Zoning Ordinance
Charter Township of
Kalamazoo August 31, 2016

Kalamazoo Township Zoning Ordinance
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ARTICLE 1.00

Rules of Construction and Definitions

Section 1.01 Short Title

This Ordinance shall be known as the "Zoning Ordinance of the Charter Township of Kalamazoo." Within the following text, it may be referred to as the "Ordinance" or the "Zoning Ordinance."

Section 1.02 Rules of Construction

The following rules of construction apply to the text of this Ordinance:

A. The particular shall control the general.

B. Words used in the present tense shall include the future, unless the context clearly indicates the contrary.

C. Words used in the singular number shall include the plural; and words used in the plural shall include the singular, unless the context clearly indicates the contrary.

D. Terms referred to in the masculine gender include the feminine and neuter.

E. The word **shall** is always mandatory and not discretionary; the word **may** is permissive and discretionary.

F. The word **build** includes the words **erect** and **construct**.

G. The word **building** includes the word **structure**. A **building** or **structure** includes any part thereof.

H. The words **include** or **including** shall mean **including but not limited to**.

I. The phrase **such as** shall mean **such as but not limited to**.

J. The phrase **used for** includes **arranged for**, **designed for**, **intended for**, **occupied for**, and **maintained for**.

K. The word **person** includes an individual, firm, association, organization, public or private corporation, partnership or co-partnership, limited liability company, incorporated or unincorporated association, trust, or any other entity recognizable as a person under the laws of the State of Michigan.

L. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction **and**, **or**, or **either/or**, the conjunction shall be interpreted as follows:

   1. **And** indicates that all the connected items, conditions, provisions, or events shall apply.

   2. **Or** indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.

   3. **Either/or** indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.

M. All measurements shall be to the nearest integer, unless otherwise specified herein.

N. Unless otherwise stated, the word **day** shall mean a calendar day; **month** shall mean any consecutive period of 30 calendar days; and **year** shall mean any consecutive period of 365 calendar days.

O. Unless the context clearly indicates the contrary, where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustration.

P. The term **residential districts** includes the R-1, R-2, RM-1, RM-2, RM-3, and MHP districts, unless otherwise noted.

Section 1.03 Definitions

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Words or terms not herein defined shall have the meaning customarily assigned to them.

A

Accessory Use, Accessory Building, or **Accessory Structure:** A use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and located on the same zoning lot (unless otherwise specifically permitted) as the principal use to which it is related.

Adult Foster Care Facility: See ***State-licensed residential facility***.

Adult Regulated Uses: As used in this Ordinance, the following definitions shall apply to adult regulated uses:

A. Adult Book or Supply Store: An establishment having ten percent or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to **specified sexual activities** or **specified anatomical areas**, or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the general public, but only to one or more classes of the public, excluding any minor by reason of age.

B. Group "A" Cabaret: An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees.

C. Adult Motion Picture Theater or Adult Live Stage Performing Theater: An enclosed building with a capacity of twenty-five (25) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to **specified sexual activities** or **specified anatomical areas** for observation by patrons therein. Such an establishment is customarily not open to the general public, but only to one or more classes of the public, excluding any minor by reason of age.

D. Adult Model Studio: Any place where models who display **specified anatomical areas** are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any bona fide art school or similar educational setting.

E. Adult Motel: A motel wherein visual displays, graphic materials, or activities are presented which depict, describe, or relate to **specified sexual activities** or **specified anatomical areas**.

F. Adult Motion Picture Arcade: Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to **specified sexual activities** or **specified anatomical areas**.

G. Massage Parlor or Massage Establishment: A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical therapeutic, or bathing devices or techniques, other than the following: a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; or, registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include properly-licensed **hospitals**, **medical clinics**, or **nursing homes**, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.

H. Adult Outdoor Motion Picture Theater: A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to **specified sexual activities** or **specified anatomical areas** for observation by patrons of the theater. Such establishment is customarily not open to the general public, but only to one or more classes of the public, excluding any minor by reason of age.

I. Specified Anatomical Areas: Portions of the human body defined as follows:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola, and

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

J. Specified Sexual Activities: The explicit display of one or more of the following:

1. Human genitals in a state of sexual stimulation or arousal.

2. Acts of human masturbation, sexual intercourse, or sodomy.

3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

Alley: A dedicated public vehicular way usually between or behind buildings, which affords a secondary means of access to abutting property but is not intended for general traffic circulation.

Alterations: Any change, addition or modification to a structure or type of occupancy, or any change in the structural members of a building, such as walls or partitions, columns, or beams or girders, or any change which may be referred to herein as **altered** or **reconstructed**.

Anaerobic Composting: The decomposition of organic matter in an environment with little or no oxygen present.

Animal Hospital: See ***Clinic, Veterinary***.

Apartment: See ***Dwelling, Multiple-Family***.

Arcade: Any establishment which provides on its premises three or more machines which may be operated or used as a game, contest or for amusement of any description, not including devices used solely for playing music.

Assisted Living Facility: See ***Dependent Living (for Seniors)***.

Attached Wireless Communications Facilities: Wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A **wireless communication support structure** proposed to be newly established is not included in this definition.

Auction:

Auction – An establishment operated for compensation and profit as a public or private market where items are offered for sale through competitive bidding. An auction can be operated on-line or on-site.

An **auction house** is a type of auction that is enclosed. The term "auction house" shall not include flea markets and yard sales.

Permanent Auction – A live or on-line auction that is intended to reoccur over an indefinite period of time. A permanent auction may be single purpose (e. g., an agricultural auction, a vehicle auction) or it may exist for the sale of a variety of goods.

a. **Permanent Agricultural Auction** – A type of permanent auction that exists for the purpose of auctioning livestock and/or agricultural implements.
b. **Permanent Vehicle Auction** – A type of permanent auction that is designed and licensed to accommodate the auctioning of five (5) or more vehicles on a regular basis.
c. **Permanent General Purpose Auction** – A type of permanent auction that exists for the sale of a variety of goods, which may include agricultural implements and vehicles on an occasional basis.

Temporary Auction – An auction that occurs once only, not to exceed three (3) contiguous days.

a. **Temporary Real Estate Auction** – An auction held for the sole purpose of offering a particular parcel of property for sale.
b. **Temporary General Auction** – An auction event that is held once only to facilitate the sale of unwanted goods. An estate auction is an example of a Temporary General Auction.

Automobile: Unless specifically indicated otherwise, 'automobile' shall mean any vehicle including by way of example, cars, trucks, vans, motorcycles, and the like.

Automobile Filling Station: A place used for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. 'Automobile filling stations' may also incorporate a convenience store operation as an accessory use, provided it is clearly incidental to the filling station use, but no auto repairs shall be permitted.

Automobile Repair: Major or minor repair of automobiles, defined as follows:

A. Minor Repair: Engine tune-ups and servicing of brakes, air conditioning exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.

B. Major Repair: Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rustproofing; and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing the automobiles on the premises overnight.

Automobile Repair Garage: An enclosed building where **minor** or **major automobile repair** services may be carried out.

Automobile Service Station: A place where gasoline or other vehicle engine fuel, kerosene, motor oil and lubricants, and grease are sold directly to the public on the premises for the purposes of operation of motor vehicles; including the sale of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass) and the servicing of and **minor repair** of motor vehicles.

Automobile Dealership or **Vehicle Dealership:** A building or premises used primarily for the sale of new and used automobiles and other motor vehicles.

Automobile Wash or **Car Wash Establishment:** A commercial establishment contained within a building or premises or portion thereof where automobiles are washed.

B

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Basement: That portion of a building which is partially or totally below grade, but is so located that the vertical distance from the average grade to the floor below is greater than the vertical distance from the average grade to the ceiling. This definition shall not apply to **earth- sheltered homes**. A 'basement' shall not be counted as a **story** (see illustration on p. 1-24).

Bed-And-Breakfast Establishment: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provisions for a morning meal for overnight guests only.

Bedroom: A room designed or used in whole or part for sleeping purposes.

Berm: See ***Landscaping***.

Block: The property bounded by a street or by a combination of streets and public lands, rights-of-way, rivers or streams, boundary lines of the Township, or any other barrier to the continuity of development.

Boarding House: A building, other than a **hotel**, where for compensation or by prearrangement for definite periods of time, lodging or lodging and meals are provided for five (5) or more persons. A **rooming house** shall be deemed a 'boarding house' for the purposes of this Ordinance.

Brewpub: An eating or drinking establishment that includes the brewing of beer or ale as an accessory use for sale on the same premises of not more than five thousand (5,000) barrels per year. (A barrel is equivalent to thirty-one (31) U. S. gallons.)

Buildable Area: The area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

Buildable Area, Net: The net buildable area is that portion of a site that is not encumbered by regulated wetlands (except as specifically noted), steep slopes, road rights-of-way, easements, structures or lots, or other existing or proposed features that would prevent construction of a building or use of the site for a use permitted in the district in which the site is located.

Building: Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, or property or materials of any kind. A building shall not include such structures as signs, fences, or smokestacks, but shall include structures such as storage tanks, grain elevators, coal bunkers, or similar structures.

A. Building, Permanent: A **building** which is permanently affixed to the ground with footings or a foundation and/or is permitted to exist for an indefinite period of time exceeding six (6) months.

B. Building, Temporary: A **building** which is not permanently affixed to the ground and is permitted to exist for a specific reason for a specific period of time, such as during a construction project.

Building, Accessory: See ***Accessory use, building, or structure***.

Building Department. At the time of adoption of this Ordinance, the role of Building Department is being served by the Kalamazoo Area Building Authority (KABA).

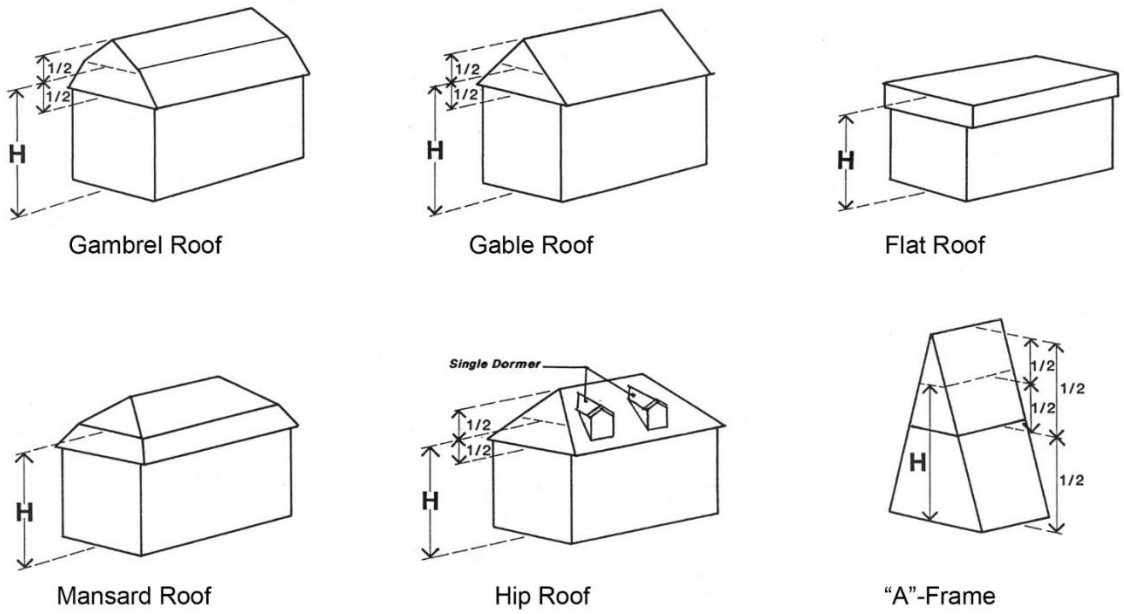
Building, Principal: A **permanent building** or, where the context so indicates, a group of permanent buildings (such as a school or office campus) which are built, used, designed or intended for the shelter or enclosure of the **principal use** of the parcel.

Building Envelope: See ***Buildable area***.

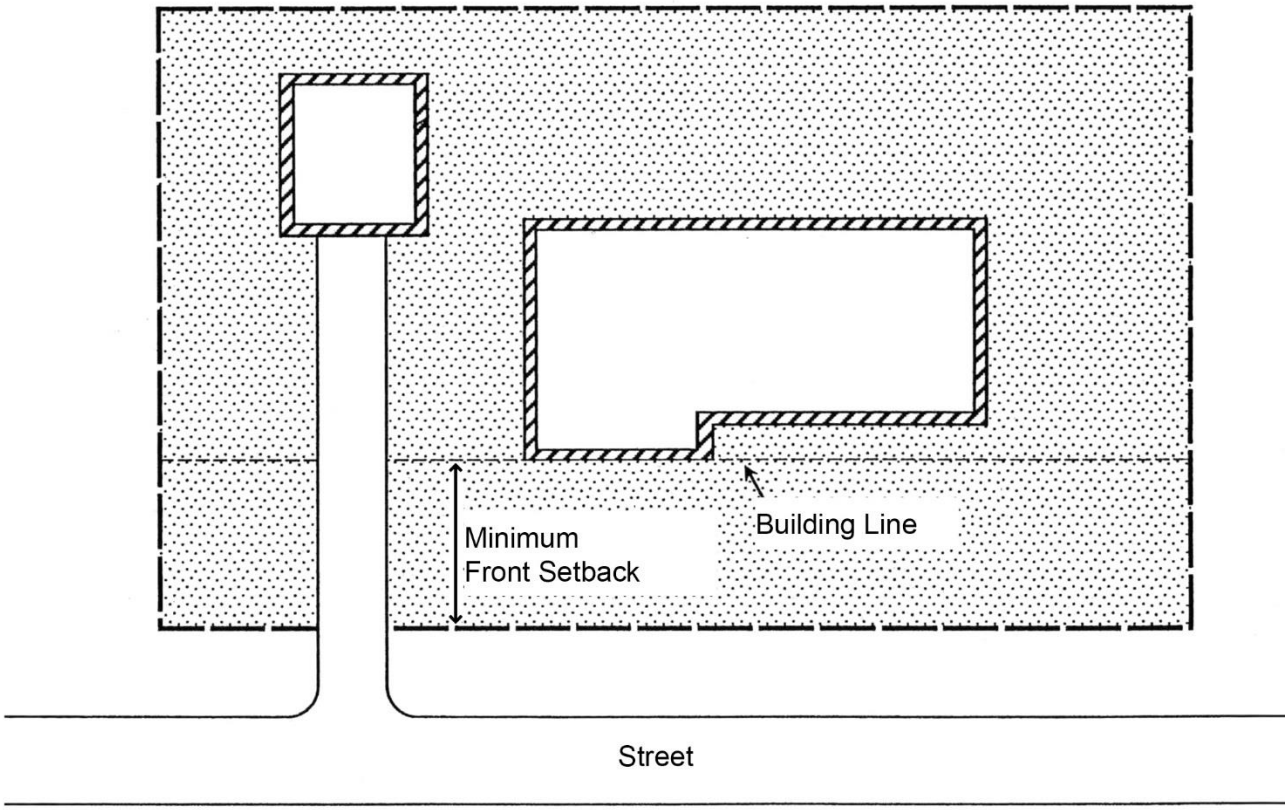
Building Height: The vertical distance measured from the established grade to:
(1) The highest point of the coping of a flat roof;
(2) The deck line of a mansard roof; or,
(3) The average height between the eaves and the ridge for a gable, hip, studio (shed), or gambrel roof; or
(4) Seventy-five percent of the height of an A-frame.

Building Height

H = Height of building



Building Line



Building Line: A line parallel to the front lot line at the minimum required front setback line.

Building Official: The officer or other authority designated by the Township Board to administer and enforce the Building Code.

Bulk: The term used to indicate the size and setbacks of buildings and structures and the location of same with respect to one another, including standards for the height and area of buildings; the location of exterior walls in relation to lot lines, streets, and other buildings; gross floor area of buildings in relation to lot area; open space; and, the amount of lot area required for each dwelling unit.

C

Caretaker Living Quarters: An accessory dwelling on a non-residential premises, occupied by the person who oversees the non-residential operation 24 hours per day, and his or her family.

Carport, Private: A shelter which has a roof with or without open sides with capacity for not more than three motor vehicles for storage only. Unless otherwise specifically set forth herein, the same regulations as apply to garages shall apply to carports.

Cemetery: Land used for the burial of the dead, including columbariums, crematories, and mausoleums.

Child Care Center or **Day Care Center:** A facility, other than a private residence, receiving more than twelve (12) preschool or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (2) consecutive weeks regardless of the number of hours of care per day. The facility is generally described as a child care

center. "Child Care Center" or "Day Care Center" does not include instruction solely for religious purposes conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

Church: See ***Religious institution***.

Clinic, Medical: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A 'medical clinic' may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

Clinic, Veterinary: An institution that is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A 'veterinary clinic' may include customary pens or cages for the overnight boarding of animals and such related facilities as laboratories, testing services, and offices.

Club or **Fraternal Organization:** An organization of persons for special purposes or for the promulgation of sports, arts, science, agriculture, literature, politics, or similar activities, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. Also, the facilities owned or used by such an organization.

Colocation. The location by two or more wireless communication providers of **wireless communication facilities** on a common structure, tower, or building, with the intent to reduce the total number of structures required to support wireless communication antennas in the Township.

College or **University:** A school of higher learning, consisting of a building or buildings and other facilities for teaching and research, and that grants associate's, bachelor's, master's and doctorate degrees.

Commercial Radio Tower: A tower used to transmit or receive electromagnetic waves, where such activity is undertaken for the purpose of generating income.

Commercial Use: The use of property for retail sales or similar businesses where goods or services are sold or provided directly to the consumer. As used in this Ordinance, 'commercial use' shall not include industrial, manufacturing, or wholesale businesses.

Commercial Vehicles and Equipment: All power vehicles and equipment constructed or used for transportation of goods, wares, materials, passengers, merchandise, and/or all other power vehicles and equipment designed and used for drawing other vehicles or used in construction or landscaping, including dump truck, **stake truck**, tank truck, flatbed truck, step van, panel truck, wrecker, car hauler, **truck tractor**, construction and landscaping vehicles and equipment, sprayers, excavating equipment, logging vehicle, bulldozer, backhoe, front loader, bus, hearse, ambulance, or limousine. The determination whether other vehicles or equipment not specifically listed satisfy the definition of 'commercial vehicles and equipment' shall be made on a case by case basis by the Township Planning Commission.

Composting: The biological decomposition of organic material under specifically created conditions that are maintained and controlled by a person or entity for the purpose of generating usable by-products from the waste materials.

Composting Facility: A site where composting occurs as part of a private business, non-profit organization, or government service including, but not limited to, a site where compostable materials are received, processed, or stored for use in the composting process.

Concrete Plant: An industrial facility where cement, water, and other products are mixed to produce concrete for delivery to a job site.

Condominium: A condominium is a system of separate ownership of individual units in multi-unit projects. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners. For the purposes of this Ordinance, condominium terms shall be defined as follows:

A. Condominium Act: Shall mean Public Act 59 of 1978, as amended.

B. Condominium Lot: That portion of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the Schedule of Regulations (Section 25.02).

C. Condominium Subdivision Plan: Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.

D. Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project. A condominium unit is not a lot or condominium lot as those terms are used in this Ordinance.

E. Common Elements: Portions of the condominium project other than the condominium units.

F. Detached Condominium: A condominium project of detached units designed to be similar in appearance to a conventional single family subdivision, except that limited common areas are not arranged in such a manner as to create clearly defined condominium lots.

G. General Common Elements: Common elements other than the limited common elements, intended for the common use of all co-owners.

H. Limited Common Elements: Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.

I. Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.

J. Site Condominium Project: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

Contractor's Yard: A site on which a building or construction contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor or indoor storage, or a combination of both.

Convalescent Home: See ***Nursing Home***.

Convenience Store: Any retail establishment offering for sale convenience goods, such as pre-packaged food items, tobacco, periodicals, limited grocery items, and other household goods.

Co-Op (Cooperative) Housing: A multiple-unit dwelling owned by a corporation that leases its units to stockholders on a proprietary lease arrangement.

Curb Cut: The entrance to or exit from a property provided for vehicular traffic to or from a public or private road or highway.

D

Deck: A raised platform, commonly constructed of wood, which is typically attached to a house and used for outdoor leisure activities.

Density (Residential): The number of dwelling units per acre of land.

A. Gross Density: The number of units per acre of total land being developed.

B. Net Density: The number of units per acre of land not encumbered by regulated wetlands (except as specifically noted), steep slopes, road rights-of-way, easements, structures, lots, or other existing or proposed features that would prevent construction of a building or use of the site for a residential dwelling.

Dependent Living (for Seniors): A multiple-family housing form with central dining facilities provided as a basic service to each dwelling unit. Each dwelling unit may or may not contain cooking facilities, but must contain sanitary facilities. One type of dependent living facility is ‘assisted living’, which is a special combination of dependent housing, with personalized

supportive services, and health care designed to meet the needs of those who need help with activities of daily living. Services provided in 'assisted living' residences may include:

- Three meals per day served in a common dining area
- Housekeeping services
- Transportation
- Assistance with eating, bathing, dressing, toileting, and/or walking
- Emergency call systems for each unit
- Health promotion and exercise programs
- Medication management
- Personal laundry services
- Social and recreational activities.

Detention Basin: A structure or facility, natural or artificial, which stores stormwater on a temporary basis and releases it at a controlled rate. A detention basin may drain completely after a storm event, or it may be a body of water with a fixed minimum and maximum water elevation between runoff events. See also ***Retention Basin***.

Development: The construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

Distilleries, Small: A small distillery is an establishment licensed by the State of Michigan to manufacture spirits, not to exceed 60,000 gallons annually of all brands combined.

Distribution Center: A use which typically involves both warehouse and office/administration functions, where short and/or long term storage takes place in connection with the distribution operations of a wholesale or retail supply business.

District, Zoning: A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established.

Donation Bin: A donation bin is a closed container, typically constructed of metal, in which clothing, shoes, books, and/or other goods are placed by the public to be donated to charitable organizations or for recycling in other ways.

Drive-In: A business establishment so designed that its operation involves providing service to patrons while they are in their car, rather than within a building or structure.

Driveway: A private lane, designed primarily for use by vehicles, which connects a house, garage, or other buildings with the road.

Dwelling: Any building, or part thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by a single **family**. In no case shall a detached or attached garage, travel trailer, motor home, **automobile**, tent, or other structure or vehicle not defined as a **recreational vehicle** be considered a 'dwelling'. In the case of a building occupied in part as a dwelling unit ("mixed occupancy"), the part so occupied shall be deemed a dwelling unit for the purposes of this Ordinance.

Dwelling, Accessory Apartment: A dwelling unit that is accessory to and contained within a principal single-family dwelling, and which is occupied by either persons related to the occupant of the principal residence by blood, marriage, or legal adoption; domestic servants; or gratuitous guests. An 'accessory apartment' commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

Dwelling, Manufactured: A building or portion of a building designed for long-term residential use and characterized by all of the following:

(1) The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended; *and*
(2) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; *and*
(3) The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

Dwelling, Mobile Home: A type of manufactured housing that is transportable in one or more sections, that is built upon a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities,

and includes plumbing, heating, air-conditioning, and electrical systems contained in the structure. **Recreational vehicles** as regulated herein shall not be considered 'mobile homes' for the purposes of this Ordinance.

Dwelling, Multiple-Family: A building designed for and occupied by three or more **families** living independently, with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple-family dwellings include:

A. Apartment: An attached **dwelling unit** with party walls contained in a building with other apartment units which are typically accessed from a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments may also be known as garden apartments or flats.

B. Efficiency Unit: A type of **apartment** consisting of one principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

Dwelling, One-Family or **Single-Family:** A detached residential **dwelling** designed for and used or held ready for use by one **family** only.

Dwelling, Two-Family or Duplex: A detached building designed exclusively for and occupied by two **families** living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each.

Dwelling Unit: One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by a single **family** for living, cooking, and sleeping purposes.

Dwelling Unit, Single-Family Attached or Townhouse: An attached dwelling unit with party walls, designed as part of a series of three or more dwellings, each with its own front door which opens to the outdoors at ground level; its own basement; and typically, its own utility connections and front and rear yards. Townhouses are sometimes known as "row houses".

E

Easement: A right, created by an express or implied agreement, of one owner of land to make lawful and beneficial use of the land of another. A public easement is any easement enjoyed by the public in general, e.g., the right of passage of the public over the surface of streets, alleys, highways, etc.

Engineer, Township: The Township Engineer is the person or firm designated by the Township Board to advise the Township administration, Township Board, and Planning Commission on drainage, grading, paving, storm water management and control utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or an employee of the Township.

Enforcement Official: The Enforcement Official is the person or persons designated by the Township as being responsible for enforcing and administering requirements of this Zoning Ordinance. Throughout this Ordinance the Enforcement Official may be referred to as the Building Official, Township Planner, Public Safety Official, or their agents. Such titles do not necessarily refer to a specific individual, but generally the office or department most commonly associated with the administration of the regulation being referenced.

Erected: Any physical change on a site, including construction, reconstruction, or alteration of buildings or structures thereon. Excavation, fill, drainage, and the like shall be considered part of 'erection.'

Essential Services: The term *"Essential Services"* means the erection, construction, alteration or maintenance by public utilities or Kalamazoo Township departments or commissions, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, telephone exchange and/or repeater buildings, electric substations and substation buildings, gas regulator stations and regulator buildings and other similar equipment and accessories in connection therewith (but not including any buildings *except those expressly referred to herein),* reasonably necessary for the furnishing of adequate service by such public utilities or Kalamazoo Township departments or commissions or for the public health or safety or general welfare. This definition does not include towers or other buildings or structures intended specifically to service commercial wireless telecommunications such as cellular, personal communications services, specialized mobilized radio, enhanced specialized mobile radio, paging and similar services. This definition also does not include sales or business offices and commercial buildings or activities.

Excavation: The removal or movement of soil, sand, stone, gravel, or fill dirt, except for common household gardening, farming, and general ground care.

Exception: An exclusion from the normal Zoning Ordinance rules and regulations for the purposes of permitting particular uses or structures which are considered essential or appropriate in certain locations or under certain conditions. A **variance** is not required for uses or structures which are permitted because of an exception.

F

Family: This term shall mean "traditional family" or "functional family" as defined below:

a. Traditional family—an individual or group of two or more persons related by blood, marriage or adoption, together with foster children and domestic household employees of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single domestic housekeeping unit in a dwelling.

b. Functional family—a collective number of individuals domiciled together in one dwelling whose relationship is of a permanent and distinct domestic character, with a demonstrable and recognizable bond characteristic of a cohesive unit, and who are in fact cooking and living as a single nonprofit housekeeping unit.

A "functional family" shall not include any of the following:

(1) any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, which is not a recognized religious order.
(2) any group of individuals whose domestic relationship is transitory, temporary, or resort/seasonal in nature or character.
(3) any group of individuals whose association is essentially for convenience or economics, or for the limited duration of their education, training or a similar determinate period of time.

Any person or group of persons seeking the rights and privileges of a "family" as defined in subparagraph a or b above in any administrative, judicial, or quasi-judicial proceeding, whether as the proponent or by way of defense, shall have the burden of proving that their domestic relationship satisfies the criteria in either subparagraph a or b above.

Family Day Care Home: See ***State-licensed residential facility***.

Fence: An artificially constructed barrier of wood, wire, metal or any other manufactured material or combination of materials, used to prevent or control entrance, confine within, or mark a boundary.

Farmer's Market: A farmers market, as distinguished from a farm market, is a location established in accordance with Township ordinances and operated in compliance with Public Act 92 of 2000, where farmers may transport and sell to the public fruits, vegetables and other agricultural products. Farmers market vendors may operate intermittently but for state licensing purposes are considered permanent operations. Vendors selling crafts are commonly found at farmers markets.

Fill, Filling: The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

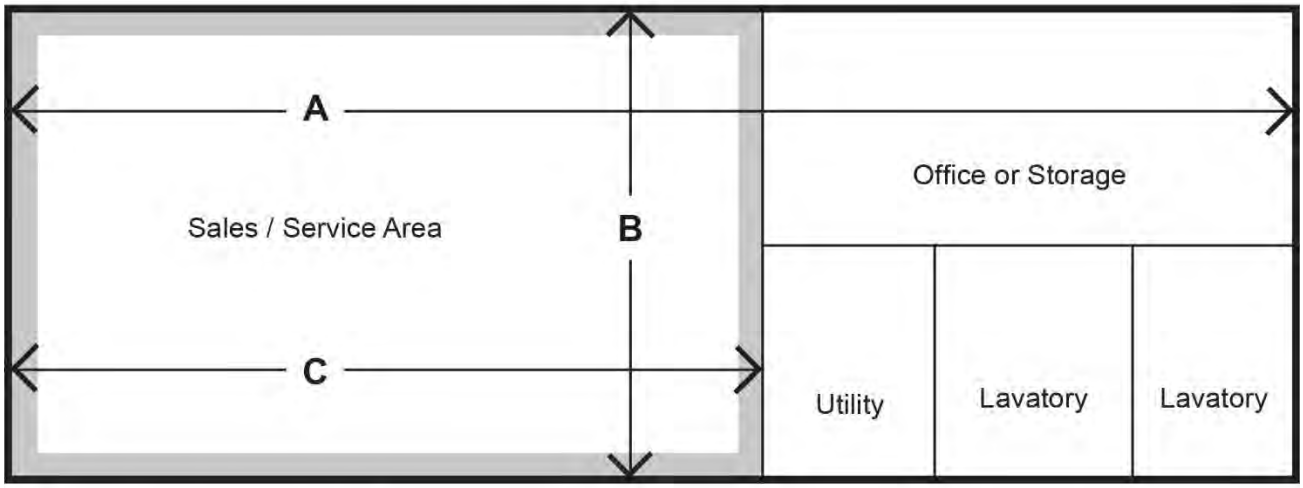
Flag Lot: See ***Lot, Flag***.

Floodplain: Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels.

Floodway: The channel of a **river** or other watercourse and the adjacent lands that must be reserved in order to discharge floodwaters without cumulatively increasing the water surface elevation more than one foot.

Floor Area, Gross: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Floor Area Terminology



Gross Floor Area = A x B
Usable Floor Area = B x C

Floor Area, Net: See ***Floor Area, Usable Residential***, and ***Floor Area, Usable Nonresidential***.

Floor Area, Usable Residential: The gross floor area minus areas in basements, unfinished attics, attached garages, and enclosed or unenclosed porches.

Floor Area, Usable Nonresidential: The sum of the horizontal areas of each floor, measured from the interior faces of the exterior walls, including all areas used for, intended to be used for, and accessible for the sale of merchandise, provision of services, or service to patrons, clients or customers. Floor area which is used for or intended to be used for the storage or processing of merchandise, or for utilities shall be excluded from the computations of Usable Nonresidential Floor Area (see illustration).

Foster Family Home or **Foster Family Group Home:** See ***State-licensed residential facility***.

Fraternal Organization: See ***Club***.

G

Garage, Private: An accessory building for parking or storage of motor vehicles owned and used by the occupants of the building to which it is accessory. Private garages shall not have public repair facilities. A private garage may be either attached to or detached from the principal structure.

Garage, Public: See ***Automobile Repair Garage***.

Gas Station: See ***Automobile Filling Station*** and ***Automobile Service Station***.

Grade: The term 'grade' shall mean the ground elevation established for the purpose of regulating the number of stories or height of a building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Greenbelt: See ***Landscaping***.

Group Day Care Home: See ***State-licensed residential facility***.

H

Hazardous Uses: Any activity which is or may become injurious to public health, safety, or welfare or the environment. Hazardous uses include but are not limited to all uses which involve the storage, sale, manufacture, or processing of materials which are dangerous or combustible and are likely to burn immediately, and from which either poisonous fumes or explosions are to be anticipated in the event of fire. These uses include all high hazard uses listed the State Building Code, as amended.

Health or Exercise Club or Spa: A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities that occur in an entirely enclosed building. Such uses are operated for profit or not-for-profit, and can be open only to bona fide members and guests of the organization or open to the public for a fee. Such uses may also include massage services, saunas, locker rooms, showers, or personal services.

Height of Building: See ***Building Height***.

Highway: See ***Road, Principal Arterial***.

Home-based Business: A **commercial use** of greater intensity than a **home occupation** and that is undertaken by the resident occupants of the dwelling unit, plus not more than one full-time equivalent non-resident employee or independent contractor. A 'home-based business' must be clearly secondary to the use of the dwelling unit for residential purposes.

Home for the Aged: A facility, other than an **adult foster care facility, hotel, hospital, nursing home,** or other **state-licensed residential facility** that provides room, board, and supervised personal care to 21 or more unrelated, non-transient individuals 60 years of age or older.

Home Occupation: An occupation or profession undertaken entirely within a dwelling unit by one or more resident occupants of that dwelling unit. A 'home occupation' must be clearly secondary to the use of the dwelling unit for residential purposes.

Hospital: An institution that is licensed by the Michigan Department of Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.

Hospitality Facility: A residential facility, typically associated with a hospital or other medical institution, for the purposes of housing patients' families.

Hospital, Veterinary: See ***Clinic, Veterinary***.

Hotel: A building occupied as a more or less temporary abiding place for individuals who are lodged, with or without meals, in rooms consisting of a minimum of one bedroom and a bath, occupied for hire, and which typically provides hotel services

such as maid service, the furnishing and laundering of linens, telephone and desk service, the use of furniture, a dining room and meeting rooms.

I

Impervious Surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Independent Living (for Seniors): An independent living setting for senior adults who lead an independent lifestyle that requires minimal or no extra assistance. Although minimal or no extra assistance may be required, some independent facilities may provide hospitality or supportive services, including meals served in a common dining area, transportation, and social and recreational activities.

Indoor Recreation Center: An establishment that provides indoor exercise facilities and indoor court sports facilities, and which may include spectator seating in conjunction with the sports facilities. A bowling establishment shall be considered a type of indoor recreation center.

Industry, General: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light: A use engaged in the manufacture, predominantly from previously prepared material of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Ingress and Egress: As used in this Ordinance, 'ingress and egress' generally is used in reference to a driveway which allows vehicles to enter or leave a parcel of property, or to a sidewalk which allows pedestrians to enter or leave a parcel of property, a building, or another location.

J

Junk: Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured.

Junk Yard or **Salvage Yard:** An area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to: **junk**, scrap iron, metals, paper, rags, tires, bottles and automobiles. A 'junkyard' includes automobile wrecking yards and includes any open area of more than 200 square feet for the storage, keeping, or abandonment of **junk**.

K

Kennel, Boarding: Any lot or premises where three or more dogs or cats over six months of age are boarded and/or trained for compensation.

Kennel, Breeding: Any lot or premises where three or more dogs or cats are owned, kept, or harbored for the purpose of breeding for commercial gain.

Kennel, Non-Commercial: Any lot or premises, where more than three dogs or cats are owned or kept for the personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

L

Landscaping: The treatment of the ground surface with live plant materials such as, but not limited to, **grass**, **ground cover**, **trees**, **shrubs**, **vines**, and other live plant material. In addition, a landscape design may include decorative non-living materials, such as wood chips, crushed stone, boulders, or **mulch**. Structural features such as fountains, pools, statues, and benches shall also be considered a part of 'landscaping,' but only if provided in combination with live plant

material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping-related terms are defined as follows:

A. Berm: A continuous, raised earthen mound, with flattened top and sloped sides, capable of supporting live plant materials.

B. Caliper: The trunk diameter of a nursery tree in inches, measured twelve (12) inches above grade.

C. Diameter at breast height (d.b.h.): The trunk diameter of a mature tree in inches measured four and one-half (4 ½) feet above grade. Where a mature tree is on a slope, the 4 ½ foot measurement shall be made on the uphill side of the tree. On multi-stem trees, the largest diameter stem shall be measured.

D. Grass: Any of a family of plants with narrow leaves normally grown as permanent lawns in Kalamazoo County, Michigan.

E. Greenbelt: A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this Ordinance.

F. Ground Cover: Low-growing plants that form a dense, extensive growth after one complete growing season and which tend to prevent weeds and soil erosion.

G. Hedge: A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.

H. Hydro-seeding: A method of planting grass where a mixture of seed, water, and mulch is mechanically sprayed over the surface of the ground.

I. Interior Parking Lot Landscaping: A landscaped area located in the interior of a parking lot and with the objectives of improving pedestrian and vehicular traffic safety, guiding traffic movement, and enhancing the appearance of the parking lot.

J. Mulch: A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, and/or aid plant growth.

K. Nurse Grass: Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.

L. Screen *or* Screening: A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, such material shall be compatible with materials used in construction of the main building.

M. Shrub: A self-supporting, deciduous or evergreen, woody plant normally branched near the base, bushy, and less than 15 feet in height.

N. Sod: An area of grass-covered surface soil held together by matted roots.

O. Tree: A self-supporting, deciduous or evergreen woody plant with a well-defined central trunk or stem which normally grows to a mature height of 15 feet or more in Kalamazoo County, Michigan.

1. *Deciduous Tree:* A variety of tree that has foliage that is shed at the end of the growing season.
2. *Evergreen Tree:* A variety of tree that has foliage that persists and remains green throughout the year.
3. *Ornamental Tree:* A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of 25 feet or less.
4. *Shade Tree:* For the purposes of this Ordinance, a shade tree is a deciduous tree which has a mature crown spread of 25 feet or greater in Kalamazoo County, Michigan, and has a trunk with at least five feet of clear stem at maturity.

P. Vine: A plant with a flexible stem supported by climbing, twining, or creeping along a surface, and which may require physical support to reach maturity.

Landscaping Contractor's Operation: A business engaged in the practice of improving building sites or other grounds by contouring the land; planting flowers, shrubs, and trees; and lawn mowing. A ‘landscaping contractor's operation’ typically consists of equipment, tools, vehicles, and materials used in or associated with such a business.

Live-Work Unit: A building space that combines a person's workspace with his/her living quarters, with the workspace on the ground floor facing the street.

Loading Space, Off-Street: An off-street space which is safely and conveniently located on the same lot as the building or buildings being served, for the temporary parking of delivery vehicles while loading and unloading merchandise and materials.

Lot: A tract of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A 'lot' may or may not be specifically designated as such on public records.

Lot Area, Net: The total horizontal area within the **lot lines** of a **lot**, exclusive of any abutting public road rights-of-way or private road easements, or the area of any **lake**. The 'net lot area' shall be used in determining compliance with Minimum Lot Area standards.

Lot Area, Gross: The **net lot area** plus one-half (1/2) of the area of any public right-of-way area or private road easement immediately adjacent to or abutting the lot.

Lot, Contiguous: Lots adjoining each other.

Lot, Corner: A **lot** abutting on and at the intersection of two or more streets, provided that the streets intersect at an angle of not more than 135 degrees.

(1) Where a lot is on a curve, if the tangents through the extreme point of the street lines of such lot make an interior angle of not more than 135 degrees, it shall be considered a corner lot. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above (see illustration). A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner.
(2) For the purposes of this definition, the 'street lot line' shall be the line separating the lot from the street or road right-of-way.

Lot Coverage: The part or percent of a **lot** that is occupied by buildings and structures.

Lot Depth: The horizontal distance between the **front lot line** and **rear lot line**, measured along the median between the **side lot lines**.

Lot, Double Frontage (or Through Lot): A **lot**, other than a **corner lot**, having frontage on two streets. In the case of a row of double frontage lots, one street shall be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

Lot, Flag: A **lot** located behind other parcels or lots fronting on a public road, but which has a narrow extension providing access to the public road. For the purposes of this Ordinance, the extension, which provides access to the buildable portion of the lot, shall comply with the lot width standards for the district in which the lot is located.

Lot, Interior: Any lot, other than a **corner lot**, with only one lot line fronting on a street.

Lot Lines: The lines bounding a **lot** as follows:

A. Front Lot Line: The line separating said lot from the public or private road right-of-way. In the case of a corner lot or double frontage lot, the 'front lot line' shall be that line that separates said lot from the right-of-way for the road which is designated as the front on the plat, or which is designated as the front on the site plan review application or request for a building permit, subject to approval by the Planning Commission or Building Official. On a flag lot, the 'front lot line' shall be the interior lot line most parallel to and nearest the street from which access is obtained.

B. Rear Lot Line: Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, 10 feet in length, lying farthest from the front lot line and wholly within the lot.

C. Side Lot Line: Any lot line other than the front or rear lot lines. A side lot line separating a lot from a road right-of-way is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Kalamazoo County Register of Deeds and Township Treasurer, or a **lot** or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor registered and licensed in the State of Michigan and is recorded with the Kalamazoo County Register of Deeds and Township Treasurer.

Lot Width: The straight line distance between the **side lot lines**, measured at the two points where the minimum front yard setback line intersects the side lot lines *(see illustration)*.

Lot Split or **Lot Consolidation:** The dividing or uniting of lots by virtue of changes in the deeds in the office of the Kalamazoo County Register of Deeds and the Township Treasurer.

M

Main Access Drive: Any private street designed to provide access from a public street or road to a mobile home park, apartment or condominium complex, or other private property development.

Marginal Access Road: See ***Service drive***.

Massage Therapist: A person trained in manipulation of the soft tissues of the body by rubbing, stroking, kneading, etc., for therapeutic or healing purposes.

Master Plan: A document prepared under the guidance of and adopted by the Planning Commission, consisting of graphic and written materials which indicate the general location for streets, parks, schools, public buildings and all physical development of the Township.

Medical Marijuana Dispensary: Any site, facility, location, use, cooperative, or business where more than one registered primary caregiver intends to or does distribute, exchange, process, deliver or give away marijuana for medical purposes to qualifying patients.

Medical Marijuana Compassion Club: A facility that is typically operated with the intent of dispensing advice about the use of marijuana for medical purposes. Compassion Clubs vary in size, organizational structure, and the services they provide. Services may include, but are not necessarily limited to: provision of information about baked goods and other edibles containing marijuana, tinctures, oils, concentrates, capsules, smoking, and sprays.

Medical Marijuana Cooperative: An organization owned and/or operated by a group of individuals for its mutual benefit (such as the distribution, exchange, processing, delivery, or cultivation of marijuana).

Medical Marijuana Grow Facility: Any site, facility, or location where more than one primary caregiver grows marijuana for medical purposes.

Medical Use of Marijuana: The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with debilitating medical condition.

Mezzanine: An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the floor area of the story in which the level or levels are located.

Microbrewery: A brewery that produces less than thirty thousand (30,000) barrels of beer or ale per year, as allowed by state law. (A barrel is equivalent to thirty-one (31) U. S. gallons.)

Mini-Warehouse: A building or group of buildings, each of which contains several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Mini-warehouses are typically contained within a fenced, controlled-access compound. Also known as self-storage businesses.

Mixed Use: In the context of this Ordinance, mixed use refers to zoning districts in which a mixture of different types of land uses are permitted. For example, the RM-2 district is considered a mixed use district because it permits a combination of residential and commercial land uses.

Mobile Home: See ***Dwelling, Mobile Home***.

Mobile Home Park: A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, subject to conditions set forth in the Mobile Home Commission Rules and Michigan Public Act 96 of 1987, as amended.

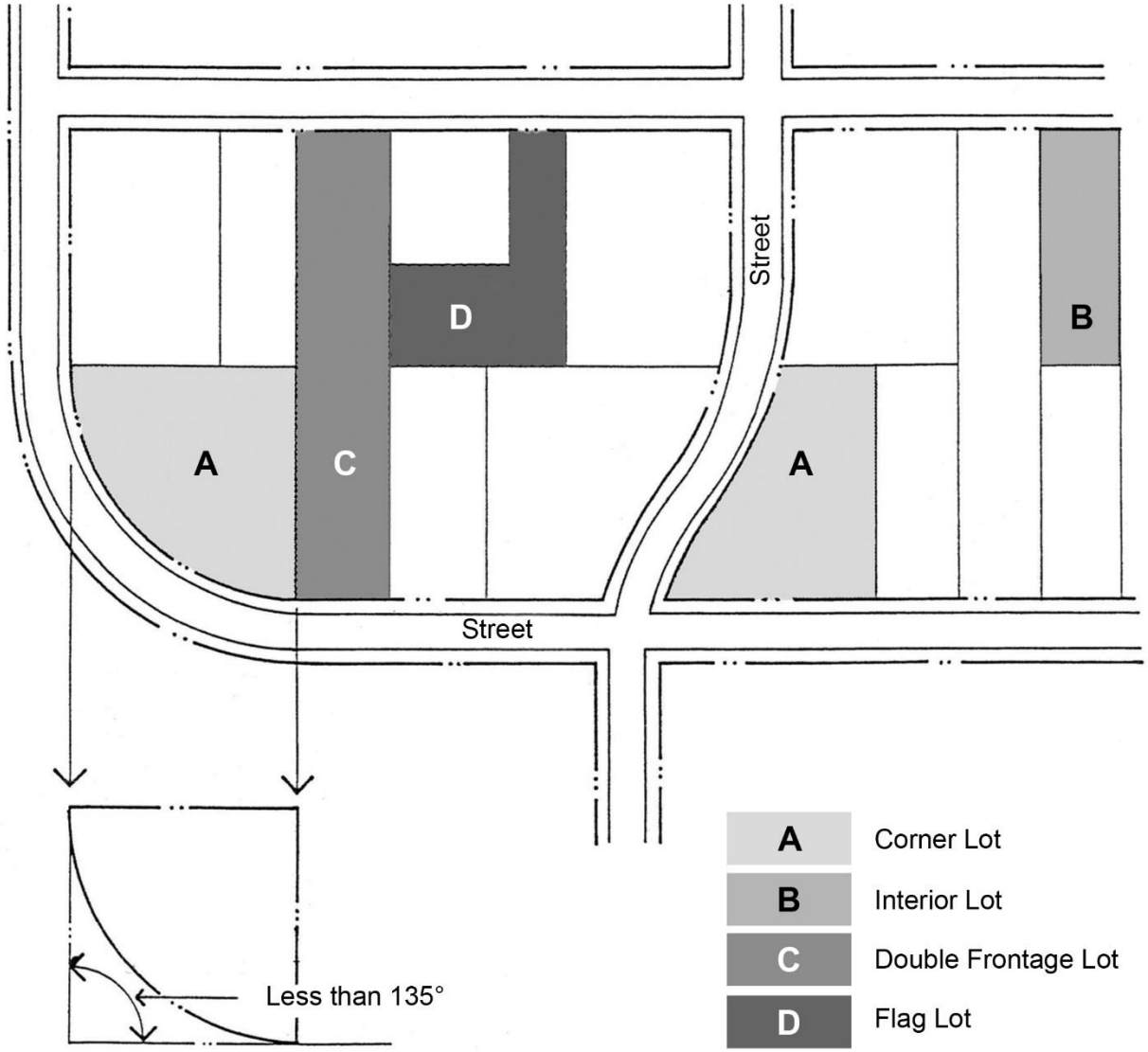
Mobile Home Site or Lot: An area within a mobile home park which is designated for the exclusive use of a specific mobile home.

Mortuary or **Funeral Home:** An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held.

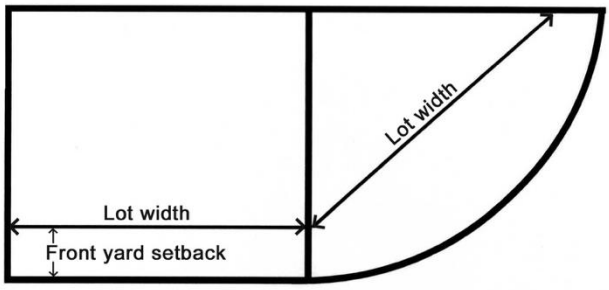
Motel: A building or group of buildings occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of a bedroom and bath, occupied for hire, in which provision is not usually made for cooking within the rooms, and which provides customary motel services such as maid service, linen service, telephone and/or desk service, and the use of furniture. Motels typically provide exterior entrances and on-site parking for each unit. A motel may also include conference room or banquet facilities, an attached dining room, and/or an unattached standard restaurant.

Municipality: Charter Township of Kalamazoo, Kalamazoo County, Michigan.

Corner, Interior & Double Frontage Lots



Lot Width



N

Natural Area: A land area or water body which is generally not occupied by structures, roads, or other artificial elements and which contains floral, faunal, geologic or other similar features having scenic, educational, or scientific value to residents. An area may be considered 'natural' even though excavation, filling, or other similar activity may have previously occurred.

Natural Resources: Natural resources shall include land, soils, **wetlands**, **floodplains**, surface and ground water, topography, trees and other types of vegetative cover, subsurface strata, geologic formations, animal life, and naturally occurring substances and living organisms that can be useful to people. Natural resources are of two types: renewable (e.g., plants and trees) and nonrenewable (e.g., mineral resources). Natural resources may also be referred to as 'natural features' in this Ordinance.

Nonconformity: Any structure, lot, or use of any lot, land or structure, which does not conform at the time of adoption of this Ordinance or any amendment thereto, to the regulations for the district in which it is located (see also definitions in Section 3.02).

Nuisance: Any offensive, annoying, or disturbing practice or object, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. 'Nuisance' commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

Nursery, Day Nursery, or **Nursery School:** See ***Child Care Center***.

Nursery, Plant Material: A space, building, and/or structure, or combination thereof, where live trees, shrubs, and other plants used for gardening and landscaping are propagated, stored, and/or offered for sale on the premises, but not including any space, building or structure used principally for the sale of fruits, vegetables, or Christmas trees.

Nursing Home: A facility that provides organized nursing care and medical treatment to two or more unrelated individuals suffering or recovering from illness, injury, or infirmity. 'Nursing home' does not include a **hospital,** a veterans' facility, a correctional facility, a hospice, or a hospice residence.

O

Occupancy, Change of: A discontinuance of an existing use and the substitution of a use of a different kind or class, or, the expansion of a use.

Occupied: Used in any way at the time in question.

Office: A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases (accounting, filing, recording, communication and/or stenographic) equipment for current use in the office business and personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties.

Oil or Gas Processing Plant: A facility designed for separating, metering, holding and marketing of oil and gas production, including sweetening plants designed for the removal of sulfur compounds from natural gas, but not including oil refineries.

Open Air Business: Any **commercial use** that is conducted primarily out-of-doors. Unless otherwise specified herein, open air business shall include:

(1) Retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
(2) **Roadside stands** for the sale of agricultural products.
(3) Various outdoor recreation uses, including but not limited to: tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.
(4) Outdoor display and sale of garages, swimming pools, playground equipment, and uses.

Open Space: Any **parcel** or area of land or water that is generally free of structures and that is set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. 'Open space' may be required for recreation, resource protection, aesthetics, or other purposes.

A. Open Space, Usable: **Open space** that is accessible to a majority of residents in a development for recreation or leisure activities. Examples of 'usable open space' include, but are not limited to, open fields and woodlands. Swamps or marshes are not generally considered usable open space, except as specifically exempted elsewhere in this Ordinance.

Outdoor Storage: The keeping, in an unroofed area, of any goods, **junk**, material merchandise or vehicles in the same place for more than 24 hours.

Outdoor Wood-Fired Boiler: A wood-fired boiler, stove, or furnace that is not located within a building intended for habitation by humans or domestic animals.

Outlot: A parcel of land which is designated as an 'outlot' on the recorded plat, and which is usually not intended to be used for the same purposes as other lots in the plat.

P

Parcel: A continuous area, tract, or acreage of land that has not been subdivided according to the provisions of the Subdivision Control Act and that has frontage on a public or private street.

Parking Lot, Off-Street: An area on private property that provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three vehicles.

Parking Space: An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.

Perc Test or **Percolation Test:** A test designed to determine the ability of ground to absorb water, and used to determine the suitability of a soil for drainage or for the use of a septic system.

Performance Guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications of the development.

Personal Fitness Center: A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors. As defined herein, "personal fitness center" shall not include court sports facilities or spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

Pervious Surface: A surface that permits full or partial absorption of storm water.

Pet: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

Planned Unit Development: A planning or construction project involving the use of special zoning requirements and review procedures which are intended to provide design and regulatory flexibility, so as to encourage innovation in land use planning and design and thereby achieve a higher quality of development than might otherwise be possible.

Planner, Township: The Township Planner is the person or firm designated by the Township Board and Planning Commission to advise the Township administration, Township Board, Planning Commission, and Zoning Board of Appeals on planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township.

Planning Commission: The Planning Commission of the Charter Township of Kalamazoo.

Plat, Subdivision: The division of a tract of land for the purpose of sale, lease or building development, in accordance with Subdivision Control Act, Michigan Public Act 288 of 1967, as amended, or any successor thereto, and subdivision control regulations as may be adopted by the Township.

Plot Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and all salient features required to adequately evaluate whether the approvals sought by an applicant are in compliance with this Ordinance.

Primary Caregiver: A person who is at least 21 years old, has agreed to assist with a patient's medical use of marijuana, has never been convicted of a felony involving illegal drugs, and is licensed under the Michigan Medical Marijuana Act.

Principal Use: See ***Use, Principal***.

Private Street or **Private Road:** See ***Road***.

Property Line: The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from adjacent parcels. See also ***Lot line***.

Public Safety Official: Public Safety Official refers generally to the departments or persons who perform police, fire fighting, and other public safety functions for the Township.

Public Utility: Any persons, firm, corporation, municipal department, or board, duly authorized to furnish under federal, state, or local regulations a service which is of public consequence and need. The principal distinctive characteristics of a public utility are that: (1) because of the nature of its business, it has characteristics of a natural monopoly, and (2) it provides a service to an indefinite public (or portion of the public) which has a legal right to demand and receive its services.

Q

Qualifying Patient: A person who has been diagnosed by a physician as having a debilitating medical condition for the purposes of receiving medical marijuana, pursuant to the Michigan Medical Marijuana Act.

R

Real Property: Includes the surface, whatever is attached to the surface (such as buildings or trees), whatever is beneath the surface (such as minerals), and the area above the surface, i.e., the sky.

Reception Antenna: An apparatus installed out-of-doors which is capable of receiving communications for radio and/or television purposes, including satellite reception antennas, but excluding such facilities that have been preempted from Township regulation by applicable state or federal laws or regulations.

Recognizable and Substantial Benefit: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include: long-term protection or preservation of **natural resources** and **natural features**, historical features, or architectural features; or, elimination of or reduction in the degree of nonconformity in a nonconforming use or structure.

Recreation Land: Any public or privately owned lot or land that is utilized for recreation activities such as, but not limited to, camping, swimming, picnicking, hiking, nature trails, boating, and fishing.

Recreational Facilities: Playgrounds, parks, picnic areas, golf courses, ball fields, camps, swimming pools, nature preserves or any other type of community space or equipment that is designed to provide the user with the opportunity to relax, engage in athletic activity, or engage in other leisure pursuits.

Recreational Vehicle: A class of vehicle which shall include the following:

A. Travel Trailer: A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

B. Pickup Camper: A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.

C. Motor Home: A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.

D. Folding Tent Trailer: A folding structure, mounted on wheels and designed for travel and vacation use.

E. Boats, Boat Trailers: Boats, floats, rafts, canoes, etc., plus the normal equipment used to transport them on the highway.

F. Other Recreational Equipment: Snowmobiles, all terrain or special terrain vehicles, utility trailers, etc., plus the normal equipment to transport them on the highway.

Recycling Center: A facility at which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products.

Recycling Collection Station: A facility for the collection and temporary storage of recoverable resources, prior to shipment to a recycling center for processing.

Religious Institution: Any structure primarily and regularly used for religious assembly and/or activity. Accessory uses and structures commonly associated with religious institutions include, but are not necessarily limited to parsonages, convents, and similar living arrangements; assembly halls; kitchens, food pantries, and similar food preparation facilities; classrooms; gyms; and, playgrounds.

Restaurant: Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive- through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

A. Restaurant, Carry-Out: A restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises. Carry-out restaurants include, by way of example, cafes, delis, and coffee shops.

B. Restaurant, Drive-In: A restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.

C. Restaurant, Drive-Through: A restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.

D. Restaurant, Fast-Food: A restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.

E. Restaurant, Standard: A restaurant whose method of operation involves either:

1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or
2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

F. Bar/Lounge: A type of restaurant operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

Retention Basin: A wet or dry stormwater holding area, either natural or artificial, which has no outlet other than an emergency spillway.

Right-of-Way: The strip of land over which an easement exists to allow facilities such as streets, roads, highways, and power lines to be built.

Road or Street: Any public or private thoroughfare or **right-of-way**, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel whether designated as a thoroughfare, road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. Various types of roads are defined as follows:

A. Private Road or Street: Any **road or street** that is privately maintained and has not been accepted for maintenance by the Road Commission of Kalamazoo County, the State of Michigan or the federal government, but is subject to approval by the Township. The inclusion of this definition is not intended to indicate that private roads or streets are permitted in Kalamazoo Township.

B. Public Road or Street: Any **road or street** or portion thereof which has been dedicated to and accepted for maintenance by the Road Commission of Kalamazoo County, State of Michigan or the federal government. For the purposes of funding, public roads are classified as either **County Primary Roads** or **County Local Roads**, pursuant to Michigan Public Act 51 of 1951, as amended. The **County Primary Roads** are those selected by the board of county road commissioners and certified to the Michigan Department of Transportation as being of greatest general importance to the county. All roads not included in the **County Primary** system shall constitute and be the **County Local Road** system.

The National Functional Classification (NFC) is a system of classifying all streets, roads, and highways according to their function, which was developed by the Federal Highway Administration (FHWA). The NFC contains the following categories:

1. **Principal Arterials** generally carry long-distance, through-travel movements. They also provide access to important traffic generators, such as airports or regional shopping centers. Examples of principals arterials are interstates and other freeways, state routes between large cities, and important surface streets in large cities.

2. **Minor Arterials** are similar in function to principal arterials, except they carry trips of shorter distance and to lesser traffic generators. Examples of minor arterials are state routes between smaller cities, surface streets of medium important in large cities, and important surface streets in smaller communities.

3. **Collectors** provide more access to property than do arterials. Collectors also funnel traffic from residential or rural areas to arterials. Examples of collector roads are various connecting streets in large and small communities.

4. **Local roads** primarily provide access to property. Examples of local roads are residential streets and lightly traveled county roads. A cul-de-sac is a local road that terminates in a vehicular turnaround.

Roadside Stand: A temporary structure or use operated for the purpose of seasonally selling agricultural products, a portion of which are raised or produced on the same premises by the proprietor of the stand. A roadside stand shall not include small operations consisting of a portable table that are operated intermittently.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2 or 3 bedroom units and including a den, library, or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Rooming House: See ***Boarding House***.

S

Salon, Full-Service: A personal service establishment offering a variety of health and beauty services including hair, nails, make-up, massage, and other related services.

Semi-Trailer: a trailer, which may or may not be enclosed, having wheels generally only at the rear and supported in front by a truck tractor or towing vehicle.

Senior Housing: Any multiple-unit housing development intended for adults aged 55 or older. 'Senior housing' does not include an **adult foster care facility, home for the aged, hospital, hotel, nursing home,** or other **state-licensed residential facility.**

A. Senior apartments: A **senior housing** development with self-contained living units intended for adults who are able to care for themselves.

B. Senior congregate housing: A **senior housing** development that may provide supportive services such as meals, housekeeping, social activities, and/or transportation, but not **adult foster care** or continuous medical or nursing care.

Service Drive: A road that is generally parallel to and adjacent to an arterial road or street and that is designed to provide access to abutting properties so that these properties are separated from the through traffic on the arterial road or street and so that the flow of traffic on the arterial road is not impeded by direct driveway access from a large number of abutting properties.

Service Truck: A pick-up truck or van that is used in conjunction with a repair or maintenance business, such as a plumbing, electrical, or carpentry business.

Setback: The horizontal distance between the front, side or rear lot line and the nearest part of a structure on a lot. The 'minimum required setback' is the minimum distance between a front, side or rear lot line and the nearest part of a structure in order to conform to the required yard setback provisions of this Ordinance (see ***Yard***).

Sign: Any device, structure, fixture, or placard which uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible from any public street, sidewalk alley, park, or public property, but not signs which are primarily directed at persons within the premises upon which the sign is located. Various types of signs and sign-related terms are defined in Article 7.00 of this Ordinance.

Slope, Steep: A slope with a moderate or high erosion hazard (often 7% or greater) as defined in the Michigan Soil Erosion and Sedimentation Control Guidebook. Percent slope shall be computed by dividing the change in elevation by the horizontal distance, times 100.

Solar Panels: Solar panels are flat panels that use arrays of photo voltaic cells to convert sunlight into electricity.

Special Event: An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a non-profit Kalamazoo Township community group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special Housing: Communities which have large campus type land uses, such as colleges, universities, teaching hospitals, or other types of training facilities, often need to provide for unique types of housing to accommodate people who use these types of institutions. Unlike dormitories, apartments, lodging houses, bed and breakfast facilities, townhouses, or single family dwellings, special housing exhibits the following characteristics:

1. Either detached structures resembling large single family homes or townhouses;
2. Three (3) or more bedrooms, each with its own bath (or, in some cases, a shared bath)
3. Common cooking, dining, and lounging areas.
4. Greater need for off-street parking than single family housing.

Given its unique characteristic and likely affects on neighborhood environments, special housing is most appropriately subject to a set of approval criteria that address these anticipated affects. It also must be in a zoning district that will help support it.

Special Land Use/Special Use: Special land uses are uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as a permitted use in a particular zoning district or districts. After due consideration of the impact of each such proposed use upon the neighboring land and of the public need for the particular use at the proposed location, such special land uses may be permitted following review and approval subject to the terms of this Ordinance.

Special Use Permit: See ***Special Land Use/Special Use***.

Spirits: Any beverage that contains alcohol obtained by distillation, mixed with potable water or other substances, or both, in solution, including wine containing an alcoholic content of more than 21% by volume, except for sacramental wine and mixed spirit drink.

Stable, Private: An enclosed building intended for the keeping of not more than two (2) horses for the noncommercial use of the residents of the principal residential use on the site.

Stable, Public: An enclosed building intended for the keeping of more than two (2) in which any such animals are kept for

Stake Truck: A truck having a platform with stakes inserted along the outside edges to retain the load.

State-licensed Residential Facility: Any structure constructed for residential purposes and licensed by the State of Michigan pursuant to Michigan Public Act 116 of 1973 (the Child Care Licensing Act) or Michigan Public Act 218 of 1979 (the Adult Foster Care Facility Licensing Act), including **adult foster care facilities, foster family homes, foster family group homes, family day care homes,** and **group day care homes.**

A. Adult foster care: The provision of supervision, personal care, and protection, in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

(1) *Adult foster care facility:* A residential structure that is licensed to provide **adult foster care,** but not continuous nursing care, for unrelated adults over the age of 17. An 'adult foster care facility' does not include any of the following: a licensed child caring institution, children's camp, **foster family home,** or **foster family group home**; an alcohol or substance abuse rehabilitation center; a residential facility for persons released from or assigned to adult correctional institutions; a maternity home; a **hotel** or rooming house that does not provide or offer to provide foster care; or a veterans' facility.
(2) *Adult foster care family home:* A **private home** with the approved capacity to receive not more than six adults to be provided with **adult foster care**.
(3) *Adult foster care small group home:* An **adult foster care facility** with the approved capacity to receive not more than 12 adults.
(4) *Adult foster care large group home:* An **adult foster care facility** with the approved capacity to receive at least 13 but not more than 20 adults.
(5) *Adult foster care congregate facility:* An **adult foster care facility** with the approved capacity to receive more than 20 adults.

B. Child day care: The care and supervision for periods of less than 24 hours a day of minor children, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

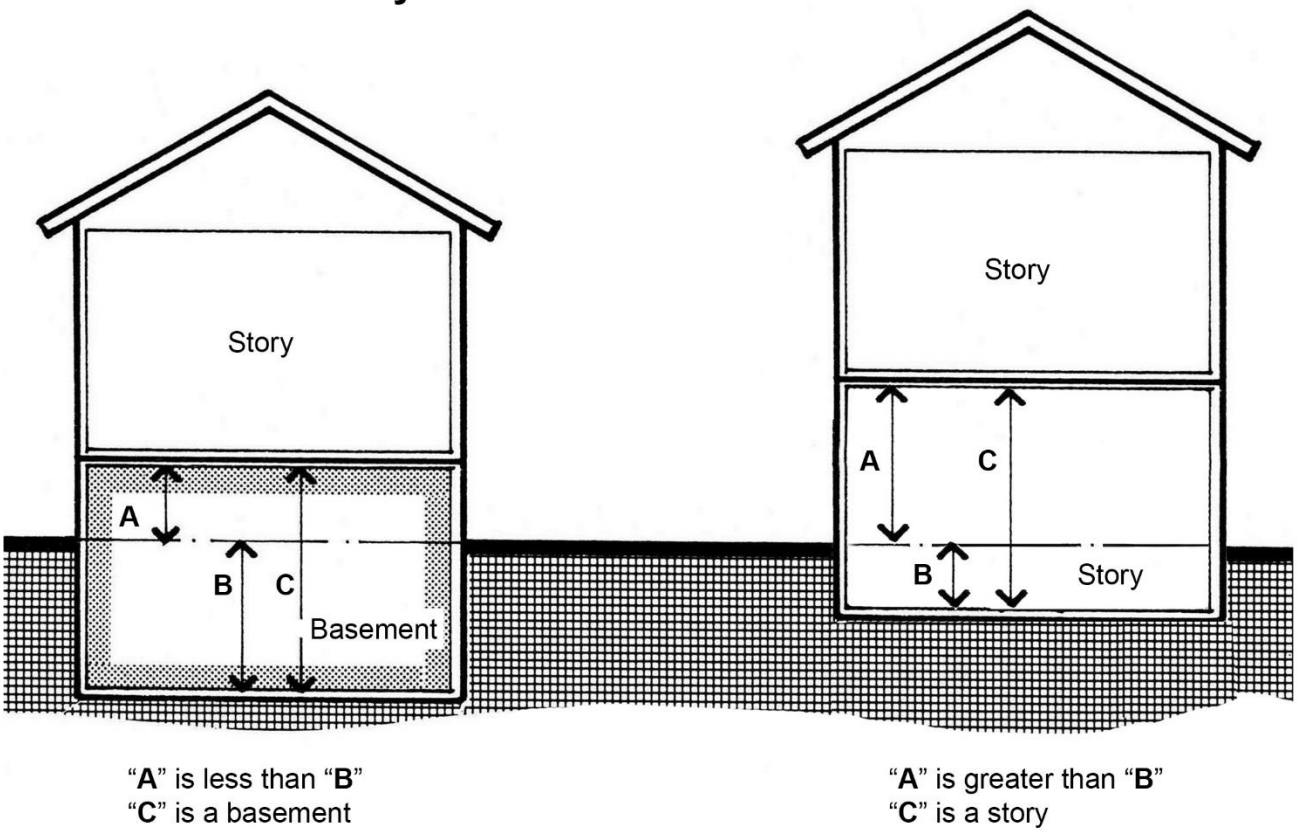
(1) *Family day care home:* A **private home** in which one but not more than six children are received for **child day care**, including a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.
(2) *Group day care home:* A **private home** in which more than six but not more than 12 minor children are received for **child day care**, including a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

C. Child foster care: The care and supervision for 24 hours a day, for four or more days a week, and for two or more consecutive weeks, of minor children who are not related to an adult member of the household by blood or marriage, are not placed in the household under the Michigan adoption code, and are unattended by a parent or legal guardian.

(1) *Foster family home:* A **private home** in which one but not more than four children are provided with **child foster care.**
(2) *Foster family group home:* A **private home** in which more than four but not more than six children are provided with **child foster care.**

D. Private home: For the limited purpose of defining a **state-licensed residential facility,** a 'private home' means a private residence in which the facility licensee or registrant permanently resides as a member of the household.

Basement and Story



Story: That portion of a building, other than a **basement** or **mezzanine** as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it.

A. A mezzanine shall be deemed a full story when it covers more than one-third of the area of the story underneath, or, if the vertical distance from the floor next below the mezzanine to the floor above it is 24 feet or more.

B. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is less than the vertical distance from the average grade to the ceiling.

Story, Half: The uppermost **story** lying under a pitched roof, the usable floor area of which does not exceed two-thirds of the floor area of the uppermost full story. The usable floor area of a half story shall be at least 160 square feet with a minimum clear height of seven feet, six inches.

Street: See ***Road***.

Street Lot Line: A dividing line between the street and a lot, also known as the right-of-way line.

Structural Alteration: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, signs, and public roads.

Subdivision Plat: See ***Plat, Subdivision***.

Swimming Pool: Any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. On a single-family parcel a swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

T

Temporary Use or Building: A use or building permitted to exist for a limited period of time under conditions and procedures as provided for in this Ordinance.

Thoroughfare: See ***Road***.

Township: The Charter Township of Kalamazoo, Kalamazoo County, Michigan.

Township Board: The Supervisor, Clerk, Treasurer, and Trustees of the Charter Township of Kalamazoo, Kalamazoo County, Michigan.

Toxic or Hazardous Waste: Waste or a combination of waste and other deposited, stored or disposed material (including but not limited to solid, liquid, semisolid, or contained gaseous material) which because of its quantity, concentration, or physical chemical or infectious characteristics may (if improperly treated, deposited, stored, transported, disposed or otherwise managed) cause or significantly contribute to the following conditions:

(1) an increase in mortality, or
(2) an increase in serious irreversible illness, or
(3) serious incapacitating, but reversible illness, or
(4) substantial present or potential hazard to human health or the environment.

Trailer: A vehicle without motive power that is designed to be drawn by a motor vehicle and used for carrying property or persons.

Transition Zone: A transition zone generally refers to a zoning district, an arrangement of lots or land uses, a landscaped area, or similar means of providing a buffer between land uses or districts.

Truck Terminal: A structure to which goods, except raw or unprocessed agricultural products, natural mineral or other resources, are delivered for immediate distribution or to be amalgamated or divided for delivery in larger or smaller units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.

U

Underlying Zoning: The zoning classification and regulations applicable to the property immediately preceding the approval of an application to designate a parcel as a Planned Unit Development.

Use: The purpose for which land, lots, or buildings thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

A. Use, Accessory: See ***Accessory Use, Building, or Structure***.

B. Use, Permitted: A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.

C. Use, Principal: The main use of land and buildings and the main purpose for which land and buildings exist.

D. Use, Special Land: See ***Special Land Use***.

Utility: A service provider, which may be a company or a governmental agency, which provides such services as electric power, natural gas, sanitary sewers, water, telephone, etc.

Utility Trailer: A small trailer that is designed to be pulled by an automobile, van, or pick-up truck.

V

Variance: A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause practical difficulties owing to circumstances unique to the individual property on which the variance is granted.

Veterinary Hospital: See ***Clinic, Veterinary***.

W

Wall, Obscuring: A structure of definite height and location to serve as an opaque screen in carrying out the requirements of this Ordinance.

Warehouse: A building used primarily for storage of goods and materials. See also ***Distribution Center***.

Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and which is commonly referred to as a bog, swamp, or marsh. A wetland is further characterized by the presence of hydric soils and prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions. A wetland that exhibits these characteristics may be dry on the surface during part or all of the year)

Wetland Buffer: A strip of land surrounding a wetland that provides protection for the wetland from inadvertent and secondary impacts. A wetland buffer may also protect wildlife habitat, prevent erosion, provide nutrient filtration and serve other functions associated with a wetland. The wetland buffer shall encompass all land within 40 feet of the edge of the wetland. *(added 1/12/2010*)

Wholesale Sales: The sales of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

Wind Energy System: A system for the conversion of wind energy into electricity. A common type of wind energy system includes a turbine, blades, tower, as well as related electrical equipment, although other technology may be used to convert wind energy into electricity.

A. Anemometer Tower: A tower containing instrumentation designed to provide present moment wind data in support of an existing or future wind energy system.

B. On-site Wind Energy System: A wind energy system designed and built to provide electrical power to the owner at that site.

C. Utility Grid Wind Energy System: A wind energy system designed and built to provide electricity to the electric utility grid.

Wireless Communication Facility. All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Wireless Communication Support Structures. Structures erected or modified to support wireless communication antennas, including but not limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

Y

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this Ordinance. The 'minimum required setback' is the minimum depth of a front, rear or side yard necessary to conform to the required yard setback provisions of this ordinance (see illustrations).

A. Yard, Front: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building. Unless otherwise specified, on corner lots and through lots there shall be maintained a front yard along each street frontage.

B. Yard, Rear: An open space extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest line of the principal building. On corner lots, the rear yard may be opposite either street frontage, but there shall only be one rear yard.

C. Yard, Side: An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point on the principal building.

D. Yard, Interior Side: A **side yard** that abuts an adjacent lot (in contrast to a 'street side yard', which abuts a street or road right-of-way).

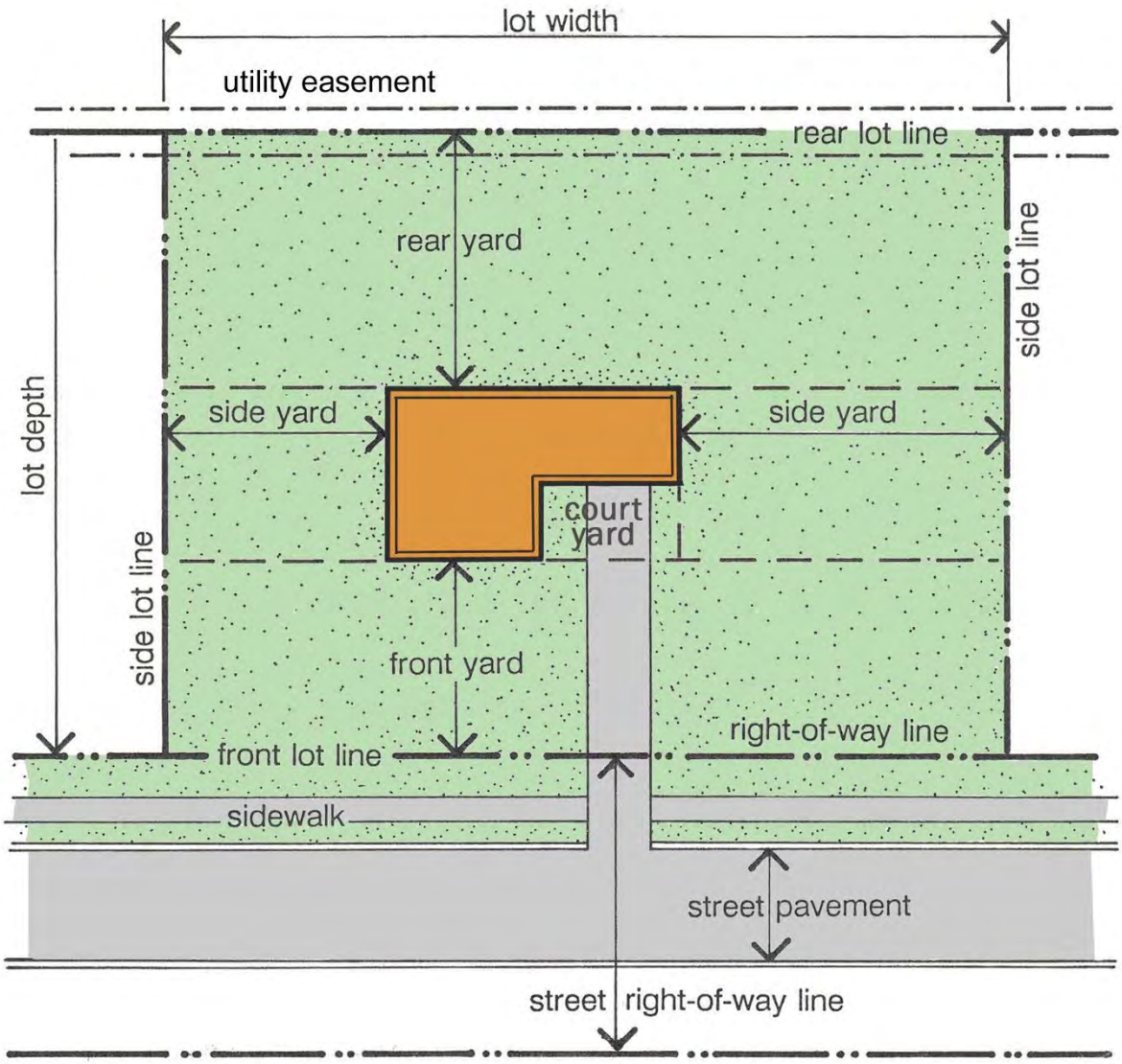
Yard Clippings: Leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings, less than 4 feet in length and 2 inches in diameter, that can be converted to compost humus. Yard clippings do not include stumps, agricultural wastes, animal waste, roots, sewage sludge, or garbage. "Yard clippings" is defined in Section 324.11506 (7) of Public Act 212 of 2007, as amended.

Z

Zoning Administrator: The Zoning Administrator is the person or persons designated by the Township Board to administer the Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, maintaining the minutes of the Planning Commission, sending notices of public hearings, and similar work. The duties of the Zoning Administrator may be filled by people holding other positions, such as the Building Official, Planning Commission Secretary, or Township Planner.

Zoning Board of Appeals: The Zoning Board of Appeals for the Charter Township of Kalamazoo, as authorized by Michigan Public Act 110 of 2006, as amended.

Yard Terms


lot width
utility easement
rear lot line
rear yard
side lot line
lot depth
side yard
side yard
court yard
side lot line
front yard
right-of-way line
front lot line
sidewalk
street pavement
street right-of-way line

ARTICLE 2.00

General Provisions

Section 2.01 Administrative Regulations

A. Scope of Regulations

No structure or tract of land shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered, or moved, except in conformity with the provisions of this Ordinance.

However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance and construction is begun within six months of the effective date, said building or structure may be completed in accordance with the approved plans. Furthermore, upon completion the building may be occupied under a Certificate of Occupancy for the use for which the building was originally designated, subject thereafter to the provisions of Article 3.00 concerning nonconformities. Any subsequent text or map amendments shall not affect previously issued valid permits.

B. Minimum Requirements

The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals, prosperity, and general welfare.

C. Relationship to Other Ordinances or Agreements

This Ordinance is not intended to abrogate or annul any ordinance, rule, regulation, permit, easement, covenant, or other private agreement previously adopted, issued, or entered into and not in conflict with the provisions of this Ordinance.

However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules, regulations, permits, easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.

D. Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or permissible activities therein. Furthermore, such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety, and welfare, to the extent that such rights are not protected by the nonconforming use provisions in Article 3.00.

E. Continued Conformity with Yard and Bulk Regulations

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, for as long as the building is in existence.

No portion of a lot used in complying with the provisions of this Ordinance in connection with an existing or planned building, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

F. Division and Consolidation of Land

The division and consolidation of land shall be in accordance with the Land Division Act (Michigan Public Act 288 of 1967, as amended) the Township Subdivision/Site Condominium Ordinance, Ordinance No. 523, Part 240 of the Township Code of Ordinances. No lot or parcel shall hereafter be divided into two or more lots and no portion of any lot shall be sold, unless all zoning lots resulting from each such division or sale conform to all regulations of the zoning district in which the property is located.

G. Unlawful Buildings, Structures, Site Designs and Uses

A building, structure, or use which did not lawfully exist at the time of adoption of this Ordinance shall not be made lawful solely by adoption of this Ordinance. In case any building, or part thereof, is used, erected, occupied or altered contrary to the provisions of this Ordinance, such building or use shall be deemed an unlawful nuisance and may be required to

be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating any such nuisance shall become a lien upon the land.

Section 2.02 Allowable and Prohibited Uses

A. Allowable Uses

Only the following uses of land, buildings and structures are allowed in the Township, subject to proper review and approval procedures:

1. Uses lawfully established on the effective date of this Ordinance.

2. Permitted principal and accessory uses in the applicable zoning districts, subject to the requirements specified.

3. Special land uses in the applicable zoning districts, subject to the conditions and requirements specified.

4. Temporary uses subject to the requirements in Section 2.21.

B. Prohibited Uses

Uses and structures that are not expressly permitted in this ordinance are prohibited. The following uses, as defined in Section 1.03, shall not be allowed anywhere in the Township:

1. Medical marijuana dispensaries.
2. Medical marijuana cooperatives.
3. Medical marijuana grow facilities.
4. Medical marijuana compassion clubs.

Section 2.03 Accessory Buildings and Structures

A. General Requirements

1. Timing of Construction
   No accessory building, structure, or use shall be constructed or established on a parcel unless there is a legally-established principal building, structure, or use being constructed or already established on the same parcel of land. A parcel may not be divided if such division would result in an accessory building, structure, or use on a parcel on which there is no principal building, structure or use.

2. Review and Approval
   If submission of a site plan for review and approval is required, then the site plan shall indicate the location of proposed accessory buildings, structures, and uses, and the site plan shall be subject to approval by the Planning Commission. Where site plan review is not required, the entity responsible for review and approval shall depend on size of the accessory building, structure, or use.

3. Nuisances
   Accessory uses such as household animal enclosures, dog runs, central air conditioning units, heat pumps, outdoor wood-fired boilers, and other mechanical equipment that could produce noise, odors, or other nuisances shall not be located adjacent to an adjoining property owner's living or sleeping area where windows and/or doors would be exposed to the nuisance.

4. Impact on Adjacent Buildings or Uses
   The location and characteristics of an accessory building shall not have an adverse impact on existing adjacent buildings or uses. In evaluating impact on adjacent buildings or uses, factors that shall be considered include, but are not limited to:

   a. The potential for generation of nuisances, as might be caused by increased traffic or noise.
   b. The orientation of doors and access routes.
   c. Site drainage patterns.
   d. Impact on views.

5. Conformance with Lot Coverage Standards
   Accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage standards, where required.

6. Location in Proximity to Easements or Rights-of-Way
   Accessory buildings, structures, or uses shall not be located within a dedicated easement or right-of-way.

7. Use of Accessory Buildings and Structures
   Attached and detached accessory buildings or structures in residential districts shall not be used as dwelling units or for any business, profession, trade or occupation, or as storage space that is offered for rent, except that an accessory building may be used to house a permitted home occupation or home-based business, subject to the provisions of Section 2.08. An accessory garage on a residential parcel shall be used only for the storage of vehicles or equipment or materials used by the occupants of the residence to which it is accessory.

8. Applicability of Other Codes and Ordinances
   Accessory buildings and structures shall be subject to all applicable codes and ordinances regarding construction, installation, and operation.

9. Accessory Farm Buildings
   The requirements in this section shall not apply to accessory buildings (such as barns and silos) used in the agricultural operations on a farm, as defined in Section 1.03, except that farm buildings shall comply with the setback requirements for the districts in which they are located.

B. Attached Accessory Buildings

Unless otherwise specified in this Section, accessory buildings or structures which are attached to the principal building (such as an attached garage, breezeway, or workshop) shall be considered a part of the principal building for the purposes of determining conformance with area, setback, height, and bulk requirements. A breezeway or other attachment between the principal building and the accessory building or structure must have a complete foundation and must provide interior access to both buildings for the accessory building to be considered “attached”.

C. Detached Accessory Buildings

1. Location
   Detached accessory buildings and structures shall not be located in a front yard or a required side yard.

2. Setbacks
   Detached accessory buildings and structures shall comply with the setbacks specified in the Schedule of Regulations, Section 25.02.

3. Size
   The maximum floor area of an accessory building or structure is 768 square feet, provided that the accessory building or structure together with all other buildings and structures does not cover more than twenty-five percent (25%) of the total area of the parcel, exclusive of road rights-of-way. Notwithstanding the percentage of lot coverage requirement, each parcel shall be permitted accessory building or structure floor area totaling 576 square feet, provided that no case shall an accessory building or structure exceed the square foot area of the principal building on the parcel.

4. Number
   No more than two (2) accessory buildings or structures are permitted per parcel.

5. Height
   Unless otherwise noted in this ordinance, the maximum height of an accessory building or structure shall be based on the size of the parcel as follows:

Parcel Size	Maximum Height
1 acre or less	15 ft.
Over 1 acre	18 ft.

D. Accessory Structures

1. General Requirements
   Accessory structures (for example, tennis courts, wind generators, antennas) shall be located in the rear yard and shall comply with height, setback, and lot coverage requirements for accessory buildings, unless otherwise permitted in this Ordinance.*)*

2. Exceptions to Accessory Structure Standards
   Antennas and wind generators shall comply with the height standards specified in Sections 2.15 and 8.02 (WW).

3. Solar Panels
   Freestanding solar panels shall be considered accessory structures and may be located in the front, side, or rear yard, subject to the setback requirements for accessory buildings.

E. Donation Bins

1. Application for a Permit
   Prior to placement of a donation bin anywhere in the Township, a permit application shall be completed and submitted to the Township. The permit application shall include, but not necessarily be limited to, the name, address, and telephone number of the person, business entity, corporation or organization applying for the permit; the proposed location (address) where the bin is to be placed; the name and telephone number of the person who will be placing the bin; the manner and schedule for emptying or removing the bin; and the destination of the clothing, shoes, books, and/or other goods to be removed from the bin. The application shall also include written consent from the owner of the property on which the bin is to be located. The permit shall be subject to review and approval by the Township Planner, based on the regulations in this subsection.

2. Fee
   An application processing fee in an amount determined by the Township Board shall be charged for each application.

3. Permitted Type of Bin
   Any donation bin shall be of the type that is enclosed by use of a receiving door (also known as a chute) and locked so that the contents of the bin may not be accessed by anyone other than those responsible for retrieval of its contents. A bin shall not cover a ground surface in excess of five (5) feet by five (5) feet, nor be more than six (6) feet in height. Bins shall be placed on a paved surface.

4. Number
   A maximum of one (1) donation bin shall be permitted per lot.

5. Location
   Donation bins shall comply with the following location requirements:

   a. Donation bins are considered accessory structures. Therefore, they shall not be located on any lot unless a principal structure is already located on the lot.

   b. Donation bins shall be permitted only in non-residential zoning districts.

   c. Donation bins shall be located no closer to the front of the lot than any portion of the principal structure.

   d. Donation bins shall not be placed where they would block the vision of drivers entering or exiting the site.

   e. Donation bins shall not be placed in a location where they would interfere with required landscaping or parking.

6. Charitable Purpose
   Only entities or organizations that have a tax status under Section 501(c)(3) of the Internal Revenue Code, as amended, may apply for and obtain a permit. Evidence of such tax status must accompany an application for a permit.

7. Identification
All donation bins shall have clearly identified, in writing, on the same side of the bin as the chute used for deposit of the goods, the entity or organization that is responsible for placement and maintenance of the bin. The address and phone number for such entity shall also be written on the bin.

8. Maintenance Responsibility
Each bin shall be regularly emptied of its contents so that it does not overflow, resulting in clothing or other goods being strewn around the surrounding area. The owner, lessee, or other person or legal entity in control of the property where the donation bin is located and the person or entity that owns, maintains or operates the donation bin shall be jointly and severally liable for any violations.

F. Medical Marijuana Use

1. Meaning of Terms
Capitalized terms used in this subsection shall have the meaning assigned to them Section 3.02 of this Ordinance. "Act" refers to the Michigan Medical Marihuana Act, MCL 333.26421, *et seq*., as it may be amended from time to time.

2. Growing of Plants by Qualifying Patient
A person who is a Qualifying Patient, and who has been issued and possesses a Registry Identification Card and is not associated with a Primary Caregiver, may grow Marijuana plants as an accessory use, strictly in accordance with the Act, within any structure zoned for residential use in which that person resides as his or her principal residence or within any accessory structure located on the same lot therewith.

3. Growing of Plants by a Primary Caregiver
A person who is a Primary Caregiver, and who has been issued and possesses a Registry Identification Card, may grow Marijuana plants as an accessory use, strictly in accordance with the Act and only for those Qualifying Patients for whom he is a Primary Caregiver, within any structure zoned single family residential, in which that person resides as his or her principal residence or within any accessory structure located on the same lot therewith, or within any structure zoned for industrial use but only as an accessory use to the operation of a greenhouse or plant nursery that is operated as principal use on that same lot.

4. Storage and Distribution of Usable Marijuana by a Primary Caregiver
A person who is a Primary Caregiver, and who has been issued and possesses a Registry Identification Card, may store Usable Marijuana, together with an incidental amount of seeds, stalks, and unusable roots, strictly in accordance with the Act and only for those Qualifying Patients for whom he is a Primary Caregiver, within any structure zoned single family residential, in which that person resides as his or her principal residence or within any accessory structure located on the same lot therewith, or within any structure zoned for industrial use but only as an accessory use to the operation of a greenhouse or plant nursery that is operated as principal use on that same lot. A Primary Caregiver shall deliver such Usable Marijuana to his or her patients, and those patients shall not come to the Primary Caregiver's facility to receive Marijuana.

5. No Signage
No sign identifying a property as the location of any use described in the section shall be permitted.

Section 2.04 Burning of Rubbish

Burning of rubbish shall comply with the Outdoor Burning Ordinance, Ordinance No. 515, part 186 of the Township Code of Ordinances.

Section 2.05 Exceptions

A. Essential Services

Essential services, as defined in Article 1.00, shall be permitted as authorized and regulated by franchise agreements and federal, state, and local laws and ordinances, it being the intention of this ordinance to permit modification to regulations governing lot area, building or structure height, building or structure placement, and use of land in the Township when strict compliance with such regulations would not be practical or feasible.

Although essential services may be exempt from certain regulations, proposals for construction of essential services shall still be subject to site plan review and special land use review, it being the intention of the Township to achieve efficient use of the land and alleviate adverse impact on nearby uses or lands. Essential services shall comply with all applicable regulations that do not affect the basic design or essential operation of said services.

B. Exceptions to Height Standards

The height limitations of this Ordinance shall not apply to chimneys, church spires, public monuments, wireless transmission towers, farm buildings, water towers, and flag poles, provided that the following requirements are complied with:

1. Windmills
   The maximum height of windmills used for pumping water to farm uses shall be 35 feet, provided that the windmill is set back from all property lines a distance equal to the height of the windmill. Windmills shall be located to the rear of the principal building. Windmills for the generation of electricity shall be subject to the standards of Section 8.02, sub-section VV, Wind Energy Systems.

2. Wireless Communications Facilities
   The maximum height of a wireless communication facility tower shall be 120 feet, as specified in Section 8.02, sub-section WW.

3. Flagpoles
   Flagpoles in residential and agricultural districts shall not exceed twenty-five (25) feet in height. Flagpoles in non-residential districts shall not exceed forty (40) feet in height.

C. Voting Place

The provisions of this Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a public election.

Section 2.06 Fill Regulations

A. Statement of Purpose

The purpose of these fill regulations is to assure that filling activities on any property in the Township for building site preparation or any other purpose, comply with applicable state and local laws, utilize appropriate fill materials, and are undertaken and completed in such a manner as to reduce hazards to life and property, and generally protect the public health, safety and welfare. Nothing herein is intended to allow the establishment of a disposal area regulated by Public Act 451 of 1994, as amended, or otherwise affect the provisions of that Act, which require certain waste materials to be disposed of in a solid waste disposal area constructed and licensed pursuant to that Act.

B. Regulations Applicable in all Zoning Districts

Only inert soil, sand, clay, gravel, stone, and other inert/non-organic material may be used as fill materials in any zoning district, subject to the following regulations:

1. Zoning Ordinance Regulations
   All fill materials and activities shall comply with the additional regulations set forth below, which are applicable for the zoning district in which the property to be filled is located.

2. Fill Permit Requirement
   A permit shall be obtained where required pursuant to subsections C and E below.

3. State Wetland Permit Requirement
   No filling activities shall take place in a wetland subject to regulation by the State of Michigan pursuant to Public Act 451 of 1994, as amended, without a permit first being obtained from the Michigan Department of Environmental Quality as required pursuant to that Act.

4. State Soil Erosion and Sedimentation Control Permit Requirement
   No filling activities that may result in or contribute to soil erosion or sedimentation of surface waters shall take place without a permit first being obtained from the appropriate state or county agency as required pursuant to Public Act 451 of 1994, as amended.

C. Regulations Applicable to Residential Zoning Districts

In all residential zoning districts all filling activities involving off-site fill exceeding 50 cubic yards of fill shall be subject to prior approval by the Township Planning Commission as a special land use and shall comply with the following regulations, in addition to the general regulations applicable to such special land uses, and regardless of whether a fill permit is required pursuant to subsection E. below:

1. Fill Material Content
   Fill material shall consist primarily of porous materials. There shall be ample sands in the porous materials to bed non-porous materials, such as rock, or pieces of concrete or brick.

2. Maximum Size of Non-porous Materials
   Allowable non-porous materials, such as rock, or pieces of concrete or brick, shall have a maximum size of two (2) cubic yards. If larger pieces of material are encountered they shall be removed from the fill material and lawfully disposed of; or, shall be broken up to comply with the foregoing size limitations before being deposited as fill.

3. Compaction of Fill Material
   All fill material shall be compacted to at least a 90% density in accordance with American Society of Testing Materials Test D698 (Standard Proctor Test).

4. Leveling and Finishing of Filled Areas
   All filled areas shall be graded and leveled, completely covered with clean top soil at a depth of at least six inches, and seeded with a grass or other appropriate form of vegetation or cover sufficient to control erosion.

5. Final Grade and Runoff Control
   The final grade of all filled areas shall be such as to contain storm water run-off within the subject property, and not flow on to abutting property, a public roadway or other public right-of-way.

D. Regulations Applicable to all Non-Residential Zoning Districts

In all non-residential zoning districts all filling activities shall comply with the following regulations, in addition to the generally applicable regulations, and regardless of whether a fill permit is required pursuant to part E. below:

1. Fill Material Content
   The fill material may consist primarily of non-porous materials, but there shall be ample sands in the porous materials to bed the non-porous pieces of material.

2. Maximum Size of Non-porous Materials
   Allowable non-porous materials, such as rock, or pieces of concrete or brick, shall be no greater in size than two (2) cubic yards. If larger pieces of material are encountered they shall be removed from the fill material prior to the depositing of the fill and lawfully disposed of; or, broken up to comply with the foregoing size limitations before being deposited as fill.

3. Compaction of Fill Material
   (See subsection C.3 above, hereby incorporated by reference).

4. Leveling and Finishing of Filled Areas
   (See subsection C.4 above, hereby incorporated by reference).

5. Final Grade and Runoff Control
   (See subsection C.5 above, hereby incorporated by reference).

E. Fill Permit Requirements

Where the volume of fill associated with a particular filling activity or project will exceed fifty (50) cubic yards of material, no filling activities shall take place, regardless of the zoning district in which the fill is to be deposited, without a fill permit first being obtained from the Township Planner, or, where herein required, by the Planning Commission, in accordance with the following provisions of this Ordinance.

1. Application for Fill Permit
   An application for a fill permit shall be filed with the Township Planner and shall include the following information:
   a. Name and address of applicant.
   b. Common address and legal description of property to be filled.
   c. Owner of property to be filled.

d. Type(s) of fill material to be deposited.
e. Source(s) of fill material to be deposited.
f. Route(s) of travel from source(s) of fill material to subject property.
g. Volume of fill material requested to be permitted (in cubic yards).
h. Location of portion of subject property where filling activities will take place.
i. Final grade of filled area.
j. The number and type of vehicles and equipment to be used in filling activities, including transporting, dumping and leveling fill materials.

The Township Planner may require one or more of the above application items to be supplied in the form of a site plan or diagram.

2. Review and Approval of Permit
Upon receipt of an administratively complete application for a non-residential fill permit, the Township Planner shall review the same and within five (5) business days either approve or disapprove the application, in writing, with notice of the same to the applicant. Where a non-residential zoned district is involved, the application shall be submitted to the Planning Commission by the Township Planner for consideration before the fill permit can be issued. A notice of disapproval of an application shall include the reasons supporting the disapproval.

3. Fill Permit Approval Criteria
A fill permit shall be approved by the Township Planner or Planning Commission upon a finding that:
a. The requested filling activities can be conducted in compliance with all applicable Township ordinance requirements;
b. All applicable state and/or county permits have been obtained; and
c. The requested fill activities will not have a harmful effect on abutting or nearby properties, except to the extent that any such affects are unavoidably inherent in the filling process, but will be temporary in duration, lasting only so long as the filling activities are taking place.

4. Conditions Upon Approved Permit
The Township Planner or Planning Commission may approve a permit with conditions related to permit approval criteria. Such conditions may be imposed, for example, to restrict the days or hours of filling activities, truck routes, the final grade of a filled area, and its final elevation with respect to adjoining property, and the length of time allowed for a filling activity which shall not exceed one (1) year without a new application being filed and a permit being granted.

5. Appeal of Township Planner Determination on Fill Permit Application
The applicant or other person aggrieved by a denial of a fill permit application by the Township Planner, may appeal such determination to the Township Zoning Board of Appeals. Such an appeal shall be processed in the manner required by law and any applicable ordinance provisions. No such appeal shall be available from any required Planning Commission decision.

6. Referral of Fill Permit Application to Planning Commission
Where the Zoning Administrator determines that a fill permit application involving non-residentially property involves filling activities which by reason of the nature of the subject property, the location of that, the volume of fill material, or otherwise, is likely to cause a substantial adverse impact on adjoining or nearby properties which may not be temporary in duration, the Township Planner shall refer the application to the Planning Commission, along with the Township Planner's preliminary recommendation regarding the same. In such case, no appeal shall be permitted to the Zoning Board of Appeals.

The Planning Commission shall process a fill permit application referred to it by the Zoning Administrator in the same manner as a special land use request is processed pursuant to law and applicable ordinance provisions. The Planning Commission shall approve, approve with conditions, or disapprove the issuance of a permit based on the fill permit approval criteria set forth above, and further based on the general special land use approval criteria set forth in Section 26.03 of the Zoning Ordinance. The Planning Commission's decision on a Fill Permit application shall not be appealable to the Zoning Board of Appeals.

F. Fees for Fill Permit Applications and Appeals

The Township Board may establish fees by resolution for a fill permit, which shall be reasonably related to the cost of processing fill permit applications by the Township Planner and Planning Commission, and the cost of monitoring permitted filling activities to ensure compliance with all applicable regulations.

G. Performance Bonds

Any fill permit involving fill in excess of fifty (50) cubic yards shall be subject to the furnishing of a surety bond, bank letter of credit or cash bond by the applicant to the Township, conditioned upon the filling and reclamation of the area filled in accordance with the permit and the within ordinance, in an amount equal to $5,000 per acre or portion thereof, or $75.00 per fifty (50) cubic yards or portion thereof of fill proposed to be deposited, whichever is the lesser sum.

Section 2.07 Floodplains

A. Purpose

It is the purpose of this Section to significantly reduce hazards to persons and damage to property as a result of flood conditions in Kalamazoo Township, and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, and subsequent enactments and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency. Further, the objectives of this Section include:

1. The protection of human life, health, and property from the dangerous and damaging effects of flood conditions;

2. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial, and industrial areas;

3. The prevention of private and public economic loss and social disruption as a result of flood conditions;

4. The maintenance of stable development patterns not subject to the blighting influence of flood damage;

5. To ensure that the public has access to information indicating the location of land areas subject to periodic flooding; and

6. To preserve the ability of floodplains to carry and discharge a base flood.

B. Delineation of Flood Hazard Area

1. The regulations in this Section apply to the Flood Hazard Area. The boundaries of the Flood Hazard Area, for the purposes of these regulations, shall coincide with the boundaries of the 100-year flood area delineated on the Flood Boundary and Floodway Map for Kalamazoo Township. This map is adopted by reference, appended, and declared to be a part of this Ordinance. The most recent base flood elevation data received from the Federal Emergency Management Agency (FEMA) shall take precedence over data from other sources.

2. Disputes as to the location of a Flood Hazard Area boundary may be resolved through the processes established by FEMA.

3. In addition to other requirements of this Ordinance, compliance with the requirements of this Section shall be necessary for all development occurring within the Flood Hazard Area. If there is a conflict between the requirements of this Section and other requirements of this Ordinance or any other ordinance, the requirement that furthers the objectives of this Section to the greatest extent shall apply.

C. Permitted Uses in the Flood Hazard Area

Within the Flood Hazard Area, no land shall be used except for one or more of the following uses, which have a low flood damage potential and present no, or minimal obstruction to flood flows. Such uses are permitted to the extent that they are not prohibited by any other ordinance and provided they do not require new structures, fill, or storage of materials or equipment, unless specifically permitted by the regulations herein. No use shall in any manner affect the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.

1. Site grading.

2. Harvesting of a native or wild crop permitted by law such as wild rice, marsh hay, berries, and seeds.

3. Harvesting of trees.

4. Parks, picnic areas, playgrounds, playfields, athletic fields, golf courses, par three golf courses, golf driving ranges, bridle paths, nature paths, and trails.

5. Wildlife preserves.

6. Fishing, trapping, and hunting in compliance with current laws and regulations.

7. Hunting and conservation clubs, and noncommercial archery, rifle, and shooting ranges.

8. Historic sites and structures.

9. Swimming beaches, fishing, and boating docks in accord with the provisions of Part 301 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended.

10. Required open space or lot area for permitted uses that are outside of the Flood Hazard Area.

11. Uses incidental to single family dwellings, including lawns, gardens, and play areas.

12. The following accessory buildings, structures and uses are permitted, subject to the requirements that generally apply to such accessory buildings, structures and uses in Section 2.03: off-street parking, streets, roads, bridges, outdoor play equipment, sheds and garages, boathouses, boat hoists, utility lines, pumphouses, bank protection structures, signs, fences, and similar outdoor equipment and appurtenances, provided each of the following requirements are met:
    a. Any such accessory building, structure, or use shall not cause an increase in water surface elevation, obstruct flow, or reduce the impoundment capacity of the floodplain.
    b. All equipment, buildings and structures shall be anchored to prevent flotation and lateral movement.
    c. Lot coverage of an accessory structure shall not exceed 500 square feet.
    d. Compliance with these requirements shall be certified by a licensed engineer.

13. Extraction of sand, gravel, and other materials, provided that the owner and/or operator of the extractive operation demonstrates to the satisfaction of the Township Board that no threat of ground water or surface water contamination will result from any part of the operation (including, but not limited to mining, processing, sorting, operation of vehicles and equipment, fueling, or any other part of the operation).

D. Filling and Dumping

Dredging and fill and/or dumping or backfilling with any material in any manner is prohibited unless through compensating excavation and shaping of the floodplain, the flow and impoundment capacity of the floodplain will be maintained or improved, and unless all applicable state regulations are met including but not limited to regulations set forth in Parts 31, 301, 303 and 315 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended.

E. Standards for Flood Hazard Areas

1. Except as noted in sub-section C, all new construction shall be prohibited in the Flood Hazard Area. Substantial improvements to existing structures shall be prohibited in the Flood Hazard Area, except where the improvements would clearly lessen the impact of the structure on the floodplain.

2. No existing building or structure shall be converted, or substantially improved or replaced unless the lowest floor, including the basement, is elevated to or above the base flood level. Reconstruction or repair of a nonconforming building or structure shall be subject to the regulations in Section 3.05.D.

3. No existing building or structure shall be converted, or substantially improved or replaced, and no land shall be filled or building or structure used in a flood hazard area unless the proposed improvements are in full compliance with the Zoning Ordinance. Any proposed conversion, substantial improvement, or replacement of an existing structure shall also comply with Appendix Chapter 31, Division I, of the Uniform Building Code, involving Flood-Resistant Construction. Approval shall not be granted until permits have been submitted from the Department of Environmental Quality under authority of Parts 31 of the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended; the Kalamazoo County Drain Commissioner, and Kalamazoo County Health and Community Services Department.

4. Relocation of a building or structure may be permitted only where the relocation would clearly lessen the impact of the structure on the floodplain.

5. All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.

6. Land shall not be divided in a manner that creates parcels or lots which cannot be used in conformance with the requirements of this Section.

7. The flood-carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to insure flood carrying capacity shall be maintained.

8. Available flood hazard data from federal, state, or other sources shall be used to determine compliance with this Section. Data furnished by the Federal Emergency Management Agency shall take precedence over data from other sources.

9. Developers of substantially improved or relocated structures within the Flood Hazard Area shall submit written documentation to the Building Official indicating:
   a. The elevation of the lowest floor in the structure, including basement.
   b. The elevation to which a structure has been floodproofed, if floodproofing methods have been employed.

10. Proposed specifications and as-built drawings shall be kept on record and made available for public inspection and for use in determining flood insurance risk premium rates.

11. When floodproofing measures are employed, a licensed engineer or architect shall certify that the methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and any other factors associated with the intermediate regional floodplain elevation. Such certification shall indicate the elevation to which the structure is floodproofed.

12. Improvements made to existing structures, including mobile homes, shall be firmly anchored to prevent flotation and lateral movement, and shall be constructed with flood resistant materials and methods.

13. If new and replaced utility and sanitary facilities must be located below the 100-year flood elevation, they shall be constructed so as to be watertight, to resist hydrostatic and hydrodynamic loads and to be resistant to the effects of buoyancy. All measures to flood proof utility and sanitary facilities are subject to approval of the Township Engineer.

14. On-site waste disposal systems, such as septic tanks and leach fields, and service facilities, such as electrical and heating equipment, shall not be located in a floodplain.

15. The application or discharge of persistent toxic compounds whose direct or indirect effects through residuals have a half-life greater than six months onto land within the Flood Hazard Area shall not be permitted.

16. Fill shall be protected from erosion by rip-rap, vegetative cover, bulkheading, or other appropriate technique approved by the Kalamazoo County Drain Commissioner.

17. Should any watercourse relocation or alteration be proposed, notification of said change in the watercourse shall be sent by the developer to adjacent affected communities, the Michigan Department of Environmental Quality, and the Federal Emergency Management Agency. Such modifications shall not impair the flow and impoundment capacity of the floodplain.

18. In no case shall any permanent structure be erected closer than fifty (50) feet to the banks of a river or to the center of any open county drain. River banks shall be determined by legal survey. The center of public drains shall be determined from legal descriptions which are on public record.

19. New subdivisions and other developments shall be designed and located to minimize flood damage within the Flood Hazard Area, and to prevent adverse impact in the Flood Hazard Area as a result of chemical contamination (for example, from fertilizer, herbicide, and pesticide usage; tree cutting; expanding impervious surface area, etc.). Public utilities in subdivisions, including sewer, gas, electrical, and water systems, shall be located and designed to minimize potential flood damage.

20. Where relocation of an existing structure is permitted, the structure shall be placed on the site so as to minimize obstruction to the flow of floodwaters; accordingly, whenever possible, the structure shall be placed with its longitudinal axis parallel to the direction of flood flow.

21. No approval shall be granted for the substantial improvement or relocation of existing structures, or development of any kind within the floodway hazard area when such improvement, relocation, or development would cause any increase in flood level associated with a 100-year flood.

F. Disclaimer of Liability

Approval of the use of land under this Section shall not be considered a guarantee or warranty of safety from flood damage. Any such approval shall not be considered a guarantee or warranty that areas outside the flood hazard area will be free from flood damage.

Section 2.08 Home Occupations and Home-Based Businesses

A. General Requirements

All home occupations and home-based businesses shall be subject to the applicable requirements of the zoning district in which they are located, in addition to the following general requirements, unless otherwise specified elsewhere in this Ordinance.

1. Any business activity must be clearly incidental to the use of the dwelling as a residence.

2. The exterior appearance of any structure shall not be altered due to the business activity.

3. No business activity shall be conducted in such a manner so as to cause the premises to differ from a residential character, whether by the use of colors, materials, construction, lighting, signs (except as permitted in this Section), or the emission of sounds or vibrations.

4. The delivery and pickup of goods and materials used and/or produced in the operation of a home occupation or home-based business shall be limited to the customary activity of the United States Postal Service and/or alternative private package services common to residential property in the area.

5. A home occupation or home-based business may increase vehicular traffic flow and parking demand by no more than two additional vehicles at a time. No more than ten customers or clients shall visit the dwelling unit for services or products during any one day.

6. Any demand for parking generated by a home occupation or home-based business, including one space for each non-resident employee of a home-based business, shall be met off the street and behind the required front setback line.

7. A home occupation or home-based business may be subject to annual inspection by the Building Official and shall be subject to termination if found not to be in compliance with the Zoning Ordinance.

B. Activities Not Considered a Home Occupation or Home-Based Business

1. Bed-and-breakfast inns, roadside stands, garage or yard sales, auto service or repair garages, restaurants and bars, and any other business activity specifically regulated by provisions elsewhere in this Ordinance shall not be considered a home occupation or a home-based business.

C. Standards for Home Occupations

All home occupations shall be subject to the following standards, in addition to the general requirements listed in sub-section A, above.

1. No outdoor display and/or storage of materials, goods, supplies, or equipment used in the home occupation shall be allowed on the premises in any zoning district.

2. Any person who is not a resident occupant of the dwelling unit shall not be employed in a home occupation located there.

3. Sign. One non-illuminated nameplate, not more than two (2) square feet in area, shall be allowed per residence to identify a home occupation. The permitted sign shall not be located in any road right-of-way and shall not obstruct the clear vision of drivers. No other sign shall be used on the premises to advertise a home occupation.

4. The total area within the principal dwelling devoted to home occupations shall not exceed one-quarter of the usable residential floor area of the dwelling unit.

5. One detached accessory building may be used by a home occupation for storage only, provided that there is no external evidence of the business activity. Any accessory building used for a home occupation shall be in full compliance with the standards for accessory buildings, as provided in Section 2.03 of this Ordinance.

6. Pursuant to Section 204 of Michigan Public Act 110 of 2006 (MCL 125.3204), individual instruction in a craft or fine art within a residence is a permitted home occupation.

D. Standards for Home-Based Businesses

All home-based businesses shall be subject to the following standards, in addition to the general requirements listed in sub-section A, above.

1. No more than one home-based business shall be permitted per residence.

2. No outdoor display and/or storage of materials, goods, supplies, or equipment used in the home-based business shall be permitted on the premises.

3. A home-based business shall be conducted solely by the resident occupants of the dwelling unit, plus not more than one full-time-equivalent non-resident employee or independent contractor per residence.

4. Sign. One, non-illuminated, freestanding or wall sign, not more than four (4) square feet in area, shall be permitted for a home-based business. Signs shall not be located in any road right-of-way and shall not obstruct the clear vision of drivers. Freestanding signs associated with a home-based business shall not be greater than five feet in height.

5. The total area within the principal dwelling devoted to home-based businesses shall not exceed one-quarter of the usable residential floor area of the dwelling unit.

6. Accessory buildings may be occupied by a home-based business, provided that there is no external evidence of the business activity. Any accessory building used for a home-based business shall be in full compliance with the standards for accessory buildings, as provided in Section 2.03 of this Ordinance.

7. The Township may limit hours of operation for a home-based business if deemed necessary to maintain the residential character of the neighborhood.

E. Permits and Administration

1. <u>Home Occupations</u>
   No permit shall be required for the operation of a home occupation in accordance with the standards of this Ordinance. If a home occupation is found to be operating outside the standards of this Ordinance, the Township may require the business owner to file an application for home-based business or cease operation of the home occupation.

2. <u>Home-Based Business</u>
   a. The initial application for a home-based business permit shall be made on a form to be provided by the Township. The applicant shall submit a sketch plan, drawn to scale, showing property lines; building footprints; sidewalks, driveways, and parking areas; the location of the well and septic system, if applicable; and other salient features. Upon receipt of a completed application and sketch plan, the Township shall notify neighboring properties within 500 feet of the proposed location of a home-based business. The application and plan shall be reviewed by the Planning Commission for compliance with the zoning ordinance and compatibility with the residential neighborhood. The Planning Commission may approve, approve with conditions, or deny the home-based business permit.

   b. A home-based business permit shall be restricted to the resident occupants of the dwelling unit at the time of initial application and may not be transferred or sold except upon re-review by the Township.

   c. Township approval of a home-based business shall only remain valid while the business activity complies with the standards of this Ordinance.

Section 2.09 Impact Assessment

A. Intent

The purpose of an Impact Assessment is to assess the developmental, ecological, social, economic, and physical impact from a proposed development on and surrounding the development site, and to determine if a proposed use will be in compliance with the site development and performance standards set forth in this Ordinance. Where required, preparation of the Impact Assessment shall be the responsibility of the applicant. The applicant shall use qualified personnel to complete the Impact Assessment, which shall address the following issues, at minimum:

1. Water, noise, and air pollution associated with the proposed use.
2. Effect of the proposed use on public utilities.
3. Historic and archeological significance of the site and adjacent properties.
4. Displacement of people and other land uses by the proposed use.
5. Alteration of the character of the area by the proposed use.
6. Effect of the proposed use on the Township's tax base and adjacent property values.
7. Compatibility of the proposed use with existing topography, and topographic alterations required.
8. Impact of the proposed use on surface and groundwater.
9. Operating characteristics and standards of the proposed use.
10. Proposed screening and other visual controls.
11. Impact of the proposed use on traffic.
12. Impact of the proposed use on flora and fauna.
13. Negative short-term and long-term impacts, including duration and frequency of such impacts, and measures proposed to mitigate such impacts.

B. Information Required

Where required, an Impact Assessment shall contain all applicable information that is required for Conceptual Review of Planned Development, as set forth in Section 26.04.

C. Evaluation of the Impact Assessment

The Planning Commission and Township Board shall consider the criteria listed below in their evaluation of an Impact Assessment. Failure to comply with any of the criteria shall be sufficient justification to deny approval of the application. The Township Board and Planning Commission shall determine that the proposed use:

1. Will be harmonious with and in accordance with the general objectives of the Master Plan.
2. Will be designed, constructed, operated, and maintained in harmony with the existing or future neighboring uses.
3. Will not be hazardous or disturbing to existing or future neighboring uses.
4. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
5. Will be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection, and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
6. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.

7. Will not involve uses, activities, processes, materials, equipment, and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors.

D. Applicability of Other Standards and Ordinances

Approval of the Impact Assessment shall not relieve the project's sponsor from complying with other requirements of the Zoning Ordinance, or with any other Township ordinance, or with any other applicable local, State or Federal law or regulation.

Section 2.10 Keeping of Animals

The keeping of more than three (3) dogs and/or cats, pigeons having free access outside of their cages, and livestock is prohibited within or upon any platted properties used for residential purposes or within 132 feet of such platted properties. However, these limits may be exceeded for a period of four (4) months after the birth of a litter of dogs or cats, provided that no more than two (2) litters shall be allowed on a premises within any consecutive twelve (12) month period. All such animals (dogs, cats, poultry, and livestock) shall be prohibited in any area of the Township if they create a nuisance by reason of odors or noise.

A. Keeping of Chickens (Hens)

The purpose of this section is to provide standards and requirements for the keeping of chickens. Roosters are not permitted. It is intended to enable residents to keep up to four chickens on a non-commercial basis while limiting and mitigating any potential adverse impacts on surrounding properties and neighborhoods. The keeping of up to four chickens that are utilized exclusively by the person(s) occupying a one-family dwelling as a locally grown food source for the consumption of eggs or meat, is permitted as accessory to the residential use if all of the following are satisfied:

1. Chickens shall be kept only in the rear yard secured within a coop and attached pen during non-daylight hours. During daylight hours, chickens may be allowed to roam outside of the coop and pen, if supervised, and only within an area completely enclosed by a fence with a minimum height of four feet.

2. The accessory use, coop and pen shall be designed to provide safe and healthy living conditions for chickens while minimizing adverse impacts on other residents and the neighborhood. The coop and pen shall meet the following additional requirements:

   a. The coop shall be set back a minimum of ten feet from all property lines of adjacent property and both the coop and pen shall be located a minimum of 35 feet from the nearest wall of any adjacent dwelling. Additionally, a coop and pen located on a lake front lot shall have a 40- foot rear yard setback. Public streets and public easements shall not be considered adjacent property lines for purposes of this section.

   b. The coop and pen shall be a maximum of six feet in height and shall not exceed a combined total of 80 square feet.

   c. The use of corrugated fiberglass, plastic tarps, scrap lumber or similar materials is prohibited. The coop and pen shall be similar in appearance to the surrounding residential dwellings and must be completely enclosed with a top and/or cover. The coop shall have a pitched roof.

   d. The coop and pen may be movable only if the dimensional/setback restrictions contained in this section are satisfied.

3. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice or other rodents shall be protected so as to prevent rats, mice or other rodents from gaining access or coming into contact with them.

4. The outdoor slaughter of chickens is prohibited.

5. The accessory use shall comply with all provisions of the Kalamazoo Charter Township Code of Ordinances pertaining to noise, odors, dust, fumes, sanitation and health or other comparable nuisances to ensure the public health, safety and welfare.

6. No person shall keep chickens without first securing a permit from the Township on a form provided and without paying a permit fee as prescribed by the Kalamazoo Township Board by resolution. The permit shall be issued by the Zoning Administrator. Such permit may be revoked by the Zoning Administrator if it is determined that any provision of this section is violated. The permit holder shall be noticed of such violation and have the right to a hearing by the Planning Commission before the permit may be revoked.

7. Establishment of an accessory use and/or accessory building under this section shall not confer a vested right in the provisions contained herein or a right to continue such use. Further, a permit granted under this section is personal to the applicant occupying the dwelling and is not transferable.

8. This section shall not regulate the keeping of chickens in those areas where a form of agriculture is a permitted principal use or special land use under other sections of this zoning code.

9. All licensing required by the State of Michigan and Kalamazoo County, as well as all other statutes, ordinances and codes, shall be satisfied.

10. No permit shall be issued by the Zoning Administrator without the written authorization from an owner of the property (if different from the applicant) consenting to the application on a form provided. Once authorization is obtained it shall continue for as long as the applicant is in possession of the property.

Section 2.11 Lawful Use of a Structure as a Dwelling Unit

A. Incompletely Constructed Structures

Any incompletely constructed structure which does not meet the requirements of the Building Code or this Ordinance shall not be issued a Certificate of Occupancy and shall not be used as a dwelling. For the purposes of this section, a basement which does not have a residential structure constructed above it shall be considered an incompletely constructed structure. The restrictions shall not prevent temporary use of structure as a residence in accordance with Section 2.21.

B. Caretaker Residence

No dwelling shall be erected in a commercial or industrial district, unless specifically permitted otherwise by this Ordinance, except for the living quarters of a watchman or caretaker. Any such living quarters shall consist of a structure which is permanently affixed to the ground, constructed in accordance with the adopted building code, and provided with plumbing, heating, bathroom, and kitchen facilities. In no case shall such living quarters be used as a permanent single-family residence by anyone other than a watchman or caretaker and his/her immediate family.

Section 2.12 Lighting

A. Intent

The regulations in this section are intended to require sufficient lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas to ensure the security of property and safety of persons. These regulations are also intended to prevent the adverse effects of inappropriate lighting, including glare, light trespass onto adjoining properties, light pollution and sky glow, and energy waste. These regulations are also intended to permit and encourage the use of lighting that promotes energy efficiency and conservation in the Township.

B. Definitions

Words and phrases used in this Section shall have meaning set forth below. Words and phrases not defined herein but defined in Article 1.00 shall be given the meanings set forth in Article 1.00. All other words and phrases shall be given their common, ordinary meaning, unless context clearly requires otherwise.

Bulb (or **Lamp**): The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). “Lamp” is often used to denote the bulb and its housing.

Candela (cd): A unit of luminous intensity. One candela is one lumen per steradian. Also known as one candlepower.

Disability glare: An intense and blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.

Filtered fixture: Light fixtures having glass, acrylic, or translucent enclosures to filter the light.

Fixture: The assembly that holds the lamp in a lighting system. The Fixture includes the elements designed to give light output control, such as a reflector (mirror), refractor (lens), the ballast, housing, and the attachment parts.

Floodlight: A fixture or lamp designed to "flood" an area with light.

Footcandle: Illuminance produced on a surface one foot from a uniform point source of one candela or when one lumen is distributed into an area of one square foot.

Fully shielded fixture: An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not visible from adjoining properties, and does not cause glare or interfere with the vision of motorists.

High pressure sodium (HPS) lamp: High-intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures (100 torr).

Incandescent lamp: A lamp that produces light by a filament heated to a high temperature by electric current.

Laser Source Light: An intense beam of light, in which all photons share the same wavelength.

LED Light: A light fixture that uses a light-emitting diode, which is a semi-conductor diode that emits light when conducting electrical current.

Light trespass: Light falling where it is not wanted or needed (also called spill light).

Low pressure sodium (LPS) lamp: A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure (about 0.001 torr). A LPS lamp produces monochromatic light.

Lumen: Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One footcandle is one lumen per square foot. One lux is one lumen per square meter.

Luminaire: The complete lighting unit, including the lamp, fixture, and other parts.

Mercury vapor lamp: A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.

Metal halide lamp: A high-intensity discharge mercury lamp where the light is produced by radiation from metal-halide vapors.

Non-essential lighting: Outdoor lighting which is not required for safety or security purposes.

Recessed canopy fixture: An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

C. General Requirements

1. Sufficient lighting, as defined by the most recent edition of the "Illuminating Engineering Society of North America (IESNA) Standards," shall be required for parking areas, walkways, driveways, building entrances, loading areas, and public common areas to ensure the security of property and safety of persons.

2. All outdoor lighting shall be shielded as required in Section 2.12.D.

3. Non-essential lighting shall be turned off after business hours, leaving only that lighting that is necessary for site security.

4. Light trespass from a property shall not exceed 0.5 footcandles at the property line, measured five feet above the ground.

5. To prevent sky glow, lighting shall be shielded or designed to prevent light to project above a 90 degree horizontal plane (see illustration).
6. Uplighting of buildings for aesthetic purposes shall be confined to the target surface as much as possible.

7. Gas station canopies and similar structures shall have fully recessed lighting fixtures and the total initial lamp output under the canopies shall be limited to 40 lumens per square foot of canopy.

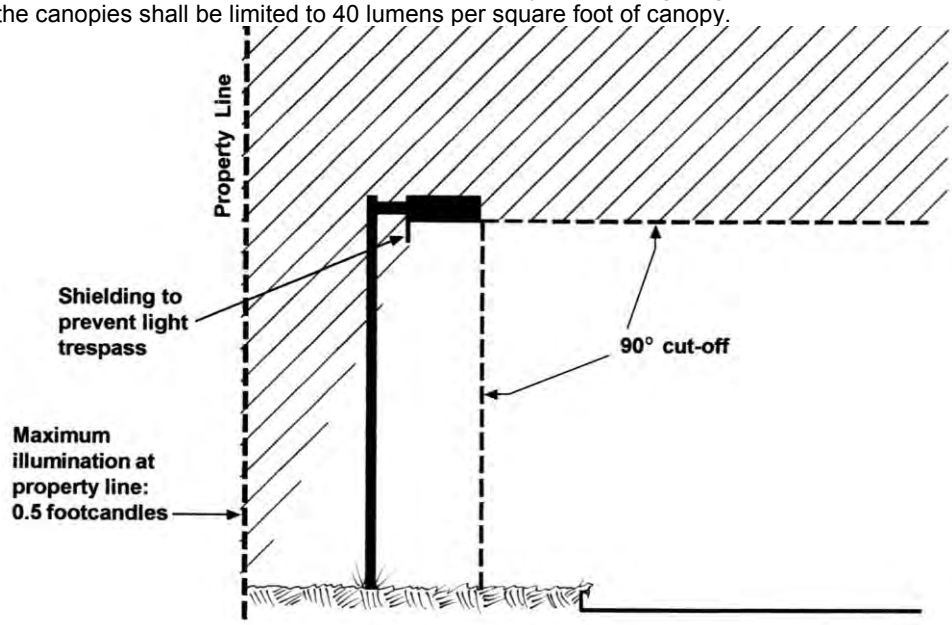


Figure 2.3: Lighting Fixture Orientation and Shielding [see Section 2.12(C)(5)]

D. Permitted Lighting Sources and Shielding Requirements

Outdoor lighting shall comply with the following use and shielding requirements:

Lamp Type	Permitted Use	Shielding Requirement
High Pressure Sodium; Low Pressure Sodium; LED	Street lighting; parking and security areas; sports parks, tennis courts; residential or agricultural security lighting	Fully
Metal Halide *(filtered and in enclosed luminaries only)*	Signage, display and sports lighting, where color rendering is critical	Fully
Fluorescent *(warm white or natural lamps preferred)*	Residential lighting, internal sign lighting (see Section 7.06, sub-section B)	None
Incandescent, more than 100 watts	Sensor activated residential lighting	None
Incandescent, 100 watts or less	Porch lighting and other residential uses	None
Any light source of 50 watts or less	Any	None
Glass tubes filled with neon, argon, or krypton	Display/advertising	None

E. Height

Lighting fixtures shall not exceed a height of twenty-two (22) feet measured from the ground level to the centerline of the light source. Fixtures should provide an overlapping pattern of light at a height of approximately seven (7) feet above ground level.

The Planning Commission may modify these height standards in industrial districts, based on consideration of the following: the position and height of buildings, other structures, and trees on the site; the potential off-site impact of the lighting; the character of the proposed use; and, the character of surrounding land use. In no case shall the lighting fixture exceed thirty (30) feet in height.

F. Sign Lighting

Illuminated signs shall comply with the regulations set forth in Article 7.00.

G. Prohibited Lighting

1. Recreational Facility Lighting
   No outdoor recreational facility, public or private, shall be illuminated after 11:00 p.m. except to conclude a permitted recreational or sporting event or other activity in progress prior to 11:00 p.m.

2. Outdoor Building and Landscaping Lighting
   Unshielded illumination of the exterior of a building or landscaping is prohibited.

3. Mercury Vapor and Wall Pack Lighting
   The installation of mercury vapor fixtures is prohibited. Wall pack fixtures are also prohibited, except where the lens is fully shielded.

4. Laser Source Light
   The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.

5. Searchlights
   The operation of searchlights for advertising purposes is prohibited between 10:00 p.m. and sunrise the following morning.

H. Exceptions

1. Fossil Fuel Light
   Fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps) is exempt from the provisions of this Section.

2. Temporary Carnival and Civic Uses
   Lighting for permitted temporary circus, fair, carnival, or civic uses is exempt from the provisions of this Section.

3. Construction and Emergency Lighting
   Lighting necessary for construction or emergencies is exempt from the provisions of this article provided that said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency.

4. Special Conditions
   Additional exceptions may be permitted, subject to site plan review, and upon finding that unique or special conditions on the site warrant the exception.

I. Application for a Permit

1. Any person applying for site plan approval or for a building, electrical or sign permit to install outdoor lighting fixtures shall submit evidence that the proposed work will comply with this Section.

2. The site plan or building, electrical, or sign permit application shall identify the location, type, height, method of mounting, and intensity of proposed lighting. If available, the manufacturer's catalog specifications and documents, drawings, and certified test reports shall be submitted. The information submitted shall be sufficiently complete to demonstrate compliance with Ordinance requirements.

Section 2.13 Performance Guarantee

A. Intent and Scope of Requirements

To ensure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Planning Commission or Township Board may require that a performance guarantee be deposited with the Township to insure faithful completion of improvements, in accordance with Section 505 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Improvements for which the Township may require a performance guarantee include, but are not limited to, landscaping, berms, walls, lighting, driveways and parking, acceleration/deceleration lanes, traffic control devices, sidewalks, and land reclamation activities.

B. General Requirements

The performance guarantee shall meet the following requirements:

1. The performance guarantee shall be in the form of an insurance bond, an irrevocable bank letter of credit, or cash escrow. Any such performance guarantee shall not have an expiration date and shall include a provision that calls for notification of the Township if the bond is canceled. If the applicant posts a letter of credit, the credit shall require only that the Township present the credit with a sight draft and an affidavit signed by the Township Supervisor attesting to the Township's right to draw funds under the credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the Township whenever the Township Supervisor presents an affidavit to the agent attesting to the Township's right to receive funds whether or not the applicant protests that right.

2. The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity or project. If appropriate based on the type of performance guarantee submitted, the Township shall deposit the funds in an interest-bearing account in a financial institution with which the Township regularly conducts business.

3. The amount of the performance guarantee shall be 125% of the estimated cost of the improvements for which the performance guarantee is required. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by the Building Official.

4. The entire performance guarantee shall be returned to the applicant following inspection by the Building Official and a determination that the required improvements have been completed satisfactorily. The performance guarantee may be released to the applicant in proportion to the work completed on various elements, provided that a minimum of ten percent (10%) shall be held back on each element until satisfactory completion of the entire project.

5. An amount not less than ten percent (10%) of the total performance guarantee may be retained for a period of at least one year after installation of landscape materials to insure proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the Township Planner, or his/her designee, that all landscape materials are being maintained in good condition.

C. Unsatisfactory Completion of Improvements

Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this Ordinance, the Township may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance guarantee. Prior to completing said improvements, the Township shall notify the owner, site plan review applicant, or other firm or individual responsible for completion of the required improvements.

Section 2.14 Private Deed or Plat Restrictions

The enforcement of regulations in this ordinance does not preclude the enforcement of private deed or plat restrictions by those who benefit from such restrictions, provided there is no conflict with the zoning regulations contained herein or the Subdivision/Site Condominium Ordinance, Ordinance No.523, Part 240 of the Township Code of Ordinances.

Section 2.15 Reception Antenna Facilities

In all zoning districts the installation of reception antenna facilities shall be permitted as an accessory use, subject to the provisions in this section.

A. Purpose

The purposes of this section are as follows:

1. To provide reasonable regulations for the placement of reception antenna facilities.

2. To promote safety and prevent dangers to persons and property resulting from accidents involving antenna facilities that may become dislodged and fall due to wind load, snow load or other forces.

3. To require screening of ground-mounted facilities and to minimize the visibility of roof or structure mounted facilities in the interest of maintaining the high architectural and aesthetic qualities of the Township and in the interest of maintaining and preserving property values.

B. Ground-Mounted or Tower-Mounted Antennas

Ground-mounted or tower-mounted antennas shall be subject to the following conditions:

1. The maximum height of any part of a ground-mounted or tower-mounted antenna shall be the minimum height necessary to achieve adequate reception.

2. Ground-mounted or tower-mounted antennas shall comply with the setback requirements for the district in which they are located, and shall not be located in front yards. However, an antenna may be located in the front yard if suitable reception cannot be achieved in any other location on the site, and provided that the antennas in the front yard are screened as noted in the following sub-section 3.

3. Ground-mounted or tower-mounted antennas shall be obscured from view from adjacent properties and from any public road by a screen wall, fence, evergreen plantings, or a combination thereof in compliance with Township ordinances, provided that screening shall not be required that would unreasonably prevent reception.

C. Roof-Mounted Antennas

Antennas mounted on a roof of a building shall be subject to the following regulations:

1. The maximum length and width of the antenna facility itself shall be eight feet. Antennas mounted on a building shall not exceed the minimum height necessary to achieve adequate reception, but in no case shall a building-mounted antenna be permitted to extend more than 20 feet above the roof line of the building to which it is attached.

2. Roof-mounted antennas shall be permitted on the side of building facing a road only if there is no other option available to achieve adequate reception.

3. Roof or structure-mounted antennas shall comply with the setback requirements for the district in which they are located.

D. General Requirements

All antennas shall comply with the following regulations:

1. Antennas shall not be solid sheet or panel construction and shall not be used as a sign or message board. Antennas shall be painted a flat grey or other color to minimize visibility.

2. Permits required by the adopted building or electrical code shall be obtained prior to construction of an antenna. The applicant shall submit a site plan indicating the exact location where the antenna will be located, plus electrical and structural plans and documentation.

3. All wiring to the antenna shall be installed underground.

4. In the event that approval is requested for an antenna that is higher than the minimum standards specified in this section, or if other variations from the required standards are proposed, documentation shall be provided demonstrating the need for such variations in order to achieve adequate reception.

Section 2.16 Residential Design Standards

Any residential structure, including manufactured dwellings and mobile homes <u>not located in mobile home parks</u>, shall be erected or constructed only if in compliance with the following residential design standards.

A. General Requirements

1. <u>Area and Bulk Regulations</u>
   Any residential structure, including any mobile home dwelling unit, shall comply with the minimum floor area requirements specified for the zoning district where such structure is located. Mobile homes shall comply with all regulations normally required for site-built housing in the zoning district in which it is located.

2. <u>Foundation</u>
   All residential structures shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with the adopted building code of the Township. A mobile home shall be securely anchored to its foundation in order to prevent displacement during windstorms. The wheels,

tongue and hitch assembly, and other towing appurtenances, shall be removed before attaching a mobile home to its permanent foundation.

3. Other Regulations
   Residential structures shall be constructed in compliance with applicable state, Federal, or local laws or ordinances, including the Michigan State Construction Code. Mobile homes shall comply with the most current regulations specified by the United States Department of Housing and Urban Development, Manufactured Home Construction and Safety Standards (24 CFR 3280), as amended. All dwellings shall meet or exceed all applicable roof snow load and strength requirements.

4. Floodplain
   No dwelling unit, including mobile homes, shall be located within a 100- year floodplain.

5. Use
   Residential structures shall be used only for the purposes permitted in the zoning district in which they are located.

6. Attachments
   Any exterior attachments or extensions onto a dwelling unit, such as entry steps and storage buildings, shall comply with the adopted building code of the Township.

7. Utilities
   Each dwelling unit shall be connected to a public sanitary sewer and water supply or to a septic system and well approved by the Kalamazoo County Health Department.

8. Storage Space
   Each dwelling shall contain storage area either in a basement under the dwelling, in an attic, in closet areas, or in a separate fully enclosed structure on the site. The storage space shall be in addition to the space for storage of automobiles and shall be equal to not less than fifteen percent (15%) of the interior living area of the dwelling or 250 sq. ft., whichever is less.

9. Maintenance
   Each dwelling shall be properly maintained to prevent deterioration or damage from the elements by prompt and appropriate repairs, surface coating, and other protective measures, in accordance with this ordinance and the Property Maintenance Code.

10. Additions
    Dwellings shall contain no additions of rooms or other areas that are not constructed with similar materials and quality of workmanship as in the original structure, including an appropriate foundation and permanent attachment to the principal structures.

11. Roof Pitch
    The pitch of the main roof shall have a minimum vertical rise of one foot for each four feet of horizontal run, and the minimum distance from the eaves to the ridge shall be 10 feet, except where the specific housing design dictates otherwise (i.e., French provincial, Italianate, etc.). The roof shall be finished with a type of shingle or other material that is commonly used in standard on-site residential construction in the vicinity.

12. Exterior Materials
    Exterior siding shall consist of materials that are generally acceptable for housing in the vicinity, provided that the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel, and provided further that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

13. Dimensions
    Dwellings shall be located on the lot so that the minimum width of the front elevation is no less than 34 feet and the minimum dimension along any side or rear elevation is no less than 24 feet.

14. Roof Overhang
    Dwellings shall be designed with either a roof overhang of not less than six inches or with window sills and roof drainage systems to concentrate roof drainage at collection points along the sides of the dwelling.

15. Exterior Doors
    Mobile homes and manufactured dwellings shall have not less than two exterior doors which shall not be located on the same side of the building. Where required because of a difference in elevation, all exterior doors shall be provided with steps that are permanently attached to the building.

16. Innovation
    The requirements in Section 2.16 shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, topography, or relief from the common or standard designed home.

Section 2.17 Safety Provisions

A. Public Service Access

All structures shall be provided with adequate access for fire, police, sanitation, and public works vehicles.

B. Fire Protection

All structures shall be provided with adequate fire protection systems, which may include adequate water supply for fire fighting purposes, adequate internal fire suppression system, use of fire walls and fire-proof materials, and other fire protection measures deemed necessary by the Township Fire Marshal or Building Official.

1. Fire Protection Systems
   The Fire Marshal or Building Official shall have the authority to require fire protection systems installed in any zoning district.

2. Site Development Standards
   To facilitate fire protection during site preparation and construction of buildings, consideration shall be given to the following:

   a. If public water is available, water mains and fire hydrants shall be installed prior to construction above the foundation. Hydrants shall be spaced to provide adequate fire fighting protection for all buildings and uses, subject to applicable codes and review by the Township officials.
   b. Prior to construction of buildings and other large structures, a hard surfaced roadbed shall be provided to accommodate access of heavy fire fighting equipment to the immediate job site at the start of construction. The roadbed shall be maintained until all construction is completed or until another means of access is constructed.
   c. Free access from the street to fire hydrants and to outside connections for standpipes, sprinklers, or other fire extinguishing equipment, whether permanent or temporary, shall be provided and maintained at all times.
   d. The Building Permit holder shall provide scheduled daily cleanup of scrap lumber, paper products, corrugated cardboard and other debris. Construction debris shall be disposed of in accordance with methods approved by the Building Official.

C. Excavations and Holes

Excavations and holes created in conjunction with a construction project shall be adequately barricaded and illuminated if not filled in at the end of the working day. Where such excavations or holes are located in a public right-of-way, it shall be the responsibility of the contractor to notify the Township Police of their existence.

D. Building Demolition

Before a building or structure is demolished, the owner, wrecking company, or person who requests the demolition permit shall notify all utilities providing service to the building. A demolition permit shall not be issued until all utilities have provided notification that service has been properly terminated.

Section 2.18 Sidewalks

A. Requirements

Sidewalks shall be required in conjunction with all new residential and commercial development. In new residential subdivisions and condominiums sidewalks shall be required on both sides of the street.

B. Location and Width

Required sidewalks shall be a minimum of five (5) feet in width and shall generally be located one (1) foot off the property line in the road right-of-way, except where the planned right-of-way is greater in width than the existing road right-of-way,

in which case the sidewalk shall be located one (1) foot inside the planned right-of-way. The Planning Commission may modify these requirements in consideration of the location of utilities, landscaping, or other site improvements.

C. Construction Standards

Sidewalks shall be constructed of concrete in accordance with established engineering requirements of the Township.

D. Alignment with Adjacent Sidewalks

New sidewalks shall be aligned horizontally and vertically with existing sidewalks on adjacent properties. The Planning Commission may modify this requirement upon finding that adjacent sidewalks are not constructed in conformance with Township requirements.

E. Signage

The Planning Commission may require installation of signs for the purpose of safety where it is necessary to separate vehicular traffic from pedestrian traffic, or where it is necessary to alert vehicular traffic of the presence of the sidewalks.

F. Maintenance

The owner of the property which fronts on the sidewalk shall be responsible for maintenance of the sidewalk, including patching cracked or deteriorated pavement, snow removal, and removal of debris.

G. Permits

It shall be the responsibility of the owner or developer to secure any required permits from the Road Commission of Kalamazoo County or Michigan Department of Transportation to allow sidewalk construction in a road right-of-way.

Section 2.19 Soil Erosion and Sedimentation Control

A. Scope of Requirements

Any development in Kalamazoo Township shall comply with the standards and specifications for soil erosion and sedimentation control as adopted by the Kalamazoo County Drain Commissioner, as well as the requirements set forth in this Section. All site plans, shall include sufficient information to demonstrate compliance with these soil erosion and sedimentation control requirements. The applicant shall bear the full responsibility for the installation and construction of all such required erosion control measures.

B. Information Requirements

The following information shall be submitted to the Township on or with the site plan for the entire tract of land, whether or not the tract will be developed in stages:

1. A boundary line survey of the site on which the work is to be performed.
2. General topographic and soil conditions of the site.
3. Location and description of existing and proposed development.
4. Plans and specifications for proposed soil erosion and sedimentation control measures to be implemented, based on standards and specifications of the Kalamazoo County Drain Commissioner.
5. A schedule indicating the anticipated starting and completion dates of development.

C. Design Standards

In addition to the standards and specifications for soil erosion and sedimentation control promulgated by the Kalamazoo County Drain Commissioner, the following design standards shall be used to provide effective control of soil erosion and sedimentation:

1. The development plan shall complement the topography and soils on the site so as to minimize erosion potential.
2. Permanent vegetation and improvements such as streets, storm sewers or other features of the development, capable of carrying storm runoff in a safe manner, shall be scheduled for installation prior to removing the vegetative cover from an area, if feasible.

3. Where feasible, natural vegetation shall be retained where it aids in soil erosion and sedimentation control.

4. The smallest practical area of land shall be exposed at any one time during development, for the shortest practical period of time.

5. Soils exposed during construction shall be protected with temporary vegetation, mulching, or other protection.

6. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.

7. Provisions shall be made to accommodate the increasing run-off caused by changed soil and surface conditions during and after development.

8. Permanent vegetation and soil erosion control devices shall be installed as soon as practical during development.

D. Maintenance of Soil Erosion and Sedimentation Control

Individuals or developers carrying out soil erosion and sedimentation control measures under this Ordinance, and all subsequent owners of property on which such measures have been installed, shall adequately maintain all permanent erosion control measures, devices and plantings in effective working condition.

Section 2.20 Streets, Roads, and Other Means of Access

A. Intent

Unimpeded, safe access to parcels of land throughout the Township is necessary to provide adequate police and fire protection, ambulance services, and other public services, and to otherwise promote and protect the health, safety, and welfare of the public. The standards and specifications set forth herein are determined to be the minimum standards and specifications necessary to meet the above stated intentions.

B. Public Access Required/Minimum Frontage

The front lot line of all lots shall abut onto a publicly dedicated road right-of-way or approved private road. The required frontage on an approved road right-of-way shall be equal to or greater than the minimum lot width for the district in which the lot is located, as specified in Section 25.02; except that the minimum frontage of lots that abut the turnaround at the end of a cul-de-sac shall be equal to or greater than 50% of the minimum lot width. On lots located on a curve, frontage shall be measured along a straight line between the two points where the side lot lines intersect the curved right-of-way line (see drawing). Frontage on a "T" turnaround shall not be counted toward the minimum road frontage requirements.

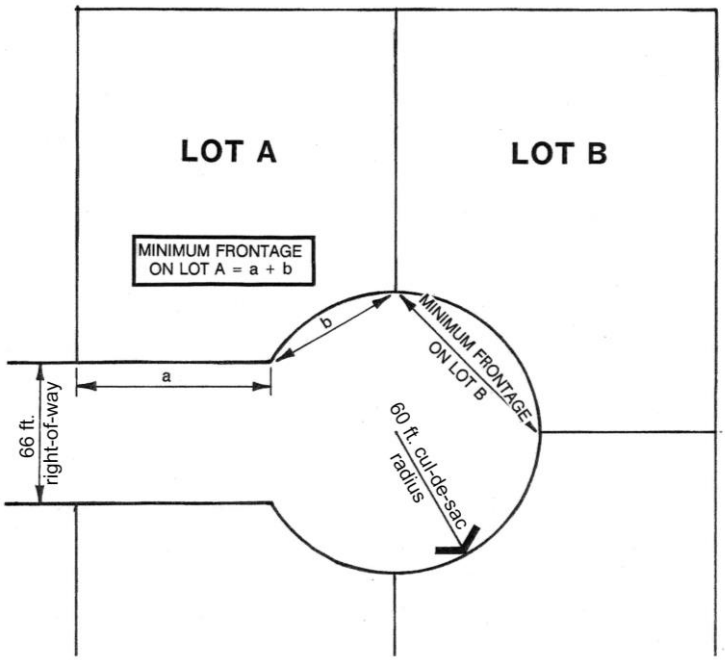


Figure 2.2: Measurement of Lot Frontage [see Section 2.20(B)]

C. Access on Residential Through Lots

On through lots in residential districts, the driveway providing the primary means of vehicular access shall intersect the road on which lot frontage is greatest. However, if the property line abutting the other road has been designated as the "front lot line" on an approved lot split application or subdivision plat, then the driveway providing the primary means of vehicular access shall intersect the road that abuts said front lot line.

The Planning Commission may approve a primary means of access that varies from these requirements upon finding that such access would facilitate traffic safety (for example, by limiting access on an arterial street) or achieve consistency with existing adjacent and nearby residences.

D. Road and Driveway Standards

Public roads shall comply with the requirements of the Road Commission of Kalamazoo County or Michigan Department of Transportation, as applicable. Driveways shall comply with the following minimum requirements in addition to engineering standards that are enforced by the Township.

1. Minimum Driveway Setbacks
   Driveways shall be set back a minimum of four (4) feet from any side or rear property line unless otherwise specified.

2. Paving Waiver
   Upon request from an applicant, the Planning Commission may waive paving requirements for driveways, parking areas, and other vehicle maneuvering areas upon making a determination that another surfacing material would be adequate and not in conflict with Township planning and zoning objectives. In making a determination whether an alternative surface material can be approved, the Planning Commission shall consider the following: the level, type and frequency of traffic expected; the types of vehicles expected to use the facility (recognizing that certain types of heavy equipment may damage paved surfaces); alternatives to handle stormwater runoff; and, visibility and appearance of such areas from public roads and adjacent private property.

   Prior to making an evaluation whether unpaved surfacing should be permitted, the Planning Commission may require the applicant to provide engineered plans and specifications. In all cases main vehicle maneuvering lanes and roads through any development shall be paved. The Planning Commission may require a performance guarantee and/or recordable document to provide for re-evaluation and possible completion of paving in the event that the intensity or nature of the use changes.

3. Residential Uses

Type of Road or Driveway	Minimum Width	Pavement Required	Curb and Gutter Required?
Driveways to individual detached units in a plat or site condominium	9 feet *(see note 1)*	Paved	No
Driveways to individual detached lots not in a plat or site condominium *(See note 2)*	9 feet *(see note 1)*	Gravel or Paved	No
Roads throughout a single-family attached development, including entrance roads *(see note 3)*	Must comply with Road Commission of Kalamazoo County standards		
Driveways to individual single-family attached units	9 feet *(see note 1)*	Paved	No
Roads throughout a multiple-family development	24 feet	Paved	Curb and gutter
Multiple-family development entrance roads *(see note 3)*	27 feet	Paved	Curb and gutter
Roads/driveways within a parking area *(see note 4)*	See Article 4.00		
Roads in a Mobile Home Park	See Article 16.00		

Notes on Table:

1. A driveway serving two (2) dwelling units, or serving a single dwelling unit set back more than 150 feet from a public road, shall not be less than twenty (20) feet in width. The maximum driveway width within the required front yard setback shall be twenty (20) feet. Driveways shall be constructed and maintained to support emergency vehicles, provide a minimum height clearance of fourteen (14) feet, and comply with the Kalamazoo Township Fire Code.
2. Shared driveways for adjoining single-family parcels may be permitted, provided that an access easement is recorded that provides for joint use and maintenance of the driveway. Both parcels shall comply with minimum road frontage and lot width requirements as described in Section 3.20(B).
3. An entrance road extends from the edge of the public road to the edge of any parking lot, intersection, tee, or similar terminus within a development.

4. Commercial/Office/Industrial Uses *(see note 1)*

Type of Road or Driveway	Minimum Width	Pavement Required	Curb and Gutter Required?
Driveways serving two or more parcels (e.g., office or industrial park)	31 feet	Paved	Curb and gutter
Main access driveways (commercial/office uses)	31 feet	Paved	Curb and gutter
Main access driveways and internal circulation routes for three or fewer buildable industrial parcels	27 feet	Paved	Curb and gutter No on-street parking
Main access driveways and internal circulation routes for four or more buildable industrial parcels	31 feet	Paved	Curb and gutter
Internal circulation truck routes	31 feet	Paved	Curb and gutter
Internal circulation routes (no trucks)	24 feet	Paved	Curb and gutter
Entrance roads *(see note 2)*	31 feet	Paved	Curb and gutter
Roads/driveways within a parking area *(see note 3)*	See Article 4.00		

Notes on Table:
1. Driveways to commercial and industrial areas shall be subject to site plan review.
2. An entrance road extends from the edge of the public road to the edge of any parking lot, intersection, tee, or similar terminus within a development.
3. Curb and gutter requirements are not applicable for access routes through parking lots.

5. Miscellaneous

Type of Road	Minimum Width	Pavement Required	Curb and Gutter Required?
Boulevard entrances with median (not public)	18 feet *each direction*	Paved	Curb and gutter
Service drives *(minimum 30-foot setback from parallel public road)*	24 feet	Paved	--
"T" turnaround	Must comply with the Road Commission of Kalamazoo County		
Cul-de-sac	Minimum cul-de-sac right-of-way or easement radius is 60 feet.		

Notes on Table:
1. Unless otherwise required by the Road Commission of Kalamazoo County, "T" turnarounds shall only be used at the end of stub streets that have no dwelling units fronting on them, and a cul-de-sac shall be constructed at the end of all dead-end public roads, regardless of whether the roads are expected to be extended in the future.

6. Vertical Clearance
Driveways and roads needed for emergency and fire department access in commercial and industrial districts shall maintain a minimum vertical clearance of 13.5 feet.

E. Access across Residential District Land

No land which is located in a residential district shall be used for a driveway, walkway, or other access to any land which is located in a nonresidential district, unless such access is by way of a public road. This provision is not intended to prevent access across residential district land to gain access to adjacent agricultural or vacant lands.

F. Service Drives/Secondary Access Roads

If the Planning Commission determines that proposed or anticipated development will result in an excessive number of entrance or exit drives onto a public road, thereby creating potentially hazardous traffic conditions and diminishing the carrying capacity of the road, the Commission may permit or require construction of service drives across abutting parcels and generally parallel to the public road to allow traffic to circulate from one parcel to another without re-entering the public road. The service drive shall comply with the following requirements:

1. An easement shall be recorded with the Kalamazoo County Register of Deeds allowing free vehicular access across the service drive between adjoining parcels. The easement shall be in a form acceptable to the Township Attorney, and it shall be recorded prior to issuance of a Certificate of Occupancy for the principal building.

2. The service drive shall comply with the design requirements set forth previously in sub-section D. The service drive shall comply with the engineering and construction standards established by the Township Board.

3. In anticipation of a future need for a service drive, the Planning Commission may require, as a condition of site plan approval, granting of an easement to allow future vehicular access between adjoining parcels.

4. In lieu of a designated service drive, the Planning Commission may require the development of parking to permit vehicular circulation between parking lots on contiguous lots or parcels.

5. Each property owner shall be responsible for continued maintenance of the service drive and easement so that it continues to provide a safe means of access from one parcel to another.

6. Backing from parking spaces onto the service drive shall not be permitted except on a temporary basis.

7. The site plan shall indicate the proposed elevation of the service drive at the property line so that elevations of service drives on adjoining parcels can be coordinated.

G. Performance Guarantee

To assure completion of a service drive in conformance with the requirements set forth herein, the Building Official may require the applicant or owner to provide a performance guarantee, in accordance with Section 2.18.

H. Driveway Spacing

Where feasible, driveways shall be separated from other driveways along the same side of the public street the distances specified in the following chart (measured from centerline to centerline), based on the posted speed limit.

Minimum Spacing Between Driveways Located on the Same Side of a Public Street

Posted Speed (mph)	Driveway Spacing (in feet)
25	130
30	185
35	245
40	300
45	350
50+	455

I. Alignment of Driveways on Opposite Sides of Road

Where feasible, driveways shall either be aligned directly across from driveways on the opposite side of the street or offset the distance indicated in the following chart, measured centerline to centerline.

Spacing Between Driveways Located on Opposite Sides of a Public Road

Posted Speed (mph)	Driveway Spacing (in feet)
25	255
30	325
35	425
40	525
45	630
50+	750

Section 2.21 Temporary Structures and Uses

A. General Requirements

Temporary buildings and structures shall comply with the following requirements:

1. Temporary Structures Used for Residential Purposes
   A building or structure may be approved for temporary residential use only while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired. Any such temporary building shall not be used as a residence without prior review and approval by the Police, Fire, and Building Officials.

2. Temporary Structures Used for Nonresidential Purposes
   Temporary buildings for nonresidential use, including semi- trucks/trailers and concrete batch plants, shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project, and only after review and approval by the Building Official. Such temporary structures shall be removed immediately upon completion of the construction project and prior to a request for a Certificate of Occupancy for the project.

3. Permits
   Permits for the utilization of temporary structures shall be issued by the Building Official. The permit shall specify a date for the removal of the temporary structure, and the Building Official may require posting of a bond to insure removal. A Certificate of Occupancy shall be required for such structures.

4. Use as an Accessory Structure
   A temporary building or structure shall not be used as an accessory building or structure, except as permitted herein.

5. Temporary Special Events
   The Zoning Administrator may grant temporary use of land and structures for temporary special events, as defined in Article 1.00 of this Ordinance, subject to the following conditions:

   a. Adequate off-street parking shall be provided.
   b. The applicant shall specify the exact duration of the temporary use.
   c. Electrical and utility connections shall be approved by the Zoning Administrator.
   d. The Zoning Administrator may require a performance bond to assure proper clean-up.

   The following conditions apply to specific temporary uses:

   e. Carnival or Circus
      (i) Maximum duration: 10 days.
      (ii) Operator or sponsor: Non-profit entity
      (iii) Location: Shall not be located in or adjacent to any developed residential area except on church, school or park property.
   f. Sidewalk Display and Sale of Bedding Plants
      (i) Maximum duration: 90 days.
      (ii) Location: In commercial districts only.
      (iii) Sidewalk Coverage: Shall not cover any portion of the sidewalk.
   g. Christmas Tree Sales
      (i) Maximum duration: 45 days.
      (ii) Location: Shall not be located in or adjacent to any developed residential area.
      (iii) Clean-up: Stumps, branches, and other debris shall be completely removed from site.
   h. Garage Sales
      (i) Maximum number of sales per year: Two.
      (ii) Maximum duration of sale: Three days each.
      (iii) Location: Residential districts.
      (iv) Purpose: For sale of items belonging to members of the household living on the premises where the sale is being conducted.
      (v) Permit: A permit shall be required for garage sales.

6. Temporary Outdoor Sales and Service
   a. Temporary outdoor sales and service are permitted only on parcels where there is an existing legal principal nonresidential use.

b. Temporary outdoor sales and service uses may not operate on a vacant lot, nor shall they operate on a parking lot on a property on which there is no existing legal principal nonresidential use.

c. Temporary outdoor sales and service shall be accessory to the principal use on the lot. If the applicant is not the owner of the lot, the applicant shall provide a signed affidavit from the owner giving permission to the applicant to proceed with the application.

d. Temporary outdoor sales and service shall not be located in the public right-of-way or on public property unless a permit has been obtained from the appropriate public authority. Such uses shall comply with requirements to maintain clear visibility for drivers in Section 2.24.

e. Permit applications for temporary outdoor sales and service shall be reviewed by Township police, fire, zoning, and planning officials. A permit may be issued by the Township Planner if the proposed use is in compliance with all of the requirements of this Ordinance. The permit must be maintained on-site and visible at all times.

f. A temporary use permit shall be effective for thirty (30) consecutive days from the date it is issued. The permit may be renewed for one additional thirty (30) consecutive-day period within a calendar year provided the use has been conducted in accordance with the requirements of this Ordinance. No property shall have temporary outdoor sales and service operating on it for more than sixty (60) days in any calendar year.

g. A fee for review of an application for a temporary use permit or renewal thereof shall be established by resolution of the Township Board. The fee shall be submitted with the application in order to initiate review.

h. The property on which the temporary outdoor sales and service is permitted shall be kept in a clean and sanitary condition at all times. All litter and trash shall be removed at the end of each day.

i. If the outdoor temporary use involves a vending cart or motorized vehicle, the cart or vehicle shall be stored inside a permanent structure when not in use.

j. The layout of the site on which a temporary outside sales and storage use is located shall permit vehicles to drive into an off-street parking area, so as to not interrupt the flow of traffic on a public street.

k. Fire Department approval shall be required for outdoor sales and services uses proposing to use a tent.

l. The area occupied by an outdoor sales and service use shall not exceed 7,500 square feet. No more than two (2) such uses shall operate on the same lot or parcel at the same time, provided that such uses are collectively in compliance with the maximum area and other requirements in this section.

m. The area occupied by temporary outdoor sales and service activity, plus any required area for emergency vehicles, shall not occupy the required off-street parking for the permanent principal use on the lot. The applicant shall demonstrate that there will remain adequate parking and vehicle maneuvering space for the existing and proposed uses.

n. Temporary outdoor sales and service shall be located on a paved surface, unless the applicant demonstrates to the Township Planner that another surface will cause no negative consequences in terms of drainage, access, property condition, or neighborhood appearance.

o. Temporary outdoor sales and service uses located adjacent to residential uses shall not operate after 8:00 p.m. or before 8:00 a.m.

Section 2.22 Trash Removal and Collection

The regulations in this section are intended to require sufficient screening of outdoor trash receptacles and dumpsters, minimize adverse effects of trash storage, recycling, and disposal activities on adjacent properties and public rights-of-way, and encourage the development and use of appropriate screening structures and measures that complement and enhance the environment and character of the area and the Township as a whole. In addition, these standards provide a reasonable period for those existing dumpsters that do not comply with those standards to be brought into compliance.

A. General Requirements

The owner, lessee, or their agent, and occupants of every building where waste, garbage, or recyclable materials accumulate shall be responsible for providing clean and proper locations and receptacles for storage, disposal, and recycling of such wastes, subject to the following:

1. No occupant, owner, lessee, or their agent shall permit the storage or accumulation of waste, garbage, or recyclable materials in open yards or lots.

2. All waste, garbage, or recyclable materials shall be contained within properly designed receptacles located in designated storage areas and regularly removed from the site.

3. Outdoor storage areas for such materials shall be kept free of loose litter and debris and maintained in a neat, orderly, and sanitary condition.

B. Dumpsters and Trash Receptacles

1. “Trash Receptacles” refer to smaller trash containers used for the temporary storage of litter and waste. They are usually carts or large barrel-shaped cans with no more than 100 gallon capacity.

2. “Dumpsters” refer to larger trash containers typical of commercial or industrial uses also used for the temporary storage of litter and waste. They are large, box-like units with a capacity of at least one (1) cubic yard.

C. Location

1. Dumpsters shall be permitted in the side or rear yard provided that no Dumpster shall extend closer to the front of the lot (both street frontages shall be considered "front" on corner lots) than any portion of the principal structure.

2. Dumpsters shall comply with the setback requirements for the district in which they are located.

3. With the permission of the Township Fire Chief, Dumpsters may be located against the building. Otherwise, a minimum five feet of separation shall be provided.

4. The Dumpster shall not encroach on a required parking area and shall be clearly accessible to servicing vehicles.

5. Trash Receptacles shall be permitted to be located in the front yard along the road side on collection days only. They may be placed at the side of the road no sooner than the evening prior to collection and shall be removed the same day that collection occurred.

D. Concrete Pad

Dumpsters shall be placed on a concrete pad. The concrete pad should extend a minimum of ten (10) feet in front of the Dumpster enclosure.

E. Screening

Dumpsters shall be screened from view from adjoining properties and public streets and thoroughfares.

1. Dumpsters shall be screened on three sides with a permanent building, masonry wall, or wood fencing, not less than six (6) feet in height.

2. The fourth side of the Dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three (3) sides. When not in use, enclosure gates shall be closed and locked.

F. Bollards

Bollards (concrete filled metal posts) or similar protective devices shall be required at the opening to prevent damage to the screening wall or fence.

G. Site Plan Requirements

The location and method of screening of Dumpsters shall be shown on all site plans.

H. Temporary Dumpsters

Temporary Dumpsters on site for construction, demolition, or similar temporary purposes shall be exempt from the requirements of this Section 2.22 (except for subsection A) and may be permitted for the duration of the project provided that consistent progress is made on the project and the dumpster is necessary throughout.

I. Existing Dumpsters

It is acknowledged that there are some existing Dumpsters in the Township that do not comply with these requirements. These Dumpsters are temporary and portable in nature, and they have a significant impact on the character and image of a site and the surrounding area. Therefore, a reasonable process has been established for these existing units to be brought into compliance with these amended standards.

1. New Dumpsters installed or added after the effective date of this ordinance including relocation and/or modifications to existing units, shall only occur in full compliance with the requirements of this Section.

2. On any parcel where a project requiring a building permit, site plan approval, or similar approval is proposed, an existing Dumpster at that site that does not comply with the requirements of this Section shall be required to be brought into conformance with this Section as a part of that project.

Section 2.23 Uses Not Otherwise Included Within a District

The Township Planner may determine that a proposed use that is not specifically cited by name as a permitted use in a zoning district is clearly similar in nature to a listed use in the district. In this instance, the Township Planner may determine the proposed use is permitted in the district. The Township Planner may defer any such decisions to the Zoning Board of Appeals, particularly in cases of ambiguity.

Section 2.24 Yard and Bulk Regulations

A. General Regulations

All lots, buildings, and structures shall comply with the following general yard and bulk regulations unless specifically stated otherwise in this Ordinance:

1. Minimum Lot Size
   Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located. No yards in existence on the effective date of this Ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this Ordinance.

2. Number of Principal Uses per Lot
   Only one principal building shall be placed on a lot of record or parcel in single-family residential districts. In a single family site condominium project, only one principal building shall be placed on each condominium lot, as defined in Article 1.00.

3. Projections into Required Yards
   Fire escapes, fire towers, chimneys, platforms, balconies, boiler flues, and other projections shall be considered part of the building, subject to the setback requirements for the district in which the building is located. Table 2.1 identifies permitted projections in required yards.

4. Unobstructed Sight Distance
   No new fence, wall, or structure shall be erected or established on any lot that will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and a driveway. Fences, walls and structures located in the triangular areas described below shall not be permitted to obstruct cross-visibility between a height of 30 inches and six (6) feet above the lowest point of the intersecting road(s).

   a. **Unobstructed Sight Area***:* The unobstructed triangular area is described as follows:

      (i) The area formed at the corner intersection of two public right-of-way lines, the two sides of the triangular area being 20 feet in length measured along abutting public rights-of-way lines, and third side being a line connecting these two sides, or

(ii) The area formed at the corner intersection of a public right-of-way and a driveway, the two sides of the triangular area being 10 feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two sides.

5. Lots Adjoining Alleys
In calculating the area of a lot that adjoins an alley for the purposes of applying lot area and setback requirements, one-half of the width of said alley shall be considered a part of the lot.

6. Relocation of Existing Buildings into the Township
No existing building or structure shall be relocated upon any parcel or lot in Kalamazoo Township unless the building or structure conforms to all requirements for the district in which the building or structure is to be located.

Table 2.1: Permitted Projections into Required Yards [see Section 2.24]

Projection	Front Yard	Rear Yard	Interior Side Yard	Street Side Yard	Courtyard	Additional Regulations
Exterior air conditioning equipment	X	P	P	P	P	
Access drives, driveways	P	P	P	P	P	See Notes 3 & 4
Arbors; trellises	P	P	P	P	P	
Awnings; canopies	P	P	P	P	P	May project into yard by up to 10% of yard depth
Bay windows	P	P	P	P	P	See Note 1
Decks (open or enclosed)	X	P	P	P	P	
Eaves (overhanging)	P	P	P	P	P	See Note 1
Fences; walls	P	P	P	P	P	Article 6.00
Flagpoles	P	P	P	P	P	
Live landscape materials, including gardens and hedges	P	P	P	P	P	
Gutters	P	P	P	P	P	
Laundry drying equipment	X	P	P	X	X	
Light standards (ornamental)	P	P	P	P	P	
Paved terraces and open porches	P	P	P	P	P	See Note 2
Signs (approved)	P	P	P	P	P	Article 7.00
Stairways (open, unroofed); Steps; Barrier-Free Ramps	P	P	P	P	P	
Television/radio towers or antennas	X	P	P	P	X	Section 2.22
Windmills; wind energy systems	X	P	X	X	X	Section 8.02(TT)
Window air conditioning units	P	P	P	P	P	
	X = Not Permitted		**P = Permitted**			

Notes on Table:

1. Bay windows, window sills, belt courses, cornices, eaves, overhanging eaves, and other architectural features may project into a required side yard not more than two inches for each one foot of width of such side yard, and may extend into any front or rear yard not more than three feet.
2. Open paved terraces and open porches may project into a required rear yard up to 10 feet, provided no terrace or porch shall be located within 25 feet of the rear lot line. Open paved terraces and open, uncovered porches may project into a front yard up to 10 feet.
3. Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. Further, any walk, terrace or other pavement serving a like function, shall be permitted in any required yard, providing the pavement is no higher than nine inches above grade.
4. Paving shall not occupy the entire front yard in residential districts. At minimum, the area between the face of the house and the road right-of-way line shall remain open for lawn and landscaping.

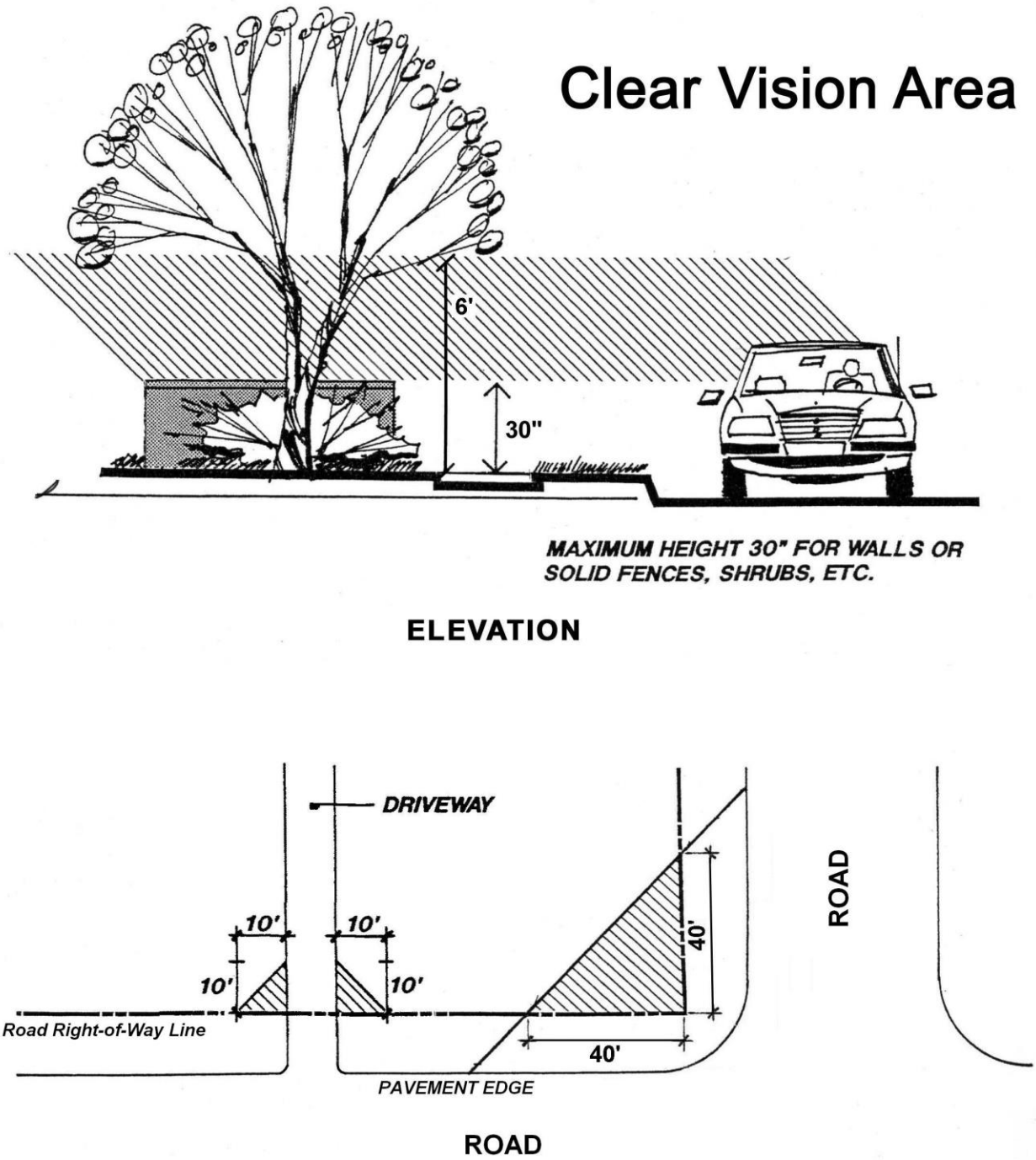


Figure 2.1: Unobstructed Sight Area at Road Corners [see Section 2.24(A)(4)]

ARTICLE 3.00
Nonconformities

Section 3.01 Intent

Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this Ordinance or a subsequent amendment, but which were lawfully established prior to the time of adoption of the Ordinance or amendment. Such nonconformities are not compatible with the current or intended use of land in the district in which they are located. Therefore, it is the intent of this Ordinance to permit such nonconformities to continue under certain conditions, but to discourage their expansion, enlargement, or extension. Accordingly, the purpose of this section is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

The following table summarizes the nonconforming regulations contained in this Article:

Summary of Nonconformity Regulations

Issue	Requirements
Period of non-use before nonconformity must cease	*Nonconforming use of open land:* 180 days *Nonconforming use of structure or building:* 12 months
Establishment of new conforming use	Nonconforming use must cease
Change in ownership	No effect on nonconformity
Nonconforming single family use	May be enlarged, subject to conditions (see 3.03.J)
Substitution of one nonconformity for another	Permitted under certain conditions (see 3.03.K and 3.05)
Nonconforming contiguous lots under same ownership	Must be combined if vacant
Expansion of nonconforming use within building	Permitted subject to conditions
Expansion of nonconforming use beyond existing building	Not permitted
Enlargement of nonconforming structure	Not permitted
Maintenance; structural repairs	Generally permitted (see 3.05.C)
Renovation; modernization	Maximum value: 50% of assessed value
Rebuilding after catastrophe	Permitted if damage is less than 50% of pre-catastrophe fair market value (except as permitted in 3.03.J)

Section 3.02 Definitions

For the purposes of this article, the following words and phrases shall have the meaning ascribed to them:

A. Effective Date

Whenever this article refers to the "effective date," the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendments created a nonconforming situation.

B. Nonconforming Building or Nonconforming Structure

A building, structure, or portion thereof that does not meet the limitations on building size, location on a lot, or other regulations for the district in which such building or structure is located.

C. Nonconforming Lot

A lot existing at the effective date of this Ordinance, or amendments thereto, that does not meet the minimum area or dimensional requirements of the district in which the lot is located.

D. Nonconforming Sign

A sign that on the effective date of this Ordinance does not conform to one or more regulations set forth in the Ordinance.

E. Nonconforming Use

A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.

F. Structural Nonconformity

A nonconformity that exists when the height, size, or minimum floor space of a structure, or the relationship between an existing building and other buildings or lot lines, does not conform to the standards of the district in which the property is located. Also sometimes referred to as a *Dimensional Nonconformity*.

Section 3.03 General Requirements

The following regulations shall apply to all nonconforming uses, structures, and lots:

A. Continuation of Nonconforming Uses and Structures

Any lawful nonconforming use existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered to be in violation of this Ordinance, provided that (unless otherwise noted in this Article) the use shall not be enlarged or extended to occupy a greater area of land, nor moved in whole or in part to another portion of the lot.

Any lawful building or structure existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered in violation of this Ordinance, provided that (unless otherwise noted in this Article) the building or structure involved shall not be structurally altered, enlarged, or moved unless such modifications conform to the provisions of this Ordinance for the district in which it is located.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

B. Buildings Under Construction

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. “Actual construction” is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has begun preparatory to rebuilding, such work shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

C. Discontinuation of Nonconforming Uses

1. Nonconforming Uses of a Structure
   When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for twelve (12) consecutive months without a present intention to reinstate the nonconforming use, the structure (or structure and land in combination) shall not thereafter be used except in conformance with the provisions of the district in which it is located.

2. Nonconforming Uses of Open Land
   If any nonconforming use of open land ceases for any reason for a period of more than one hundred eighty (180) days, any subsequent use of such land shall conform to the provisions set forth of the district in which it is located.

3. Seasonal Uses
   In applying this sub-section to seasonal uses, the time during the off-season shall not be counted.

D. Purchase or Condemnation

In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, Kalamazoo Township may acquire, by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses pursuant to Section 208(3) of Public Act 110 of 2006, as amended.

E. Recording of Nonconforming Uses and Structures

The Township shall be responsible for maintaining records of nonconforming uses and structures as accurately as is feasible, and for determining legal nonconforming uses and structures in existence on the effective date of this Ordinance. Failure on the part of a property owner to provide the Township with necessary information to determine legal nonconforming status may result in denial of required or requested permits.

F. Establishment of a Conforming Use or Structure

In the event that a nonconforming principal use or structure is superseded by a conforming principal use or structure on a site, the nonconforming use or structure shall be immediately and permanently removed.

G. Change of Tenancy or Ownership

In the event there is a change in tenancy, ownership, or management, an existing nonconforming use or structure shall be allowed to continue provided there is no change in the nature or character of such nonconformity.

H. Variances

Any use for which a variance has been granted as provided in this Ordinance shall not be deemed a nonconformity.

I. Unlawful Nonconformities

No building, structure, or use shall be permitted to continue in existence if it was unlawful at the time it was established.

J. Nonconforming Single-Family Uses

Notwithstanding the limitations outlined in this article, any structure used for single family residential purposes and maintained as a nonconforming use may be replaced with a similar structure or of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements.

K. Substitution

A nonconforming use may be changed to another nonconforming use upon approval of the Zoning Board of Appeals provided that no structural alterations are required to accommodate the new nonconforming use, and that the proposed use is equally or more appropriate in the district than the existing nonconformity. In permitting such a change, the Zoning Board of Appeals may require conditions to accomplish the purposes of this Ordinance.

L. Change of Location

Should a nonconforming structure be moved to another parcel or to another location on the same parcel for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 3.04 Nonconforming Lots of Record

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance or amendment thereto:

A. Use of Nonconforming Lots

Any nonconforming lot shall be used only for a use permitted in the district in which it is located. Notwithstanding limitations imposed by other provisions of this Ordinance, a permitted use may be erected on any single lot of record in existence at the effective date of adoption or amendment thereto. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, provided that the lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health, safety, and welfare.

B. Variance from Area and Bulk Requirements

If the use of nonconforming lot requires a variance from the area or bulk requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals.

C. Nonconforming Contiguous Lots Under the Same Ownership

If two or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in this Ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by an existing home.

D. Combination of Nonconforming Lots

The Township Assessor may permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements established by this Ordinance, provided that the combination of lots reduces the degree of nonconformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area and setback requirements of this Ordinance.

Section 3.05 Modification to Nonconforming Uses or Structures

No nonconforming use or structure shall be enlarged, extended, or structurally altered, nor shall any nonconformity be changed to a different nonconformity which increases the intensity of use or nonconformity, except as permitted in this Section.

A. Applicability

The following regulations shall apply to any nonconforming use or structure, including:

1. Nonconforming uses of open land.
2. Nonconforming use of buildings designed for a conforming use.
3. Nonconforming use of buildings specifically designed for the type of use that occupies them but not suitable for a conforming use.
4. Buildings designed and used for a conforming use but not in conformance with area and bulk, parking, loading, or landscaping requirements.
5. Nonconforming structures, such as fences and signs.

B. Enlargement, Extension, or Alteration

1. Increase in Nonconformity Prohibited
   Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of any nonconformity. For example, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

   a. An increase in the total amount of space devoted to a nonconforming use, or

   b. Greater nonconformity with respect to dimensional restrictions, such as setback requirements, height limitations, density requirements, or other requirements in the district in which the property is located.

2. Permitted Extension
   Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building. No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land, nor shall any such use be moved in whole or in part to any portion of the lot or parcel than was occupied on the effective date of this Ordinance or amendment thereto.

3. Alterations that Decrease Nonconformity
   Any nonconforming structure or any structure or portion thereof containing a nonconforming use, may be altered if such alteration serves to decrease the nonconforming nature of the structure or use.

4. Variance to Area and Bulk Requirements
   If a proposed alteration is deemed reasonable by the Zoning Board of Appeals by virtue of the fact that it would decrease the nonconforming nature of a structure or use, but such alteration requires a variance from the area or bulk requirements, then such alteration shall be permitted only if a variance is granted by the Zoning Board of Appeals.

C. Repairs, Improvements, and Modernization

1. Required Repairs
   Repairs or maintenance deemed necessary by the Building Official to keep a nonconforming building structurally safe and sound are permitted. However, if a non-conforming structure or a structure containing a nonconforming use becomes physically unsafe and/or unlawful due to lack of maintenance and repairs and is declared as such by the Building Official, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.

2. Additional Permitted Improvements
   Additional repairs, improvements, or modernization of nonconforming structures, beyond what is required to maintain the safety and soundness of the structure, shall be permitted provided such repairs or improvements do not exceed fifty percent (50%) of the assessed value of the structure during any period of twelve (12) consecutive months. Any such repairs, improvements, and modernization shall not result in enlargement of the cubic content of the nonconforming structure. The provisions in this paragraph shall apply to all structures except as otherwise provided in this Article for single-family residential uses and for reconstruction of structures damaged by fire or other catastrophe.

D. Damage by Fire or Other Catastrophe

Any nonconforming structure or structure housing a nonconforming use that is damaged by fire, flood, or other catastrophe in excess of fifty percent (50%) of the structure's pre-catastrophe fair market value (as determined by the Township Assessor) shall not be rebuilt, repaired, or reconstructed except in complete conformity with the provisions of this Ordinance.

Any nonconforming structure or structure housing a nonconforming use that is damaged by fire, flood, or other catastrophe by less than or equal to fifty percent (50%) of the structure's pre-catastrophe fair market value (as determined by the Township Assessor) may be restored to its pre-catastrophe status, provided that restoration is completed within a period of twelve (12) months from the data of such fire, flood, or other catastrophe. Restoration of structures located in the floodplain shall comply with Section 2.07(E).

Proposals to rebuild, repair, reconstruct, or restore require appropriate Township Building Department approvals and permits.

ARTICLE 4.00

Off-Street Parking and Loading Requirements

Section 4.01 Off-Street Parking Requirements

A. Scope of Off-Street Parking Requirements

Compliance with the off-street parking regulations shall be required as follows:

1. General Applicability
   For all buildings and uses established after the effective date of this Ordinance, off-street parking shall be provided as required in this Article prior to issuance of a Certificate of Occupancy. However, where a building permit has been issued prior to the effective date of the Ordinance and construction has been diligently carried on, compliance with the parking requirements at the time of issuance of the building permit shall be required.

2. Change in Use or Intensity
   Whenever use of a building, structure, or lot is changed, parking facilities shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use.
   If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided for such increase in intensity of use.

3. Existing Parking Facilities
   Off-street parking facilities in existence on the effective date of this Ordinance shall not thereafter be reduced below, or if already less than, shall not be further reduced below the requirements for the use being served as set forth in this Ordinance.

   An area designated as required off-street parking shall not be changed to any other use unless equal facilities are provided elsewhere in accordance with the provisions of this Ordinance.

4. Additional Off-Street Parking; Maximum Parking
   Nothing in this Ordinance shall be deemed to prevent voluntary establishment of off-street parking facilities to serve an existing use of land or buildings, or to prevent provision of additional parking facilities beyond what is required by the Ordinance, provided all such parking is in conformance with the regulations herein. Except for single-family detached residential uses, any person proposing the provision of greater than 125% of the minimum required off-street parking as specified in this Article shall demonstrate to the Planning Commission sufficient justification for the additional parking.

5. Review Procedures
   Compliance with the requirements in this Article shall be subject to site plan review and approval as specified in Section 29.02.

B. General Requirements

In all zoning districts. off-street vehicle parking facilities shall be provided and maintained as herein prescribed

1. Location

   a. **Proximity to Building or Use Being Served.** *Off-street parking for multiple-family and non-residential uses shall be located on the same lot or parcel as the building or use being served or within three hundred (300) feet of the building it is intended to serve (measured from the nearest point of the building or use to the nearest point of the parking).*

   b. **Within Yards.** *Off-street parking in commercial, office, multiple-family, and industrial districts may only be located in a side or rear yard or non-required front yard, provided that all landscaping requirements in Article 5.00 are complied with, and provided further that off-street parking shall not be permitted within twenty (20) feet of a single-family residential district boundary.*

2. Residential Parking
Off-street parking spaces in single-family residential districts shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve. No parking shall be permitted on a regular basis on lawns or other unpaved areas on residential lots, with the exception of approved gravel parking areas. Commercial and recreational vehicle parking in residential districts shall comply with the standards in Section 4.01, sub-section F.

3. Control of Off-Site Parking
It shall be unlawful to park or store any motor vehicle on another's private property without the written consent of the owner, holder, occupant, lessee, agent, or trustee of said private property.

4. Access to Parking
Each off-street parking space shall open directly onto a clearly-defined aisle or driveway of sufficient width and design as to provide safe and efficient access to or from a public street or alley in a manner that will least interfere with the smooth flow of traffic. Parking designed for backing directly onto a street or road is prohibited. Access to off-street parking which serves a non-residential use shall not be permitted across land that is zoned or used for residential purposes.

5. Collective Use of Off-Street Parking
Off-street parking for separate buildings or uses may be provided collectively subject to the following:

a. The total number of spaces provided collectively shall not be less than the sum of spaces calculated according to the procedure below.

(i). Multiply the minimum parking required for each use, as set forth in Section 4.01(D)(6), by the appropriate percentage indicated in the Shared Parking Factors table for each of the six designated time periods.
(ii). Add together the resulting figures for each of the six columns. The minimum collective parking requirement shall be the highest sum among the six columns.
(iii). If a particular land use proposing to make use of collective parking facilities (e.g., religious institution, municipal use) does not conform to the general classifications in the Shared Parking Factors table (as determined by the Township Planner), the applicant shall submit sufficient data to indicate the principal operating hours of the proposed use. Based upon this documentation, the Township Planner shall determine the appropriate collective parking requirement (if any) for the proposed use.

Shared Parking Factors

	Weekdays			Weekends		
Land Use	**1 am – 7 am**	**7 am – 7 pm**	**7 pm - 1 am**	**1 am – 7 am**	**7 am – 7 pm**	**7 pm - 1 am**
Residential	95%	25%	95%	95%	75%	95%
Commercial/Retail	0%	95%	75%	0%	90%	75%
Office/Service	5%	95%	5%	0%	10%	0%

b. Each use served by collective off-street parking shall have direct access to the parking without crossing streets.

c. The collective off-street parking shall not be located farther than three hundred (300) feet from the building or use being served.

d. Written easements which provide for continued use and maintenance of the parking shall be submitted to the Township for approval before filing with the Kalamazoo County Register of Deeds.

Example of Collective Parking Calculation (see Section 4.01, sub-section B.5)

Proposed Uses: *(on shared site)*	30 townhouse residential units, requiring 15,000 square feet of retail space, requiring 5,000 square feet of office space, requiring	60 parking spaces 48 parking spaces 20 parking spaces

	Weekdays 1 AM – 7 AM	Weekdays 7 AM – 7 PM	Weekdays 7 PM – 1 AM	Weekends 1 AM – 7 AM	Weekends 7 AM – 7 PM	Weekends 7 PM – 1 AM
Residential	95% of 60 = **57**	25% = **15**	95% = **57**	95% = **57**	75% = **45**	95% = **57**
Retail	0% of 48 = **0**	95% = **46**	75% = **36**	0% = **0**	90% = **43**	75% = **36**
Office	5% of 20 = **1**	95% = **19**	5% = **1**	0% = **0**	10% = **2**	0% = **0**
Total	58 spaces	80 spaces	**94 spaces**	57 spaces	90 spaces	93 spaces

The shared parking factors table predicts the parking demand to be highest during weekday evenings, with a total demand of 94 spaces across the three uses. A total of 94 parking spaces would be required in a shared lot, provided all of the other requirements for collective off-street parking are met.
If the parking were not to be provided collectively, the three proposed uses would have to construct a total of 128 parking spaces.

6. Cross Access
   Common, shared parking facilities are encouraged in the Township. Wherever feasible, cross-access connections between adjacent parking lots (or a reserved connection when no adjacent parking lot exists but can reasonably be expected to be constructed at a future date) are required. Blanket cross-access easements across the entire parking lot area shall be provided for connected lots under separate ownership or management. The cross-access easements shall be without limitation and shall be recorded with the County Register of Deeds.

7. Storage and Repair Prohibited
   The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles are prohibited in required off-street parking lots or areas. Emergency service required to start vehicles shall be permitted.

8. Duration
   Except when land is used as permitted storage space in direct connection with a legitimate business, a twenty-four (24) hour time limit for parking in non-residential off-street parking areas shall prevail provided that it shall be unlawful to permit the storage of wrecked, inoperable, or junked vehicles in any parking area in any district for any period of time.

9. Parking Structures
   Parking structures shall be permitted subject to the following standards:

   a. Any parking structure shall comply with the required building setbacks for the district in which it is located.

   b. Parking structures shall be designed as integral elements of the overall site plan, taking into account the relationship to the principal building and other structures on the site.

   c. The facade of the parking structure shall be compatible in design, color, and type of material to the principal building(s) on the site.

   d. Landscaping shall be placed around the parking structure in accordance with an approved landscape plan. Any such landscaping shall be compatible with the overall landscape plan for the entire site.

C. Off-Street Parking Standards

The following standards shall be used in determining the required number and characteristics of off-street parking spaces:

1. Units of Measurement

   a. **Floor Area.** For the purposes of determining required number of parking spaces, "floor area" shall be measured in accordance with the definitions in Article 1.00. If the usable floor area of a building is not known at the time of review, 80 percent of the gross floor area shall be used as the basis for parking calculations.

b. **Fractional Spaces.** When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more shall be counted as one space.

c. **Employee Parking.** Parking spaces required for employees shall be based on the maximum number of employees on the premises at any one time during the largest typical daily work shift. However, the number of required parking spaces may be reduced if an employer provides documentation of participation in an organized rideshare program.

d. **Places of Assembly.** For religious institutions, sports arenas, or similar places of assembly in which those in attendance occupy benches, pews, or similar seating, each twenty-four (24") inches of such seating shall be counted as one seat.

e. **Persons.** Any parking standard calculated on the basis of 'persons', 'students', 'employees', or a similar group shall be based upon the maximum permitted occupancy of the structure or facility.

2. Use of Loading Space
Required loading space shall not be counted or used for required parking.

3. Parking During Construction
Temporary off-street parking shall be provided for workers during construction a rate of one (1) space per employee. Gravel surfacing may be permitted for such temporary parking.

4. Banked Parking
If the minimum number of required parking spaces exceeds the amount necessary to serve a proposed use, the Planning Commission may approve the construction of a lesser number of parking spaces, subject to the following:

a. The banked parking shall be shown on the site plan and set aside as landscaped open space.

b. Banked parking shall be located in areas suitable for future parking and that meet Ordinance requirements.

c. The Township may require construction of the banked parking area upon finding that vehicles are regularly parked on unpaved surfaces, on the road, or off-site.

5. Bicycle Parking
Parking facilities for short- and long-term bicycle parking shall be provided to meet the needs of the business or residential use. Bicycle parking facilities shall allow a cyclist to safely secure a bicycle from incidental damage or theft, while not hindering access for pedestrians or other vehicles. Bicycle parking facilities shall be located in highly-visible and accessible areas.

a. Bicycle parking facilities shall be located at least 3 feet from adjacent walls, poles, landscaping, street furniture, drive aisles, and primary pedestrian routes and at least 6 feet from vehicle parking spaces.

6. Barrier-Free Parking Requirements
Each parking lot that serves a building, except single- and two-family dwelling units, shall have a number of level parking spaces, identified by an above-grade sign which indicates the spaces are reserved for physically handicapped persons. Barrier-free parking shall comply with the State of Michigan Barrier-Free Rules, Michigan Public Act No. 1 of 1966, as amended, the adopted Township Building Code, and the Federal Americans with Disabilities Act.

a. **Dimensions of Barrier-Free Parking Spaces.** Each barrier-free parking space shall have no more than a nominal three percent (3%) grade and shall be not less than eight (8) feet in width and be adjacent to an access aisle not less than five (5) feet in width. Required van-accessible barrier-free spaces must be eight (8) feet in width and be adjacent to an access aisle not less than eight (8) feet in width.

b. **Minimum Required Number of Barrier-Free Parking Spaces.** The number of barrier-free spaces required is as follows:

Total Number of Parking Spaces Provided in Lot	Minimum Number of Barrier-Free Spaces Required	Number of Van-Accessible Barrier-Free Spaces Required
Up to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
501 to 1000	2% of total parking provided	1/8 of total barrier-free spaces
1001 and over	20, *plus* 1 for each 100 over 1000	1/8 of total barrier-free spaces

D. Schedule of Required Parking

1. Parking Spaces Required
The amount of required off-street parking (including stacking spaces for certain uses) shall be determined in accordance with the schedules that follow. Applicants are encouraged to minimize the amount of parking provided in order to minimize excessive areas of pavement, which negatively impact aesthetic standards and contribute to high volumes of storm water runoff. The Planning Commission may modify the numerical requirements for off-street parking, based on evidence that another standard would be more reasonable, because of the level of current or future employment and/or level of current or future customer traffic.

2. Uses Not Cited
For those uses not specifically mentioned, the requirements for off-street parking for a similar use shall apply, subject to review by the Planning Commission and/or Township Planner.

Section 4.01(D)(3) – Schedule of Off-Street Parking: Residential Uses

Land Use	Minimum Parking Required
Single-Family Detached and Two-Family / Duplex	**2** spaces per dwelling unit
Single-Family Attached and Multiple Family	**2** spaces per dwelling unit
Senior Apartments‡	**1** space per dwelling unit
Senior Congregate Housing Adult Foster Care Facility‡	**0.5** spaces per bedroom
Special Housing‡	**1** space per dwelling unit
Mobile Home Park	*Parking shall be provided in accordance with State regulations*

Section 4.01(D)(4) – Schedule of Off-Street Parking: Institutional Uses

Parking requirements based on persons or students shall be based upon maximum facility occupancy.

Land Use	Minimum Parking Required
Default standard if use is not specified	**0.33** spaces per person
Child care center ‡	**1** space per 6 children, based on licensed capacity
Fraternity, sorority, dormitory‡	**0.5** spaces per occupant, based on the maximum occupancy code
Hospital‡	**1** space per 5 beds
Nursing Home Home for the Aged	**0.33** spaces per bed
Municipal Building or Facility‡ (post office, museum, library, etc.)	**1** space per 300 sq. ft. UFA [a]
Place of Assembly‡ (theater, auditorium, religious institution, etc.)	**0.33** spaces per seat (6 ft. of pew or bench = 3 seats)
Public Utility Uses	**1** space for each employee on the largest daily work shift
School, elementary or junior high [b]	**1** spaces per classroom and administrative office
School, senior high [b]	**1** space per classroom and administrative office, plus **0.25** spaces per student
Vocational and Technical Schools, Post-Secondary Educational Facilities	**1** space per 3 occupants, based on the maximum occupancy load

[a] UFA = usable non-residential floor area, as defined in Article 1.00.
[b] All schools shall additionally provide one (1) space for every three (3) seats in each public assembly space (e.g., gymnasium, theater, auditorium, stadium).
‡ In addition to the parking requirement specified above, one parking space shall be required for each employee on the largest typical daily work shift.

Section 4.01(D)(5) – Schedule of Off-Street Parking: Commercial Uses

Parking requirements based on persons shall be based upon maximum facility occupancy.

Land Use	Minimum Parking Required
Automobile Body Shop‡	**1** space per 400 sq. ft. of UFA[a]
Automobile Service and Repair‡	**2** spaces per service bay
Automobile Sales or Rental – Indoor Showroom‡	**1** space per 200 sq. ft. UFA [a] (exclusive of spaces for dealer stock)
Automobile Sales or Rental – Outdoor Display	**1** space per 1,000 sq. ft. of outdoor display area
Gas Station / Filling Station‡	**1** space at each fueling location
Car Wash ‡	*Stacking spaces only; see Section 4.01(D)(8)*
The above uses shall additionally provide one space per 150 sq. ft. UFA [a] of any associated retail sales area.	
General Retail Sales	**1** space per 200 sq. ft. UFA [a]
Banks & Financial Institutions	**1** space per 200 sq. ft. UFA [a]
Beauty and/or Barber Shops and Nail Salons‡	**3.0** spaces per chair
Convenience Stores	**1** space per 150 sq. ft. UFA [a]
Exhibition & Assembly Halls‡	**0.5** spaces per occupant, based on the maximum occupancy load
Home Improvement Stores‡ Lumber Yards‡ Machinery/Equipment Sales‡ Construction Showroom‡	**1** space per 500 sq. ft. UFA [a]
Hotel, Motel, or Other Lodging‡	**1** space per room/suite [c]
Laundromats and coin-operated dry cleaners	**0.5** spaces per machine
Mortuaries Funeral Homes	**1** space per 75 sq. ft. UFA [a] in parlor areas, viewing rooms, chapels, or other assembly areas
Mini-warehouse; Self-storage units‡	**5** spaces at site office
Open Air Business [b]	**1** space per 200 sq. ft. sales area
Radio or Television Studio or Station‡	Required spaces for an auditorium or studio seating
Restaurants Standard‡ Carry-out‡ [d]	 1 space per 3 seats 1 space per 50 sq. ft. UFA[a] in waiting area

Land Use	Minimum Parking Required
Bar/Lounge Fast Food ‡[d] Drive-in‡ [d]	1 space per 50 sq. ft. UFA[a] 1 space per 50 sq. ft. of dining and service area 1 space per stall
Shopping Centers	1 space per 250 sq. ft. of gross leasable area
Supermarkets	1 space per 200 sq. ft. of UFA[a]
Wholesale Sales Stores, Furniture Sales, Showroom of a Plumber, Electrician or Similar Trade‡	1 space per 500 sq. ft. of UFA[a]
Service establishments not otherwise specified, including household equipment repair shops‡	**1** space per 300 sq. ft. of UFA[a]
Uses not otherwise specified and not deemed similar to above uses‡	**1** space per 200 sq. ft. UFA [a]

[a] UFA = usable non-residential floor area, as defined in Article 1.00.
[b] Any indoor retail sales area associated with an open-air business shall additionally provide parking at the rate of 1 space for every 200 square feet of usable non-residential floor area.
[c] Any use(s) accessory to a hotel, motel, or other lodging (e.g., restaurant/bar, assembly room) shall provide additional parking according to the type of accessory use, as provided for in this Section. The total parking provided for such multi-use establishments shall not be less than 90% of the sum of the minimum requirements for each use individually. Swimming pools reserved for the exclusive use of overnight guests shall not require additional parking.
[d] Restaurants providing drive-thru facilities shall provide stacking spaces as specified in Section 4.01(D)(8).
‡ In addition to the parking requirement specified above, one parking space shall be required for each employee on the largest typical daily work shift.

Section 4.01(D)(6) – Schedule of Off-Street Parking: Office & Industrial Uses

Land Use	Minimum Parking Required
Business & Professional Offices, except as otherwise specified	**1** space per 250 sq. ft. UFA [a]
Medical, Dental	**1** space per 200 sq. ft. UFA [a]
Real Estate Offices	**1** space per 250 sq. ft. UFA [a]
Veterinary Clinic‡	**1** space per 250 sq. ft. UFA[a]
Contractor or Construction Uses [b]	**1** space per employee, based on largest working shift
General Industrial or Manufacturing Uses [c]	**1** space per 750 sq. ft. gross floor area
Wholesale Sales [c] Warehousing Establishments [c]	**1** space per 1,500 sq. ft. gross floor area

[a] UFA = usable non-residential floor area, as defined in Article 1.00.
[b] Equipment storage shall be provided separately from any required parking area.
[c] Any accessory retail or office use shall provide additional parking at the rates specified in this Section for general retail or business office uses.
‡ In addition to the parking requirement specified above, one parking space shall be required for each employee on the largest typical daily work shift.

Section 4.01(D)(7) – Schedule of Off-Street Parking: Recreation Uses§

Parking requirements based on persons shall be based upon maximum facility occupancy.

Land Use	Minimum Parking Required
Archery Facilities	**1.5** spaces per target
BMX Course	**50** spaces per course
Bowling	**4** spaces per lane
Field Sports (e.g., baseball, football)	**35** spaces per field
Tennis Clubs Other Court-based Recreation	**4** spaces per court
Arcade‡	**0.5** spaces per machine
Clubs and Lodges‡	**0.5** spaces per person
Indoor Recreation‡ (fitness centers, athletic clubs, health clubs, pool or billiard halls, skating rinks, etc.)	**0.5** spaces per occupant, based on the maximum occupancy load
Golf Course (private or public) ‡	6 spaces per hole
Golf Course (miniature and par 3) ‡	**3** per hole
Golf Driving Range‡	**1** space per tee
Swimming Pools or Swim Clubs‡	**0.25** spaces per occupant, based on the maximum occupancy load
Stadium or Sports Arena‡	**0.33** spaces per seat (6 ft. of bench = 3 seats)

§ Any use(s) accessory to a recreation use (e.g., pro shop, game room, restaurant/bar) shall provide additional parking according to the type of accessory use and as provided for in this Section. The total parking provided for such multi-use establishments shall not be less than 90% of the sum of the minimum requirements for each use individually.

‡ In addition to the parking requirement specified above, one automobile parking space shall be required for each employee on the largest typical daily work shift.

Section 4.01(D)(8) – Schedule of Off-Street Parking: Stacking Spaces

Land Use	Minimum Stacking Spaces Required
Banks and Financial Institutions	**6** spaces per service lane
Car Wash, automatic	**8** spaces before wash lane, plus **2** spaces after
Car Wash, self-service	**3** spaces before each wash bay, plus **2** spaces after
Drive-Through Restaurants	**10** spaces per service lane
Other Drive-Through Uses	**6** spaces per service lane
Stacking spaces shall have a minimum width of 8 feet and a minimum length of 20 feet.	

E. Layout and Construction

Off-street parking facilities containing four (4) or more spaces shall be designed, constructed, and maintained in accordance with the following requirements:

1. Review and Approval Requirements

   Plans for the construction of any parking lot in conjunction with a new development shall be submitted for review and approval according to the normal site plan review procedures. Plans for expansion of an existing parking lot that is not associated with other new development shall be submitted to the Building Official for review and approval prior to the start of construction. Upon completion of construction, the parking lot must be inspected and approved by the Building Official before a Certificate of Occupancy can be issued for the parking lot and for the building or use the parking is intended to serve.

   Plans shall be prepared at a scale of not less than fifty (50) feet equal to one (1) inch. Plans shall indicate existing and proposed grades, drainage, water mains and sewers, surfacing and base materials, and the proposed parking layout. The plans shall conform to the construction and design standards established by the Township Engineer. In the event that required parking cannot be completed because of cold or inclement weather, a temporary Certificate of Occupancy may be issued by the Building Official provided the applicant first deposits a performance guarantee in accordance with Section 2.13.

2. Dimensions

   a. Off-street parking shall be designed in conformance with the following standards and diagram:

Parking Angle	Parking Stall Dimensions		Drive Aisle Width	Total Width (wall-to-wall) of Drive Aisle and Parking	
	Width	Depth to Wall		One Row of Stalls (*x*)	Two Rows of Stalls (*y*)
0° (parallel)	24.0 feet	8.0 feet	16.0 ft ***(one-way)*** 24.0 ft ***(two-way)***	24.0 feet ***(one-way)*** 32.0 feet ***(two-way***	32.0 feet ***(one-way)*** 40.0 feet ***(two-way***
Up to 45°	8.5 feet	16.6 feet	12.0 feet ***(one-way only)***	28.6 feet	45.2 feet
46° to 60°	8.5 feet	18.2 feet	16.0 feet ***(one-way only)***	34.2 feet	52.4 feet
61° to 75°	8.5 feet	18.5 feet	20.0 feet	38.5 feet	57.0 feet
76° to 90°	9.0 feet	18.5 feet	24.0 feet	42.5 feet	61.0 feet

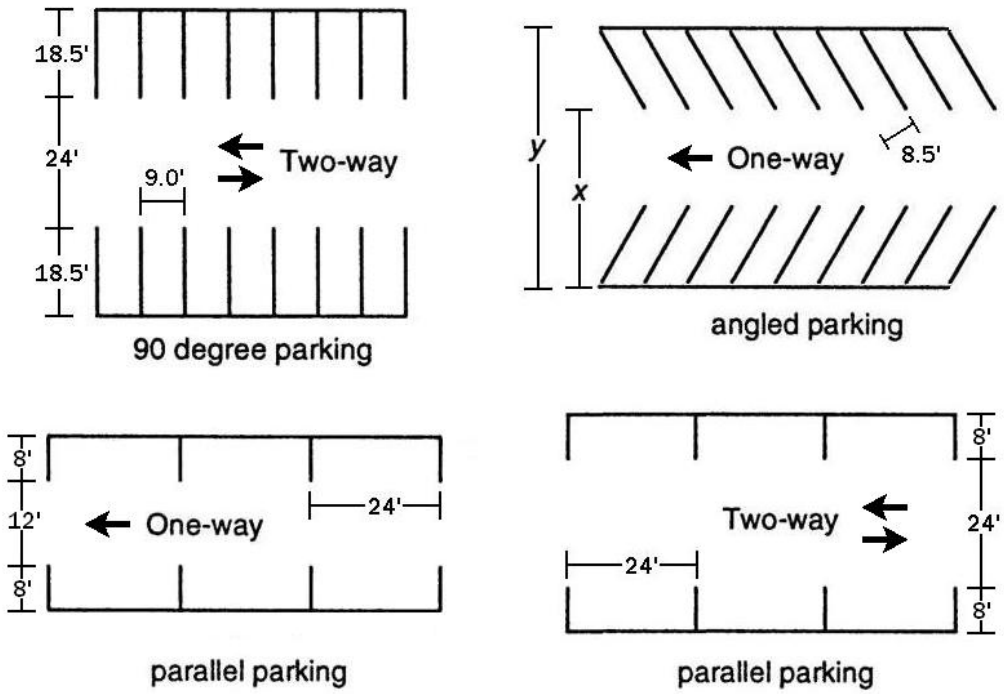


Figure 4.1: Off-Street Parking Layouts [see Section 4.01(E)(2a)]

b. **Driveways.** *Driveways providing access to residential, commercial or industrial uses shall comply with the standards in Section 2.10.*

3. Layout

a. **Ingress and Egress.** All spaces shall be provided with adequate access by means of clearly defined maneuvering lanes and driveways. Spaces backing directly onto a street shall be prohibited. Entrances and exits from off-street parking lots shall be located at least twenty- five (25) feet from the nearest point of any adjacent property zoned for single-family residential use.

b. **Parking Rows.** Continuous rows of parking shall be limited to not more than 20 contiguous spaces. Longer rows shall provide landscaped breaks (e.g., islands or bioswales) with shade trees.

c. **Consolidated Landscaping.** Parking spaces and rows shall be organized to provide consolidated landscape areas and opportunities for on-site stormwater management. The use of bioswales and/or rain gardens is encouraged.

d. **Pedestrian Circulation.** The parking lot layout shall accommodate direct and continuous pedestrian circulation, clearly divided from vehicular areas. Pedestrian crosswalks shall be provided, distinguished by textured paving or pavement striping and integrated into the sidewalk network.

4. Surfacing and Drainage
   a. All off-street parking areas, access lanes, driveways and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material. Porous paving materials may be permitted at the discretion of the Planning Commission, provided that installation and maintenance plans are in accordance with the manufacturer's guidelines. A written maintenance plan must be submitted for the Planning Commission's review.

      (i). The Planning Commission may permit a gravel surface for heavy machinery storage areas, provided the applicant or property owner provides sufficient evidence that a paved surface could not support the heavy machinery without being damaged and dust control is provided to the satisfaction of the Township.

   b. Off-street parking areas, access lanes, and driveways shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan.

   c. Grading, surfacing and drainage plans shall be subject to review and approval by the Building Official and/or Township Engineer. Where appropriate, on-site stormwater management shall be provided to 1) capture and hold water during storms to be released later at an agricultural rate, and 2) to screen pollutants so they do no enter lakes, streams, wetlands, or the Kalamazoo River.

5. Curbs, Wheel Chocks
   A curb of at least six (6) inches in height shall be installed to prevent motor vehicles from being driven or parked so that any part of the vehicle extends within two (2) feet of abutting landscaped areas, sidewalks, streets, buildings, or adjoining property. Curbs shall be continuous except as part of an overall stormwater management design incorporating bioswales and/or rain gardens. In lieu of a curb, wheel chocks may be provided to prevent vehicles from extending over grass areas, setback lines, or lot lines.

6. Lighting
   All parking areas, driveways, and walkways shall be illuminated to ensure the security of property and the safety of persons using such areas, in accordance with the requirements in Section 2.12. Parking lot entrances shall be illuminated.

7. Buildings
   No building or structure shall be permitted on an off-street parking lot, except for a maintenance building and/or parking attendant shelter, which shall not be more than fifty (50) square feet in area and not more than fifteen (15) feet in height.

8. Signs
   Accessory directional signs shall be permitted in parking areas in accordance with Article 7.00.

9. Screening and Landscaping
   All off-street parking areas, except those serving single and two-family residences, shall be screened and landscaped in accordance with the provisions set forth in Article 5.00.

10. Maintenance
    All parking areas shall be maintained free of dust, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related appurtenances shall be maintained in good condition.

11. Electric Vehicle Charging Stations
    If and when appropriate, charging stations shall be provided for electric-powered vehicles. The placement of charging stations shall be subject to review by the Planning Commission.

F. Commercial and Recreational Vehicle Parking in Residential Districts

1. Commercial Vehicle Parking
   One (1) commercial vehicle with a rated capacity of less than one (1) ton and owned/operated by a resident of the premises, or one (1) piece of commercial equipment, may be parked on each lot located in a residential district, provided that the vehicle or piece of equipment is not a utility truck, such as a wrecker, septic tank pumper, or a truck that carries flammable or toxic materials.

The parking of no more than one (1) commercial vehicle with a rated capacity of over one (1) ton, or one (1) piece of commercial equipment, may be permitted on a residential parcel subject to the following conditions and review and approval by the Planning Commission:

a. The parcel of land must be at least five (5) acres in size and shall not be part of a recorded plat or other single or multiple-family residential development.

b. The parcel of land shall have a minimum width of at least three hundred thirty (330) feet.

c. The commercial vehicle or equipment must be owned and operated by a resident of the premises.

d. The vehicle or equipment shall be fully screened when parked. Such screening may be provided by parking the vehicle in a garage, or by parking the vehicle in a rear yard which provides complete screening from adjacent properties. Screening of vehicles or equipment located outdoors may be accomplished with existing or new landscaping, topographic barriers, or through construction of screening walls or fences.

e. Approval to park a commercial vehicle or equipment shall not constitute approval to park additional trailers, parts, or other equipment or materials associated with the operation of the commercial vehicle or equipment.

f. In considering whether to permit parking of a commercial vehicle or equipment on a site, the Planning Commission shall consider the potential off-site impacts, including: the impact from additional dust, odors, fumes, and noise generated by the vehicle or equipment; the disruption from additional vehicular traffic at various times during the day; and, possible safety hazards related to operation of a commercial vehicle or equipment on public or private residential roads.

2. Recreational Vehicle Parking

Recreational vehicles as defined in Article 1.00, including campers and other recreational equipment, may be parked or stored by the owner on residentially-used property subject to the following requirements. Unless otherwise noted, the requirements in this sub-section apply to recreational vehicles that are parked or stored for a period of more than forty-eight (48) hours.

a. **Connection to Utilities.** Recreational vehicles parked or stored shall not be connected to electricity, water, gas, or sanitary sewer facilities.

b. **Use as Living Quarters.** At no time shall recreational vehicles parked or stored in residential districts be used for living or housekeeping purposes.

c. **Location.** Recreational vehicles that are not parked or stored in a building may be parked or stored on a lot provided that the vehicles are located no closer to the front of the lot than any portion of the principal structure and comply with minimum front, side, and rear setback requirements.

d. **Lot Coverage.** Recreational vehicles may occupy no more than twenty percent (20%) of the required rear yard.

e. **Temporary Parking.** Notwithstanding the above provisions concerning "Location", recreational vehicles may be parked elsewhere on the premises prior to or after a trip for loading or unloading purposes for a period of not more than 48 hours prior to and 48 hours after use of the vehicle within a seven (7) day period.

f. **Condition.** Parked or stored recreational vehicles must be kept in good repair. Vehicles capable of being moved from place to place under their own power must be maintained in good running condition. All such vehicles must be properly registered in the name of the occupant of the dwelling unit.

g. **Storage of Mobile Homes.** The parking or storage of an unoccupied mobile home as defined in Article 1.00, being designed as a permanent structure for residential occupancy, is prohibited, except as may be permitted in the Mobile Home Park District.

h. **Waiver of Regulations.** The provisions concerning connection to utilities, use as living quarters, and location may be waived for a period of up to two weeks to permit repair of the occupant's or owner's equipment or to permit the parking of a recreational vehicle of a guest. Permits for any such waiver shall be obtained from the Building Official. No more than two (2) permits shall be issued for each activity (repair, storage of guest vehicle) per calendar year.

i. **Multiple Family Complexes and Mobile Home Parks.** The Planning Commission may require that a screened storage area be provided on the site of a multiple family complex or mobile home park for parking and storage of recreational vehicles.

Section 4.02 Loading Space Requirements

A. Scope of Loading Space Requirements

Compliance with the loading space regulations set forth herein shall be required in order to avoid interference with the public use of streets, alleys, parking areas, driveways, sidewalks, and other public areas.

1. General Applicability
   On the same premises with every building, or part thereof, erected and occupied for manufacturing, storage, warehousing, display and sale of goods, including department stores, wholesale stores, markets, hotels, hospitals, mortuaries, laundries, dry cleaning establishments, and other uses involving the receipt or distribution of materials, merchandise, or vehicles, there shall be provided and maintained adequate space for loading and unloading as required in this section.

2. Change in Use or Intensity.
   Whenever use of a building, structure, or lot is changed, loading space shall be provided as required by this Ordinance for the new use, regardless of any variance which may have been in effect prior to change of use.

B. General Requirements

1. Location
   Required loading space shall be located to the rear or side of the building being served such that it is screened from view from adjoining roads. Loading/unloading operations shall not interfere with traffic on public streets or off-street parking.

2. Size
   Unless otherwise specified, each required loading space shall be a minimum of ten (10) feet in width and fifty (50) feet in length, with a vertical clearance of fifteen (15) feet.

3. Surfacing and Drainage
   Loading areas shall be hard-surfaced with concrete or plant-mixed bituminous material. Loading areas shall be graded and drained so as to dispose of surface waters. Surface water shall not be permitted to drain onto adjoining property, unless in accordance with an approved drainage plan. Grading, surfacing, and drainage plans shall be subject to review and approval by the Building Official and/or Township Engineer.

4. Storage and Repair Prohibited
   The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in required loading space.

5. Use of Loading Space
   Required loading space shall not be counted or used for required parking.

6. Central Loading
   Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots provided that all of the following conditions are fulfilled:

   a. Each business served shall have direct access to the central loading area without crossing streets or alleys.

   b. Total loading space provided shall meet the minimum requirements specified herein, in consideration of total flor area of all businesses served by the central loading space.

   c.

   d. No building served shall be more than three hundred (300) feet from the central loading area.

7. Minimum Loading Space
   The amount of required loading space shall be determined in accordance with the schedule that follows. The Planning Commission may modify these requirements upon making the determination that another standard would be more appropriate because of the number or type of deliveries experienced by a particular business or use.

Schedule of Loading Space Requirements

Gross Floor Area	Number of Loading Spaces
0 - 4,999 sq. ft.	*see note below*
5,000 - 19,000 sq. ft.	**1** space
20,000 - 99,999 sq. ft.	**1** space, plus **1** space for each 20,000 sq. ft. in excess of 20,000 sq. ft.
100,000 - 499,999 sq. ft.	**5** spaces, plus **1** space for each 50,000 sq. ft. in excess of 100,000 sq. ft.
500,000 sq. ft. and over	**13** spaces, plus **1** space for each 80,000 sq. ft. in excess of 500,000 sq. ft.
Establishments containing less than 5,000 square feet of gross floor area shall be provided with adequate off-street loading space that is accessible by motor vehicle, but which does not interfere with pedestrian or vehicular traffic. The size of any such loading space shall be based on the types of delivery vehicles typically utilized by the establishment, provided that in industrial districts sufficient land area must be available to provide a 10 ft. by 50 ft. space if the use of the property changes.	

ARTICLE 5.00

Landscaping and Screening

Section 5.01 Intent and Scope of Requirements

A. Intent

Landscaping enhances the visual image of the Township, while preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual distraction associated with certain uses. Screening is important to protect less intensive uses from the noise, light, traffic, litter and other impacts of more intensive, nonresidential uses. These provisions are intended to set minimum standards for the design and use of landscaping, greenbelts, and screening, and for the protection and enhancement of the Township's environment. More specifically, the intent of these provisions is to:

1. Improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights-of-way,
2. Protect and preserve the appearance, character, and value of the neighborhoods that abut non residential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety and welfare,
3. Reduce soil erosion and depletion, and
4. Increase soil water retention, thereby helping to prevent flooding.

B. Scope of Application

No site plan shall be approved unless it shows landscaping consistent with the requirements of this Article. A building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance guarantee has been posted in accordance with the provisions set forth in Section 2.13. The requirements in this Article shall not apply to single family detached homes, unless otherwise specifically noted.

C. Minimum Requirements

The requirements in this Article are minimum requirements, and under no circumstances shall they preclude the developer and the Township from agreeing to more extensive landscaping.

D. Design Creativity

Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the Township to coordinate landscaping on adjoining properties.

E. Summary of Regulations

The following table summarizes the landscaping regulations contained in this Article. In the case of a discrepancy between the table and the text of Section 5.02, the text shall control.

Summary of Minimum Landscaping Requirements (see Section 5.02)

	General Landscaping Ratio	Plant Height	Minimum Planting Area Width	Minimum Plant Material Quantities		
				Deciduous or Evergreen Trees	Ornamental Trees	Shrubs
General Site Landscaping	--	--	--	One tree per 3,000 sq. ft.[a]	--	--
Landscaping Adjacent to Roads	--	--	15 feet	One tree per 40 linear feet	One tree per 100 linear feet	Eight shrubs per 40 linear feet
Berms in Front Yard	--	3 feet, maximum	*see text*	One tree per 40 linear feet	One tree per 100 linear feet	Eight shrubs per 40 linear feet
Greenbelts	--	--	20 feet[b]	One tree per 30 linear feet	--	[c]
Landscape Screening	--	6 feet, minimum	[d]	[e]	--	--
Parking Lot Landscaping	30 sq. ft. per parking space	--	9 feet	One shade tree per 5 spaces	--	--

[a] Multiple-family residential developments and mobile home parks shall provide 2 trees and 4 shrubs per dwelling unit or lot.

[b] Greenbelts provided in conjunction with a screening wall shall be a minimum of nine feet in width.

[c] Shrubs may be substituted for up to 50% of the total number of required trees, at a rate of eight (8) shrubs for each tree.

[d] The minimum width of landscape screening shall be equal to the minimum width for the installation used (i.e., greenbelt or berm).

[e] Landscaped screening shall consist of closely-spaced (not more than 15 feet on center) evergreens, arranged to form a complete visual barrier within three years of planting.

The Clear Vision Area requirements of Section 5.02, sub-section H, and Section 2.20 shall be observed for all landscaping installations.

Summary of Plant Material Specifications (see Section 5.04, sub-section C)

	Minimum Caliper	Minimum Height	Minimum Spread
Deciduous Trees	2.5 inches *measured at 12 inches above grade*	--	--
Ornamental Trees	1.5 inches *measured at 6 inches above grade*	--	--
Evergreen Trees	--	6.0 feet	2.5 feet
Shrubs	--	2.5 feet	2 feet
Hedges	--	2.5 feet	--

Section 5.02 General Landscaping Requirements

A. General Site Requirements

All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening are required:

1. All unpaved portions of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material. Such plant material shall extend to the edge of any abutting paved area, roadway, or gravel shoulder, except that trees and shrubs shall be set back a minimum of ten feet from the edge of any uncurbed paved area, roadway, or gravel shoulder. Grass areas in the front yard of all non-residential uses shall be planted with sod or hydro-seeded.
2. A mixture of evergreen and deciduous trees shall be planted on non-residential parcels at the rate of one (1) tree per 3,000 square feet or portion thereof of any unpaved open area for which specific landscaping requirements do not appear later in this Article. Required trees may be planted at uniform intervals, at random, or in groupings.

B. Landscaping Adjacent to Roads

1. Planting Requirements

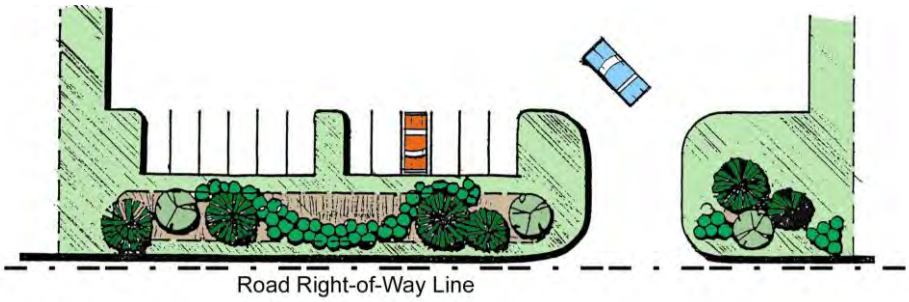
Where required, landscaping adjacent to roads shall comply with the following planting requirements:

Type of Plant Material	Minimum Amount Required
Deciduous Shade or Evergreen Tree	1 per 40 linear feet of road frontage
Ornamental Tree	1 per 100 linear feet of road frontage
Shrubs	8 per 40 linear feet of road frontage

For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted (see diagram). Trees and shrubs may be planted at uniform intervals, at random, or in groupings. Fractional amounts shall be rounded up to the next whole tree or shrub.

2. Location and Dimensions

Required landscaping adjacent to roads shall be located totally on private property within a planting strip adjacent to the road right-of-way. The minimum width of the planting strip shall be fifteen (15) feet.



Example Calculation for Landscaping Adjacent to Roads (Section 5.02, sub-section B)

Total Parcel Width = 250 feet *Driveway Width = 30 feet* *Road Frontage = 250-30 = 220 feet*

Deciduous or Evergreen Trees Required = 220 feet / 40 = 5.5 → **6 trees required**

Ornamental Trees Required = 220 feet / 100 = 2.2 → **3 ornamental trees required**

Shrubs Required = 220 feet / 40 = 5.5 x 8 = **44 shrubs required**

C. Berms

Where required, berms shall conform to the following standards:

1. Dimensions

   Unless otherwise indicated or appropriate, required berms shall be measured from the grade of the parking lot or flat ground adjacent to the berm, and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal (33 percent slope), with at least a two (2) foot flat area on top. Berms may undulate in height, subject to review and approval of berm design as shown on the site plan. Unless otherwise indicated, the maximum height of required berms shall be three (3) feet.

2. Protection from Erosion

   Any required berm shall be planted with sod, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape. The use of railroad ties, cement blocks, and other types of construction materials to retain the shape and height of a berm shall be prohibited unless specifically reviewed and approved by the Planning Commission.

3. Required Plantings

   a. *Front Yard Berms*

      Berms located in the front yard of non residential parcels shall be landscaped in accordance with the requirements for Landscaping Adjacent to Roads, Section 5.02, sub-section B.

   b. *Screening Berms*

      Berms used for screening other than in the front yard shall be landscaped in accordance with the requirements for Screening, Section 5.02, sub-section E.

4. Measurement of Berm Length

   For the purposed of calculating required plant material, berm length shall be measured along the exterior edge of the berm.

D. Greenbelts

Where required, greenbelts shall conform to the following standards:

1. Measurement of Greenbelt Length

   For the purposes of calculating required plant material, greenbelt length shall be measured along the exterior edge of the greenbelt.

2. General Planting Requirements

   a. *Grass or Ground Cover Requirements*

      Grass, ground cover, or other suitable live plant materials shall be planted over the entire greenbelt area, except where paved walkways are used.

   b. *Tree and Shrub Requirements*

      Except where the greenbelt is used for screening, a minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) linear feet or portion thereof of required greenbelt. Shrubs may be substituted for up to 50% of the total number of required trees, at a rate of eight (8) shrubs for each tree. Trees and shrubs may be planted at uniform intervals, at random, or in groupings.

   c. *Greenbelt Width*

      The minimum width of any required greenbelt shall be 20 feet, except where used to obscure a screening wall as noted below, in which case the greenbelt shall be at least nine feet in width.

   d. *Distance from Sidewalk*

      Plant materials other than turfgrass or ground cover shall not be placed closer than four (4) feet to the right-of-way line where the greenbelt abuts a public sidewalk.

3. Greenbelts Used for Screening

   Greenbelts used for screening shall be landscaped in accordance with the requirements for Screening, Section 5.02, sub-section E.

4. Linking Greenbelts

   Every effort shall be made to link greenbelts on adjacent parcels so as to provide a continuous landscaped or natural area.

E. Screening

1. General Screening Requirements

   Unless otherwise specified, wherever an evergreen or landscaped screen is required, screening shall consist of closely spaced evergreen plantings (i.e., no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least eight (8) feet above ground level within three (3) years of planting. Deciduous plant materials may be used provided that a complete visual barrier is maintained throughout the year. Wherever screening is required adjacent to residentially-zoned or used property, the screening must be installed prior to the beginning of site grading and general construction, except where such activity would result in damage to the screening.

2. Screening of Equipment

   Mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumps, satellite dish antennae, and similar equipment shall be screened on at least three (3) sides. Insofar as practical, said screening shall exceed the vertical height of the equipment being screened by at least six (6) inches within two (2) years of planting.

F. Parking Lot Landscaping

In addition to required screening, all off street parking areas shall be landscaped as follows:

1. Landscaping Ratio

   Off street parking areas containing greater than ten (10) spaces shall incorporate at least thirty (30) square feet of interior landscaping per parking space.

   a. Interior parking lot landscaping may include the following:

      (i) Internal islands and medians

      (ii) Landscaped areas surrounded on three sides by a parking area (i.e., peninsulas or fingers)

      (iii) Landscaped areas at the corners of a parking area and bordered by parking on at least two sides

   b. Interior parking lot landscaping shall be located within the parking area to improve its appearance and screen lot edges, reinforce circulation routes, define pleasing pedestrian routes through the parking lot, and maximize shade and stormwater benefits.

   c. Interior parking lot landscape areas should be coordinated with the location of light poles and other utilities.

2. Minimum Dimensions

   a. Landscaped areas in parking lots shall be no less than nine feet in any single dimension and no less than 300 square feet in area.

   b. Landscaped areas in or adjacent to parking lots shall be protected with curbing to prevent encroachment of vehicles. Curbs shall be a minimum of six inches in height and shall be continuous around the parking area, except for curb cuts required for integrated on-site stormwater management or pedestrian accessibility.

3. Other Landscaping

   Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.

4. Required Plantings

   a. At least fifty percent (50%) of each interior landscaped area shall be covered by living plant material, such as sod, shrubs, ground cover, or trees. Plant materials other than turfgrass or ground cover shall not be placed closer than two feet to the curbed edge of any interior parking lot landscape area. Trees shall be set back a minimum of four feet from the curbed edge of any interior parking lot landscape area.

   b. A minimum of one deciduous shade tree shall be planted within the parking lot for every ten vehicle parking spaces in the lot.

   c. Plantings within parking lots shall comply with the requirements for unobstructed sight distance set forth in Section 2.20. The landscape plan shall indicate the types, sizes, and quantities of all plant material proposed for interior parking lot landscape areas.

G. Landscaping of Rights-of-Way

Public rights-of-way located adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas or greenbelts.

H. Maintenance of Unobstructed Visibility for Drivers

No landscaping shall be established or maintained on any parcel or in any parking lot that will obstruct the view of drivers. Accordingly, all landscaping shall comply with the provisions concerning Unobstructed Sight Distance set forth in Section 2.20.

I. Potential Damage to Utilities

In no case shall landscaping material be planted in a way that will interfere with or cause damage to underground utility lines, public roads, or other public facilities. Species of trees whose roots are known to cause damage to public roadways, sewers, or other utilities shall not be planted closer than fifteen (15) feet from any such roadways, sewers, or utilities. Trees shall be set back from overhead utility lines as indicated in the following chart:

Mature Tree Height	Minimum Distance from Center of Trunk to Nearest Overhead Utility Line
Up to 15 feet	10 feet
15 to 25 feet	20 feet
25 to 45 feet	30 feet
Over 45 feet	50 feet

J. Landscaping of Divider Medians

Where traffic on driveways, maneuvering lanes, private roads, or similar vehicle accessways is separated by a divider median, the median shall be curbed and have a minimum width of ten (10) feet. A minimum of one (1) deciduous or evergreen tree shall be planted for each forty (40) linear feet or portion thereof of median. Plant materials other than turfgrass or ground cover shall not be placed closer than two feet to the curbed edge of any landscaped median. Trees shall be set back a minimum of four (4) feet from the curbed edge of any landscaped median.

K. Irrigation

Required landscaping shall be served by an in-ground irrigation/sprinkler system. The Planning Commission may approve an alternate irrigation system provided that all landscape material is within one hundred (100) feet of a spigot.

Section 5.03 Specific Landscaping Requirements for Zoning Districts

A. Requirements for Non-Residential Districts

All lots or parcels of land located in non-residential zoning districts shall comply with the following landscaping requirements:

1. General Site Landscaping

   All developed portions of the site shall conform to the General Site Requirements in Section 5.02, sub-section A, except where specific landscape elements are required.

2. Landscaping Adjacent to Road

   All commercial, office, and industrial developments shall comply with the requirements for landscaping adjacent to the road in Section 5.02, sub-section B.

3. Berm Requirements

   A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three (3) feet in height and shall be planted in accordance with Section 5.02, sub-section B. The berm shall be located totally on private property, adjacent to the road right-of-way.

4. Screening

   Screening in the form of a landscaped berm, greenbelt, or wall shall be required wherever a non-residential use abuts directly upon land zoned or used for residential purposes, and/or where loading areas would be visible from residential districts. Landscaped screening shall comply with the requirements in Section 5.02, sub-section E. If a wall is used instead of landscaping, the requirements in Article 6.00 shall be complied with, but a landscaped greenbelt (planted in accordance with Section 5.02, sub-section D) shall be required on the side of the wall facing the residential district.

5. Parking Lot Landscaping

   Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Section 5.02, sub-section F.

B. Requirements for Multiple Family Districts

All lots or parcels of land located in a multiple family zoning district shall comply with the following landscaping requirements:

1. General Site Landscaping

   A minimum of two (2) deciduous or evergreen trees plus four (4) shrubs shall be planted per dwelling unit. Unless otherwise specified, required landscaping elsewhere in the multiple family development shall not be counted in meeting these requirements for trees.

2. Landscaping Adjacent to Road

   All multiple family developments shall comply with the requirements for landscaping adjacent to the road in Section 5.02, sub-section B.

3. Berm Requirements

   A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three (3) feet in height and shall be planted in accordance with Section 5.02, sub-section B. The berm shall be located totally on private property, adjacent to the road right-of-way.

4. Screening

   Screening in the form of a landscaped berm, greenbelt, or wall shall be required on all sides of a multiple family development. Landscaped screening shall comply with the requirements in Section 5.02, sub-section E. A wall may be used instead of landscaping adjacent to non-residential districts, subject to the requirements in Article 6.00. If a wall is used instead of landscaping, the requirements in Article 6.00 shall be complied with, but a landscaped greenbelt (planted in accordance with Section 5.02, sub-section D) shall be required on the side of the wall facing away from the multiple-family development.

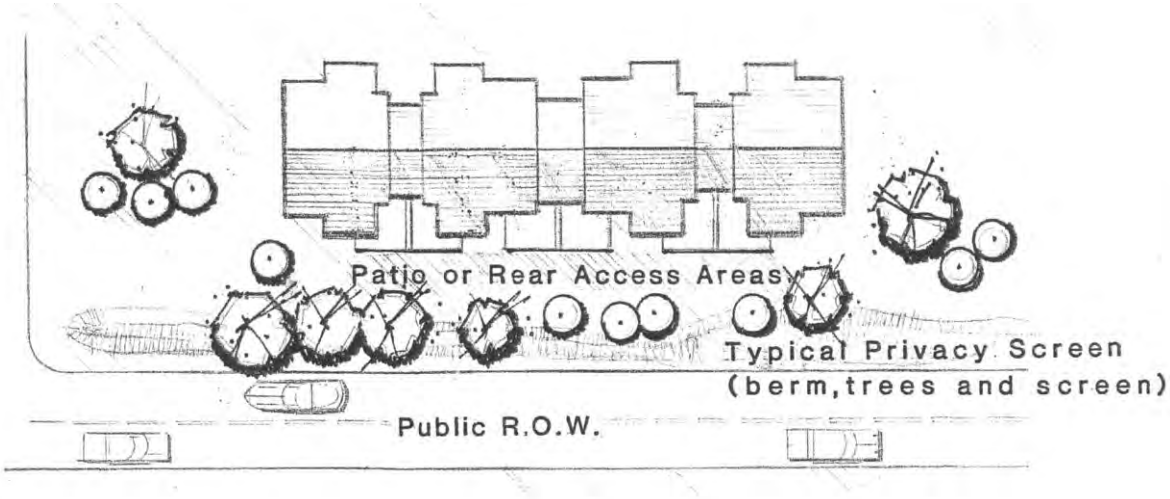
5. Parking Lot Landscaping

   Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Section 5.02, sub-section F.

6. Privacy Screen

   Where multiple family dwellings are designed so that rear open areas or patio areas front onto a public street, a landscaped privacy screen shall be provided (see illustration). The screen may consist of a combination of trees,

shrubs, and berms, subject to review by the Planning Commission.



Privacy Screen (see Section 5.03, sub-section B.6)

C. Requirements for Non-Residential Uses in Residential Districts

All non-residential uses developed in residential zoning districts shall comply with the following landscaping requirements:

1. General Site Landscaping

   All developed portions of the site shall conform to the General Site Requirements in Section 5.02, sub-section A, except where specific landscape elements are required.

2. Landscaping Adjacent to Road

   All non-residential developments located in residential districts shall comply with the requirements for landscaping adjacent to the road in Section 5.02, sub-section B.

3. Berm Requirements

   A berm may be used to screen off-street parking from view of the road, in which case the berm shall be a maximum of three (3) feet in height and shall be planted in accordance with Section 5.02, sub-section B. The berm shall be located totally on private property, adjacent to the road right-of-way.

4. Screening

   Screening in the form of a landscaped berm, greenbelt, or wall shall be required wherever a non-residential use abuts directly upon land zoned for residential purposes. Landscaped screening shall comply with the requirements in Section 5.02, sub-section E. If a wall is used instead of landscaping, the requirements in Article 6.00 shall be complied with, and a landscaped greenbelt (planted in accordance with Section 5.02, sub-section D) shall be provided on the side of the wall facing away from the non-residential use.

5. Parking Lot Landscaping

   Off-street parking areas containing greater than ten (10) spaces shall comply with the requirements for parking lot landscaping in Section 5.02, sub-section F.

Section 5.04 Standards for Landscape Materials

Unless otherwise specified, all landscape materials shall comply with the following standards:

A. Plant Quality

Plant materials used in compliance with the provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in west Michigan, in conformance with the standards of the American Association of Nurserymen, and shall have passed inspections required under state regulations.

B. Non-Living Plant Material

Plastic and other non living plant materials shall not be considered acceptable to meet the landscaping requirements of this Ordinance.

C. Plant Material Specifications

The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this Ordinance:

1. Deciduous Shade Trees

   Deciduous shade trees shall be a minimum of two and one half (2.5) inches in caliper measured twelve (12) inches above grade with the first branch a minimum of four (4) feet above grade when planted.

2. Deciduous Ornamental Trees

   Deciduous ornamental trees shall be a minimum of one and one half (1 1/2) inches in caliper measured twelve (12) inches above grade with a minimum height of four (4) feet above grade when planted.

3. Evergreen Trees

   Evergreen trees shall be a minimum of six (6) feet in height when planted. Furthermore, evergreen trees shall have a minimum spread of three (3) feet, and the size of the burlapped root ball shall be at least ten (10) times the caliper measured six (6) inches above grade.

4. Shrubs

   Shrubs shall be a minimum of two (2) feet in height when planted. Low growing shrubs shall have a minimum spread of twenty four (24) inches when planted.

5. Hedges

   Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen within two (2) years after planting, barring unusual growing conditions, such as drought or disease. Hedges shall be a minimum of two (2) feet in height when planted.

6. Ground Cover

   Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.

7. Grass

   Grass area shall be planted using species normally grown as permanent lawns in west Michigan. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass may be sodded, plugged, sprigged or seeded. When grass is to be established by a method other than complete sodding or seeding, nurse grass seed shall be sown for immediate effect and protection until complete coverage is otherwise achieved. Straw or other mulch shall be used to protect newly seeded areas.

8. Mulch

   Mulch used around trees, shrubs, and vines shall be a minimum of three (3) inches deep, and installed in a manner as to present a finished appearance.

9. Undesirable Plant Material

Use of plant materials that are invasive to natural habitats, that cause disruption to storm drainage, or that are susceptible to pests or disease is not encouraged. The following plant materials exhibit such characteristics, and therefore their use is not encouraged in the Township:

Box Elder *Acer negundo*	Norway Maple *Acer platanoides*	Silver Maple *Acer saccharinum*	Tree of Heaven *Ailanthus altissima*
European Barberry *Berberis vulgaris*	Northern Catalpa *Catalpa speciosa*	Ash *Fraxinus spp.*	Common Privet *Ligustrum spp.*
Honeysuckle *Lonicera spp.*	Mulberry *Morus spp*	Poplar *Populus spp*	Callery Pear *Pyrus calleryana*
Buckthorn *Rhamnus spp*	Willow *Salix spp.*	Elm *Ulmus spp.*	Russian-olive *Elaeagnus angustifolia*

Section 5.05 Installation and Maintenance

The following standards shall be observed where installation and maintenance of landscape materials are required:

A. Installation

Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Trees, shrubs, hedges, and vines shall be generously mulched at the time of planting.

B. Installation of Perimeter Landscaping

Landscaping along the perimeter shall be installed prior to construction, except where such landscaping would be destroyed during construction.

C. Seeding or Sodding

Lots or parcels shall be seeded or sodded within ninety (90) days after occupancy.

D. Protection from Vehicles

Landscaping shall be protected from vehicles through use of curbs or wheel stops in parking lots. Except for stormwater management features such as bioswales, landscape areas shall be elevated above the pavement to a height that is adequate to protect the plants from snow removal, salt, and other hazards.

E. Off-Season Planting Requirements

If development is completed during the off-season when plants cannot be installed, the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season, in accordance with Section 2.13.

F. Maintenance

Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced immediately upon notice from the Building Official, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season.

Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing seasons.

All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired, replaced, or removed.

Section 5.06 Treatment of Existing Plant Material

The following regulations shall apply to existing plant material:

A. Consideration of Existing Elements in the Landscape Design

In instances where healthy plant material exists on a site prior to its development, the Planning Commission may permit substitution of such plant material in place of the requirements set forth previously in this Section, provided such substitution is in keeping with the spirit and intent of this Article and the Ordinance in general.

Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such landscaping is in conformance with the requirements of this section.

B. Preservation of Existing Plant Material

Site plans shall show all existing trees that are located in the portions of the site that will be built upon or otherwise altered, and are five (5) inches or greater in diameter, measured 4.5 feet above grade.

Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. If existing plant material is labeled "To Be Saved" on the site plan, protective measures should be implemented, such as the placement of fencing at the drip line around each tree. No vehicle or other construction equipment shall be parked or stored within the drip line of any tree or other plant material intended to be saved.

In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, said plant material shall be replaced with the same species as the damaged or removed tree, in accordance with the following schedule, unless otherwise approved by the Planning Official based on consideration of the site and building configuration, available planting space, and similar considerations:

Damaged Tree Size (dbh)**	Replacement Tree Size	Replacement Ratio
Less than 6 inches	2½ to 3 inches caliper	Tree-for-tree
Greater than 6 inches	2½ to 3 inches caliper	One replacement tree for each six inches dbh (or fraction thereof) of damaged tree
*** dbh = Diameter at Breast Height, measured 4.5 feet above grade.*		

Section 5.07 Modifications to Landscape Requirements

In consideration of the overall design and impact of a specific landscape plan, and in consideration of the amount of existing plant material to be retained on the site, the Planning Commission may modify the specific requirements outlined herein, provided that any such adjustment is in keeping with the intent of this Article and Ordinance in general. In determining whether a modification is appropriate, the Planning Commission shall consider whether the following conditions exist:

- Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design.
- Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.
- The public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of the Ordinance.

ARTICLE 6.00

Walls and Fences

Section 6.01 Screening (Obscuring) Walls and Fences

Where permitted or required by this Ordinance, screening walls and fences shall be subject to the requirements in this Section. A screening wall or fence is one where more than fifty (50%) percent of the vertical surface is opaque so as to obstruct vision or prevent observation of activities enclosed in the fence.

A. Location

Required screening walls and fences shall be placed inside and adjacent to the lot line except where underground utilities interfere with placement of the wall or fence at the property line, in which case the wall shall be placed on the utility easement line located nearest the property line.

B. Time of Construction

Wherever construction of an screening wall or fence is required adjacent to residentially zoned or used property, the wall shall be installed prior to the beginning of site grading and general construction, except where such activity would result in damage to the wall or fence, in which case the wall or fence shall be constructed as soon as feasible after construction commences.

C. Screening Wall and Fence Specifications

For the uses and districts listed below, a screening wall or fence shall be provided as specified along property lines that abut a lot in in a residentially-zoned district or a lot in any zoning district that is used for residential purposes. The height of the wall or fence shall be measured from ground level adjacent to the wall or fence, provided that fill shall not be permitted for the purpose of achieving a higher fence than otherwise would be permitted.

Wall and Fence Specifications (see Section 6.01, sub-section C)

Proposed Use	Wall or Fence Height Requirements	
	Minimum	*Maximum*
Any Off-Street Parking	4.5 feet	6.0 feet
Office or Commercial District	4.5 feet	6.0 feet
Industrial District	6 feet, or minimum required to completely screen storage, loading, and service areas	8.0 feet
Utility Buildings, Substations	6.0 feet	8.0 feet

D. Substitution or Waiver

As a substitute for a required screening wall or fence, the Planning Commission may, in its review of the site plan, approve the use of other existing or proposed living landscape features (such as closely spaced evergreens) that would produce substantially the same results in terms of screening, durability, and permanence. Any such substitute screening shall comply with the applicable requirements in Section 5.02.

The Planning Commission may waive the requirements for an screening wall or fence upon making the determination that:

1. The adjoining residential district is in transition and will become nonresidential in the future, or

2. Existing physical features provide adequate screening, or

3. The abutting residential district is a sufficient distance (at least two hundred (200) feet) from the area or district to be screened so that the Planning Commission determines the screening is unnecessary to meet the intent of the Ordinance, or

4. The abutting residential district is separated from the area or district to be screened by an arterial or collector road.

E. Non-Required Fences in Non-Residential Districts

Fences, other than required screening walls and fences, shall be permitted in non-residential districts, subject to the following conditions:

1. Location
   Fences shall be permitted in the rear or side yard of non-residential districts, but shall comply with the front setback requirement for the district in which it is located.

2. Height
   Fences in non-residential districts shall not exceed eight (8) feet in height.

Section 6.02 Fences and Walls in Residential Districts

A. Fences in Residential Districts

Fences in residential districts may be located in the required front, side or rear yard subject to the following requirements:

1. Maximum Height
   The maximum height shall be six (6) feet.

2. Fence Design
   Fences in the front yard shall be non-obscuring (i.e., less than 50% opaque) in design.

3. Fences on Corner Parcels
   On corner lots the following regulations shall apply on the side yard (non-address side) facing a road:

   - A six (6) foot high fence shall be permitted provided it does not extend closer than ten (10) feet to the street right-of-way line.

B. Fences in Public Areas

1. Fences that enclose public parks, playgrounds, or similar public areas located within a developed residential area shall not exceed eight (8) feet in height, measured from the surface of the ground. No greater than twenty-five (25) percent of the vertical surface of such fences shall be opaque so as to obstruct vision.

2. Fences designed as part of a recreational structure (e.g., ball field backstops, tennis court enclosures) shall be exempt from the height limitation required above.

C. Walls in Residential Districts

Walls shall be permitted only in the side or rear yards of residential districts, subject to the following requirements:

1. General Standards
   The maximum wall height shall not exceed six (6) feet, measured from ground level adjacent to the wall, provided that fill shall not be permitted for the purpose of achieving a higher wall than otherwise would be permitted.

2. Walls on Corner Parcels
   On corner parcels, walls shall not be permitted to extend closer to the road than any portion of the principal building.

Section 6.03 General Fence and Wall Standards

A. Corner Clearance

Walls and fences shall comply with the specifications for maintenance of Unobstructed Sight Distance for drivers, Section 2.24.

B. Wall, Fence and Gate Materials

Walls shall be constructed of masonry material that is architecturally compatible with the materials used on the facade of the principal structure on the site, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns.

Fences shall consist of materials commonly used in conventional fence construction, such as wood, vinyl or plastic, and metal. Razor wire shall not be permitted. Fences that carry electric current shall not be permitted. Barbed wire may be permitted in non-residential districts, provided that the barbed wire is at least six (6) feet above the ground. Wood fences shall be constructed of cedar or an appropriate grade of pressure-treated wood. Chain link fences shall not be permitted for screening purposes.

C. Finished Appearance

If one side of a fence or wall has a more finished appearance than the other, then the side of the fence or wall with the more finished appearance shall face the exterior of the lot.

D. Obstruction to Use of Adjoining Property

No fence or wall shall be erected where it would prevent or unreasonably obstruct the use of adjacent property, nor shall a fence or wall be erected where it would obstruct or prevent the continued safe use of an existing driveway or other means of access to adjacent property. In enforcing this provision, the Building Official may require a fence or wall to be set back a minimum distance from a driveway or property line.

E. Fence and Wall Maintenance

Fences and walls shall be maintained in good condition. Rotten, crumbled or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or similarly treated.

F. Signs on Fences

One (1) sign not exceeding one (1) square feet in area naming the fence company or contractor may be permitted. No other advertising signs or banners may be attached to any fence.

G. Fences Enclosing Utility Facilities

It is necessary to control entry into facilities, stations, and yards, housing public utilities in the interest of public safety and to protect resources that are vital to well-being of the general public. Consequently, utilities are permitted to fence their facilities as necessary, regardless of the zoning district in which the facilities are located, subject to administrative review and approval.

H. Deed Restriction, Subdivision, Regulations, Condominium Regulations

Property owners in a subdivision or condominium are advised to investigate whether there are deed restrictions, subdivision regulations, or condominiums bylaws that regulate fences in the development, although the Township does not enforce such regulations.

I. Fence and Wall Heights

The maximum height of a fence or wall shall be measured from grade level adjacent to the fence or wall, to the top of the fence or wall. Where the elevation is higher on one side than on the other, such as with a retaining wall, the grade level measurement shall be made on the side with the lower elevation.

ARTICLE 7.00

Signs

Section 7.01 Purpose

These regulations are intended to balance public and private interests by permitting signs and other displays that are needed for the purposes of identification or advertising, subject to the following objectives:

Public Safety. By reason of their size, location, spacing, construction or manner of display, signs shall not endanger life or limb, confuse or mislead motorized or non-motorized traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public health or safety.

Community Aesthetics. Signs should enhance the aesthetic appeal of the Township (including the preservation of its historic and cultural resources, scenic areas and viewsheds, and the dark night sky). Thus, these regulations are intended to: 1) regulate oversized signs that are out-of-scale with surrounding buildings and structures, 2) prevent an excessive accumulation of signs which cause visual clutter, and 3) prevent blight.

Community Character and Property Values. The placement and design of signs should further the land use planning objectives of the Township. Signs should be compatible with neighborhood character and protect the value of surrounding properties.

Free Speech. These regulations are intended to ensure that the constitutionally guaranteed right of free speech is protected and allow signs as a means of communication.

Effective Communication. These regulations are intended to encourage the appropriate design, scale, and placement of signs in a manner that communicates effectively to the intended reader.

Section 7.02 Scope of Requirements

It shall be unlawful for any person, firm, or corporation to erect, construct, or alter any sign in the Township of Kalamazoo except in conformance with the provisions of this Article, subject to issuance of a permit, except as otherwise provided herein.

Section 7.03 Definitions

For the purposes of this Article, the following definitions shall apply (see illustrations):

Accessory Sign: An on-premise sign which pertains to the use of the premises on which it is located.

Animated Sign: A sign that uses lights, moving parts, or other means to depict action, create an image of a living creature or person, or create a special effect or scene.

Awning Sign: A sign which is made of non-rigid material such as heavy canvas that is supported by a framework, which is attached to a building's substrate. An awning sign extends outward from the building and so provides shaded cover and protection from weather for customers and pedestrians. An awning sign may have lettering and/or graphics painted or screen printed on its exterior surface.

Awning Valance: That portion of an awning sign that consists of short strips or bands of material hung at the lower edge of the awning.

Banner Sign

Balloon Sign: A balloon sign is an inflatable device, regardless of size, that is designed for use as an on-premise advertising device for a commercial promotional event. Unlike inflatables, balloons retain their shape due to the insertion of helium or other lightweight gas, which allows the device to be suspended in midair, independent of any structure other than that which keeps the device from floating away.

Banner Sign: A sign made of fabric, cloth, paper, or other non-rigid material. A feather banner is a type of banner sign comprised of a metal or plastic frame, pole, and/or base to which a vinyl, nylon, canvas or polyester fabric sign face is attached (see illustration).

Feather Banner

Billboard: A permanent freestanding sign erected, maintained, and used in the outdoor environment for the primary purpose of the display of commercial or noncommercial messages unrelated to the business or profession conducted or to a commodity, service, or activity sold or offered on the premises where such is located. See also "Off-Premise Commercial Advertising Sign."

Bulletin Board: A type of "manual changeable copy" sign which displays changeable copy that may include the name of an institution, school, library, community center, fraternal lodge, golf course, country club, park or other recreational facility, and which displays announcements of its services and activities upon the premises.

Canopy Sign: A sign made of non-rigid material such as heavy canvas supported by a framework that at one end is attached to a building's substrate and at the other end supported by one or more poles. A canopy sign extends outward from the building and acts as a roof over the area it covers, providing weather protection for customers, pedestrians and possibly even vehicles. A canopy sign may have lettering and/or graphics painted or screen printed on its exterior surface.

Canopy Sign

Canopy Valance: That portion of a canopy sign that consists of short strips or bands of material hung at the lower edge of the canopy.

Changeable Copy Sign (Manual): A sign, which has a readerboard for the display of information (e.g., text, alphanumeric characters, graphics or symbols) which is changed manually. The following is an example of a manual changeable copy sign.

Community Special Event: A noncommercial event that has community wide interest, and typically is for educational, cultural, religious, or social consciousness purposes.

Community Special Event Sign: Signs and banners, including but not limited to displays celebrating a traditionally-accepted patriotic or religious holiday, or special municipal, religious, school, or noncommercial activities.

Construction Sign: A temporary on-site sign located on a site where construction is taking place, which includes, but is not limited to, the identification of the designer, contractors and sub-contractors, and material suppliers participating in construction on the property on which the sign is located.

Directional Sign: An on-premise sign which is located and sized in a manner to safely and efficiently direct the flow of vehicular and pedestrian traffic to, from, and within a development site.

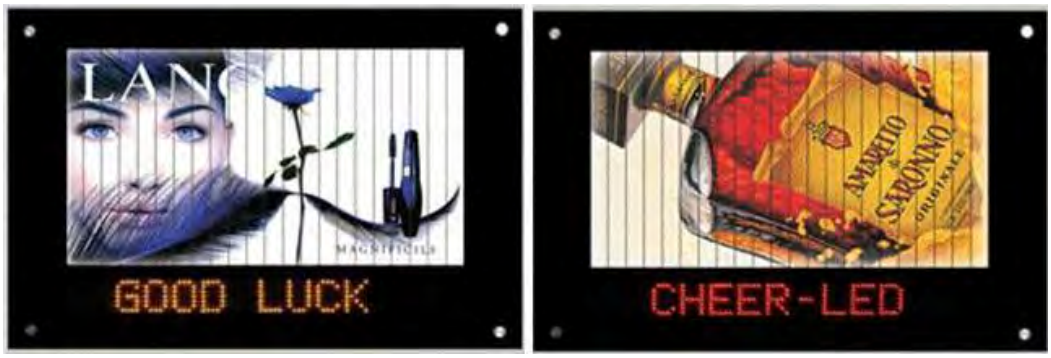
Electronic Display Signs: A sign that uses changing lights to form a sign message or messages in text or graphic or video display form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic process. As used in this Ordinance, the following definitions shall apply to electronic display signs:

1. **Electronic Changeable Copy Sign**: A sign on which the message changes automatically through the use of electronic display technology. Electronic changeable copy signs may include, but are not limited to time and temperature signs, a business bulletin board or other changeable copy sign. Electronic changeable copy signs do not include electronic graphic display signs (e.g., static pictures, with or without text) or video display signs (e.g., moving pictures, with or without text) or multi-vision signs. The following graphic is an example of an electronic changeable copy sign.

2. **Electronic Graphic Display Sign:** A sign or any portion of a sign that displays static electronic images, including static graphics or pictures with or without alphanumeric characters or symbols (e.g., text), by using electronic display technology, in which the message change sequence is immediate or by means of fade, repixalization or dissolve modes. An electronic graphic display sign may be combined with an electronic changeable copy sign. The following are examples of an electronic graphic display signs.

3. **Video Display Sign:** A sign that displays a message or background characterized by motion, movement or pictorial imagery to depict action or a special effect that imitates movement through the progression of frames that give the illusion of motion. Video display signs may or may not include text, moving objects, moving patterns or bands of light or expanding or contracting shapes. Video display signs use electronic display technology and may be combined with an electronic changeable copy sign. The following are examples of a video display signs.

4. **Multi-vision or Tri-Vision Sign:** A sign composed of a series of vertical or horizontal slats or cylinders that are designed to rotate at intervals so that each rotation of the group of slats or cylinders produces a different image or message (or the same image or message) and allows the display of one of two or more images on a single sign structure and at any given time. The following are examples of multi-vision signs.



Electronic Display Technology: Electronic display technology (EDT) includes any portion of a sign that contains alphanumeric characters, graphics or symbols that are defined by a small number of matrix elements using different combinations of light emitting diodes (LED), fiber optics, light bulbs or other illuminating devices within the display area. Electronic display technology uses computer-programmable, microprocessor-controlled devices that display and project images and messages onto the sign face.

Festoon: A string of ribbons, tinsel, small flags, pinwheels or lights, typically strung overhead in loops.

Flag: A sign on cloth, fabric, or other durable, flexible material of any kind that is attached to a permanent conforming pole.

Flashing Sign: A sign that contains an intermittent or sequential flashing light source. Electronic Display Signs, as defined herein, shall not constitute a flashing sign for the purpose of this ordinance.

Freestanding Sign: A sign which is erected upon or supported by the ground, including "pole signs" and "ground signs."

Ground Sign: A three-dimensional, self-supporting, base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message is painted or posted. A ground sign may also consist of a base-mounted cylindrical structure upon which a message is painted or posted.

Illegal Sign: A sign that does not meet the requirements of this ordinance and which has not received legal nonconforming status.

Illuminance: The amount of light that is incident to the surface of an object. This is the method for describing ambient light levels or the amount of light that is projected onto a front-lit sign. This parameter is typically measured in lux (footcandles x meters). For the purposes of dimming, illuminance is the amount of ambient light that hits a photocell.

Illuminated Sign: Any sign which contains a mechanism that emits artificial light internally or externally.

Incidental Sign: A small sign, emblem, or decal designed and located to be read only by people within the site and generally not visible or legible from the road right-of-way or adjacent properties. Examples of incidental signs include, but are not limited to, credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, barrier-free signs, traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, signs providing information on credit cards and business affiliations, and other signs that provide information to be read nearby.

Inflatable Sign: A sign consisting of flexible material or fabric that takes on a three-dimensional shape when filled with a sufficient volume of air or other gas. Inflatable signs are commonly used as temporary signs to draw attention to a site.

Interior Sign: A sign placed within a building, but not including a window sign as defined herein, that is not visible from any public street, sidewalk, alley, park, or public property.

Luminance: The amount of light that emanates from an internally illuminated sign. This parameter is measured in nits (candelas/square meter). The nit levels necessary for a sign to be legible varies with the ambient light conditions. For example, on a sunny day, the nit levels must be very high, while at night, the nit levels must be very low to prevent the image from distorting and to prevent glare.

Mansard: A sloped roof or roof-like facade. Signs mounted on the face of a mansard roof shall be considered wall signs.

Marquee: A permanent roof-like structure or canopy, supported by and extending from the face of the building.

Marquee Sign: A sign attached to or supported by a marquee structure.

Moving Sign: A sign in which the sign itself or any portion of the sign moves or revolves. A "rotating sign" and a “revolving sign” are types of moving signs. Such motion does not refer to the method of changing the message on the sign.

Mural: A noncommercial design or representation which is painted or drawn on the exterior surface of a structure and which does not advertise a commercial business, product, service, or activity.

Marquee Sign

Nameplate: A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Neon Sign: See "Outline Tubing Sign."

Noncommercial Message Sign: A sign that is not related to or connected with trade and traffic or commerce in general and includes, but is not limited to the following:

A. **Political Sign**: See definition of "Political Sign."

B. **Ideological Sign**: A sign expressing an opinion or other noncommercial point-of-view.

C. **Noncommercial Event Sign**: See definition of "Community Special Event Sign."

Nonconforming Sign:

A. A sign which is prohibited under the terms of this Ordinance but was erected lawfully, with a permit and was in use on the date of enactment of this Ordinance, or amendment thereto.

B. A sign which does not conform to the requirements of this Ordinance, but for which a variance has been granted.

Obsolete Sign: A sign that is no longer an on-premise commercial advertising sign because the sign advertises a product that is no longer made or that advertises a business that has closed.

Off-Premise Commercial Advertising Sign: A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where such sign is located. Such signs include, but are not limited to, off-premise real estate signs and off-premise development signs.

On-Premise Commercial Advertising Sign: A sign which contains a message related to a business or profession conducted or to a commodity, service, or activity sold or offered upon the premises where the sign is located. Such signs include, but are not limited to, on-site real estate signs, garage sale signs, and a sign advertising the contractor, developer, architect, engineer, broker, financial institution, or other commercial entity affiliated with a project under development and located on the same premises.

Outline Tubing Sign: A sign consisting of glass tubing, filled with a gas such as neon, which glows when electric current is sent through it.

Parapet: The extension of a false front or wall above a roof line. Signs mounted on the face of a parapet shall be considered wall signs.

Pedestrian Blade Sign: A type of building-mounted pedestrian sign that contains two faces and which is perpendicular to the building on which it is mounted. A blade sign is not a projecting sign, as defined herein.

Pennant: A series of narrow, tapering flags, typically strung from pole to pole.

Pole Sign: A type of freestanding sign that is elevated above the ground on poles or braces.

Political Sign: A noncommercial message sign relating matters to be voted on in a local, state, or national election or referendum.

Portable Sign: A sign designed to be moved easily and not permanently affixed to the ground or to a structure. This also includes signs worn or carried by a person.

Portable Message Center Sign: A sign designed to be transported easily and not permanently affixed to the ground or to a structure. A portable message center sign includes a manual and electronic changeable copy sign, an electronic graphic display sign, a video display sign or multi-vision/tri-vision sign that may be displayed or affixed to a movable object such as but not limited to a car, truck, trailer or similar transportation device. The following are examples of a portable message center signs:

Projected-Image Sign: A sign that is displayed through light by a projector.

Projecting Sign: A sign, other than a flat wall sign, that projects from the face of the building or structure upon which it is located and is designed to attract the attention of drivers. A projecting roof sign is one that projects beyond the face or exterior wall surface of the building upon which the roof sign is mounted. A projecting sign is not a pedestrian blade sign, as defined herein.

Public Sign: A noncommercial message sign erected in the public interest by or upon orders from a local, state, county, or federal public official. Examples of public signs include, but are not limited to, legal notices, safety signs, traffic signs, memorial plaques, signs of historical interest, and similar signs.

Real Estate Development Sign: A temporary on-premise commercial sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) which is under construction on the parcel on which the sign is located.

Real Estate Open House Sign: A temporary commercial advertising sign used to advertise the showing of real estate to potential purchasers.

Real Estate Sign: A temporary on-premise commercial advertising sign that makes it known that real estate upon which the sign is located is for sale, lease, or rent.

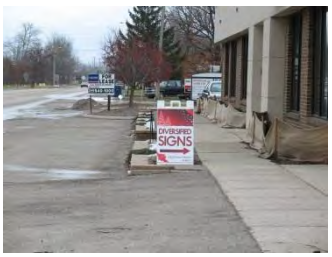
Residential Entranceway Sign: A sign that is located at the entrance to a residential development (e.g., subdivision, apartment complex, condominium development, or other residential development) in a residential zoning district.

Roof Line: The top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys, or similar minor projections.

Roof Sign: Any sign that extends above the roofline or is erected over the surface of the roof.

Rotating or Revolving Sign: A moving sign that rotates or revolves around an axis driven by wind or electromechanical devices. See "Moving Sign."

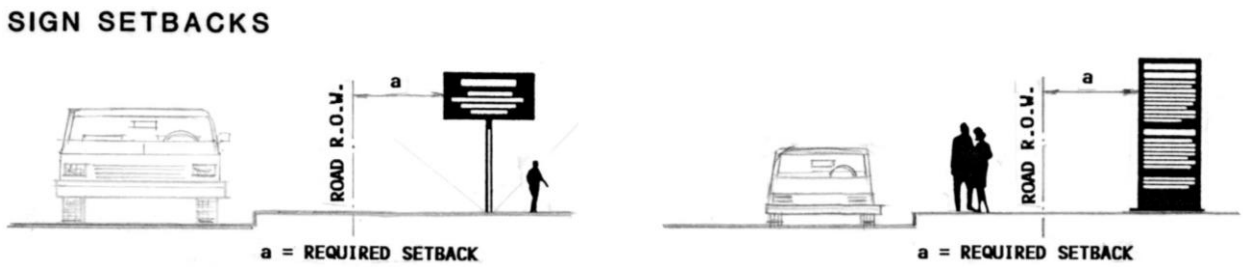
Sandwich Board Sign: An “A-frame” shaped sign that consists of two sign boards that are hinged together at the top and on which the message has been factory-imprinted, handwritten, or displayed using manual changeable copy display. The following are examples of sandwich board signs.



Search lights (portable): A search light, sometime referred to as a spotlight, is a sign that is intended to visually communicate or attract the public’s attention to a location for the purpose of promoting a specific on-premise commercial sale and/or event. Search lights are for temporary use only. The following are examples of searchlights.

Sign: A sign is a device for visual communication that is used to bring the subject to the attention of the public. A sign includes any device, structure, fixture, or placard which uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible and legible from any public street, sidewalk, alley, park, or public property, but not signs that are primarily directed at persons inside a building.

Sign Setbacks: The distance from the lot line to the nearest part of a sign structure.



Street Furniture Sign: A sign applied to or affixed to a bench, trash receptacle, or any other street furniture.

Support Pole Sign: A temporary sign that is attached as an appendage to a sign, sign support, light pole, utility pole, or any part of a pole or support.

Temporary Promotional Event: A celebratory or promotional commercial or noncommercial event to announce a sale, grand opening, expansion or other activity that is intended to promote a private business or commercial interest for a limited period of time.

Temporary Promotional Sign: A temporary on-premise sign located on the site of a commercial or noncommercial use or activity, which is erected or placed for a prescribed period of time to promote, advertise, announce, designate, identify or otherwise indicate the on-premise event or activity. Temporary promotion signs include balloons, inflatables, banners and searchlights.

Temporary Sign: A sign not constructed or intended for long-term use.

Three-Dimensional Sign: A sign that has depth or relief on its surface of greater than six inches. A three-dimensional signs attached to a building or structure is known as a protruding sign.

Vehicle Signs: Signs painted or mounted on the side of a vehicle, including signs on the face of a truck trailer. Vehicle signs do not include Portable Message Center Signs.

Wall Sign: A sign attached parallel to and extending not more than twelve (12) inches from the wall of a building. Painted signs, signs which consist of individual letters, symbols, or graphics, cabinet signs, and signs mounted on the face of a mansard roof shall be considered wall signs. Permanent signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall also be considered wall signs.

Wall Sign

Window Sign: A temporary sign located in or on a window which is intended to be viewed from the outside. Permanent window signs which are not affixed directly to a window or are positioned next to a window so that they are visible from the outside shall be considered wall signs. Temporary signs affixed to a window for more than thirty (30) days shall be considered wall signs.

Yard Signs (aka Bandit Signs): Temporary portable signs that are freestanding and temporarily anchored or secured to the ground.

Window Sign

Section 7.04 Enforcement

A. Plans, Specifications, and Permits

1. Permits
It shall be unlawful for any person to erect, alter, relocate, or structurally change a sign or other advertising structure, unless specifically exempted by this Article, without first obtaining a permit in accordance with the provisions set forth herein. A permit shall require payment of a fee, which shall be established by the Township Board.

2. Applications
Application for a sign permit shall be made upon forms provided by the Zoning Administrator. The following information shall be required:

   a. Name, address, and telephone number of the applicant.

   b. Location of the building, structure, or lot on which the sign is to be attached or erected.

   c. Position of the sign in relation to nearby buildings, structures, property lines, and right-of-way lines.

   d. Plans showing the dimensions, materials, method of construction, and attachment to the building or in the ground.

   e. Copies of stress sheets and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure.

   f. Name and address of the person, firm, or corporation owning, erecting, and maintaining the sign.

   g. Information concerning required electrical connections.

   h. Insurance policy or bond, as required in this Article.

   i. Written consent of the owner or lessee of the premises upon which the sign is to be erected.

   j. Other information required by the Zoning Administrator to make the determination that the sign is in compliance with all applicable laws and regulations.

3. Review of Application
   a. **Planning Commission Review**, Sign permit applications submitted in conjunction with the proposed construction of a new building or addition to an existing building shall be reviewed by the Planning Commission as a part of the required site plan review. Proposed signs must be shown on the site plan.

   b. **Zoning Administrator Review.** The Zoning Administrator shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.

   c. **Issuance of a Permit.** Following review and approval of a sign application by the Planning Commission or Zoning Administrator, as appropriate, the Zoning Administrator shall have the authority to issue a sign permit.

4. Exceptions
A sign shall not be enlarged or relocated except in conformity with the provisions set forth herein for new signs, nor until a proper permit has been secured. However, a new permit shall not be required for ordinary servicing or repainting of an existing sign message, cleaning of a sign, or changing of the message on the sign where the sign is designed for such changes (such as, but not limited to, changeable copy on a marquee or ground sign). Furthermore, a permit shall not be required for certain exempt signs listed in Section 7.05, sub-section A.

B. Inspection and Maintenance

1. Inspection of New Signs
   All signs for which a permit has been issued shall be inspected by the Zoning Administrator when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable Zoning Ordinance and Building Code standards.

   In cases where fastenings or anchorages are to be eventually bricked in or otherwise enclosed, the sign erector shall advise the Zoning Administrator when such fastenings are to be installed so that inspection may be completed before enclosure.

2. Inspection of Existing Signs
   The Zoning Administrator shall have the authority to routinely enter onto property to inspect existing signs. In conducting such inspections, the Zoning Administrator shall determine whether the sign is located in the permitted area, adequately supported, painted to prevent corrosion, and so secured to the building or other support as to safely bear the weight of the sign and pressure created by the wind.

3. Correction of Defects
   If the Zoning Administrator finds that any sign is unsafe, insecure, improperly constructed, or poorly maintained, the sign erector, owner of the sign, or owner of the land shall make the sign safe and secure by completing any necessary re-construction or repairs, or entirely remove the sign in accordance with the timetable established by the Zoning Administrator.

C. Removal of Obsolete Signs

Any sign that is no longer a lawful on-premise advertising sign because the sign no longer identifies an on-premise business, service, or product, due to the business closing or the product being discontinued, shall be removed by the owner, agent, or person having use of the building or structure. Upon vacating a commercial or industrial establishment, the proprietor shall be responsible for removal of all signs used in conjunction with the business within thirty (30) days of the close of the business.

However, where a conforming sign structure and frame are typically reused by a current occupant in a leased or rented building, the building owner shall not be required to remove the sign structure and frame in the interim periods when the building is not occupied, provided that the sign structure and frame are maintained in good condition.

D. Nonconforming Signs

No nonconforming sign shall be altered or reconstructed, unless the alteration or reconstruction is in compliance with Article 3.00 of this Ordinance, except that nonconforming signs shall comply with the following regulations:

1. Repairs and Maintenance
   Normal maintenance shall be permitted, provided that any nonconforming sign that is destroyed by any means to an extent greater than fifty percent (50%) of the sign's pre-catastrophe fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs; replacement of faded or damaged surface panels; or, repair or replacement of electrical wiring or electrical devices.

2. Nonconforming Changeable Copy Signs
   The message on a nonconforming changeable copy sign or nonconforming bulletin board sign may be changed provided that the change does not create any greater nonconformity.

3. Substitution
   No nonconforming sign shall be replaced with another nonconforming sign.

4. Modifications to the Principal Building
   Whenever the principal building on a site on which a nonconforming sign is located is modified to the extent that site plan review and approval is required, all nonconforming signs shall be removed.

E. Appeal to the Zoning Board of Appeals

Any party who has been refused a sign permit for a proposed sign may file an appeal with the Zoning Board of Appeals, in accordance with Article 26.05 of this Ordinance. In determining whether a variance is appropriate, the Zoning Board of Appeals shall study the sign proposal, giving consideration to any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with the sign standards. The presence of any of the circumstances listed may be sufficient to justify granting a variance; however, the Zoning Board of Appeals may decline to grant a variance even if certain of the circumstances is present.

1. Permitted signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees, or other obstructions, which cannot be legally and/or practically removed.

2. Permitted signage could not be seen by passing motorists in sufficient time to permit safe deceleration and exit. In determining whether such circumstances exist, the Zoning Board of Appeals shall consider the width of the road, the number of moving lanes, the volume of traffic, and speed limits.

3. Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.

4. Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as but not limited to: removal of trees, alteration of the natural topography, filling of wetlands, or obstruction of a natural drainage course.

5. Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passers-by.

6. Variance from certain sign regulations would be offset by increased building setback, increased landscaping, or other such enhancements, so that the net effect is an improvement in appearance of the parcel, compared to the result that would be otherwise achieved with construction of a conforming sign.

7. A sign which exceeds the permitted height or area standards of the Ordinance would be more appropriate in scale because of the large size or frontage of the parcel or building or within a building setback significantly greater than required by ordinance.

Section 7.05 General Provisions

A. Permitted Exempt Signs

A sign permit shall not be required for the following signs, which shall be permitted subject to applicable provisions herein:

1. Address numbers, which are essential for traffic safety and emergency response, with a numeral height no greater than six (6) inches for residences and eighteen (18) inches for businesses. If not internally lit, then address numbers shall be placed in a location where they will be fully illuminated by exterior lighting.

2. Nameplates, which are essential for traffic safety and emergency response, identifying the occupants of the building, not to exceed two (2) square feet.

3. Noncommercial memorial signs or tablets.

4. Signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of a business, provided that the primary use of the vehicle displaying the sign shall not be for the purpose of advertising a business.

5. Public signs, including the authorized signs of a government body or public utility, including traffic signs, legal notices, railroad crossing signs, warnings of a hazard, and similar signs.

6. Flags bearing the official design of a nation, state, municipality, educational institution, or other noncommercial content.

7. Incidental signs, where the incidental sign is located on a non-building device, such as a vending machine, gas pump, propane cage, or ice chest, each such device shall have no more than one (1) sign not to exceed six (6) square feet in area.

8. Private traffic control signs which conform to the requirements of the **Michigan Manual of Uniform Traffic Control Devices.**

9. Temporary on-premise commercial advertising signs, which shall be subject to 7.05.C.

10. Interior signs.

11. Plaques or signs designating a building or site as a historic place.

12. "No Trespassing," "No Hunting," and "No Dumping" signs, which are essential to public safety. Such signs shall not exceed three (3) sq. ft. in area.

13. Signs intended to safely and efficiently direct vehicular or pedestrian traffic to parking areas, loading areas, or to certain buildings or locations on the site, subject to the following conditions:

    a. A directional sign may display on-premise commercial advertising (such as a logo), which shall not exceed one (1) square foot in area.

    b. Directional signs shall not exceed four (4) square feet in area, or four (4) feet in height.

    c. Directional signs may be located in the front setback area, provided they are set back at least fifteen (15) feet from the existing or planned right-of-way line.

    d. Such signs shall comply with the Unobstructed Sight Distance requirements, as specified in Section 2.24, so as to maintain visibility for drivers.

14. A temporary off-premise commercial advertising sign, only as specified in this Article.

B. Prohibited Signs

The following signs are prohibited in all districts:

1. Any sign not expressly permitted.

2. Signs which incorporate flashing, revolving, shaking, spinning, or moving lights; however, electronic changeable copy and electronic graphic display signs shall be permitted only in accordance with this Article. Marquee signs shall be exempt from this regulation.

3. Festoons, spinners, and streamers, unless specifically permitted elsewhere is this Article.

4. String lights used for commercial purposes, other than holiday decorations.

5. Moving signs, including any sign which has any visible moving parts, visible revolving parts, visible mechanical movement, or other visible movement achieved by electrical, electronic, or mechanical means, including intermittent electric pulsations or movement caused by normal wind current or multi-vision signs, as defined herein. Flag and banner signs shall be exempt from this regulation.

6. Any sign or sign structure which:

    a. Is structurally unsafe;

    b. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;

    c. Is capable of causing electric shock to person who come in contact with it; or

    d. Is not kept in good repair, such that it has broken parts, missing letters, or non-operational lights.

7. Any support sign pole, including signs attached to a tree or utility pole, except signs of a government or utility.

8. Obsolete signs, as specified in Section 7.04, sub-section C.

9. Portable signs, except where expressly permitted in this Ordinance.

10. Signs affixed to a parked vehicle or truck trailer which is being used principally for advertising purposes, rather than for transportation purposes.

11. Any sign which obstructs free access to or egress from a required door, window, fire escape, or other required exit.

12. Any sign which makes use of the words "Stop", "Look", or "Danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic and create a public safety hazard.

13. Any sign containing obscene, indecent, or immoral matter.

14. Any sign unlawfully installed, erected, or maintained.

15. Roof signs.

16. Projecting signs; pedestrian blade signs, however are permitted.

17. Signs on street furniture, such as benches and trash receptacles.

18. Flags, unless specifically permitted elsewhere in this Article.

19. Video display signs.

20. Projected image signs.

C. Temporary and Temporary Promotional Signs

Temporary and temporary promotional signs shall be permitted as specified in the table at the end of this Article.

D. Off-Premise Advertising Signs (Billboards)

Freestanding off-premise advertising signs (billboards) shall be permitted in the C-1 and C-2 Districts subject to special land use approval, and in the I-1 and I-2 Districts, subject to the following regulations:

1. Maximum Size
   No such sign shall exceed five hundred (500) square feet in area per sign face.

2. Maximum Height
   The maximum height for such signs shall be thirty-five (35) feet, measured from grade level at the sign pedestal.

3. Setbacks
   Off-premise advertising signs shall comply with the following minimum setback requirements:

   a. Fifty (50) feet from a road or highway right-of-way line.

   b. Two hundred (200) feet from any residentially-zoned or used property.

   c. Twenty (20) feet from all other property lines.

4. Distance from Other Signs
   There shall be a minimum of 1,500 feet between off-premise advertising signs along an interstate freeway and a minimum of 1,000 feet between off-premise advertising signs along any other public road or highway.

5. Location
   Off-premises advertising signs shall not be located on or over the roofs of buildings.

6. Electronic Display Signs
   Electronic changeable copy, electronic graphic display, and multi-vision or tri-vision signs shall be permitted, subject to the provisions in Section 7.05.F.

7. V-Type Signs Prohibited
   V-type off-premise advertising signs (billboards) are prohibited.

E. Sandwich Board Signs

1. Number
   One sandwich board (A-frame) sign shall be permitted for each business that has its main entrance at sidewalk level.

2. Size
   A sandwich board sign shall not exceed two (2) feet in width and three and one half (3 ½) feet in height. The area of the sign shall not exceed 6 square feet per side.

3. Duration
   A sandwich board sign shall be removed when the business is closed to the public.

4. District and Location
   Sandwich board signs shall be permitted in the C-1 and C-2 Districts.

5. Stability
   A sandwich board sign shall be internally weighted to ensure stability and prevent unintentional movement or conflict with pedestrians.

6. Design
   The design of a sandwich board sign shall complement and be compatible with the design of the establishment's architectural design, primary sign(s), abutting property and the general streetscape in the immediate vicinity of the establishment it is advertising regardless of whether the message is factory imprinted, handwritten or utilizes a manual changeable copy format.

7. Residential District Sandwich Board Signs
   One (1) sandwich board sign may be used per street frontage in residential districts by a residential development (e.g., subdivision, site condominium, multiple family housing development, mobile home park) or nonresidential uses. Such signs shall be placed where they will not obstruct the view of motorists or obstruct pedestrians.

F. Signs Using Electronic Display

1. Findings
   There is a correlation between use of electronic displays and driver distraction. Drivers become distracted by changing messages, anticipation of a message change, messages that are too small or not legible at high speeds, incomplete messages, and special effects that are possible through use of electronic display technology.

   Notwithstanding the public safety concerns related to driver distraction, there is merit to allowing new sign technologies. The intent of these regulations is to provide the opportunity to use electronic display technology with certain restrictions. The restrictions are intended to minimize potential driver distraction and the proliferation of signs that would adversely impact the character of the community.

2. Regulations
   Electronic changeable copy and electronic graphic display technology may be permitted on ground signs in office, commercial and industrial districts subject to the following regulations:

   a. **Frequency/Duration.** Copy change shall not be more frequently than once per 10 seconds.

   b. **Color.** A color rendering of the display shall be provided for consideration by the Planning Commission during site plan review or the Zoning Administrator during an administrative review.

   c. **Illumination.** Glare shall be controlled in such a manner as to maintain an appropriate level of contrast during the day and an automatic dimmer shall be required to control brightness at night, reduce drive distraction and light trespass into residential areas. A photometric plan which identifies the proposed illumination levels (in footcandles) shall be provided. Illumination levels shall not exceed 0.5 footcandles at the property line, measured five feet above the ground.

   d. **Area.** An electronic changeable copy or electronic graphic display area shall not exceed more than 80% of the actual sign area of any ground sign face.

e. **Integration into Sign.** The electronic changeable copy or electronic graphic display areas on ground signs shall be part of the same sign face as a ground sign without electronic display technology and shall be integrated into the face of such sign by use of a border or similar design treatment that provides a visual linkage to the remainder of the sign.

f. **Motion, Animation and Video.** Video display, animation, scrolling text, flashing, whirling or dissolving transitions, or any other type of motion associated with an electronic sign shall be prohibited.

G. Development Entranceway Signs

Permanent entranceway signs are permitted at the entrances to residential developments (i.e., subdivisions or condominium developments, apartment complexes, mobile home parks), industrial subdivisions or condominium developments, office parks, business centers, shopping centers, and similar developments that have multiple lots or tenants. Such signs shall comply with the following regulations:

1. Maximum Sign Size
   48 sq. ft. (sign structure may exceed 48 sq. ft.)

2. Maximum Sign Height
   6 ft. Maximum structure height: 8 ft.

3. Minimum Setback
   No part of an entranceway sign shall be located in the road right-of-way, except as permitted in paragraph 6, following.

4. If sign is on private property, evidence of an easement must be submitted.

5. Type of Sign Permitted
   Ground sign only.

6. Entryway Island Option
   An entranceway sign may be located on a landscaped entranceway island, provided that:

   a. The nearest edge of the sign must be set back a minimum of 10-feet from the right-of-way of the intersecting street.
   b. Such signs shall comply with the requirements related to Unobstructed Sight Distance in Section 2.24, so as to maintain visibility for drivers.
   c. If sign is in the road right-of-way, then a copy of the permit from the Road Commission of Kalamazoo County must be submitted.

7. Number of Signs Permitted
   Two (2) signs per major point of entry.

Section 7.06 Sign Design Standards

A. Construction Standards

1. General Requirements
   All signs shall be designed and constructed in a safe and stable manner in accordance with the Township's adopted building code and electrical code. All electrical wiring associated with a freestanding sign shall be installed underground.

2. Building Code
   All signs shall be designed to comply with minimum wind pressure and other requirements set forth in the adopted Building Code.

3. Framework
   All signs shall be designed so that the supporting framework, other than the supporting poles on a freestanding sign, is contained within or behind the face of the sign or within the building to which it is attached so as to be totally screened from view.

B. Illumination

1. General Requirements
   Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it. Temporary signs shall not be illuminated. Permanent signs may be internally or externally illuminated, except where prohibited in this Article.

2. Non-Glare, Shielded Lighting
   Use of glaring undiffused lights or bulbs shall be prohibited. The source of illumination shall not be visible, shall be fully shielded, and shall cause no glare hazardous to pedestrians, motorists or adjacent residential uses or districts.

3. Bare Bulb Illumination
   Illumination by bare bulbs or flames is prohibited, except that bare bulbs are permitted on electronic changeable copy signs and approved marquees.

C. Location

1. Within a Public Right-of-Way
   No sign shall be located within, project into, or overhang a public right-of-way, except as otherwise permitted herein.

2. Compliance with Setback Requirements
   All signs shall comply with the setback requirements for the district in which they are located, except as otherwise permitted herein.

3. Sight Lines for Motorists
   Signs shall comply with the requirements for unobstructed motorist visibility in Section 2.24.

D. Measurement

1. Sign Area
   Sign area shall be computed as follows:

   a. **General Requirements.** Where a sign consists of a generally flat surface or sign face on which lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign.

   b. **Individual Letters, Logos, or Messages.** Where a sign consists of individual letters, logos, or other messages affixed directly to a building, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering, logo, or other message.

   c. **Freestanding Sign.** The area of a double-faced freestanding sign shall be computed using only one (1) face of the sign provided that: 1) the outline and dimensions of both faces are identical, and 2) the faces are back-to-back so that only one face is visible at any given time.

   d. **Ground Sign.** The area of a ground sign shall be computed by measuring the entire vertical surface of a face upon which the letters, logo, and other messages are attached. In the case of a multi-faced ground sign, the area of the sign shall be computed using only one face of the sign.

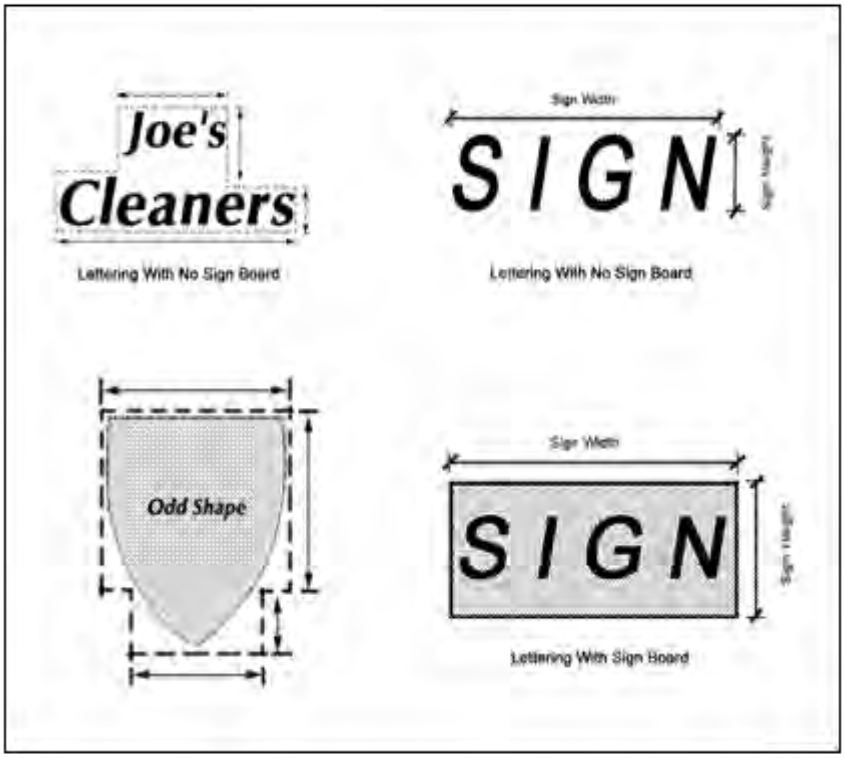
   e. **Cylindrical Sign.** The area of a cylindrical ground sign shall be computed by multiplying the diameter of the cylinder by its height.

2. Setback and Distance Measurements
   The following guidelines shall be used to determine compliance with setback and distance measurements:

   a. The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the two signs.

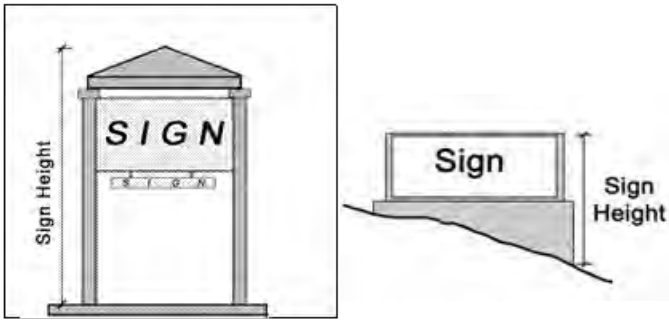
   b. The distance between a sign and a parking lot or building shall be measured along a straight horizontal line that represents the shortest distance between the outer edge of the parking lot or building.

   e. The distance between a sign and a building or property line shall be measured along a straight horizontal line that represents the shortest distance between the sign and the building.



Measurement of Sign Area

3. Sign Height Measurement
   The height of a sign shall be measured from the lowest grade directly below the sign. The maximum sign height shall be measured to the top of the sign.



Sign Height

Section 7.07 Residential District Signs

The following signs shall be permitted in all districts zoned for residential use, including districts zoned R-1, R-2, RM-1, RM-2, RM-3 and MP (see Generalized Schedule of Sign Standards):

A. Nameplate and Street Address

Nameplate and street address signs, which are essential for traffic safety and emergency response, shall be permitted in accordance with Section 7.05, sub-section A.

B. On-Premise Commercial Advertising Signs

On-premise commercial advertising signs shall be permitted in accordance with the table at the end of this Article.

C. Development Entranceway Signs

See Section 7.05, sub-section G.

D. Signs for Nonconforming Uses

Each legal nonconforming use in a residential district shall be permitted one wall-mounted sign, subject to the following requirements:

1. The maximum size for such a sign shall be two (2) square feet.

2. No such sign shall be intentionally lighted.

E. Signs for Approved Nonresidential Principal Uses

1. Number and Type
   There shall be no more than one (1) freestanding and one (1) wall sign per parcel, except on a corner parcel, where one (1) freestanding and one (1) wall sign shall be permitted facing each street frontage. Where there are additional permitted uses on the parcel (such as a religious institution or school), one (1) additional freestanding sign and one (1) additional wall sign shall be permitted for each additional permitted use.

2. Size
   The maximum area of a wall sign or freestanding sign for an approved non-residential principal use in a residential district shall comply with the provisions of Section 7.08, sub-sections C and D.

3. Setback of Freestanding Signs
   Freestanding signs shall meet the front yard setback requirements of Section 7.08.D.

4. Height
   The height of a freestanding sign shall not exceed six (6) feet.

5. Electronic Display
   Electronic changeable copy and electronic graphic display may be permitted on freestanding signs, subject to the regulations in Section 7.05.F.

F. Residential District Sandwich Board Signs

Sandwich boards in residential districts shall be permitted in accordance with Section 7.05.G.

Section 7.08 Nonresidential District Signs

The following signs shall be permitted in districts zoned for nonresidential use, including districts zoned C-1, C-2, I-1 and I-2 (see Generalized Schedule of Sign Standards):

A. Signs for Residential District Uses in a Nonresidential District

Signs for legal nonconforming residential district uses in a nonresidential district shall be governed by the sign regulations for residential district uses for which the use would be conforming, as set forth in Section 7.07.

B. Signs for Approved Nonresidential Uses

Signs for approved legal nonresidential uses in an office, commercial or industrial districts (for example, a legal nonconforming commercial use in an industrial district) shall be governed by the sign regulations for the nonresidential zoning district for which the use would be conforming, as specified in this Section.

C. Wall Signs

Wall signs shall be permitted in office, commercial and industrial districts subject to the following regulations:

1. Number
   One (1) wall sign shall be permitted per street or highway frontage which abuts the parcel. In the case of a multi-tenant building or shopping center, one (1) wall sign shall be permitted for each tenant having an individual means of public access. Tenants who occupy a corner space in a multi-tenant structure shall be permitted to have one (1) sign on each side of the building. Where several tenants use a common entrance in a multi-tenant structure, only one (1) wall sign shall be permitted, but the total sign area should be allocated on an equal basis to all tenants.

2. Size
   The total area of a wall sign shall not exceed one and one-half (1 ½) square feet per lineal foot of building frontage, but in no case shall the wall sign exceed forty-eight (48) square feet in area.

3. Location
   One wall sign may be located on each side of a building that faces a street or highway.

4. Vertical Dimensions
   The maximum vertical dimension of any wall sign shall not exceed one third (1/3) of the building height.

5. Horizontal Dimensions
   The maximum horizontal dimension of any wall-mounted sign shall not exceed three-fourths (3/4) of the width of the building.

6. Height
   The top of a wall sign shall not be higher than whichever is lowest:

   a. The maximum height specified for the district in which the sign is located.

   b. The top of the sills at the first level on windows above the first story.

   c. The height of the building facing the street on which the sign is located.

D. Freestanding Signs

Freestanding signs shall be permitted in office, commercial and industrial districts subject to the following regulations:

1. Number
   One (1) freestanding sign shall be permitted per road frontage on each parcel. In multi-tenant buildings or shopping centers the sign area may be allocated for use by individual tenants.

2. Size
   The total area of the freestanding sign shall not exceed one-half (1/2) of a square foot per lineal foot of lot frontage, but in no case shall the freestanding sign exceed forty-eight (48) square feet in area.

3. Setback from the Right-of-Way
   Freestanding signs may be located in the required front yard, provided that no portion of any such sign shall be located closer that twelve and one-half (12.5) to the existing right-of-way line. If a parcel is served by a private road or service road, no portion of a freestanding sign shall be closer than twelve and one-half (12.5) feet to the existing right-of-way line. No portion of a freestanding sign shall be located closer than twenty-five (25) feet to the right-of-way of an interstate freeway.

4. Height
   The height of a freestanding sign in any nonresidential district shall not exceed six (6) feet.

5. Electronic Display Permitted
   Electronic changeable copy and electronic graphic display may be permitted on freestanding signs subject to the regulations set forth in Section 7.05.F.

E. Marquee Signs

Marquee signs shall be permitted for uses with an approved marquee located in commercial districts subject to the following requirements:

1. Construction
   Marquee signs shall consist of hard incombustible materials. The written message shall be affixed flat to the vertical face of the marquee.

2. Vertical Clearance
   A minimum vertical clearance of ten (10) feet shall be provided beneath any marquee.

3. Projection
   Limitations imposed by this Ordinance concerning projection of signs from the face of a wall or building shall not apply to marquee signs, provided that marquee signs shall comply with the setback requirements for the district in which they are located.

4. Number
   One (1) marquee shall be permitted per street frontage.

5. Size
   The total size of a marquee sign shall not exceed one and one-half (1 1/2) square feet per lineal foot of building frontage.

6. Compliance with Size Requirements for Wall Signs
   The area of permanent lettering on a marquee sign shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.

7. Electronic Display Permitted
   Electronic changeable copy and electronic graphic display may be permitted on marquee signs subject to the regulations set forth in Section 7.05.F.

F. Awnings and Canopies

Signs on awnings and canopies in commercial, office, and industrial districts shall be permitted, subject to the following standards:

1. Coverage
   The total area of the lettering, logo, and other message shall not exceed twenty-five percent (25%) of the total area of the awning or canopy that is visible from the street.

2. Compliance with Size Requirements for Wall Signs
   The area of signs on awnings or canopies shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.

3. Projection
   Limitations imposed by this Ordinance concerning projection of signs from the face of a wall or building shall not apply to awning and canopy signs, provided that such signs shall comply with the setback requirements for the district in which they are located.

G. Temporary and Temporary Promotional Signs

Temporary and temporary promotional signs shall be permitted in accordance with Section 7.05, sub-section C.

H. Window Signs

Temporary and permanent window signs shall be permitted on the inside in commercial districts provided that the total combined area of such signs (including incidental signs) shall not exceed one-third (1/3) of the total window area. The area of permanent window signs shall be counted in determining compliance with standards for total area of wall signs on the parcel. Temporary window signs shall comply with the requirements in Section 7.05, sub-section C. Window signs are prohibited in industrial districts.

I. Pedestrian Blade Signs

Blade signs are permitted in the commercial districts, subject to the following requirements:

1. Number
   One (1) blade sign shall be permitted on each side of a building offering customer access, provided that such signs are spaced not less than twenty (20) feet apart horizontally.

2. Location
   Blade signs shall project perpendicularly from the building wall from which it protrudes at a 90 degree angle.

3. Height
   Blade signs shall be placed so that there is a minimum distance of ten (10) feet between the sidewalk underneath and the bottom edge of the sign. Blade signs shall not extend vertically beyond the bottom of the second story windowsill, if one exists, and shall not exceed a height above the roofline of the building to which it is attached.

4. Area
   Blade signs shall not exceed a display area of twelve (12) square feet per sign face and no blade sign shall have more than two (2) faces.

5. Depth
   The thickness of depth of a blade sign shall not exceed three (3) inches.

6. Materials
   Blade signs shall be constructed of durable rigid material such as wood, metal, MDO plywood, etc. and maintained in such a manner so as to continue its original appearance and to provide proper safety to the persons and property it may affect.

Section 7.09 Substitution Clause

Any lawful sign permitted under the provisions of this Ordinance may contain a noncommercial message.

	Commercial Uses in the C-1 and C-2 Districts		Commercial or Industrial Uses in the I-1 and I-2 Districts	
Type of Sign	**Number**	**Max. Area**	**Number**	**Max. Area**
Wall	1[a]	1½ sq. ft. per foot of building front, up to 48 sq. ft.	1[a]	1½ sq. ft. per foot of building front, up to 48 sq. ft.
Freestanding	1[b]	½ sq. ft. per foot of street frontage, up to 48 sq. ft.	1[b]	½ sq. ft. per foot of street frontage, up to 48 sq. ft.
Window Sign	N.A.	1/3 of window area [c]	N.A.	Not permitted in industrial districts
Awning or Canopy Signs	1	25% of awning or canopy area	1	25% of awning or canopy area [c]
Marquee Sign	1[d]	1 ½ sq. ft. per front of building front	N.A.	Not permitted in industrial districts

* **Specific sections in Article 7.00 should be consulted for details**.
N.A. = Not Applicable

Footnotes

[a] In the case of a multi-tenant building, one (1) wall sign shall be permitted for each tenant having an individual means of public access. Tenants who occupy a corner space in a multi-tenant structure shall be permitted to have one (1) sign on each side of the building. Where several tenants use a common entrance in a multi-tenant building, only one (1) wall sign shall be permitted, but the total sign area should be allocated on an equal basis to all tenants.

[b] Only one (1) freestanding sign shall be permitted for multi-tenant buildings or shopping centers, but the sign area may be allocated for use by individual tenants.

[c] The area of permanent window signs and awnings and canopy signs shall be counted in determining compliance with the standards for total area of wall signs.

[d] Marquee signs shall be permitted for uses with an approved marquee located in commercial districts.

TEMPORARY AND TEMPORARY PROMOTIONAL SIGN STANDARDS
(Section 7.05, sub-section C)

Type of Sign	District Permitted	Type of Sign Permitted	Maximum Size	Maximum Height	Maximum Number	Setback Required	Permit Required	Duration Permitted
On-premise commercial advertising sign	Residential	Portable Ground	6 sq. ft.	6 ft.	1	[j]	No	Anytime
Off-premise commercial advertising sign	Residential and Commercial	Portable Ground	3 sq. ft.	3 ft.	1	[a]	No	90 days in a calendar year
Temporary Window Sign	Commercial	Paper or Fabric	[d]	N.A.	N.A.	N.A.	No	Maximum display period: 30 days
Yard Sign (aka bandit sign)	All	Portable	3 sq. ft.	3 ft.	1 per intersection: 8 per development throughout Township	[c]	Yes [e]	10:00 am Saturday – 8:00 pm Sunday
Noncommercial Message Sign	All [f]	Portable, Ground or Wall	16 sq. ft.	10 ft.	4	[c]	No	Anytime
Balloons	Office, Commercial, Industrial	Balloon	[g]	35 ft.	[g, h, i, l]	[a]	Yes	Not more than 4 consecutive days in one week and not more than two consecutive weeks and not more than 4 times per year
Inflatable Signs	Office, Commercial, Industrial	Ground or 3-dimensional shaped object	Ground: 80 sq. ft.	Ground: 8 ft. 3-dimensional: 35 ft.	1 [h, i, l]	[a]	Yes	Not more than 4 consecutive days in one week and not more than two consecutive weeks and not more than 4 times per year
Searchlights	Office, Commercial, Industrial	Search lights	N.A.	N.A.	1 [i, l]	[a]	Yes	Not more than 4 consecutive days in one week and not more than two consecutive weeks and not more than 4 times per year
Banner Signs, except Feather Banners [k]	Office, Commercial and Industrial	Ground-mounted or wall-mounted	32 sq. ft.	Ground-mounted: 16ft; wall-mounted: shall not extend above the roof.	1 [b, l]	[a]	Yes	One or more banners may be on display for no more than two (2) consecutive weeks and no more than four (4) times per year.
Feather Banner Signs	Office, Commercial, and Industrial	Ground-mounted	32 sq. ft.	16 ft.	Maximum number is based on setback requirements. See footnote [l].	[a] A feather banner shall be located no closer than 50 feet to another feather banner.	Yes	One or more feather banners may be on display for no more than two (2) consecutive weeks and no more than four (4) times per year.
Pennants	Office, Commercial and Industrial	Mounted from pole to pole	N.A.	16 ft.	1 per frontage [l]	Same as for poles on which pennants are mounted	Yes	Not more than thirty (30) consecutive days and not more than four (4) times per year.
On-premise commercial advertising sign	Commercial and Industrial	Ground, sandwich, or A-frame	16 sq. ft.	10 ft.	1	[c]	No	Anytime.
Off-premise commercial advertising sign	Industrial	Ground, sandwich or A-frame	16 sq. ft.	10 ft.	3 per subdivision or condominium entranceway	[c]	Yes	90 days in a calendar year

N.A. = Not Applicable

Footnotes – Temporary and Temporary Promotional Signs

[a] The temporary sign shall be located no closer than 15 feet to the planned right-of-way line.

[b] On a corner parcel in a nonresidential district two (2) signs, one (1) facing each street, shall be permitted.

[c] The temporary sign may be located in the required setback area, provided that the applicant has obtained permission from the property owner and provided further that the sign does not obstruct the vision of drivers or detract from the visibility of any traffic sign or traffic control device. No such sign shall be located within the road right-of-way.

[d] The total of all window signs, temporary and permanent, shall not exceed one-third (1/3) of the total window area. The area of permanent window signs shall also be counted in determining compliance with standards for total area of wall signs.

[e] The applicant shall provide a map showing the location of all permitted signs, written approval from the property owner for all locations, and written indication of the hours that the signs will be posted.

[f] Noncommercial message signs are prohibited on property owned or under the control of the Township, County, State, or United States.

[g] No more than one (1) bunch of six (6) balloons may be displayed at a business location and each balloon shall be no larger than twenty-four (24) inches in diameter. All balloons shall be attached to the building or placed within one (1) foot of the building for which the balloons are displayed. Balloons shall not be attached to structures, such as street furniture, utility poles or signs in the right-of-way.

[h] Balloons and inflatables shall be ground mounted or secured. Roof-top mounted devices are prohibited.

[i] Not more than one balloon sign, inflatable sign, or searchlight sign shall be permitted at any time for each parcel and there shall be a distance of at least 500 feet maintained between these signs for stand-alone operations.

[j] Temporary on-premise commercial advertising signs may be located in the required front yard setback, but shall not encroach into the road right-of-way.

[k] A banner sign in a frame and mounted on a wall shall be considered a wall sign and shall comply with Section 7.08.C.

[l] Only one (1) of the following signs shall be permitted at one time: balloon, inflatable, banner, feather banners, and pennant.

ARTICLE 8.00

Site Development Standards Applicable to Specific Uses

Section 8.01 Intent and Scope of Application

Each use listed in this Article, whether permitted by right or subject to approval as a special land use, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to alleviate the impact from a use that is of a size or type, or that possesses characteristics which are unique or atypical in the district in which the use is located. These standards are further intended to assure that such uses will be compatible with surrounding uses and the orderly development of the district. Conformance with these standards shall be subject to site plan review.

Unless otherwise specified, each use listed in this Article shall be subject to all applicable dimensional requirements for the district in which the use is located. Compliance with the standards in this Article does not relieve the owner or operator of a permitted use from complying with additional standards in other applicable Township ordinances.

Section 8.02 Scope of Requirements

A. Adult Book or Supply Stores, Adult Motion Picture Theaters, Adult Live Stage Performing Theaters, Adult Outdoor Motion Picture Theaters, and Group "A" Cabarets

In the development and execution of this Ordinance and this Section, it is recognized that there are certain uses which, because of their very nature, have serious objectionable characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. The special regulations in this section are intended to prevent a concentration of these uses in any one area, so as to prevent the blighting, deterioration, or downgrading of an area. The following requirements are intended to accomplish these purposes:

1. The establishment of the types of Adult Regulated Uses listed below shall be prohibited if the establishment of such use will constitute the second such use within a one thousand (1,000) foot radius (i.e., not more than one such use within one thousand (1,000) feet of another). The distance between uses shall be measured horizontally between the nearest property lines.

    a. Adult Book or Supply Stores

    b. Adult Motion Picture Theaters

    c. Adult Motion Picture Arcade

    d. Adult Motel

    e. Adult Model Studio

    f. Adult Live Stage Performing Theaters

    g. Adult Outdoor Motion Picture Theaters

    h. Group "A" Cabarets

2. It shall be unlawful to hereafter establish any Adult Regulated Use if the proposed regulated use will be within a six hundred (600) foot radius of the following:

    a. Pool or billiard halls.

    b. Coin-operated amusement centers.

c. Dance centers which typically cater to teens.

d. Ice or roller skating rinks.

e. Indoor or drive-in movie theaters.

f. Public parks, playgrounds, or other recreation uses.

g. Churches, convents, monasteries, synagogue, or similar religious institutions.

h. Day care centers or nurseries.

i. Any public, private or parochial nursery, primary, or secondary school.

j. Any residentially used or zoned land.

3. The distance between uses shall be measured horizontally between the nearest property lines.

4. The building and premises shall be designed and constructed so that material depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined in this Ordinance) cannot be observed by pedestrians or from vehicles on any public right-of-way. This provision shall apply to any display, decoration, sign, show window, or other opening.

B. Airports and Related Uses

Airports, landing sites and platforms, hangars, masts, and other facilities for the operation of aircraft may be permitted, subject to the following conditions:

1. Plan Approval
   The plans for such facilities shall be approved by the Federal Aviation Administration (FAA) and the Michigan Department of Transportation, Office of Aeronautics prior to submittal to the Township for review and approval.

2. Minimum Standards
   Such facilities shall comply with the standards established by the FAA and the Michigan Office of Aeronautics concerning obstruction of air navigation.

3. Clear Zones
   All required “clear zones” (as defined by the FAA) shall be acquired and owned by the airport.

4. Aircraft and Vehicle Parking
   Sufficient parking shall be provided for aircraft storage. Vehicular parking shall be provided for airport users, and for offices, restaurants, sales, and other uses associated with the airport, subject to the requirements in Article 4.00.

5. Approval from Utility Companies
   The plans for such facilities shall be submitted to all utility companies serving the area, including companies that have communication towers within two miles of the proposed facility.

6. Setbacks
   No portion of any landing site or pad, runway, or similar facility shall be located closer than five hundred (500) feet to any parcel of land that is zoned or used for residential purposes. This setback shall not apply to landing sites used for private, noncommercial use.

C. Automobile Body and Paint Shops

Automobile body and automobile paint shops shall be subject to the following requirements:

1. All painting operations shall be conducted within an enclosed building which shall be equipped with the latest available odor and fume-arresting devices to prevent any nuisance or annoyance from odor emanating from the building. The painting operations shall comply with the latest standards of the National Board of Fire Underwriters or other testing agencies accepted and approved by the Township Fire Marshal.

2. All automobile body shop operations shall be conducted within an enclosed building which shall be equipped with such special acoustical qualities as will prevent any nuisance or annoyance from noise emanating from the building.

3. No automobile body work, painting or repairing shall be conducted outside of enclosed buildings on the premises and no more than six (6) automobiles upon which body work is to be completed or which are to be painted shall be stored outside of enclosed buildings on the premises prior to the completion of such work.

D. Automobile or Vehicle Dealers

Automobile or vehicle dealers with repair facilities or outdoor sales space shall be subject to the following requirements. These requirements shall apply to operations involved in the sale, lease or rental of new or used vehicles, house trailers, recreational vehicles, trucks, and other vehicles.

1. Grading, Surfacing, and Drainage
   Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or plant-mixed bituminous material and shall be graded and drained so as to dispose of surface waters. Grading, surfacing, and drainage plans shall be subject to review and approval by the Township Engineer.

2. Driveway Location
   The nearest edge of any driveway serving an outdoor vehicle sales area shall be located no closer than sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

3. Servicing of Vehicles
   Any servicing of vehicles, including major motor repair and refinishing, shall be subject to the following requirements:

   a. Service activities shall be clearly incidental to the vehicle sales operation.

   b. Vehicle service activities shall occur within a completely enclosed building.

   c. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.

   d. The building containing service operations shall be located a minimum of fifty (50) feet from any property line.

   e. There shall be no external evidence of the service operations, in the form of dust, odors, or noise, beyond the service building.

4. Broadcasting Devices Prohibited
   Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.

5. Setbacks
   Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall comply with the locational requirements for parking lots, as specified in Section 4.01, subsection B.1.

E. Automobile Filling Stations, Automobile or Vehicle Service Stations, Automobile Repair Garages

The following regulations shall apply to Automobile Filling Stations and Automobile or Vehicle Service Stations, including tire, battery, muffler and undercoating shops:

1. Minimum Lot Area
   The minimum lot area required for such uses shall be 21,780 sq. ft. (1/2 ac.).

2. Minimum Lot Width
   The minimum lot width required for such uses shall be 200 ft.

3. Minimum Setbacks
   Repair garages or other buildings shall comply with the setback requirements for the district in which the use is located. However, a minimum setback of forty (40) feet shall be maintained on all sides which abut property that is zoned or used for residential purposes. Pump islands and canopies shall comply with the following requirements:

	Minimum Setback from Right-of-Way Line	Minimum Setback from Residential Use or Zone
Nearest Edge of Pump Island	30 ft.	50 ft.
Nearest Edge of Unenclosed Canopy	20 ft.	40 ft.

4. Ingress and Egress
No more than one (1) ingress/egress drive or curb opening shall be permitted for every seventy-five (75) feet of frontage (or fraction thereof) along any street. The nearest edge of any such drive shall be located at least twenty-five (25) feet from the nearest point of any property zoned or used for residential purposes.

Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance because of its location in relation to other ingress and egress drives, its location in relation to the traffic generated by other buildings or uses or its location near vehicular or pedestrian entrances or crossings.

5. Layout
All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. Gasoline pumps shall be located so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served. Service bay doors and windows shall be oriented so they face away from abutting residentially zoned or used property.

6. Outside Storage
Inoperable, wrecked, partially dismantled, or repaired vehicles shall not be stored or parked outside for a period exceeding two (2) days. Such vehicles must be stored in the rear yard, where they shall be screened pursuant to Section 6.01 (C).

7. Vehicle Sales and Storage
The storage, sale, or rental of new, used, or repaired cars, trucks, trailers, and any other vehicles on the premises is prohibited.

8. Paving Surface
Fueling areas shall be paved with concrete.

F. Automobile Wash or Car Wash Establishment

The following regulations shall apply to Automobile Wash or Car Wash Establishments:

1. Minimum Lot Size
The minimum lot size required for automobile or car wash establishments shall be 21,780 sq. ft. (1/2 ac.).

2. Layout
All washing activities shall be carried on within a fully enclosed building. Vacuuming activities shall be permitted in the rear only, provided such activities are located at least fifty (50) feet from adjacent residentially zoned or used property. Entrances and exits shall not face abutting residentially zoned or used property.

3. Entrances and Exits
Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

4. Orientation of Open Bays
Buildings for self-serve car washes shall be oriented so that open bays do not face onto adjacent streets unless screened by landscaping.

5. Exit Lane Drainage
Exit lanes shall be sloped to drain water back to the wash building to drainage grates.

6. Location
The lot on which a car wash is proposed shall be no closer than one hundred (100) feet to a residentially-zoned district.

7. Paving and Drainage
   Driveways, vehicle maneuvering areas, and parking areas shall be paved and provided with proper underground drainage to prevent water from collecting on the surface or flowing onto adjoining property or streets. Drainage facilities shall be equipped with a mud and grease trap.

8. Connection to Storm Sewer System
   All water used in washing shall drain into a public storm sewer system, where available, provided that such a connection shall not be permitted if suffocating, corrosive, inflammable or explosive liquid, gas, vapor, or other substance or material that might cause damage, obstruction or deterioration of the storm sewer would occur.

G. Bed and Breakfast Establishments

Bed and breakfast establishments, as defined in Section 1.03, including such operations as Airbnb, shall be subject to the following regulations:

1. Bed and Breakfast Establishments an Accessory Use
   A bed and breakfast establishment shall be clearly incidental to the principal residence on the site. Accordingly, the bed and breakfast operations shall be confined to the single-family dwelling unit that is the principal dwelling on the site. Not more than thirty percent (30%) of the total floor area of the dwelling unit be used for bed and breakfast sleeping rooms.

2. Maximum Number of Units

Lot Size	Maximum Number of Units per Establishment
Up to 2.5 acres	3 units, depending on building requirements
More than 2.5 acres	Based on good planning and design principles, as determined by the Planning Commission

3. Principal Residence
   The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.

4. Kitchen Facilities
   There shall be no separate cooking facilities for the bed and breakfast establishment, other than those which serve the principal residence. Food may be served only to those persons who rent a room in the bed and breakfast facility.

5. Building Requirements
   A building used for a bed and breakfast establishment shall comply with the following minimum requirements:

   a. There shall be at least two (2) exits to the outdoors.

   b. Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants, plus and additional thirty (30) square feet for each additional occupant. Rooms shall be designed to accommodate no more than four (4) occupants.

   c. Each sleeping room shall be equipped with a smoke detector.

   d. Bed and breakfast establishments shall comply with the Fire Code.

6. Parking
   Adequate off-street parking shall be provided for bed and breakfast patrons, in accordance with Article 4.00.

H. Brewpubs, Microbreweries, and Small Distilleries

1. The following regulations shall apply to **brewpubs**, as defined in Section 1.03:

   a. Brewpub production shall not exceed five thousand (5,000) barrels of beer per year.

   b. On-premise sale of alcoholic liquor by a brewpub is permitted, subject to the license obtained pursuant to the Michigan Liquor Control Act, as amended.

c. A brewpub may not sell its beer to other retailers or wholesalers, unless permitted by the Michigan Liquor Control Act, Public Act 38 of 1998, as amended.

d. Hops, barley, wheat or other grain used in the brewing process may be stored in a detached structure, such as a silo, provided that any such accessory structure 1) complies with the setback requirements for the district in which it is located, and 2) is compatible in color and materials with the principal building. No open storage of bottles, pallets, or other containers shall be permitted. Storage in tractor trailers shall be permitted for periods not exceeding twenty-four (24) hours.

e. Brewpubs shall comply with the Performance Standards specified in Article 9.00.

f. Brewpubs shall include a taproom or restaurant that provides full meal service for consumption by patrons while seated on the premises. Twenty-five percent (25%) of the gross sales of the restaurant shall be derived from the sale of food and nonalcoholic beverages. (The provision regarding "25% of the gross sales" is a State of Michigan requirement and would not be subject to local enforcement.)

g. No more than fifty percent (50%) of the total gross floor space of the establishment shall be used for the brewery function, such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling and storage, serving tanks and boiler and water treatment areas.

h. No outside beer tent shall be permitted in any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary use pursuant to Section 2.21. Outside table service may be permitted in areas not designated for parking or loading/unloading, pursuant to Section 8.02, subsection II.

i. Off-street parking shall be provided at the rate of 1 space per 50 square feet of usable floor area (UFA) or 0.5 spaces per seat, whichever is greater. For the purposes of this requirement, areas dedicated to brewery production shall not be counted as UFA. In addition, brewpubs shall provide employee parking at the rate of one (1) parking space per employee on the largest working shift. Off-street parking shall comply with the requirements in Article 4.00.

j. A brewpub's taproom or restaurant shall comply with State of Michigan regulations with respect to hours of operation.

2. The following regulations shall apply to **microbreweries**, as defined in Section 1.03:

a. Microbrewery production shall not exceed thirty thousand (30,000) barrels of beer per year.

b. A microbrewery may sell beer it manufactures to a licensed wholesaler who may resell the beer to licensed retailers, pursuant to the Michigan Liquor Control Act, Public Act 58 of 1998, as amended.

c. Hops, barley, wheat or other grain used in the brewing process may be stored in a detached structure, such as a silo, provided that any such accessory structure 1) complies with the setback requirements for the district in which it is located, and 2) is compatible in color and materials with the principal building. No open storage of bottles, pallets, or other containers shall be permitted. Storage in tractor trailers shall be permitted for periods not exceeding twenty-four (24) hours.

d. Microbreweries shall comply with the Performance Standards specified in Article 9.00.

e. Microbreweries shall provide food service for consumption by patrons while seated on the premises. The term "food service" does not imply the need for a full-scale restaurant with a complete kitchen.

f. No more than sixty-five percent (65%) of the total gross floor space of the establishment shall be used for the brewery function, such as the brewhouse, fermentation tanks, conditioning tanks, bright beer tanks/filter, bottling and kegging lines, malt milling and storage, serving tanks and boiler and water treatment areas.

g. No outside beer tent shall be permitted in any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary use pursuant to Section 2.21. Outside table service may be permitted in areas not designated for parking or loading/unloading, pursuant to Section 8.02, subsection II.

h. Off-street parking shall be provided at the rate of 1 space per 50 square feet of usable floor area (UFA) or

0.5 spaces per seat, whichever is greater. For the purposes of this requirement, areas dedicated to brewery production shall not be counted as UFA. In addition, microbreweries shall provide employee parking at the rate of one (1) parking space per employee on the largest working shift. Off-street parking shall comply with the requirements in Article 4.00.

3. The following regulations shall apply to **small distilleries**, as defined in Section 1.03, and as regulated by the Michigan Act Liquor Control Act, Public act 58 of 1998, as amended.

    a. Distillery production of all brands combined shall not exceed 60,000 gallons annually.

    b. A small distiller is required to obtain a Federal "Distilling, Rectifying, Blending and/or Bottling Spirits" Basic Permit, as well as a State of Michigan license, copies of which shall be submitted to the Township.

    c. Grains and other products used in the distilling process may be stored in a detached structure, provide that any such structure 1) complies with the setback requirements for the district in which it is located, and 2) is compatible in color and materials with the principal building. No open storage of bottles, pallets, or other containers is permitted.

    d. Small distilleries shall comply with the Performance Standards specified in Article 9.00.

    e. Small distillers may sell spirits to consumers for consumption on the manufacturing premises and for off-premises consumption. Small distillers may not sell spirits directly to Michigan retail licenses.

    f. Small distilleries shall provide food service for consumption by patrons while seated on the premises. The term "food service" does not imply the need for a full-scale restaurant.

    g. Off-street parking shall be provide at the rate of 1 space 50 square feet of usable floor area (UFA) or 0.5 spaces per seat, which is greater. For the purposes of this requirement, areas dedicated to spirit manufacturing shall not be counted as UFA. In addition, distilleries shall provide employee parking at the rate of one (1) parking space per employee on the largest working shift. Off-street parking shall comply with the requirements in Article 4.00.

I. Cemeteries

The following regulations shall apply to the establishment of new cemeteries or expansion of existing cemeteries:

1. Location
   No portion of any cemetery that is located in a wetland or within the 100-year flood boundary shall be developed or platted for grave sites.

2. Accessory Buildings
   A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery master plan, which plan shall be subject to Planning Commission review.

3. Setbacks
   No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than one hundred (100) feet to the boundary line of any residential or commercial district. A crematorium located within a cemetery shall be set back a minimum of four hundred (400) feet from the boundary line of any residential district.

4. Location of Entrances
   Entrances to cemeteries shall be from a major or secondary thoroughfare, and shall be designed to minimize traffic congestion.

5. Screening
   Screening shall be provided along all property lines abutting a residential district or street in a residential district, in accordance with Section 5.02, sub-section E.

J. Composting Facilities

Composting facilities and related facilities shall be subject to the following regulations:

1. Minimum Lot Size
   The minimum lot size of a composting facility shall be 20 acres.

2. Minimum Setbacks
   a. Active composting operations and storage of raw and in-process materials shall be located a minimum of 100 feet from any site boundary.

   b. Finished materials shall be stored a minimum of 100 feet from any road right-of-way and 20 feet from any interior lot line.

   c. The minimum setback of composting operations, storage of raw and in-process materials, and storage of finished materials shall be 500 hundred feet adjacent to any residentially-zoned district.

   d. Composting operations shall not be permitted in a 100-year floodplain or regulated wetland.

3. Site Plan Review
   Composting operations shall be subject to site plan review, in accordance with Section 26.02. Site plans for composting operations shall contain the following additional information:

   a. Access routes to the facility and on-site traffic patterns.

   b. Maintenance plan for areas where compost materials are received, processed, cured, and stored, to prevent rutting that would allow on-site ponding or puddling of water.

   c. Written documentation of the following:

      i. Hours of operation.

      ii. Methods of controlling fugitive dust, noxious odors, noise, vibration, light, and blowing debris.

      iii. Method of receiving compost materials.

      iv. Method of securing facility to prevent illegal dumping.

      v. Method of sorting and handling composted materials on site.

      vi. Measures to be taken should anaerobic conditions arise.

      vii. Expected frequency of removal of composted materials.

      viii. Fire protection measures.

      ix. Description of daily clean-up procedures.

      x. Measures to be taken should surface or ground waters become contaminated.

      xi. The capacity of the facility in terms of cubic yards and the maximum amount of compost material to be accepted annually.

      xii. Submittal of a closure plan, as noted in subsection 11, below.

4. Compost Materials
   Raw, in-process, and finished compost materials shall satisfy the following requirements:

   a. Stockpiles of raw material and in-process compost materials shall not exceed ten (10) feet in height.

   b. Incoming raw material shall not be stored or stockpiled on site for more than thirty (30) days without being processed.

c. Raw materials to be processed on site shall be limited to yard clippings and vegetable food waste.

d. Raw materials shall not be accepted on site in an anaerobic condition. When anaerobic conditions arise on site, operations shall be limited to correcting the condition. Repeated incidents of developing anaerobic conditions at a facility may be cause for revoking the special land use permit for the facility.

e. Raw materials and in-process compost materials shall not be stored or processed in piles that exceed a cumulative of 5,000 cubic yards per acre. Exceptions may be permitted based on the specifications of the process-specific equipment designed specifically for the composting to be conducted on the site.

5. Screening
Compost facilities shall be screened from view from all adjacent street rights-of-way and adjacent properties, pursuant to Section 5.02.

6. Circulation and Parking
Sufficient room shall be provided on site to accommodate anticipated stacking and parking for deliveries and pick-ups. This shall be illustrated on the site plan presented for approval. On-site circulation areas shall be provided, graded, surfaced, and maintained to permit free access to emergency vehicles at all times.

7. Road Cleaning
Tracking of mud or compost materials from composting areas onto public off-site roads shall be minimized; mud or compost materials that are tracked off-site shall be removed. At the time of site plan approval, the operator of the composting facility shall submit an off-site road maintenance plan that addresses the following minimum provisions:

a. Method of dislodging mud and/or composting materials from the vehicles or undercarriage.

b. An on-site traffic control pattern, including a by-pass road around the truck cleaning area if applicable.

c. Method for removing soil, dust, and/or compost materials attributable to the composting operations from public off-site roads within 2,500 feet of the composting area entrance and exits.

d. Methods of cleaning trucks and off-site roads as often as necessary to prevent the occurrence of nuisances resulting from the tracking of mud or compost materials.

Failure to satisfy the terms of this maintenance plan shall be enforced as a violation of the Zoning Ordinance and may be grounds for revoking the facility's special land use permit.

8. Drainage
Storing or disposing of compostable materials of any kind shall not pollute a water supply or contaminate surrounding land to the extent that public health is endangered. All water that comes in contact with raw or in-process materials on-site must be collected and managed within the site. The surface water detained on the site shall be purified of contaminants before leaving the site or disposed of in accordance with the applicable requirements of the County and State. Any discharge of this collected water from the site must meet the MDEQ Act 307 Type B Clean-up Criteria for Groundwater. Sampling of any potential discharge shall be collected within two feet of the property line where the water leaves the site.

9. Performance Standards
The operation of a composting facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property, or cause injurious effects to human health, safety, and welfare.

a. Noise and vibration emanating from a composting facility shall not exceed standards set forth in Article 9.00 and the Township Anti-Noise and Nuisance Ordinance.

b. Unpleasant odors generated from material processing shall not extend beyond the property line of the compost facility and linger for more than four hours. All incidents and odor complaints shall be documented by the facility and submitted to the Township. The Zoning Administrator shall confirm the presence of the unpleasant odor by standing 50 feet away from the property line. Upon confirmation of the incident, the Township shall notify the facility that they have 48 hours to resolve the complaint. Failure to do so shall be considered a violation of this Zoning Ordinance and enforced accordingly. Repeat offenses may be grounds for revoking the facility's special land use permit.

c. Debris and litter driven by wind or flowing water emanating from a composting facility shall be collected. If the compost operator is unable to prevent wind- or water-driven debris from leaving the site, the Zoning Administrator shall require the erection of impenetrable screening to stop the scattering of debris from the site. This shall include any area used for unloading previously bagged materials, which shall be enclosed in a fence to prevent bags from leaving the unloading area.

d. The applicant shall submit with the site plan an operations plan to minimize the off-site occurrences of fugitive dust, noxious odors, vibrations, light, and blowing debris. This plan may include such measures as: restricting the daily work area, refusing to accept certain compost materials, additional technology or filtering, or other appropriate measures.

e. If there is evidence that performance standards have not been met and/or that a problem or nuisance condition exists as determined by Zoning Administrator, despite compliance with the operation plan, then a revised plan shall be developed by the operator. This new plan shall be submitted within ten (10) working days from the date that the Zoning Administrator notifies the operator of the issues with the operation plan. This new plan shall demonstrate to the satisfaction of the Zoning Administrator that the problem will not continue.

10. Compliance
The composting facility shall be conducted and operated in accordance with current standards established by the United States Environmental Protection Agency, the U.S. Department of Agriculture, the Michigan Department of Environmental Quality, the County Drain Commissioner and Health Department, and other Federal, State, and County regulatory agencies.

11. Closure Plan
A closure plan shall be submitted which shall detail the final end use of the property should use of the facility be discontinued for more than 365 consecutive days.

a. The plan shall describe:

i. How the existing site will be cleaned up.

ii. How and where the existing surface debris will be disposed.

iii. What the final disposition of the land will be.

b. The petitioner shall, prior to commencement of operations, deposit with the Township, an amount sufficient to ensure site cleanup should operations cease. The deposit shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond in an amount to be determined acceptable by the Township Board based on the size and extent of the proposed development and the estimated cost of restoration of the property after development and stockpile of compostable materials.

c. Violation of any of the provisions of this Section shall result in the Township having the right to close or cleanup the composting facility at the expense of the owner/operator or lessee of the composting facility.

d. The Township may, at such time, direct the owner/operator or lessee to close or clean up the composting facility at the owner/operator or lessee's expense.

K. Concrete Plants and Concrete and Asphalt Crushing Operations

The following regulations apply to permanent concrete plants and concrete and asphalt crushing operations. These regulations do not apply to temporary portable batch plants and crushing operations related to a specific construction project.

1. Concrete Plants
Concrete plants shall comply with the following regulations:

a. **Minimum Lot Size.** Concrete plants shall have a minimum lot area of three (3) acres.

b. **Setbacks.** In order to reduce the effects of airborne dust, dirt, and noise, plant equipment, stockpiles, truck staging areas, and similar operations shall be located no closer than three hundred (300) feet to any public or private road right-of-way line, no closer than one hundred (100) feet to any adjacent property lines, and

no closer than five hundred (500) feet to any property that is residentially zoned.

c. **Access.** Concrete plants shall have direct access onto a paved public road. All driveways, loading areas, staging areas, and truck maneuvering areas within the site shall be paved.

d. **Stacking Spaces**. A minimum of five (5) stacking spaces shall be provided on the premises for trucks waiting to be loaded.

e. **Outside Storage.** Outside storage of materials other than sand, gravel and other natural materials used in the concrete manufacturing process shall be prohibited. The location and size of sand and gravel storage areas shall be shown on the site plan. At no time shall stockpiles exceed fifteen (15) feet in height.

f. **Screening.** Concrete plant facilities, including parking and loading areas, shall be screened in accordance with Section 5.02, subsection E.

g. **Truck Traffic.** Trucks hauling concrete mixing materials to the site shall be loaded and covered in accordance with all applicable State and County and local regulations.

h. **Back-up Alarm.** All trucks using the facility shall be fitted with an automatic back-up alarm. Such alarm shall have a listening device which automatically adjusts the volume so the alarm can be heard just above the ambient noise level.

i. **Truck Washes.** All truck washing activities shall be carried on within a designated hard surfaced area. Such area shall be designed so that wash water is captured and disposed of by an approved method as noted below. Truck washing shall be limited to only those trucks that are permanently housed on the concrete plant site.

j. **Pollution Control.** Concrete plants shall comply with the dust and noise standards set forth in Article 9.00. The plan for fugitive dust control shall address emissions from stockpiles, process sources, and traffic. Concrete plant building floor drains shall not be permitted to connect with a dry well or septic system. Unless a groundwater discharge permit has been obtained from the Michigan Department of Environmental Quality or successor agency, all drains must be connected to a closed holding tank. A plan for off-site disposal of holding tank effluent must be noted on the site plan.

k. **Plan Approval.** The applicant shall obtain required approvals from all state or county agencies having jurisdiction, including but not limited to: the Michigan Department of Environmental Quality (MDEQ) or successor agency. Air Quality Control Division, Michigan Pollution Control Commission and Ground Water Division. Evidence of approvals from relevant agencies shall be submitted to the Township prior to final approval.

l. **Excess Concrete.** The proposed recovery system for excess concrete must be noted on the site plan and approved by the Township. Storage of excess concrete on the site shall not exceed the limits specified in the approved recovery plan. Excess concrete from other locations shall not be brought onto the site for recovery.

m. I**mpact Assessment.** An impact assessment shall be submitted, pursuant to Section 2.09.

n. **Performance Guarantee.** Prior to issuance of a building permit, the Township may require submission of a performance guarantee, in accordance with Section 2.13.

2. <u>Concrete and Asphalt Crushing Operations</u>
Where permitted, concrete and asphalt crushing operations shall comply with the following regulations:

a. **Setbacks.** Concrete and asphalt crushing operations shall be set back a minimum of 500 feet from any parcel occupied by a residential, commercial, or public assembly use.

b. **Extraneous Materials.** All rubble shall be processed (mechanically and/or manually) to separate extraneous material, such as metal and plastic, before the concrete or asphalt is crushed. The extraneous material shall be removed to a properly-zoned disposal area for recycling.

c. **Dust Control.** Material to be crushed or in the process of being crushed shall be watered so as to minimize the dust generated by the operation, when seasonal conditions permit. Interior haul routes and faces of rubble piles shall also be watered periodically for the purposes of dust control.

d. **Screening.** Concrete and asphalt crushing operations shall be screened from abutting residentially-zoned property, pursuant to the regulations in Section 5.02, and subject to approval by the Planning Commission as part of the special land use approval process.

e. **PIPP Plan.** If the crushing operation includes Michigan Department of Environmental Quality (MDEQ)-approved listed additives in the amount of 220 lbs. or more, an MDEQ Pollution Incident Prevention Plan (PIPP) shall be filed with the MDEQ. A PIPP is also required if 2,200 lbs. or more of the listed MDEQ-approved additives are stored inside a facility on the site.

f. **Air Quality Permit.** Prior to commencing the crushing operation an air quality permit shall be obtained from the MDEQ.

g. **Spill Pollution Control and Countermeasure Plan.** If storage capacity for 1,320 gallons or more of oil products exists on the site (including lubricating oils, diesel fuel and gasoline for transportation and generators), then a federal Spill Pollution Control and Countermeasure Plan is required.

h. **Performance Bond.** A performance bond in the form of a bank letter of credit or cash shall be furnished in the amount of $5,000 per acre of rubble or fraction thereof involved in storage or crushing, to assure compliance with the conditions and requirements of the special land use permit.

i. **Hours of Operation.** Hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 8:00 a.m. and 5:00 p.m. on Saturday. Crushing operations shall not be permitted on Sundays and on legal holidays.

j. **Annual Permit Review.** The special land use permit shall be reviewed annually to determine compliance with permit conditions and ordinance requirements, unless the annual review is waived by the Planning Commission.

L. Consulting Facilities - Medical and Psychological Treatment Facilities

Medical and psychological treatment and counseling facilities shall be subject to the following requirements:

1. Minimum Parcel Size
   The minimum parcel size for such facilities shall be ten (10) acres.

2. Road Frontage
   Such facilities shall be located on and have direct access to a collector of arterial road, with a minimum of two hundred (200) feet of frontage on such road.

3. Minimum Setbacks
   a. Buildings and off-street parking shall be set back a minimum of one hundred (100) feet from any adjoining residentially-zoned property.

   b. Buildings and off-street parking shall be set back a minimum of fifty (50) feet from an adjoining street right-of-way that abuts residentially-zoned property on the opposite side of the street.

4. Building Features
   Buildings shall be designed to be compatible in appearance with surrounding single family residential development. The maximum height shall be two and one-half (2 ½) stories.

5. Open Space and Landscaping
   No more than fifty percent (50%) of any required open space abutting an adjoining street shall be utilized for off-street parking and driveways. A continuous landscaped greenbelt shall be provided along the perimeter of the site, pursuant to Section 5.02. The Planning Commission may require landscaped screening adjoining residentially-zoned land, pursuant to Section 5.02.

M. Drive-in Establishments

1. General Provisions
   The following provisions shall apply to all drive-in establishments:

   a. **Location of Driveways.** Driveways serving drive-in establishments shall be located off of a minor or principal arterial. The nearest edge of any entrance or exit drive shall be located no closer than sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

   b. **Screening.** An obscuring wall shall be provided along all property lines abutting property that is zoned for residential, commercial or office use, subject to the requirements in Section 6.01.

2. Drive-In Theaters
   The following regulations shall apply to Drive-In Theaters:

   a. **Lot Size.** The minimum lot size for a drive-in theater shall be ten (10) acres.

   b. **Setbacks.** The face of the theater screen shall not be closer than five hundred (500) feet to any public road or highway right-of-way, and shall be constructed so it is not visible from any road, highway, or residentially-zoned district.

   c. **Frontage and Road Access.** Such uses shall front onto a paved primary road or highway and the main means of access to the theater shall be via the primary road or highway. In no case shall access to a drive-in theater be off of a local residential street. The nearest edge of any entrance or exit drive shall be located no closer than two hundred and fifty (250) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

   d. **Access Drive Design.** The access drive shall be designed with separate entrance and exit lanes which shall be separated by a landscaped median strip at least ten (10) feet in width. There shall be a minimum of two (2) entrance and two (2) exit lanes, and each lane shall be at least ten (10) feet in width.

   e. **Stacking Space.** A minimum of fifty (50) stacking spaces shall be provided on the premises for vehicles waiting to **enter the theater.**

   f. **Screening**. The entire drive-in theater site shall be screened in accordance with Section 5.02(E).

   g. **Number of Movie Screens.** No more than one (1) screen shall be permitted per establishment.

N. Fast-Food and Drive-Through Restaurants

The following regulations shall apply to Fast-Food and Drive-Through restaurants:

1. Minimum Frontage
   The site shall have a minimum of two hundred (200) feet of frontage on primary road or highway.

2. Location of Driveways
   Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets (measured from the nearest right-of-way line). The use of secondary access drives in accordance with Section 2.20 is recommended.

3. Control of Sound Level
   Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.

O. Funeral Homes and Mortuaries

The following regulations shall apply to Funeral Homes and Mortuaries:

1. Assembly Area
   Adequate assembly area shall be provided off-street for vehicles to be used in funeral processions.

2. Screening
   Service, loading, and parking areas shall be screened from adjacent residential areas in accordance with Section 5.02, sub-section E.

3. Caretaker's Residence
   A caretaker's residence may be provided within the main building of the funeral home or part of an accessory building, subject to the provisions in Section 2.03.

4. Loading Requirements
   One (1) loading berth shall be provided per 5,000 square feet of gross floor area, and one (1) additional berth shall be provided for each additional 10,000 square feet of floor area. Each loading berth shall measure at least 10 ft. x 25 ft.

P. Garage and Yard Sales

Garage, yard and basement sales that are accessory to a residential use on the same site are subject to the following regulations:

1. Duration
   No such sale shall continue for a period of more than three (3) days.

2. Number of Sales
   No more than two (2) such sales shall be conducted from the same premises per calendar year.

3. Storage
   Merchandise offered for sale shall be stored inside residential buildings on the site, except during hours of the sale.

4. Permit
   Prior to commencing such sales, a permit shall be obtained from the Township. A permit may be denied, or revoked after issuance, if the sale would or does cause and unreasonable nuisance to the neighborhood from noise, traffic, lighting, hours of operation, or the nature of merchandise offered for sale, or if the sale violates any of the regulations set forth in this ordinance.

5. Permit Exception
   Notwithstanding the foregoing permit requirement, no such permit shall be required for the sale of three (3) or fewer personal household items by the owner living on the premises, subject to the requirements for number of sales and storage as stated above.

6. Signs
   Signs advertising such sales shall comply with the requirements in Section 7.07.

Q. Golf Courses and Country Clubs, Par-3 Golf Courses, and Driving Ranges

The following regulations shall apply to Golf Courses, Country Clubs, driving ranges, and Par-3 Golf Courses:

1. Lot Size
   Regulation length 18-hole golf courses shall have a minimum lot size of 160 acres, of which a minimum of 110 acres of usable land shall be allocated to fairways, roughs, and greens. Nine-hole courses with regulation length fairways shall have a minimum lot size of 90 acres. Eighteen-hole par-3 courses shall have a minimum lot size of 50 acres.

2. Setbacks and Fairway Width
   Principal and accessory buildings shall be set back at least seventy-five (75) feet from all property lines. Fairways and driving ranges shall have sufficient width and shall be oriented in such a manner and set back a sufficient distance to prevent golf balls from being hit outside the perimeter of the golf course.

3. Access
   Golf courses and country clubs shall have direct access onto a paved county primary road or state highway.

4. Impact on Water Supply
   A hydrogeological study shall be completed and submitted to document the impact of the golf course watering system on groundwater supply. This study shall inventory and analyze well logs from surrounding properties,

giving consideration to the depth of the wells and quality of water. The study shall further estimate the quantity of water that will be used on a daily basis during the peak watering periods and shall evaluate the impact of watering operations on surrounding wells. The proprietor shall submit a plan to identify measures that will be taken to conserve water on an ongoing basis and to control pesticides and herbicides from contaminating the ground and surface waters.

5. Turf Maintenance Plan
   Turf maintenance and chemical applications shall use Best Management Practices.

6. Chemical Storage
   Detailed plans for chemical storage shall be provided. Buildings in which chemicals are stored shall be designed to contain spills and shall not have floor drains that discharge into a septic system or other pathway to the groundwater. Plans for emergency containment and clean-up shall also be provided.

The following regulations shall apply to Driving Ranges:

7. Minimum Dimensions and Setbacks
   Driving ranges shall have sufficient width and length and shall be designed in such a manner as to prevent golf balls from being hit outside the perimeter of the driving range. The minimum length of the driving range shall be 300 yards, measured from the tee to the end of the range. Tees shall be set back at least 25 yards from each side property line, unless the applicant can demonstrate that golfers will be oriented toward the center of the range so that golf balls will not be hit beyond the side property lines.

8. Screening or Slopes
   The Planning Commission may require a landscaped buffer or fencing along the perimeter to screen the driving range from adjacent properties or to prevent balls from being hit outside of the driving range. Screening shall comply with the standards in Section 5.02, sub-section E. The Planning Commission may also require that the sides of the driving range slope upward and be rough mowed so as to intercept stray golf balls.

9. Special Land Use Requirements for Outdoor Recreation Facilities
   Driving ranges shall comply with the requirements for Outdoor Recreation Facilities in Section 8.02, sub-section Y.

R. Governmental Uses

Where permitted, governmental uses, activities, and structures of an essential or seasonal nature, including but not limited to an animal control shelter, equipment and vehicle maintenance shop, building and grounds servicing shop, or county fairgrounds, County facilities, together with accessory facilities, shall be subject to the following regulations:

1. Highway or County Primary Road Frontage
   Such facilities shall be located on and have direct access to a state highway or county primary road with sufficient capacity to carry the projected traffic without causing an undue degree of congestion. Such facilities shall not have their principal means of access to a secondary road or local subdivision street.

2. Dimensional Requirements
   Such facilities shall be located on a parcel of sufficient size so that there is enough land to accommodate setbacks and a perimeter buffer area of a size necessary to minimize adverse impact on adjoining land use, as determined by the Planning Commission, recognizing that the required setbacks and perimeter buffer will vary depending on the nature of the governmental use and of the adjoining uses.

3. Outdoor Activity
   Such facilities must not involve outdoor activities that would disrupt the peace and quiet of adjoining residential areas, except where such activities are infrequent and on a customary seasonal basis.

4. Security Service
   Such uses shall be adequately patrolled by competent employees to assure traffic and pedestrian safety control. Supplemental police, fire and health protection during scheduled public events may be required due to the nature of the activity or use of the premises, as determined by the Township police chief, Township fire marshal, or state or county health department. Such uses shall not impose an excessive burden on the Township Police and Fire Departments.

5. Maintenance
   The facilities shall be maintained in a neat and attractive condition commensurate with the best practices for such an activity and in keeping with the character of the area in which the facilities are located.

6. Uses Permitted
   Activities and uses shall be limited to those approved by the Planning Commission as part of the special land use approval. Such uses and activities shall be infrequent in nature, or, if of a continuous character, be quiet and unobtrusive to be compatible with nearby residential uses.

7. Hours of Operation
   The Planning Commission may limit the hours of operation of such uses so as to control the degree of disturbance extending beyond the boundaries of the parcel.

S. Earth Removal, Gravel Processing, Mining and Related Mineral Extraction

Where permitted subject to special land use approval, earth removal, gravel processing, mining and related mineral extraction operations shall be subject to the following requirements:

1. Location
   a. **Access.** All such operations shall be located on and have direct access to a state highway or county primary road, as defined by the Road Commission of Kalamazoo County, or on a road that 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 generated by the operations as a condition to approval, and for the purpose of routing traffic around residential areas and preventing deterioration of roads that are not "all weather" roads.

   b. **Setbacks.**
      i. Sufficient setbacks shall be provided from all property lines and public streets and highways to assure adequate lateral support for adjacent property. No such operation shall be permitted closer than 150 feet to the interior boundary lines of the property, but such setback may be increased by the Planning Commission to adequately protect adjacent properties. However, if the adjacent property is used for mining and excavation operations as well, the Planning Commission may reduce or eliminate the required setback from the shared boundary. In addition, such setback may be reduced temporarily to fifty (50) feet if reclamation of the land is promptly undertaken to increase the setback to at least 150 feet in accordance with a reclamation plan approved by the Planning Commission and adequate lateral support is maintained at all times.

      ii. No such excavation shall be permitted within 50 ft. of adjoining public rights-of-way except for the lowering of adjoining land to the grade level of said right-of-way. Adequate lateral support shall be maintained at all times.

      iii. The permanent processing plant and accessory structures shall be set back a minimum of 250 feet from interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level that the surrounding terrain to lessen visual and noise impact. The minimum setback of 250 ft. shall also apply to the digging or excavation apparatus, stockpiling or loading of materials, and the location of transportation equipment.

      iv. All such excavation operations shall be set back a minimum of 100 feet from the banks of any stream or waterway, unless a lesser setback is approved in writing by the Michigan Department of Environmental Quality or other State agency having jurisdiction. No such operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.

      v. No such excavation operation shall be located within 100 feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Department of Environmental Quality, or such other State agency having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.

2. Sight Barriers
   a. **Screening.** Sight barriers shall be provided along all boundaries of the site that lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one of more of the following:

      i. Earth berms constructed to a height of 6 feet above the mean elevation of the centerline of the adjacent public highway or 6 feet above the general level of terrain along interior property lines, as the

case may be. Such berms shall have slopes that are not steeper than 1 foot vertical to 4 feet horizontal and shall be planted with grass, trees or shrubs.

ii. Evergreen trees in rows parallel to the boundaries of the property, not less than 8 feet in height at the time of planting and which grow to not less than 12 feet in height at maturity and sufficiently spaced to provide effective sight barriers when 12 feet in height.

iii. Masonry walls or attractive solid fences made of uniform new materials, constructed to a height of not less than 6 feet and maintained in good repair.

3. Nuisance Abatement

a. **Noise and Vibration.** Noise and vibration shall be minimized in their effect upon adjacent properties by the use of modern equipment and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.

b. **Air Pollution.** Air pollution in the form of dust and dirt shall be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.

c. **Hours of Operation.** Hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 8:00 a.m. and 5:00 p.m. on Saturday. No operations shall be allowed on Sundays and legal holidays.

d. **Fencing.** All dangerous excavations, pits, pond areas, banks or slopes shall be fenced and posted with signs around the perimeter and maintained to prevent injury, and shall be eliminated as expeditiously as possible.

4. Reclamation of Mined Areas

a. **Reclamation and Rehabilitation**. Reclamation and rehabilitation of mined areas shall be completed as soon as practicable following the mining or excavation of an area. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one acre or more. Substantial completion of reclamation and rehabilitation shall be completed within one year after termination of mining or excavation activity.

b. **Requirements**. The following requirements shall control reclamation and rehabilitation:

i. All excavation shall be either to a water-producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, non-inflammable and non-combustible solids to insure:

- That the excavated area shall not collect or retain stagnant water, or,
- That the surface of such area that is not permanently submerged is graded or back-filled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and will be generally compatible with the adjoining land area.

ii. The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation, at a slope that shall not be steeper than one (1) foot vertical to three (3) feet horizontal.

iii. 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 are to be completed within a one year period. Where used, top soil shall be applied to minimum depth of four (4) inches sufficient to support vegetation.

iv. Vegetation shall be restored by the appropriate seeding of grass or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface and to minimize erosion.

v. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant

structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan, may be retained.

c. A performance bond in the form of a bank letter of credit or cash shall be furnished to the Township Clerk to insure the proper rehabilitation and reclamation of the 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 $5,000 per acre proposed to be mined or excavated in the following 12 months' period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of 5 feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than 1 vertical to 3 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 and compliance with the foregoing requirements by the Township Planner. In no event shall such financial guarantee be less than $5,000 in amount.

5. Submission of Operational and Reclamation Plans

a. No earth removal, quarrying, gravel processing, mining, or related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of this ordinance and the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:

i. A topographic map of the tract of land involved, drawn at two (2) foot contour intervals.

ii. A map showing access to the mining operation with designation whether the access roads are “all weather.” The map shall indicate additional roads to be constructed if any.

iii. The number of acres and the location of the area proposed to be operated upon within the following 12 months' period after commencement of operations.

iv. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.

v. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.

vi. Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than 150 feet to the boundaries of the site. Said soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by the Township Engineer. The written consent of the owners of adjoining premises and of the Planning Commission shall be required if mining operations shall be closer than specified in this ordinance to the boundaries of the site.

vii. A map or plan disclosing the final grades to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

6. Hearing

a. After receiving the application for the grant of a special land use permit for an earth removal, quarrying, gravel processing, mining and related mineral extraction business accompanied by the required plans and specifications and permit fees, the Planning Commission shall hold a public hearing and review the application following the procedures required for special land use uses set forth in Section 26.03.

b. Following such hearing, said Planning Commission 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 the this ordinance and shall be based, in addition, on 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 peculiar suitability, if any, for particular uses.

iii. Conservation of property values, as well as natural resources and the general and 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 the minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.

vi. Whether or not the operations were in existence prior to the adoption of the text provision concerning the same and the extent and character of such previous operations.

vii. 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 residents and property owners. It may also limit the length of time the special land use permit is to be effective and 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 empowered to renew or extend a special land use permit where all standards and conditions are complied with and may revoke or refuse to renew a permit where noncompliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of said mined or disturbed area. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of such revocation or denial of renewal and not less than thirty (30) days have elapsed to correct the said violation. All permits shall be reviewed by the Planning Commission annually.

The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Planning Commission as may be established by the Township Board.

7. Liability Insurance
All operators shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in the amount of not less than $100,000.00 for each person or property injured or damaged and not less than $300,000.00 for 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 operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

T. Group Day Care Home

Where permitted, group day care homes licensed by the State of Michigan to serve 7 to 12 children shall be subject to the following regulations:

1. Location
Such facilities shall be located in the permanent residence of the operator.

2. Number of Employees
Such facilities shall have no more than one full-time equivalent non-resident employee.

3. Fencing
The perimeter of any yard used for play or instruction shall be enclosed by a fence that is a minimum of four (4) feet in height to prevent children from departing or entering the yard without permission of an adult employee or the operator.

4. Hours of Operation
Such facilities shall operate no more than 16 hours per day. There shall be no outdoor activity, noise or lighting beyond the boundaries of the site between the hours of 10:00 p.m. and 6:00 a.m.

5. Signs
Signs shall comply with the regulations in Article 8.00.

6. Parking
Off-street parking shall be required as follows:

a. One (1) space per employee.

b. Two (2) off-street child drop-off/pick-up spaces, unless alternate safe accommodations are provided that are satisfactory to the Planning Commission.

U. Health and Exercise Clubs, Spas

Where permitted, health and exercise clubs and spas shall comply with the following regulations:

1. Location
   Such facilities shall be located on either a County primary road or a state highway.

2. Setbacks
   Such facilities shall be set back a minimum of forty (40) feet from adjacent residentially zoned or used parcels.

3. Hours of Operation
   Hours of operation shall be limited to 5:00 a.m. to 10:00 p.m.

V. Hospitals

The following regulations shall apply to Hospitals:

1. Lot Area
   The minimum lot size for hospitals shall be ten (10) acres.

2. Frontage and Access
   Hospitals shall front onto a county primary road or state highway and the main means of access to the hospital for patients, visitors, and employees shall be via the primary road or highway. In no case shall access to a hospital be off of a residential street.

3. Setbacks
   The principal building and all accessory buildings shall be set back a minimum distance of one hundred (100) feet from all property lines. The minimum setback shall be increased twenty (20) feet for each story in excess of two (2) stories.

4. Screening
   Ambulance and emergency entrance areas shall be screened from view from adjacent residences by the building design or by a masonry wall constructed in accordance with Section 6.01.

5. State and Federal Regulations
   Hospitals shall be constructed, maintained, and operated in conformance with applicable state and federal laws, including provisions of the Michigan Hospital Survey and Construction Act, Public Act 299 of 1947, as amended.

W. Junkyards and Landfills

1. Junk Yards or Salvage Yards
   The following regulations shall apply to Junk Yards and Salvage Yards:

   a. **Setbacks.** A minimum setback of 100 feet shall be maintained between the front property line and the portion of the lot on which junk materials are placed or stored. All buildings, fencing, and junk materials shall be set back at least 100 feet from any road or highway right of way line, and at least twenty (20) feet from any interior property line.

   b. **Screening.** The entire junk yard or salvage yard site shall be effectively screened with an minimum eight (8) foot high masonry wall, corrugated metal, or solid wood fence constructed in accordance with the Article 6.00, subject to Planning Commission approval. The wall or fence shall be uniformly painted and maintained in neat appearance, and shall not have any signs or symbols painted on it.

   c. **Road Surfacing.** All roads, driveways, parking lots, and loading and unloading areas shall be paved or treated in a manner approved by the Building Official so as to confine any wind borne dust within the boundaries of the site. A paved interior road shall be maintained from the public street to the rear of the property to permit free access to emergency vehicles at all times.

   d. **Regulated Activities.** Open burning shall be prohibited. All fluids shall be drained from vehicles and disposed of in a proper manner prior to the vehicles being stored on the site.

e. **Permits.** All required Township, County, and State permits shall be obtained prior to establishing a junkyard.

f. **Stacking.** Junk, automobiles, or other debris shall not be stacked in a manner such that the material could be visible outside the site. Junkyards shall not be located in areas where it would be impossible to screen them from view from adjacent properties or public roads.

2. Landfills, Dumping and Sewage Disposal Facilities

a. **General Requirements**

i. Design and Operation Standards. Any such use shall conform to current standards established by the U. S. Environmental Protection Agency, the Michigan Department of Environmental Quality and other regulatory agencies.

ii. Environmental Impact Assessment. An environmental impact assessment shall be prepared in accordance with Section 2.09 and submitted to the Township Board for review and approval.

b. **Landfills and Dumping**

i. Intent. These regulations are established to control the storage, piling, placing, or dumping of garbage, sewage, refuse, trash, debris, rubbish, or other waste in the Township, including landfills.

ii. Scope of Application. No person shall pile, place, store, dump, bury, dispose of, or keep in open containers on any land within the Township any garbage, sewage, refuse, trash, debris, rubbish or other solid waste, including cans, bottles, waste paper, cartons, boxes, crates, or other offensive or obnoxious matter, except in strict conformity with the provisions of this Ordinance. In no instance shall any landfill, dump, parcel of land, or other facility be used for the disposal of gasoline, tanks containing gasoline, or hazardous substances, unless the landfill is specifically licensed to accept such material.

c. **Permit Requirements for Landfills and Dumping**

i. Issuance. A permit shall be required in all instances where landfill or dumping activity is proposed in the Township.

ii. Review Procedures. Applications for landfill or dumping permits shall be reviewed in accordance with the procedures for review of Special Land Uses in Section 26.03. Permits for such uses shall be issued by the Township Board for a one-year period. Permits may be renewed for one-year periods unless the owner or operator violates any conditions of approval.

iii. Performance Guarantee. To assure conformance with the requirements specified herein, the Township may require the applicant or owner to provide a performance guarantee, in accordance with Section 2.13. The performance guarantee shall be held in escrow, and may be released to the applicant in proportion to the work completed on the various restoration activities, provided an inspection report has been submitted to the Township Engineer and approved by the Township Board. No more than ninety percent (90%) of the performance guarantee shall be returned until all work has been completed and inspected.

The amount of the performance guarantee shall be reevaluated on an annual basis when the permit is renewed to ensure that it is adequate to complete the project as proposed, based on current construction costs.

The Township Board may approve a performance guarantee that covers less than the total site, provided that no excavation or dumping may take place in an area until a performance guarantee has submitted to assure proper completion of the activities proposed for the area.

iv. **Application Requirements.** The following information shall be provided on an application for a landfill or dumping permit:

(a) **Aerial Photography.** Vertical aerial photographs of the site, enlarged to a scale of one inch equals 200 feet. The aerial photograph shall include all land included in the application, all contiguous land which is proposed to be used or has been used by the owner or operator, and all surrounding public roads.

(b) **Survey**. A metes and bounds survey of the subject site, prepared by a registered land surveyor and drawn to a scale of one inch equals 200 feet. The survey shall include the boundary of the

entire site and topography of the site at two-foot contour intervals.

(c) **Engineering Report.** An engineering report by a qualified soil scientist, soils engineer, or geologist regarding the effect of the proposed operation on the watershed of the area. Particular attention should be focused on the potential pollution or contamination of groundwater.

(d) **Master Plan.** A detailed plan for the landfill, including a timetable for various stages of the operation. A specific timetable for dumping and restoration shall be included with each annual permit request.

(e) **Restoration Plan.** A detailed restoration plan indicating how the area will be re-used in a manner compatible with the Township Master Plan. The restoration plan shall include the proposed use of the restored area and the proposed topography drawn at two foot contour intervals.

(f) **Operating Specifications.** A detailed description of operating procedures, so as to demonstrate conformance with the standards in sub-section 4, following.

d. **Standards.** All landfill and dumping activity shall be subject to the following standards:

i. Limits of Approval. All landfill and dumping activities shall be carried on within the boundary limits approved for such activities.

ii. Setbacks. Landfilling, dumping, and stockpiling shall not be conducted closer than 100 feet to the approved outer boundary for the operation, and not closer than 500 feet to any property line that abuts a residentially zoned or used district. The required setback area may be used only for access roads and greenbelt plantings and landscaping. All equipment for sorting, processing, storing, weighing, and other operations shall be located at least 300 feet from any public street right-of-way line or adjacent property line.

iii. Noise, Dust, Debris. All processing equipment and activities and all storage areas shall be treated, covered, muffled, or otherwise controlled to prevent excessive noise, dust, debris, or other impacts beyond the property line. Any trucks hauling material to or from the site shall be enclosed or covered to prevent materials from blowing or falling out of the trucks.

iv. Road Treatment. All private access roads shall be paved or treated to create a dust-free surface. The operator shall work with the Township to minimize dust on public access roads serving the site.

v. Frontage and Access. The subject site shall have a minimum frontage of 250 feet on county primary road or state highway.

vi. Fencing. Landfill and dumping operations shall comply with the following fencing requirements:

(a) Where slopes steeper than 30 degrees exist for a period of one month or more, the proposed operation shall be enclosed with a six foot high cyclone fence or similarly effective barrier located at least 50 feet outside the edge of the excavation area.

(b) Where collection of water greater than one foot in depth occurs for a period of one month or more in an area occupying 200 square feet or more, fencing shall be required as previously noted.

vii. Slopes. Finished slopes shall not exceed a four to one grade (4 feet horizontal per 1 foot vertical). These requirements shall be complied with as each phase of the excavation or dumping proceeds. The finished slopes shall be achieved within 12 months after work has begun on any section.

viii Topsoil and Seeding. Sufficient topsoil shall be stockpiled so that a minimum of two feet of topsoil will be placed on the top of the finished operation. The topsoil shall be planted immediately with grass or other groundcover, subject to approval by the Township Board.

ix. Berms. A ten foot high berm with side slopes of no greater than four on one grade shall be required around any active cell which is adjacent to a road or exterior property line. This requirement may be

waived when the existing topography or other screening exits that would accomplish the purpose of the berm.

X. Kennels

The following regulations shall apply to Kennels where four (4) or more dogs, cats, or other domestic animals six (6) months or older are kept:

1. Non-Commercial Kennels
   Non-commercial kennels to house only the animals owned by the occupant of the dwelling unit located on the same parcel shall be permitted subject to the following:

   a. **Lot Size.** The lot on which any such kennel is located shall be a minimum of two (2) acres in size.

   b. **Number of Animals.** No more than six (6) animals over the age of six (6) months shall be housed in a non-commercial kennel.

   c. **Breeding.** Breeding of animals shall be restricted to no more than two (2) litters per year.

   d. **Setbacks.** Buildings in which animals are kept, animal runs, and exercise areas shall not be located in any required front, side, or rear yard setback area, and shall be located at least one hundred (100) feet from any dwellings or buildings used by the public on adjacent property.

2. Commercial Boarding and/or Breeding Kennels
   Commercial (boarding/breeding) kennels shall be permitted subject to the following:

   a. **Operation.** Any such kennel shall be subject to all permit and operational requirements established by County and State regulatory agencies.

   b. **Lot Size.** The lot on which any such kennel is located shall be minimum of two (2) acres in size. If more than four (4) animals are housed in the kennel, an additional one (1) acre shall be required for every additional ten (10) animals (or fraction thereof).

   c. **Maximum Number of Animals.** No boarding or breeding kennel shall house more than thirty (30) animals.

   d. **Setbacks.**
      (1) The minimum setback for fully-enclosed kennel buildings shall be fifty (50) feet from any property line and 100 feet from any residential structure on another parcel.
      (2) The minimum setback for outdoor runs, animal yards, or any other portion of the kennel where animals will be allowed outdoors shall be 150 feet from any property line and 200 feet from any residential structure on another parcel.
      (3) Animals shall not be kept in outdoor runs between the hours of 6:00 p.m. and 8:00 a.m.

   e. **Sound Control.** All animals shall be contained in a building which is fully soundproofed, using insulation, soundboards, and acoustic tile.

   f. **Odor Control.** Non-absorbent surfaces (such as sealed concrete or ceramic tile) shall be used throughout the kennel. Dog waste shall be power flushed or otherwise removed on a regular schedule, but no less than four (4) times daily.

Y. Landscape Contractors' Operations

Landscape contractors operations shall comply with the following requirements:

1. All vehicles and equipment shall be stored in a fully-enclosed building.

2. Front loaders and similar equipment used on the site shall be limited to a one (1) yard bucket.

3. There shall be no outside storage or stock piling of materials or debris, other than peat, bark, stone and similar raw materials normally used in the nursery/landscaping business. Such materials shall be screened so they are not visible from any property line.

4. The term "landscape contractor" does not include building contractor, road contractor, and similar operations.

5. The Planning Commission shall have the authority to establish hours of operation so as to minimize the impact of the facility on nearby residential uses.

6. Landscape contractors' operations, including buildings, storage areas, stockpiles, and vehicle and equipment parking, shall comply with the following minimum setback requirements: front: 50 feet, sides: 30 feet, and rear: 40 ft.

Z. Metal Recycling Operations

Metal recycling operations shall be subject to the following regulations:

1. Lot Size
   The minimum lot size shall be fifty (50) acres.

2. Setbacks
   Outdoor storage of inoperable machinery and vehicles and parts shall be set back a minimum of 100 feet from any street right-of-way line and a minimum of twenty (20) feet from any interior lot line.

3. Interior Road
   A paved interior road shall be maintained from the public street to the rear of the property to permit free access to emergency vehicles at all times.

4. Screening
   Metal crushing operations shall be conducted in such a manner that they are not visible to persons traveling upon a public street or person on adjoining property.

5. Noise Control
   Such operations shall comply with the Township's Anti-Noise and Nuisance Ordinance.

6. Fencing
   All activities shall be enclosed by an eight (8) foot high solid fence, which shall be maintained in good condition (free of graffiti, handbills, and advertising), consistent with the character of the area. All entrances shall have gates which, when closed, shield the view of the operation to the same extent as required for the remainder of the fence.

7. Environmental Considerations
   The premises shall be maintained in an environmentally safe manner, including the proper disposal and storage of hazardous materials.

AA. Mini-Warehouses (Self-Storage) and Portable Storage Units

The following regulations shall apply to Mini-Warehouses (Self-Storage) and Portable Storage Units (also known as PODS, or Portable On-Demand Storage Units):

1. Lot Area
   The minimum lot size for mini-warehouses and portable storage units shall be three (3) acres.

2. Permitted Use
   Mini-warehouse establishments shall provide for storage only. All such storage must be contained within an enclosed building. Use of semi-trailers for storage is prohibited. Portable storage units for lease or rent shall not be used for storage on the rental site. Electrical service, except for lighting, is prohibited within storage units.

3. Site Enclosure
   The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high masonry wall or opaque fence, constructed in accordance with Section 6.01. In lieu of a masonry wall or fence, the Planning Commission may approve a landscape screen, pursuant to Section 5.02.

4. Exterior Appearance
   The exterior of any mini-warehouse shall comply with the following minimum requirements:
   a. Storage buildings shall have pitched roofs with gables.

   b. Any side of a building facing a public street shall have a brick exterior.

c. Buildings shall be oriented so that doors to storage units do not face toward the road, unless such doors will be completely screened from view from the road.

d. If a manager's office is proposed, it shall be located in front to screen the storage units. Fences or walls shall project no closer to the front of the site than the front of any such office or residence.

5. Resident Manager
A resident manager may be permitted on the site for the purposes of maintaining the operation of the facility in conformance with the conditions of the approval. The manager's residence shall conform with the requirements in Section 2.04.

6. On-Site Circulation and Parking
   a. All one-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and one fifteen (15) foot travel lane.

   b. All two-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and two (2) twelve (12) foot travel lanes.

   c. The parking lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate parking and traffic direction throughout the site.

BB. Mobile Offices and Other Mobile Uses

Mobile offices and other mobile uses, including those contained in semi-trailers and motorized vans, shall be subject to the following requirements:

1. Accessory Uses
Mobile offices and other mobile uses shall be accessory to offices, clinics, medical facilities, or other commercial or industrial uses, and shall be located on the same parcel as the principal use to which it is accessory.

2. Screening
The mobile office or use shall be screened from adjacent residentially-zoned or used property, in accordance with the requirements in Section 5.02.

3. Noise
The applicant shall disclose the level of noise generated by such use at the time an application is submitted. Compliance with the Township Anti-Noise and Public Nuisance Ordinance, Ordinance No. 324, is required.

4. Hours of Operation
The Planning Commission shall have the authority to limit the daily hours of operation and the period of time the mobile office or use is located upon a given premises.

CC. Motels and Hotels

The following regulations shall apply to Motels and Hotels:

1. Design
Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.

2. Services
Motels and hotels shall provide customary motel and hotel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.

DD. Motor Freight Warehousing

Motor freight warehousing businesses include buildings and premises used for the temporary storage of freight in transit and the parking of truck tractors and trailers employed in such business while awaiting the loading or unloading of freight. Such uses shall be subject to the following regulations:

1. Screening
The site shall be fully enclosed with either a landscaped screen, pursuant to Section 5.02, or a solid fence, constructed in accordance with Section 6.01.

2. Paving
   The site shall be paved with bituminous aggregate or its equivalent and well drained within the boundaries of the site.

3. Lighting
   The site shall be adequately lit, pursuant to Section 2.12.

4. Access
   Adequate access to the site shall be provided via a paved primary "all-weather" road or state highway. Well-defined entrances and exits shall be provided, which shall not exceed forty (40) feet in width measured at the road right-of-way line.

5. Parking
   Off-street parking shall be provided for all tractors and trailers stored, parked, or otherwise involved in business on the site. Each space shall be a minimum of twelve (12) feet in width and shall be at least twenty percent (20%) longer than the length of the trailer and/or tractor, exclusive of driveways on the site.

6. Fuel Storage
   All fuel storage shall be located underground.

7. Repairs
   Any major repairs upon vehicles or equipment shall be conducted with in fully enclosed building.

8. Refuse Disposal
   Enclosed, prominently-marked refuse containers shall be located on the site to prevent accumulation of litter or debris. The site shall be regularly cleaned to prevent such accumulation.

EE. Movie Theaters, Playhouse Theaters, and Similar Uses

Movie theaters, drive-in theaters, playhouse theaters, and similar uses shall be subject to the following requirements:

1. Location
   Such uses shall not be located on the perimeter of a commercial zone that abuts a residential zone.

2. Parking
   All such uses shall comply with the minimum off-street parking requirements in Section 4.01. No entrance or exit shall be located as to cause a traffic hazard by reason of its proximity to any intersection, hill, valley, or driveway serving another development. Where off-street parking requirements are not substantially greater than the minimum required, then a minimum period of thirty (30) minutes shall separate each attraction.

3. Noise
   Such uses shall comply with the Township's Anti-Noise and Nuisance Ordinance. Electronic, radio, transcribed, or loudspeaker sound shall be contained within the site boundaries.

4. Access
   The principal means of access to such facilities shall be via a county primary road or a state highway, and shall not be over secondary roads or local subdivision roads.

5. Lighting
   Lighting shall comply with the requirements in Section 2.12.

FF. Nature Centers, Demonstration Farms

Nature Centers, Demonstration Farms, and similar uses shall comply with the following regulations:

1. Setbacks.
   Principal and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

2. Parcel Size.
   The parcel on which such a facility is located shall be least ten (10) acres in size.

3. Impact on Surrounding Properties.
   The location, layout, design and operation of such a facility shall not impair the continued enjoyment, use, and future development of adjacent and nearby properties. The Planning Commission may specify the hours of operation to assure compatibility with adjacent uses.

4. Parking.
   All parking for such facilities shall be provided in off-street parking lots, designed in accordance with Section 4.01, except as follows:

   a. Off-street parking shall be set back a minimum of forty (40) feet from any property that is zoned or used for residential purposes.

   b. The number of spaces required shall be determined on a case-by-case basis, upon consideration of the character of the specific use being proposed.

   c. The Planning Commission may waive the paving requirements in Section 4.01(D)(4) for parking and driveways, upon making the determination that another type of surface will be adequate to handle the anticipated level of traffic. In making a determination regarding paving, the Planning Commission shall consider the types of vehicles anticipated (e.g., volume of bus traffic, size and weight of vehicles, etc.). If paving is not required, then the site plan shall include a commitment to provide dust control in parking areas and on driveways.

   d. The Planning Commission may waive parking lot lighting requirements upon making the determination that the facility will be used only during daylight hours.

   e. The Planning Commission may waive parking lot landscaping requirements upon making the determination that existing vegetation to be retained on site satisfies the objectives of the Ordinance, as well as the intent to maintain the non-commercial character of the site.

5. Accessory Facilities.
   Accessory retail, food concession, and restroom facilities may be permitted, subject to the following:

   a. Accessory facilities shall be contained within the nature center building or other principal building.

   b. Accessory facilities shall be designed only to serve the patrons of the nature center.

   c. Permanent restrooms in the nature center building or other principal building shall be required; portable toilet facilities shall not be permitted.

   d. Overnight camping is not permitted. Overnight lodging within a building may be permitted, but only where such activity is incidental to the educational program being offered. Accommodations for overnight lodging shall be illustrated on the approved site plan.

6. Permits.
   Copies of all county, state and Federal permits required to operate the facility shall be submitted to the Township.

7. Identification of Species.
   The site plan application shall identify in writing any living species of flora or fauna that will be kept at the facility that does not occur naturally in Kalamazoo Township. Methods to prevent the release of these species into the Township environment shall be specified, where appropriate.

8. Manure Management.
   If animals are to be kept at such a facility, then the site plan application package shall include a manure management plan, which shall describe where and how often the manure will be spread or otherwise disposed.

9. Signs.
   Signs shall comply with the requirements for Signs for Nonresidential Uses in Section 7.07, sub-section E.

10. Hunting.
    Hunting shall not be permitted on a nature center site.

11. Single Family Dwelling.
    One single family dwelling shall be permitted, to serve as the principal residence of the owner or operator of the facility.

12. Trail Use.
    Trails shall be designed and used principally for pedestrian use. Motorized tours of the facility shall not be permitted.

GG. Nursing Homes

The following regulations shall apply to Nursing Homes:

1. Lot Area
   The minimum lot size for such facilities shall be three (3) acres.

2. Frontage and Access
   Such uses shall front onto a paved county primary road or state highway and the main means of access for residents or patients, visitors, and employees shall be via such road or highway. In no case shall access to a nursing home be off of a residential street.

3. Setbacks
   The principal building and all accessory buildings shall be set back a minimum distance of seventy five (75) feet from all property lines.

4. State and Federal Regulations
   Nursing homes shall be constructed, maintained, and operated in conformance with applicable state and federal laws.

HH. Oil and Gas Processing Facilities

The following regulations shall apply to oil and gas processing or sweetening plants:

1. Setbacks
   a. Oil and gas processing plants shall be located a minimum of 1,300 feet from any existing residential, commercial or industrial establishments, wetlands, or surface water.

   b. Oil and gas processing plants shall be located a minimum of 2,640 feet from population concentrations, such as subdivisions, apartment buildings, residential developments, or mobile home parks, and from uses whose occupants would be difficult to evacuate, such as hospitals or nursing homes.

2. Density
   There shall be no more than one (1) oil and gas processing facility in operation per square mile section of land. Such facilities shall be designed to service all oil and gas wells that are expected to need such service within a two (2) mile radius.

3. Screening
   Oil and gas processing facilities shall be screened in accordance with Section 5.02, subsection E.

4. Air Pollution Control
   Emissions from the plant shall meet or exceed all applicable state and federal pollution standards, including state standards in Michigan Public Act 451 of 1994, as amended, and the rules adopted pursuant to that Act. Monitors/sensors shall be installed in at least four locations along the perimeter of the site. In addition, monitors shall be installed in all process buildings. These monitors shall be set to alarm and automatically cause the plant to be shut down upon detection of excessive concentrations of hydrogen sulfide, sulfur dioxide, methane, or other gases. The plant operator shall provide the Township with the instrument shut down set points, which shall be subject to review and approval. All monitors shall be maintained in proper working order at all times.

5. Fire Detection
   The fire detection and suppression system shall be constructed and maintained in accordance with state and local fire and building codes, and as approved by the Fire Chief. Fire eyes shall be installed in storage tank areas and in process buildings.

6. Noise
   Oil and gas processing plants shall comply with the noise standards set forth in the Anti-Noise and Nuisance Ordinance.

7. Automatic Alarm System
   In the event that instruments, sensors, or monitors detect a malfunction of the system, including but not limited

to the detection of gas leaks, odors, fire, flare failure, or improper operation of the processing equipment, an alarm system shall be set to automatically operate.

The alarm system shall be operated through a bonded alarm company approved by the Township. The alarm company shall be instructed to contact the Township Fire Department dispatcher and plant operating personnel.

8. Site Security
The following security measures shall be maintained on the site:

a. **Fencing.** The site shall be fully enclosed with a six (6) foot high chain link fence with three strands of barbed wire along the top of the fence.

b. **Locking of the Facility.** All building doors and fence gates shall be kept closed and locked, except when personnel are at the site during the daytime hours.

c. **Signs.** "Poisonous Gas" or other appropriate warning signs shall be placed at fifty (50) foot intervals along the fence surrounding the facility. The warning signs shall have a reflective surface.

d. **Lighting.** The site shall be adequately lighted, in accordance with Section 2.12.

e. **Telephone Monitoring System.** In the event of a break-in or other lapse of security, the bonded alarm system shall automatically be put into operation, and operating personnel and local law enforcement officials shall be notified.

9. Preventative Maintenance
The facility shall be maintained in proper operating condition at all times. Manufacturer's recommendations concerning periodic maintenance shall be adhered to.

10. Site Closure
In the event that operation of the facility is terminated for a period exceeding six (6) months, all equipment and surface piping shall be removed and foundations shall be destroyed to a depth of 36 inches below grade. The entire site shall be evenly graded and re-seeded.

11. Other Approvals
The applicant shall submit proof of permits and approvals from all state or county agencies having jurisdiction.

II. Open-Air Business

The following regulations shall apply to Open-Air Businesses, whether operated year round or on an intermittent basis:

1. Lot Area
The minimum lot size for open-air businesses shall be 40,000 sq. ft.

2. Driveway Location
The nearest edge of any driveway serving an open-air business shall be located no closer than sixty (60) feet from any street or road intersection (as measured from the nearest intersection right-of-way) and at least twenty (20) feet from any side property line (see the requirements for unobstructed site distance in Section 2.24(A)4.

3. Parking Setback
Parking shall be setback a minimum of fifteen (15) feet from any road right-of-way line, unless otherwise noted. The area between the parking and the road right-of-way shall be landscaped in accordance with Section 5.02(B).

4. Lot Width
The minimum lot width for open-air businesses shall be two hundred (200) feet.

5. Loading and Parking
All loading and parking areas for open-air businesses shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent roads.

6. Outdoor Display of Vehicles
The outdoor display of new or used automobiles, boats, mobile homes, recreational vehicles, trailers, trucks, or

tractors which are for sale, rent, or lease shall comply with the requirements in Section 8.02, sub-section D.

7. Plant Material Nursery
   Nurseries which deal with plant materials shall comply with the following:
   a. Plant storage and display areas shall be set back a minimum of ten (10) feet from any interior lot line.

   b. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained and covered to prevent it from blowing onto adjacent properties.

8. Roadside Stands
   Roadside stands shall be subject to the requirements in Section 8.02, sub-section NN.

JJ. Outdoor Events

1. Outdoor Events.
   For the purposes of this Section, the words "Outdoor Events" shall mean any musical concert, festival, fair, carnival, show, or similar gathering at which music or entertainment is provided by performers or prerecorded means, at which members of the public are invited or admitted for a charge or for free. The regulations in this Section are not intended to apply to regular season baseball, soccer, football or other sports league games; sports or athletic activities or games organized and managed by the school district or Township; or, family gatherings of residents, such as reunions, where members of the general public are not invited. Applications for Outdoor Event permits shall initially be screened by the Township Planner, who shall make a determination whether a proposed event requires full review and approval pursuant to these regulations. The Township Planner may waive these requirements upon finding that a proposed event will be attended by less than 100 persons, provided that such a finding is based on written evidence in the form of a signed guest list, copies of written invitations, etc.

2. Application.
   In addition to information required by the standard special land use application by the Township, the following information shall be provided on any application for a permit to operate an Outdoor Event:

   a. The names, residence and mailing addresses, and telephone numbers of the person responsible for the Outdoor Event and the owner of the property where the Outdoor Event is proposed to occur. If the applicant is an organization or business, then the name, address, and telephone number of a contact person shall be provided.

   b. A description of the proposed Outdoor Event.

   c. The date or dates, location, and proposed hours of operation of the Outdoor Event.

   d. If the applicant is not the owner of the property on which the Outdoor Event is proposed, then evidence of the applicant's right to use the premises for the Outdoor Event shall be submitted.

   e. A statement of the number of people expected to attend the Outdoor Event for each date it is conducted, and an explanation of the evidence of admission which will be used.

   f. An indemnification agreement to save and keep the Township free and harmless from any and all loss or damages or claims for damages, including attorney's fees and litigation costs, arising from or out of the Outdoor Event. The indemnification agreement shall be subject to approval of the Township Attorney.

   g. A plan and schedule for complete clean-up of the site following the Outdoor Event.

   h. Other information necessary to demonstrate compliance with all of the regulations and standards set forth herein.

3. Site Plan.
   An application for a permit for an Outdoor Event shall be accompanied by a site plan, drawn to scale, showing the location and plan to supply or maintain the following systems and services:

   a. Police and fire protection facilities and services.

b. Water supply and facilities.

c. Food supplies and facilities.

d. Sanitation facilities.

e. Medical and first-aid facilities.

f. Vehicle ingress and egress and parking facilities, including means of access for emergency vehicles.

g. The areas and facilities to be used for performances.

h. The areas and facilities to be used for seating, showing the locations of all aisles.

i. The location and type of temporary lighting, sound, and public address facilities.

j. The nature and locations of signs and markings to be used to direct people and delineate various areas and facilities.

k. All physical facilities to be constructed or placed on the premises, including, but not limited to, fences, ticket booths, grandstands, stages, concession facilities, and offices.

l. All other applicable site plan requirements specified in Section 26.02.

4. Minimum Requirements. No Outdoor Event shall be conducted or permitted unless all of the following requirements are met:

a. **Parcel Size.** Outdoor Events shall be permitted only on parcels that are ten (10) acres or larger.

b. **Hours of Operation.** Outdoor Events shall not begin before 10:00 a.m. nor extend later than 10:00 p.m., unless otherwise permitted by the Township upon finding that longer hours will have no impact on use of surrounding property.

c. **Fencing.** The premises shall be completely enclosed by a fence of sufficient height and strength to preclude persons in excess of the maximum permissible from gaining access and to aid in crowd control. Sufficient gates shall be provided to allow safe ingress and egress.

d. **Parking.** Adequate parking spaces shall be provided for persons attending the Outdoor Event by motor vehicle. At minimum, one (1) off-street parking space shall be provided for every three (3) persons expected to attend or be employed at an Outdoor Event. Parking along the shoulder of any road shall be prohibited. Properly-marked barrier-free spaces shall be provided in accordance with the schedule in Section 4.01. A plan illustrating the proposed parking layout, including method of delineating spaces and drive aisles, shall be submitted for approval. The parking layout shall comply with the dimensional and other applicable requirements in Section 4.01 of the Zoning Ordinance, although paving shall not be required for a temporary Outdoor Event.

e. **Traffic Circulation and Control.** A plan for traffic circulation and control shall be submitted for review. The plan shall include provisions for emergency vehicle access at all times. Provisions shall be made for an adequate number of traffic control officers to provide for the safe, orderly, and expeditious movement of traffic, prior to, during, and after the Outdoor Event. The adequacy of the plan shall be subject to approval by the Township Police and Fire Departments. The sponsors of the Outdoor Event shall pay for the cost of such traffic control.

f. **Security Guards.** A minimum of two (2) security guards shall be provided. One (1) additional security guard shall be provided for each two hundred (200) people (or fraction thereof) expected to be in attendance above the initial two (200) people, unless the Township Police Department determines that greater or fewer guards are needed to preserve order and protection property on and around the site of the Outdoor Event.

g. **Potable Water.** Potable water shall be available in sufficient quantity and pressure for drinking and

sanitation purposes for the entire Outdoor Event, including under conditions of peak demand. The water supply shall comply with applicable County and State laws and regulations.

h. **Toilet Facilities.** A minimum of ten (10) toilet facilities shall be provided per five hundred (500) people anticipated to attend the Outdoor Event. In addition, two (2) toilet facilities shall be provided for each additional two hundred fifty (250) people. Public or common use toilets shall comply with Federal Americans with Disability (ADA) guidelines, which require that five percent (5%) of the total number, and not less than one (1) toilet facility per cluster of toilet facilities, shall be barrier-free. All toilet facilities shall be provided with soap and paper towels and shall comply with applicable County and State laws and regulations.

i. **Liquid Waste Disposal.** Proper liquid waste disposal from the premises shall be provided so as to prevent a nuisance or menace to public health. If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with County and State laws and regulations.

j. **Solid Waste Disposal.** Proper solid waste storage and removal shall be provided so as to prevent a nuisance or menace to public health. Storage shall be in covered containers having a minimum capacity of thirty-six (36) gallons, provided at a rate of one (1) container per one hundred (100) persons expected to attend the Outdoor Event. The sponsor of the Outdoor Event shall provide the Township with a true copy of an executed agreement with a licensed solid waste disposal firm, which agreement shall provide for proper removal of solid waste from the premises within twenty-four (24) hours following the Outdoor Event. For multiple day events, solid waste shall be removed from the premises every day.

k. **Electrical Service.** A plan for providing electrical service to the site shall be submitted, which plan shall be subject to approval by the Building Official. All electrical wiring shall be installed in compliance with the Michigan Building Code.

l. **Noise Control.** Sound or noise resulting from the Outdoor Event, when measured at the property line, shall not exceed the normal ambient sound level on adjacent property between the hours of 10:00 p.m. and 10:00 a.m. At all other times, the sound or noise level produced by the Outdoor Event shall not exceed normal ambient sound level on adjacent property by more than five (5) decibels. Furthermore, no sound or noise shall be produced that causes annoyance to or a threat to the health and safety of the occupants of the adjacent property.

m. **Illumination.** Electrical illumination shall be provided to all areas that are intended to be occupied after dark. A lighting plan shall be submitted showing the location and types of lighting fixtures and level of illumination for open areas reserved for spectators, stage areas, parking areas, and restroom and concession areas.

n. **Communications Facilities.** An emergency communication system shall be provided and maintained for the duration of the Outdoor Event, which system shall be subject to approval by the Township Police Department.

o. **Overnight Facilities.** Those who attend an Outdoor Event shall not be allowed to remain on the premises overnight. Overnight use of the premises by performers or employees of the Outdoor Event may be permitted, however, subject to review of detailed plans for the accommodations for overnight use, such as camper or trailer parking, sanitation facilities, and bathing facilities.

p. **Signs.** Signs shall comply with the standards for “Community Special Event Signs” in Section 7.05, subsection C.

q. **Food Service.** If food service is made available, it shall be delivered only through concessions licensed and operated in accordance with State and County laws and regulations.

r. **Medical Facilities.** If determined necessary by the Township Police Department, emergency medical facilities shall be provided on the premises for the duration of the event.

s. **Prohibited Activities.** It shall be unlawful to conduct or permit any obscene display or entertainment; to cause or create a disturbance by obscene or disorderly conduct; to permit consumption or use of or make available liquor, narcotics, or narcotic drugs.

t. **Fire Protection.** Adequate fire protection shall be provided in accordance with guidelines provided by the Township Fire Department. Flammable vegetation and other fire hazards shall be removed from the site of the Outdoor Event. Equipment to extinguish fires, as required by the Township Fire Department, shall be provided. Open fires are prohibited.

u. **Performance Guarantee.** A performance guarantee meeting the requirements of Section 2.13 shall be deposited with the Township to assure proper clean-up of the site in accordance with the clean-up plan that is required with the application.

v. **Insurance.** The applicant shall acquire and maintain, at its sole expense, public liability insurance, naming the Township as an additional insured. The insurance shall be purchased from companies approved by the Commissioner of Insurance of the State of Michigan, and shall cover bodily injury, property damage and personal injury in amounts specified by the Township Supervisor. The applicant shall furnish and deliver certificates of insurance demonstrating the existence of the insurance in the minimum amounts required by the Township. Each certificate shall provide that the Township shall receive not less than thirty (30) days written notice of cancellation, expiration, or termination.

5. Standards for Approval. The Planning Commission may approve an Outdoor Event special land use proposal upon making the following findings:

a. The Outdoor Event will be held at a location which complies with and meets all Township, County, and State health, zoning, fire, and safety ordinances, laws, and requirements.

b. All application and site plan information required by the Zoning Ordinance has been provided.

c. The Outdoor Event will be conducted in full accord with all requirements of the Zoning Ordinance and this section, in particular.

d. The Outdoor Event will be conducted in a manner that will not create a threat to health, safety and welfare, or adversely affect nearby residents' use and enjoyment of their properties.

e. All facilities and services required by this section will be furnished and that all prior approvals from State and County agencies have been obtained.

f. The Outdoor Event will not adversely affect the ability to furnish the remainder of Township with adequate police and fire protection.

KK. Pet Shops, Pet Grooming Facilities

Pet shops and pet grooming businesses shall be subject to the following requirements:

1. Types of Pets
Such businesses shall only harbor or offer for sale domestic cats, dogs, birds, guinea pigs, hamsters, gerbils, fish and other small animals generally kept as pets by people within their homes. Reptiles, primates and other animals, fish and fowl that are not customarily kept within residential homes are not permitted.

2. Noise and Odors
Such facilities shall comply with the Township Anti-Noise and Nuisance Ordinance. Odors shall not be permitted to extend beyond the boundaries of the site.

3. Enclosure
Pets shall not be permitted outside of enclosed buildings while being kept on the site.

4. Sick Animals
Sick or diseased animals shall be humanely treated to seek a cure. If necessary, dead animals shall be humanely disposed of.

5. Clean and Sanitary Conditions
Such businesses shall be maintained in a clean and sanitary condition. No waste material, including feces and urine, shall be allowed to remain for longer than 18 hours.

LL. Recreation Facilities

1. Outdoor Recreation Facilities

Outdoor recreation facilities, such as, but not limited to, ski facilities, courses for off road vehicles and snowmobiles, campgrounds, baseball facilities, rugby fields and swimming pools, but not including trails, shall comply with state and Federal regulations and the following regulations:

a. **General Requirements**

i. Setbacks. Principal and accessory buildings shall be set back at least seventy-five (75) feet from all property lines, unless otherwise specified herein.

ii. Access. Outdoor recreation uses shall have direct access onto a county primary road or state highway.

iii. Impact on Surrounding Properties. The location, layout, design, or operation of outdoor recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The Planning Commission may specify the hours of operation in order to assure compatibility with adjacent uses.

iv. Nuisance Impacts. Outdoor recreation uses shall not generate excessive noise, odors, dust, or other impacts, such that the continued use and enjoyment of adjacent properties would be impaired.

v. Parking. All parking for outdoor recreation uses shall be provided in off-street parking lots, designed in accordance with Section 4.01, and set back a minimum of forty (40) feet from any residential district.

vi. Screening. Outdoor recreation uses shall be screened from view from adjacent property zoned or used for residential purposes, in accordance with Section 5.02, sub-section E.

vii. Accessory Retail Facilities. Accessory retail or commercial facilities, such as food and beverage facilities or equipment shops, shall be designed to serve only the patrons of the outdoor recreation facility, unless otherwise listed as a permitted use in the district in which the facility is located.

b. **Off-Road Vehicle and Snowmobile Trails, Gun Ranges.** Courses or trails for off-road vehicles, snowmobiles, or similar use, and gun ranges, shall comply with the following regulations:

i. Minimum Parcel Size. A minimum of eighty (80) acres shall be required for such uses.

ii. Location. The site shall be located in a predominantly undeveloped area so as to minimize adverse impact on adjacent uses.

iii. Operations Plan. The applicant shall provide a detailed operations plan clearly outlining the types, locations, and characteristics of uses proposed, including proposed hours of operation. The Township may regulate the operation and hours of activity to minimize adverse impacts on nearby properties.

iv. Other Regulations. All such uses shall comply with applicable state and federal laws and regulations.

c. **Campgrounds.** Campgrounds for travel trailers, tents, tent-campers, and motor homes shall comply with the following requirements:

i. Setbacks. Buildings, structures, and areas designated for camping shall be located a minimum of one hundred (100) feet from all property lines. The storage of vehicles not set up for occupancy shall be located a minimum of two hundred (200) feet from all property lines, and shall be screened in accordance with Section 5.02, sub-section E.

ii. Minimum Campsite Size. Each campsite shall be at least fifteen hundred (1,500) square feet in size for campsites designed to serve motorhomes, trailers, etc. Campsites designed for tent camping shall be at least six hundred (600) square feet in size.

iii. Utilities. Each campsite shall either be provided with individual water and sewer hookups approved by the Kalamazoo County Health Department, or shall have convenient access to approved service buildings.

iv. Fencing. The entire campground shall be enclosed by a six (6) foot high fence, subject to the requirements in Article 6.00. The fence may be located on the side and rear property lines, but shall be setback a minimum of fifty (50) feet from any road right-of-way line.

v. Temporary Residency. Campgrounds shall be for seasonal recreation use only. This provision shall not apply to the manager or caretaker.

d. **Swimming Pools Clubs.**

i. Enclosure. Outdoor swimming pools in single family districts shall be enclosed within a six (6) foot high fence. All fences shall be subject to the requirements in Article 6.00. Entry shall be by means of a self-closing, self-latching gate. The latch shall be on the inside so that it is not readily available for children to open. Gates shall be securely locked when the pool is not in use.

ii. Setbacks. Swimming pools in single family districts shall be set back at least 100 feet from any property line that abuts a residential district. In all other districts swimming pools shall be set back a minimum distance of sixty (60) feet from all property lines. In no case shall a swimming pool be located in an easement or right-of-way.

iii. Swimming Pool Clubs. Swimming pool clubs in residential districts shall be incorporated as non-profit organizations, and shall be maintained and operated for the exclusive use of members and their guests. Membership shall be limited by subdivision or another clearly-defined geographic area as specified in the club's articles of incorporation.

e. **Private Swimming Pools**

i. Location. Private swimming pools shall be permitted as an accessory structure to the rear or side of the principal structure in residential districts. Pools shall not be located in any road or utility right-of-way or easement.

ii. Setbacks. Private swimming pools shall be located no closer than ten (10) feet to any side or rear property line and no closer than ten (10) feet to any building on the same parcel. Pools shall comply with the front yard setback for the district in which they are located, except that in no case shall a pool be located closer than thirty-five (35) feet to a road right-of-way line.

iii. Fencing. Private swimming pools shall be enclosed within a minimum four (4) foot high fence. All fences shall be subject to the requirements in Article 6.00. Entry shall be by means of a self-closing, self-latching gate. The latch shall be on the pool side of the gate so that it is not readily available to children to open. Gates shall be securely locked when the pool is not in use. A fence shall not be required for pools that are wholly or partially above ground, provided that the wall of the pool is at least four (4) feet in height and that no ladder, deck, or other structure provides access to the pool while it is unattended.

iv. All swimming pools shall be subject to the requirements in the Michigan Building Code.

2. Indoor Recreation Facilities

Indoor recreation facilities, such as, but not limited to, bowling establishments, billiard halls, indoor archery and shooting ranges, indoor tennis courts, indoor skating rinks, arcades, indoor driving ranges, and similar indoor recreation uses shall comply with the following regulations:

a. **Setbacks.** Indoor recreation uses shall be set back a minimum of seventy-five (75) feet from any property line that abuts a residentially zoned or used district.

b. **Adverse Impacts.** The location, design, and operation of an indoor recreation use shall not adversely affect the continued use, enjoyment, and development of adjacent properties. In considering this requirement, particular attention shall be focused on the adverse impact resulting from noise, smoke, odor, dust, dirt, noxious, gasses, glare, heat, or vibration generated by the use, and loitering on the premises.

c. **Accessory Uses.** Uses accessory to the principal recreation use are permitted, including refreshment facilities, retail shops that sell items related to the principal use, locker rooms, restrooms, administrative office, maintenance and storage facilities, spectator seating, and service areas.

d. **Access.** Indoor recreation uses shall have direct access onto a County primary road.

e. **Arcades and Video Gaming Devices as Accessory Uses.** Where permitted as an accessory use, arcades shall comply with the following requirements:

i. The arcade facilities shall be clearly incidental to the principal use on the site.

ii. The arcade facilities shall be accessible only from within the building which contains the principal use. The arcade shall have no direct means of access to the exterior of the building.

iii. The arcade shall operate only during the hours when the principal use is open for business.

iv. Sufficient additional off-street parking shall be provided to serve the arcade facilities.

v. Where arcades are permitted as an accessory use to an eating or drinking establishment or private club or lodge, there shall be no more than one (1) arcade device for each thirty (30) persons permitted at one time, based on the occupancy load established by local code.

f. Approvals. Indoor recreations facilities shall comply with applicable state and Federal regulations.

MM. Religious Institutions

The following regulations shall apply to all religious Institutions, including churches, synagogues, temples, etc.:

1. Lot Width
The minimum lot width for religious institutions shall be one hundred and fifty (150) feet, unless a greater width is specified in the Schedule of Regulations for the district in which the institution is located.

2. Lot Area
The minimum lot area for religious institutions shall be two (2) acres, unless a greater lot area is specified in the Schedule of Regulations for the district in which the institution is located.

3. Parking Setback
Off-street parking shall be prohibited in the front setback area and within fifteen (15) feet of the rear or side property line.

4. Building Setback
Religious institutions shall comply with the following building setback requirements, unless larger setbacks are specified in the Schedule of Regulations for the district in which the institution is located.

a. Front Yard: 50 feet
b. Side Yards: 25 feet
c. Rear Yard: 50 feet

5. Frontage and Access
Religious institutions shall be located on a paved county primary road or state highway.

6. Landscaping
Religious institutions shall comply with the landscaping requirements set forth in Section 5.03.

7. Maximum Height
Churches may exceed the maximum height standard for the districts in which they are located provided that the front, side and rear setbacks are increased by one (1) foot for every foot by which the building exceeds the maximum permitted height.

NN. Roadside Stands and Farmer's Markets

The following regulations shall apply to all Roadside Stands and Farmer's Markets, as defined in Section 1.03:

1. Roadside Stands

a. **Building Size.** Any building containing a roadside stand shall not be greater than two hundred fifty (250) square feet in size.

b. **Site Maintenance.** Suitable trash containers shall be placed on the premises for public use. Adequate provisions shall be made for waste collection and removal. Plant and vegetable waste shall be removed

daily so that it does not rot or cause odors. Litter shall be picked up and disposed of daily. Crates and equipment shall be stored out-of-view.

c. **Building Setbacks.** Any building containing a roadside stand shall be located no closer than forty-five (45) feet to the nearest edge of the paved surface of any paved public road, and no closer than forty-five (45) feet to the improved gravel surface of any unpaved public road.

d. **Parking.** Off-street parking may be provided in the required front yard setback area. Parking shall conform to the regulations in Article 4.00, except that hard-surfacing shall not be required.

2. Farmer's Markets

a. **Structures.** Farmer's markets may have permanent or temporary structures. Unless exempt, structures shall be subject to inspection under the Single State Construction Code Act and Property Maintenance Code.

b. **Trash Containers.** A sufficient number of trash containers shall be placed on the premises for public use.

c. **Building Setbacks.** All buildings and structures shall meet the setback requirements for a principal structure for the district in which they are located.

d. **Parking.** Off-street parking shall be provided, which may be located in the front yard. Off-street parking may be located on a grass or gravel area for seasonal uses. Off-street parking shall be provided at the following rates: five (5) spaces, plus 1 (one) space per 200 sq. ft. of interior retail floor area, plus one (1) space per 1,000 square feet for outdoor activities. Parking shall comply with the dimensional and barrier-free parking requirements in Article 14.00.

e. **Signs.** A farmer's market shall comply with sign requirements for the district in which it is located.

f. **Exterior Lighting.** Parking lot and pedestrian route lighting shall be required for any farmer's market that operates after dusk or before dawn, subject to Section 12.11. Adequate lighting shall be provided to assure the safety of pedestrians and drivers.

g. **Site Plan Review.** Farmer's markets shall require site plan review.

OO. Stamping Plants, Punch Presses, Press Brakes, and other Machines

The following regulations shall apply to stamping machines, punch presses, press brakes, and other machines:

1. General Requirements
All such machines shall have shock absorbing mountings and be placed on a suitable reinforced concrete footing. No machine shall be loaded beyond the capacity prescribed by the manufacturer. All such machines shall comply with the noise and vibration standards in the Township's Anti-Noise and Nuisance Ordinance.

2. Automatic Screw Machines
Automatic screw machines shall be equipped with noise silencers, and shall not be located closer than three hundred (300) feet from any property zoned or used for residential purposes.

3. Setbacks
Punch and stamp presses, other than hydraulic presses shall comply with the following setback requirements:

Maximum Capacity (Tons)	Distance from Nearest Residentially Zoned District (feet)
50	250
100	300
150	500

Hydraulic presses shall comply with the following setback requirements:

Maximum Capacity (Tons)	Distance from Nearest Residentially Zoned District (feet)
50	250
750	300
1000	500

4. Press Brakes
   Press brakes shall be set back at least three hundred (300) feet from any property zoned for residential use.

PP. Tattoo Parlors and Body Piercing Studios

Tattoo parlors and body piercing studios shall comply with the following requirements:

1. Number of Operator Stations
   There shall be no more than four (4) operator chairs or stations per establishment.

2. Hours of Operation
   Such businesses shall open no earlier than 8:00 a.m. and close no later than 9:00 p.m., subject to Planning Commission review.

3. Location
   Such businesses shall have frontage on and direct access to a County primary road or state highway.

QQ. Utility Structures and Substations

Utility structures, substations, and similar uses shall comply with the following regulations:

1. Location
   Where feasible, utility structures and public service buildings shall be located so as to not hinder the development of the area or detract from the value of adjoining development.

2. Design
   All such uses shall be contained in buildings that are architecturally compatible with buildings in the vicinity and shall be screened in accordance with Section 5.02, subsection E.

3. Off-site Impact
   Such uses shall not create a health or safety hazard, a nuisance, or have deleterious impact on the surrounding area either due to appearance or operation.

4. Security Fencing
   Security fencing may be permitted, subject to the requirements in Article 6.00.

RR. Vehicle Impoundment Lots

Vehicle impoundment lots accessory to a towing service shall be subject to the following requirements:

1. Surfacing
   The lot shall be surfaced with asphalt or concrete and shall be graded and drained to dispose of surface water away from adjoining properties.

2. Screening
   The lot shall be screened in accordance with Section 5.02 from any residentially-zoned or used property and any street right-of-way.

3. Security
   The lot shall be secured with a chain link or similar type of fence having a minimum height of eight (8) feet. Barbed wire strands may be used to provide additional security, provided that the barbed wire shall be limited to the upper most portion of the fence and shall not extend closer than eight (8) feet to the ground. The lot shall be locked at all times other than to allow necessary access.

4. Lighting
   The lot shall be illuminated in accordance with Section 2.12.

5. Sales, Repair, Dismantling
   The sale, repair and dismantling of vehicles or parts of vehicles stored on the lot shall not be permitted. This shall not prohibit the sale of vehicles by auction as required by law.

6. Length of Storage
   No vehicle or portion of a vehicle shall be stored for more than six (6) months, except when mandated by court order or statute.

7. Office
   The lot shall be served by an office located on the same site or on an immediately adjoining site.

SS. Veterinary Clinics

Veterinary clinics shall comply with the following requirements:

1. Small Animal Clinics
   a. **Enclosure.** All activities shall be conducted within a completely enclosed building.

   b. **Setbacks.** Buildings shall be set back at least fifty (50) feet from land that is zoned or used for residential use.

   c. **Kennels.** Kennels associated with veterinary clinics shall comply with the following setback requirements:

      (1) Minimum setback for fully-enclosed kennel buildings: fifty (50) feet from land that is zoned or used for residential use.

      (2) Minimum setback for outdoor runs, animal yards, or any other portion of the kennel where animals will be allowed outdoors: 100 feet from land that is zoning or used for residential use.

      (3) Animals shall not be kept in outdoor runs between the hours of 6:00 p.m. and 8:00 a.m.

2. Large Animal Clinics
   a. **Range of Services.** The veterinary clinic shall cater to horses, livestock and other farm animals. A small animal clinic may be an accessory use.

   b. **Access.** The veterinary clinic shall front on or have direct access to a hard-surfaced road.

   c. **Accessory Office Uses.** Any office area shall be an accessory use to the clinic and shall be attached to the treatment or surgical facilities.

   d. **Setbacks.** No building other than a stable shall be located closer than fifty (50) feet to any dwelling on the premise and seventy-five (75) feet to any adjacent property line.

   e. **Kennels.** Kennels associated with veterinary clinics shall comply with the following setback requirements:

      (1) Minimum setback for fully-enclosed kennel buildings: fifty (50) feet from land that is zoned or used for residential use.

      (2) Minimum setback for outdoor runs, animal yards, or any other portion of the kennel where animals will be allowed outdoors: 100 feet from land that is zoned or used for residential use.

   f. **Maintenance.** All stables and treatment areas shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be removed from the premises or spread and cultivated at least once per week so as to control odors and flies.

   g. **Setback of Stable or Paddock.** No stable or confined paddock area shall be located nearer than fifty (50) feet to any property line. Horses and livestock may, however, be pastured to the property line provided the pasture is properly fenced.

h. **Minimum Lot Size.** Large animal veterinary clinics shall have a minimum lot area of five (5) acres.

TT. Wind and Solar Renewable Energy Systems

Wind and Solar Renewable Energy Systems shall comply with the following requirements:

1. Wind Energy Systems

a. **Purpose.** The regulation of wind energy conversion systems (WECS), including the height, minimum lot area, and required setbacks, is intended to provide for an alternative source of power generation while protecting the health, safety and welfare of Township residents. The system, its construction, and its operation shall comply with all applicable local, state, and federal regulations.

b. **Definitions.** A wind energy conversion system is a system for the conversion of wind energy into electricity. A common type of wind energy system includes the use of a wind turbine generator, which includes a turbine, blades, tower and related equipment, although other technology may be used to convert wind energy into electricity.

i. A "small turbine/on-site" system is intended to primarily serve the needs of the customer, with a single tower that may or may not be connected to the utility grid.

ii. 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 cooperative organizations.

c. **Submittal Requirements.** In addition to the requirements for special land use and site plan review, applications for WECS shall include the following information:

i. The location of overhead electrical or distribution or transmission lines, whether utilized or not.

ii. The location of the WECS with its specific dimensions, including the entire area through which the rotors may rotate.

iii. The location of any guy wires, other support devices, or accessory structures or facilities.

iv. The location of all structures and land uses (including dwelling units) within 500 feet of the WECS.

v. Evidence of liability insurance for the project.

vi. The name, address, and telephone number of the owner of the WECS.

vii. The manufacturer's name and address.

viii. Survival wind speed in miles per hour and meters per second for the tower and the maximum power output for the generator.

ix. Name, address, and telephone number of the installer.

x. Name, address, and telephone number of the person responsible for maintenance.

xi. The height of the wind turbine, as described below.

xii. The setbacks of the tower and any accessory components of the WECS (structure, guy wires, etc.) from adjacent property lines.

d. **Requirements.** WECS shall comply with the following requirements:

i. **Electromagnetic Interference.** The WECS (including turbines, alternators, generators, and interconnect systems) shall be located, designed, and filtered and/or shielded to prevent the emission of generated radio frequency energy that would cause any interference with radio, television broadcasting, wireless telephone, and/or personal communication transmission or reception, and shall comply with all applicable state and federal rules and regulations.

ii. **Noise.** The maximum level of noise permitted to be generated by any WECS shall be 55 decibels, as measured on the db(A) scale, measured at the property line nearest the WECS. This decibel level may be exceeded during short term events such as utility outages or severe wind storms. If the ambient sound level prior to installation exceeds 55 decibels, the standard shall be the ambient decibels plus five. The Planning Commission may require that a baseline study of the decibel levels existing prior to and modeling of noise levels predicted for after the installation be included as required documentation for review.

iii. **Visual Impact.** A WECS shall use tubular towers and shall be finished in a single, non-reflective matte finished color. Multiple towers involved in a "large turbine/utility grid" WECS shall be constructed of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Accessory structures may have lettering that exhibits the manufacturer's and/or owner's identification.

iv. **Height.** The height of the wind turbine shall be measured from the existing grade at the base of the turbine to the top of the blade or rotor at its tallest point.

- The maximum allowable height for any "small turbine/on-site" WECS, based upon the combined tower and rotor blade length, shall be forty (40) feet for site parcels of one (1) to less than two (2) acres, eighty (80) feet for site parcels of two (2) to less than three (3) acres and up to 120 feet for site parcels of three (3) 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 300 feet. The Planning Commission, in consideration of a request, may approve an increase to this height requirement where the following requirements are met:

- The increased height will result in the preservation of a substantial stand of trees, existing land forms, or structures that would otherwise be required to be removed to satisfy anticipated and required wind velocity.

- The increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the wind turbine generator given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return. The Planning Commission shall not grant the increased height if the lack of economic return is due to the use of inefficient equipment that does not utilize current commercial technologies or would be aesthetically injurious to the area.

- The increased height will not result in increased intensity of lighting on the tower due to Federal Aviation Administration (FAA) requirements.

v. **Lot area/setbacks.**

- No "small turbine/on-site" WECS shall be erected on any lot or parcel less than one (1) acre in area and shall be situated on the lot or parcel so that no portion of the tower or turbine is closer to property lines (excluding public utilities) than 150 percent of the height of the tower as defined in subparagraph D.1 above.

- No "large turbine/utility grid" WECS shall be erected on any parcel less than five (5) acres in area and shall be situated on the parcel so that no portion of the tower or turbine is closer to property lines (excluding public utilities) than 150 percent of the height of any towers as defined in subparagraph D.1 above.

- Guy wires or other elements of the support structure shall not extend closer than ten (10) feet to the owner's property lines.

- Accessory structures or other accessory equipment used in the function of the WECS shall satisfy the setback requirements of the subject zoning district.

vi. **Ground Clearance.** For both horizontal and vertical axis turbines, the WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is twenty (20) feet.

vii. **Safety/Accessibility.** All WECS shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of twelve (12) feet. All spent lubricants and cooling fluids shall be properly and safely removed promptly from the site of the WECS. A sign shall be posted near the WECS containing emergency contact information as well as near the entrance warning visitors about the potential danger of falling ice.

viii. **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 owner shall comply with all requirements of the servicing utility if the WECS is interfaced with the utility grid. The utility will install appropriate electric metering (for sellback or non-sellback) and the owner will be required to install a disconnecting device adjacent to the electric meter(s).

ix. **Lighting.** The turbine shall be lighted in compliance with the minimum requirements of the Federal Aviation Administration (FAA).

x. **Vibration.** Under no circumstances shall a WECS produce vibrations humanly perceptible beyond lot boundaries.

xi. **Additional studies.** The applicant may offer and submit, or the Planning Commission may require, that the applicant submit studies related to noise, vibration, environmental impacts, 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.

e. **Decommission Plan/Site Reclamation.** The applicant shall submit a plan that indicates the necessary anticipated life of the project, the estimated cost and method to ensure the availability of maintenance and removal funds, and the manner in which the site will be reclaimed.

f. **Abandonment of Unused Turbines.** Abandoned or unused turbines and associated facilities shall be removed within 12 months of the cessation of 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, license, or land contract) which allows the installation and which requires the applicant to remove the turbine and associated facilities upon cessation of operations shall be submitted at the time of application. In the event that a turbine is not removed within the twelve (12) months of the cessation of operations at a site, the turbine and facilities shall be removed by the Township and the costs of removal assessed against the real property.

g. **Performance Bond.** A performance bond shall be required by the Township to assure performance in accordance with these requirements, adequate insurance coverage, decommissioning, and removal of the turbines. The amount of the bond shall be determined based on the value of the project and the estimated cost of removal.

2. Solar Energy Systems

a. **Purpose:** It is the purpose of this sub-section to promote the safe, effective, and efficient use of solar energy systems to generate electricity. Further, it is the purpose of this sub-section to standardize and streamline the review and permitting process for solar energy systems.

b. **Findings:** The Township has found that solar energy is an abundant, renewable, and nonpolluting energy resource of which some residents and utility companies would like to make use. Generation of electricity by these facilities will reduce dependence on non-renewable energy resources and decrease air and water pollution that results from the use of conventional fossil fuels. Solar energy systems will also enhance the reliability and power quality of the power grid, reduce peak power demands, and help diversify the Township's energy supply.

c. **Definitions:**

i. A "solar energy system," in the context of this ordinance, means the solar panels and associated technology needed to harness the sun's energy and make it usable.
ii. A "solar panel" is a flat panel that uses arrays of photovoltaic cells to convert sunlight into electricity.
iii. A "utility grade" solar energy system is one that is operated by a utility operator or government entity that produces energy for the grid.

d. **Solar Energy Systems – Residential (10 kW or less):**

i. **Roof-Mounted Solar Energy Systems:** Roof- and building-mounted solar energy systems for residential use are permitted accessory structures in all zoning districts, subject to the following regulations:

- **Height:** Roof-mounted systems shall not extend more than four (4) feet above the roofline. Solar energy systems shall not protrude beyond the edge of the roof.

- **Building Permit:** A building permit shall be required for installation of roof- and building-mounted systems.

ii. **Ground-Mounted Solar Energy Systems:** Ground mounted and freestanding solar energy systems for residential use are permitted accessory structures in all zoning districts, subject to the following regulations:

- **Location and Setbacks:** Where feasible, ground mounted solar energy systems shall be located to the rear of the dwelling unit. In the event that proper solar orientation cannot be achieved to the rear, a solar energy system may be located on the side of the dwelling unit. Solar energy systems shall also meet the minimum setbacks of the zoning district.

- **Height:** The height of the solar energy system and any mounts shall not exceed ten (10) feet when oriented at maximum tilt.

- **Screening.** Landscaping shall be provided to screen the racking from view on all sides.

- **Building Permit:** A building permit shall be required for any ground-mounted solar energy system.

- **Area:** Ground-mounted solar energy systems shall be subject to the maximum lot coverage standards of the zoning district.

iii. **Batteries:** When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.

iv. **Removal:** If a solar energy system ceases to perform its intended function (generating electricity) for more than twelve (12) consecutive months, the property owner shall remove the collectors, mounts, and associated equipment and facilities no later than ninety (90) days after the end of the twelve (12) month period. Where the removal has not been lawfully completed as required above, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the solar energy system or portion thereof, with the Township's actual cost and reasonable administrative charges to be placed as a lien on the property. A lien on the property shall be superior to all other liens except taxes.

e. **Solar Energy Facilities – Utility Grade (over 10 kW, operated by a utility company or government entity):**

i. **Ground-Mounted Solar Energy Systems:** Ground mounted and freestanding solar energy systems over 10 kW capacity are permitted subject to special land use approval in the R-1, R-2, I-1 and I-2 zoning districts, and subject to the following regulations:

- **Location and Setbacks:** The solar energy system shall not be located closer to the street than any portion of the principal building, and shall meet the minimum front, side and rear yard setbacks of the zoning district.

- **Height:** The height of the solar energy system and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.

- **Screening.** Landscaping shall be provided to screen the racking from view on all sides.

- **Building Permit:** A building permit shall be required for any ground-mounted solar energy system.

- **Area:** Ground-mounted solar energy systems shall be subject to the maximum lot coverage standards of the zoning district.

ii. **Batteries:** When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.

iii. **Removal:** If a solar energy system ceases to perform its intended function (generating electricity) for more than twelve (12) consecutive months, the operator shall remove the collectors, mounts, and associated equipment and facilities no later than ninety (90) days after the end of the twelve (12) month period. Where the removal has not been lawfully completed as required above, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the solar energy system or portion thereof, with the Township's actual cost and reasonable administrative charges to be placed as a lien on the property. A lien on the property shall be superior to all other liens except taxes.

f. **Performance Bond:** A performance bond shall be required by the Township to assure performance in accordance with these requirements, adequate insurance coverage, decommissioning, and removal of the solar system. The amount of the bond shall be determined based on the value of the project and the estimated cost of removal.

UU. Wireless Communication Facilities

1. General Requirements

a. **Standard A**. Wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other approval if all of the following requirements are met:

(1) The wireless communications equipment will be colocated on an existing wireless communications support structure or in an existing equipment compound.

(2) The existing wireless communications support structure or existing equipment compound is in compliance with the Township Zoning Ordinance or was approved by the Township Planning Commission.

(3) The proposed colocation will not do any of the following:

i. Increase the overall height of the wireless communications support structure by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater.

ii. Increase the width of wireless communications support structure by more than the minimum necessary to permit colocation.

iii. Increase the area of the existing equipment compound to greater than 2,500 sq. ft.

(4) The proposed colocation complies with the terms and conditions of any previous final approval by the Planning Commission.

b. **Standard B.** Wireless communications equipment is subject to special land use approval, in accordance with Section 26.03 of the Zoning Ordinance, if the equipment does not meet requirements "(3)" and "(4)" under Standard A, but the equipment meets all of the following requirements:

(1) The wireless communications equipment will be colocated on an existing wireless communications support structure or in an existing equipment compound,

(2) The existing wireless communications support structure or existing equipment compound is in compliance with the Township Zoning Ordinance or was approved by the Township Planning Commission.

c. **Standard C.** Wireless communication equipment is subject to special land use approval, in accordance with Section 26.03 of the Zoning Ordinance if the proposal does not involve colocation (e.g., a new facility).

2. Approval Procedures

The following procedures have been established to achieve approval of a proposed wireless communications facility:

a. **Standard A.** Standard A Wireless communication equipment proposals require no zoning approval. However, plans for Standard A improvements shall be submitted to the Township.

b. **Standard B.** Standard B wireless communication equipment proposals require special land use approval. Accordingly, such proposals are subject to the procedures in Section 26.03 and the following special procedures.

Steps	Action
1.	Applicant submits plan and $1,000 fee.
2.	Within 14 days Township administration determines if application is complete.
3.	If application is incomplete, administration notifies applicant.
4.	If application is complete, administration initiates SLU review by scheduling special land use public hearing. Special land use review must be complete (60) days after the application is considered complete.
5.	Township Planner reviews plan, transmits letter to Planning Commission.
6.	Planning Commission reviews plan, makes recommendation to Township Board.
7.	Township Board approves or denies application.

c. **Standard C.** Standard C wireless communication equipment proposals require special land use approval. Accordingly, such proposals are subject to the procedures outlined for Standard B, except that in Step 4 the special land use review must be complete not more than ninety (90) days after the application is considered complete.

3. Standards and Conditions

All applications for wireless communication facilities that require special land use approval shall be reviewed in accordance with the following standards and conditions. If approved, such facilities shall be constructed and maintained in accordance with such standards and conditions and any additional conditions imposed by the Planning Commission.

a. **Public Health and Safety.** Facilities and/or support structures shall not be detrimental to the public health, safety and welfare.

b. **Harmony with Surroundings.** To the extent feasible, facilities shall be designed to be harmonious with the surrounding areas.

c. **Compliance with Federal, State and Local Standards.** Wireless communication facilities shall comply with applicable federal and state standards, including requirements promulgated by the Federal Aviation Administration (FAA), Federal Communication Commission (FCC), and Michigan Aeronautics Commission. Wireless communication support structures shall comply with all applicable building codes.

d. **Maximum Height.** Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. The maximum height of a new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to colocate on the structure), but shall not exceed one hundred twenty (120) feet. Higher towers may be permitted, however, if necessary to achieve colocation. The buildings, cabinets, and other accessory structures shall not exceed the maximum height for accessory structures in the zoning district in which the facility is located.

e. **Minimum Setbacks.** The setback of a new or modified support structure from any residential-zoned district or existing or proposed right-of-way or other publicly traveled road shall be no less than the total height of the structure and attachments thereto.

Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the support structure shall comply with the required setbacks for principal buildings specified in the Schedule of Regulations for the zoning district in which the facility is located.

Buildings and facilities accessory to the wireless communication facility (other than the support structure) shall comply with the required setbacks for principal buildings specified in the Schedule of Regulations for the zoning district in which the facility is located.

f. **Access.** Unobstructed permanent access to the support structure shall be provided for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. The

permitted type of surfacing, dimensions and location of such access route shall be subject to approval by the Planning Commission, based on evaluation of the location of adjacent roads, layout of buildings and equipment on the site, utilities needed to service the facility, proximity to residential districts, disturbance to the natural landscape, and the type of vehicles and equipment that will visit the site.

g. **Division of Property.** The division of property for the purpose of locating a wireless communication facility shall be permitted only if all zoning requirements, including lot size and lot width requirements are met.

h. **Equipment Enclosure.** If an equipment enclosure is proposed as a building or ground-mounted structure, it shall comply the required setbacks and other requirements specified for principal buildings in the Schedule of Regulations for the zoning district in which the facility is located. If an equipment enclosure is proposed as a roof appliance on a building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building.

i. **Design Objectives.** The support structure and all accessory buildings shall be designed to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. Accordingly, support structures shall be grey or white (or another color that is found to be more harmonious with surroundings) and shall not have lights unless required otherwise by the Federal Aviation Administration (FAA). Equipment buildings shall have a brick exterior. No signs or logos visible from off-site shall be permitted on a support structure.

j. **Fencing.** Wireless communication facilities shall be enclosed by an open weave, green or black vinyl-coated, chain link fence having a maximum height of six (6) feet. Barbed wire may be permitted.

k. **Structural Integrity.** Wireless communication facilities and support structures shall be constructed and maintained in structurally sound condition, using the best available technology, to minimize any threat to public safety.

l. **Maintenance.** A plan for the long term, continuous maintenance of the facility shall be submitted. The plan shall identify who will be responsible for maintenance, and shall include a method of notifying the Township if maintenance responsibilities change.

4. Removal of Unused or Obsolete Facilities

a. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

(1) When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of no use.

(2) Six (6) months after new technology is available at reasonable cost, as determined by the Township Board, which permits the operation of the communication system without the requirement of the support structure.

b. The situations in which removal of a facility is required, as set forth in paragraph (1) above, may be applied and limited to portions of a facility.

c. Upon the occurrence of one or more of the events requiring removal, the property owner or persons who had used the facility shall immediately apply for any required demolition or removal permits, and immediately proceed with and complete the demolition, removal, and site restoration.

d. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

5. Application Requirements

a. **Site Plan and Special Land Use Review.** A site plan prepared in accordance with Section 29.02 shall be submitted, showing the location, size, screening and design of all buildings, outdoor equipment, and structures. Where the wireless communication facility is subject to special land use approval the procedures and standards in Section 29.03 shall be followed.

b. **Landscape Plan.** A detailed landscaping plan shall be submitted illustrating the number, species, location, and size at the time of planting of all proposed trees and shrubs. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.

c. **Structural Specifications.** Structural specifications for the support structure and foundation shall be submitted for review. The structural specifications shall state the number of various types of antennae capable of being supported on the structure. A soils report prepared by a geotechnical engineer licensed in the State of Michigan shall also be submitted confirming that the soils on the site will support the structure. Structural plans shall be subject to review and approval by the Township Engineer.

d. **Security.** The application shall include a description of security to be posted immediately upon issuance of a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as previously noted. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the Township Attorney and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required herein, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing removal.

e. **Contact Person.** The application shall include the name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

Section 8.03 -- Site Development Standards for Residential Uses

A. Accessory Apartment

Accessory apartments shall comply with the following regulations:

1. Accessory Apartment Defined
An accessory apartment is a dwelling unit that is accessory to and contained within a principal single-family dwelling, and which is occupied by either persons related to the occupant of the principal residence by blood, marriage, or legal adoption; domestic servants; or gratuitous guests. An accessory apartment typically has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

2. Residence an Incidental Use
The accessory apartment shall be clearly incidental to the principal residence on the site. Accordingly, the following conditions shall be met:

   a. Accessory apartments shall be established in, and attached to owner-occupied homes only by means of a fully-enclosed, insulated and heated space.

   b. Only one (1) such accessory residence shall be permitted on each parcel.

   c. The total floor area of the accessory residence shall not exceed eight hundred (800) square feet.

3. Setbacks and Placement on the Parcel
Accessory residences shall comply with all setback requirements for the district in which they are located.

4. Compatibility with Surrounding Land Use
The design of the accessory residence shall not detract from the single-family character and appearance of the principal residence or the surrounding neighborhood. The accessory residence shall not have a front entrance visible from the front yard, other than the entrance that serves the principal residence. When viewed from the outside, it shall appear that only one household occupies the site.

5. Parking and Access
In addition to required parking for the principal residence, one additional parking space shall be provided for the accessory residence.

6. Termination
An accessory apartment that is no longer needed for the purposes outlined herein shall be incorporated into and become a part of the single family home to which it is attached.

B. Multiple Family and Single Family Attached Housing Requirements

The following site development standards shall apply to multiple family and single family attached housing developments:

1. Permitted Density

   a. **Basic Formula.** The permitted density of development in multiple family districts shall be based on the total number of bedrooms, as noted in the following chart:

Maximum Number of Units Per Acre

	No. of Bedrooms		
	1	**2**	**3**
RM-1	6	4	3
RM-2	12	8	6
RM-3	18	12	9

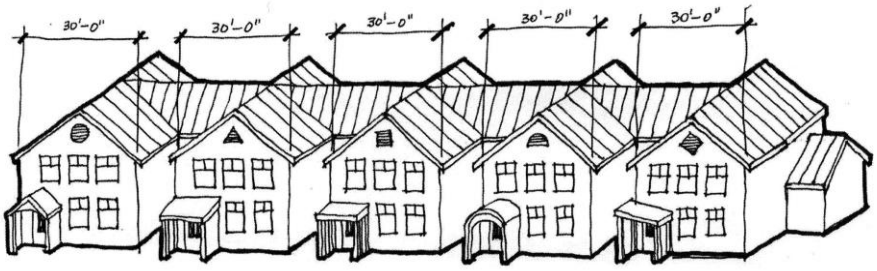
   b. **Method of Measuring Land Area.** The computations of land area for the purposes of determining density shall not include areas occupied by road rights-of-way or easements, or subaqueous areas.

2. Building Length

   Multiple family buildings shall not exceed one hundred and fifty (150) feet in overall length, measured along the front line of connecting units, inclusive of any architectural features which are attached to or connect the parts of the building together (see illustration).

   Horizontal facades longer than 30 feet shall be articulated into smaller units at a residential scale by using the following methods (see illustration):

   - Distinctive roof and wall forms or elements.
   - Changes in materials or patterns.
   - Windows (shape, pattern, trims and/or details)
   - Color differentiation.
   - Recesses, offsets, cantilevers.
   - Architectural features (bay or bow windows, chimneys, lower roofs and awnings)



   Buildings shall include modulation along the building facades. Special attention shall be given to building faces viewed from the street. Flat blank walls are discouraged.

3. Building Spacing
The minimum distance between any two (2) buildings shall be based on the following table:

Relationship Between Buildings	Minimum Distance Between Buildings
Front to Front	70 ft.
Front to Rear	70 ft.
Rear to Rear	70 ft.
Side to Side	30 ft.
Front to Side	50 ft.
Rear to Side	50 ft.

4. Street Address
The address of each dwelling unit must be clearly posted so that the unit can be readily identified from the roadway or adjacent parking area.

5. Access and Circulation
Multiple family developments shall comply with the following requirements for access and circulation (see illustration):

a. **Access to Roads.** Multiple family developments shall have direct access to a paved county primary road or state highway. However, alternate means of access may be permitted by the Planning Commission upon finding that, due to special circumstances, substantial improvements in traffic safety could be achieved by reducing the number of driveways. Furthermore, an alternate means of access shall be permitted only if one or more of the following conditions exists:

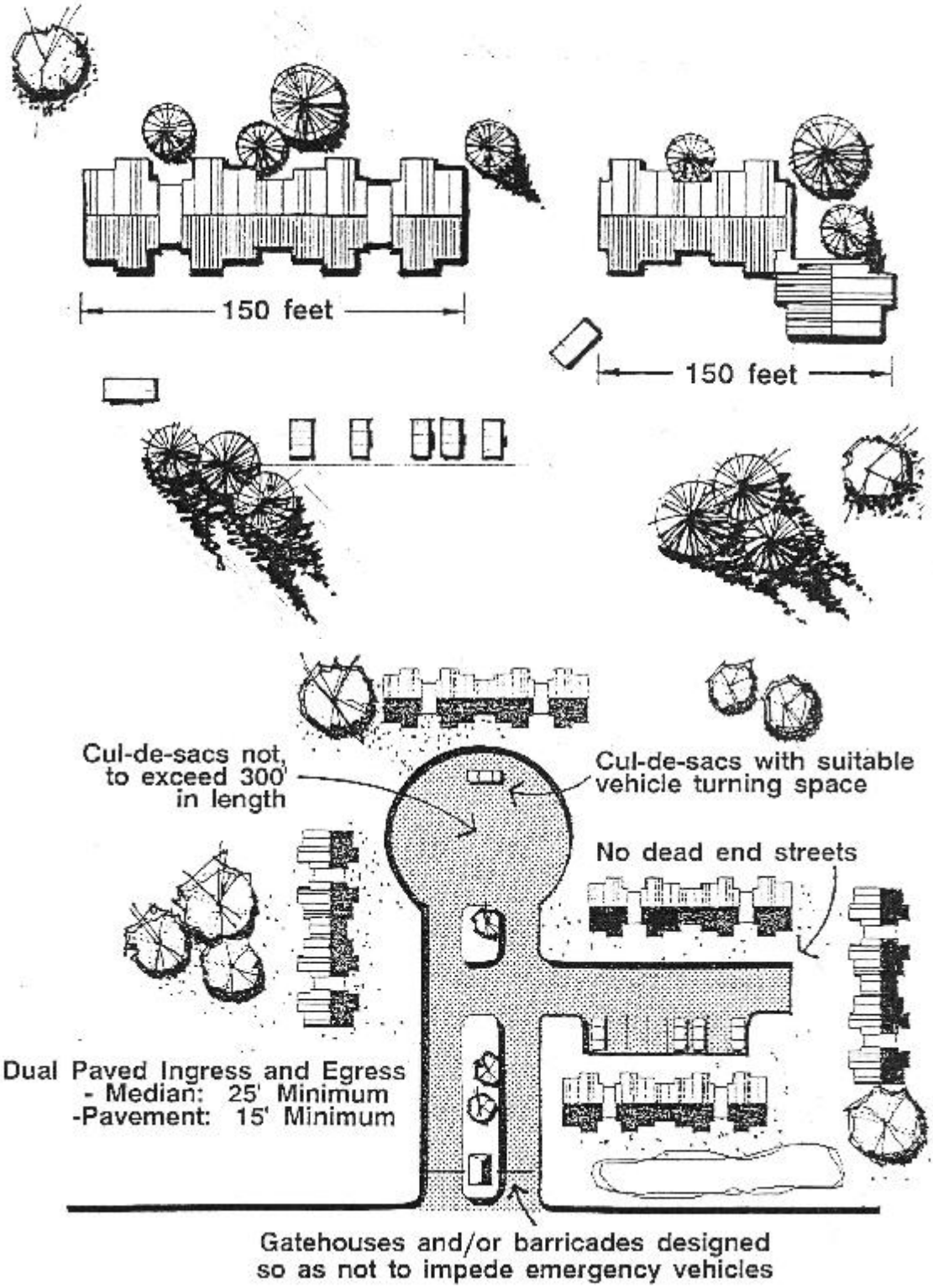
(1) The property directly across the street from the development under consideration is zoned for multiple family or non-residential use, or
(2) The property directly across the street is developed with permanent uses other than single family residences, or
(3) The proposed development is in an area which, based on study by the Planning Commission, will eventually be used for purposes other than single family use.

b. **Emergency Access.** All dwelling units, including those under construction, shall be readily accessible by fire and emergency vehicles from a paved public street, paved private access road, or other approved paved area. Private roads or driveways dedicated as fire lanes shall be posted with signs indicating "Fire Lane, No Parking." To facilitate emergency vehicle access, the following guidelines shall be complied with:

(1) All roadways shall be paved and bi-directional allowing for both ingress and egress. A boulevard may be utilized to provide bi-directional traffic movement, provided that the median strip is a minimum of twenty-five (25) feet in width, and the width of each paved moving lane in each direction is at least fifteen (15) feet.
(2) Streets with no outlet shall be terminated with a T-turnaround, designed in accordance with standards established and periodically updated by the Road Commission of Kalamazoo County. Such streets with no outlet shall not exceed three hundred (300) feet in length.

c. **Street Dimensions.** On-site streets and drives shall comply with the standards in Section 2.20, subsection C.

BUILDING LENGTH



ACCESS AND CIRCULATION
Section 8.03, sub-section A.5

6. Sidewalks
   Sidewalks shall be provided within the development, located no less than five (5) feet from and parallel to access drives. Such sidewalks shall provide convenient access to community buildings and between parking areas and dwelling units. The sidewalks shall be designed and constructed in accordance with Section 2.18.

7. Parking
   In addition to the requirements set forth in Article 4.00, multiple family developments shall comply with the following requirements:

   a. **Location.** Required parking shall be located in parking lots or individual driveways, and not in streets or access drives. Parking may be permitted in required side and rear yard setback areas provided that parking lots and access drives shall be located a minimum of ten (10) feet from any property line or public right-of-way. Parking lots and access drives shall not be located closer than twenty-five (25) feet to a wall of any residential structure that contains windows or doors, nor closer than ten (10) feet to a wall of any residential structure that does not contain openings.

   b. **Distance from Dwelling Units.** Parking shall be located within one hundred and fifty (150) feet of the dwelling units the parking is intended to serve, measured along the sidewalk leading to the parking lot.

   c. **Parking for Community Building.** Parking shall be provided for community buildings as specified in Article 4.00.

8. Lighting
   All parking areas, building entrances, sidewalks, and ramps shall be illuminated to ensure the security of property and the safety of persons using such areas, in accordance with the requirements set forth in Section 2.12.

9. Landscaping
   Multiple family developments shall be landscaped in accordance with Section 5.03. Parking areas shall be screened from adjoining land that is zoned or used for single family residential use, in accordance with Section 5.02.

10. Open Space
    Open space shall be provided in any multiple family development containing eight (8) or more units. The open space shall comply with the following requirements:

    a. **Size.** Total open space required shall be based on the number and size of units, as indicated in the following chart, provided that each development shall contain a minimum of ten thousand (10,000) square feet of open space.

Type of Unit	Open Space Required per Unit
Efficiency unit	170 sq. ft. per unit
1 bedroom unit	250 sq. ft. per unit
2 bedrooms or more	350 sq. ft. per unit

    b. **Location.** Open space shall be located conveniently in relation to the majority of dwelling units intended to be served. Swamp areas, marshy areas, and similar limited-use areas shall not be included in the required open space.

    c. **Use of Open Space.** Uses permitted within the required open space include picnic and sitting areas, playground and park space, play equipment, tennis courts, shuffleboard courts, and similar outdoor recreation facilities.

    d. **Phasing.** Open space improvements shall be completed in proportion to the number of units constructed in each phase.

11. Garages
    Garages shall be permitted for each unit, in accordance with the provisions for accessory uses in Section 2.03.

C. Open Space Preservation Option

Open Space Preservation developments may be approved in the R-1 and R-2 districts, subject to the standards and review procedures set forth herein.

1. Purpose

   The purpose of Open Space Preservation Option is to preserve undeveloped land, thereby maintaining undeveloped open space. The regulations in this sub-section C propose to accomplish this purpose by providing for grouping of homes onto the most buildable portions of a site so that the remainder of the site can be preserved in an undeveloped state.

   As used in this subsection, the term "undeveloped state" shall have the meaning given to it in Section 102(t) of the Michigan Zoning Enabling Act (P.A. 110 of 2006), which states the following:

   "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 the use of the public.

2. Applicability. Parcels measuring twenty (20) acres or larger in the R-1 and R-2 districts may be developed according to the standard conditions and requirements for the zoning district, or it may be developed according to the Open Space Preservation Option standards in this sub-section. If the Open Space Preservation Option is selected, the property shall be developed under the conditions and requirements in this sub-section, other applicable zoning regulations, and other applicable Township ordinances. The Open Space Preservation Option may be used only if the subject property is served by a public sanitary sewer system.

3. Review and Approval Process

   Proposals for Open Space Preservation development shall be reviewed following the same procedures used for conventional subdivision or condominium proposals, except that the applicant shall complete a site features inventory prior to development. The inventory shall consist of maps and written analysis which shall identify, describe and quantify the following features, at minimum: existing vegetation, topography at two-foot contour intervals, water courses, drainage patterns, wildlife habitats, roads and road rights-of-way, easements, soils (based on Natural Resources Conservation Service soils information or soil borings), MDEQ-regulated wetlands, floodplains, woodlands and tree lines, rare and endangered species habitats, and any additional features uniquely affecting the site.

4. Permitted Density

   The overall density of residential uses in an Open Space Preservation development shall not exceed the density that would be permitted if the site were developed as a conventional single family subdivision.

   The permitted density shall be based on the net buildable area of the site which consists of the portions of the site that are not encumbered by regulated wetlands (except that one-quarter of the total wetlands may be counted as buildable), steep slopes, existing and proposed road rights-of-way, easements, existing structures or other existing or proposed features that would prevent construction of a building or use of the site for residential purposes.

   To assist the Planning Commission in determining net buildable area and maximum density, the applicant shall submit an alternative plan that shows how the site could be developed under conventional zoning.

   Modifications permitted under the Open Space Preservation Option that result in reduction in land area dedicated to individual dwelling units shall be compensated for by an equivalent amount of open space, which shall be maintained and preserved in accordance with the standards specified in this subsection.

5. Dimensional Standards

   a. **Setbacks.** Open Space Preservation developments shall comply with the following minimum yard setback requirements:

Building Setbacks	
Along perimeter adjacent to public road	50 ft.
Along perimeter, but not adjacent to a road	35 ft.
Along an internal or local road	40 ft.
Along an internal primary road	50 ft.
Setback from a lake, pond, stream or wetlands	60 ft.

The minimum rear and side yard setback for detached single family structures and accessory structures thereto shall be based on sound planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space for the use of residents on the site.

Parking Lot Setbacks	
Along perimeter adjacent to public road	50 ft.
Along perimeter, but not adjacent to a road	20 ft.
Setback from lakes, ponds, streams, and wetlands	60 ft.

Docks, bulkheads, patios, terraces, decks, gazebos, and pathways shall be permitted within the 60-ft. waterfront/wetland setback, subject to review and approval by the Township Board, upon receiving a recommendation from the Planning Commission.

b. **Minimum Lot Size.** Open Space Preservation developments shall comply with the following minimum lot size requirements:

Zoning District	Minimum Lot Size
R-1	10,000 sq. ft.
R-2	8,500 sq. ft.

Variation from these lot size standards may be required or permitted where the Planning Commission finds that smaller lot size is required to achieve the density permitted under sub-section C.4, above.

c. **Distances between Buildings.** Any detached single family structure (or accessory structure thereto) shall be located at least fifteen (15) feet from any other detached single family structure or accessory structure.

d. **Floor Area and Height Standards.** Buildings in an Open Space Preservation development shall comply with the floor area and height standards for the district in which the development is located.

6. Open Space Requirements
Open Space Preservation developments shall provide and maintain open space in an undeveloped state, which shall comply with the following requirements:

a. Open Space Preservation developments shall reserve at least fifty percent (50%) of the parcel in an undeveloped state.

b. Open space shall be located on the parcel to meet the following objectives:

(1) To preserve distinctive natural features, scenic or wooded conditions, and rural characteristics.
(2) To minimize impact from development on wetlands, streams, and other sensitive environmental areas.
(3) To maintain open character along roads.

In addition, no more than twenty-five percent (25%) of the open space may be developed with children's play facilities, picnic facilities, trails, and similar passive recreational facilities to satisfy the needs of future residents of the development, provided that all such facilities shall be compatible in design with other open space requirements and objectives.

c. Required open space shall not include the area of any public or private road, the area of any easement providing access to the site, the area of any commercial recreation use (such as a golf course), or the area of any stormwater retention or detention pond.

d. The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction, conservation easement, plat dedication, restrictive covenant, or other means that runs with the land, whereby all rights to develop the land are conveyed to a land conservation organization or other body, assuring that the open space will remain undeveloped. Such conveyance shall:

(1) Indicate the proposed use(s) of the required open space.
(2) Provide for the privately-owned open space to be maintained by private property owners having an interest in the open space.

(3) Provide maintenance standards and a maintenance schedule.
(4) Provide notice of possible assessment to the private property owners by Kalamazoo Township for the maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.
(5) After approval from the Township, the developer shall record with the Kalamazoo County Register of Deeds to provide record notice of the restrictions to all persons having or seeking an interest in the property contained in the Open Space Preservation development. Evidence that the document has been recorded shall be provided to the Township prior to issuance of any permits to commence construction.

7. Building Location
Where feasible, Open Space Preservation developments shall comply with the following building location requirements. Modification to these locational requirements may be approved by the Township as part of the review process, upon making the determination that other building locations would be more appropriate because of topography, existing trees or vegetation, proposed grading or landscaping, or other existing or proposed site features or conditions.

a. Buildings shall be located on the edges of fields and in wooded areas to minimize the visual impact of development. Buildings should not be located in open fields.

b. Buildings shall not be located on the tops of ridge lines or in areas with slopes that exceed 35 percent.

c. Buildings shall not be located in wetlands or floodplains.

d. Buildings shall be set back as far back from public roads as possible so as to maintain the rural appearance of the Township from the road. This goal can also be achieved by placing buildings behind or within a woodlands or tree line that screens the buildings from the road.

8. Roads and Driveways
The amount of site disruption caused by road and driveway construction and associated grading required for construction shall be minimized in Open Space Preservation developments. Accordingly, Open Space Preservation developments shall comply with the following standards:

a. Roads shall follow existing contours to minimize the amount of cut and fill.

b. Where sites include linear features, such as existing access roads, tree lines, and stone rows, roads shall follow these features to minimize the visual impact of the roads.

c. Roads shall not be located in open fields.

9. Stormwater Management

a. Retention and detention basins, where proposed or required, shall resemble natural ponds with gradual slopes and shall be landscaped with plant material that enhances the wildlife habitat.

10. Landscaping and Lawns

a. Existing trees and other plant growth shall be preserved in areas where disturbance is not necessary outside of the building envelope.

b. Conversion of woods, meadows, and other natural features into lawns shall be avoided, except where lawn areas are a part of the open space design or serve as residential yard space.

11. Existing Structures

a. When a parcel contains existing structures deemed to be of historic, cultural or architectural significance (such as farm structures), and where these structures are suitable for rehabilitation, the structures shall be retained.

b. Adaptive reuse of existing structures for residential use or permitted accessory residential uses shall be permitted.

c. **Building Design.** Housing units shall be designed in a manner that is compatible with surrounding development and the natural environment. Accordingly, when a development faces or abuts a conventional single family subdivision the facades and orientation of the conventional units shall be used as a guide for the design and layout of the single family attached units.

d. **Roads and Utilities.** Proposed roads and utilities in a single family attached development shall comply with adopted Township standards, and shall be subject to review and approval by the Township Engineer.

e. **Review and Approval Process.** Proposals for Single Family Attached development shall be reviewed in accordance with applicable procedures for Special Land Use Section 29.03.

D. Senior Housing

Senior housing shall be subject to the following regulations:

1. Intent
It is the intent of these regulations to permit the development of senior housing in the Township upon determining that the location, size, design, and operating characteristics of the use will be compatible with the surrounding neighborhood. In making this determination, consideration shall be given to the scale, coverage, and density of development; to the availability of utilities and services; to the generation of traffic and capacity of surrounding roads; and to other relevant impacts.

2. Minimum Site Size
The minimum site size for a senior housing development shall be based on compliance with setbacks, maximum coverage, parking, open space, and other requirements set forth herein.

3. Project Density
The number of dwelling units within the facility shall not exceed twelve (12) units per net acre for senior apartments, congregate housing and other types of independent living, and twenty-four (24) units per net acre for assisted living and other types of dependent living. Regulated wetlands on the site may not be counted as part of the net acreage for the purposes of determining project density.

4. Setbacks
The minimum setbacks for senior housing shall be as follows:

a. Front: 40 feet from the planned road right-of-way line
b. Each Side: 30 feet
c. Rear: 30 feet

5. Spacing between Buildings
Where more than one building is proposed in a senior housing complex, the minimum spacing between buildings shall be in accordance with the following requirements:

Building Relationship	Minimum Building Separation
Front to Front	60 feet
Front to Rear	60 feet
Rear to Rear	60 feet
Side to Side	20 feet
Front to Side	50 feet
Rear to Side	50 feet

6. Minimum Floor Area Per Unit
The minimum floor area per dwelling unit shall be as follows:

Type of Unit	Independent Living (including senior apartments and congregate housing)	Dependent Living (including assisted living)
Studio or Efficiency	450 sq. ft.	325 sq. ft.
1 bedroom	600 sq. ft.	425 sq. ft.
2 bedroom	800 sq. ft.	600 sq. ft.
3 or more bedrooms	800 sq. ft. + 150 sq. ft for each additional room over four	600 sq. ft. + 150 sq. ft for each additional room over four

7. Building and Site Design

   a. **Building Length.** The maximum permitted building length along any one continuous plane shall be 225 feet. A continuous plane is defined as an uninterrupted wall, without breaks or corners, other than architectural features customarily found, such as porches, bay windows, projections and/or recesses. A building that turns a corner of at least a 90 degree angle shall be considered an "end" at that corner.

   b. **Building Articulation.** Building facades of greater than one hundred (100) feet in length shall incorporate recesses or projections to break up the expanse of the building elevation.

   c. **Roof.** Roofs shall be sloped with a pitch of no less than 5:12. Variations in roof lines are encouraged to reduce the scale of the building and to add interest.

   d. **Sidewalks.** Sidewalks shall be provided from the main building entrance(s) to parking areas and to sidewalks along adjacent public or private roads.

   e. **Resident Access.** The pick-up/drop-off of residents shall be provided at the front entrance of the building with a covered canopy.

8. Building Height
   The senior housing facility shall comply with the maximum building height for the district in which it is located.

9. Maximum Coverage
   The maximum coverage of the site by buildings shall be limited to twenty-five percent (25%) of the net site area (not including planned right-of-way).

10. Parking
    Parking for senior housing shall comply with the following requirements:

Use	Required Number of Parking Spaces per Unit of Measure*
Senior Apartments	2 spaces per Dwelling Unit
Dependent Living, Assisted Living	One (1) per four (4) units, plus one (1) per employee based on the greatest number of employees in any one shift
Congregate Care	One (1) per two (2) units, plus one (1) per employee based on the greatest number of employees in any one shift
Independent Living	One (1) per unit, plus one (1) per employee based on the greatest number of employees in any one shift

    * The Planning Commission may reduce the parking requirements set forth in this table if the applicant provides credible evidence that fewer spaces are needed due to, for example, the operation of a transportation system for residents.

11. Loading
    Loading areas shall be located to the side or rear of the building being served such that it is screened from view from adjoining roads and adjacent residential area.

12. Vehicular Access
    All vehicular access to the site shall be from a paved collector or primary road. The Planning Commission may allow secondary access from local streets upon making the determination that such access will not create or exacerbate traffic congestion or create unsafe traffic or pedestrian conditions. Vehicles must be able to easily circulate within and through the site to designated pick-up/drop-off areas with impeding circulation on the site or traffic on adjacent roads.

13. Open Space
    Common outdoor landscaped open space shall be provided for residents, subject to the following:

a. Landscaped open space for residents shall constitute a minimum of fifteen percent (15%) of the total site. Enclosed courtyards may be counted as landscaped open space.

b. Recreation facilities such as paved walkways and covered sitting areas shall be provided in a manner that meets the needs of the resident population.

c. Road rights-of-way, required setback areas, and access drives shall not be counted as required landscaped open space. Ten percent (10%) of the submerged land areas of a pond, lake, or stream, and wetlands may be counted as required landscaped open space.

14. Lighting
All parking areas, building entrances, sidewalks, and ramps shall be illuminated to ensure the safety of persons using such areas and the security of property, in accordance with the requirements set forth in Section 2.12.

15. Landscaping and Screening
Senior housing developments shall comply with the landscaping and screening requirements in Article 5.00.

16. Resident Services
Support services offered solely to residents may be permitted provided that such services are contained with the principal building and are accessory to the principal senior residential use. Such support services include, but are not necessarily limited to: congregate dining, health care, personal services, private meeting rooms, and social, recreational and educational facilities and programs.

E. Model Homes

Model homes in subdivisions and condominiums shall comply with the following standards:

1. Permitted Use
The model home shall be used solely as a sales and promotion office for the subdivision in which the home is located. The model home shall not be used to conduct other business, or as a model home to promote sales in other subdivisions.

2. Termination
Use of the home for sales and promotion shall cease as soon as all lots in the subdivision are sold to potential end users or in two (2) years, whichever occurs sooner, whereupon the model home shall be offered for sale for use as a dwelling unit. Prior to expiration of the initial or subsequent approvals, the applicant may seek a one (1) year extension from the Planning Commission.

3. Appearance
The model home and site shall be maintained to look like a typical single family dwelling at all times. However, one identification sign shall be permitted, subject to the following requirements:

Maximum size: six (6) square feet
Maximum height: six (6) feet
Type: ground or wall
Location: sign shall comply with setback requirements for district

4. Parking
A minimum of two (2) temporary paved off-street parking spaces shall be provided per employee. Off-street parking shall comply with the requirements in Article 4.00.

F. Special Housing

Special housing, as defined in Section 1.03, shall be subject to the following requirements:

1. Maximum Density
No more the thirty-two (32) bedrooms per acre shall be permitted.

2. Number of Bedroom per Building
No more than twenty-four (24) bedrooms shall be allowed per buildings.

3. Outdoor Storage
Outdoor storage of equipment is prohibited, except for bicycles attached to bicycle racks.

4. Sidewalks
   Special housing developments shall be provided with sidewalks, pursuant to Section 2.18.

5. Architectural Design
   The architectural design of primary and accessory buildings shall be compatible with the design of surrounding buildings.

6. Open Space
   A minimum of fifteen percent (15%) of the gross site area shall be set aside as landscape open space, which shall meet the requirements of Section 5.02(A).

7. Trash Receptacle Screening
   Trash receptacles (dumpsters) shall be screened pursuant to Section 2.22.

ARTICLE 9.00

Performance Standards

Section 9.01 Intent and Scope of Application

A. Intent

The purpose of this Article is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health, safety, and welfare.

B. Scope of Application

After the effective date of this Ordinance, no structure or tract of land shall hereafter be used, created or occupied, and no structure, or part thereof, shall be erected, altered, reconstructed, or moved, except in conformity with all applicable performance standards set forth in this Article. No site plan or other land use or development application shall be approved unless evidence is presented to indicate conformity with the requirements of this Article.

C. Submission of Additional Data

Nothing in this Article shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the Planning Commission may waive or modify the regulations set forth in this Article, provided that the Planning Commission finds that no harm to the public health, safety, and welfare will result and that the intent of this Ordinance will be upheld.

Section 9.02 Performance Standards

No activity, operation or use of land, buildings, or equipment shall be permitted if such activity, operation, or use produces an environmental impact or irritant to sensory perception which exceeds the standards set forth in this Section.

A. Noise

No new or substantially modified structure shall be approved for construction unless the owner or developer of such land demonstrates that the completed structure and the activities associated with and on the same property as the structure will not generate a noise disturbance that exceeds the limits established in the Anti-Noise and Public Nuisance Ordinance at the time of initial full-scale operation of such activities.

B. Surface Water Flow

No site plan review application and no proposal for division of land shall be approved if subsequent development within the required setbacks would result in identifiable disruption to the existing or natural flow of water within drainage ditches, natural water courses, or drains having a recorded easement, unless evidence of a feasible alternate method of drainage is presented and approved by the Township Engineer and County Drain Commissioner, as appropriate.

C. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion

Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Natural Resources and Environmental Protection Act, Michigan Public Act 451 of 1994, as amended, or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.

D. Odor

Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.

E. Glare and Heat

Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half (1/2) of one (1) foot candle when measured at any point along the property line of the site on which the operation is located. Any operation which produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

F. Impacts from Other Activities

Property owners shall provide the Township with evidence of compliance with county, state and federal laws, ordinances, rules and regulations related to any of the following activities:

1. Storage and handling of flammable liquids, liquefied petroleum, and explosives.
2. Use of above or below ground storage tanks to contain flammable or toxic material.
3. The storage, use, or manufacture of detonable material.
4. Emission of gasses that could be injurious or destructive to life or property.
5. Use of electronic equipment in an industrial, commercial, residential or other operation.
6. Use of radioactive material and production of radioactive waste.
7. Use of solar panels or wood burners.
8. Wind-powered generators.

Section 9.03 Procedures for Determining Compliance

In the event that the Township receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in this Article, the following procedures shall be used to investigate, and if necessary, resolve the violation:

A. Official Investigation

Upon receipt of evidence of possible violation, the Zoning Enforcement Officer shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. The Zoning Enforcement Officer may initiate an official investigation in order to make such a determination.

Upon initiation of an official investigation, the Zoning Enforcement Officer is empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate the use and/or deny or cancel any permits required for continued use of the land. Data which may be required includes, but is not limited to the following:

1. Plans of the existing or proposed facilities, including buildings and equipment.

2. A description of the existing or proposed machinery, processes, and products.

3. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Article.

4. Measurement of the amount or rate of emissions of the material purported to be in violation.

B. Method and Cost of Determination

The Zoning Enforcement Officer shall take measurements and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately made by the Zoning Enforcement Officer equipment and personnel normally available to the Township without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and equipment or instruments shall be secured in order to make the required determination.

If the alleged violation is found to exist, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists then the costs of this determination shall be paid by the Township.

C. Appropriate Remedies

If, after appropriate investigation, the Zoning Enforcement Officer determines that a violation does exist, the Zoning Enforcement Officer shall take or cause to be taken lawful action as provided by this Ordinance to eliminate such violation. The owners or operators of the facility deemed response shall be given written notice of the violation. The

Zoning Enforcement Officer shall take appropriate action in accordance with the owner or operator's response to the notice of violation. Appropriate action includes the following:

1. Correction of Violation within Time Limit
   If the alleged violation is corrected within the specified time limit, even if there is no reply to the notice, the Zoning Enforcement Officer shall note "Violation Corrected" on the Township's copy of the notice, and the notice shall be retained on file. If necessary, the Zoning Enforcement Officer may take other action as may be warranted by the circumstances of the case, pursuant to the regulations in this and other ordinances.

2. Violation Not Corrected and No Reply from Owner or Operator
   If there is no reply from the owner or operator within the specified time limits (thus establishing admission of violation, as provided Section 9.03, sub-section A), and the alleged violation is not corrected in accordance with the regulations set forth in this Article, then the Zoning Enforcement Officer shall take such action as may be warranted to correct the violation, as specified in Section 26.10, Violations and Penalties.

3. Reply Requesting Extension of Time
   If a reply is received within the specified time limit indicating that an alleged violation will be corrected in accordance with the regulations set forth in the Zoning Ordinance, but that more time is required than was granted by the original notice, the Zoning Enforcement Officer may grant an extension if:

   a. The Zoning Enforcement Officer deems that such extension is warranted because of the circumstances in the case, and

   b. The Zoning Enforcement Officer determines that such extension will not cause imminent peril to life, health, or property.

4. Reply Requesting Technical Determination
   If a reply is received within the specified time limit requests further review and technical analysis even though the alleged violations continue, then the Zoning Enforcement Officer may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.

ARTICLE 10.00

Establishment of Zoning Districts

Section 10.01 Creation of Districts

For the purposes of this Ordinance, the Charter Township of Kalamazoo is hereby divided into the following Zoning Districts as shown on the Official Zoning Map:

Residential Districts

R-1	Single Family Residential
R-2	Single and Two-Family Residential
RM-1	Multiple Family Residential
RM-2	Multiple Family/Mixed Use
RM-3	Residential Restricted
MHP	Mobile Home Park

Nonresidential Districts

C-1	Local Commercial
C-2	Commercial Corridor
I-1	Light Industrial
I-2	General Industrial

Other District

PUD	Planned Unit Development

Section 10.02 Adoption of Zoning Map

The boundaries of the Zoning Districts listed in Section 10.01 are hereby established as shown on the Official Zoning Map of the Charter Township of Kalamazoo. The Zoning Map with all notations, references, and other information shown thereon shall be, and is hereby declared to be a part of this Ordinance as if fully described herein.

In accordance with the provisions of this Ordinance and Michigan Public Act 110 of 2006, as amended, changes made in district boundaries and other matters portrayed on the Zoning Map shall be entered on the Zoning Map after the amendment has been approved by the Township Board and has been published in a newspaper of general circulation in the Township. No changes of any nature shall be made to the Zoning Map except in conformity with the procedures set forth in Section 26.06 of this Ordinance.

Regardless of the existence of copies of the Zoning Map which may, from time to time, be made or published, the official Zoning Map shall be located at the Township Hall and shall be the final authority with regard to the current zoning status of all land in the Township.

Section 10.03 Interpretation of District Boundaries

The following rules shall apply to the interpretation of zoning district boundaries:

A. Boundaries indicated as approximately following the center lines of streets, roads, railroad rights-of-way, or alleys shall be construed to follow such center line.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following Township limits shall be construed as following such limits.

D. Boundaries indicated as approximately following the center lines of streams, rivers, or other bodies of water shall be construed to follow such center lines.

E. Boundaries indicated as approximately following the shoreline of a body of water shall be construed to follow such shoreline; in the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline.

F. Boundaries indicated as parallel to or as an extension of features cited in paragraphs A through E above shall be construed as being parallel to or an extension of the features cited. Distances not specified on the official Zoning Map shall be determined using the scale on the map.

G. Where there is any uncertainty, contradiction, or conflict concerning the intended location of zoning district boundaries, the Zoning Board of Appeals shall interpret the exact location of zoning district boundaries.

H. Insofar as some or all of the various districts may be indicated on the zoning map by patterns that, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of the rights-of-way.

Section 10.04 Zoning of Vacated Areas

Whenever any street, alley, or other public way within the Township is vacated, such street, alley, or other public way shall be automatically be classified in the same Zoning District as the property to which it attaches, and shall be subject to the requirements for said Zoning District.

Section 10.05 Zoning of Filled Land

Whenever any fill is permitted in any stream or other body of water, the land created automatically and without further governmental action becomes subject to the same zoning regulations that are applicable to the land to which the newly-created land attaches.

Section 10.06 District Requirements

Buildings and uses in any district shall be subject to all applicable standards and requirements set forth in this Zoning Ordinance, including but not limited to Article 25.00 -- Schedule of Regulations.

ARTICLE 11.00

R-1, Single Family Residential District

Section 11.01 Statement of Intent

The intent of the R-1, Single Family Residential District is to provide neighborhoods of predominantly one-family detached dwellings that are developed consistent with the established or desired form of the area, along with other associated uses and facilities (e.g. cultural, religious, education, governmental) that serve residents of the district.

It is further the intent of this district to prohibit or restrict land uses that would interfere with the development or maintenance of single-family neighborhoods; generate traffic on local roads in excess of typical residential traffic; or, create public service costs and requirements in excess of the costs and requirements of a typical single-family residential neighborhood.

Preservation of open space, protection of flood prone areas, protection of wooded areas, and preservation of natural features is encouraged.

Section 11.02 Permitted Uses and Structures

A. Principal Permitted Uses

In the R-1, Single Family Residential District no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this ordinance:

1. Single family detached dwellings.
2. Publicly owned and operated libraries, parks, playgrounds, and recreational facilities.
3. Private subdivision parks.
4. Municipal buildings and uses.
5. Public, parochial and other private elementary, intermediate, and/or high schools offering courses in general education, and not operated for profit, and not including driving schools or educational facilities operated for profit.
6. The keeping of common household pets shall be permitted without a permit provided they are not kept for purposes of breeding, boarding, sale or transfer. However, no more than three (3) dogs or cats, of more than six (6) months old, shall be permitted on any lot or parcel.
7. Family day care homes.
8. Child foster family homes, child foster family group homes, and adult foster family homes.
9. Home occupations, subject to Section 2.08.
10. Essential services, as defined in Section 1.03.
11. Garage and yard sales, pursuant to Section 8.02.
12. Accessory buildings and accessory uses customarily incidental to any of the above principal permitted uses, containing not more than 768 sq. ft., subject to the requirements in Section 2.03.
13. Uses determined to be similar to the above principal permitted uses and which are not listed below as special land uses.

B. Special Land Uses

The following uses may be permitted by the Planning Commission pursuant to Section 26.03, after site plan review and a public hearing, and subject to other reasonable conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the health, safety and general welfare, of the abutting property, neighborhood and Township:

1. Accessory apartments, subject to Section 8.03(A).
2. Bed and breakfast establishments, subject to Section 8.02(G).
3. Cemeteries, subject to Section 8.02(J).
4. Golf courses (excluding miniature golf courses), subject to Section 8.02(Q).
5. Religious institution.
6. Group day care home.
7. Private, not-for-profit, recreational facilities located within permitted residential subdivisions or permitted residential condominium developments including: community buildings; racquet courts (tennis, platform tennis, racquet ball, etc.), provided there is no spectator seating; swimming pools and related facilities; beach facilities; and stables, subject to Section 26.
8. Adult foster care small group home.
9. Adult foster care large group home.
10. Home-based business, subject to Section 2.08.
11. Accessory buildings and accessory uses customarily incidental to any of the above special land uses, where the gross area is greater than 768 sq. ft., subject to the requirements in Section 2.03.
12. Special land uses determined to be similar to the above special land uses.

Section 11.03 Development Standards

A. Area, Height and Bulk Requirements

See Article 25.00, Schedule of Regulations, limiting the height and bulk of buildings, the minimum lot size permitted by land use, and the maximum density permitted.

B. Site Plan Review

Site plan review and approval is required for all uses except detached single-family residential dwellings, in accordance with Section 26.02, unless otherwise excluded by state law.

C. Planned Unit Development

Planned unit development is permitted as a regulatory option to achieve the intent of this district, in accordance with Article 21.00 and Section 26.04.

D. Open Space Preservation Option

The open space preservation option is permitted in the R-1 District, pursuant to Section 8.03, sub-section C, as a means of permitting residential use and preserving open space.

ARTICLE 12.00

R-2, Single and Two-Family Residential District

Section 12.01 Statement of Purpose

The intent of the R-2, Single and Two-Family Residential District is to provide neighborhoods consisting of two-family dwellings and single-family dwellings on smaller lots than permitted in the R-1 district. It is intended that new development be consistent with the established or desired form of the area. The R-2, district is intended to accommodate associated uses and facilities (e.g., cultural, religious, education, governmental) that serve residents of the district.

It is further the intent of this district to prohibit or restrict land uses that would interfere with the development or maintenance of neighborhoods; generate traffic on local roads in excess of typical residential traffic; or, create public service costs and requirements in excess of the cost and requirements for a typical R-2 residential development.

Preservation of open space, protection of flood prone areas, protection of wooded areas, and preservation of natural features is encouraged.

Section 12.02 Permitted Uses and Structures

A. Principal Permitted Uses

In the R-2, Single and Two-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this ordinance:

1. Single-family detached dwellings.
2. Two-family dwellings.
3. Publicly owned and operated libraries, parks, playgrounds, and recreational facilities.
4. Private subdivision parks.
5. Municipal buildings and uses (including fire stations).
6. Public, parochial and other private elementary, intermediate, and/or high schools offering courses in general education, and not operated for profit, and not including driving schools or educational facilities operated for profit.
7. The keeping of common household pets shall be permitted without a permit provided they are not kept for purposes of breeding, boarding, sale or transfer. However, no more than three (3) dogs or cats, of more than six (6) months old, shall be permitted on any lot or parcel.
8. Family day care homes.
9. Child foster family homes, child foster family group homes, and adult foster family homes.
10. Home occupations, subject to Section 2.08.
11. Religious institution.
12. Essential services, as defined in Section 1.03.
13. Garage and yard sales, pursuant to Section 8.02(P).

14. Horticultural or truck farming, together with the right to operate a roadside stand on the premises, where goods produces on the premises may be sold at wholesale or retail. Outdoor display of goods and produce shall not exceed 200 sq. ft. in area. Produce not grown on the premises may be sold provided such sales is clearly incidental to the sale of produce grown on the premises.

15. Accessory buildings and accessory uses customarily incidental to any of the above principal permitted uses, containing no more the 768 sq. ft., subject to the requirements in Section 2.03.

16. Uses determined to be similar to the above principal permitted uses and which are not listed below as special land uses.

B. Special Land Uses

The following uses may be permitted by the Planning Commission pursuant to Section 26.03, after site plan review and a public hearing, and subject to other reasonable conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the health, safety and general welfare, of the abutting property, neighborhood and Township:

1. Accessory apartments, subject to Section 8.03 (A).

2. Bed and breakfast establishment, subject to Section 8.02 (G).

3. Cemeteries, subject to Section 8.02(J).

4. Golf courses (excluding miniature golf courses), subject to Section 8.02(Q).

5. Group day care homes, subject to Section 8.02(T).

6. Private, not-for-profit, recreational facilities, including but not limited to: sports fields (such as soccer, lacrosse, rugby, ball fields, etc.), racquet courts (tennis, platform tennis, racquetball, etc.), swimming pools and related facilities, beach facilities, and stables, provided there is no spectator seating and no use of motorized recreational vehicles.

7. Adult foster care small group home.

8. Adult foster care large group home.

9. Governmental activities and uses, pursuant to Section 8.02(R).

10. Hospitals, pursuant to Section 8.02(V).

11. Counseling facilities, medical and psychological treatment facilities, pursuant to Section 8.02(L).

12. Home-based business, subject to Section 2.08.

13. Accessory buildings and uses customarily incidental to any of the above special land uses, where the gross floor area is greater than 768 sq. ft., subject to the requirements in Section 2.03.

14. Special land uses determined to be similar to the above special land uses.

Section 12.03 Development Standards

A. Area, Height and Bulk Requirements

See Article 25.00, Schedule of Regulations, limiting the height and bulk of buildings, the minimum lot size permitted by land use, and the maximum density permitted.

B. Site Plan Review

Site plan review and approval is required for all uses except detached single-family and two-family residential dwellings, in accordance with Section 26.02, unless otherwise excluded by state law.

C. Planned Unit Development

Planned unit development is permitted as a regulatory option to achieve the intent of this district, in accordance with Article 21.00 and Section 26.04.

D. Open Space Preservation Option

The open space preservation option is permitted in the R-1 District, pursuant to Section 8.03, sub-section C, as a means of permitting residential use and preserving open space.

ARTICLE 13.00

RM-1, Multiple Family Residential District

Section 13.01 Statement of Purpose

The RM-1, Multiple-Family Residential District is intended to provide locations in the Township to accommodate the need for apartment-type dwelling units. The RM-1 district is also intended to accommodate single-family development.

Multiple-family uses in the RM-1 district are subject to design, development, and density, requirements to prevent congestion on public roads, reduce hazards to life and property, and provide basic amenities (such as parks and open space). The requirements, are further intended to ensure compatibility between single-family and multiple-family uses. RM-1 developments are generally considered suitable transition uses between single-family detached housing and nonresidential development.

Section 13.02 Permitted Uses and Structures

A. Principal Permitted Uses

In the RM-1, Multiple Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this ordinance:

1. Single-family detached dwellings.
2. Two-family dwellings.
3. Multiple family dwellings, subject to Section 8.03(B).
4. Publicly owned and operated libraries, parks, playgrounds, and recreational facilities.
5. Private subdivision parks.
6. Municipal buildings and uses (including fire stations).
7. Public, parochial and other private elementary, intermediate, and/or high schools offering courses in general education, and not operated for profit, and not including driving schools or educational facilities operated for profit.
8. The keeping of common household pets shall be permitted without a permit provided they are not kept for purposes of breeding, boarding, sale or transfer. However, no more than three (3) dogs or cats, of more than six (6) months old, shall be permitted on any lot or parcel.
9. Family day care homes.
10. Child foster family homes, child foster family group homes, and adult foster family homes.
11. Home occupations, subject to Section 2.08.
12. Religious institution.
13. Essential services, as defined in Section 1.03.
14. Garage and yard sales, pursuant to Section 8.02(P).

15. Accessory buildings and accessory uses customarily incidental to any of the above principal permitted uses, containing no more the 768 sq. ft., subject to the requirements in Section 2.03.

16. Uses determined to be similar to the above principal permitted uses and which are not listed below as special land uses.

B. Special Land Uses

The following uses may be permitted by the Planning Commission pursuant to Section 26.03, after site plan review and a public hearing, and subject to other reasonable conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the health, safety and general welfare, of the abutting property, neighborhood and Township:

1. Bed and breakfast establishment, subject to Section 8.02 (G).

2. Cemeteries, subject to Section 8.02(J).

3. Group day care homes, subject to Section 8.02(T).

4. Private, not-for-profit, recreational facilities located within permitted residential subdivisions or permitted residential condominium developments including: community buildings; racquet courts (tennis, platform tennis, racquet ball, etc.), provided there is no spectator seating; swimming pools and related facilities; beach facilities; and stables, subject to Section 26.

5. Adult foster care small group home.

6. Adult foster care large group home.

7. Governmental activities and uses, pursuant to Section 8.02(R).

8. Home-based business, subject to Section 2.08.

9. Accessory buildings and uses customarily incidental to any of the above special land uses, where the gross floor area is greater than 768 sq. ft., subject to the requirements in Section 2.03.

10. Special land uses determined to be similar to the above special land uses.

Section 13.03 Development Standards

A. Area, Height and Bulk Requirements

See Article 25.00, Schedule of Regulations, limiting the height and bulk of buildings, the minimum lot size permitted by land use, and the maximum density permitted.

B. Site Plan Review

Site plan review and approval is required for all uses except detached single-family and two-family residential dwellings, in accordance with Section 26.02, unless otherwise excluded by state law.

C. Planned Unit Development

Planned unit development is permitted as a regulatory option to achieve the intent of this district, in accordance with Article 21.00 and Section 26.04.

ARTICLE 14.00

RM-2, Multiple Family/Mixed Use District

Section 14.01 Statement of Purpose

The intent of the RM-2, Multiple-Family/Mixed Use District is to provide locations in the Township that can accommodate a mixture of single-family, two-family, and multiple-family housing. The RM-2 district also allows a limited range of commercial uses to complement the residential uses. Buildings in the RM-2 district may be designed to accommodate a combination of residential and commercial uses (such as a live-work unit), or a combination of different types of commercial uses (such as retail and office). Commercial uses should not create loud noises, vibration, smoke, glare, heavy traffic, or other impacts that would disrupt the quality of life in surrounding residential areas. Furthermore, the commercial uses should be compatible with adjacent residential development in appearance and scale.

Section 14.02 Permitted Uses and Structures

A. Principal Permitted Uses

In the RM-2, Multiple Family/Mixed Use District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this ordinance:

1. Single-family detached dwellings.
2. Two-family dwellings.
3. Multiple family dwellings, subject to Section 8.03(B).
4. Publicly owned and operated libraries, parks, playgrounds, and recreational facilities.
5. Private subdivision parks.
6. Municipal buildings and uses (including fire stations).
7. Public, parochial and other private elementary, intermediate, and/or high schools offering courses in general education, and not operated for profit, and not including driving schools or educational facilities operated for profit.
8. The keeping of common household pets shall be permitted without a permit provided they are not kept for purposes of breeding, boarding, sale or transfer. However, no more than three (3) dogs or cats, of more than six (6) months old, shall be permitted on any lot or parcel.
9. Family day care homes.
10. Child foster family homes, child foster family group homes, and adult foster family homes.
11. Home occupations, subject to Section 2.08.
12. Religious institution.
13. Essential services, as defined in Section 1.03.
14. Garage and yard sales, pursuant to Section 8.02(P).
15. Financial institutions, including banks, credit unions, and savings and loan associations.

16. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, insurance, real estate sales, and similar occupations.

17. Barber shops, beauty parlors, and tanning salons.

18. Medical and dental offices.

19. Funeral parlors, subject to Section 8.02(O).

20. Studios for fine arts (e.g., photography, interior design, etc.)

21. Retail stores, not to exceed 5,000 sq. ft. in floor area (gross).

22. Instructional centers for music, art, dance, crafts, martial arts, and related uses.

23. Hospitality facilities, as defined in Section 1.03.

24. Live-work units, subject to the following conditions:

    a. Living quarters must be above or to the rear of the business.
    b. Commercial space may not be used for residential purposes.
    c. Compliance with the Building and Fire Codes is required.

25. Accessory buildings and accessory uses customarily incidental to any of the above principal permitted uses, containing no more the 768 sq. ft., subject to the requirements in Section 2.03.

26. Uses determined to be similar to the above principal permitted uses and which are not listed below as special land uses.

B. Special Land Uses

The following uses may be permitted by the Planning Commission, singularly or in combination with other permitted uses, pursuant to Section 26.03, after site plan review and a public hearing, and subject to other reasonable conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the health, safety and general welfare, of the abutting property, neighborhood and Township:

1. Bed and breakfast establishment, subject to Section 8.02 (G).

2. Group day care homes, subject to Section 8.02(T).

3. Private, not-for-profit, recreational facilities located within permitted residential subdivisions or permitted residential condominium developments including: community buildings; racquet courts (tennis, platform tennis, racquet ball, etc.), provided there is no spectator seating; swimming pools and related facilities; beach facilities; and stables, subject to Section 26.

4. Adult foster care small group home.

5. Adult foster care large group home.

6. Governmental activities and uses, pursuant to Section 8.02(R).

7. Tattoo parlors and body piercing studios, subject to Section 8.02(PP).

8. Health or exercise club or spa, subject to Section 8.02 (U).

9. Home-based business, subject to Section 2.08.

10. Standard restaurants, as defined in Section 1.03, provided they are compatible in appearance to nearby residences, and not including those having the character of a drive-in or drive-through.

11. Carry-out restaurants, as defined in Section 1.03.

12. Accessory buildings and uses customarily incidental to any of the above special land uses, where the gross floor area is greater than 768 sq. ft., subject to the requirements in Section 2.03.

13. Special land uses determined to be similar to the above special land uses.

14. Hotels and motels, subject to Section 8.02(CC).

15. Clubs, fraternal organizations, and lodge halls.

Section 14.03 Development Standards

A. Area, Height and Bulk Requirements

See Article 25.00, Schedule of Regulations, limiting the height and bulk of buildings, the minimum lot size permitted by land use, and the maximum density permitted.

B. Site Plan Review

Site plan review and approval is required for all uses except detached single-family and two-family residential dwellings, in accordance with Section 26.02, unless otherwise excluded by state law.

C. Planned Unit Development

Planned unit development is permitted as a regulatory option to achieve the intent of this district, in accordance with Article 21.00 and Section 26.04.

ARTICLE 15.00

RM-3, Residential Restricted District

Section 15.01 Statement of Purpose

The intent of the RM-3, Residential Restricted District is to provide locations in the Township that can accommodate a mixture of single-family, two-family and multiple-family housing, as well as "special housing, to accommodate people from colleges, universities, teaching hospitals, and other types of training facilities.

It is further the intent of this district to prohibit or restrict land uses that would interfere with the development or maintenance of residential neighborhoods; generate traffic on local roads in excess of typical residential traffic; or, create public service costs and requirements in excess of the cost and requirements for a typical RM-3 development.

Section 15.02 Permitted Uses and Structures

A. Principal Permitted Uses

In the RM-3, Residential Restricted District no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this ordinance:

1. Single-family detached dwellings.
2. Two-family dwellings.
3. Multiple family dwellings, subject to Section 8.03(B).
4. Publicly owned and operated libraries, parks, playgrounds, and recreational facilities.
5. Private subdivision parks.
6. Public, parochial and other private elementary, intermediate, and/or high schools offering courses in general education, and not operated for profit, and not including driving schools or educational facilities operated for profit.
7. The keeping of common household pets shall be permitted without a permit provided they are not kept for purposes of breeding, boarding, sale or transfer. However, no more than three (3) dogs or cats, of more than six (6) months old, shall be permitted on any lot or parcel.
8. Family day care homes.
9. Child foster family homes, child foster family group homes, and adult foster family homes.
10. Home occupations.
11. Religious institution.
12. Essential services, as defined in Section 1.03.
13. Accessory buildings and accessory uses customarily incidental to any of the above principal permitted uses, containing no more the 768 sq. ft., subject to the requirements in Section 2.03.
14. Uses determined to be similar to the above principal permitted uses and which are not listed below as special land uses.

B. Special Land Uses

The following uses may be permitted by the Planning Commission pursuant to Section 26.03, after site plan review and a public hearing, and subject to other reasonable conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the health, safety and general welfare, of the abutting property, neighborhood and Township:

1. Special housing, as defined in Section 1.03, subject to 8.03(F).
2. Group day care homes, subject to Section 8.02(J).
3. Adult foster care small group home.
4. Adult foster care large group home.
5. Home-based businesses, subject to Section 2.08.
6. Accessory buildings and uses customarily incidental to any of the above special land uses, where the gross floor area is greater than 768 sq. ft., subject to the requirements in Section 2.03.
7. Special land uses determined to be similar to the above special land uses.

Section 15.03 Area, Height and Bulk Requirements

A. Area, Height and Bulk Requirements

See Article 25.00, Schedule of Regulations, limiting the height and bulk of buildings, the minimum lot size permitted by land use, and the maximum density permitted.

B. Site Plan Review

Site plan review and approval is required for all uses except detached single-family and two-family residential dwellings, in accordance with Section 26.02, unless otherwise excluded by state law.

C. Planned Unit Development

Planned unit development is permitted as a regulatory option to achieve the intent of this district, in accordance with Article 21.00 and Section 26.04.

ARTICLE 16.00
MHP, Mobile Home Park District

Section 16.01 Statement

The MHP, Mobile Home Park District is intended to provide for the location and regulation of mobile home parks and ancillary facilities. It is intended that mobile home parks be provided with necessary community services in a setting that provides a high quality of life for residents. MHP districts should be located in areas where they will be compatible (in terms of scale, density, and design) with adjacent uses.

The regulations established by State law (Michigan Public Act 96 of 1987, as amended) and the Michigan Manufactured Housing Commission govern mobile home parks. When regulations in this article exceed the State law or the Michigan Manufactured Housing Commission Rules they are intended to insure that mobile home parks in the Township meet the development and site standards established by this Ordinance for comparable residential development and to promote the health, safety, and welfare of residents.

Section 16.02 Permitted Uses and Structures

A. Principal Permitted Uses

In the MHP, Mobile Home Park District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this Ordinance:

1. Mobile home parks.

2. State licensed or regulated residential care facilities that provide care for up to six individuals.

3. Essential services, subject to the provisions in Section 2.05.

4. Uses and structures accessory to the above, subject to the provisions in this article. Permitted accessory uses and structures include, but are not necessary limited to parks, open space, and recreation facilities for the use of residents and their guests; one office building for the exclusive purpose of mobile home park business; utility and storage buildings for use of residents; garages and carports; and, signs.

Section 16.03 Development Requirements

A. Preliminary Plan Review

Pursuant to Section 11 of Michigan Public Act 96 of 1987, as amended, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans.
In preparing the preliminary plan and when reviewing the plan, the following procedures and requirements shall apply, except where said procedures and requirements are superseded by requirements in Public Act 96 of 1987, as amended, or the Michigan Manufactured Housing Commission Rules:

1. <u>Application Filing</u>
   Any person requesting any action or review under the provisions of this Ordinance shall file an application on the forms provided by the Township. The information required shall be typed or legibly written on the form or on separate sheets attached to the form.

2. <u>Optional Pre-filing Conference</u>
   Applicants may request to meet with Township staff, including any consultants designated by the Township Board, to preliminarily review applications prior to filing. Such pre-filing conferences are intended to assist the applicant and facilitate the future review and approval of the application. However, no suggestions, recommendations, or

other comments made by Township officials, staff or consultants at such conferences shall constitute approval of any application.

3. Processing and Review

   a. Applications accepted by the Township shall be submitted to appropriate Township staff and consultants for their written reviews and recommendations. The application shall be submitted along with all recommendations to the Planning Commission. Official receipt of the application is the time the complete plan arrives or is delivered to the Township Hall.
   b. The staff and consultants may advise and assist the applicant in meeting ordinance requirements but shall have no power to approve or disapprove any application or in any way restrict an applicant's right to seek formal approval thereof.

4. Planning Commission Action
   The Planning Commission shall review all applications at a public meeting. The Planning Commission shall consider all recommendations of the staff and consultants. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action on the preliminary plan within 60 days after the township officially receives the plan. All applications that the Planning Commission has been charged with the authority to approve under the provisions of this Ordinance shall be approved, denied, or approved subject to conditions. The Planning Commission may table an application for further study or to obtain additional information, provided that final action is taken within the 60-day review period.

5. Filing Fees
   a. All applications shall be accompanied by a filing fee to cover the cost of processing and reviewing the application. The fee shall be established by resolution of the Township Board. The filing fee and deposit shall be paid before the approval process begins. Upon notification of deficient payment of fees, administrative officials charged with enforcement of the ordinance shall suspend further review of the application and shall deny any new permits.

   b. Any deposit toward the cost of review shall be credited against the expense to the Township. Any portion of the deposit not needed to pay such expense shall be refunded without interest to the applicant within 30 days of final action on the application.

   c. A schedule of the current filing fees and deposit requirements is available in the offices of the Township Clerk and the Building Department.

6. Disclosure of Interest
   The full name, address, telephone number, and signature of the applicant shall be provided on the application. If the application involves real property in the Township, the applicant must be the fee owner, or have identified legal interest in the property, or be an authorized agent of the fee owner. A change in ownership after the application is filed shall be disclosed prior to the final decision on the application.

   a. Required disclosure when applicant is not fee owner. If the applicant is not the fee owner, the application should indicate interest of the applicant in the property, and the name and telephone number of all fee owners. An affidavit of the fee owner shall be filed with the application stating that the applicant has authority from the owner to make the application.

   b. Required disclosure when applicant is a corporation or partnership. If the applicant or fee owner is a corporation, the name and addresses of the corporation officers and registered agent shall be provided, and if a partnership, the names and addresses of the partners shall be provided.

   c. Required disclosure when applicant or owner is a land trust. If the applicant or fee owner is a trust or trustee thereof, the full name, address, telephone number, and extent of interest of each beneficiary must be provided.

7. Records
   The Township shall keep accurate records of all decisions on all applications submitted pursuant to this Ordinance.

B. Minimum Requirements

Mobile home parks shall be subject to all the rules and requirements as established and regulated by Michigan law including, by way of example, Act 96 of 1987, as amended, and the Michigan Manufactured Housing Commission Rules and, in addition, shall satisfy the following minimum requirements:

1. Parcel Size for Overall Park
   The minimum parcel size for mobile home parks shall be ten (10) acres.

2. Minimum Site Size
   Mobile home parks shall be developed with an average site size of 5,500 square feet. Individual sites may be reduced to as small as 4,400 square feet; provided that, for every square foot of land gained through such reduction, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all mobile home park residents. This open space shall be in addition to the open space required under the Michigan Manufactured Housing Commission Rules in effect at the time the proposal is submitted.

3. Setbacks
   Mobile homes shall comply with the minimum distances and setbacks specified in the Manufactured Housing Commission Rules, except as follows:

   a. Mobile homes shall be set back a minimum of ten (10) feet from the edge of an internal road, if such road is not dedicated to the public. Mobile homes and other structures in the MHP district shall set back a minimum of twenty (20) feet from the right-of-way line of a dedicated internal public road within the mobile home park.

   b. All mobile homes, accessory buildings, and parking shall be set back not less than twenty (20) feet from any mobile home park boundary, except that a minimum setback of fifty (50) feet shall be provided from existing and future rights-of-way of abutting streets and highways.

4. Maximum Height
   Buildings in the MHP district shall not exceed two stories or 25 feet; storage sheds and accessory structures shall not exceed the height of the mobile home.

5. Roads
   Roads shall satisfy the minimum dimensional, design, and construction requirements in the Michigan Manufacturing Housing Commission Rules except as follows:

   a. The main entrance to the park shall have access to a paved public road or shall be connected to a paved public road by a permanent easement which shall be recorded by the developers. Sole access to the park via an alley is prohibited.

   b. All roads shall be hard-surfaced and shall be constructed with curbs and gutters.

6. Parking
   a. All mobile home sites shall be provided with two parking spaces per Michigan Manufacturing Housing Commission Rules.

   b. In addition, a minimum of one parking space for every three mobile home sites shall be provided for visitor parking located convenient to the area served.

   c. No unlicensed or inoperable vehicle of any type shall be parked in this district at any time except within a covered building.

   d. Common areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a mobile home park, but shall be limited to use only by residents of the mobile home park. If proposed, the location of such storage areas shall be shown on the preliminary site plan. No part of any such storage area shall be located in any required yard on the perimeter of the mobile home park. Such storage area shall be screened from view from adjacent residential properties with an opaque six-foot wooden fence, six -foot masonry wall with landscaping, or landscaped greenbelt. If a landscaped greenbelt is used, it shall consist of closely-spaced evergreen plantings (i.e., no farther than 15 feet apart) which can be reasonably expected to form a complete visual barrier that is at least six feet above ground level within two (2) years of planting.

7. Sidewalks
   Concrete sidewalks having a minimum width of five (5) feet shall be provided on at least one side of internal roads in the mobile home park. In addition, a five-foot wide concrete sidewalk shall be constructed along the public road(s) on which the mobile home park fronts. Such sidewalk shall be located within the road right-of-way, one (1) foot off of the right-of-way line.

8. Accessory Buildings and Facilities

   a. Accessory buildings and structures, including park management offices and public works facilities, storage buildings, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by residents of the park only.

   b. Site-built buildings within a mobile home park shall be constructed in compliance with the Kalamazoo Township Building Codes and shall require all applicable permits. Any addition to a mobile home unit that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development for mobile homes shall comply with the Kalamazoo Township Building Codes. Site plan approval shall be required prior to construction of any on-site building within a mobile home park, except for storage sheds or garages for individual mobile homes.

   c. Each mobile home shall be permitted one (1) storage shed or garage. The installation of any such shed or garage shall comply with ordinances of Kalamazoo Township and shall require a building permit. Storage underneath a mobile home or outside on any mobile home site is prohibited.

9. Open Space
   Open space shall be provided in any mobile home park containing fifty (50) or more mobile home sites. The open space shall comply with the following requirements:

   a. A minimum of two percent of the park's gross acreage shall be dedicated to well drained, usable open space, provided that a minimum of 25,000 square feet of contiguous open space shall be provided.

   b. Open space shall be located conveniently in relation to the majority of dwelling units intended to be served.

10. Landscaping

   a. **Perimeter Screening**. All mobile home parks shall be screened from existing adjacent residential land use by either a six-foot wall or a densely planted landscaped greenbelt.

      (1) If provided, screen walls shall be constructed of masonry material that consists of face brick, decorative block, or poured concrete with a simulated brick or stone pattern. Required walls shall be placed inside and adjacent to the lot line, except where underground utilities would interfere with the placement of the wall or where the wall would unreasonably obstruct the use of adjacent property, in which case the wall may be set back from the property line a sufficient distance to resolve such concerns.

      (2) If a landscaped greenbelt is used, it shall consist of closely-spaced evergreen plantings, which shall be a minimum of three (3) feet in height at the time of planting, and which shall be planted so as to form a complete visual barrier at maturity. Deciduous plant materials may be used provided that visual screening is maintained throughout the year.

   b. **Landscaping Adjacent to Road**. A landscaped berm measuring 2½ to three feet in height shall be constructed along the public roads on which the mobile home park fronts. The berm shall be constructed with slopes no steeper than one (1) foot vertical for each four (4) feet horizontal. Landscaping adjacent to the road shall comply with the following requirements, which are consistent with landscaping required for other types of development in Kalamazoo Township:

Type	Requirements
Deciduous street tree (e.g. Red Maple, Linden, Ash)	1 per 40 lineal feet of road frontage
Deciduous or evergreen shrubs	1 per 3 lineal feet of road frontage

   c. **Site Landscaping**. A minimum of one (1) deciduous or evergreen tree shall be planted per two mobile home sites.

   d. **Parking Lot Landscaping.** Off-street parking lots containing more than 15 spaces shall be provided with at least ten (10) square feet of interior parking lot landscaping per space. Such areas shall measure at least 150 square feet and shall be covered by grass, groundcover, shrubs or other live plant material. At least one deciduous tree shall be planted per parking lot landscaped area.

11. Signs
    a. Each mobile home park shall be permitted one (1) sign which shall not exceed five (5) feet in height and thirty-two (32) square feet in area and shall be set back a minimum of ten (10) feet from any property or right-of-way line.

    b. Management offices and community buildings in a mobile home park shall be permitted one (1) identification sign not to exceed six (6) square feet in area.

12. Trash and Recycling Receptacles
    If proposed, trash and recycling receptacles (dumpsters) shall comply with the following requirements:

    a. Trash and recycling receptacles shall be set back a minimum distance of fifty (50) feet from the perimeter of the mobile home park and at least fifteen (15) feet from any building, in a location that is clearly accessible to the servicing vehicle.

    b. Trash and recycling receptacles shall be screened on three (3) sides with a decorative masonry wall, not less than six (6) feet in height. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three (3) sides.

    c. Trash and recycling receptacles shall be placed on a concrete pad which shall extend six (6) feet in front of the dumpster enclosure. Bollards (concrete-filled metal posts) shall be installed at the opening of the dumpster enclosure to prevent damage to the screening wall or fence.

13. Canopies and Awnings
    Canopies and awnings may be attached to any mobile homes and may be enclosed for use as a sun room or recreation room, but not as a bedroom. Canopies and awnings shall comply with the setback and distance requirements set forth in this article and shall require a building permit.

14. Water and Sanitary Sewer Service
    All mobile home parks shall be served by approved public water and sanitary sewage systems, which shall meet the requirements of the Kalamazoo County Health and Community Services Department and the Michigan Department of Health and Human Services. The plumbing connections to each mobile home site shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard.

15. Storm Drainage
    All developed portions of the mobile home park shall be served by adequate storm drainage facilities, designed and constructed in accordance with applicable local, county and state regulations.

16. Telephone and Electric Service
    All electric, telephone, cable TV, and other lines within the park shall be underground.

17. Fuel Oil and Gas
    Any fuel oil and gas storage shall be located in underground tanks, at a safe distance from all mobile home sites. All fuel lines leading to mobile home sites shall be underground and designed in conformance with the Michigan Manufactured Housing Commission Rules and other applicable local, county and state regulations.

18. Operational Requirements
    a. **Inspections.** The Building Official or other authorized Township agent is granted the authority, as specified in Michigan Public Act No. 96 of 1987, as amended, to enter upon the premises of any mobile home park for the purpose of determining compliance with the provisions of this Ordinance or other regulations referenced herein.

    b. **Violations.** Whenever, upon inspection of any mobile home park, the Building Official finds that conditions or practices exist that violate provisions of this Ordinance or other regulations referenced herein, the Building Official shall give notice in writing by certified mail to the Director of Michigan Manufacturing Housing Commission, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.

19. Sale of Mobile Homes
    The business of selling new or used mobile homes as a commercial operation shall not be permitted after complete occupancy of a new or expanded mobile home park has been achieved. Thereafter, new or used mobile homes located on sites within the mobile home park to be used and occupied on that site may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a used mobile home by a resident of the mobile home park provided the park's regulations permit such sale.

20. School Bus Stops
    School bus stops shall be located in an area that is acceptable to the school district and the mobile home park developer.

21. Mailbox Clusters
    The United States Postal Service may require that mobile home parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mail box clusters are required, they shall be located at least 200 feet from any intersection of a mobile home park road with a public road.

ARTICLE 17.00

C-1, Local Business District

Section 17.01 Statement of Purpose

The C-1, Local Business District is intended to accommodate the convenience shopping needs of persons residing in adjacent residential areas. Regulations set forth herein dealing with site layout, building design, and vehicular and pedestrian circulation are intended to achieve compatibility between adjoining business uses and between business uses and adjacent residential development. The C-1 District is also intended to accommodate limited residential uses in the form of live-work units.

Uses that would create loud noises, vibration, smoke, glare, heavy traffic, or late hours of operation are prohibited.

Section 17.02 Permitted Uses and Structures

A. Principal Permitted Uses

In the C-1, Local Business District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this ordinance:

1. Retail businesses that supply merchandise on the premises for persons residing in nearby residential areas.
2. Establishments that perform services on the premises for persons residing in nearby residential areas, such as beauty and barber shops; watch, consumer electronics, and clothing repair.
3. Office buildings and uses, provided that goods are not manufactured, exchanged, or sold on the premises.
4. Financial institutions, including banks, credit unions, and savings and loan associations.
5. Laundry and dry cleaning customer outlets and similar operations.
6. Carry-out and standard restaurants, as defined in Section 1.03.
7. Child care centers and day care centers.
8. Municipal buildings and uses, including post offices, provided there is no outside storage.
9. Photographic studios.
10. Data processing and computer centers.
11. Essential services, subject to the provisions in Section 2.05.
12. Wireless communications facilities on monopoles, subject to the standards and conditions in Section 8.02, sub-section UU.
13. Brewpubs, subject to the provisions in Section 8.02, sub-section H.
14. Fitness centers, health and exercise clubs.
15. Bait houses, for the sale of worms and other types of bait.
16. Pet shops and pet grooming facilities, subject to Section 8.02, sub-section KK.

17. Roadside stands and farmer's markets, subject to Section 8.02, sub-section NN.

18. Greenhouses.

19. Live-work units, subject to the following conditions:

    a. Living quarters must be above or to the rear of the business.
    b. Commercial space may not be used for residential purposes.
    c. Compliance with the Building and Fire Codes is required.

20. Uses and structures accessory to the above, subject to the provisions in Section 2.03.

21. Other uses similar to the above, subject to the provisions in this Article.

B. Special Land Uses

The following uses may be permitted by the Planning Commission pursuant to Section 26.03, after site plan review and a public hearing, and subject to other reasonable conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the health, safety and general welfare, of the abutting property, neighborhood and Township:

1. Utility and public service facilities and uses needed to serve the immediate vicinity, including transformer stations, lift stations, and switchboards, but excluding outside storage yards, subject to the provisions in Section 8.02, sub-section QQ.

2. Theaters, assembly halls, concert halls or similar places of assembly, private or public clubs, and lodge halls.

3. Bars and lounges.

4. Mortuaries and funeral homes, subject to the provisions in Section 8.02, sub-section O.

5. Wireless communications facilities on towers other than monopoles, subject to the standards and conditions in Section 8.02, subj-section UU.

6. Microbreweries and small distilleries, subject to the requirements in Section 8.02, subsection H.

7. Movie theaters and similar entertainment uses, subject to Section 8.02, sub-section EE.

8. Governmental activities and uses, subject to Section 8.02, sub-section R.

Section 17.03 Development Standards

A. Required Conditions

Unless otherwise noted, buildings and uses in the C-1, Local Business District shall comply with the following requirements:

1. All such businesses shall be retail or service establishments dealing directly with consumers. Manufacturing of products for wholesale distribution off of the premises is not permitted.

2. All goods produced and services performed on the premises shall be sold at retail on the premises where produced.

3. All business, servicing, or processing, except off-street parking or loading, shall be conducted within a completely enclosed building, unless otherwise permitted.

4. There shall be no outside storage of goods, inventory, or equipment.

5. Commercially used or licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall also apply to operable vehicles that are moved on and off of the site on a regular basis.

6. Development in the C-1 District shall comply with the access and service road requirements in Section 2.20.

B. Site Plan Review

Site plan review and approval is required for all new construction and expansion of existing buildings, in accordance with Section 26.02.

C. Area, Height, Bulk, and Placement Requirements

Buildings and uses in the Limited Business District are subject to the area, height, bulk, and placement requirements in Article 25.00, Schedule of Regulations.

D. Planned Unit Development

Planned unit development is permitted as a regulatory option to achieve the intent of this district, in accordance with Article 21.00 and 26.04.

ARTICLE 18.00

C-2, Commercial Corridor District

Section 18.01 Statement of Purpose

The C-2, Commercial Corridor District is intended to provide for various types of office, convenience and comparison shopping goods to meet the needs of Township residents for convenience and durable goods, personal services, good, entertainment shopping, and related activities.

It is intended that uses in this district be subject to development standards (including density, bulk and setback standards) to achieve compatibility between adjoining uses and design cohesiveness. The standards in this district are intended to prevent congestion on public roads, reduce hazards to life and property, provide basic amenities, and ensure compatibility with adjacent residential uses. Uses that would create hazards, loud noises, vibration, smoke, glare, or heavy traffic are prohibited.

Section 18.02 Permitted Uses and Structures

A. Principal Permitted Uses

In the C-2, Commercial Corridor District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this ordinance:

1. All principal uses permitted in the C-1, Local Business District, Section 17.02, sub-section A.

2. Veterinary clinics and hospitals, subject to the provisions in Section 8.02, sub-section SS.

3. Business schools or colleges, vocational trainings schools, dance schools, music and voice schools, and art studios.

4. Indoor recreation uses such as bowling establishments, gymnasiums, ice skating rinks, tennis clubs, roller staking rinks, court sports facilities, and similar recreation facilities, subject to the provisions in Section 8.02, sub-section LL.

5. Mortuaries and funeral homes, subject to the provisions in Section 8.02, sub-section O.

6. Restaurants, taverns, bars/lounges, and other uses serving alcoholic beverages, including catering and banquet halls, where the patrons are served while seated within a building occupied by such establishments, but not drive-in restaurants. Outdoor seating for such establishments may be permitted by special land use approval.

7. Offices, showrooms, or workshop of a plumber, electrician, building contractor, upholsterer, caterer, exterminator, decorator, or similar trade, subject to the following:

    a. All services performed on the premises, including fabrication, repair, cleaning or other processing of goods, shall be sold at retail on the premises where produced.

    b. The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, sales, and display.

    c. There shall be no outside storage of materials or goods of any kind.

8. Public transit waiting stations or park-and-ride lots.

9. Newspaper offices and print shops with minor printing facilities.

10. Crematoriums.

11. Tattoo parlors and body piercing studios, subject to Section 8.02, sub-section PP.

12. Movie theaters and similar entertainment uses, subject to Section 8.02, sub-section EE.

13. Governmental activities and uses, subject to Section 8.02, sub-section R.

14. Kennels, subject to Section 8.02, sub-section X.

15. Other uses similar to the above, subject to the provisions in this Article.

16. Uses and structures accessory to the above, subject to the provisions in Section 2.03.

B. Special Land Uses

The following uses may be permitted by the Planning Commission pursuant to Section 26.03, after site plan review and a public hearing, and subject to other reasonable conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the health, safety and general welfare, of the abutting property, neighborhood and Township:

1. Automobile filling and service stations and automobile repair garages, including tire, battery, muffler, and rustproofing establishments and quick oil change and lubrication stations, subject to the provisions in Section 8.02, sub-section E, and the following additional conditions:

    a. In general, major repair, as defined in Section 1.03, shall not be permitted in the B-2 District, except as provided for under item 18, below.

    b. The servicing and repair of vehicles shall be limited to those which may be serviced during a normal workday.

    c. Outside parking of vehicles overnight is prohibited except for the operable vehicles of the employees working at the station and up to two (2) service vehicles used by the service station.

    d. There shall be no outside display of parts or products.

2. Automobile wash or car wash establishments, subject to the provisions in Section 8.02, sub-section F.

3. New and used automobile, truck and tractor, boat, mobile home, recreational vehicle and trailer sales, subject to the provisions in Section 8.02, sub-section D.

4. Arcades, when developed as an accessory use in a larger indoor recreation facility, a restaurant or bar, or a club or lodge.

5. Hotels and motels, subject to the provisions in Section 8.02, sub-section CC.

6. Mini-warehouses and portable storage units, subject to the provisions in Section 8.02, sub-section AA.

7. Open-air display and sales of nursery plants and materials; lawn furniture; playground equipment and swimming pools; garden supplies; and similar open-air displays, subject to the provisions in Section 8.02, sub-section II.

8. Outdoor recreation facilities, such as a children's amusement park and par-3 golf courses, subject to the provisions in Section 8.02, sub-section LL.

9. Drive-in, drive-through, and fast-food restaurants, subject to the provisions in Section 8.02, sub-section M.

10. Drive-in establishments (other than drive-in restaurants), subject to the provisions in Section 8.02, sub-section M.

11. Adult book or supply stores, adult motion picture theaters, adult live stage performing theaters, adult motion picture arcades, adult motels, adult model studios, group "A" cabarets, massage parlors or establishments, and similar adult uses, subject to the provisions in Section 8.02, sub-section A.

12. Lumber yards or building material sales establishments that have storage in partially open structures, subject to the following conditions:

    a. The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, sales or display.

    b. Open storage structures shall be enclosed on three sides and shall have a roof.

    c. The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high chain link fence or masonry wall, constructed in accordance with Article 6.00.

13. Recycling collection stations.

14. Utility and public service facilities and uses needed to serve the immediate vicinity, including transformer stations, lift stations, and switchboards, but excluding outside storage yards, subject to the provisions in Section 8.02, sub-section QQ.

15. Theaters, assembly halls, concert halls or similar places of assembly, private or public clubs, and lodge halls.

16. Owner-occupied residential uses in combination with a principal permitted use, subject to the following requirements:

    a. Residential uses shall not occupy more than fifty percent (50%) of the gross floor area of the building.

    b. Residential uses shall be permitted only on upper levels, in the basement (with proper egress), or to the rear of the principal business use in the building.

    c. Off-street parking shall be provided pursuant to the requirements in Article 4.00, except that parking for the residential use shall be located behind the building.

    d. A minimum of three hundred (300) square feet of usable outdoor open space shall be reserved for the exclusive use of each such residential unit. The open space shall not be located within a required setback.

17. Wireless communications facilities on towers other than monopoles, subject to the standards and conditions in Section 8.02, sub-section UU.

18. Automobile body, frame, and fender straightening, and similar collision repair service, subject to the provisions in Section 8.02, sub-section C.

19. Microbreweries and small distilleries, subject to the requirements in Section 8.02, subsection H.

20. Municipal storage facilities.

21. Recreational vehicle storage, provided no one is permitted to occupy such a vehicle while in storage.

Section 18.03 Development Standards

A. Required Conditions

Unless otherwise noted, buildings and uses in the C-2, Commercial Corridor District shall comply with the following requirements:

1. All such businesses shall be retail or service establishments dealing directly with consumers. Manufacturing of products for wholesale distribution off of the premises is not permitted.

2. All goods produced and services performed on the premises shall be sold at retail on the premises where produced.

3. All business, servicing, or processing, except off-street parking or loading, shall be conducted within a completely enclosed building, unless otherwise permitted.

4. There shall be no outside storage of goods, inventory, or equipment.

5. Commercially used or licensed vehicles used in the normal operation of a permitted retail or service use on the site may be parked in the rear only. This provision shall also apply to operable vehicles that are moved on and off of the site on a regular basis.

6. Development in the C-2 District shall comply with the access and service road requirements in Section 2.20.

B. Site Plan Review

Site plan review and approval is required for all new construction and expansion of existing buildings, in accordance with Section 26.02.

C. Area, Height, Bulk, and Placement Requirements

Buildings and uses in the Commercial Center District are subject to the area, height, bulk, and placement requirements in Article 25.00, Schedule of Regulations.

D. Planned Unit Development

Planned unit development is permitted as a regulatory option to achieve the intent of this district, in accordance with Article 21.00 and Section 26.04.

ARTICLE 19.00

I-1, Light Industrial District

Section 19.01 Statement of Purpose

The intent of the I-1, Light Industrial District is to permit the use of land, buildings, and structures for the manufacturing, processing, fabricating, compounding, treatment, packaging and/or assembly of materials or goods, warehousing or bulk storage of goods, and related accessory uses. Related accessory uses may include, by way of example, research, design, and prototype development related to the industrial operations; the storage of goods in connection with or resulting from industrial operations; the provision of amenities for persons engaged in such operations; the sale of goods resulting from such operations; and, administration or accounting in connection with the industrial operations.

The I-1 Light Industrial District is also intended to accommodate certain quasi-industrial uses that have characteristics typically associated with industrial operations even though such uses are not engaged in manufacturing, processing, or other industrial operations. Such uses may include, by way of example, lumber yards or contractor yards.

The regulations in this Article are further intended to protect lands and uses surrounding industrial development. These regulations are therefore intended to promote only those industrial operations that pose minimal risk from fire; explosions; release of toxic, noxious or hazardous material; exposure to radiation; or other hazards to the health, safety, and welfare of the citizens of Kalamazoo Township.

Section 19.02 Permitted Uses and Structures

A. Principal Permitted Uses

In the I-1, Light Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this ordinance:

1. The manufacturing, compounding, assembling, packaging, or treatment of articles or merchandise from previously prepared materials.
2. Food and kindred products processing.
3. Breweries, distilleries, wineries, soft drink, water, and juice bottling.
4. Textile mills and apparel production.
5. Wood products manufacturing, including furniture manufacturing.
6. Printing and publishing.
7. Rubber and plastic product manufacturing.
8. Leather and leather product manufacturing.
9. Glass, clay and stone product manufacturing.
10. Fabricated metal product manufacturing, including tool and die shops.
11. Industrial machinery and equipment manufacturing.
12. Electronic equipment manufacturing.

13. Vehicles and transportation equipment manufacturing.

14. Laboratories and research, testing, design, technical training, and experimental product development facilities.

15. Water supply and sewage disposal plants.

16. Building materials storage and sales.

17. Vehicle repair establishments, including engine repair, body repair and painting, exhaust system repair, tire replacement, glass repair and transmission repair, when operated in a completely enclosed building, subject to Section 8.02, sub-section E.

18. Automobile body and paint shops, subject to Section 8.02, sub-section C.

19. Governmental activities and uses, subject to Section 8.02, sub-section R.

20. Dry cleaning plants.

21. Tennis houses, racquetball courts, ice arenas and other similar uses involving large structures of the type which can be easily converted to industrial use, subject to Section 8.02, sub-section LL.

22. Gas and electric service and storage buildings and yards.

23. Warehousing and wholesale establishments within a wholly enclosed building.

24. Self-storage warehouse facilities, subject to Section 8.02, sub-section AA.

25. Urgent care facilities.

26. Public parks and trails.

27. Accessory buildings and uses customarily incidental to any of the above land uses.

28. Uses determined to be similar to the above principal permitted uses and which are not listed as special land use.

B. Special Land Uses

The following uses may be permitted by the Planning Commission pursuant to Section 26.03, after site plan review and a public hearing, and subject to other reasonable conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the health, safety and general welfare, of the abutting property, neighborhood and Township:

1. A permanent efficiency-type on-site manager's apartment, not to exceed five hundred (500) sq. ft. in total living area.

2. Salvage yards, subject to Section 8.02, sub-section Z.

3. Mineral and soil extraction, subject to Section 8.02, sub-section S.

4. Lumber and planing mills.

5. Metal plating, buffing and polishing.

6. Wireless communication facilities, subject to Section 8.02, sub-section UU.

7. Commercial dog kennels, subject to Section 8.02, sub-section X.

8. Septic service establishments.

9. Electric power and heat generating plants and all accessory uses.

10. Rental space for the storage of vehicles such as travel trailers, motor homes, recreational vehicles, campers, snowmobiles, boats and similar facilities.

11. Freight yards and terminals.

12. Tractor and trucking facilities, including storage and repair.

13. Chemicals and allied products manufacturing.

14. Lumber yards, landscape, building supply yards and similar uses that involve outdoor storage.

15. Primary metal industries.

16. Recycling centers.

17. Contractor yards and storage facilities for building materials, sand, gravel, stone, lumber, equipment and supplies.

18. Landscape contractor's operations, subject to Section 8.02, sub-section Y.

19. Motor freight warehousing business, subject to Section 8.02, sub-section DD.

20. Utility structures and substations, subject to Section 8.02, sub-section QQ.

21. Vehicle impoundment lots, subject to Section 8.02, sub-section RR.

22. Crematories.

23. Freezer locker and cold storage plants.

24. Accessory buildings and uses customarily incidental to any of the above land uses.

25. Uses determined to be similar to the above land uses.

Section 19.03 Development Standards

A. Required Conditions

Except as otherwise noted, buildings and uses in the I-1, Light Industrial District shall comply with the following requirements:

1. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall comply with the Performance Standards set forth in Article 9.00.

2. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall be conducted within a completely enclosed building, except as otherwise specified.

3. Outside storage may be permitted, subject to the following conditions:

    a. Outside storage areas shall be located no closer than one hundred fifty (150) feet to any street right-of-way line and no closer than twenty (20) feet to all other property lines.

    b. Outside storage areas shall be located no closer than one hundred (100) feet to any residential district.

    c. Outside storage areas that have the potential to be visible from a public or private road or that abut a residential or commercial district shall be screened by a wall or fence, constructed in accordance with Article 6.00.

    d. No materials shall be stored above eight (8) feet in height.

    e. Proper access to all parts of the storage areas shall be provided for fire and emergency vehicles.

B. Site Plan Review

Site plan review and approval is required for all new construction and expansion of existing buildings, in accordance with Section 26.02.

C. Area, Height, Bulk, and Placement Requirements

Buildings and uses in the Light Industrial District are subject to the area, height, bulk, and placement requirements in Article 25.00, Schedule of Regulations.

D. Planned Unit Development

Planned unit development is permitted as a regulatory option to achieve the intent of this district, in accordance with Article 21.00 and Section 26.04.

ARTICLE 20.00

I-2, General Industrial District

Section 20.01 Statement of Purpose

The intent of the I-2, General Industrial District is to permit the use of land, buildings, and structures for the manufacturing, processing, fabricating, compounding, treatment, packaging and/or assembly of materials or goods, warehousing or bulk storage of goods, and related accessory uses. Related accessory uses may include, by way of example, research, design, and prototype development related to the industrial operations; the storage of goods in connection with or resulting from industrial operations; the provision of amenities for persons engaged in such operations; the sale of goods resulting from such operations; and, administration or accounting in connection with the industrial operations.

The I-2 General Industrial District is also intended to accommodate certain quasi-industrial uses that have characteristics typically associated with industrial operations even though such uses are not engaged in manufacturing, processing, or other industrial operations. Such uses may include, by way of example, lumber yards, contractor yards, gravel mining and processing, metal recycling, concrete and asphalt crushing, and composting.

The regulations in this Article are further intended to protect lands and uses surrounding industrial development. These regulations are therefore intended to promote only those industrial operations that pose minimal risk from fire; explosions; release of toxic, noxious or hazardous material; exposure to radiation; or other hazards to the health, safety, and welfare of the citizens of Kalamazoo Township.

Section 20.02 Permitted Uses and Structures

A. Principal Permitted Uses

In the I-2, General Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this ordinance:

1. The manufacturing, compounding, assembling, packaging, or treatment of articles or merchandise from previously prepared materials.
2. Food and kindred products processing.
3. Breweries, distilleries, wineries, soft drink, water, and juice bottling.
4. Textile mills and apparel production.
5. Wood products manufacturing, including furniture manufacturing.
6. Printing and publishing.
7. Rubber and plastic product manufacturing.
8. Leather and leather product manufacturing.
9. Glass, clay and stone product manufacturing.
10. Fabricated metal product manufacturing, including tool and die shops.
11. Industrial machinery and equipment manufacturing.

12. Electronic equipment manufacturing.

13. Vehicles and transportation equipment manufacturing.

14. Laboratories and research, testing, design, technical training, and experimental product development facilities.

15. Water supply and sewage disposal plants.

16. Building materials storage and sales.

17. Vehicle repair establishments, including engine repair, body repair and painting, exhaust system repair, tire replacement, glass repair and transmission repair, when operated in a completely enclosed building.

18. Dry cleaning plants.

19. Tennis houses, racquetball courts, ice arenas and other similar uses involving large structures of the type which can be easily converted to industrial use, subject to Section 8.02, sub-section LL.

20. Gas and electric service and storage buildings and yards.

21. Warehousing and wholesale establishments within a wholly enclosed building.

22. Self-storage warehouse facilities, subject to Section 8.02, sub-section AA.

23. A permanent efficiency-type on-site manager's apartment, not to exceed five hundred (500) sq. ft. in total living area.

24. Automobile body and paint shops, subject to Section 8.02, sub-section C.

25. Governmental activities and uses, subject to Section 8.02, sub-section R.

26. Freezer locker and cold storage plants.

27. Urgent care facilities.

28. Accessory buildings and uses customarily incidental to any of the above uses.

29. Essential services.

30. Uses determined to be similar to the above principal permitted uses and which are not listed as special land uses.

B. Special Land Uses

The following uses may be permitted by the Planning Commission pursuant to Section 26.03, after site plan review and a public hearing, and subject to other reasonable conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the health, safety and general welfare, of the abutting property, neighborhood and Township:

1. Salvage yards, subject to section 8.02, sub-section Z.

2. Mineral and soil extraction, subject to Section 8.02, sub-section S.

3. Wireless communication facilities, subject to Section 8.02, sub-section UU.

4. Freight yards and terminals.

5. Tractor and trucking facilities, including storage and repair.

6. Chemicals and allied products manufacturing.

7. Primary metals industries.

8. Motor freight warehousing businesses, subject to Section 8.02, sub-section DD.

9. Gravel mining and processing, earth removal, and mineral extraction, subject to Section 8.02, sub-section S.

10. Metal recycling operations, subject to section 8.02, sub-section Z.

11. Adult book or supply stores, adult motion picture theaters, adult live stage performing theaters, adult outdoor motion picture theaters, and group "A" cabarets, subject to Section 8.02, sub-section A.

12. Proving grounds when directly related to an adjoining lawful use.

13. Concrete and asphalt crushing operations when contained within a gravel mining operation.

14. Composting facilities, subject to Section 8.02, sub-section J.

15. Concrete plants, subject to Section 8.02, sub-section K.

16. Petroleum storage.

17. State or federal penal or correctional places of incarceration or imprisonment, subject to the following requirements:
    a. Minimum size: 100 acres.
    b. The site shall be screened by natural compact barriers pursuant to Section 5.02.

18. Lumber and planing mills.

19. Metal plating, buffing and polishing.

20. Septic service establishments.

21. Electric power and heat generating plants and all accessories.

22. Rental space for the storage of vehicles such as travel trailers, motor homes, recreational vehicles, campers, snowmobiles, boats, and similar facilities.

23. Recycling centers.

24. Contractor's yards and storage facilities for building materials, sand, gravel, stone, lumber, equipment and supplies.

25. Landscape contractor's operations, subject to Section 8.02, sub-section Y.

26. Utility structures and substations, subject to Section 8.02, sub-section QQ.

27. Vehicle impoundment lots, subject to Section 8.02, sub-section RR.

28. Offices, professional or corporate.

29. Business services, such as mailing, copying and data processing businesses.

30. Accessory buildings and uses customarily incidental to any of the above land uses.

31. Uses determined to be similar to the above land uses.

Section 20.03 Development Standards

A. Required Conditions

Except as otherwise noted, buildings and uses in the I-2, General Industrial District shall comply with the following requirements:

1. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall comply with the Performance Standards set forth in Article 9.00.

2. All manufacturing, compounding, assembling, processing, packaging, or other industrial or business activity shall be conducted within a completely enclosed building, except as otherwise specified.

3. Outside storage may be permitted, subject to the following conditions:

    a. Outside storage areas shall be located no closer than one hundred fifty (150) feet to any street right-of-way line and no closer than twenty (20) feet to all other property lines.

    b. Outside storage areas shall be located no closer than one hundred (100) feet to any residential district.

    c. Outside storage areas which have the potential to be visible from a public or private road or which abut a residential or commercial district shall be screened by a wall or fence, constructed in accordance with Article 6.00.

    d. No materials shall be stored above eight (8) feet in height.

    e. Proper access to all parts of the storage areas shall be provided for fire and emergency vehicles.

B. Site Plan Review

Site plan review and approval is required for all new construction and expansion of existing buildings, in accordance with Section 26.02.

C. Area, Height, Bulk, and Placement Requirements

Buildings and uses in the Light Industrial District are subject to the area, height, bulk, and placement requirements in Article 25.00, Schedule of Regulations.

D. Planned Unit Development

Planned unit development is permitted as a regulatory option to achieve the intent of this district, in accordance with Article 21.00 and Section 26.04.

ARTICLE 21.00

PUD, Planned Unit Development

Section 21.01 Intent

Planned Unit Development provides a regulatory option that is intended to provide a degree of flexibility so as to achieve development that is in accord with the Township's Master Plan; economy and efficiency in the use of land, natural resources, energy, and in the provision of public services and utilities; useful open space particularly suited to the proposed development; conservation of natural features; and, development that satisfies the needs of Township residents.

Furthermore, Planned Unit Development is intended to encourage innovation in land use, particularly on sites with significant natural, historical, and architectural value, or on sites that exhibit difficult development constraints. Planned Unit Development allows for a mix of land uses and clustering of residential structures, so as to reduce development costs, preserve natural features, and maintain open space.

Planned Unit Development is intended to further the objectives of the Master Plan, particularly the following:

1. Promote high quality mixed use in unique and identifiable neighborhoods in the Township.
2. Provide opportunities for "hamlet" style shopping and special events to make the community a destination in the Kalamazoo area.
3. Provide parks that promote recreational activities, including linkages to the Kalamazoo River.
4. Provide pedestrian and bicycle amenities to create active links between residential, shopping, employment, and service opportunities.
5. Provide for opportunities for a variety of residential building types, using traditional neighborhood design concepts.
6. Create a set of regulations that encourages development of traditional building forms, placement, and relationships.
7. Permit, where appropriate, reduced front yards and side or rear entry garages.
8. Incorporate natural features, such as ravines and topography, into residential design.
9. Ensure adequate traffic patterns based on maintenance and enhancement of the county road system.
10. Encourage a balanced mix of uses, under unified control, allowing for implementation of architectural standards.
11. Emphasize the "human scale," focusing on people, pedestrian activity, and connections.
12. Encourage a diversity of lot sizes, housing sizes, and architectural designs.

Section 21.02 Eligibility Criteria

To be eligible for planned unit development approval, the applicant must demonstrate that the following criteria will be met:

A. Recognizable Benefits

The planned unit development must result in a recognizable and substantial benefit to the ultimate users of the project and to the community, and shall result in a higher quality of development than could be achieved under conventional zoning.

B. Minimum Size

The minimum size of a planned unit development shall be two (2) acres of contiguous land. However, in the interest of maximizing the use of planned unit development as a tool to promote high quality planning and development, the Planning Commission may permit a smaller planned unit development if: (a) the proposed project has unique characteristics and benefits, and/or (b) the parcel in question has unique characteristics that significantly impact development, such as unusual topography, tree stands, wetlands, poor soil conditions on portions of the parcel, water courses, unusual shape or proportions, or utility easements which cross the parcel.

In such case, the applicant shall submit a letter to the Township requesting a waiver of the minimum planned development size requirements. The request shall be submitted prior to submittal of a site plan and application for planned unit development approval. The Planning Commission shall review the request and make the final decision concerning a request to waive the planned development size requirements.

C. Use of Public Services

The proposed type and density of use shall not result in an unreasonable increase in the use of public services, facilities and utilities, and shall not place an unreasonable burden upon the subject site, surrounding land, property owners and occupants, or the natural environment. Planned unit developments shall be provided with public water, sanitary sewer, and storm drainage facilities.

D. Compatibility with Master Plan

The proposed development shall not have an adverse impact upon the Master Plan for the Township. Notwithstanding this requirement, the Township may approve a planned unit development proposal that includes uses that are not called for on the Future Land Use Map, provided that the Planning Commission and Township Board determine that such a deviation from the Future Land Use Map is justified in light of the current planning and development objectives of the Township.

E. Economic Impact

The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.

F. Unified Control

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, or assuring completion of the project, in conformity with this Ordinance.

The applicant shall provide legal documentation of single ownership or control in the form of agreements, contracts, covenants, and deed restrictions which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors. These legal documents shall bind all development successors in title to any commitments made as a part of the documents. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is given to the Township Clerk.

G. Preservation of Natural Features

The proposed development shall preserve natural features to the maximum extent feasible. In the case of single family residential development, this may be accomplished by implementing principles of "open space environment". An open space environment is one in which the housing units are clustered on the most developable portions of the site, thereby providing for preservation of significant open space, tree stands, wetlands, water features and other natural features.

Section 21.03 Project Design Standards

Proposed planned unit developments shall comply with the following project design standards:

A. Location

A planned unit development may be approved in locations where the underlying zoning is R-1, R-2, RM-1, RM-2, RM-3, C-1, C-2, I-1 or I-2, subject to review and approval as provided for herein.

B. Permitted Uses

Any land use allowed as a principal permitted use in the R-1, R-2, RM-1, RM-2, RM-3, C-1, C-2, I-1 or I-2 districts may be included in a planned unit development as a principal or accessory use, provided that:

1. When the underlying zoning is R-1, R-2, RM-1, RM-2 or RM-3, a maximum of ten (10) percent of the gross site area may be occupied by commercial or office uses.

2. When the underlying zoning is C-1 or C-2, a maximum of thirty-five (35) percent of the gross site area may be occupied by residential uses.

3. If the underlying zoning is I-1 or I-2, the Planned Unit Development shall contain only I-1 or I-2 used.

4. Industrial uses listed in the I-1 and I-2 districts shall not be permitted in Planned Unit Developments where the underlying zoning is residential or commercial.

5. There shall be a reasonably harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area.

6. Nonresidential uses shall be separated and buffered from residential units in a manner that is consistent with good site design and planning principles.

7. The mix of uses and the arrangement of those uses within a planned unit development shall not impair the public health, safety, welfare, or quality of life of residents or the community as a whole.

C. Residential Density

The overall density of residential uses within a planned unit development shall not exceed the density that could be achieved with the underlying zoning (see definition of "underlying zoning" in Section 1.03). In determining the density achievable with the underlying zoning, only the net buildable area of the site shall be considered. The "net buildable area" consists of the portion of a site which is not encumbered by regulated wetlands, steep slopes, existing and proposed road rights-of-way (including proposed road rights-of-way within the development), easements, existing structures or lots, or other existing or proposed features that would prevent construction of a building or use of the site for residential purposes. To assist in determining net buildable area, the applicant shall submit an alternate plan that shows how the site could be developed economically and legally under the underlying zoning.

An increase in density may be permitted by the Township Board, upon recommendation from the Planning Commission, upon finding that the increase is justified because certain characteristics of the proposed development would result in a substantial benefit to the users and the community as a whole. Among the characteristics which the Planning Commission and Township Board may consider in making this determination are the following:

1. The planned unit development exhibits extraordinary design excellence, examples of which include, but are not limited to: innovative energy efficient design; provision of additional open space above the required amount; added improvements to assure vehicular and pedestrian safety; or, added landscaping or other site features to assure a long-term aesthetically pleasing appearance.

2. The proposed arrangement of uses and residential densities within the planned unit development enhances the compatibility of proposed development with existing or planned land use on adjacent land.

D. Dimensional Standards

1. Setbacks
   Structures in planned unit developments shall comply with the following minimum yard setback requirements:

	Residential Use	Non-Residential Use
Along perimeter adjacent to public road	50 ft.	50 ft.
Along perimeter, but not adjacent to a road	35 ft.	40 ft.
Along an internal or local road	40 ft.	50 ft.
Between parking lot and property line		
• Adjacent to road	50 ft.	50 ft.
• Not fronting on road	20 ft.	20 ft.

Modification to these yard setback requirements may be approved by the Township Board, upon recommendation from the Planning Commission, upon making the determination that other setbacks would be more appropriate because of the topography, existing trees and other vegetation, proposed grading and landscaping, or other existing or proposed site features.

E. Distances Between Buildings

Buildings within a planned unit development shall comply with the following spacing requirements:

1. Any detached single family structure (or accessory structure thereto) shall be located at least fifteen (15) feet from any other detached single family structure (or accessory structure thereto).

2. The minimum rear yard setback and minimum lot size for detached single family structures and accessory structures thereto in a planned unit development shall be based on good planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space for the exclusive use of residents on the site.

3. Residential buildings containing more than one unit (i.e., apartments, townhouses, attached dwellings) shall conform to the spacing requirements set forth in Section 8.03(B).

4. The distance between adjacent, freestanding, nonresidential structures shall be based on good planning and design principles, taking into account the need for: free access for emergency vehicles, adequate amounts of light and air between buildings, and proper amounts of landscaping.

   Modification to these building spacing requirements may be approved by the Township Board, upon recommendation from the Planning Commission, upon making the determination that other building spacing requirements would be more appropriate because of the particular design and orientation of buildings.

F. Building Height

Buildings within a planned development shall not exceed thirty-five (35) feet in height.

G. Parking and Loading

Planned unit developments shall comply with the parking and loading requirements specified in Article 4.00 of the Zoning Ordinance.

H. Landscaping

Planned unit developments shall comply with the following landscaping requirements:

1. General Site Requirements
   All unpaved portions of the site that are not left in a natural state shall be planted with grass, ground cover, shrubbery, or other suitable live plant material, which shall extend to any abutting road shoulder or curb edge. Seeded areas shall be watered and fertilized regularly so as to provide a healthy lawn within ninety (90) days after planting.

2. Landscaping Adjacent to Roads
   All commercial, office, and multiple family uses shall comply with the requirements for landscaping adjacent to roads in Section 5.02, sub-section B.

3. Berm Requirements
   Wherever front, side, or rear yards adjacent to public rights-of-way are used for parking, a berm shall be required to screen the parking from view of the road. The berm shall be a minimum of two (2) feet in height, and shall be planted in accordance with the previous requirements for landscaping adjacent to roads.

4. Screening
   Screening in the form of a landscaped berm, greenbelt, wall or fence shall be required wherever a commercial or office use is located adjacent to a residential use, school, park, or similar public area. A landscaped berm or greenbelt is preferred rather than a wall or fence by itself. Depending on the design, a wall or fence with some landscaping could be found to be equally desirable.

   Landscaped screening shall comply with the requirements in Section 5.02, sub-section E. If a wall or fence is used instead of landscaping, the following requirements shall be complied with:

a. **Location.** Required obscuring walls or fences shall be placed inside and adjacent to the lot line except where underground utilities interfere with placement of the wall or fence at the property line, in which case the wall or fence shall be placed on the utility easement line located nearest the property line.

b. **Time of Construction.** Wherever construction of an obscuring wall or fence is required adjacent to residentially-zoned or used property, the wall or fence shall be installed prior to the beginning of site grading and general construction, except where such activity would result in damage to the wall or fence.

c. **Corner Clearance.** No wall or fence shall be erected that will obstruct the view of drivers in vehicles approaching an intersection of two roads or the intersection of a road and a driveway.

d. **Wall Specifications**
Required walls shall be constructed of masonry material that is architecturally compatible with the materials used on the facade of the principal structure on the site, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns.

e. **Fence Specifications**
Fences used for screening shall be constructed of cedar, or No. 1 pressure-treated wood, or durable synthetic wood-like material. Chain link fences shall not be permitted for screening purposes.

f. **Height Requirements**
Walls or fences used for screening shall be a minimum of six (6) feet in height.

5. Parking Lot Landscaping
Off-street parking areas containing greater than ten (10) spaces shall be provided with interior landscaping in compliance with Section 5.02, sub-section F.

6. Standards for Plant Material
Proposed plant materials shall comply with the standards set forth in Section 5.04.

7. Treatment of Existing Plant Material
In instances where healthy plant material exists on the site prior to its development, the Township may permit substitution of such plant material in place of the requirements set forth previously, provided such substitution is in keeping with the spirit and intent of this Article and the Ordinance in general, subject to the regulations in Section 5.06.

8. Variation from Specific Requirements
The Township Board, upon receiving a recommendation from the Planning Commission, may allow variation from the specific requirements set forth herein, upon finding that the substitute landscaping is in keeping with the spirit and intent of this Article, and has equal landscape value as the required landscaping. In evaluating landscape values, the Township Board and Planning Commission shall consider preservation of natural features, aesthetic qualities, numbers of plants, and similar considerations.

I. Open Space Requirements

Planned developments containing a residential component shall provide and maintain usable open space that is accessible to all residents, which shall comply with the following requirements:

1. A minimum of twenty (20) percent of the gross area of the site or portion thereof that is designated for residential use shall be set aside for such common open space. The boundaries of the gross site area shall encompass buildings, roads, sidewalks, landscaping, natural areas, water bodies, and other features that are an integral part of the residential development plan.

2. Reduction in lot area below the minimum lot area specified by the underlying zoning shall be set aside and reserved as permanent open space to the maximum feasible extent, recognizing that a portion of the parcel must be set aside for roads, stormwater detention, and other facilities.

3. Open space shall be located on the parcel to meet the following objectives:

   a. To enhance the overall aesthetic appeal of the development.

   b. To preserve distinctive natural features.

c. To provide opportunities for leisure activities for residents of the development.

d. To minimize impact from development on wetlands, rivers, and other sensitive environmental areas.

e. To maintain open character along main roads.

4. Any pervious land area that is available for the common use of all residents may be included as required open space, except as follows:

   a. No more than twenty five percent (25%) of the required usable open space shall include the area of any water bodies or wetlands which are covered only periodically with standing water (such as hardwood swamps or "wet" meadows). Required usable open space shall not include the area of any designated wetland that is covered by water or muck such that it is not a suitable environment for walking or similar passive leisure pursuits.

   b. Required usable open space shall not include the area of any public or private road, the area of any easement providing access to the site, the area of any commercial recreation use (such as a golf course), or the area of any required setbacks.

5. The Township Board, upon receiving a recommendation from the Planning Commission, may require open space to set aside by the developer through an irrevocable conveyance, such as deed restrictions or covenants that run with the land or through a conservation easement, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring that the open space will be developed according to the site plan. Such conveyance shall:

   a. Indicate the proposed use(s) of the required open space.

   b. Indicate how the leisure and recreation needs of all segments of the population residing in or using the planned development will be accommodated.

   c. Provide for the privately-owned open space to be maintained by private property owners with an interest in the open space.

   d. Provide maintenance standards and a maintenance schedule.

   e. Provide notice of possible assessment to the private property owners by Kalamazoo Township for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance or in the event that other public facilities are not maintained.

   f. Be recorded with the Kalamazoo County Register of Deeds to provide record notice of the restrictions to all persons having an interest in the property contained in the planned unit development.

6. Notwithstanding the requirements cited above, open space may be redeveloped for another purpose subject to the following conditions:

   a. The redevelopment of open space shall require an amendment to the planned unit development in accordance with the procedures in Section 26.04, and shall therefore constitute an amendment to the Zoning Ordinance which shall be subject to the right of petition and referendum by the electors of the Township, as provided for by current Michigan law.

   b. Redevelopment of open space shall not be permitted for the first twenty-five (25) years after the date of the initial approval of the planned unit development by the Township Board. Commencing on the twenty-fifth (25th) anniversary of the initial approval, and at every subsequent twenty-five (25) year interval thereafter, there shall be a one (1) year period during which proposals to redevelop the open space may be submitted for review and action by the Township. Proposals to redevelop may not be submitted at any other time except during these one (1) year periods.

   c. In the event that a proposal to redevelop open space is properly submitted during an appropriate one (1) year time frame, the Township shall proceed with review and shall take action on the proposal even if the review process extends beyond the one (1) year period.

d. Proposals to redevelop open space shall require the written consent of at least ninety percent (90%) of all persons having an interest in the property contained in the planned unit development at the time the proposal is submitted.

e. The overall density of residential development proposed for redeveloped open space shall not exceed the density that could be achieved with the underlying zoning that was in place at the time the original planned unit development plan was adopted (see Section 21.03(C) and definition of "underlying zoning" in Section 1.03).

f. These provisions for redevelopment of open space may be included in the conveyance described in the preceding subsection (I.6).

J. Frontage and Access

Planned unit developments shall front onto a paved public road and the main means of access to the development shall be via the paved public road. The nearest edge of any entrance or exit drive shall be located no closer than four hundred (400) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).

Each residential lot shall have frontage on, and each residential dwelling unit shall have direct access to, an approved public road. Individual residential dwelling units in a planned unit development shall not have direct access onto a county primary road or state trunkline. The planned unit development should be designed so that through-traffic, including traffic generated by commercial uses within the planned unit development, is discouraged from traveling on residential streets.

K. Natural Features

The development shall be designed to promote preservation of natural resources and features. If natural animal or plant habitats of significant value exist on the site, the Planning Commission or Township Board may require that the planned unit development plan preserve the areas in a natural state and adequately protect them as open space preserves or passive recreation areas. One hundred percent (100%) of any preserved natural area may be counted toward meeting the requirements for open space, as long as the requirements of Section 21.03(I)(5.a.) are met.

L. Pedestrian Access

Sidewalks shall be provided along all roads within the planned unit development.

M. Additional Considerations

The Planning Commission and Township Board shall take into account the following considerations, which may be relevant to a particular project: perimeter setbacks; road, drainage and utility design; underground installation of utilities; the extent to which sidewalks, trails, open space, playgrounds and other areas used by pedestrians are insulated from roads, drives, and parking areas used by vehicles; achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and, noise reduction and visual screening mechanisms, particularly in cases where non-residential uses adjoin residentially used or zoned property.

Section 21.04 Approval Procedures

Planned unit development review and approval procedures are set forth in Section 26.04. The approval of a planned unit development application shall require an amendment to the Zoning Ordinance to revise the zoning map and designate the subject property as "PUD, Planned Unit Development". Approval granted under this Article, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

Section 21.05 Review and Approval Standards

In considering any application for approval of a planned unit development plan, the Planning Commission and Township Board shall make their determinations on the basis of the standards for planned unit development approval set forth in Section 21.04, as well as the following standards and requirements:

A. Conformance with the Planned Unit Development Concept

The overall design and all uses proposed in connection with a planned unit development shall be consistent with and promote the intent of the planned unit development concept, as well as with specific project design standards set forth herein.

B. Compatibility with Adjacent Uses

The proposed planned unit development shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to surrounding properties and the uses thereon. In determining whether this requirement has been met, consideration shall be given to:

1. The bulk, placement, and materials of construction of proposed structures.
2. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
3. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
4. The hours of operation of the proposed uses.
5. The provision of landscaping and other site amenities.

C. Public Services

The proposed planned unit development shall not exceed the capacity of existing and available public services, including but not necessarily limited to utilities, public roads, police and fire protection services, and educational services, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the planned unit development is completed.

D. Impact of Traffic

The planned unit development shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses. In determining whether this requirement has been met, consideration shall be given to:

1. Access to major thoroughfares.
2. Estimated traffic to be generated by the proposed development and the potential increase in traffic congestion.
3. Proximity and relation to intersections.
4. Adequacy of driver site distances.
5. Location of and access to off-street parking.
6. Required vehicular turning movements.
7. Provisions for pedestrian traffic.
8. Proposals to alleviate traffic congestion, traffic safety concerns, and other traffic impacts.

E. Protection of Natural Environment

The proposed planned unit development shall be protective of the natural environment, and shall be in compliance with all applicable environmental protection laws and regulations.

F. Compatibility with the Master Plan

The proposed planned unit development shall be consistent with the general principles and objectives of the adopted Township Master Plan.

G. Compliance with Applicable Regulations

The proposed planned unit development shall be in compliance with all applicable Federal, state, and local laws and regulations.

Section 21.06 Phasing

Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area.

In addition, proposed phasing shall comply with the following requirements:

A. Coordination of Residential and Non-Residential Components

In developments which include residential and non-residential components, the residential component shall be completed at the same rate or prior to the non-residential component. For example, if fifty percent (50%) of the non-residential component is proposed to be completed in a certain phase, then at least fifty percent (50%) of the residential component should be completed in the same phase. One hundred percent (100%) of the residential component shall be completed prior to the final phase of non-residential construction. The construction of roads, utilities, and other infrastructure shall be considered completion of a residential component, where the intent is to sell lots or building sites to others who will construct the housing units.

The purpose of this provision is to ensure that planned unit developments are constructed in an orderly manner and to ensure that the planned unit development approach is not used as a means of circumventing restrictions on the location or quantity of certain types of land use. For purposes of carrying out this provision, the percentages shall be approximations as determined by the Planning Commission based on the floor area and land area allocated to each use. Such percentages may be varied should the Township Board, upon recommendation from the Planning Commission determine that the applicant has presented adequate and effective assurance that the residential component or components of the project shall be completed within the specified period.

B. Commencement of Construction

Construction of any facility may commence at any time following site plan approval per Section 26.02, provided that construction shall be commenced for each phase of the project within twenty-four (24) months of the schedule set forth on the approved plan for the planned unit development. However, the applicant may submit a revised phasing plan for review and approval by the Planning Commission. The applicant shall also submit a statement indicating the conditions which made the previous phasing plan unachievable. Once construction of a planned unit development has commenced, approval of a revised phasing plan shall not be unreasonably withheld or denied, provided that the revised phasing does not materially change the integrity of the approved planned unit development proposal.

In the event that construction has not commenced within the required time period and a revised phasing plan has not been submitted, the Township may initiate proceedings to amend the zoning classification of the undeveloped portion of the site. For the purposes of this Section, "commencement of construction" shall mean sustained progress resulting in, by way of example, construction of utilities, roads, foundations, or similar substantial improvements.

ARTICLE 25.00

Schedule of Regulations

Section 25.01 Intent and Scope of Requirements

The purpose of this Article is to establish regulations governing lot size, required yards, setbacks, building height, and development density for each zoning district. No building shall be erected, nor shall an existing building be altered, enlarged, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations established for the district in which the building or use is located. A portion of a lot used to comply with the regulations in this Article with respect to one building or use shall not be simultaneously used to comply with the regulations with respect to another building or use.

Section 25.02 Schedule of Regulations for Principal Structures

All buildings, uses, and parcels of land shall comply with the regulations set forth in the following Schedule of Regulations and footnotes thereto.

Section 25.02 - Schedule of Regulations

District	Minimum Lot Dimensions		Maximum Structure Height [b]		Minimum Required Setback (in feet)[c,d]			Minimum Usable Floor Area Per Unit (Sq. Ft.)	Maximum Coverage of Lot by All Buildings (%)
	Area[a] (sq. ft.)	Width (feet)	Stories	Feet	Front Yard	Each Side Yard[f]	Rear Yard		
R-1, Single Family	20,000	100[v]	2½	30	25[g]	5[g]	35[g]	960	25%
R-2, Single & Two-Family	13,200[e]	80[e,v]	2½	30	25[g]	5[e,g,]	35[g]	750[e]	25%
RM-1, Multiple Family	h	200[v]	2½	30	40[g,i,k]	30[g,i,j,k]	30[g,i,j,k]	l	25%
RM-2, Multiple Family/Mixed Use	h	200[v]	2½	30	40[g,i,k,y]	30[g,i,j,k,y]	30[g,i,j,k,y]	l	25%
RM-3, Residential Restricted	h	200[v]	4	45	40[g,i,k]	30[g,i,j,k]	30[g,i,j,k]	l	25%
MHP, Mobile Home Park	m	m	m	m	m	m	m	m	m
C-1, Local Commercial	10,890	70	2	30	25	25[u]	25	N.A.	60%
C-2, Commercial Corridor	15,000	100	2	30	35	25[u]	25	N.A.	60%
I-1, Light Industrial	21,780	100	2	40	50[p]	20[o]	40[o]	N.A.	75%
I-2, General Industrial	43,560	150	2	45	50[p]	30[o]	50[o]	N.A.	75%
PUD, Planned Unit Development	n	n	n	n	n	n	n	n	n

N.A. = Not Applicable

SCHEDULE OF REGULATIONS FOR ACCESSORY BUILDINGS[q,w]

District	Maximum Structure Height[b]		Minimum Required Setback (In Feet)[s]			Maximum Lot Coverage
	Stories	Feet	Front Yard	Each Side Yard	Rear Yard	
R-1, Single Family	l	15	r	5	10	t
R-2, Single & Two-Family	l	15	r	5	10	t
RM-1, Multiple Family	l	15	40	10	10	t
RM-2, Multiple Family/Mixed Use	l	15	40	10	10	t
RM-3, Residential Restricted	l	15	40	10	10	t
MHP, Mobile Home Park	m	m	m	m	m	m
C-1, Local Commercial	2	30	25	10	10	t
C-2, Commercial Corridor	2	30	35	10	10	t
I-1, Light Industrial	2	40	50	25	10	t
I-2, General Industrial	2	45	50	30	10	t
PUD, Planned Unit Development	n	n	n	n	n	n

FOOTNOTES TO THE SCHEDULE OF REGULATIONS

a. **Lot Area.** "Net Lot Area," as defined in Section 1.03, shall be used to determine compliance with lot area requirements. No new parcel shall be created unless the parcel has adequate usable lot area, such that the parcel can be built upon in compliance with Zoning Ordinance standards.

b. **Exception to Height Standards.** The height standards shall not apply to certain structures listed in Section 2.05.

c. **Measurement of Setbacks.** Required front setbacks shall be measured from the existing road right-of-line.

d. **Parking Setbacks.** Off-street parking shall comply with the setback requirements in Section 4.01(B).

e. **Minimum Requirements for Two-Family Dwellings.** Two-family dwellings in the R-2 district shall comply with the following requirements:
   Minimum Lot Area: 20,000 sq. ft.
   Minimum Lot Width: 120 ft.
   Minimum Floor Area, each unit: 650 sq. ft.
   Minimum Side Yard Setback: 10 ft.

f. **Setback on Side Yards Facing a Street.** On corner lots there shall be maintained a front yard along each street frontage.

g. **Minimum Setbacks for Non-Residential Uses.** Permitted non-residential uses shall comply with the setback requirements for specific uses in Article 8.00. Where setback requirements are not specified in Article 8.00, permitted non-residential uses shall comply with the minimum setback requirements set forth in the Schedule of Regulations, except that the side yard shall not be less than twenty (20) feet.

h. **Minimum Lot Area in Multiple-Family Districts.** Sufficient lot area shall be provided to comply with the standards in Section 8.03(B).

i. **Building Setbacks in Multiple-Family Districts.** The minimum distance between any two multiple-family structures erected on the same lot or parcel shall be determined in accordance with Section 8.03(B).

j. **Parking Setback Adjacent to a Residential District.** Off-street parking shall be set back a minimum of twenty (20) feet from any residential district boundary.

k. **Parking Setback in Multiple-Family Districts.** Off-street parking lots in the RM-1, RM-2 and RM-3 districts shall comply with the requirements in Section 4.01(B).

l. **Minimum Floor Area in the RM-1, RM-2 and RM-3 Districts.**

Number of Bedrooms	Required Floor Area (sq.)
0 (Efficiency)	500
1	500
2	700
3	900
Each Additional	100

m. **Mobile Home Park Regulations.** See Article 16.00 for development regulations in the MHP, Mobile Home Park District.

n. **Planned Unit Development Regulations.** See Article 21.00 and Section 26.04 for development regulations in the PUD, Planned Unit Development District.

o. **Minimum Setback Adjacent to a Residential District.** Where an adjacent district is zoned for residential use, buildings in industrial districts shall be set back the minimum distances specified in the following chart:

Building Height	Minimum Setback from Residential Zone
15 ft. or less	50 ft.
Over 15 ft.	50 ft., plus 5 additional feet for every one foot over 15 feet in height.

p. **Front Yard Setback in Industrial Parks.** In industrial park subdivisions that are designed so lots face each other on both sides of an internal road, the minimum front yard setback shall be forty (40) feet, provided that the required front yard is landscaped in accordance with Section 5.02(B) and shall not contain any off-street parking or loading.

q. **Attached Accessory Buildings.** Unless otherwise specified, accessory structures that are attached to the principal building shall be considered a part of the principal building for the purposes of determining conformance with dimensional requirements [see Section 2.03(B)].

r. **Detached Accessory Buildings in the Front Yard.** Detached accessory buildings are not permitted in the front yard of the R-1 and R-2 districts.

s. **Distance from Other Buildings.** Detached accessory buildings and structures shall be located at least (10) feet from any buildings on the site.

t. **Maximum Lot Coverage – Accessory Buildings and Structures.** Accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage standards. In addition, detached accessory buildings shall comply with the requirements in Section 2.03(6)(3).

u. **Side Yard Setback in Certain Commercial Areas.** The interior side yard may be reduced to zero (0) where there is party wall construction if the party wall is composed of fireproof materials and contains no windows, doors, or other openings. However, if the adjoining property is used for residential purposes, a twenty-five (25) foot side yard setback shall be provided.

v. **Lot Depth and Proportions.** The minimum lot depth of single-family lots shall be 120 feet. Lot depths of newly created lots shall be no greater than three times the lot width. The township may permit lot splits that very from these proportions where such action would reduce existing nonconformance with these requirements.

w. **Accessory Building Regulations.** See Section 2.03 for additional regulations regarding accessory buildings and structures.

x. Buildings in the West Main St. Sub-Area, as designated on the Zoning Map, shall be subject to the following requirements:

1. Buildings shall be setback zero distance from the front property line, unless another setback is permitted by the Planning Commission to accommodate a courtyard, outdoor seating, or landscaping architectural features, such as cornices, may extend into the required front setback.

2. Nonresidential uses shall provide one (1) parking space per 250 sq. ft. of usable nonresidential floor area, unless Article 4.00 requires fewer spaces. Adjacent on-street parking may be included in the calculations to determine compliance with minimum parking standards.

3. Parking lots are prohibited in the front yard.

4. The maximum usable floor area shall be 2,000 sq. ft.

y. The following setbacks shall apply to properties zoned RM-2 that are on West Main Street, from Gilkison Ave. east to the Township boundary:

Front – Minimum setback: 0 ft., Maximum setback: 10 ft.

Side – Minimum setback: 25 ft., except that the interior side yard may be reduced to zero (0) where there is party wall construction if the party wall is composed of fireproof materials and contains no windows, doors, or other openings. However, if the adjoining property is used for residential purposes, a twenty-five (25) foot side yard setback shall be provided.

Rear – Minimum setback: 25 ft.

ARTICLE 26.00

General Procedures and Related Standards

Section 26.01 Purpose

The purpose of this Article is to provide procedures and related standards for the processing of all requests for Township action or review under the provisions of this Ordinance.

Section 26.02 Site Plan Review/ Process

A. Intent

The site plan review procedures, standards, and required information in this Section are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations and standards contained in this Ordinance and other applicable ordinances and laws, including the Michigan Building Code, as amended, to achieve efficient use of the land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the Township and applicant so as to facilitate development in accordance with the Township's land use objectives.

B. Site Plan Required

1. Site Plan Required
   Except as provided in the following sub-section B.2, the development of any new use, the construction of any new structures, any change of an existing use of land or structure, and all other building or development activities shall require site plan approval pursuant to this Section. For example, site plan review shall be required for any of the following activities:

   a. Erection, moving, relocation, conversion or structural alteration to a building or structure to create additional floor space, other than a single-family or two-family dwelling.

   b. Any development which would, if approved, provide for the establishment of more than one principal use on a parcel, such as, for example, a single family site condominium or similar project where a parcel is developed to include two (2) or more sites for detached single family dwellings.

   c. Development of all non-single family residential uses permitted in single family districts.

   d. Any change in use that could affect compliance with the standards set forth in this Ordinance, other than for single-family residential uses.

   e. Expansion or paving of off-street parking involving twenty (20) or more spaces and/or a change in circulation or access for other than a single-family dwelling.

   f. Any excavation, filling, soil removal, mining or landfill, or creation of ponds, except as otherwise specified in sub-section B.2, item c.

   g. The development or construction of any accessory uses or structures, except for uses or structures that are accessory to a single-family or two-family dwelling.

   h. Any use or development for which submission of a site plan is required by the provisions of this Ordinance.

2. Site Plan Not Required
   Notwithstanding the preceding sub-section 1, site plan approval is not required for the following activities:

   a. Construction, moving, relocating or structurally altering a single or two-family home, including any customarily incidental accessory structure.

   b. Any excavation, filling, soil removal, mining, or creation of ponds that is less than one-half acre in area and less than fifty (50) cubic yards, provided that such activity is normally and customarily incidental to single-family uses described in this sub-section for which site plan approval is not required.

c. Construction involving only interior improvements where there is no change in use.

d. Construction of an accessory building which has a floor area of no greater than 768 square feet, where no new means of access from a public road is required, and where the proposal complies with applicable zoning requirements.

C. Site Plan Review Applications and Procedures

1. Optional Pre-Application Conference
In order to facilitate processing of a site plan in a timely manner, the applicant may request a pre-application site plan conference with the Township Planner. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the site plan. The applicant need not present drawings or site plans at a pre-application conference, but even if drawings or site plans are presented, no formal action shall be taken on a site plan at a pre-application conference.

At any time during the course of preparation of a site plan prior to submission of a formal application, the Township will upon request provide information concerning the Zoning Ordinance procedures and standards.

2. Optional Conceptual Review by Planning Commission or Township Board
An applicant may file a written request of conceptual review of a preliminary site plan by the Planning Commission or Township Board to evaluate the following:

a. Relationship of the site to nearby properties;

b. Density;

c. Adequacy of landscaping, open space, vehicular drives, parking areas, drainage, and proposed utilities; and,

d. Conformance with Township development policies and standards.

Conceptual review fees shall be paid according to the fee schedule established by the Township Board.

No formal action shall be taken on a site plan submitted for conceptual review, and neither the applicant nor the Planning Commission or Township Board shall be bound by any comments or suggestions made during the course of the conceptual review.

3. Submission of Site Plan for Formal Review
In order to initiate formal review by the Planning Commission and Township Board, the applicant is required to submit the following materials to the Kalamazoo Township Hall:

a. One (1) completed and signed copy of the Application for Site Plan Review,

b. Seven (7) individually folded copies and one (1) digital copy in pdf format of the site plan.

c. Proof that the plan has been submitted for review to all appropriate affected governmental agencies, including but not limited to the Road Commission of Kalamazoo County, County Drain Commission, County Health Department, Michigan Department of Transportation (where applicable), Michigan Department of Environmental Quality (where applicable) and any other agencies deemed appropriate by the Planning Commission or Township Board.

d. The required review fee.

These materials shall be submitted to the Township no later than noon thirty (30) calendar days prior to the Planning Commission or Township Board meeting at which the review is requested.

4. Distribution of Plans
Upon submission of all required application materials, the site plan proposal shall be placed on the next open Planning Commission agenda for Preliminary Review. The site plans and application shall be distributed to appropriate Township officials for review, including, as deemed necessary, the Township Planner and Engineer.

5. Review by Township Planner and Township Engineer
   The Township Planner and Township Engineer shall review the plans to determine compliance with the Zoning Ordinance, and shall submit written reports, which shall identify issues which must be resolved as well as all required revisions necessary to obtain site plan approval.

D. Review and Final Action

1. Initial Review
   At the first regular meeting at which a site plan proposal is considered, the Planning Commission shall identify major issues and must be resolved and other revisions necessary to obtain site plan approval.

2. Public Hearing
   Site plans involving uses that are subject to Special Land Use approval require a public hearing. After payment of appropriate fees, the Planning Commission will set the date of the public hearing, subject to the requirements in Section 26.03.

3. Request for Revisions
   Upon Preliminary Review of the site plan proposal, the Planning Commission may require the applicant to complete revisions and submit the plans for engineering review prior to formal action being taken. The applicant shall be given the opportunity to revise the plans and submit revised plans for further review. All required revisions must be completed or the site plan will not be put on the agenda for Final Review.

4. Submission of Plans for Final Review
   Seven (7) individually folded copies and one (1) digital copy of the revised plan in pdf format shall be submitted for final review at least twenty-one (21) calendar days prior to the Planning Commission meeting at which review is requested. The revised plan shall be distributed to appropriate Township officials for review.

5. Planning Commission Final Review
   The Planning Commission shall review the site plan proposal together with any public hearing findings and any requested reports and recommendations from the Township Planner, Township Engineer and other reviewing agencies. The Planning Commission shall then make a final decision, based on the requirements and standards of this Ordinance. The Planning Commission may approve, approve with conditions, deny, or they may table the proposal, as noted below.

   a. **Approval.** Upon determination that a site plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Planning Commission shall approve the site plan.

   b. **Approval Subject to Conditions.** Upon determination that a site plan is in compliance except for minor modifications, the Planning Commission may impose reasonable conditions upon approval of the site plan. The conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan. The conditions may include the need to obtain variances, obtain approvals from other agencies, or obtain special land use approval.

      The applicant shall submit a revised plan with a revision date, indicating compliance with the conditions. The applicant must re-submit the site plan to the Planning Commission for final approval after conditions have been met, unless the Planning Commission waives its right to review the revised plan, and instead authorizes the Township Planner to review and approve the site plan after all required conditions have been addressed.

   c. **Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Article or elsewhere in this Ordinance, or requires extensive revision in order to comply with said standards and regulations, the Planning Commission shall deny the site plan.

   d. **Tabling.** Upon determination that a site plan is not ready for approval or rejection, or upon a request by the applicant, the Planning Commission may table consideration of a site plan until a later meeting.

6. Time Period for Obtaining Approval
   An applicant shall have a maximum of two (2) years from the date of submittal of a site plan for formal review to achieve final approval. If approval is not achieved within this period, the application becomes null and void and a new application is required to pursue site plan review further.

7. Recording of Site Plan Review Action
   Each action taken with reference to a site plan review shall be duly recorded in the minutes of the Planning Commission. The grounds for action taken upon each site plan shall also be recorded in the minutes.

After final action has been taken on a site plan and all steps have been completed, three copies of the application and plans shall be marked APPROVED or DENIED, as appropriate, with the date that action was taken. One marked copy will be returned to the applicant and the other two copies will be kept on file in the Township Hall.

8. Procedure After Site Plan Approval

a. **Application for Building Permit.** Following final approval of the site plan and the engineering plans, the applicant may apply for a building permit. It shall be the responsibility of the applicant to obtain all other applicable Township, County, State, or Federal permits prior to issuance of a building permit.

No permits for construction in a proposed condominium project shall be issued until evidence of a recorded Master Deed has been provided to the Township.

b. **Expiration of Site Plan Approval.** If construction has not commenced, or if the project has commenced but has not made reasonable progress, within twelve (12) months after final approval of the site plan, the site plan approval expires and a new application for site plan review shall be required. However, the applicant may apply in writing to the Planning Commission for an extension of site plan approval. The Planning Commission may grant one or more extensions of up to twelve (12) months upon request from the applicant prior to expiration of the previous approval and provided that it finds that the approved site plan adequately represents current conditions on and surrounding the site and provided that the site plan conforms to current Zoning Ordinance standards.

c. **Application for Certificate of Occupancy.** Following completion of site work and building construction, the applicant may apply for a Certificate of Occupancy from the Building Official in accordance with the procedures set forth in Section 26.08. It shall be the applicant's responsibility to obtain these required certificates prior to any occupancy of the property.

d. **Property Maintenance After Approval.** It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

With respect to condominium projects, the Master Deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The Master Deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association. Failure to maintain an approved site plan shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

e. **Recorded and As-Built Condominium Documents.** Upon approval of the site plan for a condominium project involving new construction, the condominium project developer or proprietor shall furnish the Township with the following:

(1) One (1) copy of the recorded Master Deed, and
(2) One (1) copy of any Condominium Bylaws and restrictive covenants.
(3) One (1) copy of the recorded Condominium Subdivision Plan (Exhibit B).

Upon completion of the project, the condominium project developer or proprietor shall furnish the Township with two (2) copies of an "as built survey".

The as-built survey shall be reviewed by the Township Engineer for compliance with Township Ordinances. Fees for this review shall be established by the Township Board.

9. Site Plan Violation

In the event that construction is not in compliance with the approved plans, the Zoning Administrator or his/her designee shall take corrective action, unless a revised site plan is submitted for Township review, following the normal site plan review procedures in Section 26.02. If the builder or developer fails to take corrective action or pursue approval of an amended site plan, the Zoning Administrator or his/her designee may issue a citation, after which the Township Board may commence and pursue appropriate action in a court having jurisdiction.

10. Modification to Approved Plan
Minor modifications to an approved site plan may be reviewed by the Township Planner and Township Engineer.

a. **Minor Modification Defined.** Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the danger from hazards. Examples of minor modifications include:

1) An addition to an existing commercial or industrial building that does not increase or decrease the floor space by more than twenty-five percent (25%) or two thousand (2,000) square feet, whichever is less.
2) Re-occupancy of a vacant building that has been unoccupied for less than twelve (12) months.
3) Changes to building height that do not add an additional floor.
4) Alterations or modifications involving less than twenty (20) parking spaces.

The construction of a new building or structure, adding or deleting parking or the addition of curb cuts onto a public road are examples of modifications which are not considered minor.

b. **Determination of Minor Modification.** The Township Planner shall determine if the proposed modifications are minor in accordance with the guidelines in this section.

c. **Modifications Not Deemed "Minor".** If the modifications are not deemed minor by the Township Planner, or if the Township Planner finds (in the Township Planner's sole discretion and professional opinion) that there are characteristics of the site plan that warrant Planning Commission review, the full review and approval by the Planning Commission shall be required. Planning Commission review and approval shall be required for all site plans that involve a request for a variance, a Special Land Use, a proposal that involves a discretionary decision, or a proposal that involves a nonconforming use or structure.

d. **Recording of Action.** Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan, and shall be kept on file at Township Hall. The Planning Commission shall be advised of all minor site plan modifications approved by the Township Planner and such modifications shall be noted on the site plan and in the minutes of the Planning Commission.

E. Required Information on Site Plans

The following information shall be included on all site plans, where applicable:

1. Application Form
The application form shall contain the following information:

a. Applicant's name and address.

b. Name, address and signature of property owner, if different from applicant.

c. Common description of property and complete legal description including the Tax Identification number.

d. Dimensions of land and total acreage.

e. Existing zoning of applicant's parcel and surrounding land.

f. Existing use of the applicant's parcel.

g. Proposed use of land and name of proposed development, if applicable.

h. Proposed buildings to be constructed, including square feet of gross and usable floor area.

i. Proof of property ownership.

j. Number of permanent employees, if applicable.

k. Names, addresses, and telephone numbers of engineers, attorneys, architects, and other professionals associated with the project.

l. Review comments and/or approvals from County, State, and Federal agencies. Copies of letters or approval forms should be submitted with the site plan application.

2. Descriptive and Identification Data
   Site plans shall consist of an overall plan for the entire development, drawn to a scale of not less than 1 inch = 20 feet for property less than 1 acre, 1 inch = 30 feet for property larger than 1 acre but less than 3 acres, and 1 inch = 50 feet for property larger than 3 acres, unless another scale is approved by the Township Planner. Sheet size shall be at least 24 inches by 36 inches. The following descriptive and identification information shall be included on an site plans.

   a. Applicant's name and address, and telephone number.

   b. Title block indicating the name of the development.

   c. Scale.

   d. Northpoint.

   e. Dates of submission and revisions (month, day, year).

   f. Location map drawn to scale with northpoint.

   g. Legal and common description of property, including acreage.

   h. The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel the plan should indicate the boundaries of total land holding.

   i. A schedule for completing the project, including the phasing or timing of all proposed developments.

   j. Identification and seal of the architect, engineer, land surveyor, or landscape architect who prepared or supervised and approved the plan.

   k. Written description of proposed land use.

   l. Zoning classification of applicant's parcel and all abutting parcels.

   m. Proximity to driveways serving adjacent parcels.

   n. Proximity to section corner and major thoroughfares.

   o. Notation of any variances that have or must be secured.

   p. Net acreage (minus rights-of-way) and total acreage, to the nearest 1/10 acre.

3. Site Data

   a. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site.

   b. Front, side, and rear setback dimensions.

   c. Topography on the site and within 100 feet of the site at two foot contour intervals, referenced to a U.S.G.S. benchmark.

   d. Existing and proposed site features, including buildings, roadway widths and names, and parking areas.

   e. Existing structures within fifty (50) feet of the subject property.

   f. Dimensions and centerlines of existing and proposed roads and road rights-of-way, and acreage of proposed roads and road rights-of-way.

   g. Acceleration, deceleration, and passing lanes, where required.

   h. Proposed vehicular circulation system, including location of driveway entrances, roads, and on-site driveways.

   i. Typical cross-section of proposed roads and driveways.

j. Location of existing drainage courses, floodplains, lakes and streams, with elevations, and acreage of bodies of water.

k. Boundaries of all wetland areas, with sufficient dimensions between various points on the wetland boundary and buildings, property lines, or other features to allow accurate portrayal of the wetlands. The acreage shall be provided separately for all wetlands, and wetlands regulated by the State shall be identified. Wetlands staking and identification shall be done by a qualified wetlands expert. If deemed necessary because of site or soil conditions or because of the scope of the project, a detailed hydrology study may be required.

l. Location of existing and proposed interior sidewalks and sidewalks in the road right-of-way.

m. Exterior lighting locations and method of shielding lights from shining off the site.

n. Trash and recycling receptacle locations and method of screening.

o. Transformer pad location and method of screening, if applicable.

p. Parking spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing.

q. Information needed to calculate required parking in accordance with Zoning Ordinance standards.

r. The location of lawns and landscaped areas, including required landscaped greenbelts.

s. Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material.

t. Location, sizes, and types of existing trees five (5) inches or greater in diameter, measured at one (1) foot off the ground, before and after proposed development.

u. Cross-section of proposed berms.

v. Location and description of all easements for public rights-of-way, utilities, access, shared access, and drainage.

w. Designation of fire lanes.

x. Loading/unloading area.

y. The location of any outdoor storage of materials and the manner by which it will be screened.

z. Indicate locations of steep slopes.

4. Building and Structure Details

a. Location, height, and outside dimensions of all proposed buildings or structures.

b. Indication of the number of stores and number of commercial or office units contained in the building, if applicable. If the site plan involves an existing non-residential building, then a list of all tenants shall be provided. No new tenants shall be allowed to occupy the building until the site plan is fully implemented.

c. Building floor plans.

d. Total floor area.

e. Location, size, height, and lighting of all proposed signs.

f. Proposed fences and walls, including typical cross-section and height above the ground on both sides.

g. Building facade elevations, drawn to a scale of one (1) inch equals four (4) feet, or another scale approved by the Township Planner and adequate to determine compliance with the requirements of this Ordinance. Elevations of proposed buildings shall indicate type and color of exterior building materials, roof design, projections, canopies, awnings and overhangs, screen walls and accessory buildings, and any outdoor or roof-located mechanical equipment, such as air conditioning units, heating units, and transformers.

5. Information Concerning Utilities, Drainage, and Related Issues

a. Schematic layout and description of existing and proposed sanitary sewers, sewage treatment systems, and/or septic systems; water mains, well sites, and water service leads; hydrants that would be used by public safety personnel to service the site; storm sewers and drainage facilities, including the location of retention/detention facilities; and, the location of gas, electric, and telephone lines .

b. Layout and description of telecommunications infrastructure.

c. Indication of site grading and drainage patterns.

d. Types of soils and location of floodplains and wetlands, if applicable.

e. Soil erosion and sedimentation control measures.

f. Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways, and parking lots.

g. Assessment of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable.

h. Assessment of potential impact on groundwater, including but not limited to quality, quantity, and recharge.

i. All utilities shall be located underground within the boundaries of a proposed development, including but not limited to gas, electric, telephone and cable television service leads.

6. Information Concerning Residential Development

a. The number, type and location of each type of residential unit (one bedroom units, two bedroom units, etc.).

b. Density calculations by type of residential unit (dwelling units per acre).

c. Lot coverage calculations.

d. Floor plans of typical buildings with square feet of floor area.

e. Garage and carport locations and details, if proposed.

f. Pedestrian circulation system.

g. Location and names of roads and internal drives with an indication of how the proposed circulation system will connect with the existing adjacent roads.

h. Community building locations, dimensions, floor plans, and facade elevations, if applicable.

i. Swimming pool fencing detail, including height and type of fence, if applicable.

j. Location and size of recreation open areas.

k. Indication of type of recreation facilities proposed for recreation area.

l. If common area or community buildings are proposed, then the site plan should indicate the responsibilities of the subdivision or condominium association, property owners, or other public entity, with regard to maintenance of the common areas or community property on a continuing basis.

7. Information Applicable to Mobile Home Parks

a. Location and number of pads for mobile homes.

b. Distance between mobile homes.

c. Proposed placement of mobile home on each lot.

d. Average and range of size of mobile home lots.

e. Density calculations (dwelling units per acre).

f. Lot coverage calculations.

g. Garage and carport locations and details, if proposed.

h. Pedestrian circulation system.

i. Location and names of roads and internal drives.

j. Community building location, dimensions, floor plans, and facade elevations, if applicable.

k. Swimming pool fencing detail, including height and type of fence, if applicable.

l. Location and size of recreation open areas.

m. Indication of type of recreation facilities proposed for recreation area.

8. Additional Information

a. **Information Related to Condominium Development.** The following information shall be provided with all site plans involving condominium development:

1. Condominium documents, including the proposed Master Deed, condominium Bylaws, and Condominium Subdivision Plan (Exhibit B).

2. Condominium subdivision plan requirements, as specified in the Condominum Rules promulgated by the Department of Licensing and Regulatory Affairs, Bureau of Commercial Services and Corporations, or successor agency. .

b. **Items Not Applicable.** If any of the items listed are not applicable to a particular site, the following information should be provided on the site plan, or accompanying the site plan:

1. A list of each item considered not applicable.

2. The reason(s) why each listed item is not considered applicable.

c. **Other Data That May Be Required.** Other data may be required if deemed necessary by the Township administrative officials or Planning Commission to determine compliance with the provisions in this Ordinance. Such information may include traffic studies, market analysis, environmental assessment and evaluation of the demand on public facilities and services.

F. Standards For Site Plan Approval

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

1. Adequacy of Information
The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.

2. Site Design Characteristics
All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.

3. Appearance
Landscaping, earth berms, fencing, signs, wall and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.

4. Compliance with District Requirements
The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in the Schedule of Regulations (Article 25.00) unless otherwise provided in this Ordinance.

a. **Site Condominiums.** In the case of site condominiums, these regulations shall be applied by requiring the site condominium unit to be equal in size to the minimum lot size and lot width requirements for the district in which the project is located. The site condominium unit shall be at least equivalent to the minimum lot area requirements.

In addition, site condominium projects shall comply with all applicable design standards which have been developed for similar types of development in the Township, as described in the Zoning Ordinance and other applicable local, county, and state ordinances, laws and regulations, including but not necessarily limited to

requirements for streets, blocks, lots, utilities, and storm drainage. These requirements and specifications are hereby incorporated and are made a part of this Ordinance by reference.

b. **Detached Condominiums.** In the case of detached condominiums, these regulations shall be applied by requiring that the detached condominium units comply with the requirements governing minimum distance between buildings, attachment of buildings, and other applicable requirements for the district in which the project is located. Proposed detached condominium projects shall not exceed the maximum permitted density for the district in which the project is located, as determined on the basis of minimum lot size standards in Article 25.00.

Detached condominium projects shall comply with all applicable design standards which have been developed for similar types of development in the Township, as described in the Zoning Ordinance and other applicable local, county, and state ordinances, laws and regulations, including but not necessarily limited to requirements for streets, blocks, lots, utilities, and storm drainage. These requirements and specifications are hereby incorporated and are made a part of this Ordinance by reference.

5. Preservation of Natural Areas
The landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal alteration to the natural drainage course and the amount of cutting, filling, and grading.

6. Privacy
The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate if permitted, for the protection and enhancement of property and the safety and privacy of occupants and uses.

7. Emergency Vehicle Access
All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.

8. Ingress and Egress
Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.

9. Pedestrian Circulation
Each site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system.

10. Vehicular and Pedestrian Circulation Layout
The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. The width of streets shall be appropriate for the volume of traffic they will carry, based on Road Commission of Kalamazoo County standards. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.

11. Drainage
Appropriate measures shall be taken to insure that the removal or drainage of surface waters will not adversely affect adjoining properties or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of stormwater facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Grading and drainage plans shall be subject to review by the Township Engineer.

12. Soil Erosion and Sedimentation
The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current County and Township standards.

13. Exterior Lighting
Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.

14. Public Services
Adequate services and utilities, including water, sewage disposal, sanitary sewer, and stormwater control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development. All streets and roads, water, sewer, and drainage systems, and similar facilities shall conform to the design and construction standards of the Township or County, as appropriate.

15. Screening
    Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height and shall comply with Articles 5.00 and 6.00 of this Ordinance.

16. Danger from Hazards
    The level of vulnerability to injury or loss from incidents involving hazardous materials or processes shall not exceed the capability of the Township to respond to such hazardous incidents so as to prevent injury and loss of life and property. In making such an evaluation, the Township shall consider the location, type, characteristics, quantities, and use of hazardous materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the Township.

    Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharge of polluting materials to the surface of the ground, groundwater, or nearby water bodies.

17. Health and Safety Concerns
    Any use in any zoning district shall comply with applicable Federal state, county, and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and, toxic and hazardous materials.

18. Sequence of Development
    All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.

19. Coordination with Adjacent Sites
    All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties.

20. Characteristics of the Soils
    Soils shall have the physical, chemical, and engineering properties necessary to support the development being proposed. By way of example, consideration shall be given to the capability of soils to support the type of proposed structure and the potential impact that anticipated modifications to soils would have on ground or surface water quality.

Section 26.03 Special Land Uses

A. Intent

The procedures and standards in this Section are intended to provide a consistent and uniform method for review of proposed plans for special land uses (sometimes also referred to as Special Uses). Special land uses are uses, either public or private, which possess unique characteristics and therefore cannot be property classified as a permitted use in a particular zoning district (see DEFINITIONS, ARTICLE 1.00). This Section contains standards for review of each special land use proposal individually on its own merits to determine if it is an appropriate use for the district and specific location where it is proposed.

B. Procedures and Requirements

Special land use proposals shall be reviewed in accordance with the procedures in Section 26.02 for site plan review, except as follows:

1. Public Hearing Required
   A public hearing shall be scheduled by the Township Administration and held by the Planning Commission before a decision is made on a special land use request. The public hearing shall be noticed following the procedures listed in Section 26.12.

2. Planning Commission Final Action
   The Planning Commission shall review the application for special land use in accordance with the procedures in Section 29.02, together with the public hearing findings and reports and recommendations from the Building Official, Township Planner, Township Public Safety Officials, Township Engineer, and other reviewers. The Planning Commission shall then make a decision regarding the proposed special land use, based on the requirements and standards of this Ordinance. The Planning Commission may approve, approve with conditions, or deny the special land use application as follows:

   a. Approval. Upon determination by the Planning Commission that the final plan for special land use is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Planning Commission shall approve the special land use.

   b. Approval with Conditions. The Planning Commission may impose reasonable conditions upon the approval of a special land use, to the extent authorized by law, for the purposes of insuring that public services and facilities

affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the development and those immediately adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this Ordinance.

c. Denial. Upon determination by the Planning Commission that a special land use proposal does not comply with the standards and regulations set forth in this Ordinance, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the Township, the Planning Commission shall deny the special land use.

3. Recording of Planning Commission
Each action taken with respect to a special land use shall be duly recorded in the minutes of the Planning Commission. The minutes shall record the findings of fact relative to each special land use proposal, the grounds for the action taken, and any conditions imposed in conjunction with approval.

4. Effect of Approval
Upon approval, a special land use shall be deemed a conforming use permitted in the district in which it is proposed, subject to any conditions imposed and final approval of the site plan. Such approval shall affect only the lot or portion thereof on which the proposed use is located. Such approval shall remain valid regardless of change of ownership.

5. Zoning Board of Appeals Authority
The Zoning Board of Appeals shall not have the authority to consider an appeal of a decision concerning a special land use proposal. The ZBA shall have the authority to consider variances associated with a special land use that relate to setbacks and dimensional requirements.

6. Application for a Building Permit
Prior to issuance of a building permit, the applicant shall submit proof of the following:

a. Final approval of the special land use application.

b. Final approval of the site plan.

c. Final approval of the engineering plans.

d. Acquisition of all other applicable Township, County, or State permits.

7. Expiration of Special Land Use Approval
If construction has not commenced, or if the project has commenced but has not made reasonable progress within twelve (12) months after final approval, the approval becomes null and void and a new application for special land use approval shall be required. However, the applicant may apply in writing to the Planning Commission for an extension of special land use approval. The Planning Commission may grant one or more extensions of up to twelve (12) months, upon request from the applicant prior to expiration of the previous approval and provided that it finds that the approved special land use plan conforms to current Zoning Ordinance standards.

8. Modification to Approved Special Land Use
Special land use approval in accordance with provisions of this Section may subsequently be modified, subject to the following requirements:

a. Modifications that do not change the nature of the use or that do not affect the intensity of use may be reviewed and approved following normal site plan review procedures described in Section 26.02. In evaluating change in intensity of use, the Planning Commission and Township Board shall consider the extent of increase of vehicular or pedestrian traffic, the change in demand for public services, extent to which the total floor area occupied by the proposed use will increase, increased demand for parking, off-site impacts from noise, fumes, drainage, etc., and similar considerations.

b. Modifications that change the nature of the use or that result in an increase in the intensity of the use shall be reviewed in the same manner as a new special land use proposal, following the procedures in this Section.

9. Special Land Use Violation
In the event that construction or subsequent use is not in compliance with the approved special land use application, the Zoning Administrator or his/her designee shall take corrective action, unless a revised special land use application is submitted for Township review, following the normal special land use review procedures. If the builder, developer, or current user fails to take corrective action or pursue approval of an amended plan, the Zoning Administrator or

his/her designee may issue a citation, after which the Township Board may commence and pursue appropriate action in a court having jurisdiction.

10. Performance Guarantee
The Planning Commission or Township Board may require that a performance guarantee be deposited with the Township to ensure faithful completion of the improvements, in compliance with Section 2.13.

C. Standards for Granting Special Land Use Approval

Approval of a special land use proposal shall be based on the determination that the proposed use will be consistent with the intent and purposes of this Ordinance, will comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in Section 26.02, applicable site development standards for specific uses set forth in Article 8.00, and the following standards:

1. Compatibility with Adjacent Uses
The proposed special land use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design of the proposed special land use shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:

   a. The location and screening of vehicular circulation and parking areas in relation to surrounding development.

   b. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.

   c. The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.

   d. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.

   e. Proposed landscaping and other site amenities. Additional landscaping over and above the requirements of this Ordinance may be required as a condition of approval of a special land use.

2. Compatibility with the Master Plan
The proposed special land use shall be consistent with the general principles and objectives of the Township's Master Plan.

3. Public Services
The proposed special land use shall be located so as to be adequately served by essential public facilities and services, such as highways, roads, police and fire protection, drainage systems, water and sewage facilities, and schools, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the special land use is established.

4. Impact of Traffic
The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:

   a. Proximity and access to major thoroughfares.

   b. Estimated traffic generated by the proposed use.

   c. Proximity and relation to intersections,

   d. Adequacy of driver sight distances.

   e. Location of and access to off-street parking.

   f. Required vehicular turning movements.

   g. Provisions for pedestrian traffic.

5. Detrimental Effects
The proposed special land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the level of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light.

6. Economic Well-Being of the Community
   The proposed special land use shall not be detrimental to the economic well-being of those who will use the land, residents, businesses, landowners, and the community as a whole.

7. Compatibility with Natural Environment
   The proposed special land use shall be compatible with the natural environment and conserve natural resources and energy.

Section 26.04 Planned Unit Development Review Procedures and Requirements

A. Intent

The procedures and standards in this Section are intended to provide a uniform method for review of planned unit development proposals. These procedures and standards are intended to assure full compliance with the standards contained in this Ordinance, particularly Article 21.00, and other applicable local ordinances and state and federal laws.

The approval of a planned unit development application shall require an amendment to the Zoning Ordinance to revise the zoning map and designate the subject property as "PUD, Planned Unit Development." Approval granted under this Article, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

B. Summary of Review Procedures

A summary of the steps involved in the review of planned development applications follows:

	Review Procedures	Zoning Ordinance Section
Step 1	Optional pre-application conference	26.04 (D)
Step 2	Submit Phase 1 application	26.04 (E)
Step 3	Public hearing	26.04 (E3)
Step 4	Planning Commission Phase 1 review	26.04 (E4)
Step 5	Submit Phase 2 (final) review application	26.04 (F)
Step 6	Planning Commission final review and action	26.04 (F2)
Step 7	Township Board final review and action	26.04 (G)

A detailed explanation of the review procedures follows:

C. General Application Requirements

The application for planned unit development shall be made on the forms and according to the guidelines approved by the Planning Commission. The application shall be submitted to the Kalamazoo Township Planning Department and shall be accompanied by all required fees and documents as specified herein. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the plan may be tabled due to lack of representation.

D. Pre-Application Conference

In order to facilitate review of a planned unit development proposal in a timely manner, the applicant may request an informal pre-application conference with members of the Planning Commission and/or Township Board and/or Township Planning staff. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the application and supporting materials.

The applicant shall present at such a conference or conferences, at minimum, a sketch plan of the proposed planned development, plus a legal description of the property in question; the total number of acres in the project; a statement of the approximate number of residential units and the approximate number of acres to be occupied by each type of use; the number of acres to be preserved as open or recreational space; and, all known natural resources and natural features to be preserved.

No formal action shall be taken at a pre-application conference. There shall be no fee for a pre-application conference. At any time during the course of preparation of plans prior to submission of a formal application, the Township will upon request provide information concerning Zoning Ordinance procedures and standards.

E. Phase 1 Review

Planned development projects shall undergo a two-step plan review and approval process. The procedures for Phase 1 review are outlined in this sub-section. The Phase 1 site plan shall be subject to the site plan review requirements in Section 26.02 of this Ordinance, where applicable, as well as the additional requirements in this Section.

1. Information Required for Phase 1 Plan Review
   The information required for Phase 1 plan review shall be provided according to the requirements of Section 26.04(M). The applicant shall submit seven (7) individually folded copies and one (1) digital copy and supporting materials. These materials shall be submitted to the Township no later than noon thirty (30) calendar days prior to the Planning Commission meeting at which the review is requested.

2. Professional Review
   The Planning Commission may request professional review of the preliminary plans by appropriate agencies or consultants, such as the Township Planner and Engineer. If such review is requested, the designated agencies or consultants shall prepare and transmit reports to the Planning Commission stating their findings and conclusions and any recommended changes or revisions. The Township shall require the applicant to pay the cost of any such review fees.

3. Public Hearing
   The Planning Commission shall hold a public hearing on any planned unit development proposal before it is approved.

   a. **Scheduling a Public Hearing.** The Planning Commission shall schedule a public hearing after any designated agencies or consultants have completed their review and submitted their findings concerning the proposed project.

   b. **Notice Requirements**. Notice of the public hearing shall be published in a newspaper which circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. Such notice shall be given not less than fifteen (15) days before the public hearing is scheduled. Such notification shall be made in accordance with the provisions of Section 103 of Michigan Public Act 110 of 2006, as amended. Accordingly, the notice shall:

      1) Describe the nature of the planned unit development project requested.

      2) Indicate the property which is the subject of the request.

      3) State when and where the planned unit development project will be considered and the public hearing will be held.

      4) Indicate when and where written comments will be received concerning the request.

4. Planning Commission Phase 1 Review
   Following the public hearing, the planned unit development proposal and plan shall be reviewed by the Planning Commission in relation to applicable standards and regulations, compliance with the planned unit development regulations, and consistency with the intent and spirit of this Article.

   a. **Phase 1 Approval by the Planning Commission.** Based on the standards and requirements set forth in this Ordinance and in this Section, the Planning Commission shall grant Phase 1 approval, approval subject to conditions, or deny the proposed planned unit development project and site plan.

   b. **Effect of Phase 1 Approval or Denial.** A Phase 1 approval shall mean that the planned development project and plan meet the requirements of this Ordinance. Subject to any conditions imposed by the Planning Commission as part of its motion, Phase 1 approval assures the applicant that the Planning Commission will grant final approval if:

      1) All state and county approvals are obtained;

      2) No unresolved negative comments are received by any governmental agencies or public utilities; and

      3) All federal, state and local laws and ordinances are met.

      An unresolved negative comment shall be one that indicates that existence of a condition which is contrary to the requirements of this Ordinance or other applicable ordinances or laws, where such requirement has not been waived or dismissed as a result of an approval by the Planning Commission and Township Board.

A denial shall mean that the proposed project and plan does not meet the requirements of this Ordinance. Any denial shall specify the reasons for denial and those requirements of the Ordinance that are not met. In the event that the applicant submits a revised plan after the Planning Commission has issued a denial, the revised plan shall be considered a new case, which shall begin at the first stage of the review process. In order to initiate such review, the applicant shall be required to submit a new review fee.

If the Planning Commission determines that revisions are necessary to bring the planned development proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised Phase 1 plan. Following submission of a revised plan, the planned development proposal shall be placed on the agenda of the next available meeting of the Planning Commission for further review and possible action.

5. State and County Approval

a. All planned unit development projects shall require the review and approval of the agencies listed below prior to final site plan approval. The Township may accept a tentative or preliminary approval or a statement from the agency detailing the conditions under which final approval will be granted, provided that such approval or statement provides reasonable assurance to the Township that the development complies with the standards of the agencies having jurisdiction.

1) The Road Commission of Kalamazoo County or, if any part of the project includes or abuts a state highway or includes streets or roads that connect with or lie within the right-of-way of a state highway, the Michigan Department of Transportation;

2) The Kalamazoo County Drain Commission;

3) The Kalamazoo County Health Department and the Michigan Department of Environmental Quality shall approve the fresh water system and the waste water disposal system;

4) The Michigan Department of Environmental Quality (MDEQ), if wetlands or other site features are under the jurisdiction of the MDEQ; and

5) Other agencies that have review and approval authority over any aspect of the project.

In the event that negative comments are received from any of these agencies, the Planning Commission shall consider the nature of such comments with respect to Ordinance requirements, conditions on the site, response from the applicant, and other factual data related to the issue or concern. Negative comments shall not automatically result in denial of the plan, but every effort shall be made to resolve any issues or concerns cited by these agencies prior to taking action on the plan.

b. In addition to the specific required approvals, all planned development project site plans shall have been submitted to each of the public utilities serving the site, and any other state agency designated by the Planning Commission, for informational purposes. The Planning Commission shall consider any comments made by these agencies prior to final site plan approval.

F. Planning Commission Phase 2 (Final) Review and Recommendation

Phase 2 or final approval shall be considered by the Planning Commission upon the receipt of all the information required for Phase 2 or final review in Section 26.04, sub-section M.

1. Submission of Revised Site Plan
The applicant shall submit seven (7) individually folded copies and one (1) digital copy of the revised site plans and supporting materials. These materials shall be submitted to the Township no later than noon thirty (30) calendar days prior to the Planning Commission or Township Board meeting at which the review is requested.

2. Final Approval by Planning Commission
The Planning Commission shall review the application for planned unit development, together with the public hearing findings and any requested reports and recommendations from the Building Official, Township Planner, Township Public Safety officials, Township Engineer, and other reviewing agencies. The Township Attorney shall review and comment on the proposed Planned Development Agreement and all related documents. Based on its review of the proposed plans and supporting documentation, the Planning Commission shall make findings of fact with respect to compliance with the standards and criteria in this Ordinance. The Planning Commission shall then set forth its findings and recommendation in a written report to the Township Board, based on the requirements and standards of this Ordinance. The Planning Commission may recommend approval, approval with conditions, or denial as follows:

a. **Approval.** Upon determination by the Planning Commission that the final plan for planned unit development is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, the Planning Commission shall recommend approval.

b. **Approval with Conditions.** The Planning Commission may recommend that the Township Board impose reasonable conditions upon the approval of a planned unit development, to the extent authorized by law, for the purposes of insuring that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect the natural resources and the public health, safety and welfare of individuals in the development and those immediately adjacent, and the community as a whole. Conditions imposed shall also be necessary to meet the intent and purpose of this Ordinance and the standards set forth in Sections 21.02, 21.03, and 21.05. In the event that the planned development is approved subject to specified conditions, such conditions shall become a part of the record of approval, and such conditions shall be modified only as provided in Section 26.04(N).

Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed site plans for each facility or phase, in accordance with Section 26.02, provided that:

1) the location and approximate size of such buildings shall be shown on the overall plan for the planned unit development,

2) detailed site plans for such buildings shall be submitted for review and approval in accordance with the site plan review requirements in Section 26.02, and

3) phasing requirements in Section 21.06 shall be complied with.

c. **Denial.** Upon determination by the Planning Commission that a planned unit development proposal does not comply with the standards and regulations set forth in this Ordinance, including Sections 21.02, 21.03, and 21.05, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the Township, the Planning Commission shall recommend denial.

3. Transmittal of Findings to Township Board
The Planning Commission shall prepare and transmit a report to the Township Board stating its conclusions and recommendation, the basis for its recommendation, and any recommended conditions relating to an affirmative decision.

G. Township Board Action Required

Following receipt of the Planning Commission's report, the application shall be placed on the agenda of the next available Township Board meeting. The Township Board shall review the final plan and proposed Planned Unit Development Agreement, together with the findings of the Planning Commission, and, if requested, any reports and recommendations from consultants and other reviewing agencies. Following completion of its review, the Township Board shall approve, approve with conditions, or deny a planned development proposal in accordance with the guidelines described previously in Section 26.04, sub-section (F)(2).

1. Planned Unit Development Agreement
If the Township Board approves the Planned Development proposal, the Township and applicant shall execute a Planned Unit Development Agreement, which shall be recorded in the office of the Kalamazoo County Register of Deeds. Final approval of the Planned Unit Development plan shall become effective upon recording of the Agreement and evidence of the recording being presented to the Township.

2. Effect of Approval
Approval of a planned unit development proposal shall constitute an amendment to the Zoning Ordinance. All improvements and use of the site shall be in conformity with the planned unit development amendment and any conditions imposed. Notice of the adoption of the amendment shall be published in accordance with the requirements set forth in this Ordinance.

H. Recording of Planning Commission and Township Board Action

Each action taken with reference to a planned unit development shall be duly recorded in the minutes of the Planning Commission or Township Board, as appropriate. The grounds for the action taken shall also be recorded in the minutes.

I. Zoning Board of Appeals – Review Not Required

Upon receiving recommendations from the Planning Commission, the Township Board has the flexibility to modify standards, provided such modifications achieve recongizable benefits and higher quality development. The Zoning Board of Appeals has no authority to review such modifications.

J. Completion of Site Design

Following final approval of the planned unit development proposal, a building permit may be obtained for the entire project or specific phases provided that final site plan approval for the project or the phase, as applicable, has been obtained in accordance with Section 26.02, and provided further that the engineering plans for the project or the phase, as applicable, have been approved by the Township Engineer and Building Official. It shall be the responsibility of the applicant to obtain all other applicable Township, County, or State permits prior to issuance of a building permit.

Construction shall commence on at least one phase of the project within twenty-four (24) months of final approval. The Township Board may consider a twelve (12) month extension, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site. The written request for extension must be received prior to the 24-month expiration date. In the event that construction has not commenced and a request for extension has not been received within 24 months, the Township may initiate proceedings to amend the zoning classification of the site to remove the "PUD" classification.

It shall be the responsibility of the owner of a property for which approval has been granted to maintain the property in accordance with the approved planned unit development amendment on a continuing basis until the property is razed, or until an amendment to the planned unit development is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the Zoning Ordinance and shall be subject to the penalties appropriate for such violation.

Prior to expansion or conversion of a planned unit development project to include additional land, site plan review and approval shall be required pursuant to the requirements of this Article and Ordinance.

K. Performance Guarantee

A performance guarantee shall be deposited with the Township to insure faithful completion of improvements, in accordance with Section 2.13.

L. Application Data Requirements

Applications for planned unit development shall include all data requirements specified in this sub-section. All information required to be furnished under this sub-section shall be kept updated until a Certificate of Occupancy has been issued pursuant to Section 26.08 of this Ordinance.

1. <u>Requirements for Phase 1 Review</u>
   In addition to the requirements in Section 26.02, and applicable information specified on the site plan checklist, the following information shall be submitted for Phase 1 review:

   a. The name, address and telephone number of:

      1) All persons with an ownership interest in the land on which the planned unit development project will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, lessee, or land contract vendee).

      2) All engineers, attorneys, architects or registered land surveyors associated with the project.

      3) The developer or proprietor of the planned unit development project.

   b. The legal description of the land on which the planned unit development project will be developed together with appropriate tax identification numbers.

   c. The area of the land (in acres) on which the planned unit development project will be developed.

   d. A detailed overall plan for the planned development which shows all of the information required on the conceptual land use plan plus the following:

      1) A general location map.
      2) The location of existing roads and highways adjacent to the proposed development.
      3) The layout of dwelling units, parking, open space, and recreation and park areas.
      4) Locations and setbacks of each structure and use in the development. Where construction is proposed to occur in later phases subject to future detailed site plans, the location and setbacks of the maximum building footprint shall be shown on the plan.

5) Typical layouts and facade design for each type of use or building. Detailed information, including floor plans, facade elevations, and other information normally required for site plan review, shall be provided for buildings which are proposed for construction in the first phase.
6) The building footprint of proposed buildings. In the case of single family detached development, the plan should indicate the setbacks and outline of the area within which a house could be constructed on each lot.
7) The vehicular circulation system planned for the proposed development.
8) The proposed layout of parking areas, open space, and recreation/park areas.
9) Proposed landscaping and screening, which shall comply with the requirements in Article 5.00, unless such requirements have been modified as a result of the Planned Development review process.

e. Topographic survey and soils inventory based on the Kalamazoo County Soils Survey.

f. General locations and approximate dimensions of wetland areas and significant site features such as tree stands, unusual slopes, streams and water drainage areas.

g. A description of the proposed sewage treatment and water supply systems.

h. A general description of the proposed storm water and drainage system.

i. A map showing existing zoning designations for the subject property and all land within one quarter mile.

j. A map and written explanation of the relationship of the proposed planned development to the Township's Master Plan and Future Land Use Map.

k. Maps and written analysis of the significant natural, cultural, and geographic features of and near the site. Features which shall be considered include existing vegetation, topography, water courses, wildlife habitats, streets and rights-of-way, easements, structures, and soils.

l. An analysis of the traffic impact of the proposed planned development on existing and proposed streets shall be required for the following types of projects.

1. Residential projects containing 100 or more dwelling units in the total project.

2. Commercial, office, industrial, warehouse, institutions, entertainment, and mixed used development proposals involving 100,000 square feet or more in gross floor area.

The traffic analysis shall be based on accepted engineering standards and methods established by the Institute of Transportation Engineers, Michigan Department of Transportation, and/or Road Commission of Kalamazoo County. The traffic analysis shall address, at a minimum, the following considerations: estimated 24-hour and peak hour traffic prior to and after development, percentage and numerical increase in traffic volumes on adjoining roads, proximity and relationship to intersections, adequacy of sight distances, required vehicular turning movements, roadway geometrics, provisions for pedestrian traffic, and adabtability of the development to nonmotorized transportation. The traffic analysis shall further assess the degree to which the development will cause an increase in traffic congestion or traffic safety concerns. The traffic analysis shall indicate road improvements or modifications necessary to accommodate the traffic generated by the development.

m. An analysis of the fiscal impact (costs and revenues) of the proposed planned development on Kalamazoo Township and the school district in which the development is located. The fiscal impact analysis shall consider the amount of revenue generated from all sources, including but not limited to property taxes and state shared revenues. In determining the estimated property tax revenue, the analysis shall consider the estimated state equalized value of the development at each stage in relation to the current millage rate of each taxing jurisdiction. In determining the impact on school costs, the analysis shall estimate the total number of school-age children living in the development at each phase, based on regional demographic data or on demographic data collected by the school district. This information shall be compared with the average annual cost of education per pupil, based on school budgetary information. The fiscal impact analysis shall also consider the need for new school buildings and other capital expenditures to accommodate increased enrollment. In determining the impact on Township costs, the analysis shall assess the need for additional police, fire, recreation, administrative, library, or other fiscal impacts.

n. Documentation that the applicant has sufficient development experience to complete the proposed project in its entirety.

o. A general schedule for completing the planned development, including the phasing or timing of all proposed improvements.

p. The precise number of non-residential and residential units to be developed on the subject parcel.

q. Specific locations and dimensions of wetland areas and significant site features such as tree stands, unusual slopes, streams and water drainage areas.

r. A complete description of the proposed sewage treatment and water supply systems, including documentation from a qualified engineer indicating the feasibility of implementing such systems.

s. Storm water and drainage system details.

t. Location of sidewalks along roads and elsewhere within the development.

u. A specific schedule for completing the planned development, including the phasing or timing of all proposed improvements.

3. Requirements for Phase 2 (Final) Review
In addition to the requirements in Section 26.02 and applicable information specified on the Site Plan checklist, the following information shall be included on, or attached to, all planned development plans submitted for Phase 2 (final) review:

a. All information required for Phase 1 review as specified in Section 26.04, sub-section L, previously.

b. Detailed site plans for all buildings and uses which the applicant intends to begin construction on immediately upon final Planned Unit Development approval. Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed site plans for each facility or phase, in accordance with Section 26.02.

c. Detailed engineering plans for all portions of the project which the applicant intends to begin construction on immediately upon final Planned Unit Development approval. Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed engineering plans for each facility or phase. Such plans shall be prepared in accordance with the Township engineering standards, and shall at minimum include the following:

(1) Engineering plans for all roads, drive aisles, and paved areas,

(2) Site drainage plans, including retention and/or detention areas,

(3) Engineering plans for proposed utility systems, including sanitary sewerage and water systems.

(4) Plans for controlling soil erosion and sedimentation during construction.

4. Following approval of a Planned Unit Development proposal and an amendment to the Zoning Ordinance per Section 26.04(H), final site plan and engineering review and approval shall be required prior to obtaining a building permit and commencement of construction for each facility or phase.

5. A draft Planned Unit Development Agreement, setting forth the terms and conditions negotiated and to be agreed to by the applicant and the Township, and upon which approval of the Planned Unit Development proposal will be based. The Planned Unit Development Agreement shall, at minimum, include the following:

a. A description of the land that is subject to the agreement.

b. A description of the permitted uses of the property, the density or intensity of use, and the maximum height and size of proposed buildings.

c. History of the review procedures and action taken by the Planning Commission or Township Board.

d. List of all plans, documents, and other materials submitted by the applicant.

e. Review and explanation of all special provisions agreed to by the applicant and Township during the course of review of the Planned Development proposal.

f. An explanation of all public improvements to be undertaken by the applicant or the Township in conjunction with the proposed Planned Development project.

g. Description of any required dedications and permits.

h. Confirmation that the proposed development is consistent with applicable Township ordinances and planning objectives.

i. Duration of the Planned Unit Development Agreement, along with terms under which a termination date may be extended by mutual agreement.

j. Applicability of future amendments to the general zoning regulations to land that is subject to the proposed Planned Unit Development Agreement.

k. Extent to which the Planned Unit Development plan may be modified subject to administrative approval, Planning Commission approval, or Township Board approval.

M. Revision to Approved Plans

1. General Revisions
   Approved final plans for a planned development may be revised in accordance with the procedures set forth in Section 26.04.

2. Minor Changes
   Minor revisions to approved Planned Unit Development Plans and Agreements shall require Phase 2 Planned Unit Development approval only by the Planning Commission and Township Board, pursuant to Section 26.04(F). Minor revisions are those that: 1) will not adversely affect the initial basis for granting approval, and 2) will not adversely affect the overall planned unit development in light of the intent and purpose of such development.

   Examples of minor revisions include, but are not limited to: 1) minor lot line changes and/or minor changes in the road alignment in a residential development, and 2) changes to the landscaping plan that was part of the approved Planned Unit Development plans. Revisions that affect the layout of utilities shall not be considered minor.

   Revisions not deemed minor may be approved according to the process outlined in Section 26.04.

Section 26.05 Variances and Appeals

A. Intent

The purpose of this Section is to provide guidelines and standards to be followed by the Zoning Board of Appeals (ZBA) to act on matters where this Ordinance or state law gives jurisdiction to the ZBA.

B. Authority of the Zoning Board of Appeals

1. General Authority
   The Zoning Board of Appeals (ZBA) shall have the authority to act on those matters where this Ordinance provides for administrative review/appeal, interpretation, or special approval/appeal, and shall have authority to authorize a variance as defined in this Ordinance and laws of the State of Michigan. Such authority shall be subject to the rules and standards in this Section. The ZBA shall not have the authority to alter or change zoning district classifications of any property, nor to make any change in the text of this Ordinance. The ZBA has no authority to grant variances or overturn decisions involving special land uses or planned unit developments.

2. Administrative Review
   The ZBA shall have authority to hear and decide appeals where it is alleged that there is an error in an order, requirement, permit, decision, or refusal made by an official, board or commission in carrying out or enforcing any provisions of this Ordinance. Such appeal shall be requested by the applicant within 30 days of the date of the order, refusal, requirement, or determination being appealed.

   In hearing and deciding appeals under this sub-section, ZBA review shall be based upon the record of the administrative decision being appealed, and the ZBA shall not consider new information which had not been presented to the administrative official, board or commission from whom the appeal is taken. The ZBA shall not substitute its judgment for that of the administrative official, board or commission being appealed, and the appeal shall be limited to determining, based upon the record, whether the administrative official, board or commission breached a duty or discretion in carrying out this Ordinance.

3. Interpretation
The ZBA shall have authority to hear and decide requests for interpretation of the Zoning Ordinance, including the zoning map. The ZBA shall make such decisions so that the spirit and intent of this Ordinance shall be observed. Text interpretations shall be limited to the issues presented, and shall be based upon a reading of the Ordinance as a whole, and shall not have the effect of amending the Ordinance. Map interpretations shall be made based upon rules in the Ordinance, and any relevant historical information. In carrying out its authority to interpret the Ordinance, the ZBA shall consider reasonable and/or practical interpretations which have been consistently applied in the administration of the Ordinance. Prior to deciding a request for an interpretation, the ZBA may confer with staff and/or consultants to determine the basic purpose of the provision subject to interpretation and any consequences which may result from differing decisions. A decision providing an interpretation may be accompanied by a recommendation for consideration of an amendment of the Ordinance.

4. Variances
The ZBA shall have authority in specific cases to authorize one or more dimensional or "non-use" variances from the strict letter and terms of this Ordinance by varying or modifying any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. A dimensional or non-use variance allows a deviation from the dimensional (i.e., height, bulk, setback) requirements of the Ordinance. A use variance authorizes the establishment of a use of land that is otherwise prohibited in a zoning district. The ZBA is not authorized to grant use variances by this Ordinance.

Such authority shall be exercised in accordance with the following standards.

a. The ZBA may grant a requested "non-use" variance only upon a finding that practical difficulties exist *and* that the need for the variance is due to unique circumstances peculiar to the property and not generally applicable in the area or to other properties in the same zoning district. In determining whether practical difficulties exist, the ZBA shall consider the following factors:

(1) Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.

(2) The variance will do substantial justice to the applicant, as well as to other property owners.

(3) A lesser variance than requested will not give substantial relief to the applicant and/or be consistent with justice to other property owners.

(4) The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors. (For example, a variance needed for a proposed lot split would, by definition, be self-created, so such a variance typically would not be granted.)

b. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence from which the ZBA may make the required findings. Administrative officials and other persons may, but shall not be required to, provide information, testimony and/or evidence on a variance request.

5. Conditions
The ZBA may impose reasonable conditions in connection with an affirmative decision on an appeal, interpretation or variance request. The conditions may include requirements necessary to insure that public services and facilities affected by a proposed land use or activity will be capable or 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 insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet the following requirements:

a. 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.

b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

c. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Conditions imposed with respect to the approval of a variance shall be recorded as part of the ZBA minutes, and shall remain unchanged except upon the mutual consent of the ZBA and the landowner following notice and hearing as required in a new case.

C. Applications and Notices

1. Application
   All applications to the ZBA shall be filed with the Township, on forms provided by the Township, and shall be accompanied by the applicable fee established by resolution of the Township Board. Applications shall include three (3) individually folded and one (1) digital copy of all plans, studies and other information and data to be relied upon by the applicant. These materials shall be submitted to the Township no later than thirty (30) days prior to the Zoning Board of Appeals meeting at which the review is requested.

2. Plot Plan
   A plot plan shall be required with all variance requests. The plan, which shall accompany all variance requests, shall be based on a mortgage survey or land survey prepared by a licensed land surveyor. The plan shall be to scale and shall include all property lines and dimensions, setbacks and all existing and proposed structures. Where an application provides a variance sought in conjunction with a regular site plan review, a site plan prepared according to Section 26.02 shall satisfy the requirements of this section.

   The Zoning Board of Appeals has the authority to require a land survey prepared by a licensed land surveyor when the ZBA determines it to be necessary to insure accuracy of the plan.

   The ZBA shall have no obligation to consider and/or grant a request for relief unless and until a conforming and complete application has been filed; including relevant plans, studies and other information.

3. Applications Involving an Appeal of Administrative Order
   In a case involving an appeal from an action of an administrative official or entity, the administrative official, or the clerk or secretary of the administrative entity, as the case may be, upon notice from the Planning Department, shall transmit to the ZBA copies of all papers constituting the record upon which the action was taken, together with a letter specifying an explanation of the action taken.

4. Consent of Property Owner Required
   Applications to the ZBA shall be made with the full knowledge and written consent of all owners of the property in question. This requirement shall include the consent of a land contract seller to the relief sought by a land contract purchaser.

5. Notice
   Notice of a public hearing concerning a request for a dimensional variance shall be given following the procedures of Section 26.12. Notice of a public hearing concerning a request for an interpretation of the zoning ordinance, or an appeal of an administrative decision shall be given as follows:

   a. A notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation in the Township and sent to the person requesting the interpretation not less than 15 days before the public hearing.

   b. If the request for interpretation or appeal involves a specific parcel, written notice stating the nature of the request and the time, date, and place of the public hearing shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

6. Stay of Proceedings
   An appeal shall have the effect of staying all proceedings in furtherance of the action being appealed unless the officer or entity from whom the appeal is taken certifies to the ZBA that, by reason of facts stated in such certification, a stay would in his or her opinion cause imminent peril to life or property, in which case proceedings shall not be stayed unless specifically determined by the ZBA, or by a court of competent jurisdiction.

7. Decision by the Zoning Board of Appeals
   The concurring vote of a majority of the membership of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of an administrative official, board of commission made in the administration of this ordinance, to decide in favor of an applicant on any matter upon which the ZBA is required to pass under this ordinance, or to grant a "non-use" variance from the terms of this ordinance.

D. Disposition and Duration of Approval

1. ZBA Powers
   The ZBA may reverse, affirm, vary of modify any order, requirement, decision, or determination presented in a case within the ZBA's jurisdiction, and to that end, shall have all of the powers of the officer, board or commission from whom the appeal is taken, subject to the ZBA's scope of review, as specified in this Ordinance and/or by law. The ZBA may remand a case for further proceedings and decisions, with or without instructions.

2. Decision Final
   A decision by the ZBA shall be considered final as of the meeting at which the decision has been made, and the date of such meeting shall be deemed to be the date of notice of the decision to the applicant. To the extent that decisions are requested or required to be in writing, the minutes of the ZBA meeting, and decision, as proposed under supervision of the secretary, shall constitute the written decision.

3. Period of Validity
   Any decision of the ZBA favorable to the applicant shall remain valid only as long as the information and data relating to such decision are found to be correct, and the conditions upon which the decision was based are maintained. The relief granted by the ZBA shall be valid for a period not longer than one (1) year, unless otherwise specified by the ZBA, and within such period of effectiveness, actual on-site improvement of property in accordance with the approved plan and the relief granted, under a valid building permit, must be commenced or the grant of relief shall be deemed void.

4. Record of Proceedings
   The Township administrative staff, under the supervision of the secretary of the ZBA, shall prepare and keep minutes of the ZBA proceedings, showing the findings, decisions, conditions, if any, and votes of each member in each case, including a member's absence or failure to vote. The minutes shall be within the ultimate authority, and shall be the responsibility, of the secretary of the ZBA, and shall be subject to approval of the ZBA. To the extent that a written decision in a case is requested or required, the minutes, prepared under the supervision of the ZBA secretary, along with the plan submitted, shall serve as the written decision, even if the minutes are awaiting final ZBA approval.

   The official records of the ZBA proceedings shall be filed in the Township Hall and shall be public records.

5. Appeal of a ZBA Decision
   Appeals of a ZBA decision shall be taken in the manner provided by law.

6. New Application for Variance
   If the ZBA denies a request for a variance, the decision of the ZBA shall not be subject to re-consideration for a period of one year, whereupon the applicant may submit a new application for the variance. However, the ZBA may waive the one year period if conditions upon which their original decision was made change, or if information relating to their original decision are found to be incorrect or inaccurate.

Section 26.06 Amendments

A. Initiation of Amendment

The Township Board may amend, supplement, or change the district boundaries or the regulations herein, pursuant to the authority and procedures set forth in Michigan Public Act 110 of 2006, as amended. Text amendments may be proposed by any governmental body or any interested person or organization. Changes in district boundaries may be proposed by any governmental body, any person having a freehold interest in the subject property, or by the designated agent of a person having a freehold interest in the property.

B. Application for Amendment

A petition for an amendment to the text of this Ordinance or an amendment to change the zoning classification of a particular property, shall be commenced by filing a petition on the forms provided by the Township and accompanied by the fees specified. The petition shall describe the proposed amendment and shall be signed by the applicant. Petitions for rezoning of a specific site shall be accompanied by a plot plan or survey, which shall contain the following information. These materials shall be submitted to the Township no later than noon thirty (30) calendar days prior to the Planning Commission or Township Board meeting at which the review is requested.

1. Applicant's name, address, and telephone number.

2. Scale, northpoint, and dates of submittal and revisions.

3. Zoning classification of petitioner's parcel and all abutting parcels.

4. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within fifty (50) feet of the site.

5. Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other improvements on the site.

6. Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys, both public and private.

7. General location of existing drainage courses, floodplains, lakes and streams, and woodlots.

8. All existing and proposed easements.

9. Location of sanitary sewer or septic systems, existing and proposed.

10. Location and size of water main, well sites, and building services, existing and proposed.

C. Review Procedures

After the completed petition and all required supporting materials have been received and fees paid, the petition shall be reviewed in accordance with the following procedures:

1. Planning Commission Review
   The petition shall be placed on the agenda of the next regularly scheduled meeting of the Planning Commission. The Planning Commission shall review the petition for amendment in accordance with the procedures and public hearing and notice requirements set forth in Michigan Public Act 110 of 2006, as amended, and schedule a public hearing for the request on the next available Planning Commission agenda. Notice of the public hearing shall be given following the procedures listed in Section 26.12.

2. Action by the Planning Commission
   Following the hearing on the proposed amendment, the Planning Commission shall make written findings of fact which it shall transmit to the Township Board, together with the comments made at the public hearing and its recommendations.

3. Action by the Township Board
   The Township Board may hold additional hearings if the Board considers it necessary, following the hearing and notice requirements of Michigan Public Act 110 of 2006, as amended. The Township Board may by majority vote of its membership adopt the proposed amendment, reject the proposed amendment, or refer the proposed amendment back to the Planning Commission for further review and recommendation within a specified time period. Thereafter, the Township Board may either adopt the amendment with or without the recommended revisions, or reject it.

4. Review Considerations
   The Planning Commission and Township Board shall at minimum, consider the following before taking action on any proposed amendment.

   a. Will the proposed amendment be in accordance with the basic intent and purpose of the Zoning Ordinance?

   b. Will the proposed amendment further the comprehensive planning goals of the Township as reflected in the Master Plan?

   c. Have conditions changed since the Zoning Ordinance was adopted or was there a mistake in the Zoning Ordinance that justifies the amendment?

   d. Will the amendment correct an inequitable situation created by the Zoning Ordinance, rather than merely grant special privileges?

   e. Will the amendment result in unlawful exclusionary zoning?

   f. Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?

   g. If a rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?

   h. If a rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject parcel?

   i. If a rezoning is requested, is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?

   j. Will the proposed amendment be consistent with the purposes of this Ordinance and, in particular, will the proposed amendment promote the public health, safety and welfare?

5. Notice of Record of Amendment Adoption
   Following adoption of an amendment by the Township Board, one notice of adoption shall be filed with the Township Clerk and one notice shall be published in newspaper of general circulation in the Township within fifteen (15) days after adoption, in accordance with Michigan Public Act 110 of 2006, as amended. A record of all amendments shall

be maintained by the Township Clerk. A master Zoning Map shall be maintained by the Township, which shall identify all map amendments.

D. Referendum

Within thirty (30) days following the passage of the Zoning Ordinance, a petition signed by a number of qualified and registered voters as specified in Section 402 of Public Act 110 of 2006, as amended, may be filed with the Township Clerk requesting submission of an ordinance or part of an ordinance to the electors for their approval, in accordance with Section 402(2) of Michigan Public Act 110 of 2006, as amended.

Section 26.07 Conditional Rezoning

A. Intent

The Planning Commission and Township Board recognize that, in certain instances, it would be an advantage to the Township and to property owners seeking rezoning if the application for rezoning was accompanied by a site plan and was subject to certain conditions. Accordingly, it is the intent of this Section of the Zoning Ordinance to provide a conditional rezoning option to property owners in connection with the submission of an application for rezoning.

B. Definitions

The following definitions shall apply in the interpretation of this Section:

1. Applicant
   The property owner, or a person acting with the written and signed authorization of the property owner to make application under this Section.

2. Conditional Rezoning Agreement (CR Agreement)
   A written agreement approved and executed by the Township and property owner, incorporating a CR Plan, and setting forth Rezoning Conditions and any other terms mutually agreed upon by the parties relative to land for which the Township has approved a conditional rezoning.

3. Conditional Rezoning Plan (CR Plan)
   A plan of the property which is the subject of a conditional rezoning, prepared by a licensed civil engineer or architect, that shows the location, size, height, design, and other measures or features of buildings, structures and improvements on and adjacent to the property. The details to be offered for inclusion on a CR Plan shall be determined by the applicant, subject to approval of the Township Board after recommendation by the Planning Commission.

4. Rezoning Conditions
   Conditions proposed by the applicant and approved by the Township as part of an approval under this Section, which shall constitute regulations in connection with the development and use of property for which conditional approval has been granted. Such Rezoning Conditions shall not:

   a. Authorize uses or developments of greater intensity or density than are permitted in the district proposed by the rezoning.

   b. Authorize uses that are not permitted in the district proposed by the rezoning.

   c. Permit uses or development expressly or implicitly prohibited in the CR Agreement.

5. Rezoning
   The amendment of this Ordinance to change the Zoning Map classification on property from its existing district to a new district classification.

C. Authorization and Eligibility

1. Application for Optional Conditional Rezoning
   A property owner shall have the option of seeking conditional rezoning in connection with submission of an application seeking rezoning. The conditional rezoning option shall be selected by filing an Application for Conditional Rezoning Review. Conditional rezoning represents a legislative amendment to the Zoning Ordinance, pursuant to Section 405 of Michigan Public Act 110 of 2006, as amended.

2. Site-Specific Regulations
   In order to be eligible for review of an application for conditional rezoning, a property owner must propose a rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific regulations (to be set forth on a CR Plan and in a CR Agreement) which are equally or more strict or limiting than the regulations that would apply to the land under the proposed zoning district.

D. Review and Approval Procedures

1. Pre-Application Meeting
   Prior to submitting an Application for Conditional Rezoning, the applicant may schedule a pre-application meeting with the Township Planner to review the conditional rezoning guidelines and expectations. The applicant shall pay the expenses incurred by the Township for this meeting.

2. Application
   A property owner or his/her designated agent may submit an Application for Conditional Rezoning at the time the application for rezoning is filed or at a subsequent point in the process of review of the proposed rezoning. The application, which may be amended during the review process, shall include a CR Plan proposed by the applicant and a list of Rezoning Conditions proposed by the applicant, recognizing that the Rezoning Conditions shall not authorize uses or development not permitted in the proposed zoning district.

3. Planning Commission Review
   After the completed application and all required supporting materials have been received and fees paid, the petition shall be reviewed by the Planning Commission in accordance with the procedures outlined in Section 26.06, sub-sections C.1 and C.2.

   a. **Public Hearing.** The petition shall be placed on the agenda of the next regularly scheduled meeting of the Planning Commission. The Planning Commission shall review the petition for amendment in accordance with the procedures and public hearing and notice requirements set forth in Section 103 and other applicable sections of Michigan Public Act 110 of 2006, as amended.

   b. **Action by the Planning Commission.** Following the hearing on the proposed amendment, the Planning Commission shall make findings of fact which it shall transmit to the Township Board, together with the comments made at the public hearing and its recommendation.

4. Township Board Consideration
   Upon receipt of the recommendation of the Planning Commission, the Township Board shall deliberate on the proposed conditional rezoning. If the Township Board determines that it may approve the conditional rezoning, then the Township Board shall work with the landowner to clarify tentative conditions so that the applicant (or designee) can develop a draft CR Agreement.

5. Township Board Action
   Upon completion of the CR Agreement, the Township Board, by majority vote of its membership, shall make a final determination to approve or deny the conditional rezoning.

6. Zoning District Designation
   If approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to “CR, Conditional Rezoning.” For example, in the Local Commercial District the Zoning Map designation would be “C-1/CR” The use of property so designated shall be restricted to the uses specified in the CR Agreement, and no other development or use shall be permitted.

7. Effects of Approval
   The use of property in question shall conform with all regulations governing development and use in the zoning district to which the property has been rezoned, subject to the following:

   a. **Development Subject to Conditional Rezoning Requirements.** Development and use of the property shall be subject to the more restrictive requirements specified on the CR Plan, in the Rezoning Conditions and in the

CR Agreement, required as part of the Conditional Rezoning approval. Such requirements shall supersede all inconsistent regulations otherwise applicable under the Zoning Ordinance.

b. **Site Plan Review and Other Approvals Required.** Approval of the CR Plan and Agreement confirms only the rezoninig of the property, subject to any conditions imposed as reflected in the CR Plan. Site plan, special land use, plat, and condominium approval, as appropriate, shall be required, pursuant to procedures in Article 29.00, prior to any improvements to the property.

Any use or development proposed as part of any 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.

c. **Recordation and Publication of CR Agreement.** A conditional rezoning shall become effective following publication in the manner provided by law, and, after recordation of the CR Agreement, whichever is later.

8. Amendment of CR Agreement
Amendment of a CR Agreement shall be proposed, reviewed, and approved in the same manner as a new conditional rezoning application.

9. Expiration of CR Agreement
The conditional rezoning approval shall expire following a period of two (2) years from the effective date of the rezoning unless: 1) approved development of the property commences within such two (2) year period and proceeds without delay and in good faith as required by ordinance toward substantial completion, or 2) the rezoning is extended for good cause by the Township Board as provided herein.

a. **Extension of Approval.** In the event that a development has not commenced within two (2) years from the effective date of the rezoning, the Township Board shall initiate reversion of the zoning to its former classification. However, the land owner may apply to the Township Board for a one (1) year extension one (1) time. The request for extension must be submitted to the Township Clerk before the two (2) year time limit expires. The land owner must show good cause why the extension should be granted.

b. **Reversion of Zoning.** If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection 9.a. above, then the land shall revert to its former zoning classification as set forth in MCL 125.286i. 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.

10. Violations of the CR Agreement
If development or actions are undertaken on or with respect to the property in violation of the CR Agreement, such development or actions shall constitute a nuisance per se. In such case, the Township may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the CR Agreement, the Township may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.

11. Fees
The applicant shall pay as a fee the expenses incurred by the Township in the review of a conditional rezoning application. An escrow shall be established in an amount specified by Township Board resolution, and additional reasonable amounts shall be contributed as required in order to complete the review and approval process. Any unexpended amounts from such escrow shall be returned to the applicant.

E. Elements of a Conditional Rezoning Application

As an integral part of the conditional rezoning, the following elements shall be provided by the applicant for review by the Township.

1. CR Plan
A CR Plan, with such detail as proposed by the applicant and approved by the Township Board in accordance with this Section. The CR Plan shall not replace the requirements for site plan, subdivision or condominium approval, as the case may be.

2. Rezoning Conditions
Rezoning conditions, which shall not authorize uses or development not permitted in the proposed zoning district and which shall not permit uses or development expressly or implicitly prohibited in the CR Agreement. Rezoning conditions may include some or all of the following:

a. The location, size, height, and setbacks of buildings, structures, and improvements.

b. The maximum density or intensity of development (e.g., units per acre, maximum usable floor area, hours of operation, etc.).

c. Measures to preserve natural resources or features.

d. Facilities to address storm water drainage and water quality.

e. Facilities to address traffic issues, for example, through road paving or other road improvements.

f. Open space preservation provisions.

g. Minimum landscaping, buffering and screening provisions.

h. Added landscaping, above and beyond what is required by the Zoning Ordinance.

i. Building design, materials, lighting and sign criteria.

j. Permissible and prohibited uses of the property.

k. Provisions to preserve historic farms, barns and other buildings to preserve the history of the Township.

l. Reclamation and reuse of land, where previous use of land causes severe development difficulties, or has caused blight.

m. Drainage improvements, beyond what is required by ordinance, using best management practices.

n. Such other conditions as deemed important to the development by the applicant.

3. CR Agreement
A CR Agreement, which is voluntarily offered by the applicant (or designee), shall incorporate the CR Plan and set forth the Rezoning Conditions, together with any other term mutually agreed upon by the parties, including the following terms:

a. Agreement and acknowledgement that the conditional rezoning was proposed by the applicant to induce the Township to grant the rezoning, and that the Township relied upon such proposal and would not have granted the rezoning but for the terms in the CR Agreement.

b. Agreement and acknowledgement that the conditions and CR Agreement are authorized by all applicable state and federal laws and constitution, and that the CR Agreement is valid and was entered into on a voluntary basis, representing a permissible exercise of authority by the Township.

c. Agreement and understanding that the property in question shall not be developed or used in a manner that is inconsistent with the CR Plan and CR Agreement.

d. Agreement and understanding that the approval and CR Agreement shall be binding upon and inure to the benefit of the property owner and the Township, and their respective heirs, successors, assigns, and transferees.

e. Agreement and understanding that, if a conditional zoning expires in the manner provided in this Section, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.

f. Agreement and understanding that each of the requirements and conditions in the CR Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved conditional rezoning, taking into consideration the changed zoning district classification and the specific use authorization granted.

g. Any other agreement voluntarily proposed by the applicant (or designee) that is consistent with all applicable state and federal laws and is agreed to by the Township.

F. Approval Criteria

The applicant shall have the burden of demonstrating that the following requirements and standards are met by the CR Plan, Rezoning Conditions, and CR Agreement:

1. Enhancement of the Project Area
   The Township Board, upon recommendation from the Planning Commission, shall determine that approval of the conditional rezoning shall accomplish the integration of the proposed land development project with the characteristics of the project area, and result in an enhancement of the project area, and such enhancement would be unlikely to be achieved or would not be assured in the absence of the use of conditional rezoning.

2. In the Public Interest
   The Township Board, upon recommendation from the Planning Commission, shall determine that, in considering the site specific land use proposed by the applicant, sufficient conditions have been included in the CR Plan and CR Agreement so that it would be in the public interest to grant the conditional rezoning. In determining whether approval of a proposal would be in the public interest, the benefits that would be reasonably expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles.

3. Consistency with the Master Plan
   The proposed rezoning shall be consistent with the Master Plan and Future Land Use Map for the Township.

4. Review Considerations
   The Planning Commission and Township Board shall consider the review considerations set forth in Section 26.06, sub-section C.4.

Section 26.08 Permits and Certificates

A. Permits

1. Permit Required
   A building permit or other appropriate permit shall be required as follows:

   a. Prior to the erection, alteration, repair, renovation, demolition or removal of any building or structure.

   b. Prior to the installation, extension, or replacement of plumbing, electrical, drainage, or similar utility systems.

   c. Prior to the establishment of a new use, whether the land is currently vacant or if a change in land use is proposed.

   d. Prior to any change in use of an existing building or structure to a different class or type.

   e. In all other instances specified by the adopted Township Building Code (for the purpose of this Ordinance, “Building Code” includes related codes adopted by the Township, such as the Electrical and Mechanical Codes).

2. Definition of Alteration and Repair
   For the purposes of this Section, the terms "alteration" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the Building Code, the Housing Law of Michigan (Public Act 167 of 1917, as amended), or this Ordinance or other applicable ordinances of the Township.

3. Application Requirements
   No permit shall be issued for construction, alteration, or remodeling of any building or structure until an application has been submitted, showing that the proposed improvements are in conformance with the provisions of this Ordinance and with the Building Code.

   Applications for permits required by this Section shall be filed with the Building Department. Each application shall be accompanied by a written detailed explanation of the proposed improvements, and, if applicable, dimensioned plans drawn to scale. The plans shall be of sufficient detail to allow the Building Official to determine whether the proposed improvements are in conformance with this Ordinance, the Building Code, and other applicable laws and

ordinances. At minimum, the plans shall illustrate information requested on the application form or by the Building Official.

4. Conformity with Applicable Ordinances and Approved Plans
Permits shall be issued only if, after thorough inspection of the application materials and plans, the Building Official finds that the proposal is in conformance with this Ordinance, the adopted Building Code, and other applicable laws and ordinances, except where the Building Official receives written notice of a variance having been granted by the Zoning Board of Appeals or Construction Board of Appeals.

Building permits issued on the basis of plans and application materials approved by the Building Official authorize only the use, layout, and construction set forth in such plans and application materials. Use, layout, or construction at variance with approved plans and application materials shall be deemed in violation of this Ordinance, and subject to penalties in accordance with Section 26.10.

5. Expiration of Permits
A permit issued for construction, or remodeling of any building or structure shall be subject to terms of expiration specified in the adopted Building Code.

6. Inspection of Completed Work
The holder of any permit issued pursuant to the requirements in this Section shall notify the Building Inspector immediately upon completion of the work authorized by the permit for a final inspection and to request a Certificate of Occupancy.

B. Certificates of Occupancy

A Certificate of Occupancy shall be required prior to occupancy or use or any land, building or structure. The following guidelines shall apply to Certificates of Occupancy:

1. General Requirements

a. Purpose. The purpose of a Certificate of Occupancy is to permit the occupancy or use of land, buildings, or structures, upon first making the determination that the provisions of this Ordinance have been complied with and that all outstanding fees have been paid.

b. Certificates for New and Existing Buildings. Certificates of Occupancy shall be issued for new or existing buildings or structures, or parts thereof, or existing or new uses of land if, after inspection, the Building Official finds that any alterations, extensions, repairs, or new construction have been completed in conformity with the provisions of Building Code and other applicable codes and ordinances.

c. Temporary Certificates. A temporary Certificate of Occupancy may be issued for a portion of a building or structure prior to occupancy of the entire building or structure, provided that such portion of the building, structure, or premises is in conformity with the provisions of this Ordinance and the Building Code, and provided further that no threat to public safety exists. The Building Official may require that a performance guarantee be provided in accordance with Section 2.13 as a condition of obtaining a temporary Certificate. The date of expiration shall be indicated on the temporary Certificate; failure to obtain a final Certificate of Occupancy within the specified time shall constitute a violation of this Ordinance, subject to the penalties set forth in Section 29.10.

d. Certificates for Accessory Buildings to Dwellings. Buildings and structures that are accessory to a dwelling shall not require a separate Certificate of Occupancy, but may be included in the Certificate of Occupancy for the principal use on the same parcel, provided the accessory buildings or uses are shown on the plot plan and are completed at the same time as the principal use.

2. Period of Validity
A final Certificate of Occupancy shall remain in effect for the life of the building or structure, or part thereof, or use of the land, until the use of the building, structure, or land changes. A change of use shall require a new Certificate of Occupancy.

3. Records of Certificates
A record of all Certificates of Occupancy shall be kept at the Township Hall. Copies of such Certificates shall be furnished upon request to a person or persons having a propriety or tenancy interest in the property.

4. Application Requirements
Application for a Certificate of Occupancy shall be made on forms supplied by the Township and accompanied by the fees specified. A Certificate of Occupancy shall be applied for at the same time as the application for a building permit, if a building permit is required.

The Building Official shall issue a Certificate of Occupancy upon finding that the building or structure, or part thereof, or the use of land is in conformance with the provisions of the Building Code and other applicable codes and ordinance. If the Building Official denies approval of a Certificate, the applicant shall be notified in writing of the denial and the reasons for denial.

Section 26.09 Filing Fees

All applications shall be accompanied by a filing fee which shall be established by resolution of the Township Board, in accordance with Section 406 of Public Act 110 of 2006, as amended. This filing fee may include a deposit toward the costs of any consultants retained by the Township for reviewing the application, such as consulting planning services, consulting engineering services, legal services, court reported services, or similar services. The filing fee and deposit shall be paid before the review process begins. Upon notification of deficient payment of fees, administrative officials charged with enforcement of the Ordinance shall suspend further review of the application.

Any deposit toward the cost of any consultants shall be credited against the expense to the Township of such consultants, which shall be fully charged to the applicant. Any portion of the deposit not needed to pay such expense shall be refunded without interest to the applicant within 30 days of final action on the application.

A schedule of the current filing fees and deposit requirements shall be made available in the office of the Township Planner.

The assessment and payment of application fees does not affect the requirements for a performance guarantee as specified in Section 2.13.

There shall be no fee in the case of application filed in the public interest by a municipal department or Township Official.

Section 26.10 Violations and Penalties

A. Public Nuisance

Buildings erected, altered, razed or converted (including tents, mobile homes, and trailer coaches), or uses carried on in violation of any provision of this Ordinance are hereby declared to be a nuisance per se, and shall be subject to abatement or other action by a court of appropriate jurisdiction.

B. Violation Defined

Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of this Ordinance or any of the regulations adopted in pursuance thereof, or who impedes or interferes with the enforcement of this Ordinance by the Building Official or other enforcement official shall be deemed in violation of this Ordinance.

C. Penalties

Any violation of this Ordinance shall constitute municipal civil infraction (as defined by Michigan Statute). The penalty for a municipal civil infraction shall be a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
1st Offense	$75.00	$500.00
2nd Offense	150.00	500.00
3rd Offense	325.00	500.00
4th Offense	500.00	500.00

In addition, the violator shall pay costs which may include all expenses, direct and indirect, which Kalamazoo Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than $9.00 be ordered.

Upon notice of a violation, the appropriate Township employee shall investigate any violation and then make a determination as to whether the penalty shall be imposed. This municipal civil infraction ticket shall serve as notice of the alleged violation. The imposition of a municipal civil infraction fine for any violation shall not excuse the violation or permit it to continue. Further violations subject the owner or occupant, or person or persons, agent, firm or corporation to subsequent municipal civil infraction violations.

Furthermore, the owner or tenant of any building, structure, premise, or part thereof, and any architect, engineer, builder, contractor, agent, or other person who commits participants in, assists in, or maintains any violation of the

Ordinance may each be found guilty of a separate offense and may be subject to the penalties provided herein. The cost of prosecution shall also be assessed against the violator.

The imposition of any sentence shall not exempt the offense from compliance with the requirement of this Ordinance.

D. Authority to Pursue Court Action

The Township Board or its duly authorized representative is hereby empowered to commence and pursue any and all necessary and appropriate actions or proceedings in the Circuit Court, or any other court having jurisdiction, to restrain or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy, or abate such noncompliance or violation. Any person aggrieved or adversely affected by such noncompliance or violation may institute suit or join the Township Board in such a suit to abate the violation.

E. Other Remedies

The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Township to initiate proceedings in an appropriate court of law to restrain or prevent any noncompliance with any provisions of this Ordinance, or to correct, remedy, or abate such non-compliance.

F. Rights and Remedies Preserved

Any failure or omission to enforce the provisions of this Ordinance, and failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver or nor prevent any further prosecution of violations of this Ordinance.

Section 26.11 Records

The Township shall keep accurate records of all decisions on all applications submitted pursuant to this Ordinance.

Section 26.12 Public Notice

Any application process requiring a public hearing shall comply with the requirements of PA 110 of 2006, as amended, and the procedures of this Section 26.12.

A. Special Land Use and Variance Requests

1. Publication in a Newspaper of General Circulation
   Notice of the request shall be published in a newspaper of general circulation not less than 15 days before the date the application will be considered for approval.

2. Personal and Mailed Notice

   a. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.

   b. Notice shall be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property, including the owners or occupants of structures located in adjacent cities or townships. If the name of the occupant is not known, the term “occupant” may be used in making notification.

   c. All notice delivered by mail or personal delivery must be given not less than fifteen (15) days before the date of the public hearing. Notice shall be deemed mailed by its deposit in the United States mail.

   d. The Township shall prepare a list of property owners and occupants to whom notice was mailed or delivered.

3. Content
   Any notice published in a newspaper or delivered by mail or personal delivery shall:

   a. Describe the nature of the request.

   b. Indicate the property that is the subject of the request.

   c. Include a listing of all existing street addresses within the property. If no such addresses exist, other means of identifying the property may be used.

d. When and where the public hearing will occur.

e. When and where written comments may be submitted concerning the request.

B. Zoning Ordinance Text and Map Amendments

1. Map or Text Amendments Affecting 10 or Fewer Parcels
   If the proposed map or text amendment will impact 10 or fewer parcels, notice shall be given as specified in Section 26.12, sub-section A.

2. Map or Text Amendments Affecting 11 or More Parcels
   If the proposed map or text amendment will impact 11 or more parcels, notice shall be given as specified in Section 26.12, sub-section A, with the exception that the notice need not list street addresses of properties that will be impacted by the map or text amendment.

3. Notice to Other Entities
   Notice of the time and place of the public hearing shall also be given by mail to any electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport that registers its name with the Township Clerk for the purposes of receiving notice of public hearings.

4. Additional Information Required In Notice
   Any notice required under this section shall include the places and times at which the proposed text or map amendment or amendments may be examined.

ARTICLE 27.00

Administrative Organization

Section 27.01 Overview

The Township Board of Trustees or its duly authorized representatives as specified in this Article is hereby charged with the duty of enforcing the provisions of this Ordinance. Accordingly, the administration of this Ordinance is hereby vested in the following Township entities:

A. Township Board of Trustees

B. Township Planning Commission

C. Zoning Board of Appeals

D. Zoning Enforcement Officials, Including the Building Official and Township Planner

The purpose of this article of the Zoning Ordinance is to set forth the responsibilities and scope of authority of these entities.

Section 27.02 Township Board of Trustees

The Township Board of Trustees shall have the following responsibilities and authority pursuant to this Ordinance.

A. Adoption of Zoning Ordinance and Amendments
Pursuant to the authority conferred by Michigan Public Act 110 of 2006, as amended (MCL 125.3101 et seq.), the Township Board of Trustees shall have the authority to adopt this Ordinance, as well as amendments previously considered by the Planning Commission or at a hearing or as decreed by a court of competent jurisdiction.

B. Review and Approval of Plans
Township Board review and approval shall be required for all Planned Unit Developments, in accordance with Section 26.04.

C. Setting of Fees
In accordance with Section 26.09 of this Ordinance and Section 406 of Michigan Public Act 110 of 2006, as amended, the Township Board shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the Township Board to set a fee for a specific permit or application, the appropriate Township administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.

D. Approval of Planning Commission Members
In accordance with Michigan Public Act 33 of 2008, as amended (MCL 125.3801 et seq.), members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board.

Section 27.03 -- Township Planning Commission

The Township Planning Commission shall have the following responsibilities and authority pursuant to this Ordinance.

A. Creation

The Township Planning Commission is created pursuant to Michigan Public Act 33 of 2008, as amended, the Michigan Planning Enabling Act, and Township Ordinance 543.

B. Membership and Operation

Members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board of Trustees. The qualifications of members, the term of each member, filling of vacancies, removal of members, compensation of members, and operation of the Planning Commission shall be in accordance with Michigan Public Act 33 of 2008, as amended, and Township Ordinance 543.

The Planning Commission by resolution shall determine the time and place of meetings. A special meeting may be called by either two (2) members upon written request to the secretary, or by the chairperson. The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

C. Jurisdiction

The Planning Commission shall discharge the following duties pursuant to this Ordinance:

1. Formulation of Zoning Ordinance and Amendments
   The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Township Board of Trustees.

2. Site Plan Review
   The Planning Commission shall be responsible for review of applications for site plan approval in accordance with Section 26.02.

3. Special Land Use Review
   The Planning Commission shall be responsible for holding hearings and review of all applications for special land use approval in accordance with Section 26.03.

4. Planned Unit Development Review
   The Planning Commission shall be responsible for holding hearings and review of all applications for planned unit development in accordance with Section 26.04. The Planning Commission shall be responsible for making a recommendation to the Township Board of Trustees to grant approval, approval with conditions, or denial of a Planned Unit Development proposal.

5. Formulation of a Master Plan
   The Planning Commission shall be responsible for formulation and adoption of a master plan to guide the development of the Township, in accordance with Michigan Public Act 33 of 2008, as amended.

6. Review of Matters Referred by the Township Board
   The Planning Commission shall be responsible for review of plats or other matters relating to land development referred to it by the Township Board of Trustees. The Planning Commission shall recommend appropriate regulations and action on such matters.

7. Report on Operation of the Zoning Ordinance
   In accordance with Section 308(2) of Michigan Public Act 110 of 2006, as amended, the Planning Commission shall periodically prepare for the Township Board of Trustees a report on the operations of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the Ordinance.

8. Capital Improvements Plan
   In accordance with Section 65(1) of Michigan Public Act 33 of 2008, as amended, the Planning Commission, after adoption of a master plan, shall annually prepare a capital improvements program of public structures and improvements.

Section 27.04 -- Zoning Board of Appeals

The Township Zoning Board of Appeals (hereinafter referred to as "ZBA") is created pursuant to Michigan Public Act 110 of 2006, as amended.

A. Membership and Operation

The ZBA shall consist of five (5) members who shall be appointed in accordance with Section 601(3) of Michigan Public Act 110 of 2006, as amended, as follows:

1. The first member shall be a Chairperson of the Planning Commission or the Chairperson's designee.

2. The remaining members (including any alternate members) shall be electors of the Township residing outside of incorporated cities and villages, and shall be representative of the population distribution and of the various interests present in the Township.

3. Of the remaining members, one shall be a member of the Township Board.

4. No employee or contractor of the Township may be a member or employee of the Board of Appeals. No elected officer of the Township may serve as chairman of the Board of Appeals.

5. The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the ZBA shall be in accordance with Michigan Public Act 110 of 2006, as amended. The ZBA shall not conduct business unless a majority of the members of the Board are present.

6. The Township Board may appoint up to 2 alternate members for the same term as regular members to the ZBA. An alternate member may be called to serve as a member of the ZBA in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the ZBA.

B. Meetings

Meetings of the ZBA shall be held in accordance with an adopted schedule, or at the call of the Chairperson, or at such other times as the ZBA may specify in its rules and procedures. The ZBA shall state the grounds of each determination, and shall maintain a record of its proceedings, which shall be filed in the office of the Township Clerk.

C. Jurisdiction

The ZBA shall have the authority outlined in Section 26.05.

Section 27.05 Zoning Administrator and Township Planner

A. Overview

As specified throughout this Ordinance, certain actions necessary for the implementation of this Ordinance shall be administered by the Zoning Administrator, the Township Planner, or their duly authorized assistants, agents or representatives. In carrying out their designated duties, all such enforcement officers shall administer the Ordinance precisely as it is written and shall not make changes or vary the terms of the Ordinance.

B. Responsibilities of the Zoning Administrator

In addition to specific responsibilities outlined elsewhere in this Ordinance, the Zoning Administrator or his/her duly authorized assistants or agents shall have the following responsibilities:

1. Provide citizens and public officials with information relative to this Ordinance and related matters.

2. Assist applicants in determining and completing appropriate forms and procedures related to site plan review, rezoning, and other zoning matters.

3. Review and investigate permit applications to determine compliance with the provisions of the Zoning Ordinance.

4. Issue appropriate permits upon compliance with provisions of this Ordinance and other applicable ordinances.

5. Perform inspections of buildings, structures, and premises to insure proposed land use changes or improvements are in compliance with this Ordinance.

6. Investigate alleged violations of this Ordinance and enforce appropriate corrective measures when required, including issuance of violation notices, issuance of orders to stop work, and revoking of permits.

7. Perform other related duties required to administer this Ordinance.

C. Responsibilities of the Township Planner

In addition to specific responsibilities outlined elsewhere in this Ordinance, upon request from the Township Board or other authorized Township body or official, the Township Planner or his/her duly authorized assistants shall have the following responsibilities:

1. Prepare and administer such plans and ordinances as are appropriate for the Township and its environs, within the scope of the Michigan planning and zoning enabling acts.

2. Advise and assist the Planning Commission and be responsible for carrying out the directives of the Planning Commission.

3. Advise and assist the Township Board and be responsible for carrying out the directives of the Township Board.

4. Provide citizens and public officials with information relative to this Ordinance and related matters.

5. Assist applicants in determining the appropriate forms and procedures related to site plan review, rezoning, variances, and other zoning and planning matters.

6. Prepare and forward to the Planning Commission reviews of all applications for site plan review, special land use review, planned development proposals, petitions for amendments to this Ordinance, and other applications which must be acted upon by the Planning Commission.

7. Prepare and forward to the Zoning Board of Appeals reviews of all applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to act.

8. Forward to the Township Board all recommendations of the Planning Commission concerning matters on which the Township Board is required to take final action.

9. Periodically report to the Planning Commission on the status of Township's zoning and planning administration. The Township Planner's reports may include, but need not be limited to, updates on the nature and number of planning, zoning, and development inquiries; planning or zoning concerns that are not adequately addressed in the Zoning Ordinance; development trends that the Planning Commission should be aware of and/or may wish to study; statistical or other information that would help the Planning Commission perform their duties; administrative policy decisions that affect planning and zoning; and similar concerns.

10. Maintain up-to-date Zoning Map and Zoning Ordinance text amendments. .

11. Maintain records as accurately as is feasible of all nonconforming uses, structures, and lots existing on the effective date of this Ordinance, and update this record as conditions affecting the nonconforming status of such uses changes.

12. Review all applications for site plan review, special land use review, and planned unit development, and take any action required under the guidelines in Article 26.00.

13. At the request of the Planning Commission or Township Board, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the Township.

14. Perform other related duties required to administer this Ordinance and further the goals of the Master Plan.

ARTICLE 28.00

Severability, Repeal, Effective Date, Adoption

Section 28.01 Severability

This Ordinance and the various parts, sentences, paragraphs, sections and clauses it contains are hereby declared to be severable. Should any part, sentence, paragraph, section or clause be declared unconstitutional or invalid by any court for any reason, such judgement shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Furthermore, should the application of any provision of this Ordinance to a particular property, building, or structure be adjudged invalid by any court, such judgement shall not affect the application of said provision to any other property, building, or structure in the Township, unless otherwise stated in the judgment.

Section 28.02 Repeal

The previously adopted Kalamazoo Township Zoning Ordinance text and map, and all amendments thereto, shall be repealed on the effective date of this Ordinance. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or any liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted, or inflicted.

Section 28.03 Effective Date

Made and passed by the Township Board of the Charter Township of Kalamazoo, Kalamazoo County, Michigan, on August 8, 2016, and effective August 31, 2016 following publication of Notice of Ordinance Adoption by the Township Clerk in a newspaper of general circulation in Kalamazoo Township, pursuant to the provisions of Section 401 of Michigan Public Act 110 of 2006, as amended. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Section 28.04 Adoption

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the Township Board of Trustees on August 8, 2016.

A. Public hearing by Planning Commission: June 8, 2016.

B. Recommendation of Planning Commission to approve the Zoning Ordinance text to the Township Board: July 7, 2016.

C. Township Board adoption of the Zoning Ordinance text and map: August 8, 2016.

D. Date the Ordinance text and map shall take effect: August 31, 2016.

Ronald E. Reid — 15 AUG 2016

Ronald E. Reid, Supervisor — Date

I, Donald Z. Thall, Clerk of the Charter Township of Kalamazoo, Kalamazoo County, Michigan, hereby certify that notice of adoption of the foregoing ordinance was published pursuant to the provisions of Michigan Public Act 110 of 2006, as amended, in a newspaper of general circulation in the Kalamazoo Township on August 14, 2016.

Donald Z. Thall — 8-15-16

Donald Z. Thall, Township Clerk — Date