



CHARTER TOWNSHIP OF TEXAS ORDINANCE NO. 370
ORDINANCE TO AMEND THE CLEARZONING ORDINANCE
REGARDING SECTIONS 36-2.2, 36-3.1.18, 36-4.0, 36-5.8, 36-5.9, 36-5.12,
36-6.1, 36-6.2, AND 36-6.2A, AND TO AMEND THE GENERAL
ORDINANCE REGARDING SECTION 16-84.

Adopted: March 27, 2023
Published: March 30, 2023
Effective: April 6, 2023

Section 1. Amendment to Article 2.

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

36-2.2 DEFINITIONS

Architectural Relief means articulation of facades through window bays, alcoves, variations in building depth, vertical building relief such as columns or pilasters, canopies, porticos, etc.

Brewpub means a restaurant establishment licensed by the Michigan Liquor Control Commission as a brewpub that manufactures and sells beer for consumption on the premises or for take-out.

Club, private service means an organization that requires membership for participation and whose intent is to provide meaningful societal assistance or support, with operations often controlled by the membership, and whose facilities and activities are only open to members and their guests.

Craft food and beverage production facility means an establishment engaged in the onsite, small-scale production of food and beverages with limited to no external effects on adjacent properties, generally involving an onsite retail sales component. Typical examples include bakeries, microbreweries, wineries, or other cottage food operations.

Craft shop means any establishment that produces onsite articles for sale of artistic quality or effect or handmade workmanship. Examples include candle making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and other associated activities.

Earth tone means a variety of soft colors found in nature, which include a mixture or tonalities of browns and tans, with richer colors that can include muted reds, greens, and blues. Typical earth tone color palettes include:



Façade means the face or elevation of a building in a single plane of view.

Footprint means the horizontal area of a building or structure as seen in plan view, measured at grade from the outside of all exterior walls and supporting columns.

Personal service establishment means an establishment or place of business primarily engaged in the nonmedical provision of frequent and/or recurrent services of a personal nature. Related services include barber shops, beauty salons, spas, tanning salons, massage facilities, chiropractic clinics, and other similar establishments. These uses may also include accessory retail sales of products related to the services provided.

Road, private means a private right-of-way or easement approved by the township as part of a Planned Unit Development (PUD), Open Space Preservation (OSP) project, Site Condominium development or other permitted development. Private roads shall adhere to the road construction standards established by the Road Commission of Kalamazoo County, except geometric and layout requirements. Private roads shall also meet minimum Township design standards as defined within applicable sections of the Zoning Ordinance.

Storefront means a building facade, or portion thereof, containing a principal entryway to the building for singular or multiple uses. A building facade may contain numerous storefronts separated by architectural relief measures.

Townhome means a single-family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to the roof and with open space on at least two sides. Projections beyond the unit's foundation or basement walls are permitted if such occurrences do not project over adjoining units.

Section 2. Amendment to Article 3.

Article 3, Section 1.18 of the Township's Zoning Ordinance entitled "Corners Business District" is hereby amended to read as follows:

36-3.1.18 Corners Business District

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 standards to support this future vision. These standards further differentiate the CBD from other commercial development areas within the Township. The intent is to support a unique mix of office, retail and service uses directed at supporting the personal needs of area residents, while achieving regional interest based upon shopping, entertainment, and restaurant experiences. Toward this end, uses will be in close proximity to one another, or attached, enhancing pedestrian movement and appearance. Buildings are intended to be at a human scale with the size and location of parking facilities blended with landscape improvements and open space.

B. PERMITTED USES

- i. Administrative and professional offices
- ii. Medical and physical rehabilitation offices, including clinics
- iii. Banks, credit unions, savings and loan associations, and similar uses
- iv. Photographic studios
- v. Publicly owned buildings, exchanges, public utility offices, public facilities, and passive and active recreation areas
- vi. Personal service establishments
- vii. Childcare centers or day care centers
- viii. Restaurants, excluding any use of a drive-in or drive-through nature
- ix. Retail sales
- x. Mixed-use commercial centers supporting two or more permitted uses, with any special exception uses subject to that approval process
- xi. Video, audio, or electronics stores, including minor repair or similar uses
- xii. Indoor recreational facilities, health clubs, fitness centers
- xiii. Craft shops and art and design studios
- xiv. Studios for musical, dance, or artistic instruction
- xv. Movie theaters, stage theaters, and other places for performing arts
- xvi. Private service clubs, fraternal organizations, and lodges
- xvii. Permitted uses that provide outdoor seating for serving patrons

C. SPECIAL EXCEPTION USE

The following are special exception uses in the CBD Corners Business District. Such uses shall be subject to the specific conditions listed for special exception uses under Article 36-4: Use Standards, unless exempted by the Planning Commission after consideration of conflicts with the design standards required herein; adverse impacts to adjacent properties or the district; compatibility with the natural environment and capacities of public services and facilities; and, consistency with the general plan for physical development within the Corners.

- i. Package liquor, beer, and wine 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 eight (8) or fewer fuel nozzle stations, and minor vehicle service and repair, including associated convenience retail store
- v. Contractor's establishment, including roofing, plumbing, heating or electrical or suppliers to such business, provided no outdoor storage is permitted
- vi. Attached residential units, per the requirements of Section 36-3.1.18.F.x.
- vii. Bed and breakfast or similar lodging establishment that does not exceed six sleeping rooms and in which no meals, other than a breakfast, are served
- 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
- xi. Permitted uses that provide outdoor seating for serving patrons alcoholic beverages
- xii. Permitted uses that include drive-through facilities
- xiii. Single nonresidential buildings exceeding the allowable maximum footprint as outlined in D. Dimensional Requirements only
- xiv. Banquet halls/event centers
- xv. Brewpub where the brewing operation is no more than 30 percent of the building square footage
- xvi. Craft food and beverage production facility, with no more than 5,000 square feet of gross floor area for production
- xvii. Funeral homes
- xviii. CBD mixed use site condominium developments
- xix. Accessory buildings and structures permanently affixed to a slab or foundation as required by Building Code

D. DIMENSIONAL REQUIREMENTS

- i. Lot size. The lot shall be of sufficient size to meet required parking standards for such use under Section 36-5.7: Parking Requirements.
- ii. Lot frontage. Lots shall be required to have enough frontage on a public or private road or an access connector to ensure vehicular access and the placement of utilities but in no case shall be less than 40 feet. Frontage may be waived by the Planning Commission if a permanent easement is provided to gain access to a public or private road.
- iii. Open space. See subsection F: Design Standards herein for open space requirements.
- iv. Height. The maximum building height shall be 35 feet, with exceptions for towers, cupolas, or steeples up to a maximum 50 feet in height, except as noted in E. Compatibility Zone herein.
- v. Building size. The maximum footprint for a single nonresidential building shall be 10,000 square feet and the storefront shall have a maximum width of 60 feet, except as noted in E. Compatibility Zone herein. The Planning Commission may consider a special exception use application for a larger footprint or wider storefront if the design of the building is compatible with adjacent properties and the district and all other design standards can be met.
- vi. Setbacks and build-to lines.
 - a. On county primary roads, the build-to line shall be a minimum of 10 feet from the preserved right-of-way line. This "build-to" line is intended to provide a more consistent setback of buildings and to eliminate parking areas within the front yard.
 - b. On secondary and private roads, buildings may be setback a minimum of five (5) feet and a maximum of 20 feet. The intent is to provide flexibility for building placement to offer opportunities for outdoor patios or other gathering places.
 - c. The Planning Commission may waive build-to-line requirements where, in its reasonable discretion, it determines the build-to line does not achieve the desire for building consistency or if a public utility easement prohibits.

E. COMPATIBILITY ZONE

In an effort to ensure compatibility and protect existing single-family zones, a 100-foot zone shall be established around the perimeter of the Corners Business District. All other regulations of this ordinance shall be met unless modified by the following requirements:

- i. Uses permitted. Administrative and professional offices; medical and physical rehabilitation offices, including clinics; publicly owned buildings, exchanges, public

utility offices, and public facilities including park and recreation areas; and multiple family residential.

- ii. Multiple family residential. Attached units shall be of a “townhome” style dwelling, which are vertical units that share a connected wall. No more than six units shall be allowed per building.
- iii. Height. The maximum height shall be 24 feet at the tallest eave of the building, where the roof intersects with the building wall.
- iv. Building size. The maximum footprint for a single nonresidential building shall be 5,000 square feet and the storefront shall have a maximum width of 60 feet.
- v. Green space. An undeveloped green space area of 35 feet shall be required adjacent to single-family residential districts.

F. DESIGN STANDARDS

The standards required in this subsection do not invalidate the regulations of Article 5.0: Site Standards but may replace or enhance some ordinance requirements. If a conflict exists between this subsection and Article 5.0, the Corners Business District requirements will prevail.

- i. Access.
 - a. Site access shall be from public secondary roads, private roads, or access connectors, if available.
 - b. Intersections with public or private roads, or access connectors shall include concrete curbs and shall be a minimum of 24 feet in width with a radius of 26 feet, unless changed by the Road Commission of Kalamazoo County for public roads.
 - c. Sidewalks shall be required from the parking lot to the building entrance and to any existing sidewalks within the right-of-way or preserved right-of-way.
 - d. Sidewalks on primary and secondary public roads adjacent to residential developments shall be five (5) feet in width. Internal sidewalks within residential developments may be four (4) feet in width.
 - e. Sidewalks for nonresidential developments shall be five (5) feet in width along public and private roadways. Internal sidewalks outside of the right-of-way or preserved right-of-way may be required to connect adjacent properties if such connections improve the walkability of the district. Internal sidewalks may be four (4) feet in width on nonresidential properties if not adjacent to parking lot spaces.
 - f. If the Township’s Parks and Trails Plan indicates bike paths or other

nonmotorized trails, they shall be developed between eight (8) and 10 feet wide depending on the intended use.

ii. Open space.

- a. Each development project shall provide a minimum 20 percent open space.
- b. For nonresidential site condominiums, each building site must contain a portion of the required open space.
- c. Storm water detention ponds that are not intended to retain water may be counted as 50 percent of the required open space if designed in a natural or free-form shape and is part of the overall improved and maintained landscape concept for the development.

iii. Landscape and streetscape elements.

- a. Streetscape. Deciduous street trees shall be required along any public or private road at a rate of one tree per every 50 linear feet, exempting driveways. Trees shall be planted generally at this same interval to create a consistent look down the roadway. For public roads, trees must be planted outside of, but adjacent to, the actual road right-of-way. Preferred trees are deciduous trees tolerant of the built environment. For areas where visibility is a concern, the Planning Commission may allow low growing plants and shrubs to replace the required tree. Existing deciduous trees along the road right-of-way may be utilized to meet street tree requirements if approved by the Planning Commission.
- b. Interior site landscaping shall be provided to enhance the appearance of the site and screen potentially objectionable site features such as, but not limited to, retention/detention ponds, air conditioning units, loading area, and utility boxes.
- c. A parking lot landscape feature must be provided at least every 180 lineal feet of parking spaces to reduce the impacts of extensive concrete or asphalt. Parking lot landscape features shall be protected by the installation of a raised concrete curb or other materials with the same durability and longevity of concrete if approved by the Planning Commission. A minimum distance of three (3) feet shall be established between any planted tree and the backside of the protection device.
- d. Decorative landscaping such as grasses, shrubs, and flowering plants shall be provided adjacent to building foundations and encouraged adjacent to sidewalks, bike paths, and street furniture to enhance the natural aesthetics of the lot. The use of planter boxes or pots for flowers are also encouraged,

where appropriate.

- e. Plant species native to Michigan are strongly encouraged.
- f. Evergreen trees and trees and/or shrubs that produce berries or fruit, or that have thorns, or create maintenance or safety concerns are prohibited within streetscapes.
- g. Developed portions of the lot not dedicated to impervious surfaces must be landscaped-and maintained with living plant material, such as grass, ground cover or other plant material shown in Section 36-5.3.F.
- h. Along each side of a public or private right-of-way, if an existing bench is not located within 250 feet, a designated location on the private development property shall be provided and indicated on the Site Plan for a pedestrian bench. In addition, bike racks to accommodate 4 bikes at minimum shall be required for each development. A bench and bike racks to accommodate 4 bikes will be selected and furnished by the Downtown Development Authority initially.

iv. Storm water management.

- a. The use of underground systems may be utilized for storm water management.
- b. Shared storm water systems with recorded maintenance agreements are strongly encouraged.
- c. If the use of retention or detention ponds are planned, they shall have a natural or free-form shape, rather than square or rectangular design and appearance, and shall be integrated into the overall landscape plan, utilizing natural stone/rock where appropriate.
- d. If site constraints require a more engineered shape, the design and appearance must be approved by the Planning Commission.
- e. Retention ponds, which are designed to have permanent water or do not drain within 72 hours, must include some form of aeration, such as fountains.

v. Parking.

- a. Parking areas shall be prohibited in the front yard of properties. The Planning Commission may allow one row of parking within the front yard if site constraints can be shown to limit the ability to place parking in the side or rear yards.

- b. Parking areas shall be designed to provide safe pedestrian movement to a sidewalk and shall be located in a manner that minimizes any conflict with continuous pedestrian movement throughout the district.
- c. Reduction in parking spaces may be permitted per the regulations of Section 36-5.7: Parking Requirements and Section 36-5.9: Access Management.

vi. Lighting.

- a. Site lighting shall be designed to enhance the pedestrian experience, ensuring well-lit sidewalks and pedestrian ways.
- b. A common lighting theme shall be utilized. Freestanding light poles shall be coordinated with adjacent businesses to provide consistency throughout the district if said lighting is of a modern and streamlined appearance.
- c. Light poles that front a road shall be made of metal or a material that looks like metal (iron, steel) and have a brown or black appearance.
- d. Height of freestanding light poles shall be consistent with the scale of the building and the size of the parking area but no taller than 30 feet. Light poles shall be placed within landscape islands or be designed in a manner that blends with the appearance of the site.
- e. Wall mounted lighting for pedestrian ways shall not be placed higher than 14 feet above adjacent grade.
- f. All lighting shall be LED and designed to be full cut-off and downward directed to protect night skies and reduce light pollution. Architectural features such as a canopy or portico which would stop illumination from projecting beyond the extent of the building meets this intent.
- g. Backlighting of a canopy or awning is prohibited.

vii. Nonresidential building design.

- a. Building facades must have a mix of materials. Vinyl and T1-11 plywood are prohibited unless approved by the Planning Commission.
- b. At least one facade facing public or private roads or access connectors shall have transparent areas located between two feet and 10 feet above grade that equal at least 25 percent of the façade.
- c. Earth tone colors are preferred for building facades. Up to 20 percent of the façade may utilize other colors to distinguish the building or enhance the

marketing of a specific use.

- d. Long facades facing public or private roads or access connectors with no architectural relief are prohibited. Architectural relief measures shall be required every 60 feet, at maximum. This requirement may be modified if an alternative design approach is approved by the Planning Commission.
- e. Building entrances shall be designed to be a unique element of the façade, including porches, awnings, canopies, or other architectural features to provide cover for pedestrians.
- f. Service entrances/loading and unloading areas shall be specifically delineated on the site plan.
- g. All dumpsters or other trash receptacle enclosures shall be located in the side or rear yard and shall be completely screened from view by a six (6)-foot decorative wall or opaque fence that coordinates with the building design.

viii. Signs.

- a. The colors of the sign structure/enclosure shall be consistent with the color scheme chosen for the building.
- b. Signs located on an awning or canopy shall be in place of the permitted wall sign and shall comply with the size standards for wall signs per Section 36-5.8: Signs.
- c. For internally illuminated signs, only the text and/or logo, which shall consist of text and images that identifies a business, may be illuminated.
- d. Mounting hardware for projecting signs shall be an integral part of the sign design to maintain an attractive façade appearance.

ix. Traffic Control and Road/Drive Names.

- a. Traffic Control and Road/Access Connector Names shall be in accordance with Section 36-5.9.8: Traffic Control and Road/Access Connector Names.

x. Residential developments.

- a. Mixed residential and commercial buildings are encouraged within the district.
- b. When attached to a commercial use, residential units shall be located on the second floor or above when located immediately adjacent to primary roads. On secondary roads or internal drives, residential units may be on the first

floor located adjacent to the commercial use.

- c. The maximum number of units per building shall be 20 and the maximum building footprint shall not exceed 6,000 square feet.
- d. Two 6,000 square foot buildings may be connected by one vertical transportation/common area (stairwell or elevator). The width of the vertical transportation/common area may be a maximum of 20 percent of the width of the multiple family building wall and must provide architectural relief through the articulation of the façade.
- e. One parking space shall be required for every studio and one bedroom, and 2 spaces for every two (2)-bedroom unit. Additional spaces shall be provided at 20 percent of the number of units in the building. Garage spaces shall be counted towards parking requirements. Parking reductions for residential developments are prohibited.
- f. Building facades must have a mix of materials. Vinyl and T1-11 plywood are prohibited unless approved by the Planning Commission.

G. APPLICATION PROCESS

- a. Pre-Application Conference. Applicants may submit conceptual site designs and building elevations to the Zoning Administrator for their input prior to making an official application for Planning Commission review.
- b. Applications shall be made in compliance with Section 36-6.1: Site Plan Review, and shall include the following additional information:
 - i. Elevation drawings that include the type of exterior wall materials and roof materials, and the names of the exterior wall and roof colors. Percentages of wall materials, wall colors, and transparency of the first floor shall also be provided.
 - ii. A separate color board with the exterior wall and roof colors.
 - iii. Detail of the proposed sign, including colors to be used.
 - iv. Information on how the site meets the standards for a parking reduction, if requested.

H. WAIVERS. Any requested waiver from the design standards noted herein shall require approval from the Planning Commission. The Planning Commission must find that:

- a. The waiver advances specific policies and provisions of the Corners Business District Subarea Plan or Township Master Plan.
- b. The waiver permits greater compatibility with adjacent properties or promotes a more functional or attractive building and/or site.
- c. The waiver allows a natural feature that would enhance the site to be preserved.
- d. The structure has received national, state, or local historic designation.
- e. The project is a remodel of an existing building constructed before the adoption of this ordinance making some design standards impracticable.

Section 3. Amendment to Article 4.

Article 4, Sections 4.13, 4.36, 4.7, 4.17, 4.10 of the Township's Zoning Ordinance entitled "Use Standards" is hereby amended to read as follows:

36-4.13 Place of Worship

- 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 single-family residential zoning.

36-4.36 Veterinary Clinic

- 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 single-family residential zoning.
- 4. Shall adhere to rating standards for soundproofing (STC--sound transmission coefficient).

36-4.7 Vehicle Repair, Minor and Major

- 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 single-family residential zoning.
- 4. No major repairs or dismantling outside of a closed structure shall be permitted.

36-4.17 Gasoline Service Station

- 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 single-family residential zoning.
4. Gasoline pumps or other service appliances shall be set back at least 20 feet from the lot line.

36-4.10 Residential Care Facilities

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 single-family residential zoning.
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.

Section 4. Amendment to Article 5.

Article 5, Section 5.8 of the Township's Zoning Ordinance entitled "Site Standards" is hereby amended to read as depicted in the attached Exhibit 1.

Article 5, Sections 5.9 and 5.12 of the Township's Zoning Ordinance entitled "Site Standards" is hereby amended to read as follows:

36-5.9: Access Management

36-5.9.5.A.vii

All access connectors will be paved with hot mix asphalt or concrete. Concrete curb and gutter shall be required to meet current Road Commission of Kalamazoo County concrete curb and gutter specifications. Continuation of bituminous valley gutter to the nearest intersection, if present on an existing access connector, may be approved by the Planning Commission.

36-5.9.7

Roads. The Planning Commission may determine if the arrangement of roads must continue existing roads from adjoining areas into the proposed condominium development. Where adjoining areas are not developed, the arrangement of proposed condominium roads may be extended to the subject parcel(s) boundary for the future projected extension of roads if the design discourages use by through traffic. Permanent dead-end roads must be limited to 1,320-feet 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 roads must be constructed to current Road Commission of Kalamazoo County standards. Concrete curb and gutter shall be required for all public and private roads in accordance with current Road

Commission of Kalamazoo County concrete curb and gutter specifications. Continuation of bituminous valley gutter to the nearest intersection, if present on an existing road, may be approved by the Planning Commission. 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:

36-5.9.7.b.i

Design standards mean roadbed and other construction-related details and standards that shall follow Road Commission of Kalamazoo County design standards. Concrete curb and gutter shall be required for all private roads in accordance with current Road Commission of Kalamazoo County concrete curb and gutter specifications. Continuation of bituminous valley gutter to the nearest intersection, if present on an existing road, may be approved by the Planning Commission.

36-5.9.8: Traffic Control and Road/Access Connector Names

- a. Public or private roads, or access connectors that are designed to provide vehicular access to a building must be assigned a name that has been approved through the Kalamazoo County Road naming policies.
- b. Addresses will be assigned by the Township utilizing a name that has been approved through the Kalamazoo County Road naming policies.
- c. Traffic control devices and measures such as stop signs and pavement striping must be shown on the site plan and meet the requirements as set forth within the current edition of the Michigan Manual on Uniform Traffic Control Devices (MMUTCD).

36-5.12: Stub Roads and Cul-de-sacs That Abut Property Lines at the Boundaries of Platted and Condominium Subdivisions

36-5.12.2.A.i

Be constructed to current Road Commission of Kalamazoo County and Township standards, and end at the boundary of the platted or condominium subdivision; and

36-5.12.2.B.i

Be constructed to current Road Commission of Kalamazoo County and Township standards, and abut the boundary line of the platted or condominium subdivision tangentially;

Section 5. Amendment to Article 6.

Article 6, Sections 6.1, 6.2 and 6.2A of the Township's Zoning Ordinance entitled "Development Procedures" is hereby amended to read as follows:

36-6.1: Site Plan Review

36-6.1.1.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. 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.

36-6.1.1.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. 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.

36-6.1.4.B.i.b

Roads, either public or private, and access connectors serving more than one structure, or ten dwelling units shall be constructed to current Road Commission of Kalamazoo County and Township standards.

36-6.1.6

Conformity to an Approved Site Plan. Development of the subject parcel shall be in complete conformity with the approved site plan and any amendments thereto approved by the Planning Commission or Zoning Administrator in accordance with authorities designated within Table 36-6.1.1. A building permit must be obtained, and onsite construction commenced within 12 months of site plan approval. No site work shall be undertaken until a building permit has been issued. If substantial progress has not been made within 12 months of issuance of a building permit, 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 preconstruction 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. The Planning Commission may grant a 12- month extension of the previous approval if requested prior to the expiration of the site plan and if it finds that the approved plan continues to meet current Zoning Ordinance standards.

36-6.1.7

Amendment to Site Plan. A proposed amendment or modification to a previously approved site plan shall be submitted for review by the Planning Commission or Zoning Administrator in accordance with authorities designated within Table 36-6.1.1.

36-6.2: Site Condominium Plan Review

36-6.2.4.B.i

Roads

36-6.2.4.B.i.d

All roads, public and private, must be constructed to current Road Commission of Kalamazoo County and Township standards. Concrete curb and gutter shall be required for all public and private roads in accordance with current Road Commission of Kalamazoo County concrete curb and gutter specifications. Continuation of bituminous valley gutter to the nearest intersection, if present on an existing road, may be approved by the Planning Commission.

36-6.2.4.B.i.e.2.A

Design standards mean roadbed and other construction related details and standards that shall follow Road Commission of Kalamazoo County design standards. Concrete curb and gutter shall be required for all private roads in accordance with current Road Commission of Kalamazoo County concrete curb and gutter specifications. Continuation of bituminous valley gutter to the nearest intersection, if present on an existing road, may be approved by the Planning Commission.

36-6.2A: CBD Mixed Use Site Condominium Plan Review

36-6.2.4A.5.C.i

All roads, either public or private, and access connectors, must be constructed to current Road Commission of Kalamazoo County and Township standards. Concrete curb and

gutter shall be required for all public and private roads, and access connectors in accordance with current Road Commission of Kalamazoo County concrete curb and gutter specifications. Continuation of bituminous valley gutter to the nearest intersection, if present on an existing road or access connector, may be approved by the Planning Commission.

Section 6. Amendment to Article 3.

Article 3, Section 16-84 of the Township's General Ordinance entitled "Subdivision Control" is hereby amended to read as follows:

16-84: Township board review; preliminary plat; final approval

16-84.a.2

All roads and streets shall require concrete curb and gutter constructed to current Road Commission of Kalamazoo County specifications.

Section 7. 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 8. 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 9. Effective Date.

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

36-5.8 SIGNS

1. Purpose. The purposes of this Section are to:
 - 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 and temporary signs on private property, not exceeding 3 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.

Exhibit 1 to Ordinance No. 370

- 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, and 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, Total	Maximum Height	Minimum Setback	NOTES
A, R-1, R-1A, R-2, R-3, R-4, R-5	Individual Use	24 SF	8'	½ of building setback	
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"> ■ 40 SF ■ 150 SF adjacent to interstate highway right-of-way 	15'	<ul style="list-style-type: none"> ■ 25' ■ 0' from interstate highway right-of-way 	May have 2 signs at 40 SF each or 150 SF each if 400' apart.

Exhibit 1 to Ordinance No. 370

36-5.8.6.C.i Freestanding Sign Dimensional Requirements (continued)					
Sign Dimensional Requirements Based on Zoning District (continued)					
Zoning District	Uses	Maximum Size, Total	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.	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, Total	Maximum Height	Minimum Setback	NOTES
Agricultural		24 SF	8'	½ of building setback	Additional off-site "farm stand" signs may be permitted, Total 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	
Residential Development Entrance		24 SF	8'	½ of building setback	One sign permitted per entrance
Menu Board		32 SF total	8'	Building setbacks	Accessory to drive through use

Exhibit 1 to Ordinance No. 370

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 vertical clearance of 10 feet or greater when projecting into a path of travel intended for bikes and motorized vehicles. All others must have a minimum clearance as to not impede pedestrian foot traffic.

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.
- vi. 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 billboard may be located per linear mile of 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 shall be located within 1,000 feet of another billboard on the opposite 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:

- 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).
- 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.
- Computation of height. The height of a sign is the distance from the ground to the top of the highest component of the sign.
- 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.
- 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:

- Building and Electrical Codes. All signs must comply with applicable provisions of the current building and electrical codes of the Township at all times.
- 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 of 10 feet or greater when projecting into a path of travel intended for bikes and motorized vehicles shall be provided. All others must have a minimum clearance as to not impede pedestrian foot traffic.

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.

- 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.

- 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. Temporary sign permits must be granted to a business or landowner provided the application establishes the size, location, and date of the event, with the total number of days not to exceed 14 calendar days following an event. The total sign area shall not exceed 24 square feet, combined. The maximum allowable height is 8 feet.
- 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 shall base its findings upon the criteria provided in Section 36-7.5 as well as a finding 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, except for a sign that is nonconforming due to its height, so long as the sign is not enlarged or altered in a way that increases its nonconformance.
 - D. If the extent 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 structure of the sign, including the cabinet 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.