



CHARTER TOWNSHIP OF TEXAS ORDINANCE NO. 355

ORDINANCE TO AMEND THE CLEARZONING ORDINANCE OF TEXAS CHARTER TOWNSHIP REGARDING SECTIONS 36-2.2, 3.1.1 – 3.1.8, 3.4, 3.7, 4.1, 4.2, 5.13

Adopted:
Published:
Effective:

Section 1. Amendment to Article 2.

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

36-2.2 DEFINITIONS

- *Building* means a combination of materials, whether portable or fixed, forming a structure enclosed within exterior walls and a roof 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, principal* means the building(s) in which the principal use(s) of the property is conducted.
- *Building envelope, accessory* means the area of the lot within which accessory buildings and structures may be constructed. This area excludes all setbacks pertaining to accessory buildings and structures.
- *Building envelope, principal* means the area of a lot within which the principal building may be constructed. This area excludes all setbacks pertaining to the principal building.
- *Dwelling unit, accessory* means an attached or detached, self-contained dwelling unit that is secondary and clearly subordinate to the existing single-family dwelling unit located on the same lot.
- *Family* means:
 - One or two persons with their direct lineal ascendants and descendants and adopted or legally cared for children, 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.

- Not more than two unrelated persons living together in one dwelling unit, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character, cooking as a single housekeeping unit with a demonstrable and recognizable bond characteristic of a cohesive unit.
- Notwithstanding the foregoing, certain types of living arrangements and occupancies shall not be considered to be within the scope of this term, including any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization which is not a recognized religious order; and any group of students or individuals whose domestic association is likely or contemplated to exist for a limited or temporary duration, or whose association is otherwise of a transitory, temporary, or resort-seasonal character or nature.
- *Height* means the vertical distance measured from the average grade:
 1. at the base of the structure to the highest point,
 2. at the base of the building to the top of a flat roof,
 3. at the base of the building to one-half the height of a sloped roof. The height of a sloped roof shall be measured from the eave to the ridge.
- *Lot* means a parcel of unplatted land, a platted subdivision lot, or a unit in a condominium subdivision and is utilized herein to encompass all of these land development types unless the term for parcel or building site is expressly used.
- *Lot coverage* means the maximum area of a lot, expressed as a percentage, that may be encumbered by impervious surfaces. This shall include principal and accessory buildings measured from exterior walls, accessory structures unless otherwise exempted herein, and all other impervious surfaces such as driveways and patios.
- *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 both streets will be considered the front lot line, one of which having 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, frontage may be met at the required setback.
- *Parcel* means a continuous area or acreage of land which has been created through an unplatted division of land.
- *Setback* means the minimum required unobstructed distance between the closest point of the foundation or any supporting post or pillar of a structure and the related front property line, street line, or body of water; side property line; or, rear property line on which the structure is located, except as modified herein.
- *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.

- *Structure, accessory* means a subordinate structure located on the same lot, but is detached from, and is secondary and incidental to, the principal building.
- *Use, accessory* means a use related to, but clearly incidental and subordinate to the principal use on the same lot, which does not alter the principal use nor serve property other than the lot where the principal use is located.
- *Use(s), principal* means the main purpose for which a lot is designed, arranged, or intended and for which it is, or may be used, occupied, or maintained as allowed by the Zoning District in which it is located.
- *Yard* means a required area 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, that is unoccupied and unobstructed from the ground upward, except for the exemptions and encroachments permitted herein.
- *Yard, front*, means a required area 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 a required area 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 setbacks required on lots abutting lakes or other bodies of water, see Section 36-5.4.
- *Yard, side*, means a required area 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.

Section 2. Amendment to Article 3.

Article 3, Section 3.1.1 of the Township’s Zoning Ordinance entitled “A Agricultural” is hereby amended to read as follows:

36-3.1.1.D DEVELOPMENT STANDARDS

Lot Coverage

Maximum lot coverage:

Principal buildings: 10%

Accessory buildings: 5% of rear and side yard
Front yard accessory buildings: See Section 36-4.1
Maximum lot coverage for all impervious surface: 15%

Section 3. Amendment to Article 3.

Article 3, Section 3.1.2 of the Township’s Zoning Ordinance entitled “R-1 Residential District, Single-Family” is hereby amended to read as follows:

36-3.1.2.D DEVELOPMENT STANDARDS

Lot Coverage
Maximum lot coverage:
Principal buildings: 10%
Accessory buildings: 8% of rear and side yard
Front yard accessory buildings: See Section 36-4.1
Maximum lot coverage for all impervious surface: 20%

Section 4. Amendment to Article 3.

Article 3, Section 3.1.3 of the Township’s Zoning Ordinance entitled “R-1A Residential District, Single-Family” is hereby amended to read as follows:

36-3.1.3.D DEVELOPMENT STANDARDS

Lot Coverage
Maximum lot coverage for lots without sewer:
Principal buildings: 13%
Accessory buildings: 10% of rear and side yard
Front yard accessory buildings: See Section 36-4.1
Maximum lot coverage for all impervious surface: 25%

Maximum lot coverage for lots with sewer:
Principal buildings: 15%
Accessory buildings: 10% of rear and side yard
Front yard accessory buildings: See Section 36-4.1
Maximum lot coverage for all impervious surface: 40%

Section 5. Amendment to Article 3.

Article 3, Section 3.1.4 of the Township’s Zoning Ordinance entitled “R-2 Residential District, Single-Family” is hereby amended to read as follows:

36-3.1.4.D DEVELOPMENT STANDARDS

Lot Coverage

Maximum lot coverage for lots without sewer:

Principal buildings: 15%

Accessory buildings: 10% of rear and side yard

Front yard accessory buildings: See Section 36-4.1

Maximum lot coverage for all impervious surface: 40%

Maximum lot coverage for lots with sewer:

Principal buildings: 20%

Accessory buildings: 15% of rear and side yard

Front yard accessory buildings: See Section 36-4.1

Maximum lot coverage for all impervious surface: 45%

Section 6. Amendment to Article 3.

Article 3, Section 3.1.5 of the Township’s Zoning Ordinance entitled “R-3 Residential District, Single & Two Family” is hereby amended to read as follows:

36-3.1.5.D DEVELOPMENT STANDARDS

Lot Coverage

Maximum lot coverage for lots without sewer:

Single-Family

Principal buildings: 15%

Accessory buildings: 8% of rear and side yard

Maximum lot coverage for all impervious surface: 38%

Two Family

Principal buildings: 15%

Accessory buildings: 10% of rear and side yard

Maximum lot coverage for all impervious surface: 35%

Maximum lot coverage for lots with sewer:

Single-Family

Principal buildings: 20%

Accessory buildings: 15% of rear and side yard

Maximum lot coverage for all impervious surface: 45%

Two Family

Principal buildings: 25%

Accessory buildings: 10% of rear and side yard

Maximum lot coverage for all impervious surface: 60%

Section 7. Amendment to Article 3.

Article 3, Section 3.1.6 of the Township’s Zoning Ordinance entitled “R-4 Residential District, Multiple Family” is hereby amended to read as follows:

36-3.1.6.D DEVELOPMENT STANDARDS

Minimum lot frontage:

Two Family: 110 ft

Multiple Family: 86 ft

Lot Coverage

Maximum lot coverage for Two Family:

Principal buildings: 25%

Accessory buildings: 10% of rear and side yard

Maximum lot coverage for all impervious surface: 60%

Maximum lot coverage for Multiple Family:

Principal buildings: 20%

Accessory buildings: 15% of rear and side yard

Maximum lot coverage for all impervious surface: 50%

Section 8. Amendment to Article 3.

Article 3, Section 3.1.7 of the Township's Zoning Ordinance entitled "R-5 Residential District, High Density Multiple Family" is hereby amended to read as follows:

36-3.1.7.D DEVELOPMENT STANDARDS

Minimum lot frontage:

Two Family: 110 ft

Multiple Family: 86 ft

Lot Coverage

Maximum lot coverage for Two Family:

Principal buildings: 25%

Accessory buildings: 10% of rear and side yard

Maximum lot coverage for all impervious surface: 60%

Maximum lot coverage for Multiple Family:

Principal buildings: 25%

Accessory buildings: 35% of rear and side yard

Maximum lot coverage for all impervious surface: 70%

Section 9. Amendment to Article 3.

Article 3, Section 3.1.8 of the Township's Zoning Ordinance entitled "R-6 Mobile Home Park District" is hereby amended to read as follows:

36-3.1.8.D DEVELOPMENT STANDARDS

Lot Coverage

Principal buildings: 20%

Accessory buildings: 15%

Maximum lot coverage for all impervious surface: 80%

Section 10. Amendment to Article 3.

Article 3, Section 3.4 of the Township's Zoning Ordinance entitled "Notes to District Standards - Setbacks" is hereby amended to read as follows:

36-3.4 NOTES TO DISTRICT STANDARDS

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.
2. Setback exceptions and clarifications.
 - A. See Section 36-5.4 for setback requirements on riparian lots of record 60 feet wide or less.
 - B. Corner lots.
 - i. Both street frontages shall meet front yard setback requirements.
 - ii. The remaining yards shall adhere to side yard setbacks.
 - C. Where property is contiguous to an existing or an officially proposed primary county road, the minimum front, side or rear yard contiguous thereto shall be increased in depth so as to permit a one-hundred-foot right-of-way for primary county roads.
 - D. Setback encroachments.
 - i. For all yards.
 - a. Wires and their supporting poles or frames of electrical or telephone utilities, or to service utilities entirely below ground, and streetlights located within the road right-of-way.
 - b. Fences, hedges, and landscaping per the requirements of 36-5.3.
 - c. Landscaping seating walls with a maximum height of 18 inches.
 - d. Landscape and/or yard sculptures, art, statues, etc. with a maximum footprint of 10 square feet and a maximum height of six feet.

- e. Retaining walls that are required by topography and if they do not obstruct vehicular line of site.
 - f. Paved surfaces, such as a driveway or patio, with a maximum height of six inches.
 - g. Access ramps and lifts for persons with disabilities with Zoning Administrator review of the location, design, and construction to ensure appropriate context with the existing structure and the surrounding neighborhood.
 - h. Light poles within residential districts with a maximum height of eight feet, provided a five-foot setback is maintained.
 - i. Architectural features such as bay windows and other design embellishments that do not project more than two feet into the required setback.
 - j. Eaves that do not project more than two feet into the required setback.
- ii. For side and rear yards.
 - a. Garden trellis and arbors with a maximum footprint of 100 square feet and a maximum height of eight feet, provided a three-foot setback is maintained.
 - b. Recreational equipment that is typically found with a residential use, such as swing sets, basketball poles, sandbox, playhouse, etc., provided a five-foot setback is maintained.
 - c. Accessory buildings with a maximum footprint of 200 square feet and a maximum height of eight feet, provided a five-foot setback is maintained.
 - d. Temporary dumpsters or storage containers provided a five-foot setback is maintained.
- E. In Agricultural and Residential Districts when a parcel abuts a higher zoning district, the larger of the abutting yard setback applies.
- F. Commercial, Industrial and Other Districts (except CBD)
- i. 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.
 - ii. 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.

- iii. For each foot any portion of a building extends beyond 35 feet in height, one additional foot of setback must be achieved for that portion of the building.
- iv. 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.

3. Lot frontage clarification.

- A. On irregular shaped lots, the minimum frontage requirement of the lot may be met at the minimum front yard setback.

4. Lot coverage exemptions and clarifications.

- A. Fences are exempt from lot coverage requirements.
- B. See Section 36-5.4 for lot coverage on riparian lots of record 60 feet wide or less.

Section 11. Amendment to Article 3.

Article 3, Section 3.7 of the Township’s Zoning Ordinance entitled “Limitations on Height” is hereby amended to read as follows:

36-3.7 LIMITATIONS ON HEIGHT

No building or structure 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 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.

Section 12. Amendment to Article 4.

Article 4, Section 4.1 of the Township’s Zoning Ordinance entitled “Principal Permitted Uses in the A Agriculture District” is hereby removed from the Ordinance.

Section 13. Amendment to Article 4.

Article 4, Section 4.2 of the Township’s Zoning Ordinance entitled “Front Yard Accessory Buildings in A, RC, R-1, R-1A, and R-2 Zoning Districts” is hereby amended from the Ordinance as follows:

36-4.1 ACCESSORY USES, BUILDINGS, AND STRUCTURES IN THE AGRICULTURAL, RESOURCE CONSERVATION, AND RESIDENTIAL DISTRICTS

1. General Requirements. Accessory buildings and structures:
 - A. Shall be clearly incidental and subordinate to, and customarily and commonly associated with, the operation of the principal use.
 - B. Shall be operated and maintained on the same lot and under the same ownership as the principal use.
 - C. Shall only be used as a dwelling unit per the requirements provided herein.
 - D. Shall be located in the side or rear yard of a lot, except as provided herein.
 - E. Shall meet the development standards outlined in Section 36-3.0.
 - F. 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.
 - G. 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.
 - H. See Section 5.4 for accessory building setback requirements on riparian lots.
2. Front Yard Accessory Buildings
 - A. One front yard accessory building is permitted on non-riparian parcels in the A, RC, R-1, R-1A, and R- 2 zones if the following standards can be met:
 - i. The accessory building may not exceed 2% of the front yard building envelope or 900 square feet, whichever is lesser.
 - ii. The accessory building must be setback twice the required front yard setback for the district where it is located.

- B. To maintain the traditional residential character and customary front yards found in subdivisions and site condominiums, front yard accessory buildings are prohibited on lots within platted subdivisions and building sites within single-family site condominiums.
- C. Special Exception Use. An otherwise permissible front yard accessory building that does not comply with the applicable size or lot coverage requirements may be permitted as a special exception use if approved by the Planning Commission subject to Section 36-6.3 and if the following conditions are met:

- i. The accessory building is located at least twice the front yard setback for the zoning district in which it is located.
- ii. The accessory building shall not have a material adverse impact on surrounding properties.

3. Side and Rear Yard Accessory Buildings.

- A. Special Exception Use. Accessory buildings with more square footage than allowed by lot coverage requirements may be permitted in the side or rear yard as a special exception use if approved by the Planning Commission subject to Section 36-6.3 and if the following conditions are met:

- i. For lots with a single accessory building, an additional five feet of setback from the side and rear yard property lines is required for each percentage of lot coverage requested beyond what is permissible by the zoning district in which it is located.
- ii. For lots with multiple accessory buildings, the Planning Commission may request larger setbacks and screening that meets the requirements of Section 36-5.3 to minimize impacts to neighboring properties.
- iii. The accessory building(s) shall not have a material adverse impact on surrounding properties.

4. Accessory Dwelling Unit (ADU).

- A. Purpose. It is the intent of this section to allow ADUs on single-family properties to provide alternative housing opportunities that responds to changing family needs, allows senior family members to reside nearby with independence, accommodates smaller households, and acknowledges increasing housing costs. It is further recognized that ADUs may have impacts on neighboring properties and therefore appropriate limitations are necessary so that they respect the single-family look and scale of the lot and are compatible and harmonious with the surrounding neighborhood.

B. General Provisions.

- i. ADUs may only be permitted on lots that are developed with a single-family dwelling.
- ii. Not more than one ADU may be included on a single-family lot and the ADU shall be excluded from the maximum residential density requirements of the zoning district.
- iii. An ADU may only be developed on a lot that meets the minimum lot size requirement of the district in which it is located.
- iv. The principal dwelling or the ADU must be declared as the primary residence of the property owner. A deed restriction stating that the lot is so restricted shall be recorded with the Kalamazoo County Register of Deeds and provided to the Township.
- v. No ADU shall be leased or rented for less than 365 days and shall not be used as a short-term rental. The occupancy of the ADU shall meet the Township's definition of a "family."
- vi. The principal dwelling and the ADU shall share the same driveway access to the lot. In addition to the required off-street parking for the principal dwelling, one additional off-street parking space shall be dedicated to the ADU.

C. Construction, Alterations, and Design.

- i. Any alterations to an existing building or structure on the lot or the construction of a new building to accommodate the ADU shall be designed to emulate the architectural design, style, appearance, and character of the principal dwelling, and shall not detract from the single-family character and appearance of the lot.
- ii. ADUs located above the first floor shall gain access from an internal means to the building. External stairways are prohibited.
- iii. The ADU must be connected to the same water, sewer, gas, and electric service provided to the principal structure.
- iv. When an ADU is served by the primary dwelling well and/or septic system, written verification from the Kalamazoo County Environmental Health Department of the existing systems adequacy to serve the ADU is required. If the existing system is not adequate, a permit for a new or replacement system shall be required.
- v. The ADU shall be no smaller than 350 square feet and no larger than 800 square feet in gross floor area and must contain its own bathroom and kitchen facilities.
- vi. Mobile homes, trailers on wheels, recreational vehicles, or similar structures or conveyances shall not be considered an ADU for purposes of this section.

- vii. All ADUs must be constructed on a foundation.
 - viii. If garage floor area is converted for an ADU, replacement off-street parking shall be provided for the principal dwelling.
 - ix. Attached ADUs to the principal dwelling shall have no external evidence of the ADU other than a separate entrance/exit, which shall be located on the side or rear of the building when such entrance is not shared with the principal building.
 - x. Detached ADUs incorporated into an existing accessory building shall also have no external evidence of the ADU and shall limit its prominence through a side or rear entrance/exit.
 - xi. Standalone ADUs that are not structurally attached to the principal dwelling, located within the principal dwelling, or located within the accessory building (garage) serving the principal dwelling must comply with the following additional provisions:
 - a. The ADU must be located within the side or rear yard.
 - b. The ADU must meet the principal dwelling unit setbacks for the side and rear yards.
 - c. The height of the ADU may be no taller than 18 feet.
 - d. The ADU must be included into the lot coverage requirements for accessory buildings.
 - e. The ADU shall always be properly maintained pursuant to the International Property Maintenance Code and shall at no times fall into disrepair such that it detracts from the appearance of the property or the neighborhood.
- D. Planning Commission Sketch Plan Review. The Planning Commission shall review and approve an ADU if the requirements outlined herein have been met. The application shall include the following:
- i. A sketch plan showing property lines and the location of all existing and proposed structures, including dimensions from each other and all property lines.
 - ii. Elevation drawings of the ADU that include building height.
 - iii. Floor plan for ADU with total square footage provided.
 - iv. Pictures of existing structures.
- E. Special Exception Use. An otherwise permissible ADU that is located in the front yard or does not comply with (1) the required lot size, (2) the minimum or maximum ADU floor area size, or (3) setbacks for a standalone ADU may be permitted as a special exception

use if approved by the Planning Commission subject to Section 36-6.3 and the Planning Commission determines that:

- i. The topography and/or wooded nature of the subject property reduces the visibility of or screens the ADU from view.
 - ii. A unique design is proposed that allows the ADU to seamlessly integrate into the existing structures on the lot.
 - iii. A specific floor area is needed to accomplish universal design requirements for accessibility.
 - iv. The addition of the ADU does not violate lot coverage requirements.
5. Special Exception Use Application. All applications for a special exception use under this section must be accompanied with a plan including the following:
- A. North arrow and graphic scale sufficient to demonstrate the relationship of the proposed building or structure and all properties and buildings within 500 feet.
 - B. All property lines, easements, and rights-of-way shown with dimensions.
 - C. The location of the proposed accessory building and the dimensions to property lines and other structures on the property.
 - D. A topographic map of the property.
 - E. Pictures or other exhibits of existing structures.
 - F. The height and elevation drawings of the proposed building.
 - G. 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.

Section 14. Amendment to Article 4.

Article 4, Section 4.2 of the Township's Zoning Ordinance entitled "Front Yard Accessory Buildings in A, RC, R-1, R-1A, and R-2 Zoning Districts" will change to Section 4.1 and Section 4.2 is hereby amended from the Ordinance as follows:

Section 4.2 Reserved

Section 15. Amendment to Article 5.

Article 5, Section 5.13 of the Township's Zoning Ordinance entitled "Accessory Building in Agricultural, Resource Conservation, and Residential District" is hereby removed from the Ordinance (incorporated into new Section 36-4.1).

Section 16. Validity and Severability.

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

Section 17. Repealer Clause.

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

Section 18. Effective Date.

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