



Texas Township Zoning Ordinance

Effective: July 8, 2018

Amended through February 25, 2025

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How to Use This Ordinance

1. CONTENT ORGANIZATION AND PAGE LAYOUT

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

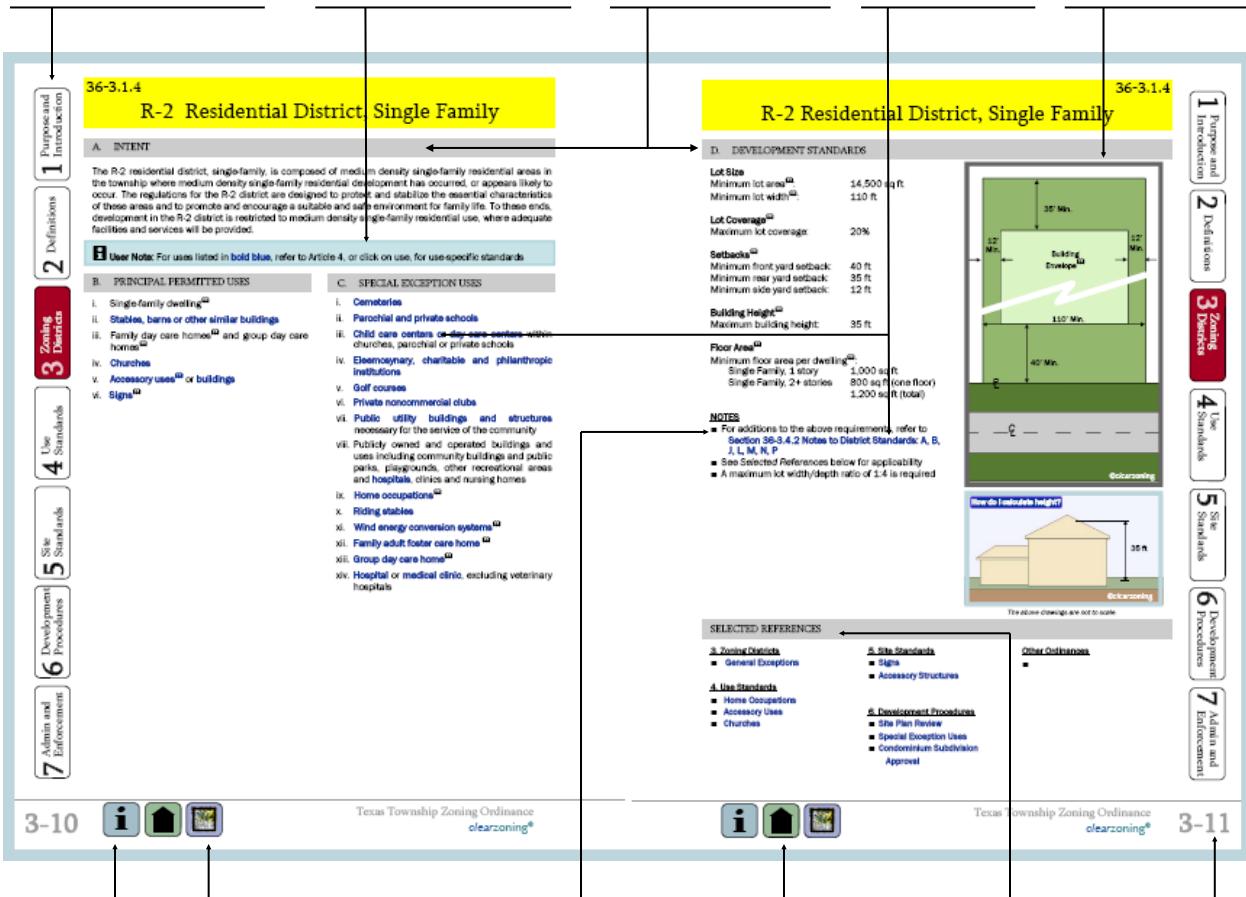
Article Tabs link to the first page of each Article. Red tab indicates the Article in which the current page is located.

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

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

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

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



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.
-  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.
-  identifies sections that have been amended. The ordinance number and its effective date are listed at the end of the section. More information can be found in Appendix A—Amendments.



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 Meaning of Word and Phrases](#)



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:

1 Purpose and Introduction

2 Definitions

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.

	RM-2 Multiple-Family Residential
	MH Mobile Home Park
	B-1 Local Business
	B-2 General Business
	I-1 Light Industrial

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 stock nurseries, animal and livestock raising	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
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		
Keeping of small livestock and honeybees outside of platted subdivisions and site condominiums	P	P	P	P					
Keeping of small livestock and honeybees within platted subdivisions and site condominiums	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		
Recreation uses, active									S
Recreation uses, passive									P
Places of worship	P	P	P	P	P	P	P	P	
Planned unit development	S	S	S	S	S	S	S		S



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Digital User Note:

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	A	R-1A	R-1	R-2	R-3	R-4	R-5	R-6	RC
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	S	
Publicly owned and operated buildings and uses	S	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								
Sale of farm or dairy produce raised on the farm from which it is to be sold	P								
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	

How to Use This Ordinance

4. USE MATRIX (Continued)

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

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S = Special Exception Use



Digital User Note:

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

	O-1	C-1	C-2	C-3	C-4	I-1	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
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			

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How to Use This Ordinance

4. USE MATRIX (Continued)

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

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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	

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How to Use This Ordinance

4. USE MATRIX (Continued)

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

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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 and 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	

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How to Use This Ordinance

4. USE MATRIX (Continued)

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

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Digital User Note:

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	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 body and paint shops						P		
Vehicle sales			S		S			
Vehicle service and repair, major					S	S		
Vehicle service and repair, minor			P		P			
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)
0-1 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

How to Use This Ordinance

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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

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How to Use This Ordinance

5. DISTRICT SUMMARY TABLE (CONTINUED)

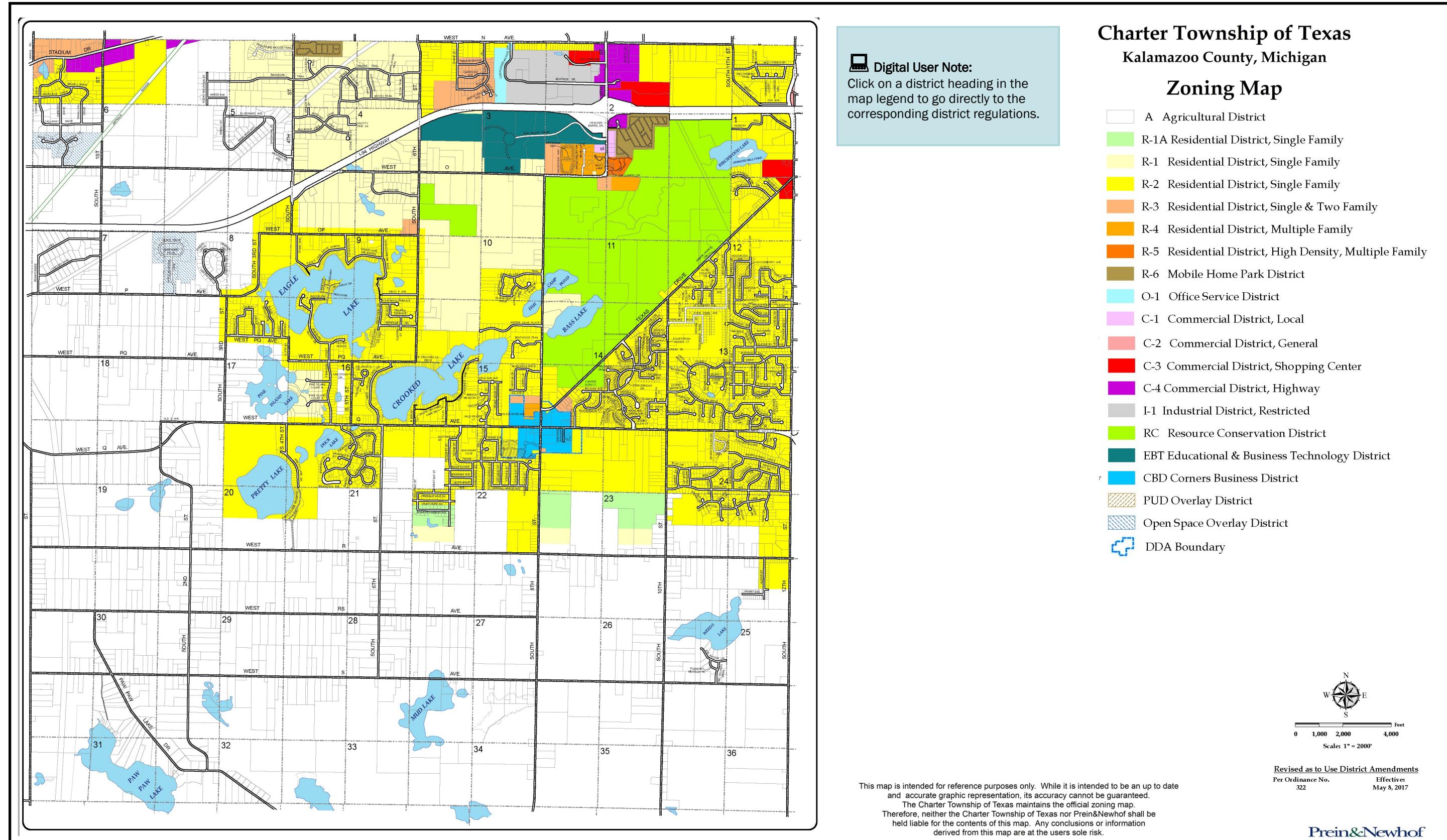
Below is a quick reference table that summarizes district regulations. Consult [Article 3 Zoning Districts](#) for additional requirements and exceptions to the information below, as well as standards for the CBD Corners Business district, PUD Planned Unit Development Overlay district, and the OSP Open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

District	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

How to Use This Ordinance

6. ZONING MAP



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3 Zoning
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4 Use
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Standards

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Enforcement

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

1 Purpose and Introduction

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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.



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Chapter 36

Article 2.0 *Definitions*

Chapter 36

Article 2.0 Definitions

2.1	Construction of Language	
2.2	Definitions	
Access connector	Condominium plan	Home occupation
Access drive	Condominium unit	Hospital
Access management	Craft food and beverage production facility	Hotel
Access point	Craft shop	Institutions of charity, eleemosynary, or philanthropy
Adult regulated uses*	Developable land	Improvement
Alley	Developer	Integrated shopping center
Animal	District	Intersection
Animal hospital	Dwelling	Junkyard
Apartment house	Dwelling, semi-detached	Kennel
Applicant	Dwelling, single-family	Land banking
Architectural relief	Dwelling, temporary	Limited common elements
Banquet hall/event center	Dwelling, two-family	Loading space
Basement	Dwelling, multiple-family	Lot
Battery management system	Dwelling unit	Lot area
Beacon	Dwelling unit, accessory	Lot, corner
Berm	Earth tone	Lot coverage
Block	Easement	Lot, depth of
Boardinghouse	Essential services	Lot, double frontage
Boathouse	Excavation	Lot, front of
Brewpub	Excavations, commercial	Lot frontage
Building	Facade	Lot, interior
Building, accessory	Facilities and services	Lot of record
Building, principal	Family	Manufactured home
Building envelope	Farming	Master deed
Building envelope, accessory	Fence	Master deed, consolidating
Building envelope, principal	Flag lot	Master Plan
Building footprint	Floor area	Mobile home
Building line	Floor area, commercial	Nonconforming lot
Building site	Footprint	Nonconforming structure
Clinic	Garage, attached	Nonconforming uses
Club	Gasoline service station	Off-street parking lot
Club, private service	Grade, average	Outdoor display
Commercial	Grass roots organization	Out lot
Common elements	Greenbelt buffer	Parcel
Condominium project	Gross vehicle weight (GVW)	Parking space, vehicle
Condominium, contractible	Height	Personal service establishment
Condominium, expandable		

* Multiple terms are defined in this ordinance

Chapter 36

Article 2.0 Definitions Continued

Planned unit development	Story
Plat*	Structure
Professional office	Structure, accessory
Proprietor	Survey
Recreation, active	Telecommunications tower*
Recreation, passive	Townhome
Recreational unit	Underlying zoning
Recreational vehicle	Undeveloped state
Research and related uses	Use, accessory
Reserve strip	Use, principal
Residential care facilities*	Utility-scale battery energy storage facilities
Retail uses	Utility-scale battery energy storage systems ("UBESS")
Retention pond	Vehicle charging space
Right-of-way	Vehicle fuel station
Right-of-way, preserved	Vehicle repair, major
Road*	Vehicle repair, minor
Road Commission	Vehicle service and repair, major
Service uses, personal	Vehicle service and repair, minor
Setback	Vehicle wash establishment
Shelter, fallout	Veterinary clinic
Shopping center	Wind energy conversion system
Short-term rental	Wooded area
Sign*	Yard
Site condominium development	Yard, front
Site condominium Plan*	Yard, rear
Site condominium project	Yard, side
Solar energy facility	Yard sale
Solar energy system	Zone
Solar energy system, commercial	
Solar energy system, private	
Solar energy system, utility-scale	
Solid waste transfer facility	
Special exception	
Sport court	
Storage, temporary	
Storefront	
Storm water management basin	

* 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 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 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 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.

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.
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.
2. **Livestock:** This category includes those other domesticated animals that are primarily kept and/or raised for the use or pleasure or for the production of food. These would include, but are not limited to, 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.

Δ Ord. No. 356 (February 23, 2021)

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.

Applicant means a property owner or any person or entity acting as an agent for the property owner in an application for development proposal, permit, or approval.

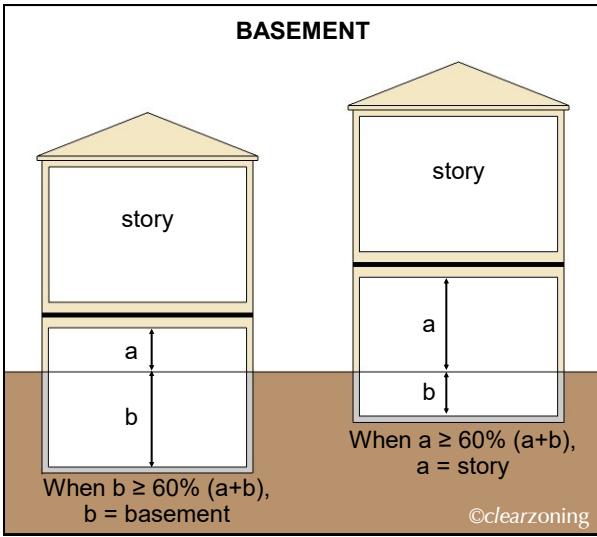
Δ Ord. No. 377 (February 25, 2025)

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.

Δ Ord. No. 371 (January 18, 2024)



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. 



Battery management system means an electronic regulator that manages a utility-scale battery energy storage system by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault, and DC surge, and door access and capable of shutting down the system before operating outside safe parameters.

Δ Ord. No. 378 (February 25, 2025)

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.

Block means property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and any other barrier, natural or man-made, to the continuity of development.

Δ Ord. No. 377 (February 25, 2025)

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.

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.

Δ Ord. No. 371 (January 18, 2024)

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.

Δ Ord. No. 355 (January 21, 2021)

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, principal means the building(s) in which the principal use(s) of the property is conducted.

Δ Ord. No. 355 (January 21, 2021)

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

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.

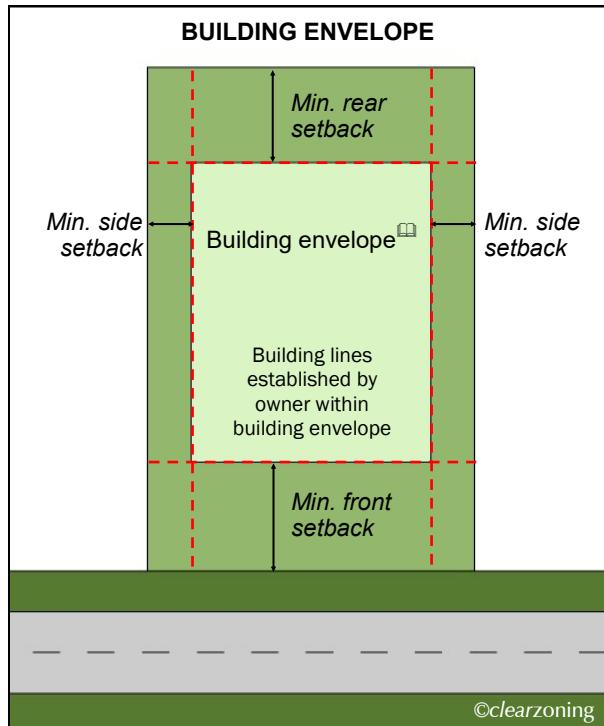
Δ Ord. No. 355 (January 21, 2021)

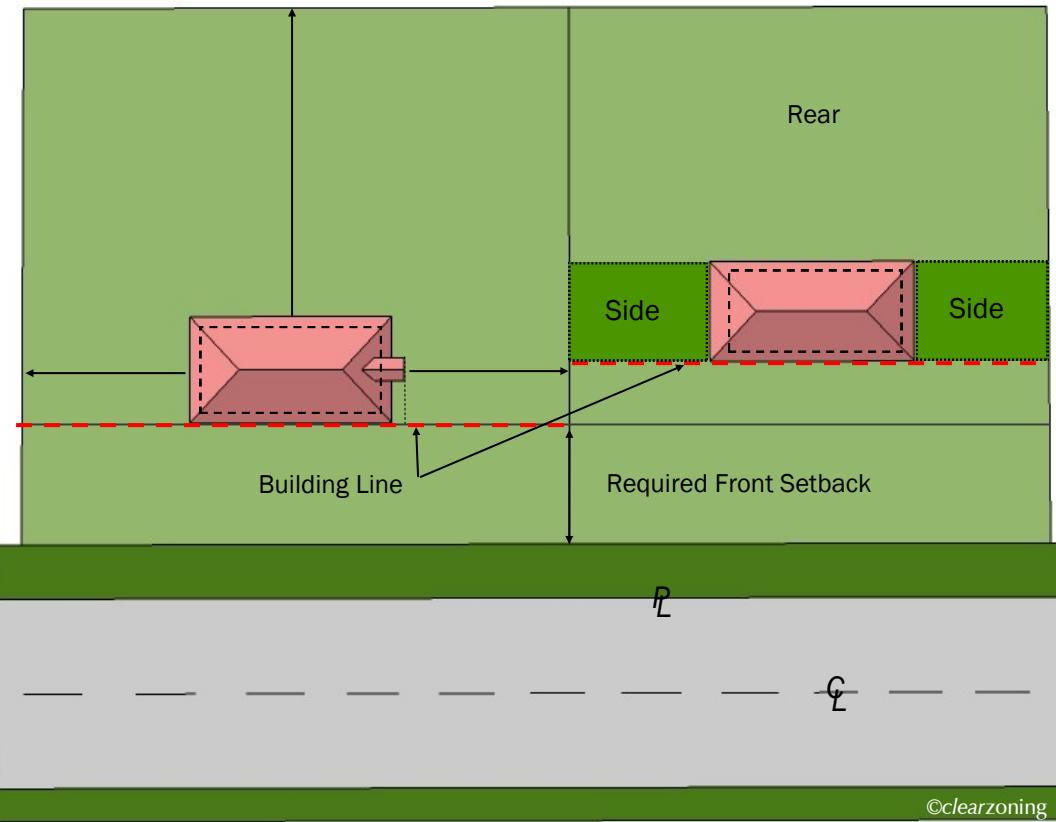
Building envelope, principal means the area of a lot within which the principal building is constructed. This area excludes all setbacks pertaining to the principal building.

Δ Ord. No. 355 (January 21, 2021)

Building footprint means the horizontal area, as seen in plan view, measured from the outside of all exterior walls, or supporting columns. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof. Eaves that extend beyond the building or structure are excluded.

Δ Ord. No. 360 (June 8, 2021)



BUILDING LINE

©clearzoning

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 means that portion of property which is a two-dimensional condominium unit of land (i.e., envelope, footprint), along with any designated space above or below the land within a site condominium development, designed for the construction of a principal building and accessory structures. All building sites shall have frontage on a public or private street (built to public standards) as required by the Zoning Ordinance.

Δ Ord. No. 377 (February 25, 2025)

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.

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.

Δ Ord. No. 371 (January 18, 2024)

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 element means the portions of a condominium project other than the condominium units, which are owned and maintained by the condominium association.

Δ Ord. No. 377 (February 25, 2025)

Condominium, contractible means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to the expressed provisions in the site condominium documents and in accordance with this Chapter and the Condominium Act.

Δ Ord. No. 377 (February 25, 2025)

Condominium, expandable means a condominium project to which additional land may be added in accordance with this Chapter and the Condominium Act.

Δ Ord. No. 377 (February 25, 2025)

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.

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.

Δ Ord. No. 371 (January 18, 2024)

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.

Δ Ord. No. 371 (January 18, 2024)

Developable land means land that is not currently developed, does not have any approved site Plan, subdivision Plat, or site condominium Plan, or is not encumbered by impediments for development and is available for development consistent with the Township Master Plan.

Δ Ord. No. 377 (February 25, 2025)

Developer means a person, partnership, corporation, or other entity engaged in the improvement of property.

Δ Ord. No. 377 (February 25, 2025)

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, excluding any garage space, and excluding temporary accommodations such as hotels, motor lodges, short-term rentals, or other accommodations for the transient public, and 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. An accessory dwelling unit shall comply with the requirements of Subsection 36-4.1: Accessory uses, buildings, and structures in the Agricultural, Resource Conservation, and Residential districts.

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.

Δ Ord. No. 370 (April 6, 2023)

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 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 36-4.58** 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.

Δ Ord. No. 355 (January 21, 2021)

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.

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: 

Δ Ord. No. 371 (January 18, 2024)

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.

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

Δ Ord. No. 371 (January 18, 2024)

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:

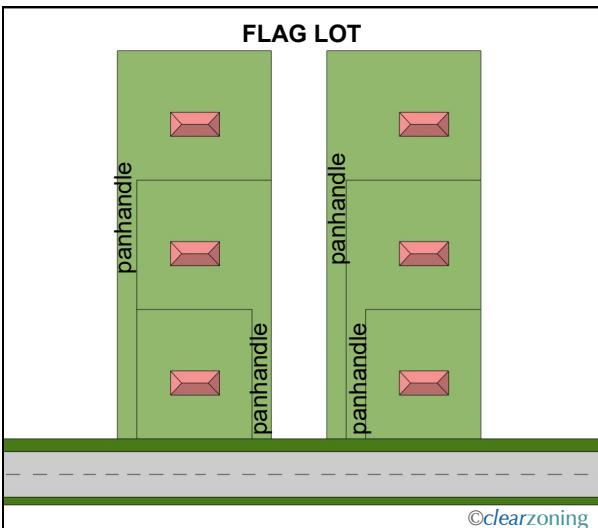
1. One or two persons with their direct lineal ascendants and descendants and adopted or legally cared for children, together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit.
2. Not more than two unrelated persons 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.
3. 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.

Δ Ord. No. 355 (January 21, 2021)

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.

Flag lot means a lot which abuts and connects to a road by means of a strip of land (the access pole) that does not comply with the dimensional requirements for the minimum lot frontage for the zoning district in which the lot is located. A flag lot has six (6) sides. 



Δ Ord. No. 377 (February 25, 2025)

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.

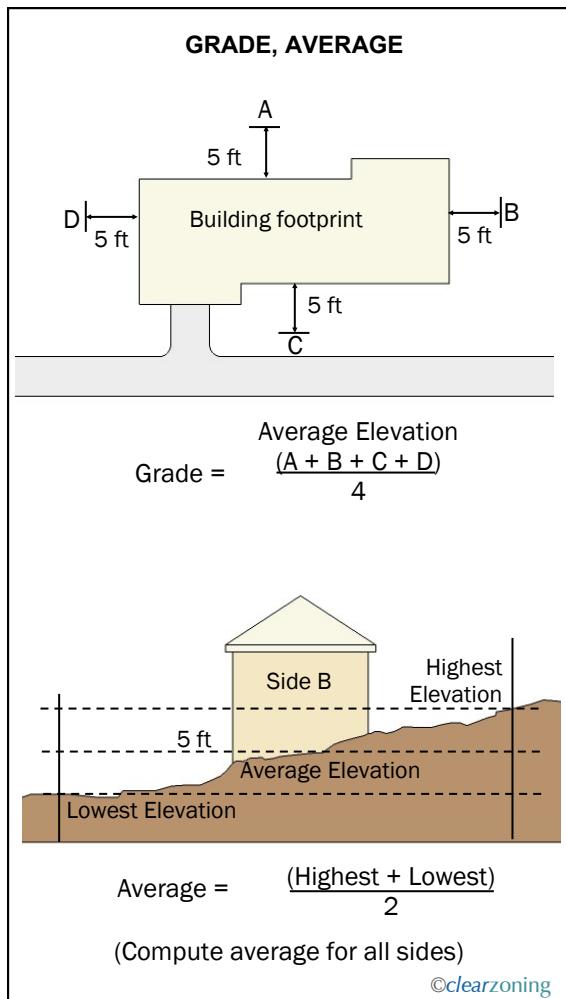
Footprint means the horizontal area of a building or structure as seen in plan view, measured at grade from the outside of all exterior walls and supporting columns.

Δ Ord. No. 371 (January 18, 2024)

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.



Grass roots organization means an institution of charity, eleemosynary, or philanthropy that has an annual operating budget of \$250K or less and no more than five employees at any given time.

Δ Ord. No. 357 (March 23, 2021)

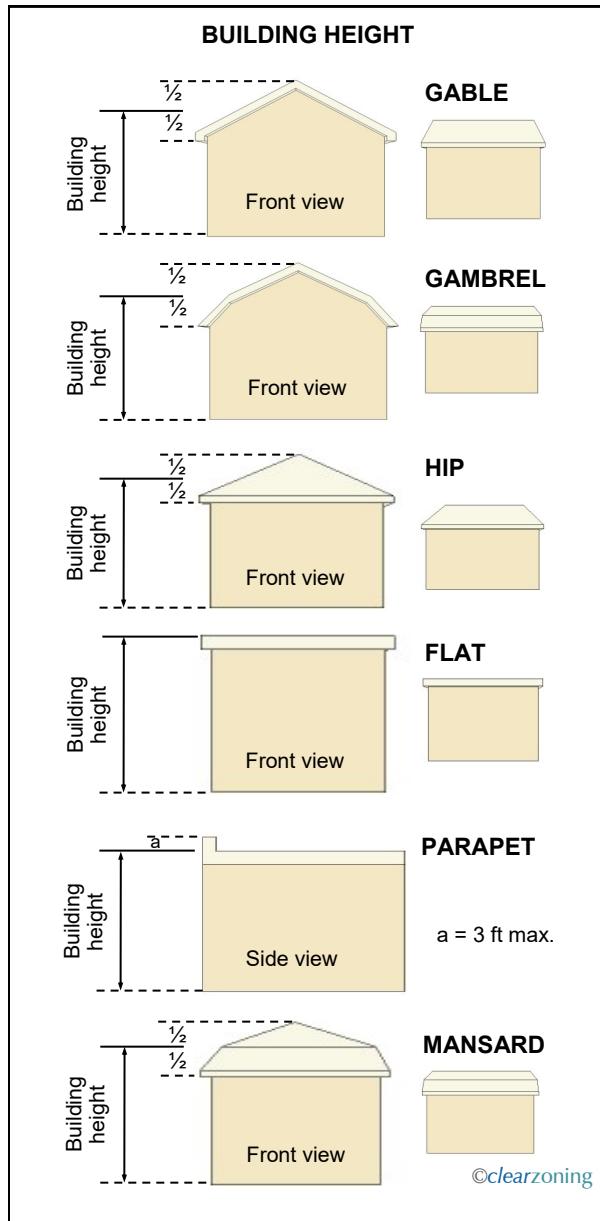
Greenbelt buffer means a strip of land privately restricted or publicly dedicated as open space located between uses and adjacent to roads or rights-of-way for the purpose of protecting and enhancing the residential environment.

Δ Ord. No. 377 (February 25, 2025)

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

Height means the vertical distance measured from the average grade:

- At the base of the structure to the highest point,
- At the base of the building to the top of a flat roof,
- 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.



Δ Ord. No. 355 (January 21, 2021)

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 sanitorium, 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.

Improvement means additions to the natural state of land which increases its value, utility, or habitability, such as grading, street surfacing, sidewalks, water or sanitary sewer infrastructure, storm management, utilities, or building construction.

Δ Ord. No. 377 (February 25, 2025)

Institutions of charity, eleemosynary, or philanthropy means a nonprofit or not-for-profit tax-exempt person, firm, organization, or corporation that benefits society or a specific group by providing services or the distribution of funds with no expectation of material reward.

Δ Ord. No. 357 (March 23, 2021)

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 single unit or division of land, whether it be numbered, lettered, or otherwise designated, which has frontage on a public or private road for the construction of a principal building and any accessory buildings. For ease of use, "lot" is utilized herein to encompass a parcel of unplatte land, a platted subdivision lot, or a unit in a site condominium subdivision unless the term for parcel or building site is expressly used.

Δ Ord. No. 355 (January 21, 2021); Ord. No. 377 (February 25, 2025)

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 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.

Δ Ord. No. 355 (January 21, 2021)

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 or more 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 provided as required. 

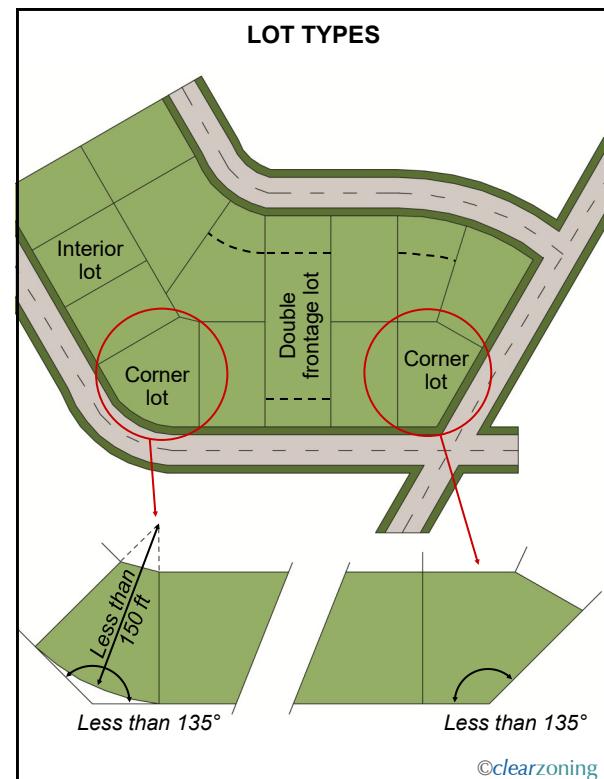
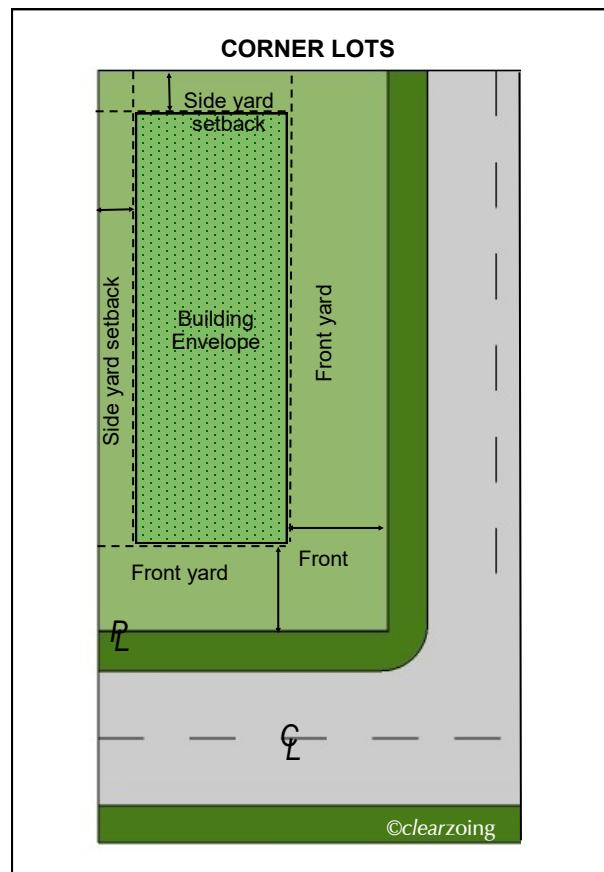
Lot, front of, means the side or sides of an interior or through lot which abuts a street; in a corner lot, the side or sides abutting both streets will be considered the front lot line, one of which having the required minimum lot frontage.

Δ Ord. No. 355 (January 21, 2021)

Lot frontage means the continuous portion of a lot extending along the property line or the right-of-way line of a private street or public road. In odd-shaped or triangular-shaped lots, frontage may be met at the required setback.

Δ Ord. No. 355 (January 21, 2021); Ord. No. 364 (January 23, 2022)

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 **Section 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 deed, consolidating means the final amended master deed for a contractible site condominium project, an expandable site condominium project, or a site condominium project containing convertible land or convertible space, which shall describe the condominium project as complete and shall supersede any previously recorded master deed for the condominium and all prior amendments.

Δ Ord. No. 377 (February 25, 2025)

Master Plan means a comprehensive Plan adopted by the Township in accordance with the Michigan Planning Enabling Act, PA 33 of 2008, to satisfy the requirement of section 203(1) of the Michigan Zoning Enabling Act, 2006 PA 110, MCL 125.3203, including recommendations for the physical development of the Township, any Plans separately adopted, and any amendments to such Plan duly adopted by the Township.

Δ Ord. No. 377 (February 25, 2025)

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 lot means a parcel, lot, or building site, the size, or dimensions of which was lawfully existing at the time of adoption or amendment of this Chapter, but which no longer conforms to the requirements of the zone district in which it is located.

Δ Ord. No. 360 (June 8, 2021)

Nonconforming structure means a structure or building, the size, dimensions, or location of which was lawfully existing at the time of adoption or amendment of this Chapter, but which no longer conforms to the requirements of the zone district in which it is located.

Δ Ord. No. 360 (June 8, 2021)

zone district in which it is located.
Δ *Ord. No. 360 (June 8, 2021)*

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.

Out lot means a lot set aside for purposes other than building a residence; an out lot may be a park or other land dedicated for subdivision or site condominium resident private use.

Δ Ord. No. 377 (February 25, 2025)

Parcel means a continuous area, tract, or acreage of real property measured in distances, angles, and directions which results in a legal description that is recorded in the official county record pursuant to, and/or in accordance with the Land Division Act, P.A. 288 of 1967, as amended and which has been created through an unplatted division of land.

Δ Ord. No. 355 (January 21, 2021); Ord. No. 377 (February 25, 2025)

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.

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.

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.

Plat means a map, chart, or plan of a subdivision of land as required for the development of lots, and includes the following:

1. **Tentative Preliminary Plat** means a plan indicating the proposed layout of the subdivision in sufficient detail to provide adequate basis for planning review and to meet the requirements and procedures set forth in **Section 36-6.2** of this Chapter. Tentative Preliminary Plat approval establishes the location of lots, lot area and dimensions, circulation and access, and general layout.
2. **Preliminary Plat** means an engineered plan based on the Tentative Preliminary Plat and prepared in conformance with the Land Division Act and Section 36-6.2 of this Chapter showing the salient features of a proposed subdivision to allow approval of infrastructure construction.
3. **Final Plat** means an as-built Plan of a subdivision based on the Preliminary Plat and prepared in conformance with the requirements of the Land Division Act and Section 36-6.2, and suitable for recording by the County Register of Deeds.

Δ Ord. No. 377 (February 25, 2025)

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.

Proprietor means a person or firm or combination of either, which may hold any ownership interest in land, whether recorded or not.

Δ Ord. No. 377 (February 25, 2025)

Recreation, active means structured individual or team activities that take place at a prescribed place or site and require physical alterations for the use of special facilities, courses, fields, or equipment. The intensity of activities usually generates elevated vehicle trips or has the potential for greater impacts to adjacent properties due to noise, light, glare, or odor. Examples include but are not limited to field sports, playgrounds, golf courses, campgrounds, public boat ramps, ball courts, swimming pools, etc.

Δ Ord. No. 356 (February 23, 2021)



Recreation, passive means activities that can be carried out with little to no alteration or disruption to the natural environment and place minimal stress on natural resources. The intensity of activities usually generates low vehicle trips and has low potential for nuisance to adjacent properties. Examples include but are not limited to hiking, bicycling, horseback riding, picnicking, and wildlife viewing.

Δ Ord. No. 356 (February 23, 2021)

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 and 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.

Reserve strip means land that is perpendicular to a public street or right-of-way, and which separates the public street or right-of-way from connecting to existing or planned public streets or rights-of-way, or from land to be developed in the future.

Δ Ord. No. 377 (February 25, 2025)

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.

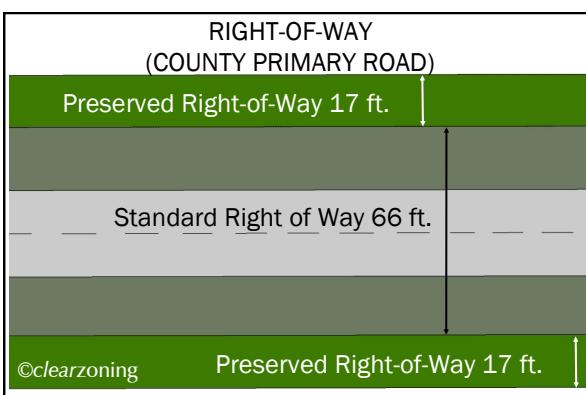
Retention pond means a flood control device that holds a permanent pool of water generally known as a wet storm water basin. The level of water in the pond is maintained by design. This may include setting an outlet structure above the natural groundwater elevation or constructing a retention pond with an impermeable bottom.

Δ Ord. No. 377 (February 25, 2025)

Right-of-way means a dedication or easement not associated with a lot which has been established for purposes of public or private access to accommodate vehicular or non-motorized transportation systems and any necessary public infrastructure.

Δ Ord. No. 364 (January 23, 2022)

Right-of-way, preserved means land that is designated and available for additional right-of-way on designated County primary roads, ensuring a 50-foot width from the centerline of the road, for a total of 100-feet of right-of-way.



Δ Ord. No. 364 (January 23, 2022)

Road means any right-of-way described as a street, avenue, boulevard, lane, parkway, alley, or other way which is an existing state, county, or municipal roadway; or a street or way shown in a Plat/Plan approved pursuant to law or approved by official action. A road encompasses the land between the right-of-way lines, whether improved or unimproved, and may comprise pavement, shallers, gutters, sidewalks, parking areas, and lawns. Roads include, but are not limited to:

1. **Primary road** means a right-of-way of significant continuity, which is intended to serve large volumes of traffic for both the Township and surrounding region and are designated by the Road Commission of Kalamazoo County and the Township Master Plan.
2. **Secondary road** means a right-of-way less heavily traveled than primary roads and are designed to connect neighborhoods to each other and to nearby businesses and are designated in the Township Master Plan.
3. **Neighborhood road** means a right-of-way internal to a subdivision/site condominium that provides access to residential homes.
4. **Private road** means a right-of-way approved by the township that is owned and maintained by a property owner association or other non-governmental agency. Private roads constructed after the effective date of this section shall be built to public standards.
5. **Cul-de-sac road** means a short minor right-of-way having one end permanently terminated by a vehicular turnaround.
6. **Dead-end, permanent** means a right-of-way which is not anticipated to be extended.

Δ Ord. No. 371 (January 18, 2024); Ord. No. 377 (February 25, 2025)

Road Commission means the Board of County Road Commissioners for Kalamazoo County.

Δ Ord. No. 377 (February 25, 2025)

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 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.

Δ Ord. No. 355 (January 21, 2021)

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.

Short-term rental means a building or portion thereof, including single-family dwellings, individual owned multi-family units, or accessory dwelling units in which lodging is provided to the public for compensation for a period of 90 days or less.

Δ Ord. No. 364 (January 23, 2022)

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.

Site condominium Plan means the Plan required for the development of building sites, and includes the following:

1. **Tentative Preliminary Plan** means a Plan indicating the proposed layout of the site condominium in sufficient detail to provide adequate basis for Planning review and to meet the requirements and procedures set forth in **Article 6** of this Chapter.
2. **Preliminary Plan** means an engineered Plan based on the tentative Preliminary Plan and prepared in conformance with the Condominium Act and Section 36-6.2 of this ordinance showing the salient features of the proposed site condominium to allow approval of infrastructure construction.
3. **Final Plan** means an as-built Plan of a site condominium providing substantial conformance to the Preliminary Plan and prepared in conformance with the requirements of the Condominium Act and Section 36-6.2 of this ordinance, and suitable for recording by the County Register of Deeds.

Δ Ord. No. 377 (February 25, 2025)

Site condominium project means a development consisting of not less than two building sites of land established in conformance with, and pursuant to, the Condominium Act.

Δ Ord. No. 377 (February 25, 2025)

Solar energy facility means any facility, land, or structure principally used to collect, store, or convert solar radiation into usable energy, including, but not limited to, through a commercial solar energy system.

Δ Ord. No. 378 (February 25, 2025)

Solar energy system means a system or any part of a system that collects or stores solar radiation for the purpose of transforming it into any form of usable energy, including, but not limited to, solar photovoltaic and solar thermal systems.

Δ Ord. No. 378 (February 25, 2025)

Solar energy system, commercial means a solar energy system with a principal design, purpose, or use of providing energy to off-site uses or the wholesale or retail sale of energy.

Δ Ord. No. 378 (February 25, 2025)

Solar energy system, private means a solar energy system used exclusively to provide on-site energy and not used for the purpose of the commercial sale of energy, except that a private solar energy system may sell surplus energy back to the electrical grid.

Δ Ord. No. 378 (February 25, 2025)

Solar energy system, utility-scale means a commercial solar energy system with a nameplate capacity of 50 megawatts or more.

Δ Ord. No. 378 (February 25, 2025)

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](#))

Sport court means an outdoor, at grade, paved pervious or impervious surface court (not including parking lots) designed for athletic purposes (i.e. basketball court, tennis court, pickleball court, soccer field, etc.) on a standalone pad, and/or on a field, including associated equipment such as basketball hoops, nets, etc. A sport court may not exceed eighteen (18) inches in height measured from grade.

Δ Ord. No. 371 (February 18, 2024)

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'.

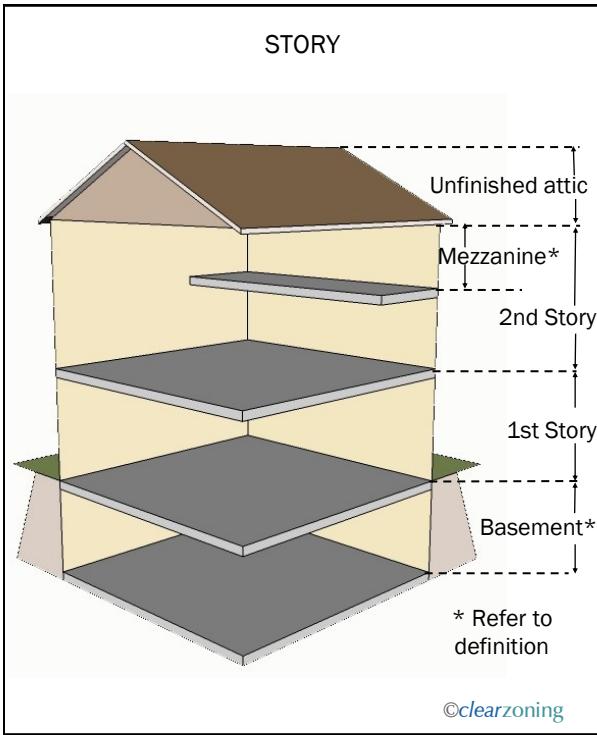
Storefront means a building facade, or portion thereof, containing a principal entryway to the building for singular or multiple uses. A building facade may contain numerous storefronts separated by architectural relief measures.

Δ Ord. No. 371 (January 18, 2024)

Storm water management basin means a land feature designed and constructed for the purpose of storm water management. Its function is the mitigation of development impacts which inhibit natural infiltration of precipitation into native soils, and which increase storm water runoff volumes and rates of flow. When designed in accordance with best management practices, basins also provide pollutant removal and aesthetically pleasing wet-habitat functions.

Δ Ord. No. 377 (February 25, 2025)

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.

Δ Ord. No. 355 (January 21, 2021)

Structure, accessory means a subordinate structure located on the same lot, but is detached from, and is secondary and incidental to, the principal building.

Survey means a certified survey as defined by the Certified Surveys Act, Act 132 of 1970, as amended.

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.

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.

Δ Ord. No. 371 (January 18, 2024)

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, 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.

Δ Ord. No. 355 (January 21, 2021)

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.

Δ Ord. No. 355 (January 21, 2021)

Utility-scale battery energy storage facilities means one or more devices, assembled together, capable of storing energy in order to supply electrical energy, including battery cells used for absorbing, storing, and discharging electrical energy in a utility-scale battery energy storage system with a battery management system.

Δ Ord. No. 378 (February 25, 2025)

Utility-scale battery energy storage system ("UBESS") means a physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a battery management system.

Δ Ord. No. 378 (February 25, 2025)

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.

Wooded area means a habitat where trees are the dominant Plant form. The individual tree canopies generally overlap and interlink, often forming a more or less continuous canopy which shades the ground to varying degrees.

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.

Δ Ord. No. 355 (January 21, 2021)

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.](#)

Δ Ord. No. 355 (January 21, 2021)

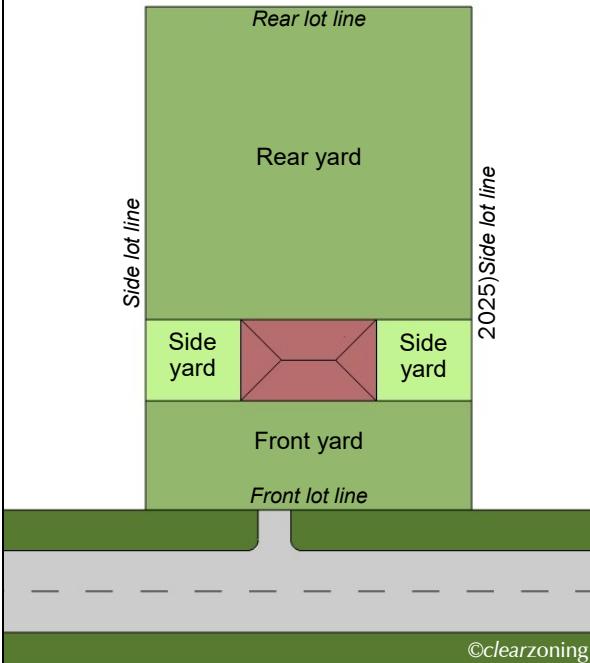
Yard, rear, means a required area extending across the full width of lot between the rear line of the lot and the nearest line of the building, porch or projection thereof. The depth of such yard is the average horizontal distance between the rear lot line and the nearest point of the building. For setbacks required on lots abutting lakes or other bodies of water, see [Section 36-5.4.](#)

Δ Ord. No. 355 (January 21, 2021)

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.](#)

Δ Ord. No. 355 (January 21, 2021)

YARDS: FRONT, REAR, SIDE



Yard Sale means a sale in any garage, basement, and/or yard conducted on a residential premise that brings the public to the property for the purpose of disposing miscellaneous personal property commonly associated with a residential use.

Δ Ord. No. 364 (January 23, 2022)

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

Chapter 36

Article 3.0

Zoning Districts

36-3.0 Zoning Districts

36-3.1 DISTRICTS¹ ESTABLISHED

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

1. A Agricultural District
2. R-1A Residential District, Single Family
3. R-1 Residential District, Single Family
4. R-2 Residential District, Single Family
5. R-3 Residential District, Single & Two Family
6. R-4 Residential District, Multiple Family
7. R-5 Residential District, High Density, Multiple Family
8. R-6 Mobile Home Park District
9. O-1 Office Service District
10. C-1 Commercial District, Local
11. C-2 Commercial District, General
12. C-3 Commercial District, 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.

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36-3.1.1

A Agricultural

A. INTENT

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

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

B. PRINCIPAL PERMITTED USES

- i. **Single-family dwelling** § 36-3.1.4
- ii. Any farm or agricultural activities including stock nurseries, animal and livestock raising conducted on unplattd parcels.
- iii. The sale of farm or dairy produce which has been raised on the farm from which it is to be sold and is located on an unplattd parcel.
- iv. Family day care homes
- v. **Class A Home occupations** § 36-4.48.1
- vi. **Places of worship** § 36-4.13
- vii. Accessory uses or **buildings** § 36-4.1
- viii. **Signs** § 36-5.8
- ix. **Keeping of small livestock and honeybees** outside of platted subdivisions and site condominiums § 36-4.2

C. SPECIAL EXCEPTIONS § 36-6.3

- i. **Cemeteries** § 36-4.11
- ii. **Parochial and private schools** § 36-4.32
- iii. Child care centers or day care centers within places of worship, parochial or private schools
- iv. **Eleemosynary, charitable and philanthropic institutions** § 36-4.22
- v. **Golf courses** § 36-4.18
- vi. **Private noncommercial clubs** § 36-4.14
- vii. **Public utility buildings and structures** necessary for the service of the community § 36-4.29
- viii. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds, other recreational areas and **hospitals** (§ 36-4.20), clinics and nursing homes
- ix. **Class B Home occupations** § 36-4.48.2
- x. **Riding stables** § 36-4.42
- xi. **Private airfields or aircraft landing strips** § 36-4.43
- xii. **Earth removal, mining and processing operations** § 36-4.41
- xiii. **Wind energy conversion systems** § 36-4.39
- xiv. Family adult foster care home
- xv. **Residential care facilities** § 36-4.10
- xvi. **Telecommunication Towers & Antennas** § 36-4.38
- xvii. **Planned Unit Development** § 36-4.52
- xviii. **Bed and Breakfast** § 36-4.53
- xix. **Keeping of small livestock and honeybees** within platted subdivisions and site condominiums § 36-4.2



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area: 3.0 acres*
Minimum lot frontage: 200 ft

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%

Setbacks

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

Building Height

Maximum building height: 35 ft
Accessory buildings: 20 ft

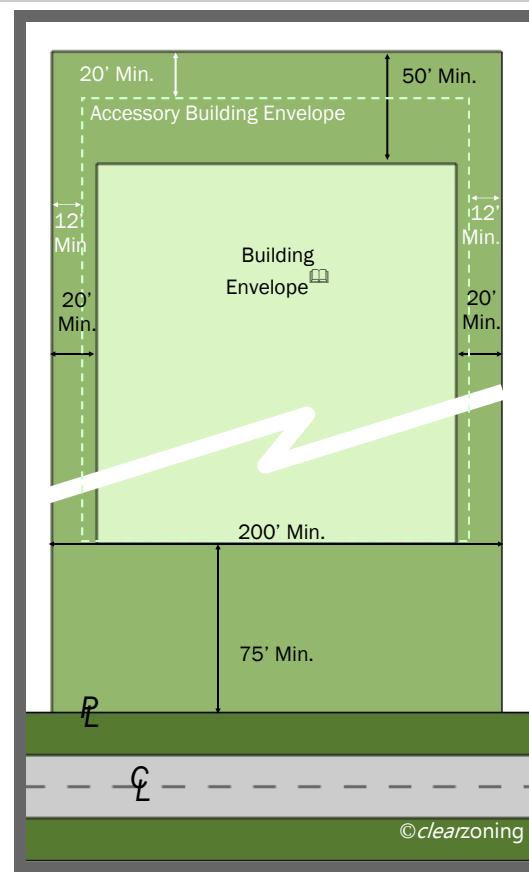
Floor Area

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

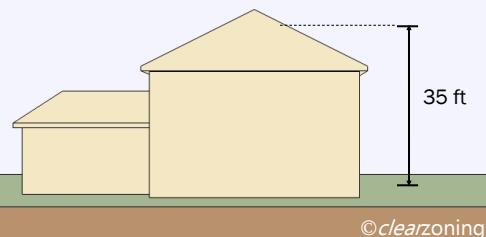
NOTES

- For additions to the above requirements, refer to [Section 36-3.4.2 Notes to District Standards: A, B, C, E](#)
- 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.



How do I calculate height?



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](#) § 36-3.1.4
- [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...](#) § 36-4.1
- [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

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36-3.1.2

R-1 Residential District, Single Family

A. INTENT

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

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

B. PRINCIPAL PERMITTED USES

- i. Single-family dwelling 
- ii. Reserved for future expansion
- iii. Family day care homes 
- iv. **Places of worship** § 36-4.13
- v. **Class A Home occupations**  § 36-4.48.1
- vi. Accessory uses  or **buildings** § 36-4.1
- vii. **Signs**  § 36-5.8
- viii. **Keeping of small livestock and honeybees** outside of platted subdivisions and site condominiums § 36-4.2

C. SPECIAL EXCEPTION USES  § 36-6.3

- i. **Cemeteries** § 36-4.11
- ii. **Parochial and private schools** § 36-4.32
- iii. Child care centers or day care centers within places of worship, parochial or private schools
- iv. **Eleemosynary, charitable and philanthropic institutions** § 36-4.22
- v. **Golf courses** § 36-4.18
- vi. **Private noncommercial clubs** § 36-4.14
- vii. **Public utility buildings and structures** necessary for the service of the community § 36-4.29
- viii. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds, other recreational areas and **hospitals** (§ 36-4.20), clinics and nursing homes
- ix. **Class B Home occupations**  § 36-4.48.2
- x. Reserved for future expansion
- xi. **Wind energy conversion systems**  § 36-4.39
- xii. Family adult foster care home 
- xiii. **Residential care facilities**  § 36-4.10
- xiv. **Planned Unit Development**  § 36-4.52
- xv. **Bed and Breakfast** § 36-4.53
- xvi. **Keeping of small livestock and honeybees** within platted subdivisions and site condominiums § 36-4.2



R-1 Residential District, Single Family

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area: 1.5 acres
Minimum lot frontage: 200 ft

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%

Setbacks

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

Building Height

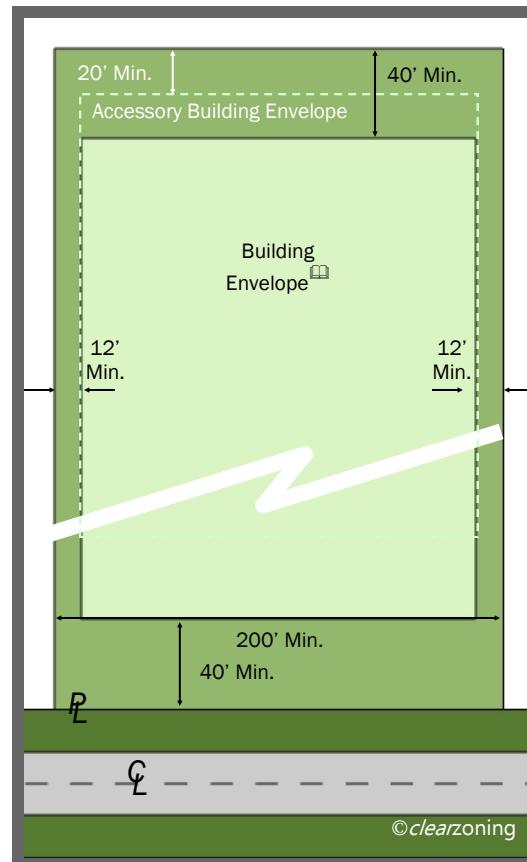
Maximum building height: 35 ft
Accessory buildings: 20 ft

Floor Area

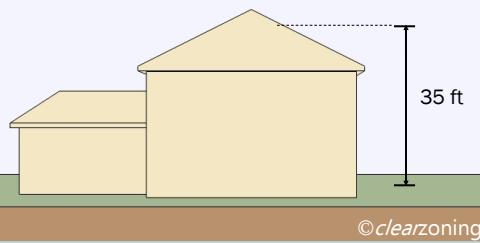
Minimum floor area per dwelling:
Single Family, 1 story: 1,200 sq ft
Single Family, 2+ stories: 1,000 sq ft (first floor)
1,500 sq ft (total)

NOTES

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



How do I calculate height?



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](#) § 36-3.1.4
- [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...](#) § 36-4.1
- [Parking Requirements](#) § 36-5.7.5.F

Other Ordinances

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6. Development Procedures

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

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36-3.1.3

R-1A Residential District, Single Family

A. INTENT

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

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

B. PRINCIPAL PERMITTED USES

- i. Single-family dwelling 
- ii. Reserved for future expansion
- iii. Family day care homes 
- iv. **Places of worship** § 36-4.13
- v. **Class A Home occupations**  § 36-4.48.1
- vi. Accessory uses  or **buildings** § 36-4.1
- vii. **Signs**  § 36-5.8
- viii. **Keeping of small livestock and honeybees** outside of platted subdivisions and site condominiums § 36-4.2

C. SPECIAL EXCEPTION USES § 36-6.3

- i. **Cemeteries** § 36-4.11
- ii. **Parochial and private schools** § 36-4.32
- iii. Child care centers or day care centers within places of worship, parochial or private schools
- iv. **Eleemosynary, charitable and philanthropic institutions** § 36-4.22
- v. **Golf courses** § 36-4.18
- vi. **Private noncommercial clubs** § 36-4.14
- vii. **Public utility buildings and structures** necessary for the service of the community § 36-4.29
- viii. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds, other recreational areas and **hospitals** (§ 36-4.20), clinics and nursing homes
- ix. **Class B Home occupations**  § 36-4.48.2
- x. Reserved for future expansion
- xi. **Wind energy conversion systems**  § 36-4.39
- xii. Family adult foster care home 
- xiii. **Residential care facilities**  § 36-4.10
- xiv. **Planned Unit Development**  § 36-4.52
- xv. **Bed and Breakfast** § 36-4.53
- xvi. **Keeping of small livestock and honeybees** within platted subdivisions and site condominiums § 36-4.2

R-1A Residential District, Single Family

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:

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

Minimum lot frontage:

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

Lot Coverage

Front yard accessory buildings: See [Section 36-4.1](#)

Maximum lot coverage for lots without sewer:

Principal buildings:	13%
Accessory buildings:	10% of rear and side yard

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

Maximum lot coverage for all impervious surface: 40%

Setbacks

Minimum front yard setback: 40 ft

Minimum rear yard setback: 40 ft

Accessory buildings: 5 ft

Minimum side yard setback: 12 ft

Building Height

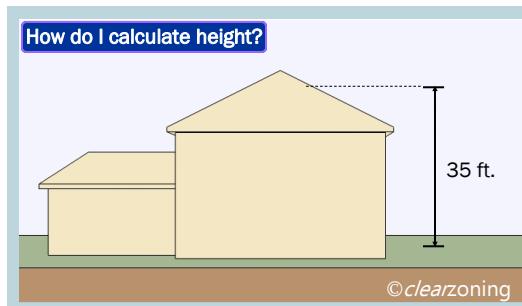
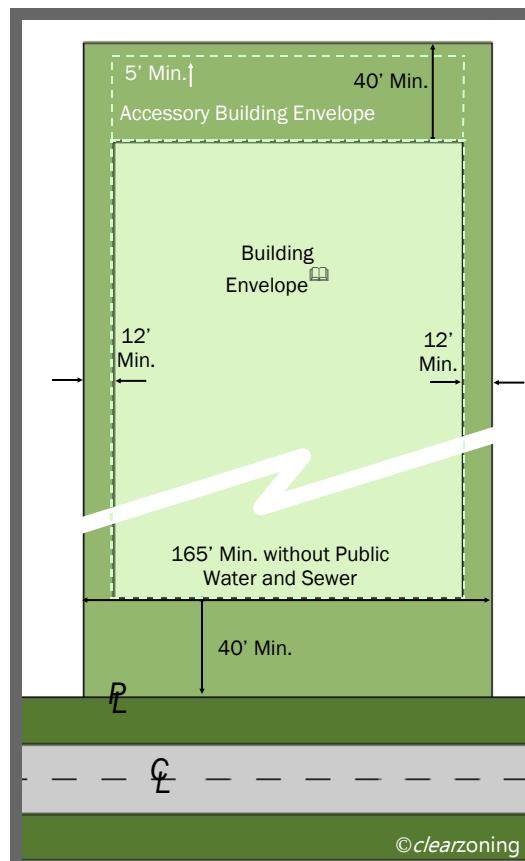
Maximum building height: 35 ft

Accessory buildings: 20 ft

Floor Area

Minimum floor area per one-family dwelling:

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



The above drawings are not to scale.

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

SELECTED REFERENCES

3. Zoning Districts

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

4. Use Standards

- [Single Family Dwellings](#) § 36-3.1.4
- [Home Occupations](#) § 36-4.48

5. Site Standards

- [Places of worship](#) § 36-4.1.13
- [Signs](#) § 36-5.8
- [Stub Roads and Cul-de Sacs...](#) § 36-5.12
- [Accessory Buildings...](#) § 36-4.1

6. Development Procedures

- [Parking Requirements](#) § 36-5.7.5.F
- [Site Plan Review](#) § 36-6.1
- [Special Exception Use Standards](#) § 36-6.3

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36-3.1.4

R-2 Residential District, Single Family

A. INTENT

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

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

B. PRINCIPAL PERMITTED USES

- i. Single-family dwelling 
- ii. Reserved for future expansion
- iii. Family day care homes 
- iv. **Class A Home occupations**  § 36-4.48.1
- v. **Places of worship** § 36-4.13
- vi. Accessory uses  or **buildings** § 36-4.1
- vii. **Signs**  § 36-5.8
- viii. **Keeping of small livestock and honeybees** outside of platted subdivisions and site condominiums § 36-4.2

C. SPECIAL EXCEPTION USES  § 36-6.3

- i. **Cemeteries** § 36-4.11
- ii. **Parochial and private schools** § 36-4.32
- iii. Child care centers or day care centers within places of worship, parochial or private schools
- iv. **Eleemosynary, charitable and philanthropic institutions** § 36-4.22
- v. **Golf courses** § 36-4.18
- vi. **Private noncommercial clubs** § 36-4.14
- vii. **Public utility buildings and structures** necessary for the service of the community § 36-4.29
- viii. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds, other recreational areas and **hospitals** (§ 36-4.20), clinics and nursing homes
- ix. **Class B Home occupations**  § 36-4.48.2
- x. Reserved for future expansion
- xi. **Wind energy conversion systems**  § 36-4.39
- xii. Family adult foster care home 
- xiii. **Residential care facilities**  § 36-4.10
- xiv. **Hospital** (§ 36-4.20) or **medical clinic** (§ 36-4.25), excluding animal hospitals
- xv. **Planned Unit Development**  § 36-4.52
- xvi. **Bed and Breakfast** § 36-4.53
- xvii. **Keeping of small livestock and honeybees** within platted subdivisions and site condominiums § 36-4.2

R-2 Residential District, Single Family

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area:	
With sewer, excluding frontage onto county primary roads:	14,500 sq ft
All other parcels:	35,800 sq ft

Minimum lot frontage:

With sewer, excluding frontage onto county primary roads:	110 ft
All other parcels:	165 ft

Lot Coverage

Front yard accessory buildings:	See Section 36-4.1
Maximum lot coverage for lots without sewer:	
Principal buildings:	15%
Accessory buildings:	10% of rear and side yard
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
Maximum lot coverage for all impervious surface:	45%

Setbacks

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

Minimum side yard setback:	12 ft
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Building Height

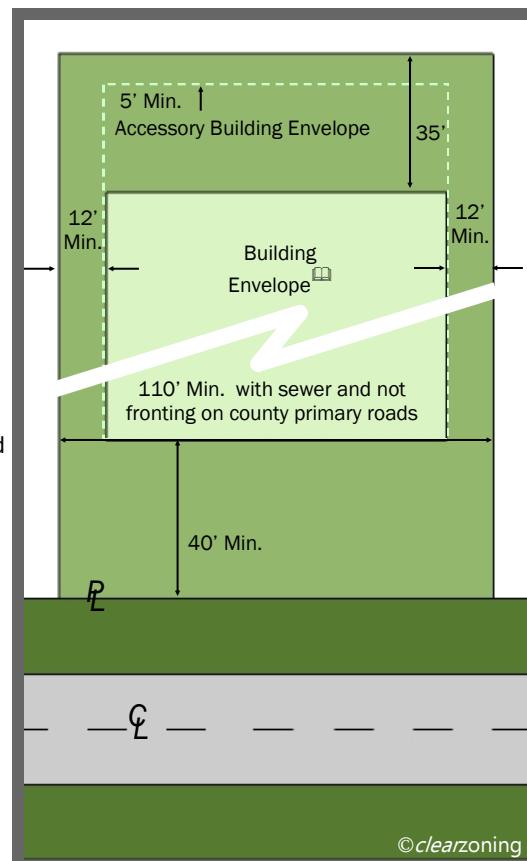
Maximum building height:	35 ft
Accessory buildings:	20 ft

Floor Area

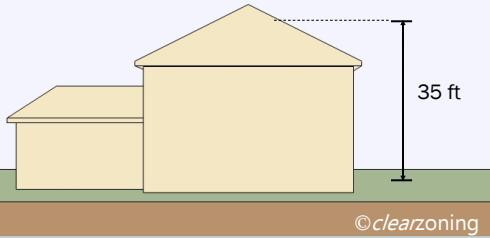
Minimum floor area per dwelling:	
Single Family, 1 story	1,200 sq ft
Single Family, 2+ stories	1,000 sq ft (first floor) 1,500 sq ft (total)

NOTES

- For additions to the above requirements, refer to [Section 36-3.4.2 Notes to District Standards: A, B, C, D, E](#)
- 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](#)



How do I calculate height?



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](#) § 36-3.1.4
- [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...](#) § 36-4.1
- [Parking Requirements](#) § 36-5.7.5.F

6. Development Procedures

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

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36-3.1.5

R-3 Residential District, Single & Two Family

A. INTENT

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

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

B. PRINCIPAL PERMITTED USES

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

C. SPECIAL EXCEPTION USES § 36-6.3

- i. **Cemeteries** § 36-4.11
- ii. **Parochial and private schools** § 36-4.32
- iii. Child care centers or day care centers within places of worship, parochial or private schools
- iv. **Golf courses** § 36-4.18
- v. **Private noncommercial clubs** § 36-4.14
- vi. **Public utility buildings and structures** necessary for the service of the community § 36-4.29
- vii. 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
- viii. **Class B Home occupations**  § 36-4.48.2
- ix. Reserved for future expansion
- x. **Wind energy conversion systems**  § 36-4.39
- xi. Family adult foster care home 
- xii. **Residential care facilities**  § 36-4.10
- xiii. **Hospital** (§ 36-4.20) or **medical clinic** (§ 36-4.25), excluding animal hospitals
- xiv. **Planned Unit Development**  § 36-4.52



R-3 Residential District, Single & Two Family

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%	

Setbacks

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

Maximum building height:	35 ft
Accessory buildings:	20 ft

Floor Area

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

NOTES

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

SELECTED REFERENCES

3. Zoning Districts

- [General Exceptions](#) § 36-3.5
- [Limitations on Height](#) § 36-3.7
- [R-3 Development Standards](#) § 36-3.8

4. Use Standards

- [Single Family Dwellings](#) § 36-3.1.4
- [Home Occupations](#) § 36-4.48

5. Site Standards

- [Places of worship](#) § 36-4.13
- [Signs](#) § 36-5.8
- [Stub Roads and Cul-de Sacs...](#) § 36-5.12
- [Accessory Buildings...](#) § 36-4.1
- [Parking Requirements](#) § 36-5.7.5.F

6. Development Procedures

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

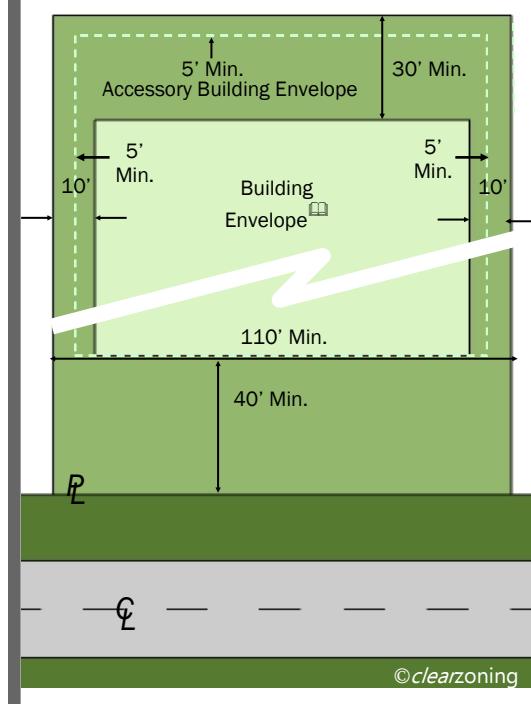
Other Ordinances

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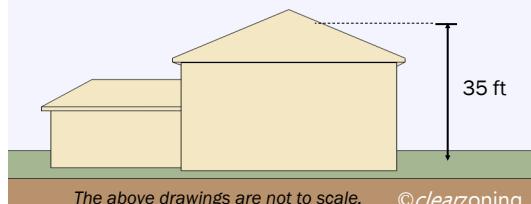
Lot Size

Minimum Lot Area	
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: 110 ft



How do I calculate height?



The above drawings are not to scale. ©clearzoning

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36-3.1.6

R-4 Residential District, Multiple Family

A. INTENT

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

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

B. PRINCIPAL PERMITTED USES

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

C. SPECIAL EXCEPTION USES  § 36-6.3

- i. **Cemeteries** § 36-4.11
- ii. **Parochial and private schools** § 36-4.32
- iii. Child care centers or day care centers within places of worship, parochial or private schools
- iv. **Golf courses** § 36-4.18
- v. **Private noncommercial clubs** § 36-4.14
- vi. **Public utility buildings and structures** necessary for the service of the community § 36-4.29
- vii. 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
- viii. **Class B Home occupations**  § 36-4.48.2
- ix. Reserved for future expansion
- x. **Wind energy conversion systems**  § 36-4.39
- xi. Family adult foster care home 
- xii. **Hospital** (§ 36-4.20) or **medical clinic** (§ 36-4.25), excluding animal hospitals
- xiii. Limited residential care facilities 
- xiv. **Planned Unit Development**  § 36-4.52



36-3.1.7

R-5 Residential District,
High Density Multiple Family

A. INTENT

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

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

B. PRINCIPAL PERMITTED USES

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

C. SPECIAL EXCEPTION USES  § 36-6.3

- i. **Cemeteries** § 36-4.11
- ii. **Parochial and private schools** § 36-4.32
- iii. Child care centers or day care centers within places of worship, parochial or private schools
- iv. **Golf courses** § 36-4.18
- v. **Private noncommercial clubs** § 36-4.14
- vi. **Public utility buildings and structures** necessary for the service of the community § 36-4.29
- vii. 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
- viii. **Class B Home occupations**  § 36-4.48.2
- ix. Reserved for future expansion
- x. **Wind energy conversion systems**  § 36-4.39
- xi. Family adult foster care home 
- xii. **Hospital** (§ 36-4.20) or **medical clinic** (§ 36-4.25), excluding animal hospitals
- xiii. Limited residential care facilities 
- xiv. **Planned Unit Development**  § 36-4.52



R-5 Residential District, High Density Multiple Family

36-3.1.7

D. DEVELOPMENT STANDARDS

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%

Setbacks

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 [Section 36-3.6](#))

Building Height

Maximum building height:

50 ft

Floor Area

Minimum floor area per dwelling unit:

Two Family: 960 sq ft

Multiple Family: 768 sq ft

NOTES

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

Lot Size

Minimum lot area:

10,895 sq ft*

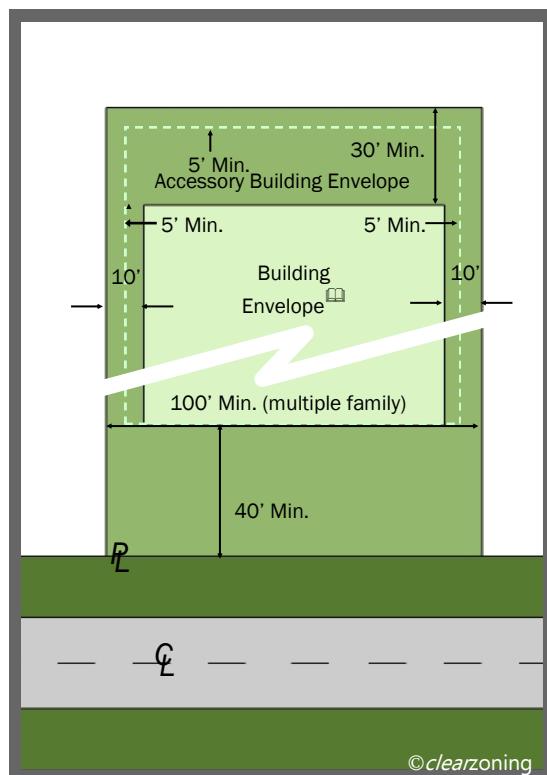
4,356 sq ft*

Minimum lot frontage:

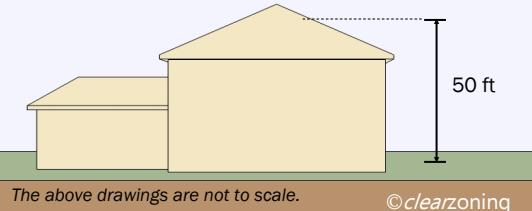
110 ft

86 ft

*per dwelling unit



How do I calculate height?



SELECTED REFERENCES

3. Zoning Districts

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

4. Use Standards

- Single Family Dwellings § 36-3.1.4
- 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... § 36-4.1
- 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

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3.1.8

R-6 Mobile Home Park District

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. **Manufactured home parks**  § 36-4.51 and those uses customarily incidental to the principal use
- ii. Family day care homes 
- iii. **Places of worship** § 36-4.13

C. SPECIAL EXCEPTION USES  § 36-6.3

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



D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area: 7,000 sq ft
Minimum lot frontage: 70 ft

Lot Coverage

Principal buildings: 20%
Accessory buildings: 15%
Maximum lot coverage for all impervious surfaces: 80%

Setbacks

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

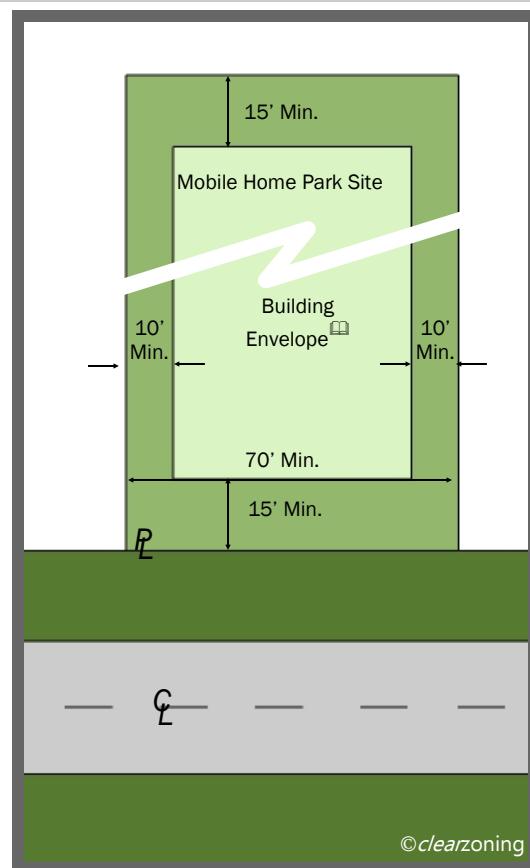
Maximum building height: 25 ft

Floor Area

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

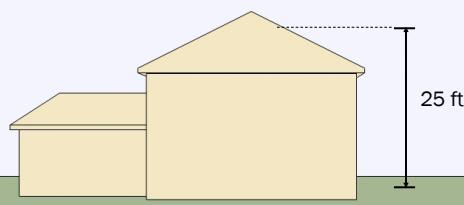
NOTES

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



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How do I calculate height?



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The above drawings are not to scale.

SELECTED REFERENCES

[3. Zoning Districts](#)

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

[5. Site Standards](#)

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

[Other Ordinances](#)

-

[4. Use Standards](#)

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

[6. Development Procedures](#)

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

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36-3.1.9

O-1 Office Service District

A. INTENT

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

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

B. PRINCIPAL PERMITTED USES

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

C. SPECIAL EXCEPTION USES  § 36-6.3

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

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area: 10,000 sq ft
Minimum lot frontage: 75 ft

Lot Coverage

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

Setbacks

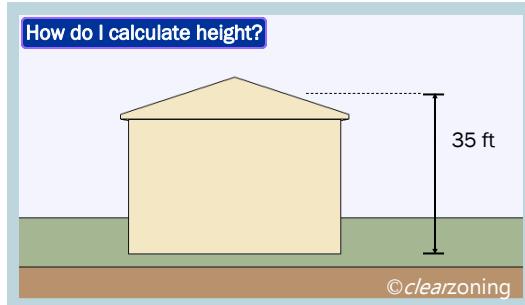
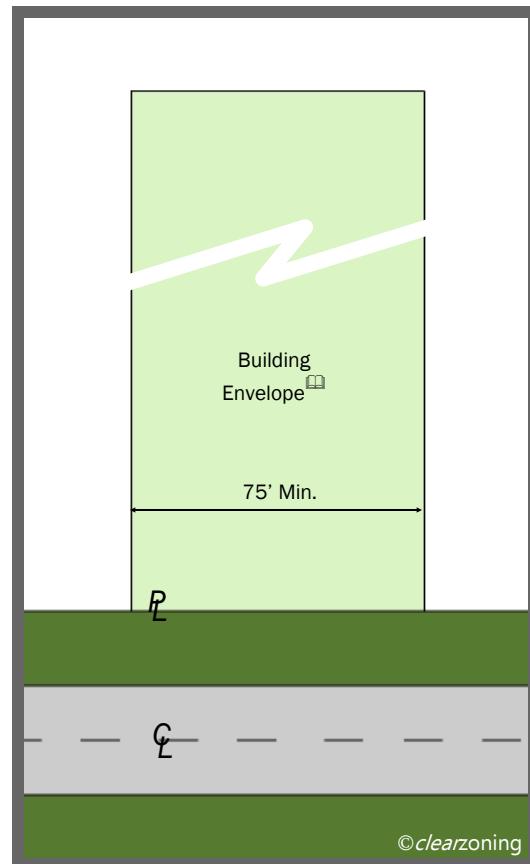
Minimum front yard setback: none
Minimum rear yard setback: none
Minimum side yard setback: none

Building Height

Maximum building height: 35 ft
Accessory buildings: 20 ft

NOTES

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



The above drawings are not to scale.

SELECTED REFERENCES

3. Zoning Districts

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

4. Use Standards

- Mixed Use Development** § 36-4.40
- Wind Energy Conversion Systems** § 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

-

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

C. SPECIAL EXCEPTION USES  § 36-6.3

- i. Any retail use similar to those permitted in this district, but which are not specifically mentioned in the **C-2, C-3** and **C-4** commercial districts.
- ii. Package liquor, beer and wine sales
- iii. **Public utility buildings and structures** § 36-4.29 necessary for the service of the community
- iv. **Motels**  § 36-4.27 and **hotels**  § 36-4.21
- v. **Places of worship** § 36-4.13
- vi. **Mixed-use development** § 36-4.40
- vii. **Wind energy conversion systems**  § 36-4.39
- viii. **Banquet halls/event centers**  § 36-4.57

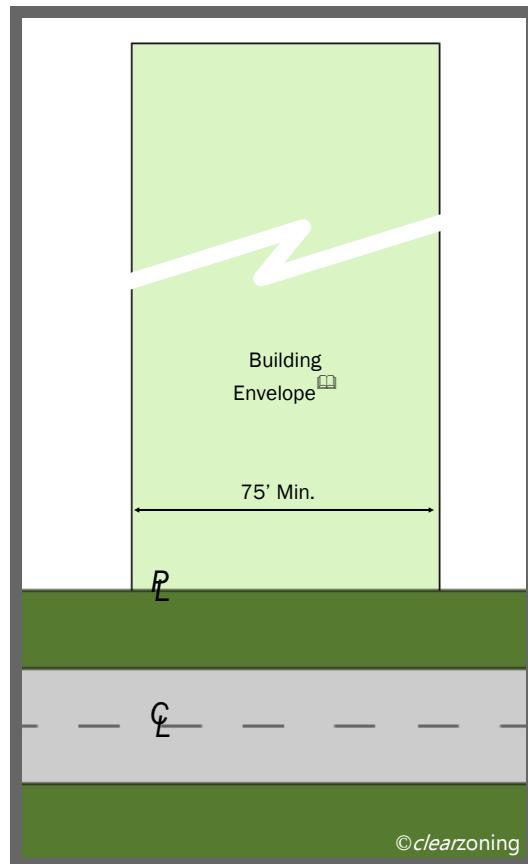
D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area : 10,000 sq ft
 Minimum lot frontage : 75 ft

Lot Coverage

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



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Setbacks

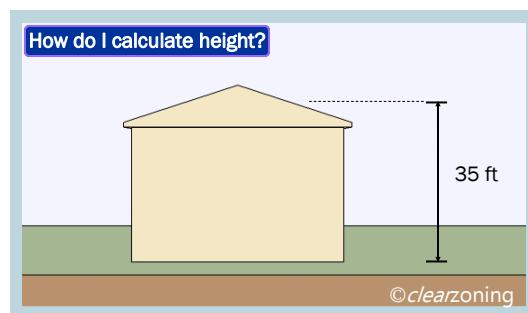
Minimum front yard setback: none
 Minimum rear yard setback: none
 Minimum side yard setback: none

Building Height

Maximum building height: 35 ft
 Accessory buildings: 20 ft

NOTES

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



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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**
§ 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

-

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
- ii. Personal service uses
- iii. Post offices and similar governmental office buildings serving persons living in the adjacent residential areas
- iv. Professional or administrative offices
- v. Medical offices, including clinics
- vi. Hospitals and full residential care facilities
- vii. Banks, credit unions, savings and loan associations, and similar uses
- viii. Art shops, photographic studios and interior decorating studios
- ix. **Publicly owned buildings, exchanges and public utility offices** § 36-3.5.1
- x. Accessory uses or buildings
- xi. Restaurants
- xii. **Vehicle service and repair, minor** § 36-4.7
- xiii. **Vehicle sales** § 36-4.3
- xiv. **Vehicle repair, minor** § 36-4.7
- xv. Boat sales
- xvi. Commercial recreation enterprises; indoors
- xvii. Contractor's workshops
- xviii. Greenhouses, nurseries, and landscaping supplies
- xix. Machinery and heavy equipment sales; indoors
- xx. **Signs** § 36-5.8

C. SPECIAL EXCEPTION USES § 36-6.3

- i. **Animal hospital** § 36-4.5
- ii. Any general retail use similar to those uses permitted in this district
- iii. **Bar, tavern and nightclub** § 36-4.8
- iv. **Places of worship** § 36-4.13
- v. **Commercial recreation enterprises; outdoors** § 36-4.30
- vi. **Gasoline service stations** § 36-4.17
- vii. **Motels** § 36-4.27 and **hotels** § 36-4.21
- viii. Package liquor, beer and wine sales
- ix. **Public utility buildings and structures** § 36-4.29 necessary for the service of the community
- x. **Riding stable and racetrack; commercial** § 36-4.31
- xi. **Volunteer or Township fire station** § 36-4.37
- xii. **Mixed-use development** § 36-4.40
- xiii. **Wind energy conversion systems** § 36-4.39
- xiv. **Kennel** § 36-4.24
- xv. 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
- xvi. **Banquet halls/event centers** § 36-4.57

C-2 Commercial District, General

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area: 30,000 sq ft
Minimum lot frontage: 150 ft

Lot Coverage:

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

Setbacks:

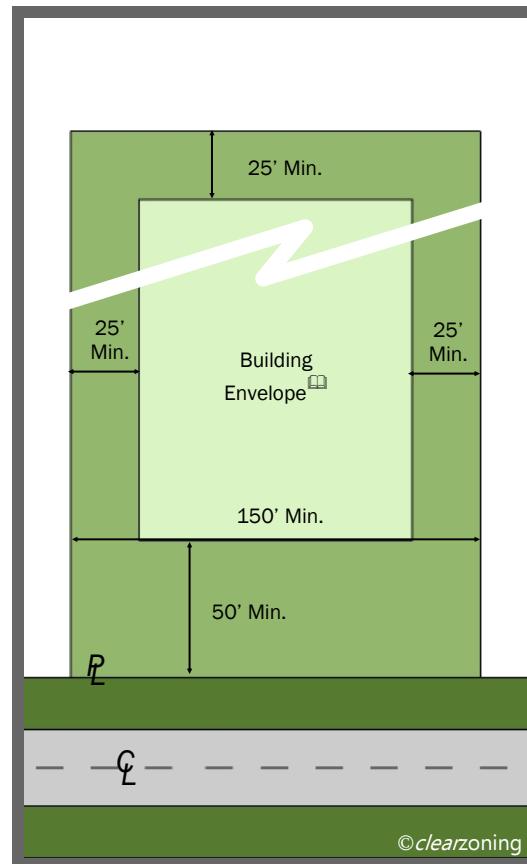
Minimum front yard setback: 50 ft
Minimum rear yard setback: 25 ft
Minimum side yard setback: 25 ft

Building Height:

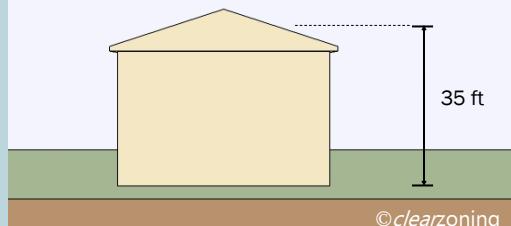
Maximum building height: 35 ft
Accessory buildings: 20 ft

NOTES

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



How do I calculate height?



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 § 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

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36-3.1.12

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 [§ 36-4.1.1](#)
- ii. Personal service uses [§ 36-4.1.2](#)
- iii. Post offices and similar governmental office buildings serving persons living in the adjacent residential areas
- iv. Professional or administrative offices [§ 36-4.1.3](#)
- v. Medical offices, including clinics, hospitals [§ 36-4.1.4](#) and full residential care facilities [§ 36-4.1.5](#)
- 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 [§ 36-4.1.6](#) or buildings
- x. Restaurants
- xi. Commercial recreation; indoors
- xii. **Outdoor commercial recreation enterprises** [§ 36-4.30](#)
- xiii. **Signs** [§ 36-5.8](#)

C. SPECIAL EXCEPTION USES [§ 36-6.3](#)

- i. Package liquor, beer and wine sales.
- ii. **Public utility buildings and structures** [§ 36-4.29](#) necessary for the service of the community
- iii. **Motels** [§ 36-4.27](#) and **hotels** [§ 36-4.21](#)
- iv. **Places of worship** [§ 36-4.13](#)
- v. **Mixed-use development** [§ 36-4.40](#)
- vi. **Wind energy conversion systems** [§ 36-4.39](#)
- vii. **Outdoor swimming pools** [§ 36-4.30](#)
- viii. **Veterinary clinics** [§ 36-4.36](#) or similar facilities for animal care, including pet shops
- ix. **Banquet halls/event centers** [§ 36-4.57](#)

C-3 Commercial District, Neighborhood Business

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area: 40,000 sq ft
Minimum lot frontage: 200 ft

Lot Coverage

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

Setbacks

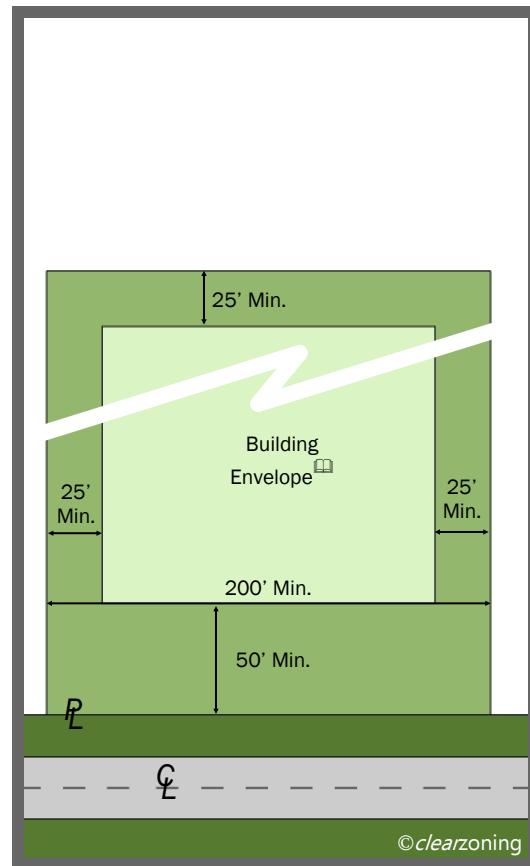
Minimum front yard setback: 50 ft
Minimum rear yard setback: 25 ft
Accessory buildings: 25 ft
Minimum side yard setback: 25 ft
Accessory buildings: 25 ft

Building Height

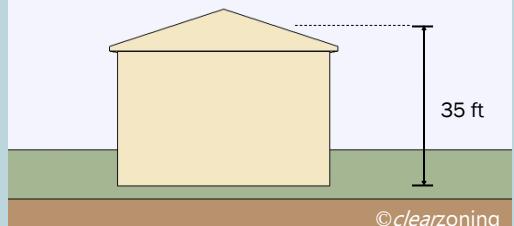
Maximum building height: 35 ft
Accessory buildings: 20 ft

NOTES

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



How do I calculate height?



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 § 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

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C-4 Commercial District, Highway

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 [§ 36-4.5](#)
- ii. Personal service uses [§ 36-4.5](#)
- iii. Post offices and similar governmental office buildings serving persons living in the adjacent residential areas
- iv. Professional or administrative offices [§ 36-4.5](#)
- v. Medical offices, including clinics
- vi. Hospitals [§ 36-4.5](#) and full residential care facilities [§ 36-4.5](#)
- vii. Banks, credit unions, savings and loan associations, and similar uses
- viii. Art shops, photographic studios and interior decorating studios
- ix. **Publicly owned buildings, exchanges and public utility offices**, including community buildings and public parks, playgrounds and other recreational areas [§ 36-3.5.1](#)
- x. Accessory uses [§ 36-4.5](#) or buildings
- xi. Restaurants
- xii. Reserved for future expansion
- xiii. **Vehicle sales** [§ 36-3.4.3](#)
- xiv. **Vehicle repair, minor** [§ 36-4.7](#)
- xv. Boat sales
- xvi. Commercial recreation, indoors
- xvii. Commercial recreation, outdoors
- xviii. Drive-in eating establishments
- xix. Greenhouses, nurseries, and landscaping supplies
- xx. **Motels** [§ 36-4.27](#)
- xi. Reserved for future expansion
- xii. **Signs** [§ 36-5.8](#)
- xiii. **Vehicle service and repair, minor** [§ 36-3.4.7](#)

C. SPECIAL EXCEPTION USES [§ 36-6.3](#)

- i. **Animal hospital** [§ 36-4.5](#)
- ii. Any general retail use similar to those uses permitted in this district
- iii. **Bar, tavern and nightclub** [§ 36-4.8](#)
- iv. **Places of worship** [§ 36-4.13](#)
- v. **Gasoline service stations** [§ 36-4.17](#)
- vi. **Hotels** [§ 36-4.21](#)
- vii. Package liquor, beer and wine sales
- viii. **Public utility buildings and structures** [§ 36-4.29](#) necessary for the service of the community
- ix. **Riding stable and racetrack; commercial** [§ 36-4.31](#)
- x. **Volunteer or Township fire station** [§ 36-4.37](#)
- xi. **Mixed-use development** [§ 36-4.40](#)
- xii. **Vehicle repair, major** [§ 36-4.7](#)
- xiii. **Wind energy conversion systems** [§ 36-4.39](#)
- xiv. **Kennel** [§ 36-4.24](#)
- xv. **Vehicle service and repair, major** [§ 36-4.7](#)
- xvi. **Drive-in theater** [§ 36-4.15](#)
- xvii. **Telecommunication Towers** [§ 36-4.38](#)
- xviii. Permitted uses that include the outdoor display of goods, provide **outdoor seating for serving patrons alcoholic beverages** [§ 36-4.54](#) or include drive-through facilities, intended primarily for nonfood related items
- xix. **Banquet halls/event centers** [§ 36-4.57](#)

C-4 Commercial District, Highway

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area: 40,000 sq ft
Minimum lot frontage: 200 ft

Lot Coverage:

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

Setbacks:

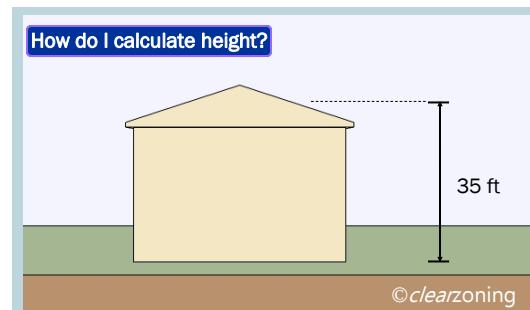
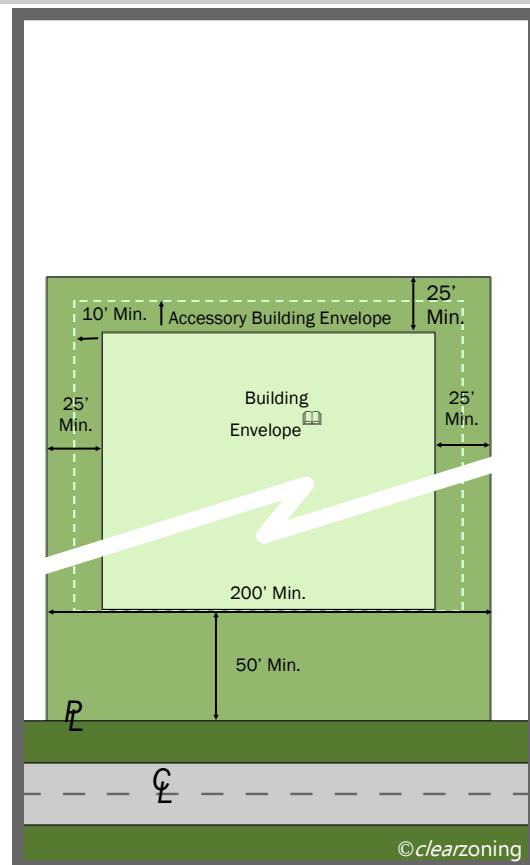
Minimum front yard setback: 50 ft
Minimum rear yard setback: 25 ft
Accessory buildings: 10 ft
Minimum side yard setback: 25 ft
Accessory buildings: 10 ft

Building Height:

Maximum building height: 35 ft
Accessory buildings: 20 ft

NOTES

- For additions to the above requirements, refer to **Section 36-3.4.3 Notes to District Standards: A, B, C, D, 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** § 36-4.39
- Telecommunication Towers** § 36-4.38

5. Site Standards

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

6. Development Procedures

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

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I-1 Industrial District

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 body and paint shops
- 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 or buildings
- xx. **Signs** § 36-5.8

C. SPECIAL EXCEPTION USES § 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** § 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** § 36-4.57
- xii. **Vehicle service and repair, major** § 36-4.7

I-1 Industrial District

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area: 2 acres
Minimum lot frontage: 200 ft

Lot Coverage:

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

Setbacks

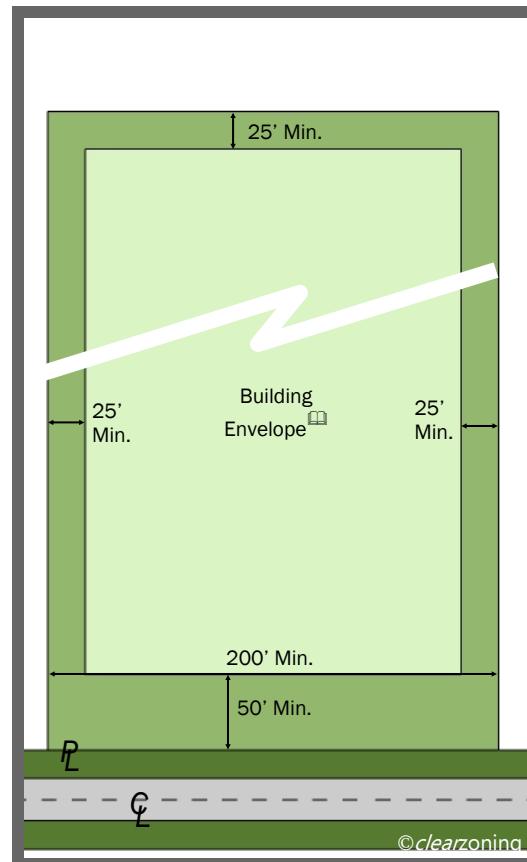
Minimum front yard setback: 50 ft
Minimum rear yard setback: 25 ft
Accessory buildings: 15 ft
Minimum side yard setback: 25 ft
Accessory buildings: 15 ft

Building Height

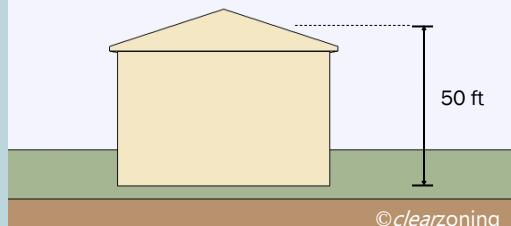
Maximum building height: 50 ft
Accessory buildings: 20 ft

NOTES

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



How do I calculate height?



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 § 36-4.39
- Telecommunication Towers § 36-4.38

5. Site Standards

- Parking § 36-5.7
- Signs § 36-5.8
- Access Management § 36-5.9
- Exterior Lighting § 36.5.6
- Screening & Fencing § 36.5.3

6. Development Procedures

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- Special Exception Use Standards § 36-6.3

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This Section is reserved for future expansion.

Reserved for Future Expansion

36-3.1.16

This Section is reserved for future expansion.

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EBT Educational & Business Technology District

A. INTENT

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

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

B. PRINCIPAL PERMITTED USES

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

C. SPECIAL EXCEPTION USES § 36-6.3

- i. Packaging and distribution of previously prepared materials
- ii. Processing or compounding commodities such as drugs, cosmetics, pottery, plastics and food products
- iii. Processing and assembly of engineering, medical, laboratory, scientific and research instruments and associated equipment
- iv. Biotechnology facilities, including the boarding and testing of rodents and small animals
- v. **Wind energy conversion systems**  § 36-4.39
- vi. Outdoor storage or related activities, in association with a permitted use
- vii. **Telecommunication Towers**  § 36-4.38
- 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: 3 acres
Minimum lot frontage: 250 ft

Lot Coverage:

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

Setbacks:

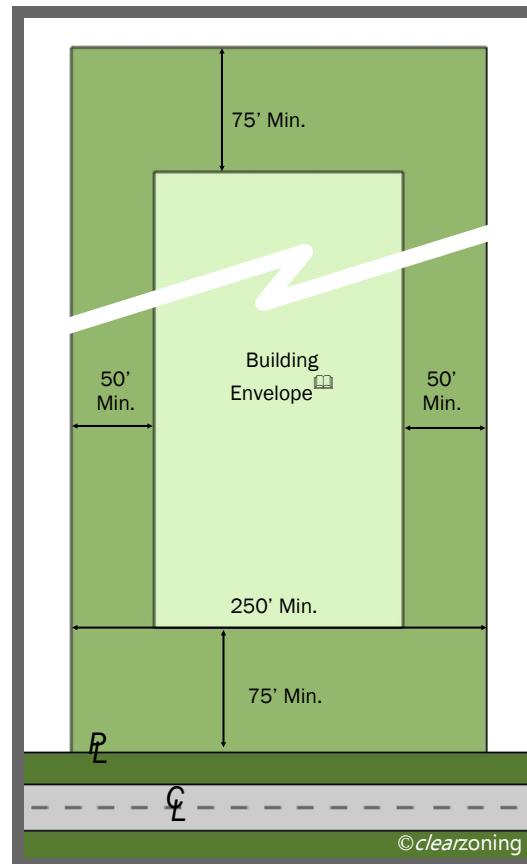
Minimum front yard setback: 75 ft
Minimum rear yard setback: 75 ft
Minimum side yard setback: 50 ft

Building Height:

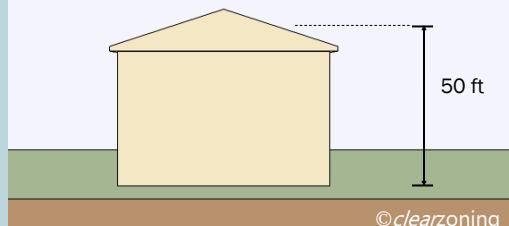
Maximum building height: 50 ft
Accessory buildings: 20 ft

NOTES

- For additions to the above requirements, refer to **Section 36-3.4.3 Notes to District Standards: A, B**
- See Selected References below for applicability



How do I calculate height?



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 § 36-4.39
- Telecommunication Towers § 36-4.38

5. Site Standards

- Parking § 36-5.7
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- Screening & Fencing § 36-5.3

6. Development Procedures

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CBD 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. Child care 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

CBD Corners Business District

C. SPECIAL EXCEPTION USES § 36-6.3

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 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 fuel nozzle stations, and **minor vehicle service and repair**, including associated convenience retail store § 36-4.7
- 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.Fx**
- 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
- 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** § 36-4.54
- 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** § 36-4.57
- xv. Brewpub § 36-4.58 where the brewing operation is no more than 30 percent of the building square footage
- xvi. Craft food and beverage production facility § 36-4.59, 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

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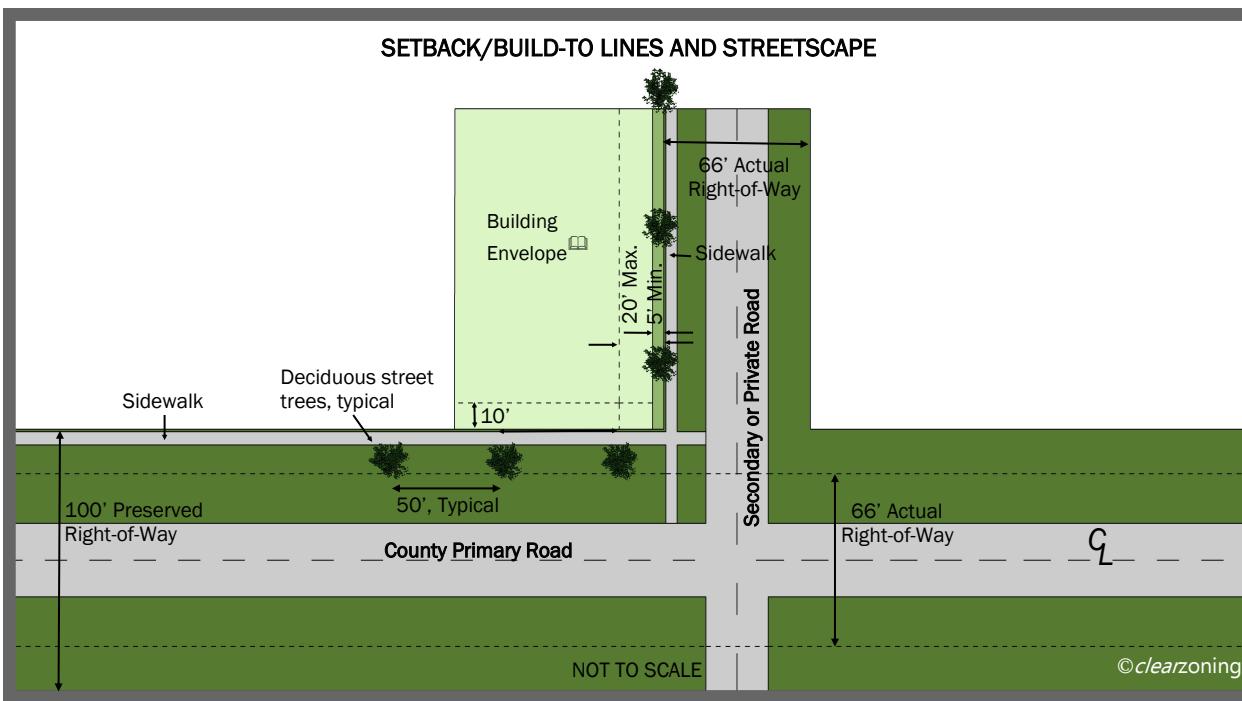


D. DIMENSIONAL REQUIREMENTS

- 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.



CBD Corners Business District (continued)

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.

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CBD Corners Business District (continued)

- 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.

CBD Corners Business District (continued)

- 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.

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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

- i. 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.
- ii. Applications shall be made in compliance with **Section 36-6.1: Site Plan Review**, and shall include the following additional information:
 - a. 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.
 - b. A separate color board with the exterior wall and roof colors.
 - c. Detail of the proposed sign, including colors to be used.
 - d. Information on how the site meets the standards for a parking reduction, if requested.

CBD Corners Business District (continued)

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.

Δ Ord. No. 370 (April 6, 2023)

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Reserved for Future Expansion

This Section is reserved for future expansion.



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 unplatting 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.

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OSP Open Space Preservation District Overlay

(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 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

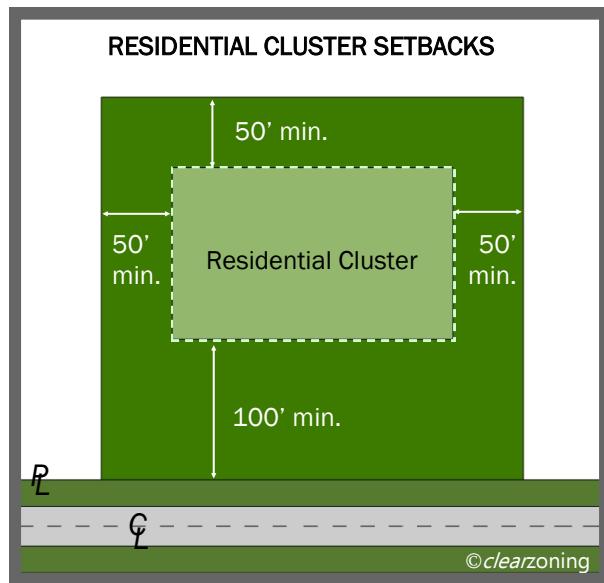
The following regulations govern the relationship of the residential cluster(s) and the restricted open space to adjoining properties, including existing road rights-of-way. The term "residential cluster" means the total area bounded by the lot, parcel or site (unit) lines defining the exterior limits 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 Road Commission of Kalamazoo County 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.



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. Passive recreation uses such as multi-use trails, rustic picnic areas, open spaces for kite-flying and wildlife viewing, and not including those listed under special exception uses.
- iii. Drives and parking areas associated with the above uses.
- iv. **Signs**  § 36-5.8
- v. Essential services
- vi. **Accessory buildings** § 36-4.1
- vii. **Single family dwellings**  § 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 new single family residential lot with frontage on a county primary road must have at least 330 feet of frontage.

C. SPECIAL EXCEPTION USES  § 36-6.3

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



RC Resource Conservation

D. DEVELOPMENT STANDARDS

Lot Size

Minimum lot area: 10 acres
Minimum lot frontage: 330 ft

Lot Coverage

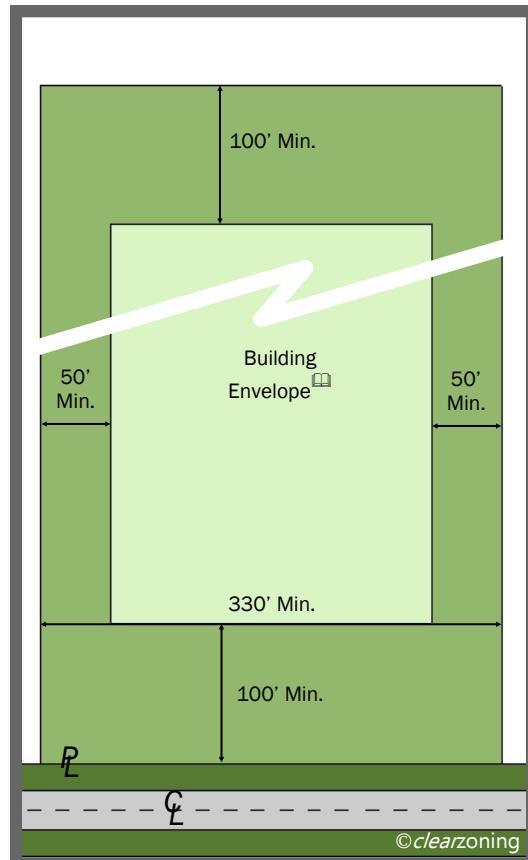
Maximum lot coverage: 2%

Setbacks

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

Building Height

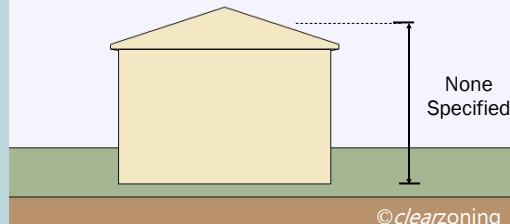
Maximum building height: None Specified



NOTES

- See Selected References below for applicability

How do I calculate height?



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

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... § 36-4.1

6. Development Procedures

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

Other Ordinances

-

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36-3.2 BOUNDARIES OF ZONES

1. The location and boundaries of the zones established in the Township shall be shown on a Zoning Map, and as the map may be amended subsequent to the adoption 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.
4. Where a district boundary line divides a lot under single ownership into two or more zones, the district regulations for the zone that comprises the most land area on the lot shall be extended to the entirety of the lot. If the two districts are equally represented on the lot, the least restrictive district shall prevail.
5. The Zoning Administrator shall have the authority to interpret the zoning map and determine boundaries of the different zoning districts, if in dispute. The interpretation of the district boundaries by the Zoning Administrator may be appealed to the Zoning Board of Appeals pursuant to **Section 36-7.5**.

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 hazardous materials release, using best available technology.

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, statutes, 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. Open (unenclosed) decks attached to a principal building for single family, two-family, or multiple family dwellings may encroach into a required rear yard setback by no more than thirty percent (30%). Such encroachments on the side yard setback are not permitted. This shall not include covered and/or enclosed decks.
- 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 (expect 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.

Δ Ord. No. 355 (January 31, 2021), Ord. No. 371 (February 18, 2024)

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

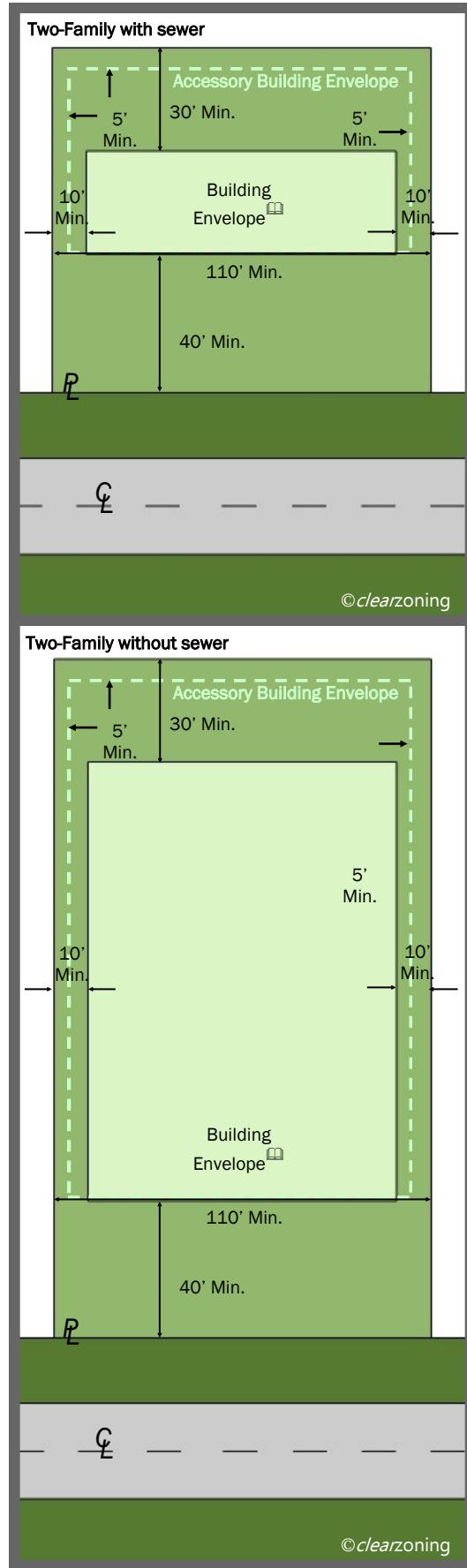
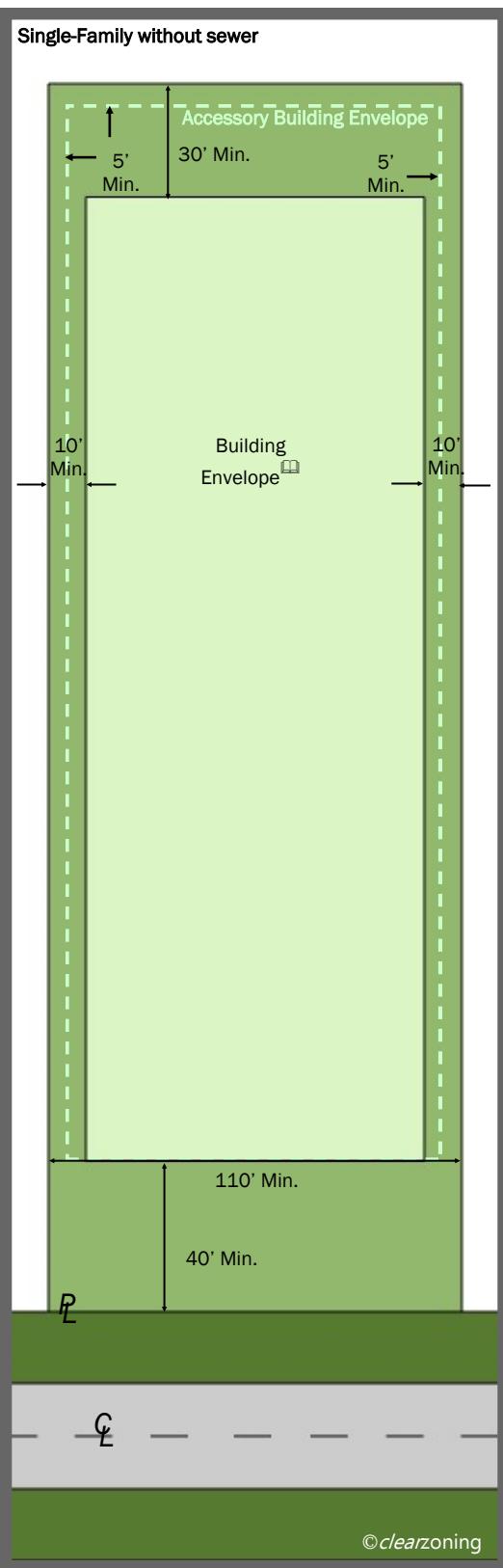
The minimum distance between multiple-family buildings within a single project area shall be as follows:

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 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 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.

3.8 R-3 DEVELOPMENT STANDARD ILLUSTRATIONS



(Intentionally Blank)

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4 Use
Standards

5 Site
Standards

6 Development
Procedures

7 Admin and
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Chapter 36

Article 4.0

Use Standards

Article 36-4.0 Use Standards

36-4.1	Accessory Uses, Buildings, and Structures in the Agricultural, Resource Conservation, and Residential Districts	36-4.33	Slaughterhouses
36-4.2	Keeping of Livestock and Honeybees	36-4.34	Storage or Warehousing of Commodities in the I-1 District
36-4.3	Vehicle Sales and Repairs	36-4.35	Reserved for Future Use
36-4.4	Municipal Offices or Public Facilities in the CBD Corners Business District	36-4.36	Veterinary Clinic
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 Facilities	36-4.42	Riding Stables
36-4.11	Cemetery	36-4.43	Private Airfields or Aircraft Landing Strips
36-4.12	Child Care Center/Day Care Center	36-4.44	Reserved
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	Hospital	36-4.52	Planned Unit Development Standards
36-4.21	Hotel	36-4.53	Bed and Breakfast
36-4.22	Institutions of Charity, Eleemosynary, or Philanthropy	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	36-4.59	Yard Sales
36-4.28	Offices and Office Buildings	36-4.60	Utility-Scale Battery Energy Storage Systems
36-4.29	Public Utility Buildings and Structure	36-4.61	Solar Energy Systems
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 ACCESSORY USES, BUILDINGS, AND STRUCTURES IN THE AGRICULTURAL, RESOURCES 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 36-5.4](#) for accessory building setback requirements on riparian lots.
2. Front Yard Accessory Buildings and Sport Court
 - A. One front yard accessory building and/or sport court 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 at least twice the required front yard setback for the district where it is located.
- iii. The sport court and any other impervious surface located in the front yard may not exceed 50% of the front yard building envelope.
- iv. The sport court must adhere to the minimum required front yard setback for the district where it is located.
- v. An accessory building and sport court may be permitted on the same lot subject to adherence to the maximum impervious cover required for the district where it is located.
- vi. Sport court associated equipment shall not exceed maximum recognized dimensional standards for professional sports leagues. Field goal end posts are not permitted.
- vii. Fences surrounding a sport court may be permitted subject to the fencing requirements for the district where the sport court 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 or sport court 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 setback at least twice the required front yard setback for the zoning district in which it is located.
 - ii. The sport court must adhere to the minimum required front yard setback for the district where it is located.
 - iii. The accessory building and/or sport court shall not have a material adverse impact on surrounding properties.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



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 3-6.3** 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 requirement 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 services provided to the principal structure.
- iv. When an ADU is served by the primary dwelling 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:

- The ADU must be located within the side or rear yard.
- The ADU must meet the principal dwelling unit setbacks for the side and rear yards.
- The height of the ADU may be no taller than 18 feet.
- The ADU must be included into the lot coverage requirements for accessory buildings.
- 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:

- A sketch plan showing property lines and the location of all existing and proposed structures, including dimensions from each other and all property lines.
- Elevation drawings of the ADU that include building height.
- Floor plan for ADU with total square footage provided.
- 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 exemption use if approved by the Planning Commission subject to **Section 36-6.3** and the Planning Commission determines that:

- The topography and/or wooded nature of the subject property reduces the visibility of or screens the ADU from view.
- A unique design is proposed that allows the ADU to seamlessly integrate into the existing structures on the lot.
- A specific floor area is needed to accomplish universal design requirements for accessibility.
- The addition of the ADU does not violate lot coverage requirements.

F. Special Exemption Use Application. All applications for a special exception use under this section must be accompanied with a plan including the following:

- North arrow and graphic scale sufficient to demonstrate the relationship of the proposed building or structure and all properties and buildings within 500 feet.
- All property lines, easements, and rights-of-way shown with dimensions.
- The location of the proposed accessory building and the dimensions to property lines and other structures on the property.
- 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.

Δ Ord. No. 371 (February 18, 2024)

36-4.2 KEEPING OF LIVESTOCK AND HONEYBEES

- 1. Purpose. The purpose of this Ordinance is to:
 - A. Allow property owners to keep small livestock and honeybees for their private use on a noncommercial basis as an accessory use to the primary residence.
 - B. Provide minimum standards and allow reasonable accommodations for keeping small livestock and honeybees.
 - C. Limit the adverse effects of keeping of small livestock and honeybees, which can include noise, odors, attraction of predators, unsanitary conditions, and similar harmful impacts on surrounding properties.
- 2. Zoning Districts. The noncommercial keeping of small livestock and honeybees is permitted in the A (within platted subdivisions and site condominiums), R-1, R-1A, and R-2 districts per the requirements outlined herein.
- 3. Animals Permitted. Small livestock that are generally under 20 pounds at maturity, such as rabbits and other small mammals; chickens, ducks, quail, and similar fowl; and honeybees.
- 4. Primary Residence. The property owners must reside in the primary single-family dwelling on the property.
- 5. Acreage. A minimum of one (1) acre is required to keep small livestock or honeybees. Acreage requirements are exclusive, and the minimum required acreage must be provided for each animal, as follows:
 - A. Small animals. Up to eight (8) small animals for the first acre. One (1) additional small animal shall be permitted for each additional one-quarter acre of property.
 - B. Honeybees. Up to two (2) colonies for the first acre. One (1) additional colony shall be permitted for each additional half acre. A colony consists of the honeybee family unit which is a queen, workers, and drones.
 - 6. Breeding. Any resulting offspring must be removed from the property within 90 days and the property shall be brought back into compliance with the acreage requirements related to number of permitted animals.
 - 7. Shelter. A shelter shall be constructed to house the small livestock or honeybees, as follows:
 - A. No animal shelter or beehive shall be placed in the front yard.
 - B. Indoor structure space shall be designed to allow the animal(s) to comfortably lie down, stand-up, turn around, stretch their limbs, gain access to food and water, or permit normal postural adjustments for maintenance behaviors such as grooming or preening while kept indoors. Minimum space requirements shall meet the Michigan Department of Agriculture and Rural Development Urban Livestock Workgroup Guidelines of March 13, 2015 (referenced herein and made available by the Township).
 - C. A single beehive structure, which shall accommodate one bee colony, shall be a maximum of 20 cubic feet in volume.
 - D. All accessory structures or buildings constructed shall meet the lot coverage requirements for the zoning district in which it is located as well as any requirements of **Section 36-4.1**.
 - E. Setbacks. Animal shelters and beehives shall have additional setbacks beyond what is required for a residential accessory structure.
 - i. Animal shelters shall be at least 50 feet from any property line and 150 feet



from any neighboring pre-existing dwelling.

ii. Beehives shall be setback 25 feet from any property line and 50 feet from any neighboring pre-existing dwelling.

8. Enclosure.

- A. Small livestock shall not be allowed to roam freely beyond the limits of the property in which it is housed and must be contained in a fully enclosed fenced area.
- B. The enclosure shall be located within the side and rear yard and must be setback a minimum of 25 feet from any property line.
- C. The enclosure shall be sized to meet Michigan Department of Agriculture and Rural Development Urban Livestock Workgroup Guidelines of March 13, 2015 (referenced herein and made available by the Township).
- D. Fencing shall be placed to prevent animals from becoming a nuisance or to trespass in any form onto neighboring properties. Fencing shall also meet the requirements of **Section 36-5.3**.

9. Waste Management. To minimize impacts on neighboring properties, proper waste management must be employed for the keeping of small livestock. A waste management plan must be developed and submitted to the Township that at minimum details the following to occur every two (2) to four (4) days:

- A. Manure and organic material accumulations shall be removed from areas outside the shelter.
- B. Indoor areas shall be cleaned, and all manure and indoor bedding removed.
- C. If manure must be temporarily stored on the premises, it shall be placed in a covered bin or on a concrete pad. The storage area shall be covered at all times to reduce odors and the chance of attracting pests.

D. Storage of waste materials should be a minimum of 100 feet from any property line.

E. To protect groundwater, no runoff shall leave the waste storage bin or concrete pad. No manure or wash water runoff shall be allowed to flow onto neighboring properties, into storm water systems, a road ditch, stream, creek, or other waterway. A direct discharge into a waterway is illegal and penalties may incur from the Michigan Department of the Environment, Great Lakes, and Energy.

10. Additional Requirements for Honeybees.

- A. Hives shall be placed in such a way that the entrance is positioned internal to the property.
- B. A flyaway barrier at least six (6) feet in height shall shield any part of the property line that is within 25 feet of a beehive. Such flyaway barrier must consist of a solid fence, dense vegetation, or combination thereof to direct a bee's flight pattern to be above six (6) feet in height at the property line. The Zoning Administrator may approve an additional barrier type if it meets the intent of assisting the bees to gain altitude before leaving the property.
- C. A constant supply of water shall be provided to all hives on site throughout the active flight season. Common water sources include birdbaths, plastic wading pools, or entrance feeders may be employed.

11. Zoning Review. A property owner must submit an application for Zoning Administrator review unless a special exception use review is required.

12. Special Exception Use.

- A. Platted Subdivisions and Site Condominiums. Due to the residential nature of platted subdivisions and site condominiums within the A, R-1, R-1A, and R-2 Districts and the impacts often associated with the keeping of small livestock and honeybees; such as strong



odors, noise, attraction of varmints and predators, and bees foraging in the neighboring properties; the keeping of small livestock and honeybees shall be prohibited on platted parcels or building sites unless approved by the Planning Commission through the special exception use process. Platted properties and building sites must meet all the requirements outlined herein, as well as the standards for a special exception use as required in **Section 36-6.3**.

B. Unplatted Parcels. Some unplatted parcels within the R-1, R-1A, and R-2 Districts may have enough acreage to support livestock larger than 20 pounds at maturity. A request to keep livestock not specifically permitted herein on a noncommercial basis for the personal enjoyment of the property owner may be reviewed and approved by the Planning Commission through the special exception use process. The request must meet the requirements outlined herein, the standards for a special exception use as required in **Section 36-6.3**, and the following criteria:

- i. A minimum of three (3) acres is required to request the special exception use.
- ii. Large animals. Two (2) acres is required for each large animal (more than 250 pounds at maturity) including horses, cattle, and other similar animals.
- iii. Moderate-sized animals. One-half acre is required for each moderate-sized animal (20 to 250 pounds at maturity), including sheep, goats, and other similar animals.
- iv. In addition to the requirements herein, the Generally Accepted Agricultural and Management Practices for the Care of Farm Animals and the Michigan Department of Agriculture and Rural Development Urban Livestock Workgroup Guidelines of March 13, 2015 will be reviewed as part of the special exception use process.

13. Application. A zoning review or special exception use application shall include the following:

- A. Property address and parcel number.
- B. Zoning of property.
- C. Total number of acres.

D. Requested number of animals and their breed/species.

E. Waste management plan.

F. Sketch plan of the property with property lines noted; the dimensions of all existing and new buildings and structures; the location of existing buildings, new buildings and structures, fence enclosures, waste storage, and their dimensions from all property lines.

G. A vicinity map showing the relationship of proposed structures and all neighboring dwellings and structures existing within 500 feet.

H. Any additional requirements of **Section 36-6.3**: Special Exception Uses, if applicable to the application.

14. Prohibited Activities.

- A. Roosters.
- B. The keeping of livestock not specifically outlined herein or permitted through a special exception use process.
- C. The sale or slaughtering of livestock.
- D. The keeping, breeding, exchanging, or selling of any undomesticated, exotic, or dangerous animal classified as wild, which includes, but is not limited to alligators, bears, monkeys, wolves, coyotes, venomous or constrictor reptiles, panthers, cougars, tigers, lions, and other wild felines. It shall also include any hybrid between a wild animal and a domesticated animal, such as a dog and a wolf or a cat and a bobcat.
- E. The keeping of livestock and honeybees where conditions of maintenance or the health of the animals are such as to cause:
 - i. Unpleasant odors to be generated sufficiently strong to be discernible upon property of others for continuous periods of longer than six days,
 - ii. Noise to be generated sufficiently loud to penetrate indoors upon property of other for continuous periods,
 - iii. Flies, insects or rodents to be attracted to the place where said animals and/or fowl are kept and are thereafter permitted to multiply and escape upon adjoining property.

Δ Ord. No. 355 (January 31, 2021); Ord. No. 356 (February 23, 2021)

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 36-2.2** 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

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

Δ Ord. No. 367 (August 11, 2022)

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 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.

Δ Ord. No. 367 (August 11, 2022)

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 single-family residential zoning.

Δ Ord. No. 367 (August 11, 2022)

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

Δ Ord. No. 367 (August 11, 2022)

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 OF CHARITY, ELEEMOSYNARY, OR PHILANTHROPY

1. Grass Roots Organizations.

- A. A minimum of 10 contiguous acres shall be required.
- B. Total building coverage shall be five (5) percent or less of the total land area.
- C. Small educational, volunteer, and recreational events directly related to the charitable or philanthropic organization are permitted.
- D. No more than 50 persons shall be permitted on the premises at any one time unless approved by the Planning Commission through the special exception use process.
- E. Rental of facilities to outside organizations is prohibited.
- F. A single-family home is permitted on site for the property owner or manager of the organization. The single-family home and any residential accessory buildings and structures shall be regulated by the underlying zoning district, but at no time shall building coverage exceed the five percent noted in **36-4.22.1.B**.

- G. Organizations involved in the keeping of livestock must provide a caretaker that lives in onsite housing. This may be the property owner or an assigned caretaker.

2. All Other Organizations.

- A. A minimum of 100 contiguous acres of area shall be required.
- B. Total building coverage shall be 2.5 percent or less of the total land area.
- C. 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.
- D. 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 re-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. General Requirements.
 - A. The use shall have frontage on an existing or officially proposed road.
 - B. Hours of outdoor activities shall be limited to 7:00 a.m. to 10:00 p.m.
 - C. 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.
 - D. 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.
 - E. A minimum of 200 feet of road frontage is required.
 - F. Use of alcoholic beverages or beer shall be prohibited, unless specifically permitted by the Planning Commission through the special exception use process.
 - G. Off-street parking facilities shall be provided to satisfy average parking needs. Parking shall be setback a minimum of 25 feet from any property line. The Planning Commission may reduce this requirement as part of the special exception use review if adequate opaque screening is provided between the parking and the neighboring property line.
 - H. Parking shall be designed so no vehicle movements are required to occur within the public right-of-way.
 - I. Buildings and activities shall be at least 100 feet from any residentially zoned or used property. The Planning Commission may reduce this requirement as part of the special exception use review if adequate opaque screening is utilized to protect adjacent residentially zoned or used properties.
 - J. Public restroom facilities, either temporary or permanent, shall be provided onsite and must comply with the Americans with Disabilities Act of 1990 when legally required.

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.

36-4.37 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.
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.
4. Shall adhere to rating standards for soundproofing (STC--sound transmission coefficient).

Δ Ord. No. 367 (August 11, 2022)

**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 25 feet to adjacent single-family residential zoning.

4. Shall adhere to operating standards for soundproofing (STC—sound transmission coefficient).

**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 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 36-4.38.3.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.

(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 36-4.38.3.B.v.a**, except as otherwise provided in the following table.

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

(2) Separation requirements for towers shall comply with the minimum standards established in **Table 36-4.38.3.B.v.a.**

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 antclimbing 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 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 setback or non-setback) 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.
5. WECS under PA 233. On or after November 29, 2024, once PA 233 of 2023 is in effect, then the following provisions apply to any WECS with a nameplate capacity of 100 megawatts or more. To the extent these provisions conflict with the provisions in subsections 36-4.39(1)-(4), these provisions control as to a WECS with a nameplate capacity of 100 megawatts or more. All provisions in subsections 36-4.39(1)-(4) that do not conflict with this subsection (5) remain in full force and effect. This subsection (5) does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect and does not apply to a WECS with a

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

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6 Development Procedures

7 Admin and Enforcement



nameplate capacity of less than 100 megawatts.

A. Setbacks. WECS must comply with the following minimum setback requirements, with setback distances measured from the center of the base of the wind tower:

36-4.39.5.A Setback Requirements for WECS	
Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties.	2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Residences and other structures on participating properties	1.1 times the maximum blade tip height to the nearest point on the outside wall
Nonparticipating property lines	1.1 times the maximum blade tip height
Public road right-of-way	1.1 times the maximum blade tip height to the center line of the public road right-of-way
Overhead communication and electricity transmission, not including utility service lines to individual houses or outbuildings.	1.1 times the maximum blade tip height to the center line of the easement containing the overhead line

B. Shadow Flicker. Each wind tower must be sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry-standard computer modeling.

C. Height. Each wind tower blade tip must not exceed the height allowed under the Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.

D. Noise. The WECS must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

E. Lighting. The WECS must be equipped with a functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. The Township may grant a temporary exemption from the requirements of this subparagraph if installation of appropriate light-mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:

- The purpose of the exemption.
- The proposed length of the exemption.
- A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
- The technical or economic reason a light-mitigating technology is not feasible.
- Any other relevant information requested by the Township.

F. Radar Interference. The WECS must meet any standards concerning radar interference, lighting (subject to subparagraph (E)), or other relevant issues as determined by the Township.

G. Environmental Regulations. The WECS must comply with applicable state or federal environmental regulations.

H. Host community agreement. The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the WECS owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or other projects as agreed to by the Township and the applicant.

Δ Ord. No. 378 (February 25, 2025)

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.
- 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.
 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 expeditiously 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 unclaimed 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.

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 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 RESERVED

Repealed by Ord. No. 356.

Δ Ord. No. 356 (February 23, 2021)

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.
- 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.
4. Exempt Uses. Any use that is licensed or certified for purposes of other professional service, including barbers or beauticians, massage or physical therapists, athletic trainers or other professions where bodily contact is anticipated as part of the service, shall be exempt from these provisions so long as the use does not extend to providing services similar to those identified under this Section.

36-4.50 SOLID WASTE TRANSFER FACILITIES

1. Generally. Prior to approval of the Planning Commission of a special exception use for a solid waste transfer facility, as defined in this Article, in any area of the Township, the Planning Commission shall be certain that the following limitations and conditions are or shall be strictly complied with, in addition to any other requirements contained in this Chapter or in any other Township ordinance controlling such operations. These limitations and conditions shall apply not only to solid waste transfer facilities established as a special exception use in the I-3 Industrial district service zoning classification, but shall also apply to solid waste transfer facilities hereafter established in any other area of the Township by virtue of the provisions of Part 115 of Public Act No. 451 of 1994 (MCL 324.11501 et seq.). The rules and regulations of this Article shall apply specifically to each transfer facility, unless county or state regulations on any particular requirement are more restrictive, and then such more restrictive regulation may apply.

2. Location.

- A. All such operations shall be located on a state highway or all-season county primary road, as defined by the county road commission, for ingress and egress thereto, and on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations, as a condition of such operation, and for the purpose of routing traffic around residential areas. A stop sign shall be erected and maintained by the owner/operator at all egress roads of the disposal area. Under no circumstances shall trucks use private drives or private access routes from the applicants' property which are within 150 feet of any residence.
- B. No such transfer facility shall be permitted closer than 100 feet from the interior boundary lines. In addition, no transfer facility shall be permitted closer than 300 feet to any domicile, or within 300 feet of any residential districts. No such transfer facility operations shall be permitted closer than 100 feet to adjacent public rights-of-way, property lines or lakes and streams.
- C. Any permanent processing plant and its accessory structures shall not be located closer than 250 feet from the interior boundary lines. In addition, if located within 1,000 feet of a residence, it shall be obscured by a suitable barrier, not less than ten feet high, with screening, of a type to be decided on an individual basis, by the Planning Commission at the time of application. Where practicable, the processing plant shall be as close to the center of the subject property as possible, 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 sight barriers for adjoining property owners, residents or passersby.
 - B. The transfer facility area is to be fenced with an eight-foot high chainlink fence with three strands of barbed wire, angled 45 degrees toward the outside of the premises on the top. Such fence shall be located inside of any berms or screening following the exterior boundaries. The entrance to the transfer facility area shall have a gate which shall be closed and locked at all times that the transfer facility is not open.
4. Nuisance Abatement.
 - A. Air pollution, noise and vibration, and their effect upon adjacent properties shall be minimized by the utilization of adequate soundproofed equipment and buildings designed to accomplish such minimization, and by the proper use of berms, walls and natural planting screens. Interior and adjoining roads used in the solid waste transfer operations shall have their surfaces treated to minimize any adverse condition.
 - B. Rodent traps, if needed, shall be placed every 100 yards, around the perimeter of the transfer facility area, inside the fence, and shall be regularly inspected and cleaned, not less frequently than once each week.
- C. Any security lighting deemed necessary by the owner/operator shall be aligned so that no part of the illuminated field shall fall on any adjoining residential property.
- D. Every transfer facility, which accepts refuse, shall have adequate water supply and facilities for quick delivery of water to any part of the property for the purpose of extinguishing fires. Capacity shall be such that at least 50 gallons of water per minute can be applied to any fire, continuously, for at least ten hours. The source of the water supply and the facilities to provide for the delivery of the water shall be indicated on the plans submitted for approval by the Planning Commission.
- E. All litter shall be collected from the transfer facility site by the end of each working day and stored in a covered container.
- F. Dumping, compaction and reloading areas shall be hosed clean at the end of each day

5. Time Limits.

- A. All operations, other than the maintenance of equipment within a fully enclosed building, shall be conducted only between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and 7:00 a.m. and 3:00 p.m. on Saturdays and legal holidays. A sign stating the hours and prohibiting operation at other times shall be placed in a conspicuous location at the entrance.
- B. Keys for admittance to the transfer area shall be given to the Township Clerk.
- C. Transfer facilities shall have qualified personnel on duty at all times to direct the receiving and transfer operation.

6. **Liability Insurance.** All applicants shall be required to carry personal injury and property damage insurance, in addition to any and all bonds required by state statute, while the facility is in operation. Such insurance shall be in the amount of not less than \$1,000,000.00 for each person injured or property damaged, or for any injury or damage to more than one person or one person's property, arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operation, as well as upon properties adjoining thereto, as the result of conditions or activities existing upon the site. Such policies shall be filed with the Township Clerk, and shall be maintained in effect for a period of not less than five years following final closure and termination of transfer facility activities. The deductible written into the insurance policy shall not exceed five percent of the per incident limit of the liability of the policy. The coverage obtained by the owner/operator to fulfill the requirements of this Section shall include the provisions that this Section shall include the provision that the insurer shall notify the Township 30 days prior to the cancellation of the insurance for any reason.

7. **Submission of Operational Plans.**

A. No transfer facility activities shall be allowed or commenced until a plan has been submitted to the Township Planning Commission, disclosing compliance with all of the provisions within this Chapter, or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:

- i. A contour map of the tract of land involved in the operations, including dimensions of the land, access thereto, abutting public streets, and whether or not the streets are on state or county primary roads, additional roads, if any, to be constructed and the location and nature of abutting improvements of adjoining properties.
- ii. The number of acres and the location of the acres, proposed to be operated upon within the following 12-month period after commencement of operations.
- iii. The type of transfer facility proposed to be constructed, the nature of the equipment to be used and the materials to be accepted.

iv. A survey by a registered surveyor, showing the location and the boundaries of the site.

v. A site plan disclosing the location and dimensions of all structures and the final grade and the levels to be established following completion of the construction.

8. **Criteria.**

A. A recommendation by the Planning Commission and approval by the Township Board shall be based upon the criteria set forth within such ordinance and shall be based, in addition, on a consideration of the following:

- i. The most advantageous use of the land, resources and property.
- ii. The character of the area in question and its particular suitability, if any, for the particular use.
- iii. Conservation of property values as well as natural resources and the general appropriate trend and character of development in the subject area.
- iv. The protection and preservation of the general health, safety and welfare of the Township.
- v. The scarcity or value of transfer facilities as compared with the effect upon adjacent communities near the proposed operation.

B. The Planning Commission may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon such operations.

9. **Existing Transfer Facility Operations.** All licensed transfer facility operations existing on the effective date of the ordinance from which this Chapter is derived shall be subject to the regulations within 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.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



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.

36-4.52 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.

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B. Density.

- i. Base Density. The base density for residential uses in any planned unit development shall not exceed that which would be permitted within the underlying zoning district.
- ii. 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 provide one or more of the following development amenities:
 - a. An open space plan that preserves natural features such as woodlands, wetlands, floodplains, or other unique natural areas.
 - b. Active recreation facilities such as tennis courts, basketball courts, playgrounds, etc.
 - c. Passive recreation facilities such as trailways, clubhouses, barbecue areas, dog parks, etc.
 - d. Dedication of park areas or trailways for public use, pending the Township Board's approval and based on the need for the facility, as outlined a Township plan, or helps to complete an overall nonmotorized system.

Such bonus percentage shall not exceed the following:

36-4.52.3.B.ii.d Bonus Percentage Maximum	
Zoning District	Maximum Percentage Increase
A	20%
R-1	20%
R-1A	20%
R-2	20%
R-3	25%
R-4	25%
R-5	25%
R-C	N/A

Approval of a density bonus 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. The Planning Commission shall determine if the amenities meet the intent of this ordinance and provide a benefit to the residents of the development or the public. The Planning Commission will review the number, type, and quality of the amenity(ies) provided to determine their recommendation to the Township Board for the allowable percentage density increase. At least two of the amenity types noted must be provided for consideration of the full density bonus percentage.

C. Open Space. Each planned unit development shall contain open space areas equal to a minimum of twenty (20) percent of the total site area. Such open space shall be contiguous to or a part of the subject site, maintained in perpetuity by the owner, owner's agent or homeowner's association and shall be set aside for the common use of the home or lot owners within the planned unit development with recorded assurances satisfactory to the Township that the required open space shall be properly maintained in perpetuity. In any such recorded assurances, the Township shall be identified as having the right, but not the obligation, to enforce the conditions, covenants and restrictions placed on the open space. For purposes of this Section, open space shall only be considered to be those areas having a minimum dimension of 50 feet by 100 feet, unless part of a bike path or trail system. A minimum of one large open space area shall be preserved for every thirty (30) acres within the site, with a minimum of one (1) acre per every fifteen (15) acres and with at least one such area designed for active recreational use. Such areas shall be either centrally located within the development or located near the frontage to the development area. A minimum of 50 ft of open space shall be preserved along any existing primary or secondary road

abutting the development. Land in streets, sidewalks, parking areas or in required yard or setback areas shall not be considered as open space. Open space areas may include open air recreational uses and/or unimproved natural areas. Unfenced stormwater (retention or detention) basins may be counted as open space where such location is integrated into the overall open space plan. The Township Board shall have the discretion to approve alternative open space uses, such as public or semipublic recreational use. Open space may include incidental and accessory buildings and structures as determined by the Township Board, after recommendation by the Planning Commission.

D. Landscaping and Grading. In order to keep all graded areas and cuts to a minimum, to eliminate unsightly grading and to preserve the natural appearance and beauty of the property as far as possible while enabling an economic development, specific requirements may be placed on the size of areas to be graded or to be used for building and on the extent of removal of trees and natural features. All areas indicated as natural open space shall be undisturbed by grading, excavation or structures to the greatest extent possible. Where drainage improvements, utility lines, hiking or bicycle paths or similar recreational improvements are to be placed in natural areas, best engineering and design practices shall be used to make such improvements as unobtrusive as

practicable. The planned unit development concept and final development plan shall include provision for the retention of existing landscape features and for the installation of appropriate new plantings of varying species, dimensions and design.

E. Permitted Uses within a Planned Unit Development. In the planned unit development, the Planning Commission and the Township Board shall permit principal and/or accessory uses, and may permit other special uses, which are authorized in either the underlying zoning district or the corresponding districts as set forth in Table 36-4.52.3.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.

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



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 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. 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 uses planned and developed in such a way that the required open space, and permitted density, is adhered to within each phase or accumulated in the earlier phases of the project. If a density bonus is permitted for a project with phasing, the amenity that warranted the bonus must be developed in the first phase of the project. For projects with a density bonus based on multiple approved amenities, an amenity must be included in each phase of the project or developed as part of the first phase. 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.A.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. The approximate number of acres to be occupied and/or devoted to by each type of use
 - v. Departures from the regulations of this Chapter which may be requested;
 - vi. The number of acres to be preserved as open space or recreation space;
 - vii. All known natural resources and natural features; and
 - viii. The benefits that are expected to result from the adoption of the planned unit development provisions pertaining to the subject site.

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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 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. An illustration of any project phases or stages.
- xv. A specific listing of all departures from the regulations of this Chapter which are requested.
- xvi. 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.
- xvii. The name, address and phone number of the applicant
- xviii. 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** 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.

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:

- Date of approval of the planned unit development by the Township Board.
- Legal description of the property.
- Legal description of the required open space along with a plan stating how this open space is to be maintained.
- 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:

- 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.
- Proposed landscaping including type, number, and size of trees and shrubs.
- Location of signs and exterior lighting.
- Location of sidewalk, footpaths, or other pedestrian walkways.
- Distance of all buildings from lot lines, rights-of-way, and other principal buildings.
- Exterior architectural drawings noting building materials, height and area of buildings, accessory structures and fencing.
- 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 unplattd 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 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.

Δ Ord. No. 367 (August 11, 2022)

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[□] IN THE RC DISTRICT

Single family dwellings 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 new single family residential lot with frontage on a county primary road must have at least 330 feet of frontage.

Δ Ord. No. 357 (March 23, 2021)

4.57 BANQUET HALLS & EVENT CENTERS[□]

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[□]

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.

4.59 YARD SALES

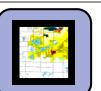
Yard sales as defined in [Section 36-2.2](#) are permitted on a residential premise subject to the following:

1. The yard sale shall not last more than three days.
2. Set-up outside of an enclosed building for the yard sale shall not last more than one day immediately preceding the sale and take down shall be completed within one day immediately following the sale.
3. Only one sale is permitted within a single three-month period.
4. Any temporary signs may be utilized no more than two days prior to the sale and must be removed within one day following the sale. Temporary signs must meet the regulations of [Section 36-5.8 Signs](#).
5. The sale may be closed at any point if it becomes a nuisance to adjacent properties because of noise, traffic, parking, lighting, hours, or other public safety concerns.
6. Sales requesting more than three days, such as estate sales or auctions, must request a temporary use permit as outlined in [Section 36-6.1.1.C](#) of the Site Plan Review Ordinance.

Δ Ord. No. 364 (January 23, 2022)

4.60 UTILITY-SCALE BATTERY ENERGY STORAGE SYSTEMS

1. General Provisions. All UBESS are subject to the following requirements:
 - A. All UBESS must conform to the provisions of this Section and all county, state, and federal regulations and safety requirements, including applicable building codes, applicable industry standards, and NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems."
 - B. The Township may enforce any remedy or enforcement, including but not limited to the removal of any UBESS pursuant to the Zoning Ordinance or as otherwise authorized by law if the UBESS does not comply with this Section.
 - C. UBESS are permitted in the Township only as a special land use with special use approval within all zoning districts, provided such land area is sufficient to support their development and operation.
2. Special Exception Use Application Requirements. In addition to the requirements of [Section 36-6.3](#) for special exception use approval, an applicant for a UBESS must provide the Township with all of the following:
 - A. An application fee in an amount set by resolution of the Township Board.
 - B. A list of all parcel numbers that the UBESS will use; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.
 - C. An operations agreement setting forth the parameters of the operation, the name and contact information of the operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
 - D. Current photographs of the subject property.
 - E. A site plan that includes all proposed structures and the location of all equipment, as well as all setbacks, the location of property lines, signage, fences, greenbelts, and screening, drain tiles, easements, floodplains, bodies of water, proposed access routes, and road right of ways. The site plan must be drawn to scale and must indicate how the UBESS will be connected to the power grid.



- F. A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed UBESS.
- G. A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management, which is subject to the Township's review and approval.
- H. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the UBESS, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the UBESS and restore the subject parcels, which is subject to the Township's review and approval.
- I. Financial security that meets the requirements of this Section, which is subject to the Township's review and approval.
- J. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the UBESS, which is subject to the Township's review and approval.
- K. A plan for managing any hazardous waste, which is subject to the Township's review and approval.
- L. A fire protection plan, which identifies the fire risks associated with the UBESS; describes the fire suppression system that will be implemented; describes what measures will be used to reduce the risk of fires re-igniting (i.e., implementing a "fire watch"); identifies the water sources that will be available for the local fire department to protect adjacent properties; identifies a system for continuous monitoring, early detection sensors, and appropriate venting; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions.
- M. A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.
- N. An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the UBESS, which is subject to the Township's review and approval.
- O. Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes, and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL 324.36501 et. seq.); and any other applicable laws and rules in force at the time the Township considers the application.
- P. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

3. System and Location Requirements. In addition to the requirements of [Section 36-6.1](#) for a site plan, the site plan must include all of the following:

- A. Lighting. The lighting of the UBESS is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the UBESS. The UBESS must not produce any glare that is visible to neighboring lots or persons traveling on public or private roads.
- B. Security Fencing. Security fencing must be installed around all electrical equipment related to the UBESS. Appropriate warning signs must be posted at safe intervals at the entrance and around the perimeter of the UBESS.

- C. Noise. The noise generated by the UBESS must not exceed 45 dBA Lmax, as measured at the property line of any adjacent parcel.
- D. Underground Transmission. All power transmission or other lines, wires, or conduits from a UBESS to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.
- E. Drain Tile Inspections. The UBESS must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tiles at least once every three years using a robotic camera, with the first inspection occurring before the UBESS is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.
- F. Fire Protection.
 - i. Before any construction of the UBESS begins, the Township's fire department (or the fire department with which the Township contracts for fire service) will review the fire protection plan submitted with the application. The fire chief will determine whether the fire protection plan adequately protects the Township's residents and property and whether there is sufficient water supply to comply with the fire protection plan and to respond to fire or explosion incidents. If the fire chief determines that the plan is adequate, then the fire chief will notify the Township Supervisor or his or her designee of that determination. If the fire chief determines that the plan is inadequate, then the fire chief may propose modifications to the plan, which the applicant or operator of the UBESS must implement. The fire chief's decision may be appealed to the Township Board, and the Township Board will hear the appeal at an open

meeting. The Township Board may affirm, reverse, or modify the fire chief's determination. The Township Board's decision is final, subject to any appellate rights available under applicable law.

- ii. The applicant or operator may amend the fire protection plan from time-to-time in light of changing technology or other factors. Any proposed amendment must be submitted to the fire department for review and approval under subsection (i).
- iii. The UBESS must comply with the fire protection plan as approved by the fire chief (or as approved by the Township Board in the event of an appeal).
- G. Insurance. The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$5 million per occurrence. The Township shall be listed as an additional insured on the policy at all times.
- H. Permits. All required county, state, and federal permits must be obtained before the UBESS begins operating. A building permit is required for construction of a UBESS, regardless of whether the applicant or operator is otherwise exempt under state law.
- I. Decommissioning. If a UBESS is abandoned or otherwise non-operational for a period of one year, the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with topsoil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a UBESS that is never fully completed or operational if construction has been halted for a period of one (1) year.

- J. Financial Security. To ensure proper decommissioning of a UBESS upon abandonment, the applicant must post financial security in the form of a security bond or escrow payment in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the special use application.
- K. Extraordinary Events. If the UBESS experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
- L. Annual Report. The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:
 - i. Current proof of insurance;
 - ii. Verification of financial security; and
 - iii. A summary of all complaints, compliant resolutions, and extraordinary events.
- M. Inspections. The Township may inspect a UBESS at any time by providing 24-hour advance notice to the applicant or operator.
- N. Transferability. A conditional land use permit for a UBESS is transferable to a new owner. The new owner must register their name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.
- O. Remedies. If an applicant or operator fails to comply with this Ordinance, the Township may pursue any remedy or enforcement, including but not limited to the removal of any UBESS pursuant to the Zoning Ordinance or as otherwise authorized by law. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.
- 4. Utility-Scale Battery Energy Storage Systems under PA 233. On or after November 29, 2024, once PA 233 of 2023 is in effect, the following provisions apply to any UBESS with a nameplate capacity of 50 megawatts or more and an energy discharge capability of 200 megawatt hours or more. To the extent these provisions conflict with the provisions in subsections 36-4.60(1)-(3), these provisions control as to such UBESS. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to a UBESS with a nameplate capacity of fewer than 50 megawatts or an energy discharge capability of less than 200 megawatt hours. All provisions in subsections 36-4.60(1)-(3) that do not conflict with this subsection (4) remain in full force and effect.
 - A. Setbacks. The UBESS must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

36-4.60.4.A Setback Requirements for UBESS

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating Properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

- B. Installation. The UBESS must comply with the version of NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems" in effect on the effective date of the amendatory act that added this section or any applicable successor standard.
- C. Noise. The UBESS must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- D. Lighting. The UBESS must implement dark sky-friendly lighting solutions.
- E. Environmental Regulations. The UBESS must comply with applicable state or federal environmental regulations.
- F. Host community agreement. The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the UBESS owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or other projects as agreed to by the Township and the applicant.

Δ Ord. No. 378 (February 25, 2025)

36-4.61 SOLAR ENERGY SYSTEMS

- 1. General Provisions. The following regulations apply to all solar energy systems.
 - A. Solar energy systems must comply with all applicable provisions of the Zoning Ordinance and all county, state, and federal laws, regulations, and safety requirements for solar energy systems.
 - i. Property enrolled in the Michigan Farmland Preservation Program, Part 361 of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, as amended, more commonly known as Public Act 116, must receive approval from the Michigan Department of Agriculture to locate a solar energy facility on the property.
- 2. Private Solar Energy Systems. The following regulations apply to private solar energy systems.
 - A. Private solar energy systems are permitted in all zoning districts as an accessory use.
 - B. Roof- or Building-Mounted Private Solar Energy Systems. A private solar energy system that is roof- or building-mounted is subject to the following requirements:
 - i. No part of a roof-mounted solar energy system shall extend beyond the peak of the roof. No part of a solar energy system mounted on a building in an area other than the roof shall extend beyond the wall on which it is mounted.
 - ii. No part of a roof-mounted solar energy system shall extend more than two (2) feet above the surface of the roof.
 - iii. No part of a roof-mounted solar energy system shall be installed closer than three (3) feet from the edges of the roof, the peak, or eave or valley in order to maintain pathways of accessibility.
 - iv. Any roof- or building-mounted solar energy system that has not been operated for a period of twelve (12) consecutive months is deemed abandoned and must be removed by the property owner within two (2) months from the date of abandonment.
 - v. A building permit is required prior to the installation of a roof- or building-mounted solar energy system.



C. Ground-mounted Private Solar Energy Systems. A private solar energy system that is ground-mounted is subject to the following requirements:

- Prior to the installation of a ground-mounted solar energy system, the property owner shall submit a site plan to the Zoning Administrator. The site plan shall include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road rights-of-way. The site plan must be drawn to scale.
- A ground-mounted solar energy system shall not exceed the maximum building height for accessory buildings, but in no case shall the maximum height of any ground-mounted solar energy system exceed fifteen (15) feet above the ground when oriented at maximum tilt.
- A ground-mounted solar energy system shall be located in the rear yard and shall meet the rear yard setback requirements applicable in the zoning district in which the solar energy system will be located.
- All power transmission or other lines, wires, or conduits from a ground-mounted solar energy system to any building or other structure shall be located underground. If batteries are used as part of the ground-mounted solar energy system, they must be placed in a secured container or enclosure.
- No more than 20% of the total lot area may be covered by a ground-mounted solar energy system.
- A ground-mounted solar energy system that has not been operated for a period of twelve (12) consecutive months is deemed abandoned and must be removed by the property owner within two (2) months from the date of abandonment.
- A building permit is required prior to the installation of a ground-mounted solar energy system.

3. Commercial Solar Energy Systems. The following regulations apply to commercial solar energy systems.

- Commercial solar energy systems are permitted as a special land use within all zoning districts, provided such land area is sufficient to support their development and operation. A special use permit is required for a commercial solar energy system.
- System and Location Requirements.
 - Commercial solar energy systems shall not be located on parcels of land with an area of less than twenty (20) acres.
 - Commercial solar energy systems must be ground mounted.
 - Setbacks. Commercial solar energy systems must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the solar energy facility:

36-4.61.3.B.iii Setback Requirements for Commercial Solar Energy Systems	
Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating Properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line
- Height. Solar panel components must not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.
- Noise. Commercial solar energy systems must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

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- vi. Lighting. Commercial solar energy systems must implement dark sky-friendly lighting solutions.
- vii. Underground Transmission. All power transmission or other lines, wires, or conduits from a commercial solar energy system to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation. If batteries are used as part of commercial solar energy system, they must be placed in a secured container or enclosure.
- viii. Decommissioning. If a commercial solar energy system is not operated for a period of twelve (12) consecutive months, then it is deemed abandoned and the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with topsoil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a commercial solar energy system that is never fully completed or operational if construction has been halted for a period of one (1) year.
- ix. Financial Security. To ensure proper decommissioning of a commercial solar energy system upon abandonment, the applicant must post financial security with MDARD in the form of a security bond or escrow payment in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the conditional use application.
- x. The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least ten million dollars (\$10,000,000.00) per occurrence.
- xi. Annual Report. The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:
 - a. Current proof of insurance;
 - b. Verification of financial security; and
 - c. A summary of all complaints, complaint resolutions, and extraordinary events.
- xii. Inspections. The Township may inspect a commercial solar energy system at any time by providing 24-hour advance notice to the applicant or operator.
- xiii. Transferability. A special use permit for a commercial solar energy system is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with the Zoning Ordinance and all approvals and conditions issued by the Township.
- xiv. Environmental Regulations. The commercial solar energy system must comply with applicable state or federal environmental regulations.
- xv. If an applicant or operator fails to comply with this Section, the Township, in addition to any other remedy under this Section, may revoke the special land use permit and site plan approval after giving the applicant or operator notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

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C. Special Exception Use Application. In addition to the special exception use application requirements of **Section 36-6.3**, an applicant for special exception use approval for a commercial solar energy system shall include the following information with their application:

- A list of all parcel numbers that will be used by the solar energy system.
- A fire prevention and emergency response plan, which must include, but is not limited to, the following:
 - A description of all emergency response training and equipment needed to safely respond to a fire or other emergencies and include an assessment of the training and equipment available to the fire department.
 - A layout or map indicating all access points and routes for emergency responders to safely access all areas of the project. Consideration should be given to any access difficulties such as long continuous rows of panels which would restrict access for emergency responders. The layout shall indicate any structures or devices that may pose a particular danger to emergency responders.
 - A mitigation strategy regarding specific dangers and risks for surrounding property and people during any emergency including a fire.
 - Any other information needed to keep responders and citizens safe during an emergency.
 - Every gate shall have a knox box, coordinated with and to the satisfaction of the Township fire department to allow easy access during an emergency.
 - All high-risk areas, such as inverters, shall be equipped with automatic fire suppression systems with automatic system shutdown. Such systems shall be regularly inspected, maintained, and verified according to current industry standards.
- The Township or any emergency service provider who serves the township shall have the authority to order the commercial solar energy system operator to cease operations if they determine there is an emergency that may result in danger to life or property. The operator shall provide the Township with contact information for personnel who will be available at all times should such an emergency arise. Emergency contact information shall also be posted at every entrance to the facility.
- An operations agreement setting forth the operations parameters, the name and contact information of the certified operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
- Current photographs of the subject property.
- A site plan that includes all proposed structures and the location of all equipment, transformers, and substations, as well as all setbacks, panel sizes, and the location of property lines, signage, fences, greenbelts and screening, easements, floodplains, bodies of water, proposed access routes, and road right of ways. The site plan must be drawn to scale and must indicate how the solar energy system will be connected to the power grid.
- A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed solar energy system.
- A written plan for maintaining the subject property, including a plan for maintaining and inspecting stormwater management, which is subject to the Township's review and approval.

- viii. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the solar energy system, including evidence of proposed commitments with property owners to ensure proper final reclamation, and other steps necessary to fully remove the solar energy system and restore the subject parcels, which is subject to the Township's review and approval.
- ix. Damage to Roads. The applicant and operator are jointly and severally responsible for any damage to any public roads in the Township caused by initial construction, decommissioning or maintenance (that would require a building permit) of the solar energy system as assessed by the County Road Commission. Applicants and operators shall have a road use maintenance agreement with the County Road Commission.
- x. Financial security that meets the requirements of this Section, which is subject to the Township's review and approval.
- xi. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the solar energy system, which is subject to the Township's review and approval. At a minimum, the plan must provide for a response to complaint to be issued within 24 hours of receiving the complaint.
- xii. A plan for managing any hazardous waste, which is subject to the Township's review and approval.
- xiii. A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.
- xiv. An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the solar energy system, which is subject to the Township's review and approval.
- xv. Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes, and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township.
- xvi. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

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4. Utility-Scale Solar Energy Systems. On or after November 29, 2024, once PA 233 of 2023 is in effect, then the following provisions apply to utility-scale solar energy systems. To the extent the following provisions conflict with the provisions in subsections 4.61(1)-(3), these provisions control as to utility-scale solar energy systems. All provisions in subsections 4.61(1)-(3) that do not conflict with this subsection (4) remain in full force and effect. The following provisions do not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and do not apply to solar energy systems with a nameplate capacity of less than 50 megawatts.

A. Setbacks. Utility-scale solar energy systems must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

36-4.61.4.A Setback Requirements for Utility-Scale Solar Energy Systems	
Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating Properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

B. Fencing. Fencing for utility-scale solar energy systems must comply with the latest version of the National Electric Code as November 29, 2024, or as subsequently amended.

C. Height. Solar panel components must not exceed a maximum height of 25 feet above ground when the arrays are at full tilt.

D. Noise. Utility-scale solar energy systems must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

E. Lighting. Utility-scale solar energy systems must implement dark sky-friendly lighting solutions.

F. Environmental Regulations. Utility-scale solar energy systems must comply with applicable state or federal environmental regulations.

G. Host Community Agreement. The applicant for a special land use permit for a utility-scale solar energy system shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the utility-scale solar energy system owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

Δ Ord. No. 378 (February 25, 2025)

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Article 5.0 *Site Standards*

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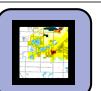
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36-5.0 Site Standards

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.
5. Lot frontage along a public road or approved private road containing marginally less than the minimum required frontage in accordance with the district standards may be reduced by a maximum of 1.5-percent in the R-1A, R-2, and R-3 districts. The frontage may be reduced by a maximum of 2-percent in the A and R-1 districts.

Δ Ord. No. 371 (February 18, 2024)

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. Between residential and nonresidential uses: Each nonresidential use immediately adjacent to a residential district must provide screening that adequately separates any potential nuisances from dwellings.
 - i. Screening may be walls, fences, berms or evergreen trees, or any combination that provides adequate screening, is compact, and is always maintained in good condition.
 - ii. An evergreen screen must be a double row of trees planted 15' on center with a mixture of species approved by the Zoning Administrator.
 - iii. The height of the screen shall not be less than 6'.
 - iv. The Planning Commission may waive screening requirements if they conflict with the intent of the district or in cases where uses are found compatible.

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B. Mechanical equipment: All mechanical equipment on nonresidential and multi-family buildings shall be screened from street view and any adjacent property zoned or used as single-family residential, as follows:

- Rooftop mechanical equipment, except solar collector panels, must be screened by either a parapet wall at the edge of the building or by a screen immediately surrounding the equipment. The height of the parapet wall or screen shall be at least the height of the equipment and shall complement the overall architectural design of the building.
- Ground mounted mechanical equipment must be screened by a wall, opaque fence, or opaque landscape materials. The height of the screen must be at least the height of the equipment and shall complement the overall architecture of the building and the design of the site.
- The Planning Commission may modify or reduce this requirement through the site plan review process if an alternative screening option is provided that meets the intent of this ordinance.

2. Fencing.

- 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.
- Materials utilized shall be in the form of traditional fencing sold for retail purposes, including metal, vinyl or wood.
- 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.)
- 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.

- 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.
- Landscaping Plan. Included on this landscape plan must be:
 - Scale;
 - North arrow;
 - All permanent structures;
 - Scientific and common names of all plant materials to be installed;
 - Size and quantity of plant materials to be installed;
 - Vegetation greater than 6" caliper on the site;
 - Ground cover to be used;
 - Hard-surface areas that are not for pedestrian or vehicle movements;
 - Other landscape materials as defined by this Chapter; and
 - 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 needless 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)
 - 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.

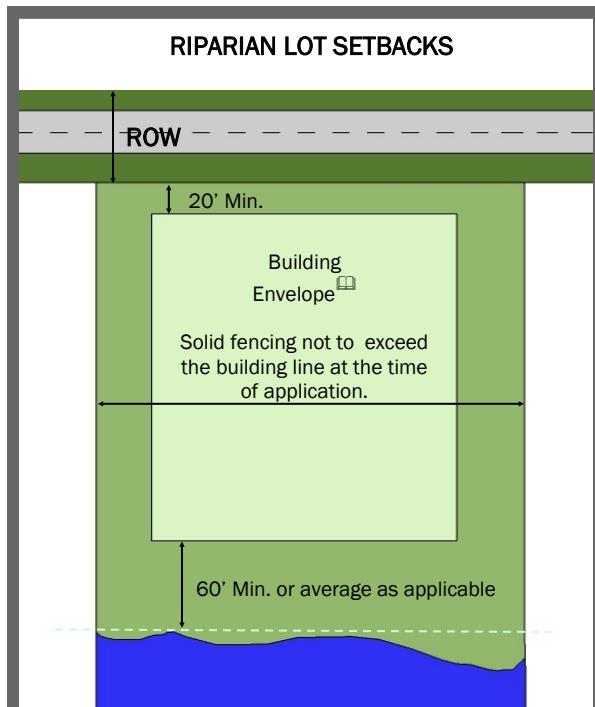
Δ Ord. No. 364 (January 23, 2022)

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.

36-5.4.2 Elevation Table—DATUM: (NAVD '88)	
Paw Paw Lake:	
Benchmark (Brass Cap): Located on South property line of House #10437, tan frame walkout. 2.65' ENE from flagpole. 10.5'± E of edge of water. 4' NE of NE corner of wood headwall	
N-245711.8521 ; E-12747534.4031	
Ordinary water elevation--871.59 feet.	Elevation of benchmark--873.06 feet
Pretty Lake:	
Benchmark (Brass Cap): Located at 178 Pretty Lake Drive. 2' S; 2' E of the NW corner of steel sea wall	
N-256374.4197 ; E-12755284.8662	
Ordinary water elevation--901.51 feet.	Elevation of benchmark--903.76 feet
Crooked Lake:	
Benchmark (Brass Cap): Located at 184 W. Crooked Lake Drive. 2'± N of sea wall; 6'± E of property line.	
N-None ; E-None	
Ordinary water elevation--893.87 feet	Elevation of benchmark--897.15 feet
Bass Lake:	
Benchmark (Brass Cap): Located in sandy beach at the foot of the hill of the Cub Camp Administration Building. Go down steps to the N of building to Klepper's Water Front Building. Then from the bottom of the steps to the beach at the N corner of the last concrete step, head W 91'± to monument. Monument is N of face of 12-inch poplar, 14.2', and ENE of face of 12-inch red oak 42'±.	
N-262380.8431 ; E-12767200.1560	
Ordinary water elevation--883.13 feet	Elevation of benchmark--883.13 feet
Scouter's Pond:	
Ordinary water elevation--879.86 feet (Elevation recorded at outlet control structure invert on NE side of Scouter's Pond.)	
Eagle Lake	
Benchmark (Brass Cap): Located approximately 8 ft east of west property fence, approximately 30 ft south of gravel parking area, approximately 35 ft west of boat ramp, and approximately 69 ft from the south end of the fence.	
N-265122.70 ; E-12755266.69	
Ordinary water elevation--899.26 feet	Elevation of benchmark--900.34 ft

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.



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.

Δ Ord. No. 364 (January 23, 2022)

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.

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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
Residential	
Apartment houses, two-family semi-detached dwellings, and garden apartment developments	Three parking spaces per family unit.
Business and Commercial	
Office buildings	One space per every 300 square feet of gross floor area (GFA)
Retail stores, supermarkets, department stores, 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:

- 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.
- 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:

- For 90-degree parking, each automobile parking space shall be not less than 171 square feet nor less than nine feet wide exclusive of driveway and aisle space. See table 36-5.7.5.
- In commercial, industrial and multiple-family zones, all off-street parking facilities shall be drained so as to prevent damage to abutting properties or public streets and shall be constructed of materials which will have a dust free surface resistant to erosion, and consist of a bituminous or concrete material.

C. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lots. **Section 36-5.6** sets out specific lighting standards for parking areas.

D. No parking space or parallel drive aisle shall be closer than five feet from the front, side or rear property line. In the O-1, C-1, C-2, C-3 and C-4 zoning districts, no parking space or parallel drive aisle shall be closer than ten feet from any existing public road, with this strip utilized for perimeter landscaping and for sidewalks where such facilities are not permitted in the public right-of-way. A joint driveway may be located anywhere on a parcel provided that:

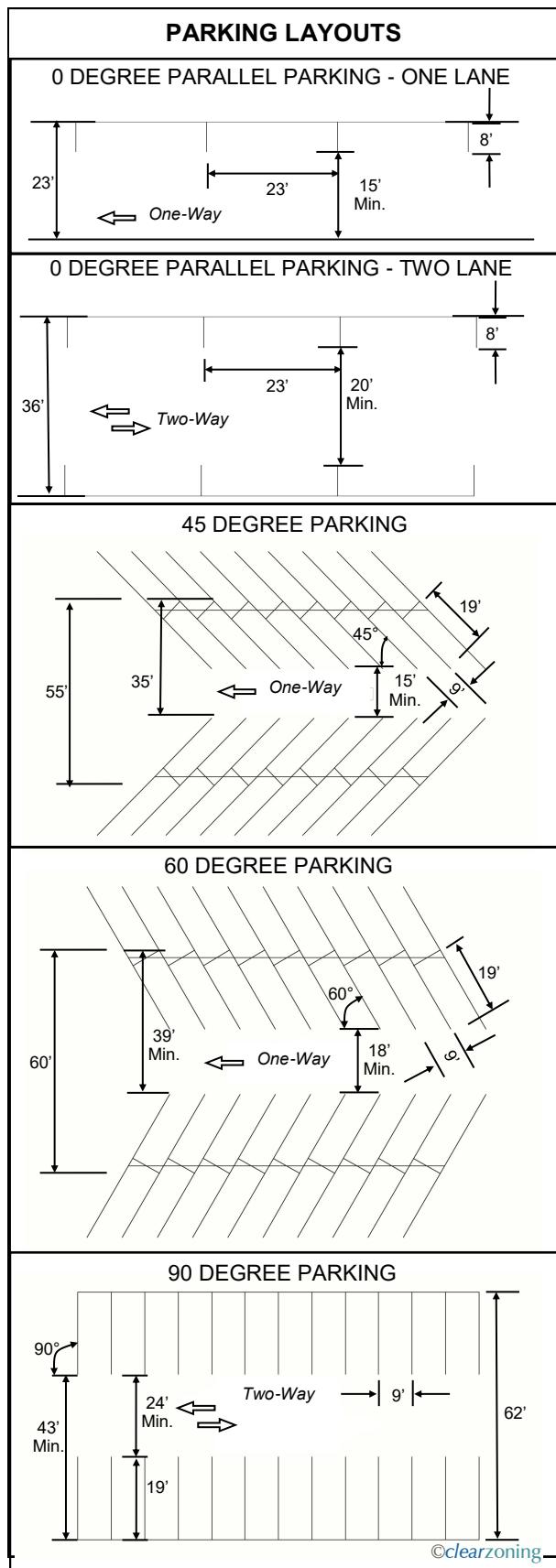
- The Road Commission of Kalamazoo County has granted a driveway permit;
- The owners of each property to be served by the driveway have agreed in writing to the joint driveway and have filed with the register of deeds an easement identifying the location of the easement for the driveway and a maintenance agreement pertaining thereto, to be binding upon them and their successors; and
- The joint driveway shall not serve more than two single-family dwellings or, where the joint driveway serves a property subject to site plan review, and 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. 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 is 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.
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.
- 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 50 SF.	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.

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

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 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

36-5.8.6.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 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.
- 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.

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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.
 - 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.

Δ Ord. No. 370 (April 6, 2023)

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 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 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.

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.

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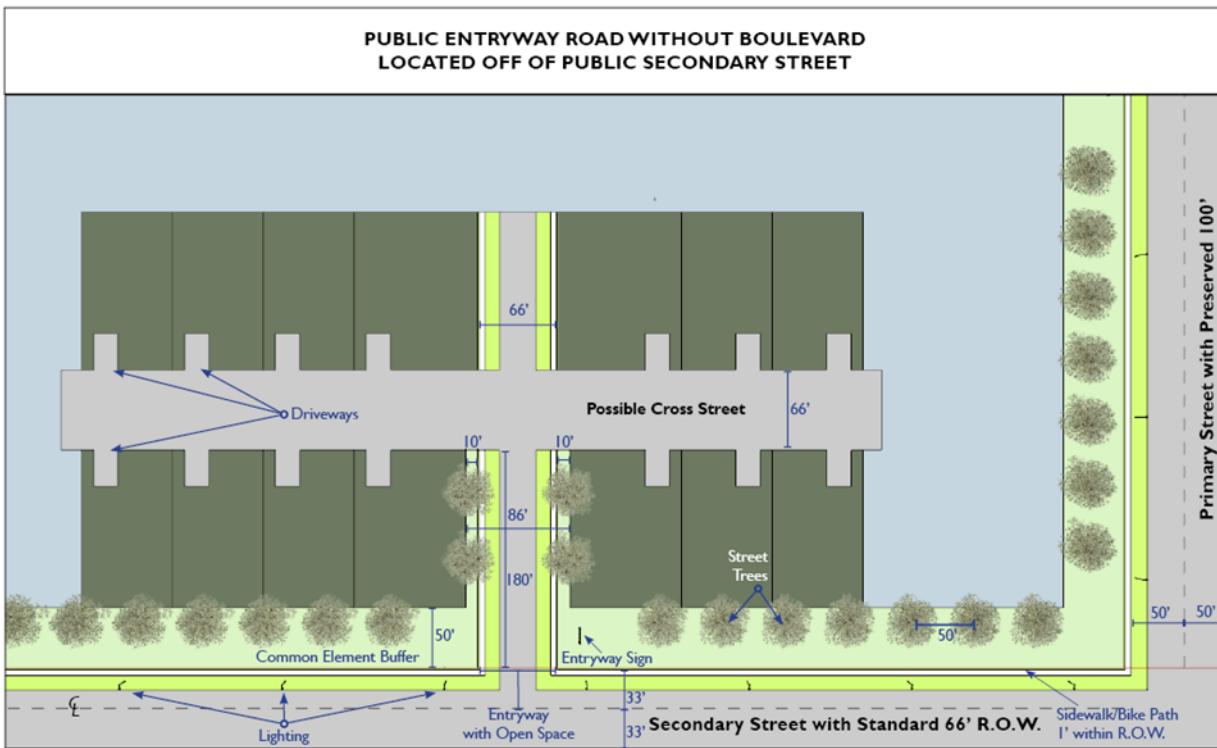
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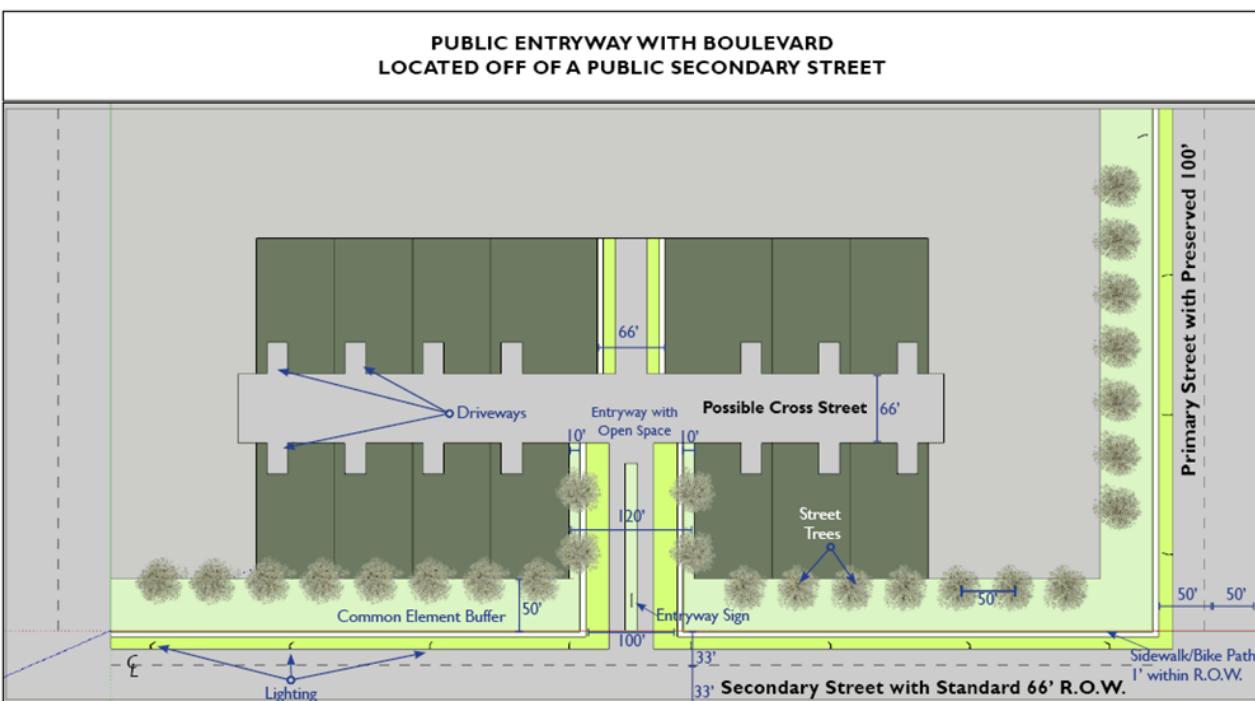
7 Admin and Enforcement



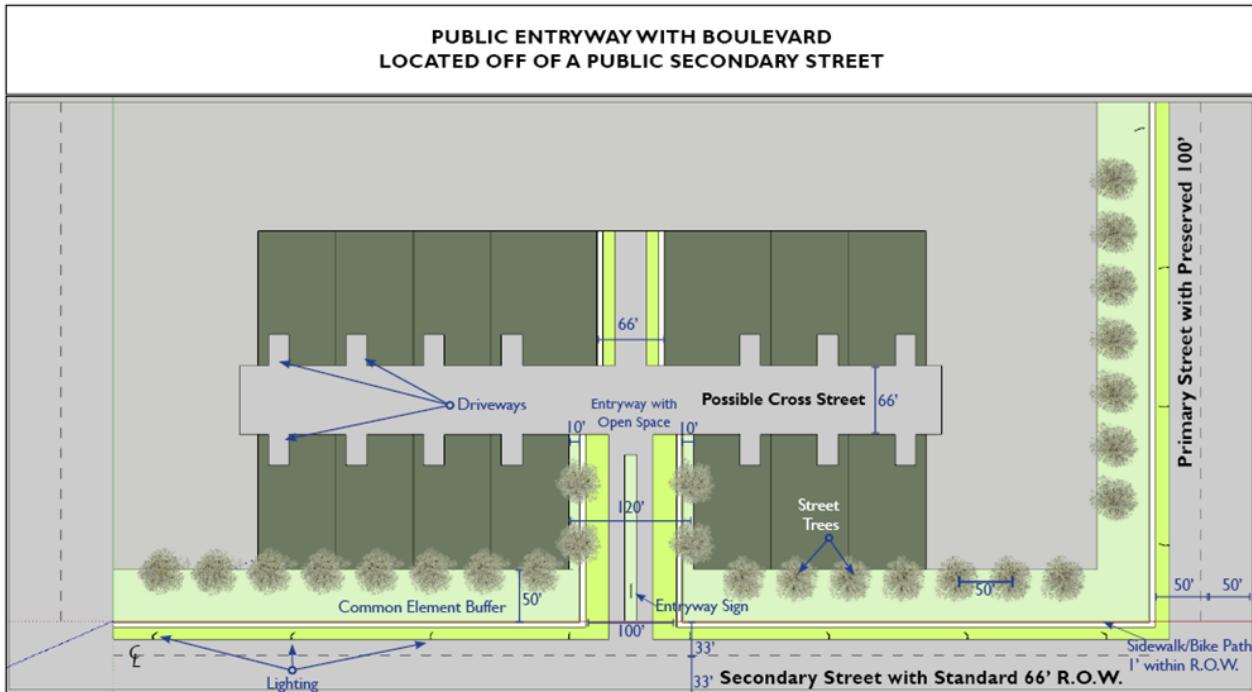
6. Entryway. In A, RC, R-1A, R-1, and R-2 zones: Minimum width of 66' to allow for the road right-of-way and 10 additional feet on each side of the new right-of-way extending 180' from the right-of-way line of a County road typically defined by lettered avenue or numbered street.



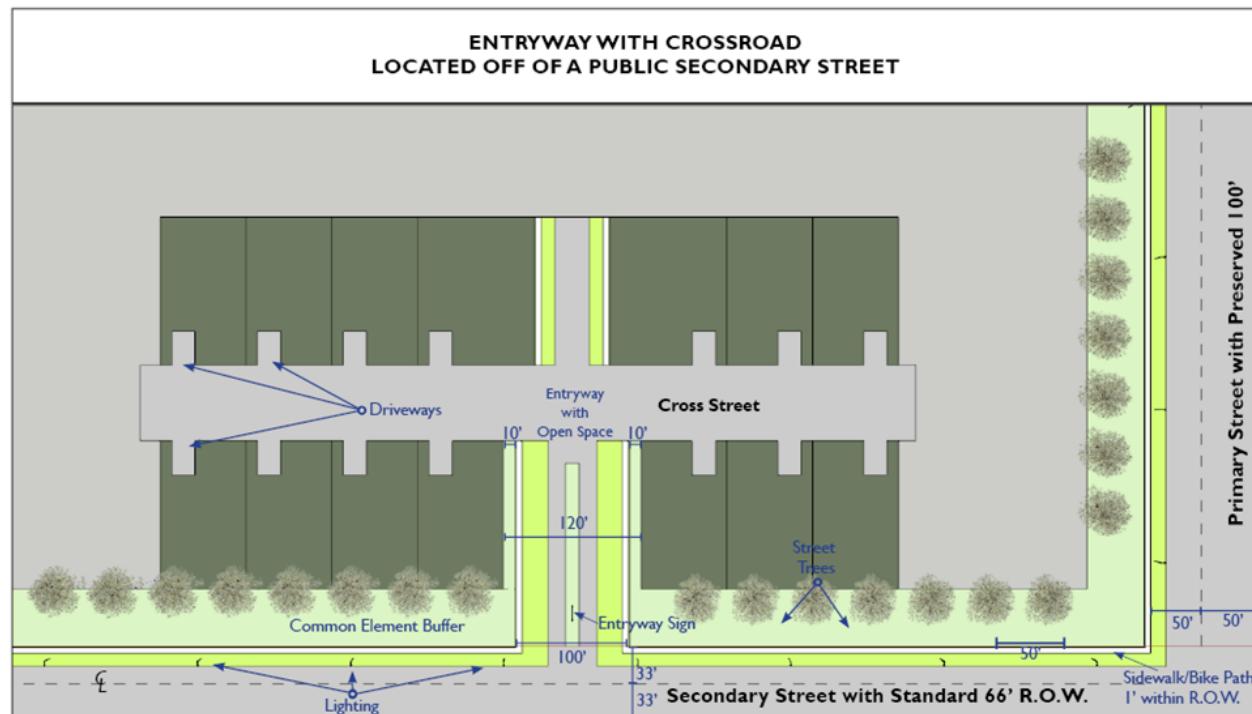
a. Entryways that include boulevards shall be a minimum width of 100' to allow for the road right-of-way and 10 additional feet on each side of the new right-of-way. There shall be a common open space element that defines the entry into the condominium within the distance listed below based on the entryway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



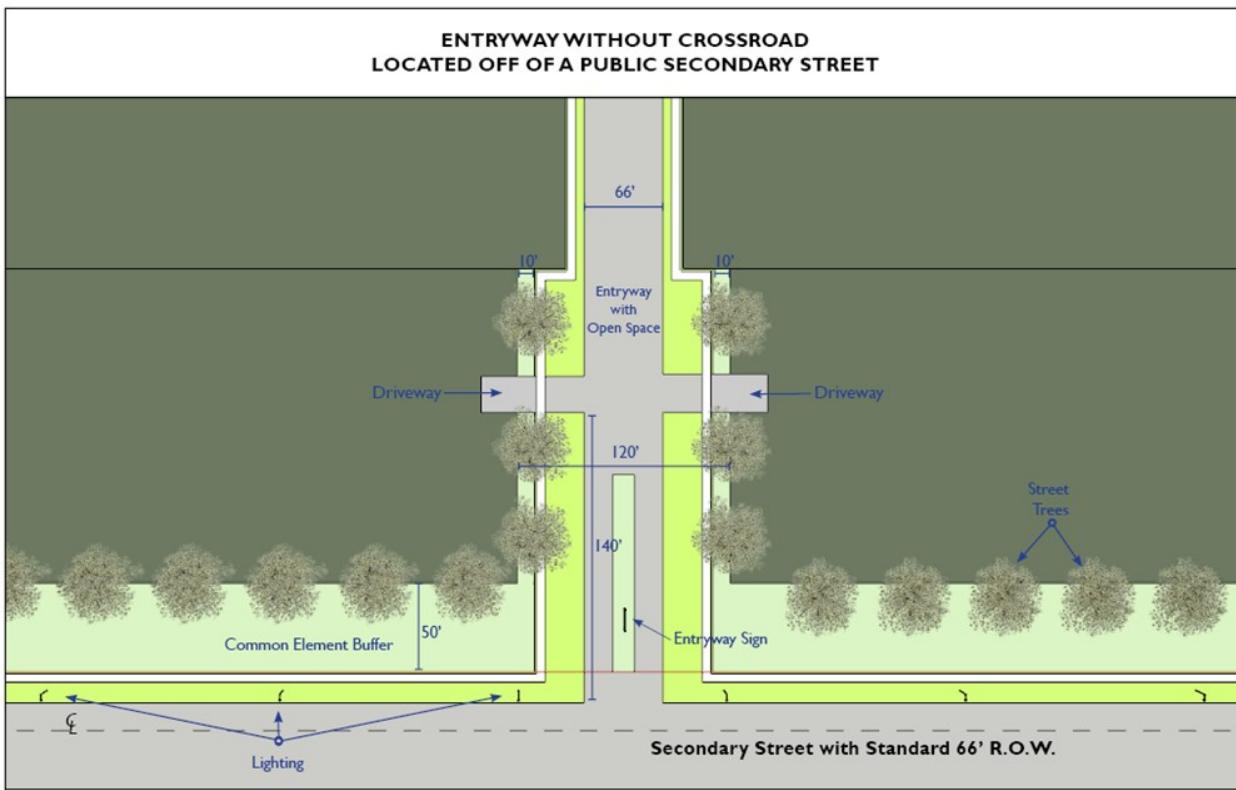
b. No driveways, cross-access drives, or other vehicular encroachments other than the entryway are permitted through the common open space element. This area shall include the following: development identification sign location; one street tree shall be planted along this frontage for every 50' of width, with these either clustered or individual in their spacing; sidewalk or bike path dependent upon adjoining property improvements or non-motorized plan; and lighting as required. (See Guidebook for examples)



c. Entryway with cross road. Vehicular encroachments prohibited within the first 180' from the right-of-way line or preserved ROW, whichever is greater.



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



7. 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:

- 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.
- The private road must be constructed to Road Commission of Kalamazoo County design and geometric standards with the following exceptions.

- 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.
- 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.

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).

Δ Ord. No. 370 (April 6, 2023)

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 current Road Commission of Kalamazoo County and Township 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 current Road Commission of Kalamazoo County and Township 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;
 - 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.

Δ Ord. No. 370 (April 6, 2023)

5.13 RESERVED

Repealed by Ord. No. 355

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 Subdivision and Site Condominium Ordinance
- 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. 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. 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



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. Cumulative expansion over what was approved of more than 500 SF 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 SF 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 (Section 36-5.7.3) beyond the site's available parking (Section 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.



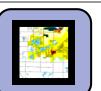
- m. *Waste disposal.* All waste shall be stored within dumpsters that have been located in areas so as not to conflict with parking or drive aisles. A detail of the dumpster shall be provided showing required fencing and interior bollards at each corner and along the rear section of the fenced enclosure. 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 of 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 $\frac{1}{2}$ 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, 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.
 - 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**.



- 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 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.

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.
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.

Δ Ord. No. 365 (January 23, 2022); Ord. No. 370 (April 6, 2023)

36-6.2 SUBDIVISION AND SITE CONDOMINIUM ORDINANCE

1. Purpose.

- A. Regulate the Division of Land. To regulate and control the subdivision of land into Plats, pursuant to the Land Division Act (P.A. 288 of 1967, as amended) or the development of land under the provisions of the Condominium Act (P.A. 59 of 1978, as amended), where the intent is to develop individual building sites with the objective interest of achieving the same characteristics and land use results as a general subdivision.
- B. Orderly Growth that Protects Public Health, Safety, and Welfare. To provide for the orderly growth and harmonious development of the Township; to secure adequate traffic circulation through coordinated street systems with relation to primary roads, adjoining developments, and public facilities; to achieve individual lots/building sites of maximum utility and livability; to secure adequate provisions for water supply, drainage and sanitary sewerage, and other health requirements; and, to provide logical procedures for the achievement of these purposes that promote and protect public health, safety, and welfare.
- C. Balance Growth and the Natural Environment. Balance the need for future residential development and the intrinsic public value of preserving the natural environment. Preservation of natural environments help maintain habitats and biodiversity; reduce run-off, flooding, and soil erosion; lessen the effects of heat, noise, and light produced by human development; improve air quality; safeguard ground water recharge areas; and protect water quality.
- D. Establish Review Process. To provide for the process for which projects are reviewed to ensure conformance with all applicable ordinances.



2. Authority. This Section is enacted pursuant to the authority granted by the Michigan Planning Enabling Act (P.A. 33 of 2008, as amended); Land Division Act (P.A. 288 of 1967, as amended); the Condominium Act (P.A. 59 of 1978, as amended); and Township Ordinances Act (P.A. 246 of 1945, as amended), which authorizes Township boards to adopt ordinances to secure the public health, safety, and general welfare. This Section shall comply with all other ordinances and statutes as applicable herein.
3. Compliance Standards.
 - A. Ordinance Compliance. It shall be unlawful for any proprietor to divide, partition, or combine any lot, building site, out lot, or other recorded Plat or Plan, except in accordance with the provisions of this Section and state law.
 - B. Zoning District Requirements. Two or more contiguous lots or building sites, or parts of lots or building sites, which have been combined shall not be divided or split, nor shall such combination be otherwise reversed or vacated, unless the resulting lots or building sites comply with all area and road frontage requirements for the zoning district in which they are located.
 - C. Approval Prior to Development. The approvals required under the provisions of this Section shall be obtained prior to any improvements on the property, which shall include the removal of any natural features, including trees; the grading of the site; or installation of any project infrastructure of a subdivision/site condominium within the Township. All subdivision/site condominium improvements within the Township shall comply with all the provisions and requirements of this Section or any other related ordinance referenced herein.
 - D. Self-Imposed Restrictions. If the proprietor places restrictions on any of the land contained in the subdivision/site condominium greater than those required by this Section or the regulations of other ordinances referenced herein, such restrictions or reference to those restrictions may be required to be indicated on the subdivision Plat/site condominium Plan, or the Township Board, based on a recommendation from the Planning Commission, may require the restrictive covenants be recorded with the County Register of Deeds in a form to be approved by the Township Attorney.
- E. Interpretation. The provisions of these regulations shall be held to be the minimum requirements adopted for the promotion and preservation of the environment and public health, safety, and general welfare of the Township. These regulations are not intended to repeal, retract, annul, or in any manner interfere with existing regulations or laws of the Township, nor conflict with any statutes of the state or county, except that these regulations shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws, or regulations.
- F. Exemption. Subdivisions and site condominiums created or under review prior to the adoption of this Ordinance are exempt from Subsection G: Design and Layout Standards herein.
- G. Design and Layout Standards. The subdivision/site condominium design layout standards set forth under this subsection are required and shall be incorporated into project development:
 - i. Project Name. The name of the new subdivision/site condominium shall not duplicate the name of any other previously approved projects unless it is an addition or phase to a contiguous development. The first development or phase of the project shall be number 1, and all additions or phases shall be consecutively ordered.
 - ii. Public Utilities. Public water and sanitary sewers shall be extended to the subdivision/site condominium where such existing utilities are within one-half mile (2,640 feet) of the development site, based on a recommendation from the Township Engineer and Planning Commission, and approval from the Township Board. All public improvements and required easements shall be extended through the parcel on which new development is proposed. Streets, water lines, wastewater systems, drainage facilities, electric lines, and telecommunications lines shall be constructed through the new development to promote the logical extension of public infrastructure. The

Township may require the proprietor of a subdivision/site condominium to extend off-site improvements, if needed, to reach the development.

iii. Utility Easements. Utilities shall be located within public or private rights-of-way or within easements outside of the right-of-way.

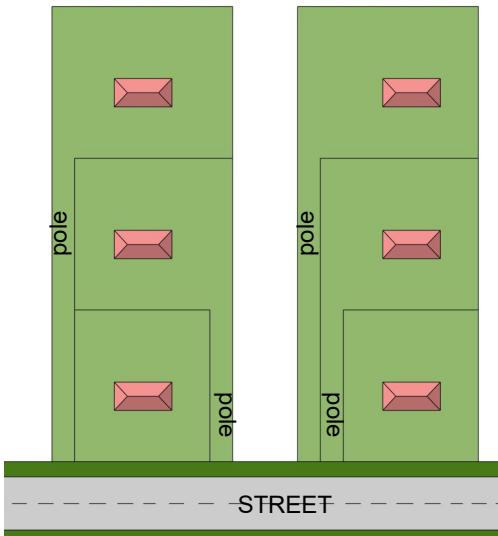
- a. Easements dedicated for public water shall be a minimum of 20 feet in width and public sanitary sewer easements shall be a minimum of 30 feet in width for sewers greater than 10 feet in depth, and a minimum of 20 feet in width for sewers 10 feet or less in depth.
- b. If not located in the public right-of-way, private utility line easements shall generally be provided along the rear or side of lots/building sites as necessary for utilities.
- c. Easements centered on rear or side lot/building site property lines provided for utilities shall be at least 12 feet wide, typically six (6) feet dedicated from each lot/building site, except side easements granted for street lighting dropouts, which shall be three feet wide. All other easements shall be at least 10 feet wide. These easements shall be direct and continuous from block to block.
- d. Recommendations on the proposed layout of easements for such things as telecommunication, cable, and electricity shall be sought from the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the Preliminary Plat/Plan to all appropriate public utility agencies prior to seeking Township approval.

iv. Storm Water Management. Storm water management basins shall be "free form," following the natural features of the land to the greatest extent possible. If such features do not exist, the basin shall be shaped to emulate a naturally formed depression.

- a. Side slopes shall not be steeper than 3 to 1 (horizontal distance to vertical distance). Where basins are to be maintained as a mown lawn to the water's edge, side slopes shall be no steeper than 4 to 1 (horizontal distance to vertical distance) to facilitate mowing.
- b. Design standards and best management practices for storm water management basins as described in the Kalamazoo County Drain Commissioner's Site Development Rules shall be utilized to the extent practicable.
- c. Storm water management basins shall be clearly identified as to type (i.e., retention or detention), nature (i.e., wet, or dry), with design elevations and functional benchmarks (e.g., storage volume and time to drain). A permanent survey point for elevation control shall be located within 200 feet of the design high water mark as a permanently accessible operational benchmark.
- d. Redistributing soils from basin construction to create natural landforms around the perimeter of the basin is encouraged. These forms shall be located strategically to filter views or redirect and soften the views from residential areas. Total screening is not required.
- e. Access for maintenance equipment shall be considered in the design of the basin.
- f. Water retention basins adjacent to properties without a public sanitary sewer available shall be setback 40 feet from any exterior property boundary of the development (as measured from the designed high-water mark, if applicable). Retention basins adjacent to all other properties shall be setback 15 feet.



- g. Naturalized planting themes are required for retention basins. Trees and shrubs shall be grouped in informal patterns to emulate the natural environment. The intent is to soften the views of these basins and not totally screen them from view. A minimum of one (1) large tree shall be planted for every 50 linear feet of basin perimeter, the size of plantings to meet the landscaping material requirements of **Section 36-5.3.3: Screening, Fencing, and Landscaping**.
- h. The ground surface and edges of the basin shall be covered with a water tolerant mixture of native grasses and herbaceous flowering plants or other approved ground cover. It is the intent of these standards to provide for sustainable natural planting throughout the basin that will not require regular mowing or fertilization.
- i. Any necessary public storm water easements and agreements shall be indicated and dedicated to the Kalamazoo County Drain Commissioner. Private easements and their maintenance shall be included in any Master Deed documents.
- j. Detention ponds located in subdivisions without homeowner's associations shall be public and dedicated to the Kalamazoo County Drain Commissioner.
- v. Lots and Building Sites.
 - a. Size of lots and building sites. Lot dimensions, frontage, and area requirements shall not be less than the minimum required by the zoning district in which the subdivision/site condominium is located.
 - b. Lots and building sites created after the effective date of this section shall have a lot width which is equal to, or greater than, one-fourth the depth of the lot.
- c. Flag Lots. Flag lots shall not be permitted. In exceptional circumstances where unique topographic features or other special physical conditions deem the necessity of a flag lot, a dimensional variance from the Zoning Board of Appeals is required.
 - (1) In no circumstance shall a flag lot be granted to avoid the construction of a street.
 - (2) If a dimensional variance is granted, the area of the 'pole' portion of the lot, connecting the lot to the street, shall not be included in the area of the lot for the purposes of determining compliance with the required minimum lot area for the district in which the lot is located.
 - (3) The stacking of the 'pole' on flag lots shall be prohibited. (Figure 36-2.3.G.v.c(3))

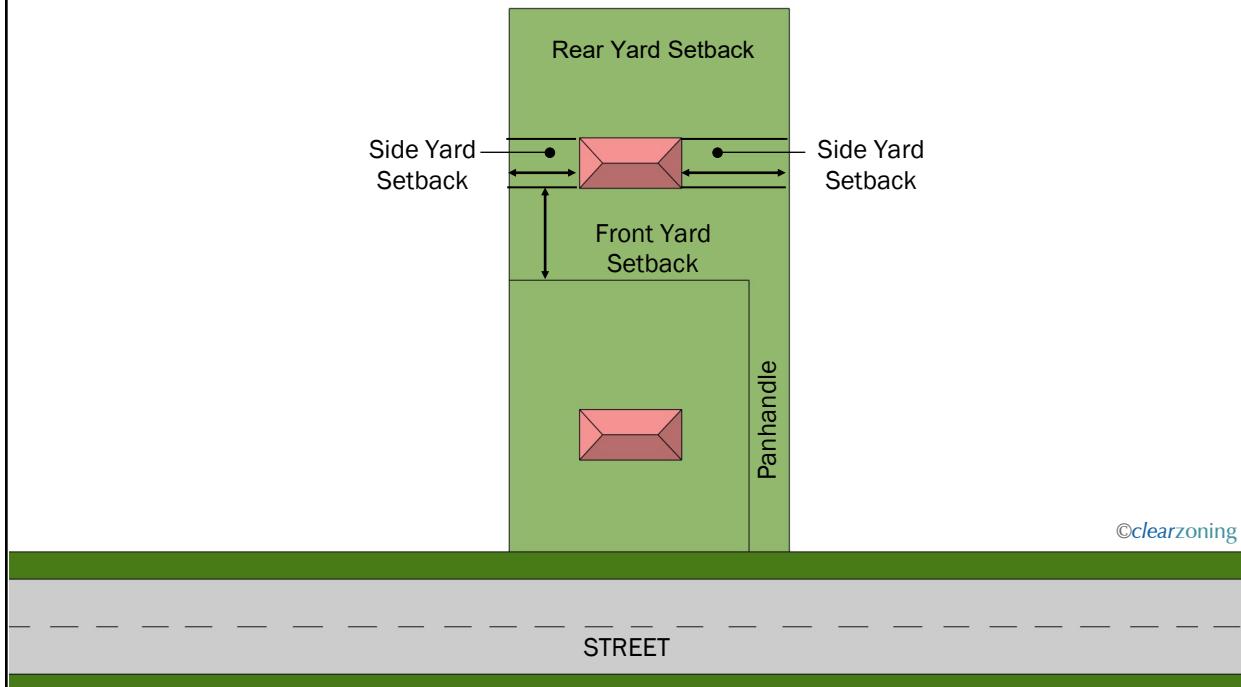
36-2.3.G.v.c(3) PROHIBITED STACKING


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Illustration shows the stacking of flag lots, which is prohibited.

- (4) The 'pole' shall have a minimum width of 20 feet.
- (5) No structures, except for fences and walls allowed by this code, shall be permitted in the 'pole' portion of the lot.
- (6) The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in Figure 36-6.2.3.G.v.c(6). ↗

36-6.2.3.G.v.c(6) YARD AND FRONT YARD SETBACK LOCATIONS ON A FLAG LOT

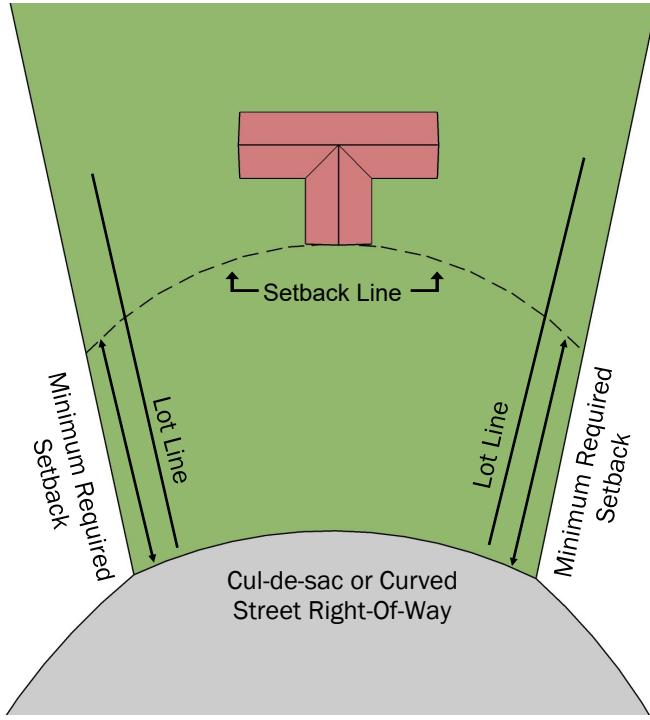


- d. Lots and building sites shall be numbered consecutively, continuing throughout any additions or phases of the subdivision/site condominium.
- e. Each proposed lot/building site shall have access to an approved public or private right-of-way, or access drive built to Kalamazoo County Road Commission Road standards.
- f. The minimum size of lots/building sites abutting more than one street or future street extension shall provide the minimum area to meet building setback requirements of a front yard from all such abutting streets. The front yard setbacks of corner lots/building sites shall be provided on the Plat/Plan.
- g. Wherever feasible, lots/building sites shall be arranged so that the rear yard does not adjoin the side yard of an adjacent lot/building site.
- h. No lot, out lot, or building site may be isolated from a public or private right-of-way, nor may any adjoining land of the proprietor or others be isolated from the same, thereby creating unbuildable land.
- i. Double frontage (through lot) and reversed frontage lots/building sites shall be avoided except where necessary to provide separation of residential development from primary roads or to overcome specific disadvantages of topography, orientation, or natural features like lakes.
- j. Corner lots/building sites and through lots/building sites shall designate the front lot line to be used to meet the minimum continuous lot frontage and for addressing purposes. Access to a through lot or corner lot from a primary or secondary road shall be prohibited.



- k. On curvilinear streets, the minimum front yard setback is measured along a curve parallel to the front lot line. (Figure 36-6.2.G.v.k) 
- l. Other Lot Configurations. Where there is an instance of a lot configuration not addressed in this section (e.g., interior, corner, flag lot, etc.), or where there is an atypical building orientation on any lot, the Planning Director shall have the authority to make a determination regarding where front, rear, and side yard setbacks are required.
- m. Residential lots/building sites in a subdivision or condominium development shall not have direct access from or onto a county primary or secondary road. All residential lots/building sites shall have access via an internal neighborhood roads. Driveway locations shall be designated on each lot/site to confirm compliance with this requirement.
- n. In commercial or industrial zoning districts where driveway access from a primary road may be necessary for several adjoining lots/building sites, the Township shall require that such lots/building sites be served by a combined access drive, with appropriate access easements and maintenance agreements, to limit possible traffic hazards on the street. Where applicable, driveways in commercial or industrial districts shall be designed and arranged to avoid vehicles backing onto primary roads.

36-6.2.3.G.v.k SETBACK LINE OF A LOT WITH FRONTAGE ON A CURVED STREET OR CUL-DE-SAC



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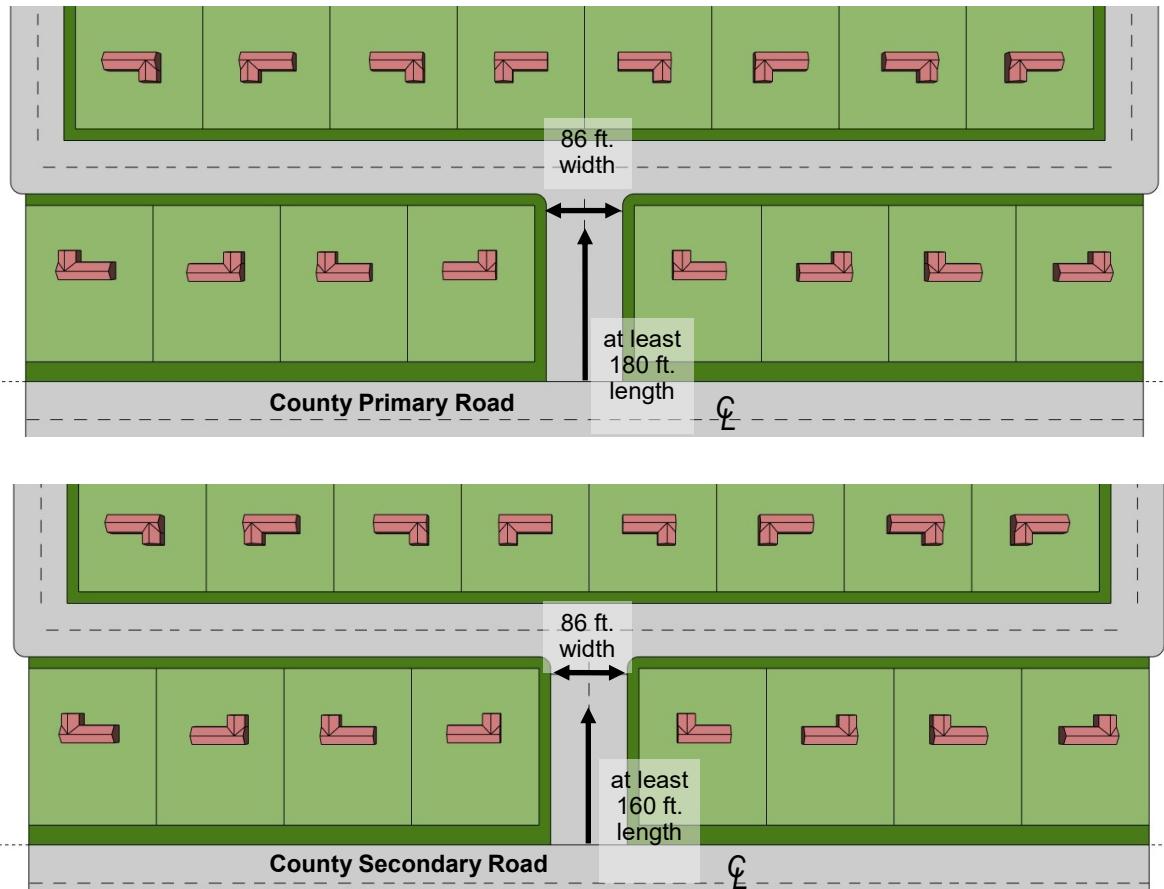
- o. Lots/building sites shall be laid out to provide positive drainage away from all buildings, and individual lot/building site drainage shall be coordinated with the general storm drainage pattern for the area. In no event shall sheet drainage from an individual lot/building site onto an adjacent lot, parcel or building site exceed the runoff rate which existed prior to development. Drainage shall be designed to avoid concentration of storm water runoff from or across individual lots/building sites and onto adjacent lots, parcels or building sites. If concentrated flow is unavoidable or pre-existing, an engineered solution is required (i.e., designated swales or engineered drains).
- p. Lots/building sites adjacent to storm water management areas shall be restricted so that the lowest structural opening is at least two feet above the designed high-water mark or the one percent chance rainfall event (whichever is greater) of the adjacent water management area. A note shall be placed on the Plat/Plan to that effect.
- q. The subdivision/site condominium design shall be such that lots/building sites across from a "T" intersection shall have driveways off set from the perpendicular street to reduce impacts of vehicular traffic on the principal building.

36-6.2.3.G.v.q OFF-SET DRIVEWAYS ACROSS FROM "T" INTERSECTIONS



- vi. Blocks. Blocks in residential areas shall not exceed 1,320 feet in length. The Township Board, after recommendation from the Planning Commission, may require roundabouts at intervals of no less than 660 feet to ensure adequate fire and emergency vehicles access. Blocks shall have sufficient width to provide for two tiers of lots/building sites of appropriate depths.
- vii. Entryway.
 - a. The new right-of-way extending perpendicular from a county primary or secondary road shall be 86 feet in width extending at least 180 feet for a primary road and 160 feet for a secondary road from the centerline of the County right-of-way.
 - b. An out lot or common open space element within the first 50 feet shall be developed to define the entry into the subdivision/site condominium. This common open space element shall also be provided along all exterior site boundaries containing frontage on a county primary or secondary road. For an Open Space Preservation development, the common open space element shall be 100 feet.

FIGURE 36-6.2.3.G.vii.(a) SUBDIVISION/SITE CONDOMINIUM ENTRYWAY



viii. Road Rights-of-Way. The arrangement of roads shall provide for their continuation between adjoining properties. Continuation of roads is necessary for movement of traffic, emergency services, and efficient provision of utilities.

- a. Roads interior to the subdivision/site condominium shall be designed to discourage through traffic. Where adjoining properties are undeveloped and the road shall temporarily be a dead-end, the 66-foot right-of-way shall be extended to the property line to make provision for the future continuation of the road. The dead-end shall be designed as either a stub road or a cul-de-sac per Road Commission standards but shall not allow access or be considered frontage for the adjacent undeveloped property.
- b. Where a road is not intended to extend beyond the boundaries of the subdivision/site condominium and its continuation is not required by the Township for access to adjoining properties, its terminus shall be at least 50 feet from such boundary. A cul-de-sac turnaround shall be provided at the end of the permanent dead-end road in accordance with Road Commission standards. The Township may require an easement or a reservation of easement to accommodate drainage facilities, pedestrian access, or utilities.
- c. Privately held reserve strips or out lots controlling access to roads shall be prohibited.
- d. All internal local rights-of-way within subdivisions/site condominiums shall not be less than 66 feet in width.
- e. A dead-end road (whether temporary or permanent) in excess of 660 feet in length as measured from the nearest right-of-way or private street easement shall be prohibited except upon recommendation from the Planning Commission and approval from the Township Board, to be granted only where:
 - (1) the topography of the area, including, but not limited to, the presence of lakes, streams, and other natural conditions or
 - (2) the prior development of the area causes practical difficulties in layout. A dead-end road in excess of 660 feet can be granted without creating a safety hazard.
- f. All roads shall be constructed to Road Commission of Kalamazoo County standards, including curb and gutter and meet Michigan Uniform Traffic Code (MUTC) for traffic control devices and signage.
- g. Not more than two streets shall intersect at any one point unless specifically approved by the Township in cases of a traffic circle or roundabout.
- h. No less than two primary points of ingress and egress shall be provided for subdivisions/site condominiums containing 50 or more residential lots/building sites. Where adjoining areas are undeveloped and two access points cannot be practicably developed as determined by the Planning Commission, a temporary dead-end street designed for the provision of a future access point shall be required.

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

5 Site Standards

6 Development Procedures

7 Admin and Enforcement



- i. Road grades shall be related appropriately to the original topography. All roads shall be arranged to locate as many lots/building sites as possible at, or above, the grades of the roads. Lots/building sites with grades lower than the street may be allowed provided adequate drainage is demonstrated in the design to the satisfaction of the Township Engineer. In addition, the right-of-way shall be prepared in such a way to ensure proper sidewalk continuity and accessibility that is ADA compliant. Grading and centerline gradients shall be in accordance with Plans and profiles approved by the Township Engineer.
- j. Concrete curbing shall be installed throughout the entirety of the road. Curb cuts and sidewalk ramps shall be integral to the construction of the concrete curb.
- ix. Private Roads. Private roads may be allowed by the Township Board, after recommendation from the Planning Commission, for a site condominium if they will not adversely affect public health, safety, or welfare. In determining whether private roads are allowable, the following shall be required:
 - a. All private roads shall be established by recorded easement of a 66-foot right-of-way that indicates the responsible party for the private road maintenance.
 - b. The Master deed shall include any private road easements and the responsible party(ies) for maintaining the private road.
 - c. The Master deed shall also authorize the Township to make required repairs to the private road, if necessary, with the cost assessed equally to each property owner within the site condominium.
 - d. The private road shall be constructed to Road Commission of Kalamazoo County standards for design and meet Michigan Uniform Traffic Code standards.
- e. A 10-foot-wide utility easement shall be provided adjacent to the private road right-of-way.
- f. Addresses will be assigned by the Township utilizing a name that has been approved through the Kalamazoo County Road naming policies.
- x. Lighting.
 - a. Light fixtures shall be placed at any intersections with a county primary or secondary public road.
 - b. Light fixtures shall be fully cut-off design and mounted to be parallel to the ground.
 - c. If lighting along the roadway is proposed internal to the subdivision/site condominium, it shall be designed to promote safe movement of pedestrians and vehicular traffic. The street lighting system shall consist of poles placed at points of road intersection, at dead ends, and other areas as may be recommended by the Planning Commission.
 - d. The Planning Commission may accept a lighting plan prepared by the appropriate local utility having authority. Such plans shall indicate the height and type of poles and luminaries to be used, the placement of all light fixtures, and the expected lighting levels.
 - e. All street lighting shall be included in a special assessment district as part of the subdivision/site condominium approval.
- xi. Nonmotorized Facilities.
 - a. Sidewalks, not less than five (5) feet in width shall be included within the dedicated non-pavement portion of the right-of-way on both sides of all roads within a subdivision/site condominium. The Planning Commission may approve an 8-foot-wide pathway on one side of all roads as an alternative.

- b. The construction requirements of General Ordinance Article VII: Sidewalks, Pathways, and Trails shall be met.
- c. All barrier free standards for sidewalks required by The Americans with Disabilities Act, 42 US Code §12101, shall be met. Barrier free crosswalks shall be required at all intersections where sidewalks are located.
- d. If the Township's Parks and Trails Master Plan shows nonmotorized trailways in, or connections to trailways from within the subdivision or site condominium, the planned nonmotorized trail shall be established and constructed in compliance with General Ordinance Article VII: Sidewalks, Pathways, and Trails.
- e. If any nonmotorized facility is located outside of a road right-of-way, it shall be dedicated as either a private (sole use of the project residents) or public facility, with an easement noted on the Plat/Plan:
 - (1) For public and private infrastructure within a subdivision, the nonmotorized facility shall be dedicated through an easement with maintenance either the responsibility of a homeowner's association or the lots immediately adjacent to the facility.
 - (2) For public and private infrastructure within a site condominium, the nonmotorized facility shall be dedicated as a general common element in the master deed with maintenance the responsibility of the homeowner's association.
 - (3) Easement documents are to be recorded with the Kalamazoo County Register of Deeds.

- xii. Water Resources. The provisions for riparian lots ([Section 36-5.5](#)) herein shall apply to development adjacent to any water resources such as a lake, pond, stream, river, wetland and adjacent to the 100-year floodplain.
 - a. Erosion control protection measures shall be provided for developments that include lakes, ponds, or streams in accordance with the Kalamazoo County Drain Commissioner's requirements and Part 91, Soil Erosion and Sedimentation Control of the Natural Resources and Environmental Protection Act.
 - b. If development causes any disturbance within the upland buffer area of a lake, pond, or stream, the proprietor shall undertake restoration and mitigation measures to restore any damaged or lost natural resources in accordance with applicable local, state, and federal laws and regulations.
 - c. No buildings for residential purposes shall be located on any portion of a lot located in a floodplain, unless approved by the Department of Environment, Great Lakes, and Energy.
 - d. All other applicable requirements within the Zoning Ordinance regarding riparian regulations shall be met.
- xiii. Connectivity of Natural Areas. Plats/ plans shall be designed so that open space or natural areas preserved within the development shall connect to open space or natural feature areas located on adjacent developments, where present. Such connections shall be maintained to allow for the continuance of existing wildlife movement and to enhance the opportunity to establish new connections and greenway corridors.



xiv. Construction Requirements. No construction activity of any kind, including grading, excavation, stockpiling of fill material, or storage of building equipment, supplies or vehicles shall be permitted in those areas of the site preserved in their natural state.

xv. Landscaping.

- Street Trees. Large deciduous trees, meeting the requirements of **Section 36-5.3.3, Landscaping**, shall be planted along the right-of-way of roads internal to the subdivision/site condominium. One (1) canopy tree shall be planted for every lot/building site. The tree shall be located no farther than six feet from the public road right-of-way. For private roads, the tree may be planted between the road pavement and sidewalk, but no farther than six feet from the right-of-way. A waiver may be granted by the Planning Commission as part of the Step One process if there are trees growing along the right-of-way, which are intended to be preserved and meet the dimensional and species regulations of Section 36-5.5.3.
- To preserve view sheds on Township primary and secondary roads that abut subdivisions/site condominiums, a 20-foot greenbelt buffer shall be preserved along the actual and/or preserved right-of-way. To the extent feasible, existing trees and vegetation found outside of the road right-of-way shall be preserved to provide screening from the roadway. One new large deciduous canopy tree and two small deciduous flowering trees shall be planted in the 20-foot buffer for every 50 feet of frontage.
- The Planning Commission may accept one (1) existing tree within the 20-foot greenbelt buffer in exchange for one (1) required new planting as part of the Step One process if the existing tree is at least 80% of the required size (at planting) per Section 36-5.3.3.

- Within the 20-foot greenbelt buffer, the Planning Commission may accept fewer trees than required by ordinance if the existing trees have a total diameter in breast height equivalent to that required by the ordinance.

(For example, if 10 deciduous canopy trees are required within the 20 buffer, measuring 2.5 caliper inches per tree (at planting), the Planning Commission may accept a fewer number of existing trees (in the 20 foot buffer) if the total caliper inches of the existing trees is the equivalent of 250 caliper inches.)

- The 20-foot greenbelt buffer may be within a required 50-foot common open space requirement and may satisfy the buffer and common open space requirements simultaneously.

xvi. Common Elements. All general and limited common elements shall be clearly defined on the Plat/Plan. Ownership and maintenance of the common elements shall be established, and legal responsibility clearly detailed through the appropriate legal documents depending on the type of development.

xvii. Monuments and Lot Pins.

- Monuments shall be in the ground at all angles in the boundaries of the subdivision/site condominium; at the intersection lines of streets; at the intersection of the lines of streets with the boundaries of the subdivision/site condominium; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature, and angle points in the side lines of streets; and at all angles of an intermediate traverse line.
- All monuments used shall be made of solid iron or steel bars at least 1/2 inch in diameter and 36 inches long and completely encased in concrete at least 4 inches in diameter.

- c. All lot/building site corners shall be monumented in the field by iron or steel bars or iron pipes called lot pins that are at least 18 inches long and 1/2 inch in diameter.
- d. All monuments and lot pins shall be placed flush with the ground.

4. Approval Process.

- A. The preparation of a subdivision plat/site condominium plan shall be conducted in accordance with the following steps:
 - Pre-Application Review (voluntary)
 - Step One: Tentative Preliminary Plat/Plan
 - Step Two: Preliminary Plat/Plan
 - Step Three: Final Plat/Plan
- B. These steps are cumulative, resulting in one subdivision/site condominium plan set that includes all three steps of the process. While each step has specific information that shall be provided, the aggregate in its totality will govern the development of the subdivision/site condominium. For example, zoning information is not often shown on Step Three Plans (which are as built); however, the zoning or design and layout requirements provided or conditioned on the plans as part of Step One or Step Two approvals continue to be binding on the development.

5. Pre-Application Review.

- A. An applicant may request an initial voluntary pre-application review meeting by submitting a written request and a copy of the concept Plan for the subdivision plat/site condominium plan to the Township. This pre-application meeting will be with the Township Planner, Engineer, and Fire Marshal, and any other staff specifically requested. The purpose of the meeting is to conduct an informal review of the concept design for the plat/plan.
- B. An applicant may also request general input from the Planning Commission on a concept design for a subdivision Plat/site condominium Plan prior to the submission of a formal application. The applicant may submit the concept design in sketch format without meeting the formal requirements of this Section. The general discussions of the Planning Commission shall not be binding upon the Planning Commission at the time of its final review and recommendation.

6. Step One: Tentative Preliminary Plat/Plan. Tentative review of the Preliminary Plat/Plan involves a public informational meeting, review of basic street layout and lot arrangement, and review of additional information required under this section. A Tentative Preliminary Plat shall be required for a subdivision application and a Tentative Preliminary Plan shall be required for a site condominium application, with the following requirements:

- A. Filing Procedure. Submittal of a review and escrow fee as determined by resolution of the Township Board based upon the cost of processing the application and as on file with the Township Clerk for public information. An escrow account will be established to cover the actual costs for the Township Engineer, Attorney, and any outside consultants, as needed. Residual escrow fees will be returned to the applicant.
- B. One hard copy of the completed application form, including any required attachments. A digital PDF of the completed application shall accompany the plat/plan submittal.
- C. A digital PDF of the proposed Tentative Preliminary Plat/Plan, plus three paper copies. The need for additional copies is to be determined by the Township Planning Department.
- D. Documentation. Any additional documentation as required by this Section.
- E. Tentative Preliminary Plat/Plan Requirements. A Tentative Preliminary Plat/Plan shall be submitted pursuant to the requirements in Table 36-6.2.6.E below and as required by Subsection 7. Design and Layout Standards herein:



Table 36-6.2.6.E: Submission Requirements for Step One, Tentative Preliminary Plat/Plan		✓
All Plats/Plans are to be drawn on uniform sheets.		
The name of the project, name and address of the preparer, and date prepared.		
All Plats/Plans shall be of a scale not less than one inch equals fifty feet and in sufficient detail that the reviewing body can readily interpret the Plat/Plan.		
All Plats/Plans are to be accurately sealed by an engineer, architect, surveyor, or licensed landscape architect, as appropriate for the Plats/Plans provided.		
Existing Conditions sheet	Full legal description of the subject property, and name of the township and county.	
	Vicinity map showing the location of the subject property in relation to the surrounding street system.	
	Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the subject property, including those across abutting roads and rights-of-way.	
	Zoning of subject property and all adjacent lands.	
	Location of natural features as required by Section 36-6.2.3.G Design and Layout Standards	
	Existing rights-of-way and easements within the subject property.	
	Adjacent rights-of-way or easements, including the location of existing drives on the frontage adjacent and opposite the subject property to be developed.	
	Location of existing sewers, water mains, drainage pipes, and other underground utilities within or adjacent to the subject property.	
	Existing topography at two-foot contour intervals, and its relationship to adjoining land (arrows shall indicate direction of drainage).	
Subdivision Plat/ Condominium Plat sheet	Tentative Plans showing the feasibility of the development of adjoining land if the developer owns and anticipates future development of said land.	
	Adjacent rights-of-way or easements, including the location of existing drives on the frontage adjacent and opposite the subject property to be developed.	
	Adjacent rights-of-way or easements, including the location of existing drives on the frontage adjacent and opposite the subject property to be developed.	
	Location and dimensions of existing and proposed rights-of-way and easements for sewers, water mains, drainage pipes, and other underground utilities within or adjacent to the subject property.	
	Grading Plan illustrating existing and proposed contours at two-foot intervals, and its relationship to adjoining land (arrows are also helpful to indicate direction of drainage).	
	Location of natural features intended for preservation.	
	Location and type of required landscaping.	
	Percentage of land reserved for open space, where applicable.	
	Indication if individual lots/building sites will be served by wells and/or septic systems	
	General location and type of storm water management	
Dwelling unit density		
	Road layout and dimensions, including connections to existing streets and placement of stub streets into adjacent properties	

Table 36-6.2.6.E: Submission Requirements for Step One, Tentative Preliminary Plat/Plan (continued)		✓
Subdivision Plat/ Condominium Plan sheet (continued)	Location and dimensions of nonmotorized and/or pedestrian pathways, including sidewalks	
	Indication of lots/building sites, showing size and shape, and dimension of building area, frontage, and square footage calculations	
	Any additional requirements of Section 36-6.2.3.G Design and Layout Standards , as applicable	

F. Process. The Township, upon receipt of the application and Tentative Preliminary Plat/Plan, shall request the Planning Department to:

- i. Review the application for completeness.
- ii. When the Township Planning Director determines the application is complete, the Township shall schedule the Tentative Preliminary Plat/Plan before the Planning Commission, who may act in no less than 30 days of submission of a complete application. An application shall be deemed complete when all required information and documentation has been submitted and all ordinance standards are met.
- iii. Forward the Tentative Preliminary Plat/Plan application and all supporting documentation to the applicable Township departments and/or consultants who shall review the materials and return written comments to the Planning Department.
- iv. Notify the applicant in writing of the comments reviewed and/or changes which need to be made to the Tentative Preliminary Plat/Plan.
- v. If revised Plats/Plans are required, the applicant shall resubmit within the time frame provided by the Planning Department. The Township Planning Director will determine which Township departments and/or consultants require a second review. Any final comments will be provided to the applicant prior to the Planning Commission meeting.
- vi. The applicant shall be notified of the date, time, and place of Planning Commission review not less than 30 days prior to such date.
- vii. A public hearing notice, as required by the Land Division Act, shall be provided for Subdivision Plats and Site Condominiums, including the date, time, and place of the hearing. The notice shall be mailed to the applicant, proprietor, and all property owners within 300 feet of the proposed Plat/Plan as well as published in a newspaper of general circulation not less than 15 days before the hearing.

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G. Planning Commission Review.

- i. The Township Planning Director shall provide a Staff Report to the Planning Commission that consolidates departmental and/or consultant comments and any additional information needed for the Planning Commission to make an informed decision.
- ii. The Planning Commission shall hold the required public hearing, allowing public comments to be entered into the meeting record.
- iii. The Planning Commission shall determine whether the Tentative Preliminary Plat/Plan complies with all Township ordinances, including the zoning district requirements as they relate to the development of a subdivision/site condominium and referenced herein, which has been adopted in conformance with the Township Master Land Use Plan and all state statutes.
- iv. Should the Planning Commission find that the Tentative Preliminary Plat/Plan meets these requirements, it shall approve or approve with conditions.
- v. Conditions of Site Plan Approval. As part of an approval to any site Plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary to ensure that public services and facilities can accommodate the proposed site plan and its activities, to protect significant natural features and the environment, and to ensure compatibility with adjacent land uses. Such conditions shall be considered necessary by the Planning Commission to ensure compliance with the review standards of **Section 36-6.1 Site Plan Review**, and necessary to meet the intent and purpose of this Article. Approval of a site plan, including conditions made as part of the approval, shall be attached to the property described as part of the application and not to the owner of such property or holder of the site plan. A record of conditions imposed shall be recorded on the site plan and maintained.
- vi. Should the Planning Commission find that the Tentative Preliminary Plat/Plan does not conform substantially to the requirements of this section and all other ordinances by reference, it shall record the reason in the official minutes and forward same together with all accompanying data to the applicant. The Planning Commission may also table the Tentative Preliminary Plat/Plan until the objections causing disapproval are changed to meet the requirements of this Section and all other ordinances by reference.
- vii. Approval of the Tentative Preliminary Plat/Plan from the Planning Commission shall be effective for a period of 18 months from the date of approval and confers upon the applicant approval of lot/building site size, orientation, individual driveway location, street layout, and other design considerations of the subdivision/site condominium. Shall the Preliminary Plat/Plan in whole or in part not be submitted for review within this time limit, the Tentative Preliminary Plat/Plan shall again be submitted to the Planning Commission for review and approval. Approval of the Tentative Preliminary Plat/Plan shall not constitute final approval of the Preliminary Plat/Plan.
- viii. Extensions. The Planning Commission may grant an extension of the Tentative Preliminary Plat/Plan approval (Step One) for a period of up to 12 months if the request is made by the proprietor or applicant before the end of the initial approval period.

7. Step Two: Preliminary Plat/Plan. The Preliminary Plat/Plan finalizes the construction plans and details to implement the Tentative Preliminary Plat approval granted in Step One.

A. Filing Procedure.

- i. Submittal of a review fee as determined by resolution of the Township Board based upon the cost of processing the review and as on file with the Township Clerk for public information.
- ii. Submittal of an escrow account against which actual fees for the Township Engineer, Attorney, and/or any outside consultants, as needed, will be charged. Escrow fees will be determined by the Planning Director after consultation with the Township Engineer based on the expected complexity of the Preliminary Plat/Plan review and the need for on-site visits during the construction of improvements. Residuals will be returned to the applicant.
- iii. One (1) hard copy of the completed application form, including any required attachments. A digital PDF of the completed application shall accompany the plat/plan submittal.
 - a. A digital PDF of the proposed Tentative Preliminary Plat/Plan, plus three (3) additional paper copies shall be submitted to the Township Planning Department.
 - b. Copies of the required approvals from all authorities detailed in sections 112 to 119 of the Land Division Act (MCL 560.112–560.119). These include, but may not be limited to, the Road Commission of Kalamazoo County; Kalamazoo County Drain Commissioner; Kalamazoo County Department of Health and Community Services; City of Kalamazoo; City of Portage; and the Department of Environment, Great Lakes, and Energy. Step Two applications will be accepted, processed, and reviewed internally, however, approvals from authorities, agencies, and bodies, shall be received before review by the Planning Commission.
 - c. Any additional documentation as required by this Section.

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B. Preliminary Plat/Plan Requirements. Engineered Plans shall be submitted pursuant to the requirements in Table 36-6.2.7.B and as required by [Section 36-6.2.3.G Design and Layout Standards](#):

Table 36-6.2.7: Submission Requirements for Step Two: Preliminary Plat/Plan



The requirements of Tentative Preliminary Plat/Plan unless modified by this subsection and all conditions of Step One approval.

Finalized grading Plan showing proposed and existing elevations, including management of water for the entire site.

Finalized storm water management system for the entirety of the site, including Plan and profile of drainage infrastructure, any easements, open drains, basin details, etc., and finalized points of discharge for all drains and pipes. Any required private or public agency storm water agreements shall be included in draft form. The following local agencies are common participants: Drain Commission of Kalamazoo County, Road Commission of Kalamazoo County, and Texas Charter Township.

Incorporation of any wellhead protection standards, if applicable.

Temporary and permanent soil erosion controls.

Finalized road and nonmotorized facilities layout, including connections to existing streets and placement of stub streets into adjacent properties, approved by the Road Commission of Kalamazoo County.

Finalized street names approved by Kalamazoo County Planning and Development.

Layout of well and/or septic, dry well or tile field based on requirements from the appropriate County agency, if applicable.

Location of water lines, including the proposed service and hydrants or other appurtenances as required by the Fire Department, if applicable, and approved by the City of Kalamazoo.

Finalized location of sanitary sewer lines, including the size of proposed service, if applicable, and approved by the appropriate agencies.

Location of easements for public infrastructure.

Location of easements for private utility infrastructure, such as telephone, electric, cable, gas, etc.

Location and detail of proposed streetlights and a letter of agreement by the proprietor that the same shall be added to the Township's standard lighting special assessment district.

Location of road signs.

Standard details for shared and common infrastructure improvements to be installed by the proprietor.

Local standard specifications of the appropriate agency shall be identified and referenced where applicable.

Documentation of Preliminary plat/plan approval from the following agencies: (if applicable): Road Commission of Kalamazoo County; Kalamazoo County Drain Commissioner; Kalamazoo County Department of Health and Community Services; City of Kalamazoo; City of Portage; and the Department of Environment, Great Lakes, and Energy.

- C. The Township Clerk, upon receipt of the application and Preliminary Plat/Pla, shall request the Planning Department to:
 - i. Review the application for completeness.
 - ii. Forward the Preliminary Plat/Plan application and all supporting documentation to the applicable Township departments and/or consultants who shall review the materials and return written comments to the Township Planning Director.
 - iii. Notify the applicant in writing of the comments received or if changes need to be made to the Preliminary Plat/Plan.
 - iv. Conformance to Tentative Preliminary Plat/Plan. The Preliminary Plat/Plan shall conform to the approved Tentative Preliminary Plat/Plan and all provisions of the Zoning Ordinance. If a revised Plat/Plan is required, the applicant shall resubmit within the time frame provided by the Planning Department. The Township Planning Director shall determine which Township departments and/or consultants require a second review.
 - v. Major changes. If the proprietor makes any major changes to the plat/plan following Tentative approval, the Township has the authority to require the proprietor to resubmit the plat/plan for tentative approval to allow the Township and the public to respond to the changes. Major changes shall include, but not be limited to, the following changes: adds lots to the plat/plan; deletes or adds a road or access point; alters the basic layout of the street system; or significantly alters the previously approved topography or drainage plan; eliminates or reduces recreational facilities; alters the phasing by adding lots, extending streets beyond the maximum length permitted, or deletes areas in a phase that had been designated for open space; results in any lot or infrastructure element not meeting any Township ordinance; due to the location of utilities, there is a loss of natural features and landscaping that is not being replaced; boundaries of EGLE regulated wetlands are changed to alter lot layout or road arrangement.

Major changes made by the proprietor to the Preliminary Plat/Plan following tentative approval shall relieve the Township from its commitment to honor the general terms and conditions of the Tentative Preliminary Plat/Plan approval, since such major changes may result in changes to the basic premise on which the tentative approval was given. If the proprietor does not agree with the Planning Director's decision as to a major change determination, they may appeal the decision to the Township Board.

- vi. The Planning Commission shall make a recommendation on the Preliminary Plat/Plan at the next eligible regular meeting.

D. Planning Commission Review.

- i. The Township Planning Director shall provide a Staff Report to the Planning Commission that consolidates departmental and/or consultant comments, and any other information needed for the Planning Commission to make an informed decision.
- ii. If the Preliminary Plat/Plan conforms substantially to the Tentative Preliminary Plat/Plan tentatively approved by the Planning Commission and meets all conditions outlined for approval, the Planning Commission shall make a recommendation of approval or approval with conditions of the Preliminary Plat/Plan to the Township Board.
- iii. Shall the Planning Commission find that the Preliminary Plat/Plan does not conform substantially to the requirements of this Section and all other ordinances by reference, and that it is not acceptable, it shall record the reason in the official minutes and forward same together with all accompanying data to the Township Board and applicant.
- iv. The Planning Commission may also table the Preliminary Plat/Plan until the objections causing disapproval are changed to meet the requirements of this Section and all other ordinances by reference.

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E. Township Board Review.

- i. The Preliminary Plat/Plan shall be placed on the next available Township Board agenda.
- ii. The Township Planning Director shall provide a Staff Report to the Township Board that consolidates Planning Commission comments and recommendation, departmental and/or consultant comments, and any other information needed for the Township Board to make an informed decision.
- iii. If the Preliminary Plat/Plan meets all conditions outlined for final approval, the Township Board shall give final approval or final approval with conditions to the Preliminary Plat/Plan.
- iv. The Township Clerk shall request the Township Planning Director notify the applicant of approval, approval with conditions, or rejection in writing; if rejected, reasons shall be given.
- v. The Township Board may also table the Preliminary Plat/Plan to allow the applicant time to resolve any issues which may be preventing approval.

F. Effective Dates.

- i. No installation or construction of any improvements shall be made before the Preliminary Plat/Plan has received final approval by the Township Board and all required departments, and outside agencies, and any required deposits have been received by the Township.
- ii. Final approval of the Preliminary Plat/Plan confers upon the proprietor the right that the general terms and conditions under which Preliminary approval was granted shall not be changed and authority to construct and complete utilities (water and waste management, electricity, and gas) and install the base coat of the roadway. The effective period of Preliminary Plat/Plan shall be for 36 months from the date of the Township Board approval.

- iii. If the installation of infrastructure (all utilities and base coat of roadway) has not been completed and approved by the Township Engineer within the 36-month period, the Township Board may grant an extension of the Preliminary Plat/Plan approval (Step Two) for a period of up to 24-months if the request is made by the proprietor or applicant before the end of the initial approval period and the Plan meets all current zoning ordinance requirements.

G. Addressing. Immediately following Township Board approval, the Township will assign addresses.

8. Step Three: Final Plat/Plan.

- A. Final Plat/Plan approval conveys upon the proprietor the right to apply for building permits and commence construction on a lot or building site.
- B. Required improvements and documents. Before the Final Plat/Plan is approved by the Township, the proprietor shall be required to complete all of the following improvements at his/her expense and without reimbursement from any public agency or any improvement district (except as may be permitted by state law), and in accordance with the conditions and specifications contained in this ordinance. The proprietor shall dedicate these improvements to the applicable governmental unit, free and clear of all liens and encumbrances on the dedicated property and public improvements. These improvements shall be completed in accordance with the approved Preliminary Plat/Plan, the approvals of other authorities, the regulations in this ordinance and the requirements of other applicable ordinances, laws, and regulations, and shall be subject to inspection by the Township Engineer and other authorities having jurisdiction over such improvements.
- C. Application for Step Three may not occur until all utilities and infrastructure are complete and all items from Table 36-6.2.8, Submission Requirements for Step Three: Final Plat/Plan, are complete.

Table 36-6.2.8: Submission Requirements for Step Three: Final Plat/Plan

One (1) copy of the completed application form, including any required attachments.	✓
A PDF of the survey and true copy of the Final Plat/Plan prepared by the surveyor in accordance with the Township approved Preliminary Plat/Plan and all the requirements of the Land Division Act and the Condominium Act. The number of copies is to be determined by the Township Planning Department.	
Evidence that all requirements imposed by the Township Board at the time of the Preliminary approval have been incorporated into the proposed Plat/Plan. A cover sheet itemizing the requirements Imposed by the Board must be included with the application.	
An abstract of title or title insurance policy showing merchantable title in the proprietor of the subdivision.	
Copies of the required approvals and/or executed agreements from all authorities required in sections 112 to 119 of the Land Division Act (MCL 560.112–560.119). The applicant shall also provide approved copies of Plats/Plans from each of the required authorities.	
Documentation of the following:	
A letter acknowledging that the developer is responsible for the maintenance or repair of any sidewalk or nonmotorized path/facility for a period of one (1) year from the date of final inspection and approval by the Township.	
Proof of the legal ownership of the land to be Platted and/or developed, plus all grants, reservations, deed restrictions and easements of record which condition the use of the property.	
Master deeds, bylaws, and any other pertinent exhibits required of a site condominium per Condominium Act.	
Proof that all monuments required to be placed have either been placed or a cash or equivalent deposit will be made with the Township and a Deposit Agreement executed.	
Copies of approvals for all road, streets, bridges, and culverts by the Road Commission of Kalamazoo County for public facilities and by the Township Engineer for private.	
As-built Plans verifying all utilities servicing the Plat/Plan have been installed, and public water and sanitary sewer mains have been stubbed to the lots/building sites, are available for connection, and easements dedicated.	
Easements granted by the proprietor and approved by the public utility for underground utility installations, including lines for street lighting systems, which traverse privately-owned property.	
Evidence that all public improvements, such as streetlights and fire hydrants, which have been required by the Township Board, have been completed, installed, reviewed, and approved by the Township Engineer.	
Evidence that all stormwater management improvements have been completed and any agreements resolved with the Kalamazoo County Drain Commissioner, if applicable. For private systems, dedication to the homeowner's association with requirements for maintenance outlined in the Master deed documents.	
Evidence that all sidewalks not associated with an individual lot/building site have been constructed to the Township standards and reviewed and approved by the Township Engineer or their designee. No cash deposit or equivalent will be permitted.	
An escrow deposit of funds or equivalent, deposited with the Township, and an executed Deposit Agreement with the Township for the installation of sidewalks abutting an individual lot/building if completion is deferred	



D. Filing Procedure. Submittal of a review and escrow fee as determined by resolution of the Township Board based upon the cost of processing the application and as on file with the Township Clerk for public information. An escrow account will be established to cover the actual costs for the Township Engineer, Attorney, and any outside consultants, as needed. Residual escrow fees will be returned to the applicant.

E. Process. The Township, upon receipt of the application and Final Plat/Plan, shall request the Planning Department to:

- Review the application for completeness.
- Forward the Final Plat/Plan application and all supporting documentation to the Township Attorney who shall review the materials and return written comments to the Planning Department.
- Forward the Final Plat/Plan application, Exhibit B of the Master deed, and all supporting documentation to the Township Engineer who shall review the materials, complete an on-site review, and return written comments to the Planning Department.
- Notify the applicant in writing of the comments received or if changes need to be made to any of the final documents.
- If revised documents are required, the applicant shall resubmit within the time frame provided by the Planning Department. Planning staff will determine which Township departments and/or consultants require a second review. Any final comments will be provided to the applicant prior to the Township Board meeting.
- The Township Board shall act on the Final Plat/Plan and any supporting documents at its next regular meeting called after the submission of a complete Final Plat/Plan and all necessary supporting documentation.

F. Township Board Review.

- The Township Planning Director shall provide a Staff Report to the Township Board that consolidates departmental and/or consultant comments and any other information needed for the Township Board to make an informed decision for either approval or denial of the Final Plat/Plan, and any supporting documents.
- The Township Board shall review the proposed Final Plat/Plan and determine that:
 - All monuments required to be placed have either been placed or a cash or equivalent deposit has been made with the Township and Deposit Agreement executed by the proprietors to allow placement of monuments and lot pins within six months of Step Three approval.
 - All roads, streets, bridges, and culverts have been completed and approved by the Road Commission of Kalamazoo County for public facilities and by the Township Engineer for private. The Plat/Plan shall include all streets and roads by their widths, and names. All curved portions shall be defined by curved data including points of curvature, radii of curves, and the length of bearing of its long chord.
 - If any flood plain is involved in the proposed Plat/Plan, then such flood plain shall be restricted as provided by the Land Division Act, and such restrictions shall be submitted to the Michigan Department of Environment, Great Lakes, and Energy (EGLE) Township or Kalamazoo County Drain Commissioner 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/Plan.
 - All utilities servicing the Plat/Plan have been installed, and public water and sanitary sewer mains have been stubbed to the lots/building sites, are available for connection, and easements dedicated.

- v. All underground utility installations, including lines for street lighting systems, which traverse privately-owned property shall be protected by easements granted by the proprietor and approved by the public utility. These easements shall be recorded as part of the Plat/Plan as private easements for public utilities or easements provided by separate instruments.
- vi. All public improvements, such as streetlights and fire hydrants, which have been required by the Township Board, have been completed, installed, reviewed, and approved by the Township Engineer.
- vii. All stormwater management improvements have been completed and any agreements resolved with the Kalamazoo County Drain Commissioner, if applicable. For private systems, dedication to the homeowner's association with requirements for maintenance outlined in the Master deed documents.
- viii. Sidewalks.
 - a. All sidewalks not associated with an individual lot/building site have been constructed to the Township standards and reviewed and approved by the Township Engineer or their designee. No cash deposit or equivalent will be permitted.
 - b. Installation of sidewalks abutting an individual lot/building site may be installed at one time or lot/site by lot/site. Should sidewalks be installed as each lot/site is built, when the total number of constructed lots/sites in the development reaches 85% of the total number of lots/site in the development, or five years after the date of Step Three approval, the remaining sidewalk network shall be installed by the developer. If sidewalks are not developed at one time and installed before the build out of individual lots/sites, a surety bond in the equivalent of 1.5 times the cost of sidewalk installation shall be provided and approved by the Township Board.
- ix. The proposed Final Plat/Plan has complied with all applicable state statutes and Township Ordinances and has received the requisite statutory approval from other governmental agencies.

- 9. Standards for Approval. If the Final Plat/Plan conforms to the approved Preliminary Plat/Plan, including plans for utilities and other improvements, and meets the requirements outlined herein, the Township Board shall grant final approval of the subdivision plat/condominium plan. The Township Clerk shall request the Planning Director to notify the applicant of approval in writing; if rejected, reasons shall be given. The Clerk shall note all proceedings in the minutes of the meeting, which minutes shall be open for inspection.
- 10. As-Built Drawings. Upon the approval of the Final Plat/Plan by the Township Board, two prints of the Final Plat/Plan and as-built drawings in PDF format of the public water and sewer mains, prepared to scale, shall be forwarded to the Township. In addition, digital copies shall be provided in AutoCAD (.dwg) or (.dxf) format. Each digital file shall include a minimum of two (2) ties to Government Section Corners. Additionally, the following shall be included and provided as their own unique layers in the electronic file: lot/unit numbers; dimensions; lot/building site lines; boundaries; rights-of-way; street names; easements; section lines and section corners; utility lines; adjacent Plat corners; and, other information deemed appropriate to the Plat.
- 11. Township Certification. The Township Clerk shall execute the Township's certification required for a subdivision Plat, which shall show the date of the meeting that Plat was approved and the date the certificate was signed.
- 12. Certificate of Taxes. The Township Treasurer shall sign a certificate of taxes.
- 13. Execution of Plat. The Plat/Plan shall be executed by all required owners and recorded with the County Register of Deeds and filed with the Township before issuance of any building permits.



14. Amendments to Subdivisions/Site Condominiums. The Township Board, after receiving a recommendation from the Planning Commission, shall approve any amendments to a subdivision plat/site condominium Plan. The Planning Commission shall hold a public hearing, and public notice shall be given as outlined herein under the Step One procedures.
15. Site Plans with Multiple Phases. Subdivisions and site condominiums with multiple phases shall submit all phases (conceptual layout for future phases and out lots shown on the plans to ensure proper development of the overall site) during Step One. Each future phase shall be reviewed starting with Step Two. While a future phase of development is identified on a Step One Site Plan, the Planning Commission is not bound by any aspect of that portion of the Plan until a Phase 2 Site Plan meeting the requirements of this section has been provided.
16. Lot/Building Site Division. After a subdivision plat or site condominium Master Deed has been recorded, the lots/building sites may be divided through the following process:
 - A. Administrative Approval. Any re-description that does not result in a net increase in lots/building sites may be approved administratively through the Township's property line adjustment application process.
 - B. Township Board Approval. Any partition, division, or re-description that results in a net increase in lots/building sites shall be reviewed by the Planning Commission and approved by the Township Board.
17. Ordinance Compliance. The resulting lots/building sites shall conform in all particulars to the requirements of this Section, the Land Division Act, the State Condominium Act, and all Township Zoning Ordinances.
18. Noncompliance.
 - A. If the proprietor shall fail to complete the public improvements within the time required by any conditions of approval and/or guarantees for completion, the Township Board may proceed to have the improvements completed by utilizing the security which the proprietor has provided.
 - B. Any division of land in violation of any provision of this Section shall not be recognized by the Township and building permits shall not be issued. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Section.
 - C. Any person, firm, corporation, or other entity violating this Section shall also be subject to the penalties provided in this Chapter.
19. Validity. Shall the Court declare any subsection, clause, or provision of this Section to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

Δ Ord. No. 377 (February 25, 2025)

36-6.2A CBD MIXED USE SITE CONDOMINIUM PLAN REVIEW

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

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

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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.

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, 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.

ii. Permanent dead-end streets shall be provided at the closed end with a turnaround 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.

- 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 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 6.2.A.4 & 5**, herein.

Δ Ord. No. 370 (April 6, 2023)

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.
- 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 **Section 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.

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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 **Article 4** for specific uses:
 - A. The applicant for a special exception shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Planning Commission.
 - B. A special exception may be granted when the Planning Commission finds from the evidence produced at the hearing that:
 - i. The proposed use does not affect adversely the general plan for physical development of the Township as embodied in this Chapter and in any Master Plan or portion thereof adopted by the Township;
 - ii. The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood;
 - iii. The standards as may be set forth for a particular use for which a special exception may be granted can and will be met by the applicant; and
 - iv. The proposed use is compatible with the natural environment and the capacities of public services and facilities affected by the proposed use.
4. Special Provisions.
 - A. The Planning Commission is hereby authorized to impose reasonable conditions in connection with any approval granted for a special exception use. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - i. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - ii. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - iii. Be necessary to meet the intent and purpose of this Chapter, be related to the standards established in this Chapter for the land use or activity under consideration and be necessary to ensure compliance with those standards.
 - B. The conditions imposed with respect to the approval of a special exception use shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Planning Commission and the applicant. The Zoning Board of Appeals 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.
8. Subsequent Rezoning of Land. When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section 7 above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.
9. Amendment of Conditions.
 - A. During the time period for commencement of an approved development or use specified pursuant to **Section 6** above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
 - B. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.
10. Township Right to Rezone. Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Enabling Act (MCL 125.1301 et seq.)
11. Failure to Offer Conditions. The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

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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. "Marijuana" means that term as defined in Section 3 of the Michigan Medical Marihuana Act, MCL 333.26423.
 - B. "Medical Marijuana" means marihuana for medical use as that term is defined in Section 3 of the Michigan Medical Marihuana Act, MCL 333.26423.
 - C. "Medical Marijuana 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 Marijuana 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.

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Administration, Appeals and Enforcement

Article 36-7.0 Administration, Appeals and Enforcement

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36-7.0 Administration, Appeals and Enforcement

36-7.1 ADMINISTRATION

The provisions of this Chapter shall be administered by such person or persons whom shall be designated by the Township Board in accordance with the applicable state statute.

36-7.2 ENFORCEMENT

The provisions of this Chapter shall be enforced by such official as may be from time to time designated by resolution of the Township Board.

36-7.3 VIOLATIONS

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

36-7.4 SANCTIONS

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

36-7.5 ZONING BOARD OF APPEALS

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

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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 NONCONFORMITIES

1. General Requirements.
 - A. Nonconformities Permitted. It is recognized that there exists certain uses, buildings, structures, and lots which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated, or restricted under the terms of this Ordinance. It is the intent of this section to permit these nonconforming uses, buildings, structures, and lots to continue until they are abandoned, removed, or brought into conformance, but not to encourage their continued use or survival.
 - B. Determination of Nonconformity Status. The burden of establishing that any nonconformity is a legal nonconformity shall in all cases be upon the owner of the nonconformity.
 - C. Repairs and Maintenance. Incidental repairs and normal maintenance of nonconformities shall be permitted unless such repairs increase the extent of nonconformity or are otherwise expressly prohibited by this Ordinance. Nothing in this section shall be construed to prevent structures from being maintained in a safe condition.
 - D. Change of Tenancy or Ownership. The status of nonconformity is not affected by changes of tenancy, ownership, or management.
 - E. Change to Conforming. If a nonconformity becomes conforming because of the adoption of an ordinance, or any subsequent amendment, then it shall no longer have nonconforming status.
 - F. Lots of Record. Lots of record, as defined in **Section 36-2.2**, which may be nonconforming to area and frontage requirements of this ordinance, are considered buildable lots.
2. Nonconforming Uses. Nonconforming uses are those uses that were legally established but no longer comply with the use regulations of the zone district in which they are located.
 - A. Enlargement or Increase. Nonconforming uses shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied when the use became nonconforming.
 - B. Extension Within a Building. Any nonconforming use may only be extended to locations within the building which were manifestly arranged or designed for that permitted use at the time of adoption or amendment of this Ordinance, but the use shall not be extended to occupy any other locations within the building or land outside the building.
 - C. Relocation. A nonconforming use shall not be moved in whole, or in part, to another location on the lot on which it is located, unless the relocation of the nonconforming use decreases the nonconformity.
 - D. Change to Conforming Use. A nonconforming use may be changed to any use that is permitted in the zone district in which it is located, subject to the standards and requirements applicable to the new use.
 - E. Conversion of Conforming Use. Once a nonconforming use is converted to a conforming use it may not be changed back to a nonconforming use.
 - F. Loss of Nonconforming Status.
 - i. Abandonment. If a nonconforming use is abandoned for any reason for a continuous period of at least twelve (12) consecutive calendar months, regardless of ownership, it shall be deemed abandoned. Any subsequent use or occupancy of the structure or open land must comply with the regulations of the zone district in which it is located and all other applicable requirements of this Ordinance.
 - ii. Evidence of Abandonment. A nonconforming use shall be presumed abandoned and its rights as a nonconforming use extinguished when any one of the following has occurred:
 - a. The owner has in writing or by public statement indicated intent to abandon the use.
 - b. Physical changes have been made to the building or structure or its permanent equipment in a manner that clearly indicates a change in use or activity to something other than the nonconforming use.
 - c. Failure to maintain current licenses, certificates, permits, registrations, or other appropriate



documentation for the operation of the nonconforming use.

- d. One or more utility meters has been removed, or utilities have been turned off for twelve (12) consecutive calendar months.
- e. Other actions, which in the opinion of the Zoning Administrator, constitute an intention by the property owner or lessee to abandon the nonconforming use.

G. Site Elements for Nonconforming Uses. Any site elements such as buildings, structures, signs, temporary or movable structures, fences, or other site elements which are not necessary to the lawful nonconforming use of land shall be discontinued and the incidental structures removed within five years from the date of passage of the ordinance from which this section derives. All subsequent use of such land shall be in conformity with the provisions of this section.

H. Agricultural Uses. Agricultural uses that are legally nonconforming shall be considered conforming for purposes of adding land and/or buildings or structures in support of the agricultural operation. This shall not permit the use of land, buildings, or structures that do not have an existing agricultural use from establishing such use in the future.

3. Nonconforming Buildings or Structures. Nonconforming buildings or structures are those that were legally established but no longer comply with the dimensional standards of the zone district in which they are located.

- A. Continuation. A nonconforming building or structure may be continued so long as it remains otherwise lawful, subject to the provisions of this Chapter.
- B. Use. A nonconforming building or structure may be utilized for any use allowed in the underlying zone district, subject to all applicable use standards.
- C. Expansion. A nonconforming building or structure may be enlarged or expanded only if the expansion does not increase the extent of nonconformity. Any expansion of the building or structure must comply with all dimensional standards of the zone district in which it is located.

D. Moving. A nonconforming structure may be moved if the movement or relocation eliminates the nonconformity.

E. Reconstruction.

- i. Should a nonconforming building or structure be damaged, demolished, or destroyed by storm, fire, flood, or other involuntary catastrophe by more than 50 percent of the footprint of the first floor of the building or structure at grade, it shall be reconstructed only in conformance with the provisions of this Ordinance.
- ii. Should a nonconforming building or structure be damaged, demolished, or destroyed by storm, fire, flood, or other involuntary catastrophe to an extent equal to or less than 50 percent of the footprint of the first floor of the building or structure at grade it may be reconstructed in its nonconforming location. Any additions or expansions to the reconstructed building must comply with all dimensional standards of the zone district in which it is located.
- iii. Should any portion of a nonconforming building be voluntarily demolished, reconstruction must comply with all dimensional standards of the zone district in which it is located.

4. Nonconforming Lots. Nonconforming lots are those that were legally established, such as lots of record, but no longer comply with the minimum area or width standards of the zone district in which they are located.

- A. Vacant Lots. If the nonconforming lot was vacant at the time it became legally nonconforming, it may be used for any use allowed in the underlying zone district. Development on nonconforming lots shall comply with the dimensional standards of the underlying zone district. For vacant lots of record, refer to 1.F. herein.
- B. Developed Lots. If the nonconforming lot contained a building or structure at the time it became nonconforming, then the building or structure may be maintained, expanded, or rebuilt in accordance with the standards herein.

5. Nonconforming Signs. For regulations pertaining to nonconforming signs, see [Section 36-5.8: Signs](#).



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.

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Appendix A - Schedule of Amendments

Ordinances to Amend Chapter 36 of the Code of Ordinances of Texas Township

Ordinance No. 355 Effective January 31, 2021

Section 2.2	Definition – building (amended), building, principal (amended), building envelope, accessory (amended), building envelope, principal (amended), building height (removed), dwelling unit, accessory (amended), family (amended), principal building (amended), height (amended), lot (amended), lot coverage (amended), lot, front of (amended), lot frontage (amended), parcel (amended), setback (amended), structure (amended), structure, accessory (amended), use, accessory (amended), use, principal (amended), yard (amended), yard, front (amended), yard, rear (amended), yard, side (amended),
Section 3.1.1.D	A Agricultural
Section 3.1.2.D	R-1 Residential District, Single-Family
Section 3.1.3.D	R-1A Residential District, Single-Family
Section 3.1.4.D	R-2 Residential District, Single-Family
Section 3.1.5.D	R-3 Residential District, Single & Two Family
Section 3.1.6.D	R-4 Residential District, Multiple Family
Section 3.1.7.D	R-5 Residential District, High Density Multiple Family
Section 3.1.8.D	R-6 Mobile Home Park District
Section 3.4	Notes to District Standards
Section 3.7	Limitations on Height
Section 4.1	Principal Permitted Uses in the A Agriculture District
Section 4.2	Front Yard Accessory Buildings in A, RC, R-1, R-1A, and R-2 Zoning Districts
Section 5.13	Accessory Buildings in Agricultural, Resource Conservation, and Residential Districts



Appendix A - Schedule of Amendments

Ordinance No. 356 Effective February 23, 2021

Section 2.2	Definition – animal (amended), recreation , active (amended), recreation , passive (amended)
Section 3.1.1B and C	A Agricultural District Principal Permitted Uses and Special Exceptions
Section 3.1.2.B	R-1 Residential District, Single Family Principal Permitted Uses
Section 3.1.3.B	R-1A Residential District, Single Family Principal Permitted Uses
Section 3.1.4.B	R-2 Residential District, Single Family Principal Permitted Uses
Section 3.1.21.B and C	RC Resource Conservation District Principal Permitted Uses and Special Exception Uses
Section 3.2	Boundaries of Zones
Section 4.2	Keeping of Livestock and Honeybees
Section 4.44	Barns or Similar Structures in Residential Districts (repealed)

Ordinance No. 357 Effective March 23, 2021

Section 2.2	Definition —institutions of charity, eleemosynary, and philanthropy (added), grass roots organization (added)
Section 3.1.5.C.iv	R-3 Residential District, Single and Two Family Special Uses
Section 3.1.6.C.iv	R-4 Residential District, Multiple Family Special Uses
Section 3.1.7.C.iv	R-5 Residential District, High Density Multiple Family Special Uses
Section 3.1.21.B	RC Resource Conservation Principal Permitted Uses
Section 4.22	Institutions of Charity, Eleemosynary, or Philanthropy
Section 4.56	Single-Family Dwellings in the RC District
Section 5.7.5	Requirements for Parking Spaces and Lots

Appendix A - Schedule of Amendments

Ordinance No. 360 Effective June 8, 2021

Section 2.2	Definition— building footprint (amended), nonconforming lot (amended), nonconforming structure (amended), nonconforming uses (amended)
Section 7.9	Nonconformities

Ordinance No. 364 Effective January 23, 2022

Section 2.2	Definition—dwelling (amended), lot frontage (amended), right-of-way (amended), right-of-way, preserved (amended), short-term rental (amended), yard sale (amended)
Section 4.59	Yard sales (added)
Section 5.3.1	Screening (amended)
Section 5.4.2	Eagle Lake Information (amended)
Section 6.1.6	Site plan review (amended)

Ordinance No. 367 Adopted July 25, 2022 Effective August 11, 2022

Section 4.52	Planned Unit Development Use Standards (amended)
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Appendix A - Schedule of Amendments

Ordinance No. 370 Adopted March 27, 2023 Effective April 6, 2023

Section 2.2	Definition—architectural relief (added), brewpub (added), club, private service (added), craft food and beverage production facility (added), earth tone (added), façade (added), footprint (added), personal service establishment (added), road , private (amended), storefront (added), townhome (added)
Section 3.1.18	CBD Corners Business District (amended)
Section 4.7	Vehicle repair (amended)
Section 4.10	Residential care facilities (amended)
Section 4.13	Place of worship (amended)
Section 4.17	Gasoline service station (amended)
Section 4.36	Vet clinic (amended)
Section 5.8	Signs (amended)
Section 5.9	Access management (amended)
Section 5.12	Stub roads and cul-de-sacs that abut property lines at the boundaries of platted and condominium subdivisions (amended)
Section 6.1.1.A and B	Site plan review (amended)
Section 6.1.4.B.i.b	Site plan review (amended)
Section 6.1.6	Conformity to an approved site plan (amended)
Section 6.1.7	Amendment to a site plan (amended)
Section 6.2.4.B.i	Roads (amended)
Section 6.2.4.B.i.d	Roads (amended)
Section 6.2.4.B.i.e.2.A	Roads (amended)
Section 6.2A	Standards for approval (amended)

Ordinance No. 371 Adopted February 5, 2024 Effective February 18, 2024

Section 2.2	Definition-sport court (added)
Section 3.4.2.D.ii.e	For rear and side yards (added)
Section 4.1.2	Front Yard Accessory Buildings and Sport Court (amended)
Section 5.1.5	Limitations on All Land and Structures (added)

Appendix A - Schedule of Amendments

Ordinance No. 377 Adopted January 13, 2025 Effective February 25, 2025

An ordinance to amend Section 36-2.2, Definitions, and 36-6.2, Site Condominium Plan Review, of the Township's Zoning Ordinance to repeal certain existing language and provide clarity to language and terms used to discuss Subdivisions with Site Condominium developments.

Section 2.2

Definition—applicant (added), **block** (added), **building site** (added), common elements (amended), **condominium**, **contractible** (added), **condominium**, **expandable** (added), **developable land** (added), **developer** (amended), **easement** (added), **flag lot** (added), **greenbelt buffer** (added), **improvement** (added), **lot** (added), **master deed**, **consolidating** (added), **Master Plan** (amended), **out lot** (added), **parcel** (amended), **plat** (added), **proprietor** (added), **reserve strip** (added), **retention pond** (added), **right-of-way** (amended), **right-of-way, preserved** (amended), **road** (added), **Road Commission** (added), **site condominium project** (added), **site condominium Plan** (added), **storm water management basin** (added), **survey** (added), **wooded area** (added)

Section 6.2

Subdivision and Site Condominium Ordinance (amended, formerly named Site Condominium Plan Review)

Ordinance No. 378 Adopted January 13, 2025 Effective February 25, 2025

An ordinance to amend the Zoning Ordinance Sections 36-2.2, 36-4.39, 36-4.60, and 36-4.61 under PA 233.

Section 2.2

Definition—battery management system (added), **solar energy facility** (added), **solar energy system** (added), **solar energy system** (added), **solar energy system, commercial** (added), **solar energy system, private** (added), **solar energy system, utility-scale** (added), **utility-scale battery energy storage facilities** (added), **utility-scale battery energy storage systems (“UBESS”)** (added)

Section 4.39

Wind Energy Conversion Systems (amended)

Section 4.60

Utility-Scale Battery Energy Storage Systems (added)

Section 4.61

Solar Energy Systems (added)

