development Procedures
7	Admin and Enforcement

Section 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 Road Commission of Kalamazoo County 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
  - 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 A of this Section or changes in, or the addition of other uses not authorized by, the original planned unit development approval.

**4.53 BED AND BREAKFAST**

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

- 1. The owner and/or on-site manager must reside on the premises.
- 2. There must be no more than 6 bedrooms devoted to lodging.
- 3. No meals, other than breakfast, may be served to patrons.

**4.54 OUTDOOR SEATING FOR SERVING PATRONS ALCOHOLIC BEVERAGES**

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

- 1. The area must be designated on an approved site plan.
- 2. The area must comply with all Michigan Liquor Control Commission regulations.



#### 4.55 MANUFACTURING, COMPOUNDING, AND ASSEMBLING OR TREATMENT OF ARTICLES OR MERCHANDISE

In the I-1 district, manufacturing, compounding, and assembling or treatment of articles or merchandise is permitted as a special exception use where all work is carried in an enclosed building and there is a maximum of 10% of lot area for outdoor storage. These uses shall not emanate noise, vibration, odor, smoke, waste or light to an extent objectionable by nearby non-industrial uses.

#### 4.56 SINGLE FAMILY DWELLINGS<sup>1</sup> IN THE RC DISTRICT

In the RC district, single family residential uses, established prior to May 8, 2017, are a permitted use as long as the property has a minimum lot area of 14,500 SF with sewer or 35,800 SF without sewer AND a minimum lot width of 110' with sewer or 165' without sewer. Any single family residential lot with frontage on a county primary road must have at least 165' of frontage.

#### 4.57 BANQUET HALLS & EVENT CENTERS<sup>1</sup>

Where permitted as a special use, in addition to the underlying district standards and site plan review requirements, the following standards shall apply:

1. Hours of Operation – During site plan review, the Planning Commission shall establish the hours and frequency of events hosted by the use in the special exception permit.
2. Noise – 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.

#### 4.58 TEMPORARY SINGLE FAMILY DWELLINGS<sup>1</sup>

A temporary, single family dwelling on the same lot as another single family dwelling is authorized, subject to the conditions below, in the following situations: (i) The owner of the property is constructing or reconstructing a new permanent dwelling on the same lot; or (ii) In cases of emergency as determined by the Township's Zoning Administrator (i.e. accidental destruction in part or in whole of a permanent dwelling on the same lot by fire, flood, wind or other natural disaster, which renders habitation of the existing dwelling impossible for a limited period of time).

1. The temporary dwelling is only authorized for a maximum period of one year and, for (i) above; only while a building permit for the new permanent dwelling remains active.
2. The owner must obtain a Certificate of Occupancy for the temporary dwelling pursuant to [Section 36-7.8](#) of this Ordinance.
3. The owner must apply for and obtain a Temporary Use Permit from the Township's Zoning Administrator for the temporary dwelling.
  - A. The Temporary Use Permit may only be approved for a period of time not exceeding one year and only as long as those conditions necessitating the temporary dwelling exist on the property.
  - B. Prior to issuance of the Temporary Use Permit, the applicant shall post a surety bond in an amount equal to 150% of the demolition costs or removal of the temporary dwelling.
4. The temporary dwelling shall comply with all regulations of the underlying zoning district, including, but not limited to, all building setbacks.
5. The temporary dwelling shall comply with all building code requirements and be approved by the Township's building official, the County Health Department or any other agency having jurisdiction over water and sewage disposal connections, as applicable.
6. The temporary dwelling shall be removed ten (10) days after the expiration of the Temporary Use Permit or, thirty (30) days after the completion of construction and issuance of a certificate of occupancy of the new permanent dwelling, whichever comes first.

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

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

[Intentionally Blank]



**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement

# Chapter 36

## Article 5.0 Site Standards



# Chapter 36

## Article 5.0 Site Standards

- 36-5.1 Limitations on all Land and Structures
- 36-5.2 Limitations on Area and Lot Frontages
- 36-5.3 Screening, Fencing, and Landscaping
- 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 Underground Utilities
- 36-5.11 Reserved
- 36-5.12 Stub Roads and Cul-de-Sacs that Abut Property Lines at the Boundaries of Platted and Condominium Subdivisions
- 36-5.13 Accessory Buildings in Agricultural, Resource Conservation, and 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, FENCING, AND LANDSCAPING

1. Screening:
  - A. Each non-residential use immediately adjacent to a residential district must provide screening that adequately separates any potential nuisances from dwellings.
  - B. Screening may be any combination of walls, fences, berms, or evergreen trees that is compact and maintained in good condition at all times.
  - C. An evergreen screen must be a double row of trees planted 15' on center with a mixture of species approved by the Zoning Administrator.
  - D. The height of the screen shall not be less than 6'.
  - E. The Planning Commission may waive screening requirements if they conflict with the intent of the district or in cases uses are found compatible.
2. Fencing.
  - A. A fence is a structure that is exempt from setback requirements in all districts, unless stipulated in the zoning district. Fencing is either less than 50 percent solid or as opaque, which includes all fencing between 50% to 100% solid.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



- B. Materials utilized shall be in the form of traditional fencing sold for retail purposes, including metal, vinyl or wood.
  - C. Fence 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. (Note: Front yards, side yards and rear yards are established by the location of the principal building.)
  - D. In the commercial (C-1, O-1, C-2, C-3, C -4) and industrial (I-1 and EBT) districts, the maximum height for any fencing within the side and rear yards shall be 8'. Within the CBD the maximum height shall be 6'. In the front yard, the maximum height shall be 6' and the fence shall not be opaque.
  - E. In the Agricultural (A) district where the principal use is not agricultural, the maximum height of any fencing shall be 6' and shall be not more than 50% solid within the front yard. Barbed woven wire or electrified fencing may be used to enclose pastures. The Planning Commission, in considering a request for a special exception use permit in the Agricultural district, may require fencing in excess of 6' as a condition of approval if it determines that such fencing will satisfy standards for approving the special exception use permit.
  - F. 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 6', provided such fencing is not located within the front yard. Any fencing located within the front yard (excluding riparian lots) must not exceed 4' in height, and shall not be opaque.
3. Landscaping.
- A. Minimum landscaped Area. All lots with an approved site plan must have at least 20% of their gross area landscaped as a part of an approved landscaping plan.
  - B. Landscaping Plan. Included on this landscape plan must be:
    - i. Scale;
    - ii. North arrow;
    - iii. All permanent structures;
    - iv. Scientific and common names of all plant materials to be installed;
    - v. Size and quantity of plant materials to be installed;
    - vi. Vegetation greater than 6" caliper on the site;
    - vii. Ground cover to be used;
    - viii. Hard-surface areas that are not for pedestrian or vehicle movements;
    - ix. Other landscape materials as defined by this Chapter; and
    - x. Name, address, and telephone number of the landscape designer.
  - C. Screening. Whenever a buffer strip is required or permitted, all portions of the buffer strip shall be planted and maintained with grass, ground cover, shrubbery, trees and other materials specified for use herein.
    - i. A minimum of 1 evergreen tree shall be planted for every 15' of required buffer strip length at approximately 15' intervals in a double row.
    - ii. No landscaping shall be required where the strip is interrupted by driveways for vehicular access points shown on an approved site plan, but the buffer shall not otherwise be broken for pedestrian access.
    - iii. A berm may be incorporated and plantings may be clustered for effect.
    - iv. The planting strip will be no less than 10' in width.
  - D. Parking Lot Landscaping.
    - i. There must be provided and maintained a minimum of 20 sq. ft. of landscaping conforming to the specifications of this Article for each parking space provided in the parking lot with a minimum of 200 sq. ft. on any lot. Buffer strip landscaping and landscaping in the right-of-way does not count towards parking lot landscaping requirements.
    - ii. Parking lot landscaping shall be not be less than 3' in any single dimension and not less than 200 sq. ft. in any single area and shall be protected from automobile encroachment with curbing or other permanent means.
    - iii. A minimum of 1 deciduous or large evergreen tree shall be planted for



- each 400 sq. ft. or fraction thereof required parking lot landscape area.
- iv. In order to delineate on-site circulation, improve sight distance at the intersection of parking aisles, access connectors, and private roads, protect the vehicle at the end of a parking bay, and define the geometry of internal intersections, end islands (landscaped with raised curb) shall be required at the end of all parking bays that abut traffic circulation aisles in off-street parking lots. In areas where internal traffic circulation is forecast to be low or where the raised islands would not be appropriate, the Planning Commission may waive the requirement for an end island or may require painted islands only. The end islands shall generally be at least 7' wide, and be constructed 3' shorter than the adjacent parking stall.
  - v. One large deciduous street tree is required for each 50' of lot frontage. The required trees may be grouped appropriately on the site adjacent to the right-of-way.
- E. Existing Plant Material. On some sites, sound ecological management principles dictate that reasonable efforts be made to preserve mature trees, shrubs, and other live plant materials from heedless or needless destruction. In instances where healthy plant materials exist on a site prior to its development, the Zoning Administrator may allow credit for preserved materials in keeping with the intent of this Section so long as the functional or practical equivalent landscaping is provided.
- F. Landscaping Material Specifications. The following materials are approved Plant materials and sizes. These are varieties of planting materials recommended for use within this Township. All such materials should meet the recommended minimum sizes specified at the time first planted (whether initially or replaced). The Zoning Administrator may allow alternative species:
- i. Large Deciduous Trees. All tree plantings should be at least 2.5" caliper at a point on the trunk 6" above the ground.
    - a. Mountain Ash
    - b. Black tupelo
    - c. Locust (thornless, seedless, varieties only)
    - d. Maple (varieties including red, sugar, and Norway—not silver)
    - e. Oak (varieties)
    - f. Sweet gum
  - ii. Small Flowering Deciduous Trees. All single stem tree-like planting should be at least 2" caliper at a point 6" above the ground.
    - a. Flowering cherry
    - b. Flowering crabapple (hybrid varieties)
    - c. Hawthorn (varieties)
    - d. Flowering dogwood (varieties)
    - e. Eastern redbud
    - f. Allegheny serviceberry (varieties)
    - g. Linden
    - h. Purple leaf plum
  - iii. Large Evergreen Trees. All plantings should be at least 6' in height.
    - a. Fir (including Douglas and Colorado)
    - b. Yews (tall)
    - c. Spruce (varieties)
    - d. Pine
  - iv. Small Evergreen Trees. All plantings should be at least 36" in height.
    - a. Arborvitae (varieties)
    - b. Upright yews
    - c. Upright juniper
    - d. Upright juniper (varieties)
  - v. Deciduous Shrubs. All deciduous shrubs should be at least 18" in height.
    - a. Forsythia
    - b. Honeysuckle (varieties)
    - c. Mock orange (varieties)
    - d. Ninebark
    - e. Sargent crabapple
    - f. Spirea (varieties)

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



- g. Tall hedge buckthorn
- h. Viburnum (varieties)
- i. Lilac
- vi. Evergreen Shrubs. All evergreen shrubs should be at least 18" in height.
  - a. Spreading juniper
  - b. Euonymus (hardy varieties)
  - c. Ilex (holly) (hardy varieties)
  - d. Spreading yew
  - e. Evergreen azaleas
  - f. Pyracantha
  - g. Rhododendron
  - h. Yucca
  - i. Pieris
- vii. Ground Covers.
  - a. Pachysandra: 6–12 plants/square yard
  - b. Vinca: 9 plants/square yard
  - c. English, Baltic ivy: 3 plants/square yard
  - d. Grass (varieties, but not obnoxious weeds): As needed for at least 75% coverage within one growing season and full coverage within two.
  - e. A combination of wood chips, gravel, and/or stone.
- G. Prohibited Plant Materials. The following plant materials (and/or their clones and cultivars) shall not be planted in this Township, because of susceptibility to storm damage, disease, and/or other undesirable characteristics:
  - i. Silver maple (*Acer dasycarpum*)
  - ii. Box elder (*Acer negundo*)
  - iii. Tree of heaven (*Ailanthus*)
  - iv. European barberry (*Berberis vulgaris*)
  - v. Northern catalpa (*Catalpa speciosa*)
  - vi. Eastern red cedar (*Juniperus virginiana*)
  - vii. Poplar (*Populus*)
  - viii. Willow (*Salix*)
  - ix. American elm (*Ulmus americana*)
  - x. Ash
  - xi. Blue Spruce

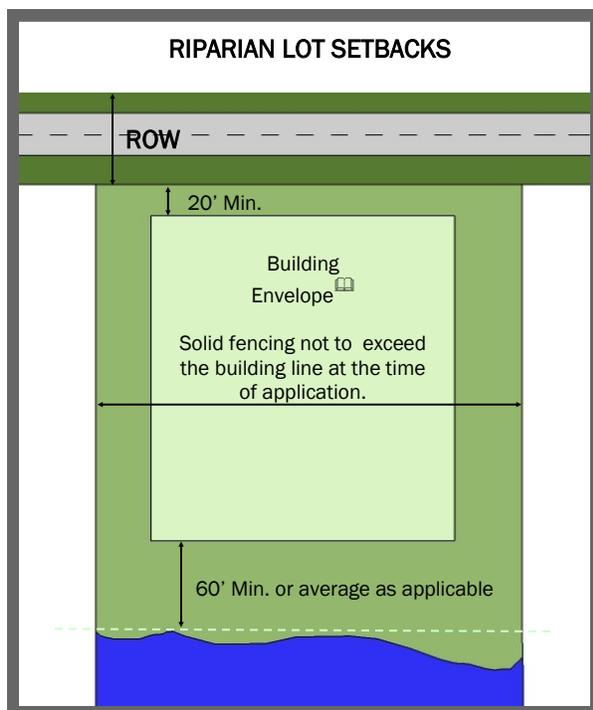
- H. All plant materials will be installed prior to the issuance of a certificate of occupancy. In the instance where such completion is not possible, a cash bond, letter of credit, or corporate surety bond in an amount equal to the estimated cost of the landscape plan or portion thereof will be deposited with the Township to insure project completion.
- I. Maintenance: Persons occupying parcels where landscaping is required to be installed shall maintain such landscaping in good condition so as to present a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead material shall be replaced within 1 year or by the end of the next planting season (whichever comes first) with materials conforming to the specifications of this ordinance.

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 Table 36-5.4.2, 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 every lot abutting a lake, river or stream, every principal building, and every fence 50% or more solid and every berm shall be set back from the street at least 20'. On the riparian side of the lot, no solid fencing shall be permitted nor any fence greater than 4' in height shall be installed beyond the established building line. Any solid fencing or any fencing greater than 4' in height shall only be permitted between the building line on the riparian side and the 20' setback line on the road side, unless attached to a detached accessory building at the setback line that is 20' from the right of way line, or 18' from the edge of pavement (whichever is less), but never less than 3' from the property line. Solid fencing on side property lines may be measured from the building line for either abutting property. In no instance shall a solid fence be in front of the principal building in the riparian yard or the street-side yard.



36-5.4.2 Elevation Table—DATUM: (NAVID '88)	
<b>Paw Paw Lake:</b>	
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
<b>Pretty Lake:</b>	
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
<b>Crooked Lake:</b>	
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
<b>Bass Lake:</b>	
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
<b>Scouter's Pond:</b>	
Ordinary water elevation--879.86 feet (Elevation recorded at outlet control structure invert on NE side of Scouter's Pond.)	
<b>Eagle Lake</b>	
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

<b>1</b>	Purpose and Introduction
<b>2</b>	Definitions
<b>3</b>	Zoning Districts
<b>4</b>	Use Standards
<b>5</b>	Site Standards
<b>6</b>	Development Procedures
<b>7</b>	Admin and Enforcement



4. Reserved.
5. For accessory in the street side yard on riparian lots of record the minimum building setback shall be 20' from the right of way line, or 18' from the edge of pavement (whichever is less), but never less than 3' from the property line. The minimum setback from the side lot line shall be 3'.
6. On riparian lots of record where a lot is 60' wide or less, measured at the building setback line, the following standards shall apply:
  - A. Side yards of at least 9' on each side, measured from the foundation, are required.
  - B. An eave of up to 1' wide on each side of the principal building extending into the required side yard shall be permitted.
  - C. The eave width of any building up to 1' shall not be considered in calculating lot coverage.
  - D. The maximum permitted height of the building shall be reduced by 1' 6" for each 1" by which the side yard setbacks (excluding 1' eaves) are less than 12'.
  - E. Maximum lot coverage of principal buildings shall be 22%.
  - F. Maximum lot coverage of accessory buildings shall be 15% of the side and street side yards.

**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 Section 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 Section are intended to protect the public health, safety and general welfare; to control light spillover and glare; to preserve community character; and to provide for night time safety, utility, security and productivity.
2. Objectives. The standards of this Section are intended to accomplish the following objectives:
  - A. Avoid light spillover onto any adjacent premises.
  - B. Any illuminated source must be 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 must be designed so that light levels do not exceed 0.5 foot-candles 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 foot-candles 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 Section. Site



and area lighting must be designed so that light levels do not exceed 15.0 foot-candles within the site except to illuminate 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 must be subject to the following design guidelines:
  - i. Pole-mounted lighting with a pole height of 15' or less must not exceed 15.0 foot-candles. The light must 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' and not exceeding 35' in height must be a down-type, mounted horizontally and angled perpendicular to the ground.
  - iii. Street lighting must be reviewed by the Township for compliance with the intent of this Section.
- C. Building mounted lighting fixtures must not exceed 15.0 foot-candles as measured per lamp regardless of lamp type and must not exceed a 35' mounting height. The light must be shaded, shielded or directed so that the light intensity or brightness will not be unreasonably objectionable to surrounding areas.
- D. The illumination of building exteriors and signs must not exceed 20.0 foot-candles.
- E. The Planning Commission may approve task area lighting within a site at levels up to 20.0 foot-candles where all of the following standards are met:
  - i. Where normal performance or function of permitted outdoor tasks requires light levels greater than 15.0 foot-candles.
  - 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 must demonstrate that the higher light levels requested will not create light spillover or glare inconsistent with the purpose of this Section.

- F. Landscape Light Fixtures. Landscape light fixtures, including ground lighting for signs, flag poles and statues, must be equipped with shields or shutters to help eliminate glare. The light must be so shaded, shielded or directed that the light intensity or brightness will not be unreasonably objectionable to surrounding areas.
- G. Blinking, Flashing and Temporary Lighting. There must 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, or holiday lighting is not prohibited.
- H. Site Lighting Plan. Whenever a change to site lighting is proposed, a site lighting plan for developments requiring site plan review must be submitted including 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 must be provided in either a grid or contour line format measuring foot-candles on the ground.
  - iv. Illumination levels for all building, vertical architectural and landscaping lighting proposed.
- I. Reduced Lighting. For uses requiring site plan review, lighting must be significantly reduced during nonoperational building hours, allowing only lighting necessary for security and tasks. The lighting plan submitted for review must indicate 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:

36-5.7.3 Minimum Required Parking Spaces	
Use	Minimum Number of Parking Spaces per Unit of Measure
<b>Residential</b>	
Apartment houses, two-family semi-detached dwellings, and garden apartment developments	Three parking spaces per family unit.
<b>Business and Commercial</b>	
Office buildings	One space per every 300 square feet of gross floor area (GFA)
Retail stores, supermarkets, department stores, personal 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, nightclubs and banquet/event centers	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



36-5.7.3 Minimum Required Parking Spaces (continued)		
Use	Minimum Number of Parking Spaces per Unit of Measure	
Business and Commercial (continued)		
Carry-out and drive-thru restaurants	One parking space per 200 square feet of gross floor area plus one space per each two employees	
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 restaurants	One parking space per 125 square feet of gross floor area, plus one space per every two employees	
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



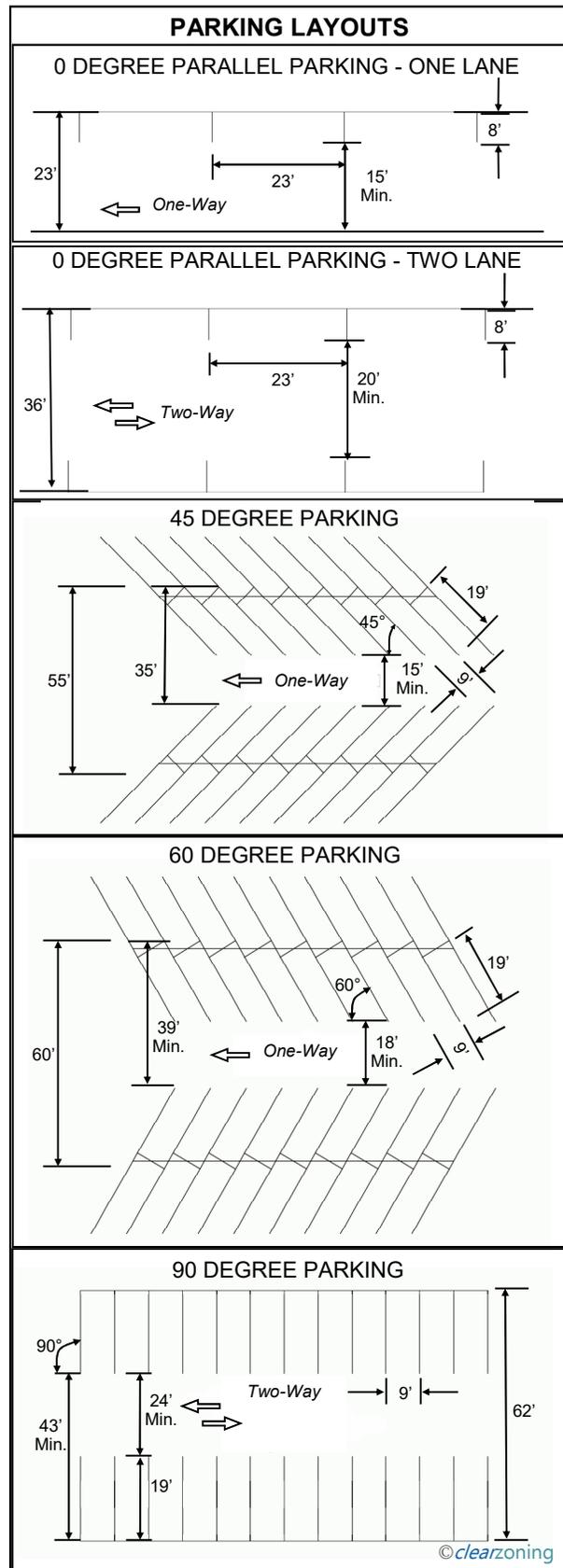
4. Number and Location of Parking Spaces. Parking space shall be provided in the following specified manner and location:
  - A. No parking area, parking space or loading space which exists at the time the ordinance from which this Chapter derives becomes effective or which subsequent thereto is provided 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 table 36-5.7.5.
  - 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 a 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 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.

36-5.7.5 Requirements for Parking Spaces and Lots					
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



- 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. Area 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 area. 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 area shall be ten feet by 40 feet and be situated so not to interfere with required building parking spaces or drives.
- 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 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:

36-5.8 SIGNS



- 1 Purpose and Introduction
- 2 Definitions
- 3 Zoning Districts
- 4 Use Standards
- 5 Site Standards
- 6 Development Procedures
- 7 Admin and Enforcement

1. Purpose. The purposes of this Section are to:



1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement

- A. Encourage the effective use of signs for communication;
  - B. Improve and maintain pedestrian and traffic safety;
  - C. Minimize the possible adverse effect of signs on nearby public and private property; and
  - D. 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 Section. The effect of this Section 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 less than 2 square feet and incidental to the principal use of the respective lands on which they are located, subject to the requirements of this Section, but without a requirement for permits;
  - C. Provide for the enforcement of the provisions of this Section; and
  - D. Maintain clear vision requirements at all roadways, access connectors, parking areas, and driveways.
3. Prohibited Signs. All signs not expressly permitted under this Section or exempt from regulation hereunder in accordance with Section 36-5.8.4 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 3 feet beyond the lot

- line of the parcel on which such sign is located.
  - C. Traffic control signs on private property, not exceeding 4 square feet in area.
  - D. Directional signs on private property, not exceeding 2 square feet in area, 4 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 are 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 Section, must be forfeited to the public and subject to confiscation.
6. Signs Allowed on Private Property with and without Permits. Signs must be allowed on private property in accordance with the standards listed as follows:
- A. A sign must 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 Section.
    - ii. The height, area and number of signs on the lot conforms to the requirements specified in this Section.



- ii. The height, area and number of signs on the lot conforms to the requirements specified in this Section.
  - iii. The setbacks from streets and property lines comply with the requirements specified in this Section.
  - iv. It is customary and incidental to an allowed use on the land, unless otherwise specified in this Section.
- B. Signs not requiring permits are indicated in the sections that mention them.
- C. Signs are permitted in zoning districts as followed, except for uses having specific regulations. All such signs must meet these area, setback, height, and other requirements:
- i. One freestanding sign for each separate use on an individual lot or parcel not exceeding the following:

36-5.8.6.C.i Freestanding Sign Dimensional Requirements					
Sign Dimensional Requirements Based on Zoning District					
Zoning District	Uses	Maximum Size	Maximum Height	Minimum Setback	NOTES
A, R-1, R-1A, R-2, R-3, R-4, R-5	Temporary Sign	12 SF	6'	½ of building setback	One per street frontage, permit required, 30 days per year.
C-1, C-2, O-1	Individual Use	32 SF, plus 1 SF for each 5' of lot frontage over minimum frontage, but never to exceed 50SF.	8'	25'	
C-3, C-4	Individual Use	50 SF, plus 1 SF for each 5' of lot frontage over minimum frontage, but never to exceed 80 SF.	15'	25'	
	Multiple Uses	80 SF	15'	25'	Minimum 100' from other free standing signs
I-1, EBT	Individual Use	<ul style="list-style-type: none"> <li>■ 40 SF</li> <li>■ 150 SF adjacent to interstate highway right-of-way</li> </ul>	15'	<ul style="list-style-type: none"> <li>■ 25'</li> <li>■ 0' from interstate highway right-of-way</li> </ul>	May have 2 signs if 400' apart.



- 1 Purpose and Introduction
- 2 Definitions
- 3 Zoning Districts
- 4 Use Standards
- 5 Site Standards
- 6 Development Procedures
- 7 Admin and Enforcement

36-5.8.6.C.i Freestanding Sign Dimensional Requirements (continued)					
Sign Dimensional Requirements Based on Zoning District (continued)					
Zoning District	Uses	Maximum Size	Maximum Height	Minimum Setback	NOTES
CBD	Individual Uses	24 SF	6'	The back edge of the sign must be 50' from the center of the right of way and the front edge of the sign must be far enough back for the site to have a 5' sidewalk. No signs shall be placed between the sidewalk and road edge. See CBD Sign Setbacks Graphic.	Must not be within 50' of another freestanding sign. Such signs shall have a minimum twelve (12) inch high base, constructed of clay brick or integrally colored concrete brick, stone, marble, decorative metal or other similar masonry materials and be landscaped with shrubbery, plants, or flowers.
CBD	Multiple Uses	48 SF, max 12 SF per use	6' for 2, 8' for 3, 10' for 4 to 5, 15' for 6 or more.	The back edge of the sign must be 50' from the center of the right-of-way, and the front edge of the sign must be far enough back for the site to have a 5' sidewalk.	Must not be within 50' of another freestanding sign. Sign bases must be skirted with shrubbery, plants, or flowers. May be in preserved ROW behind sidewalk.
Freestanding Sign Dimensional Standards Regardless of Zoning District					
USE		Maximum Size	Maximum Height	Minimum Setback	NOTES
Agricultural		24 SF	8'	½ of building setback	Additional off-site "farm stand" signs may be permitted, 16 SF maximum.
Class A Home Occupation		1 SF	4'	½ of building setback	
Class B Home Occupation		12 SF	8'	½ of building setback	
Single or 2 Family Residential prior to certificate of occupancy		16 SF	8'	½ of building setback	Removal at Certificate of Occupancy
Other than Single and 2 Family Residential prior to certificate of occupancy		48 SF	10'	½ of building setback	Removal at Certificate of Occupancy
Residential Development Entrance		Up to 2 X 24 SF each	8'	½ of building setback	
Non-Residential Development Entrance		50 SF	8'		1320' between signs



36-5.8.6.C.i Freestanding Sign Dimensional Requirements (continued)					
Freestanding Sign Dimensional Standards Regardless of Zoning District					
USE	Maximum Size	Maximum Height	Minimum Setback	NOTES	
Menu Board	32 SF total	8'	Building setbacks	Accessory to drive through use	Accessory to drive through use
Political signs	16 SF max	6'	Building setbacks	Only for 60 days prior and 7 days after any election in Texas Township	Only for 60 days prior and 7 days after any election in Texas Township
Schools, religious Uses, institutions	32 SF, plus 1 SF for each 5' of lot frontage over minimum frontage, but never to exceed 50 SF.	8'	25'		

ii. Wall Signs.

36-5.8.6.C.ii Wall Sign Dimensional Standards			
Zoning District	Uses	Size	NOTES
All but CBD	Single Use Building	1 SF for each 1' of building length, not to exceed 60 SF for the first 200'. Buildings over 200' may have 120 SF maximum signs.	
All but CBD	Multi Use Building	1 SF for each 1' of building 'face' per use. 40 SF max per use.	Wall signs can be no closer than 5'.
CBD	Single Use Building	1 SF for each 2' of building length, not to exceed 20 SF per entrance, if the building is set back less than 25' from the ROW. If the building is setback more than 25', then 1 SF for each 1' of building length, not to exceed 40 SF per entrance.	Wall signs can be no closer than 5'.
CBD	Multi Use Buildings	Not to exceed 15' in height, 48 sq. ft. in area. Each individual nameplate shall not exceed 12 sq. ft. in area. Ground-mounted signs with landscaping are required.	Identifying no less than four businesses within a shopping center or similar development . Address identification shall be included .

Projecting signs may be used in place of wall signs as long as they are attached to the building, extend beyond a wall by more than 12 inches but less than 48 inches and have a clearance of 10 feet.



iii. Window Signs

5.8.6.C.iii Window Sign Dimensional Standards		
Zoning District	Size	NOTES
All but CBD	No more than 20% of glazing	Message center signs can be 10% of allowable window sign area.
CBD	No more than 50% of glazing	Message center signs can be 10% of allowable window sign area.

- iv. 'Sandwich boards' may be permitted provided they are placed on a sidewalk adjoining the building entrance, with placement allowing for a 5 foot clear path. They must be stored away when the use is not open. The maximum size of the sign is 8 square feet and the maximum height is 4 feet.
- v. Directional signs must be included in site plan approval submission. The Zoning Administrator may permit changes to directional signs as an administrative site plan amendment.
- vi. Permanent flagpoles must be accessory structures and must not exceed 30 feet in height in residential districts or the maximum principal building height in all other districts. Flagpoles shall not be located within the existing right-of-way.
- vii. 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 I-94 right-of-way subject to the following conditions:
  - a. Not more than 1 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 must not be limited to the boundaries of the Township where the particular street or highway extends beyond such boundaries. No billboard must be located within 1,000 feet of another billboard abutting either side of the same street or highway.
  - b. The total surface area of any billboard must 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 are prohibited.
  - c. The height of a billboard must not exceed 30 feet above the grade of the ground on which the billboard sits or the grade of the abutting roadway, whichever is higher.
  - d. No billboard must be on top of, cantilevered or otherwise suspended above the roof of any building.
  - e. Billboards are required to have the same setback as other principal structures or buildings in the zone in which they are erected. No billboard must be located within 500 feet of a residential zone.
  - f. 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 may any billboard have flashing or intermittent lights, nor may the lights be permitted to rotate or oscillate.
  - g. A billboard must be constructed so that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity and must 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 may the sign face exceed the sign area measured by more than 1 foot from any direction.

7. Computations. The following must control the computation of sign area, sign height and setbacks:

- A. Area. The area of a sign face (that is also the sign area of a wall sign or other sign with only one face) must be computed with the smallest shape that encompasses the sign area(s).
- B. When 2 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 must be computed by the measurement of 1 face.
- C. Computation of height. The height of a sign is the distance from the ground to the top of the highest component of the sign.
- D. Computation of maximum total permitted building sign area for a corner lot. Lots fronting on two or more streets, roads, access connectors, or highways are allowed 200% of the permitted sign area, but no one side must exceed 100% of the permitted sign area.
- E. Front, side and rear yard setbacks. Setbacks must be measured from the farthest projection of the sign or its supporting structure to the closest point of the property line, easement, or right-of-way.

8. Design, Construction and Maintenance. All signs must be designed, constructed, and maintained in accordance with the following standards:

- A. Building and Electrical Codes. All signs must 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 Section, all signs must be constructed of permanent materials and must be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, or frame.

- C. Condition. All signs must be maintained in good structural condition and comply 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 must be 10 feet.
- E. Illumination. Signs may be illuminated; however, such illumination must be concentrated upon the surface of the sign and the sign must 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 0.5 footcandles at 150 feet from the sign location. Canopies and awnings must only be illuminated behind the allowable sign area.
- F. Message center signs must not change at a frequency less than every 5 seconds.
- G. Obstruction of Traffic Sign or Signal. No sign or outdoor advertising structure must be erected at any location where by reason of the position, size, shape or color may interfere with, obstruct the clear vision triangle, or be confused with any authorized traffic sign, signal, or device, or so as to interfere with, mislead or confuse traffic.
- H. 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 must be within an approved parking space.
- I. Signs mounted to a building may not exceed the highest point on the roof of the building.

9. General Permit Procedures.

- A. Applications. All applications for sign permits of any kind must 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.

**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement



- B. Fees. Each application for a sign permit must be accompanied by the applicable fees, which must be established by the Township Board from time to time by resolution.
- C. Permits to Construct or Modify Signs on Private Property. Signs must be erected, installed, or created only in accordance with a duly issued permit. Such permits must 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 must 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 must 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 must include but may not be limited to the measurement of setback requirements, sign size and height, an 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 must be allowed only upon the issuance of a temporary sign permit, which must be subject to the following requirements:
    - a. Term. A temporary sign permit must 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 12 square feet, no more than 6' in height and the location on the site to not block clear vision standards.

- b. Only 1 temporary sign permit must 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 must allow for a new permit.
  - c. Grand opening advertising. Grand opening signs may be permitted for 30 days.
  - d. 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 Section to recognize the eventual elimination, as expeditiously as reasonable, of existing signs that are not in conformity with the provisions of this Section. 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 Section. It is also the intent of this Section that the elimination of lawful nonconforming signs must 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 may be enlarged or altered in a way, which increases its nonconformity.
  - B. No lawful nonconforming sign may be replaced by another nonconforming sign unless approved by the Zoning Board of Appeals. The Zoning Board of Appeals must 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 must be altered so as to prolong the life of the sign. Changes may be made in the words or symbols used in 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 % of the total replacement cost of the sign as reasonably estimated by the Township Building Official, the sign must not be continued or rebuilt except in conformance with the provisions of this Section.



- 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 must 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 must either be removed or altered to conform to the provisions of this Section.
  - F. In the case of any conflict between the provisions of this Section and the more general provisions pertaining to nonconforming uses and structures contained in Section 36-7.9, the provisions of this Section must control.
11. Obsolete signs, and any nonconforming structures either attaching or supporting the sign, must be removed within 30 days of the discontinuance of a use. New permits are required to install signs prior to issuance of the certificate of occupancy.
  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 must 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 Primary or Secondary 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 36-5.7.3 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

**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement



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 the Road Commission of Kalamazoo County, other than roads within a residential development. The road shall be constructed to current standards of the Road Commission of Kalamazoo County “Procedures, Guidelines and Specifications for Developing New Roads”.
- 4. Local Road. A road or street that is designated as a local road or street by the Road Commission of Kalamazoo County.
- 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. The number of units, building sites or lots to be served by said road or access connectors;
- b. The layout of the proposed development;
- c. Ability to access with emergency vehicles;
- 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.

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

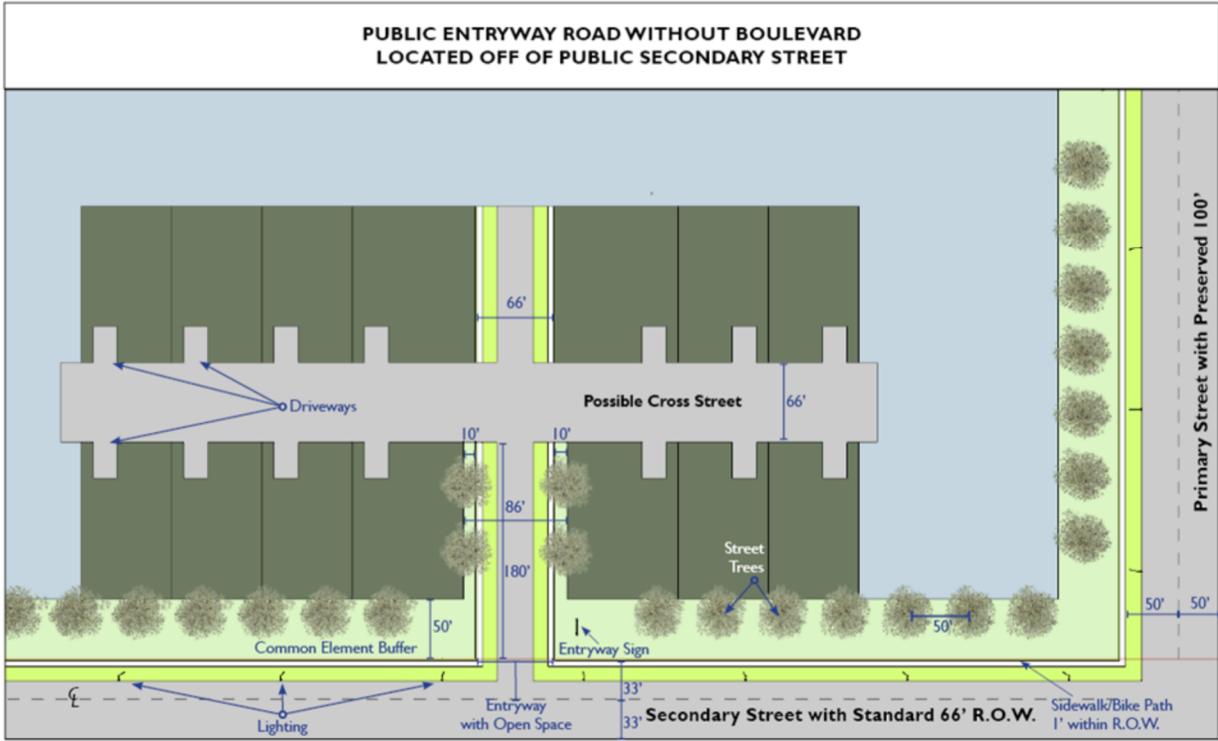
**5**  
Site  
Standards

**6**  
Development  
Procedures

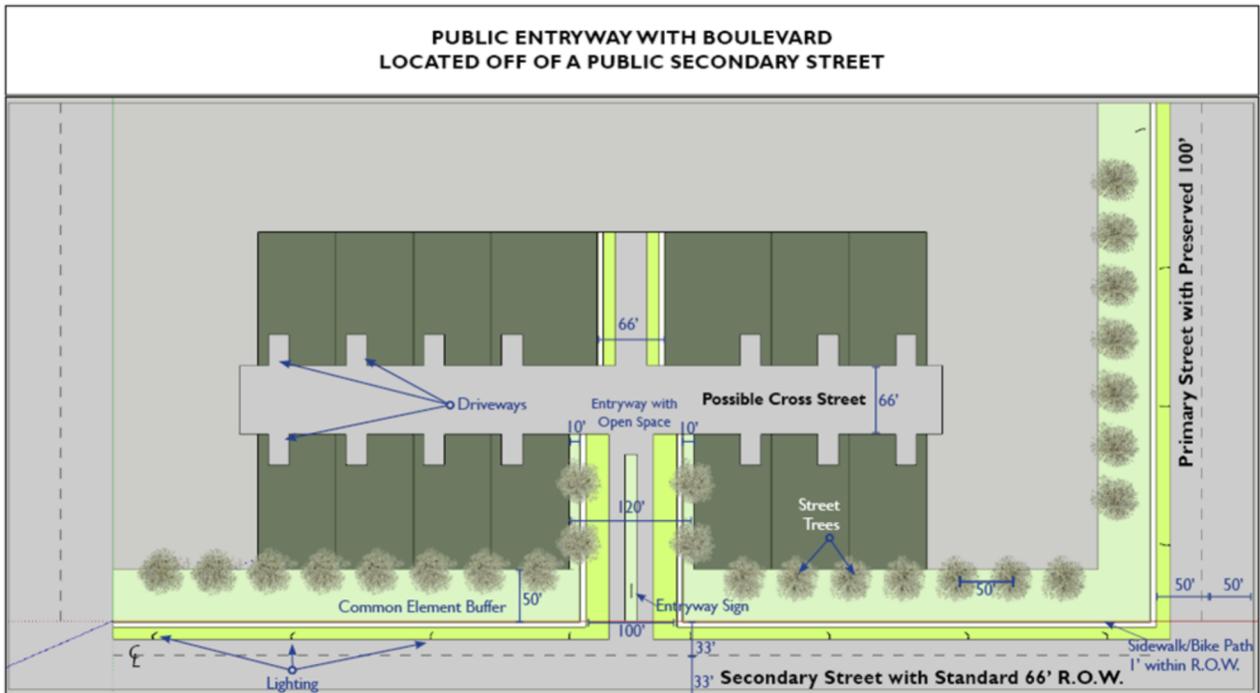
**7**  
Admin and  
Enforcement



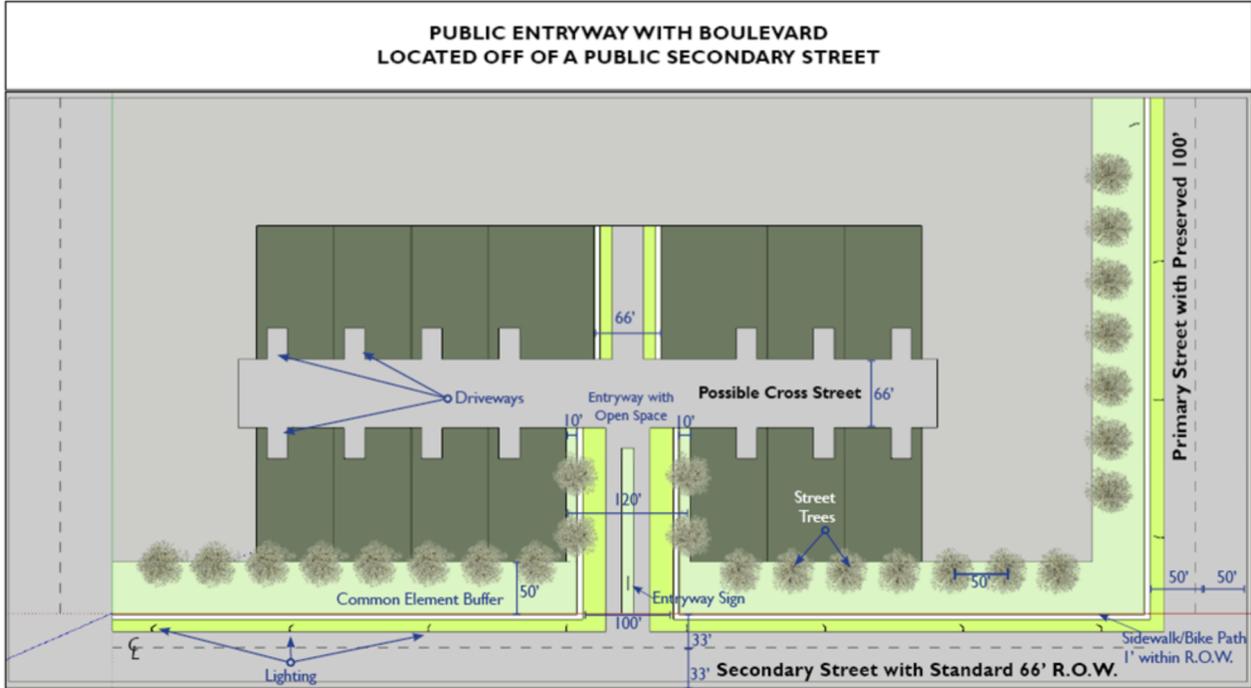
- 6. Entryway. In A, RC, R-1A, R-1, and R-2 zones: Minimum width of 66' to allow for the road right-of-way and 10 additional feet on each side of the new right-of-way extending 180' from the right-of-way line of a County road typically defined by lettered avenue or numbered street.



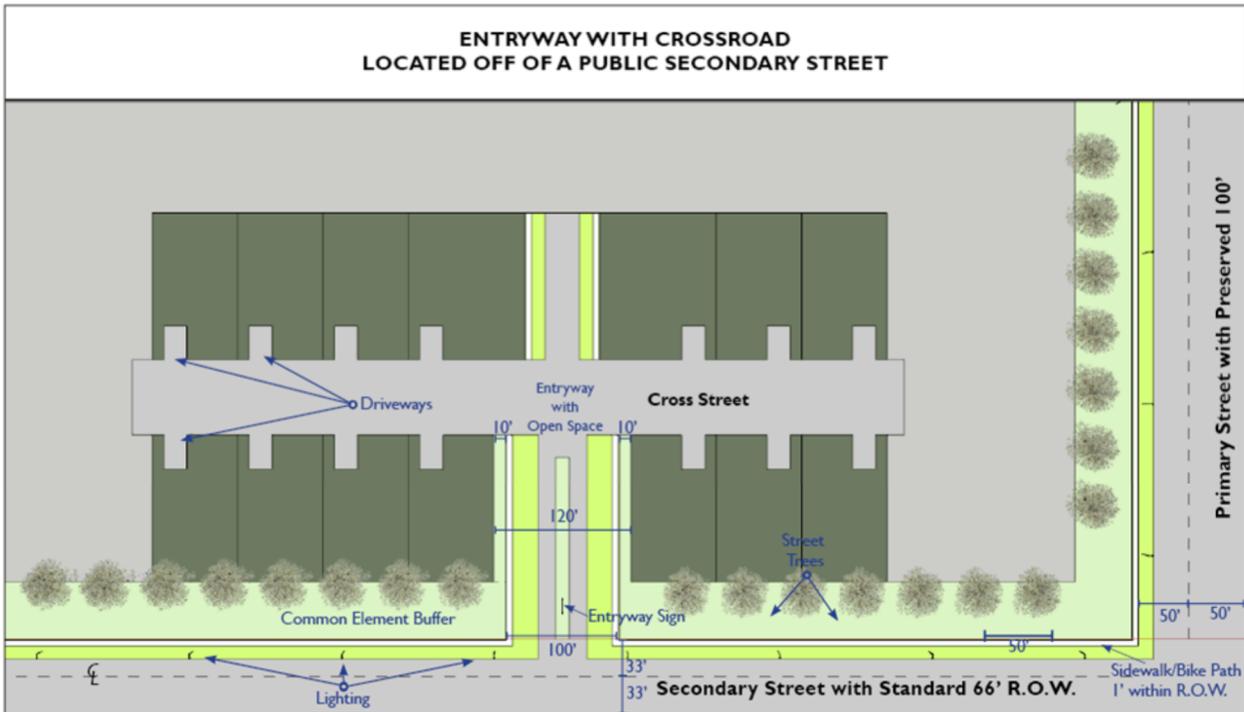
- a. Entryways that include boulevards shall be a minimum width of 100' to allow for the road right-of-way and 10 additional feet on each side of the new right-of-way. There shall be a common open space element that defines the entry into the condominium within the distance listed below based on the 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.



**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

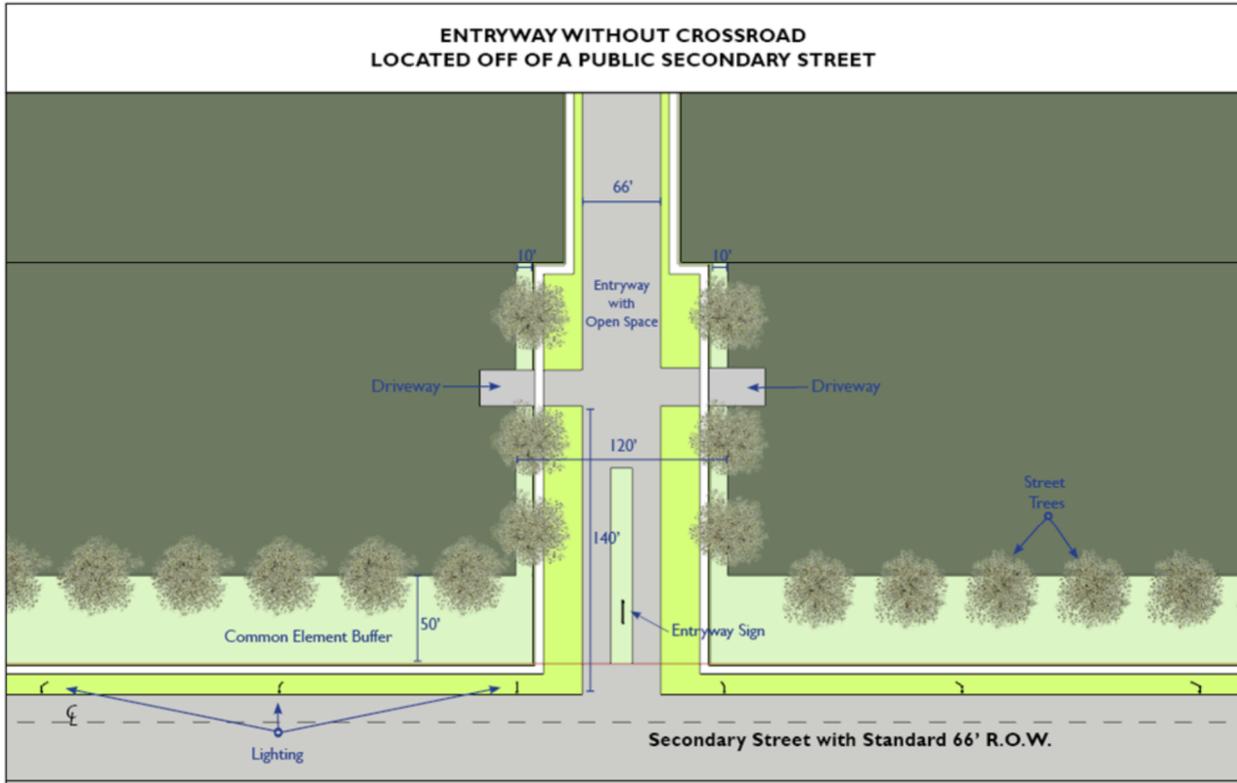
**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement



- 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.

**36-5.10 UNDERGROUND UTILITIES**

All new electrical, telephone, CAT-V, fiber, and similar distribution lines providing direct service must be installed underground beyond the main distribution line(s) if the development requires administrative review or review by the Planning Commission.

**36-5.11 RESERVED**

**36-5.12 STUB ROADS AND CUL-DE-SACS THAT ABUT PROPERTY LINES AT THE BOUNDARIES OF PLATTED AND CONDOMINIUM SUBDIVISIONS**

1. Purpose. The Township preserves access to acreage parcels that it deems “developable” by requiring adjacent developed property to install roads or set aside right-of-way (ROW) for future road connections. These connections ensure orderly and managed development consistent with the Township’s Master Plan. Developable land is not subdivided, does not have an approved site plan, or is not encumbered with topographic, physical, environmental, or legal impediments for development consistent with the Township’s Master Plan.
2. Standards. The following standards apply to stub roads and cul-de-sacs:
  - A. Stub Roads. The Planning Commission may require stub roads in platted or condominium subdivisions to access developable land in adjacent acreage parcels. Stub roads must:
    - i. Be constructed to KCRC standards and end at the boundary of the platted or condominium subdivision; and
    - ii. Not allow access to adjacent acreage parcels from the stub road except to extend the road as part of a platted or condominium subdivision development except in cases where the Planning Commission finds the adjacent land is not developable.
  - B. Cul-de-sacs. The Planning Commission may require temporary cul-de-sacs in platted or condominium subdivisions to access developable land in adjacent acreage parcels. Temporary cul-de-sacs must:
    - i. Be constructed to KCRC standards and abut the boundary line of the platted or condominium subdivision tangentially;
    - ii. Have a permanent 66 foot ROW extended to the boundary of the platted or condominium subdivision;
    - iii. Not allow access to adjacent acreage parcels from the cul-de-sac except to extend the road as part of a platted or condominium subdivision development except in cases where the Planning Commission finds the adjacent land is not developable;

**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement



- iv. Revert the portion of ROW of the cul-de-sac that is not necessary to maintain the 66 foot road ROW to the underlying property owner(s) when a temporary cul-de-sac is vacated because the road is extended into the adjacent developable land.

**36-5.13 ACCESSORY BUILDINGS IN AGRICULTURAL, RESOURCE CONSERVATION, AND RESIDENTIAL DISTRICTS**

1. Parcels located on non-riparian lots in the A, RC, R-1A, R-1, and R-2 zones may have 1 accessory building, up to 900 square feet, in the front yard provided it is setback 2 times the required front yard setback for the district where it is located. The maximum square footage of any front yard accessory building shall not exceed 2% of the front yard building envelope (with all setbacks deducted) or 900 square feet, whichever is lesser; except for the following:
  - a. A front yard accessory building granted a special exception use permit by the Planning Commission under [Section 36-4.2](#).
  - b. For riparian lots see Section 5.4.
2. 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.
3. Fallout shelters are permitted accessory structures in any residential or agricultural 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.



**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement

# 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
- 36-6.5 Prohibition on Medical Marijuana Provision in Centers, Dispensaries and Safety Compliance Facilities



# 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. Uses Requiring Review. A building permit shall not be issued until a site plan or sketch plan is reviewed and approved according to this Article and all fees are paid.
  - A. Site Plan Review. Site plan review provides the Township with an opportunity to review the proposed use of a site in relation to all applicable provisions of the Zoning Ordinance and Township plans. Site plan review also provides the Township with an opportunity to review the relationship of the plan to surrounding uses, accessibility, on and off-site pedestrian and vehicular circulation, off-street parking, public utilities, drainage, natural features, screening, and other relevant factors which may have an impact on the public health, safety and general welfare. If the proposal

is within the CBD zone, the Zoning Administrator will convene the Design Review Committee to review the site plan. Site plan review is for new developments, significant expansions, and changes to existing approvals unless sketch plan review is allowed under subsection B below. Formal review and approval of a site plan is required for all special exception uses.

- B. Sketch Plan Review. Some small scale projects, minor expansions or minor changes in use to existing sites are required to provide a sketch plan as a part of their application for a zoning permit (36-7.7). In certain circumstances the sketch plan does not require Planning Commission review, but must undergo a formal review and approval by the Zoning Administrator. If the proposal is within the CBD zone, the Zoning Administrator will convene the Design Review Committee to review the sketch plan. The Zoning Administrator may forward an application to the Planning Commission if they determine that there are special circumstances or the scale of the project needs Planning Commission review.

### 36-6.1.1 Site Plan Review and Administrative Sketch Plan Review

A.	New Construction	Required Review	Approval Body
i.	Construction of any new principal building in any zoning district for non-residential uses	Site Plan	Planning Commission
ii.	Construction of any building or structure containing 3 or more dwelling units in any zoning district	Site Plan	Planning Commission
iii.	Utilities and essential public service buildings or structures	Site Plan	Planning Commission
iv.	Establishment of new special exception uses	Site Plan	Planning Commission
v.	Planned Unit Developments	Site Plan	Planning Commission
vi.	Condominium Subdivision Site Plans	Site Plan	Planning Commission
vii.	Construction, reconstruction, erection and/or expansion of a single family or two family dwelling on a single lot or parcel	Sketch Plan	Building Official and Zoning Administrator
viii.	Erection of a wireless communication facility	Site Plan	Planning Commission

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
- 5 Site Standards
- 6 Development Procedures
- 7 Admin and Enforcement

36-6.1.1 Site Plan Review and Administrative Sketch Plan Review (Continued)			
A.	New Construction (Continued)	Required Review	Approval Body
	ix. Extension of a public road for a land division	Site Plan	Planning Commission
	x. Subdivision plats	Site Plan	Planning Commission
	xi. Agricultural buildings	Zoning Permit	Zoning Administrator
B.	Expansion/Modification to Existing Site	Required Review	Approval Body
	i. i. Cumulative expansion over what was approved of more than 500 square feet or more than 10% of the gross floor area, whichever is greater, to the building subject to review.	Site Plan	Planning Commission
	ii. Cumulative expansion over what was approved of 500 square feet or less or 10% of the gross floor area, whichever is lesser, to the building subject to review.	Sketch Plan	Zoning Administrator
	iii. Construction solely in a building interior	Sketch Plan	Zoning Administrator
	iv. Building facade alterations	Sketch Plan	Zoning Administrator
	v. Changes to improve barrier-free design or compliance with Americans with Disabilities Act or other federal, state or county regulations	Sketch Plan	Zoning Administrator and Building Official
	vi. Paving or re-striping an existing parking lot	Sketch Plan	Zoning Administrator
	vii. Construction or erection of signs, retaining walls, fences, screen walls, waste receptacles, sidewalks, antennas, lights, poles, cooling/heating or other mechanical equipment on an existing site that meets all Township ordinances.	Sketch Plan	Zoning Administrator
	viii. Construction or erection of accessory structures greater than 500 SF in common areas of residential developments such as gazebos, picnic shelters, and other recreational structures on an existing site that meets all Township ordinances.	Sketch Plan	Zoning Administrator
	ix. Construction or erection of wind energy systems as principal or accessory uses and solar energy systems greater than 100 SF.	Site Plan	Planning Commission
	x. Temporary site plan amendments the Zoning Administrator may approve under 36-6.1.1.C	Sketch Plan	Zoning Administrator
C.	Change in Use	Required Review	Approval Body
	i. Any change of land or building use in land to a more intensive use, as determined by the Zoning Administrator, that requires substantial change in features like required parking, traffic flow, hours of operation, public services, effluent discharge, that requires the alteration of a special exception use.	Site Plan	Planning Commission



36-6.1.1 Site Plan Review and Administrative Sketch Plan Review (Continued)			
C.	Change in Use (Continued)	Required Review	Approval Body
	ii. Reuse of an existing building where no building expansion is proposed only if the Zoning Administrator determines the new use is similar or less intense than the past use in terms of parking, traffic generation, drainage, utility needs, noise, aesthetics and other external impacts.	Sketch Plan	Planning Commission
	iii. Reuse of an existing building that does not increase required parking (36-5.7.3) beyond the site's available parking (36-5.7.5)	Sketch Plan	Zoning Administrator
	iv. The reoccupation of a site or building after the previous use vacated 181 or more days before.	Site Plan	Planning Commission
	v. The reoccupation of a site or building 180 or less days before with the same or similar use.	Sketch Plan	Zoning Administrator

C. 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.



- D. 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. Electronic submission 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. Electronic submission of the plan (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, bike paths 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 Deferment 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. Screening, fencing, landscaping, and exterior lighting A landscaping plan must be submitted consistent with screening, fencing, and landscaping requirements under Section 36-5.3. A photometric plan must 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.

- 1 Purpose and Introduction
- 2 Definitions
- 3 Zoning Districts
- 4 Use Standards
- 5 Site Standards
- 6 Development Procedures
- 7 Admin and Enforcement



- 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 Section 6.1.2.A.iii 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 Section 6.1.2.A.iv, 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.
- B. Sketch Plan Requirements. The Zoning Administrator may waive any sketch plan requirements they determine do not apply to the zoning permit application.
- i. General
    - a. Completed application form and fee
    - b. Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions
    - c. Scale and north arrow
    - d. Size and dimensions of the parcel
    - e. Legal and common description and parcel identification number of property
    - f. Zoning classification of petitioner's parcel and all abutting parcels
    - g. Lot coverage calculations based on lot area and existing/proposed structures
    - h. A use statement including a general operations plan with a description of the nature of the existing and/ or proposed use or activity, noise impacts, hours of operation, the number or employees, and other features or impacts of the existing and proposed uses
  - ii. Buildings and Structures
    - a. Existing and proposed buildings and parking lots with dimensions and setbacks proposed for alterations.
    - b. Floor plans indicating proposed uses
    - c. Any building elevations proposed for alterations
  - iii. Parking and Access. Existing and proposed parking calculations
  - iv. Existing and Proposed Driveways Site Data.
    - a. Existing and proposed landscaping and plant list
    - b. Proposed changes to grading and other natural features



- c. Existing and proposed lighting, exterior appliances and screening
- d. Proposed utility changes

3. Reserved

4. Standards for Site Plan Review.

A. All required documents (electronic application and drawings) 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 under Section 6.1.2.A.iii where such requirement is beyond the scope of information or regulation needed to support the proposed development or redevelopment of the site. Failure to obtain the waiver may result in the tabling of the application pending submission of the required details as stipulated within the Zoning Ordinance.

The following procedure is utilized for submission and review of the applications:

- i. Within the first 7 days of receipt of the application, the Zoning Administrator/planner shall, in conjunction with the reviews by the Fire Department and Township Engineer, submit comments to the applicant related to compliance with the Zoning Ordinance, fire policy and engineering requirements.
- ii. The applicant shall have 10 days to respond to the comments, either through revisions to the application/drawings or by providing rationale as to why such requirements are not being followed.
- iii. The Zoning Administrator/planner shall then prepare a memorandum based upon the submission of the revised application/drawings and/or rationale.
- iv. The Planning Commission, within 5-7 days of the meeting, shall then receive the revised application/drawings, the memorandum from the Zoning Administrator/planner and any supplemental information as needed to support the application and review. In addition to the electronic filing, the applicant shall submit 10 copies of the drawings at 1/2 scale, not less than 12" x 18".

v. Following approval, with or without conditions, the applicant shall submit either revised drawings or the approved drawings electronically and provide one full size copy for Township records.

B. Further, in consideration of each site plan, the Planning Commission shall endeavor to ensure the following:

- i. 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:
  - a. 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.
  - b. Roads and streets serving more than one structure or ten dwelling units shall be equal to county road commission standards of construction and drainage.
  - c. 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.
  - d. 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.
- ii. 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.

**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement



- iii. 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.
- iv. 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.
- v. 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.
- vi. 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.A.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 36-6.1.8 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. This Section regulates the development of land and creates site condominium units in the Township with the provisions of 1978 PA 59. This Section establishes a system of site plan review performed by the Township to assure building sites within condominium developments conform to all requirements of the Township Zoning Ordinance.
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, that authorizes Townships to adopt ordinances that secure the public health, safety and general welfare, and the Michigan Zoning Enabling Act (PA 110 of 2006 as amended).
3. All site condominium developments must comply with the provisions of the Michigan Condominium Act (1978 PA 59, as amended) and with the provisions of this Section and other applicable Township ordinances. No building permit may be issued until the site condominium project has final approval (Step 3) and inspection by the Township.
4. Preliminary Site Condominium Plan Approval (Step 1). Step 1 is the Planning Commission's first layout review of the building sites, roads, and utilities in the proposed site condominium.
  - 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:
    - i. A topographic map of the subject parcel and all land within 200'. Existing and proposed grade elevations must be shown with not more than 2' contour intervals.
    - ii. Dimensions and layout of streets, sidewalks, trails, bike paths, and any other vehicular and non-motorized improvements and their connections to other facilities adjoining or in close proximity to the proposed site condominium.
    - iii. How the proposal complies with the Township's access management standards.

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



- iv. Street lighting, with lighting at all intersections.
  - v. How corner units access streets.
  - vi. Entryway. There must be a minimum width of 86' 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. There must be a common open space element that defines the entry into the condominium within the first 50' of the site, or 100' for an Open Space Overlay district.
  - vii. Show building site layout, with dimensions showing size and shape of proposed building sites and dedicated common open space;
  - viii. The general location of the sanitary sewer and/or water system.
  - ix. Flood plains within the proposed site condominium development.
  - x. Indicate, in general, the methods for stormwater disposal.
  - xi. A plan showing the current or future development feasibility of adjoining land.
- B. The Planning Commission must determine whether the proposed preliminary site condominium plan complies with all Township ordinances and state statutes including, but not limited to the following:
- i. Streets
    - a. Compliance with the Township's Thoroughfare Plan.
    - b. The Planning Commission may determine if the arrangement of streets must continue existing streets from adjoining areas into the proposed condominium development.
  - c. 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, and must include, at intervals of no more than 500', roundabouts for adequate fire and emergency vehicles access.
  - d. All proposed streets must be constructed to Kalamazoo County Road Commission standards, including traffic control devices and signs.
  - e. 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:
    - (1) 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.
    - (2) The private road must be constructed to Kalamazoo County Road Commission design and geometric standards.
    - (3) Kalamazoo County must approve the name of the private road.
    - (4) The applicant must provide a 10' wide utility easement adjoining the private road right-of-way.



- (5) The applicant must install sidewalks, trail or bike path consistent with the Township's Master Plan and shall connect all units and common areas within the proposed condominium.
    - f. A site condominium creating a total of 50 or more units must provide 2 or more access streets.
  - ii. Each building site must comply with the zoning district dimension standards.
  - iii. Privately held reserve strips controlling access to streets are prohibited.
  - iv. Existing natural features should be preserved as possible in the design of the site condominium development. If floodplains are filled, then equal compensating excavation must be provided on the site.
- C. If the Planning Commission determines that the proposed preliminary site condominium plan complies with all applicable ordinances and statutes and the provisions set forth above, it must grant approval of the preliminary plan. This approval confers upon the applicant for a period of 1 year of approval for building site sizes, building site orientations and street layout. Preliminary approval may be extended by the Planning Commission for up to 1 year upon request of the applicant.
5. Construction Approval of the Site Condominium Plan (Step 2 approval). Step 2 finalizes the construction plans and details to implement the preliminary approval granted in Step 1.
- A. Submission. Every developer must submit a proposed construction site condominium plan to the Township for its review and approval. The Planning Commission must establish an application, a review procedure, and a submission materials checklist for construction approval. The submission must including the following:
- i. Evidence that all conditions of the preliminary approval are incorporated into the proposed condominium plan.
  - ii. Detailed working drawings showing existing and proposed grades, storm water pipes and structures, proposed utilities and road construction plans for streets within and adjoining the proposed condominium development.
- iii. Documented consultation with all utilities that will serve the development to resolve any conflicts in location between public utility facilities and other improvements.
  - iv. Documentation of required governmental agency approvals like DEQ, City of Kalamazoo water and sewer, soil erosion permits from the Kalamazoo County Drain Commission, and approvals from the Road Commission.
  - v. If individual sewage disposal systems are proposed because public sewage facilities are not reasonably available, the developer must provide documentation from the Kalamazoo County Environmental Health Department verifying the suitability of the land for septic systems.
  - vi. Details of the entryway(s) must include the development identification sign location (Section 5.8.6.C.i), a landscape plan and schedule including 1 street tree planted along for every 50', a sidewalk or bike path dependent upon adjoining property improvements and the Township's Master Plan, and street lighting as required.
  - vii. Stormwater facilities must meet Kalamazoo County Drain Commissioner standards. The Township must review the stormwater system design.
  - viii. A draft master deed.
- B. The Planning Commission must examine and determine whether the proposed site condominium plan complies with the requirements imposed by it at the time of preliminary approval, obtained the required statutory approval of other governmental agencies and meets the following requirements:
- i. Connection to sanitary sewers and/or water mains that are within 0.5 miles of the proposed development.
  - ii. All utilities, including but not limited to, electricity, cable, and telephone, must be installed underground in accordance with the utility providers' standards. All easements for underground utilities must be indicated on the preliminary plan and provided in a recordable format.

**1**  
Purpose and Introduction

**2**  
Definitions

**3**  
Zoning Districts

**4**  
Use Standards

**5**  
Site Standards

**6**  
Development Procedures

**7**  
Admin and Enforcement



- iii. Each proposed unit or parcel must have access to an approved public or private right-of-way.
  - iv. Street lighting is required and must meet the Zoning Ordinance.
- C. Approval. If the Planning Commission determines the construction condominium plan obtained the required approval of other governmental agencies and complies with the requirements set forth above in this Section, the Planning Commission must grant approval of the construction plan. Final approval of the construction condominium plan grants the developer 2 years to implement and construct the approved plan. The Planning Commission may extend the approval for up to 1 year at the request of the developer.
6. Approval of Final Condominium Plan (Step 3 approval). Step 3 approval allows the Township Board to review the implementation and construction of the construction site condominium plan and ensure that the development is completed prior to issuance of building permits. The Township Board may accept financial surety for uncompleted work as provided in this Section.
- A. Submission. Every developer must submit a proposed final site condominium plan to the Township Board for its review and approval. The Township Board must establish an application, a review procedure, and a submission materials checklist for final approval.
- B. Standards for Approval. The Township Board must review the proposed final site condominium plan and grant final approval if it determines that the following conditions are met. If improvements are not completed, the Township Board may accept a cash or equivalent surety in an amount sufficient to insure improvement completion within a specified time. This surety must include a deposit agreement executed by the developer except as stipulated otherwise:
- i. All required monuments are placed in the condominium development.
  - ii. All roads, streets, trails, bike paths, sidewalks, bridges and culverts are completed and inspected by the Township.
  - iii. All waterways or lagoons, etc., proposed in the site condominium project are completed.
  - iv. Any flood plains within the proposed site condominium project are restricted as provided by the Condominium Act. These restrictions are submitted to the Township Board for review and approval prior to recording at the register of deeds as part of the master deed.
  - v. All utilities servicing the site condominium project are installed and water and sanitary sewer mains are stubbed to the building sites.
  - vi. All underground utility installations, including street lighting systems that traverse privately owned property are protected by easements granted by the developer and approved by the utility provider. These easements must be recorded as part of the master deed or provided by separate instrument. Utility easements across building sites or centered on rear or side building site lines must be at least 12' feet wide, except side building site easements 3' feet wide for street lighting dropouts. These easements must be direct and continuous from block to block.
  - vii. All public improvements, such as street lights, fire hydrants, sidewalks, parks, etc., required by the Township, are completed, installed, reviewed and inspected by the Township.
  - viii. The proposed final site condominium plan complies with all applicable state statutes and Township ordinances and has approval from necessary governmental agencies.
  - ix. The master deed is reviewed by the Township, executed by all required owners, recorded properly, and filed with the Township before any building permits are issued.
  - x. Sidewalks/trails on any common areas of the condominium development must be completed prior to final approval and the Township cannot accept a surety in lieu of completion.



7. Failure to Complete a Public Improvement. If the developer fails to complete required work within the period of time required the Township, the Township must complete such work. The Township must reimburse itself for the cost and expense of completing the work with the surety the developer submitted to the Township.
8. Requirement Modifications. If the Planning Commission determines that it is in the best interest of the public health, safety, and general welfare of the public, it may modify requirements of this Section as long as the intent of the modified requirement is upheld.
9. Amendments. All amendments to the site condominium plan must be submitted for review and approval according to the full approval process.

**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.

- 1 Purpose and Introduction
- 2 Definitions
- 3 Zoning Districts
- 4 Use Standards
- 5 Site Standards
- 6 Development Procedures
- 7 Admin and Enforcement



- 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 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 Road Commission of Kalamazoo County, 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 Road Commission of Kalamazoo County, 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.



- 1 Purpose and Introduction
- 2 Definitions
- 3 Zoning Districts
- 4 Use Standards
- 5 Site Standards
- 6 Development Procedures
- 7 Admin and Enforcement

- 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 RCKC current "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 the RCKC current "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.



1	Purpose and Introduction
2	Definitions
3	Zoning Districts
4	Use Standards
5	Site Standards
6	Development Procedures
7	Admin and Enforcement

- 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 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') 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 6.2A.4 & 5, herein.

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



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



- 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 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 amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with MCL 125.3401, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.
  4. Approval.
    - A. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
    - B. The statement of conditions shall:
      - i. Be in a form recordable with the Register of Deeds of Kalamazoo County or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
      - ii. Contain a legal description of the land to which it pertains.
      - iii. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.



- iv. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
  - v. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of Kalamazoo County.
  - vi. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
- C. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
- D. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of Kalamazoo County. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
- E. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.
5. Compliance with Conditions.
- A. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
  - B. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable statement of conditions.
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.

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



- 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.

6.5 PROHIBITION ON MEDICAL MARIJUANA PROVISION IN CENTERS, DISPENSARIES AND SAFETY COMPLIANCE FACILITIES

- 1. Definitions. The following definitions shall apply to this Section:
  - A. "Marihuana" means that term as defined in Section 3 of the Michigan Medical Marihuana Act, MCL 333.26423.
  - B. "Medical Marihuana" means marihuana for medical use as that term is defined in Section 3 of the Michigan Medical Marihuana Act, MCL 333.26423.
  - C. "Medical Marihuana Provisioning Center" or "Provisioning Center" means a commercial entity located in this state that acquires, posses, manufactures, delivers, transfers, or transports medical marihuana and sells, supplies, or provides medical marihuana to registered qualifying patients, directly or through the patient's registered primary caregivers. Provisioning center includes any commercial property where medical marihuana is sold to registered qualifying patients and registered primary caregivers. The location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's medical marihuana registration process in accordance with the Michigan Medical Marihuana Act is not a provisioning center for purposes of this act.
  - D. "Michigan Medical Marihuana Act" means the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 to 333.26430.
  - E. "Medical Marihuana Dispensary or Cooperative" shall be synonymous with "Medial Marihuana Provisioning Center".
  - F. "Safety Compliance Facility" means an entity that tests marihuana produced for medical use for contaminants.
- 2. Prohibition on Medical Marihuana Provision in Centers, Dispensaries and Safety Compliance Facilities. Medical marihuana facilities, which are commercial growers, processors, provisioning centers, secure transporters, and safety compliance facilities, as those terms are defined in the Michigan Medical Marihuana Facilities Licensing Act, Act 281 of 2016, are prohibited in the Township.



**1** Purpose and Introduction

**2** Definitions

**3** Zoning Districts

**4** Use Standards

**5** Site Standards

**6** Development Procedures

**7** Admin and Enforcement

# Chapter 36

## Article 7.0 Administration, Appeals and Enforcement



### Article 36-7.0 Administration, Appeals and Enforcement

- 36-7.1 Administration
- 36-7.2 Enforcement
- 36-7.3 Violations
- 36-7.4 Sanctions
- 36-7.5 Zoning Board of Appeals
- 36-7.6 Application for Variances or Appeals
- 36-7.7 Zoning Permit to Erect or Alter Structures
- 36-7.8 Certificate of Occupancy
- 36-7.9 Nonconforming Uses
- 36-7.10 Nonconformity Created by Exercise of Power of Eminent Domain
- 36-7.11 Building Upon Unplatted Land
- 36-7.12 Amendment Procedure



# 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

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



order to ensure that the applicant 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 frontage 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 2 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.



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 frontage, 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 Section 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 Section where there are practical difficulties or unnecessary hardship in the way of carrying out strict compliance with this Section, or where, in the opinion of such board, the spirit of the provisions of this Section 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 Section 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.

**1**  
Purpose and  
Introduction

**2**  
Definitions

**3**  
Zoning  
Districts

**4**  
Use  
Standards

**5**  
Site  
Standards

**6**  
Development  
Procedures

**7**  
Admin and  
Enforcement



**7** Admin and Enforcement

**6** Development Procedures

**5** Site Standards

**4** Use Standards

**3** Zoning Districts

**2** Definitions

**1** Purpose and Introduction

(Intentionally Blank)

