



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
269-216-5220 Fax 375-7180 TDD 375-7198
www.oshtemo.org

**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION - REGULAR MEETING**

**MEETING WILL BE HELD IN PERSON
AT OSHTEMO TOWNSHIP HALL
7275 W MAIN STREET**

Masks Are Now Optional in Oshtemo Township Buildings

(Meeting will be available for viewing through <https://www.publicmedianet.org/qavel-to-qavel/oshtemo-township>)

**THURSDAY, DECEMBER 15, 2022
6:00 P.M.**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: November 17th, 2022
6. **Public Hearing – Special Use, KABAS**
Kalamazoo Academy for Behavioral and Academic Success is requesting special exception use approval to establish a private school to host up to 24 children within the existing building located at 2345 N 10th Street.
7. **Public Hearing – Code Amendment – Article 69 Board of Appeals**
Consideration of an amendment to the Township Zoning Ordinance, for recommendation to the Township Board, to provide clarification on the duration of a variance and the Zoning Board of Appeal's duties and operational procedures.
8. **Public Hearing – Code Amendment – Section 2.20 Definitions**
Consideration of amendments to definitions within the Township Zoning Ordinance, for recommendation to the Township Board.
9. Other Updates and Business
10. Adjournment

**Policy for Public Comment
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday, 8:00 a.m. – 5:00 p.m., and on Friday, 8:00 a.m. – 1:00 p.m. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Clare Buszka	216-5260	cbuszka@oshtemo.org
<u>Trustees</u>		
Cheri Bell	372-2275	cbell@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Kizzy Bradford	375-4260	kbradford@oshtemo.org

Township Department Information			
<u>Assessor:</u>			
Kristine Biddle	216-5225	assessor@oshtemo.org	
<u>Fire Chief:</u>			
Greg McComb	375-0487	gmccomb@oshtemo.org	
<u>Ordinance Enforcement:</u>			
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org	
<u>Parks Director:</u>			
Karen High	216-5233	khigh@oshtemo.org	
Rental Info	216-5224	oshtemo@oshtemo.org	
<u>Planning Director:</u>			
Iris Lubbert	216-5223	ilubbert@oshtemo.org	
<u>Public Works Director:</u>			
Anna Horner	216-5228	ahorner@oshtemo.org	

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

DRAFT MINUTES OF A SPECIAL MEETING HELD DECEMBER 8, 2022

Agenda

WORK SESSION:

- a. Discussion of proposed AVB/Hinman MU zoning district draft revisions
-

A special meeting of the Oshtemo Charter Township Planning Commission was held Thursday, December 8, 2022, commencing at approximately 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

MEMBERS PRESENT: Bruce VanderWeele, Chair
Kizzy Bradford (joined around 6:30PM)
Deb Everett
Micki Maxwell, Vice Chair
Anna Versalle
Chetan Vyas

MEMBERS ABSENT: Alistair Smith

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, representatives from AVB and Hinman, and other members of the public.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:04 p.m. and those in attendance joined in reciting the Pledge of Allegiance.

Approval of Agenda

The Chair asked if there were any changes to the agenda. Hearing none, he let the agenda stand as published.

Public Comment on Non-Agenda Items

Hearing no further comments, the Chairperson moved to the next agenda item.

Approval of the Minutes of the Meeting of November 17, 2022

The Chair asked if there were additions, deletions, or corrections to the Minutes of the Meeting of November 17, 2022.

Hearing none, Chairperson VanderWeele asked for a motion.

Chetan Vyas **made a motion** to approve the Minutes of the Meeting of November 17, 2022, as presented. Micki Maxwell **seconded the motion**. The **motion was approved** unanimously.

The Chair moved to the next item on the agenda.

WORK SESSION:

a. Discussion of proposed AVB/Hinman MU zoning district draft revisions

Ms. Lubbert said a draft of a newly proposed MU zoning district was introduced to the Commission at their November 17th meeting. At that meeting representatives of AVB and Hinman requested they be able to submit a redline version of the draft with their proposed changes for consideration.

The Planning Committee agreed to hold a special meeting to consider the requested changes on December 8 if the proposed changes were provided to staff no later than 5 pm on November 29. The redline document was submitted to the Township at 1:16 pm on November 29.

Ms. Lubbert handed out a version of the redline document which included her and other Township Staff's comments; a copy is attached to these Minutes. Ms. Lubbert walked through AVB/Hinman's proposed language and her corresponding comments.

Ms. Lubbert recommended that the additional language proposed in Section 30.20 B not be included as the language is redundant to language in other sections. There was discussion about rezoning to the MU district with multiple owners and whether a development agreement would be appropriate in all cases. It was agreed that the intent was not to limit the entire development to one single owner and to allow for the sale of portions of the property in the future. Staff will review this section further to clarify.

Ms. Lubbert noted staff was ok with the addition of the word "potential" within item 3 as proposed on page 2 of the draft. The Planning Commission agreed. Ms. Lubbert outlined why she was against the proposed additional text at the end of this item. It was agreed this proposed language should be removed.

Item 4 on page 2 led to discussion about site circulation. Overall it was agreed that the proposed standards for private roads be removed entirely from the MU district draft. A separate ordinance, that will be applicable township wide, will be worked on by the Planning Commission in the future to address standards for allowable private roads. The Planning Commission noted that this would be a priority for them.

There was some discussion about the term “commercially acceptable’. Hinman explained that it is a technical term tied to service levels for roads and it should be considered when determining when mitigation is required. This item will be discussed further by staff with the Public Works Director.

Proposed changes to items 6 and 7 on page 5 were found acceptable with minor modifications.

There was discussion on item 8 on page 5. AVB requested that the Township issue a letter clarifying that the Maple Hill Overlay area would be considered under the high density category. Both Ms. Lubbert and Mr. Porter agreed to this request as they felt that that level of density was the intent for that sub area.

There was additional discussion about how density would be calculated in the MU district. In the end, the Planning Commission agreed to move forward with staff’s recommendation and remain consistent with how density is currently calculated in PUDs within the Township. For the proposed maximum densities, Ms. Lubbert noted that she would ok increasing the starting density for the high density category from 6 to 8 and the maximum density from 15 to 16. However, she noted that she would not recommend going higher until the results of the Township’s Housing study could be reviewed. After discussion the Planning Commission agreed to increase the densities for the high density areas to 8 and 16 respectively.

AVB/Hinman proposed that a high walk score should be considered as one of the density bonus categories. The Planning Commission agreed to adding a category for walk scores, but overall requested staff incorporate more structure and guidance for how density bonus points are awarded.

The buffering requirement was discussed next. The Planning Commission agreed to allow for public trails within the required buffer area with the additional considerations outlined in Ms. Lubbert’s notes. After discussion it was agreed that the 85 foot buffer may not be appropriate for all contexts and a tiered approach should be taken.

The Planning Commission agreed that certain stormwater basins may be appropriate to be included in the Open Space calculation if parameters are outlined on what would be appropriate.

For the covenants section it was agreed that more clarity could be provided. Staff will revisit the PUD ordinance for additional language.

Ms. Lubbert moved on to the Application review section. AVB/Hinman requested that a specific timeline be provided for the review process. Ms. Lubbert noted that timelines often depend on the applicant, quality of the submission, and other factors. She was uncomfortable providing a specific timetable in the ordinance and noted that all submissions would follow the established township development schedule. The

Planning Commission agreed that this approach made the most sense. However to clarify and provide additional review options it was agreed to separate the optional pre-application review into 1) staff level preapplication review and 2) Planning Commission concept plan review.

Development standards were then discussed on page 11. Building separation should be made more general and just need to follow fire and building code requirements. It was agreed that items v, vi, and vii were unnecessary and would be covered under the required design guidelines. Intent for why these requirements were originally proposed back in 2019 was unclear. Also after discussion the proposed xii text will not be included. The Planning Commission agreed that a review of the Township Parking Ordinance should be tackled in the future to further address some of the concerns behind item xii.

The proposed item E at the bottom of page 11 will not be included per Iris notes.

Process was then discussed on page 12. Overall it was agreed that variances aren't really applicable to this type of ordinance; deviations should be offered through the Planning Commission. It was agreed that the text needed to be amended accordingly.

Ms. Lubbert added, noting she forgot to bring this up earlier, that a definition defining what a mixed-use building is will be needed. Planning Commission agreed. AVB/Hinman offered to assist staff with the definition as it has changed drastically over the years based on best practices and market conditions.

Chairperson VanderWeele moved to the next agenda item.

PUBLIC COMMENT

There were no public comments.

OTHER UPDATES AND BUSINESS

Ms. Lubbert indicated that the Planning Commission has three public hearings scheduled for their regular meeting the following week. She noted that the MU district draft will be brought back to the Planning Commission for further work at their first January meeting.

ADJOURNMENT

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 9:23 p.m.

Minutes prepared: December 9, 2022
Minutes approved: _____, 2022

ARTICLE 30

30 – MU: MIXED USE DISTRICT

Contents:

- 30.10 STATEMENT OF PURPOSE
- 30.20 ESTABLISHING A MIXED USE DISTRICT
- 30.30 DEVELOPING WITHIN A MIXED USE DISTRICT

30.10 STATEMENT OF PURPOSE

The Mixed Use District is established for the purpose of implementing Oshtemo Township’s adopted Sub Area Plans and to allow for the planned redevelopment of existing commercial areas into mixed use. The Mixed Use District designation is designed to accommodate, through comprehensive planning, zoning, and project review, integrated residential, commercial, office, technology, and public uses on larger parcels of land. The mixed-use district strives to encourage innovative development that incorporates high-quality building design, compatibility with adjacent uses, preservation of unique environmental features, and the creation of open spaces and amenities that enhance the quality of life of residents.

30.20 ESTABLISHING A MIXED-USE DISTRICT

A. LOCATION AND SIZE CRITERIA

Mixed Use Districts may be established in areas of the Township with an adopted Sub Area Plan or within a C: Local Business District. A minimum contiguous site area of twenty (20) acres shall be required.

The proposal shall show all contiguous holdings of the owner or option purchaser and how its integrated into the overall comprehensive development plan, unless specifically waived by the Planning Commission.

B. DEVELOPMENT OWNERSHIP

The proposed Mixed Use District shall be under common ownership or control through a development agreement while being constructed, such that there is a single entity having proprietary responsibility for the full completion of the project. Larger comprehensive development plans, in excess of 80 acres and part of a Sub Area Plan, may have multiple owners and developed in phases. Sufficient documentation of ownership or control, that indicates the proposed development will be completed in its entirety, shall be submitted with the application for approval.

Ref - MH Sub Area Plan, Pg 51 "vision, goals, and principles", 2nd Par.

take out- already have this built into MU. added clarification.

C. APPLICATION REQUIREMENTS

The owner or option purchaser of a tract of land shall seek approval of a Mixed Use District zoning designation with the simultaneous submittal of a comprehensive development plan. The comprehensive development plan shall include:

- (1) **Plan Area.** All contiguous holdings of the owner or option purchaser and how its integrated into the overall comprehensive development plan, unless specifically waived by the Planning Commission.
- (2) **Letter of Intent.** A letter of intent that includes a full description as to how the proposed comprehensive development plan satisfies the eligibility requirements and design principles of this Section and, if applicable, evidence of how the proposed plan meets the criteria for qualifying for a density bonus.
- (3) **Development Schematic Plan.** A development schematic plan illustrating the proposed streets and the areas designated for residential, commercial, or mixed uses.

OK ~~Specific~~Potential specific uses proposed in each area shall be outlined; see Section 30.30 for a list of uses permitted in the district. The development schematic plan shall include the proposed acreage for each use category and the proposed residential densities for each identified residential and mixed use area. For larger comprehensive development plans in excess of 80 acres and part of a Sub Area Plan, specific uses and proposed residential densities shall be limited to the first (and current) phase of development and potential future uses and potential future residential densities shall be suggested for the remaining phases.

No - moves away from goal for a integrated development plan. all potential uses + intended densities needs to be included for all phases. If it changes in the future the MU plan can be amended

- (4) **Site Circulation.** A circulation and access management plan for the project, including proposed street names and phasing (if any for development purposes), proposed non-motorized connections, and connectivity to the surrounding transportation network.

- i. ~~OK~~Only interiorInterior streets that do not serve as a connecting link between different land ownerships or different public roads may be designated private streets subject to Township approval. Both public and private streets shall be designed to meet the quality standards of the Road Commission of Kalamazoo County, as well as Article 51: Access Management Guidelines of the Township Zoning Ordinance. For larger comprehensive development plans with a correlating minimum 80 acre Sub Area Plan where a greater quantity of roads will be required:

No - we need to follow all RCKC standards

Yes but through a different mechanism... need a larger functional document/ordinance that reviews this Township wide. Township is moving away from private roads/drive standards that are specific to specific zoning districts - too many issues + single point to reference. Ideally broad standards of road types in the township overall.

- 1. The Township shall promote innovative and creative efforts to enhance a safer pedestrian experience and lower traffic speeds, including on-street parking, reduced road widths and rights of way, on-street non-motorized facilities, etc.
- 2. Private Road Guidelines

- a. Private roads may consist of the following classifications and designed to the following standards:

See Overlay Draft Pages 8 & 9, Section 5.

- i. Alleyway

- 1. Purpose = To provide access to the rear or side of properties
- 2. Right-of-way = 20 feet
- 3. Street Width = 20 feet
- 4. Number of Travel Lanes = 2

- ii. Local Residential Street

- 1. Purpose = To serve the local residential access needs within the development
- 2. Right-of-way = 56 feet (may be reduced to 42 feet if on-street parking is prohibited)

3. Street Width (curb to curb) = ~~32~~ 28 feet
4. On-Street Parking = Parallel (7 feet)
5. Number of Travel Lanes = 2
6. Block Length = 600 feet maximum
7. Alleys = Optional
8. Landscape Strip = 6 feet
9. Sidewalk = 5 feet + one foot beyond sidewalk
10. Bike Lane = None

iii. Local Mixed-Use Street

1. Purpose = To serve the areas of low-volume mixed-use access needs within the development
2. Right-of-way = 62 feet (may be reduced to 46 feet if on-street parking is prohibited)
3. Street Width (curb to curb) = 36 feet
4. On-Street Parking = Parallel (8 feet)
5. Number of Travel Lanes = 2
6. Block Length = 600 feet maximum
7. Alleys = Optional
8. Landscape Strip = 6 feet
9. Sidewalk = 6 feet + one foot beyond sidewalk
10. Bike Lane = None

iv. Collector Street

1. Purpose = To serve as a distributor road within the development and to move traffic from local streets to arterial roads.
2. Right-of-way = 76 feet Parallel Parking, 98 feet Diagonal Parking (right of way may be reduced to 60 feet if on-street parking is prohibited)
3. Street Width (curb to curb) = 46 feet Parallel Parking, 68 feet Diagonal Parking
4. On-Street Parking = Parallel or Diagonal (8 feet or 19 feet)
5. Number of Travel Lanes = 2
6. Block Length = 1000 feet maximum
7. Alleys = Optional
8. Landscape Strip = 8 feet
9. Sidewalk = 6 feet + one foot beyond sidewalk
10. Bike Lane = 5 feet

v. Parkway

1. Purpose = For swifter and unimpeded travel through the development, carrying higher volumes of traffic.
2. Right-of-way = 128 feet

There was additional discussion on item ii at the top of page 4 regarding the use of cul-de-sacs. AVB encouraged the Planning Commission to provide flexibility. Ms. Lubbert agreed that a certain level of flexibility could be given, however, if allowed, specific conditions should be set on when a cul-de-sac would be appropriate. After further discussion the Planning Commission agreed to allow cul-de-sacs if conditions were outlined in the ordinance. Ms. Lubbert noted she would work with Public Works to outline those conditions.

At this time, Ms. Lubbert paused, to explain the intent of the MU district to the members of the public that were in attendance to help provide context for the discussions.

Various members of the public noted they were concerned with the existing traffic at the West Main and Drake Road Corner. They felt appropriate analysis and mitigation efforts will need to be considered before any new development happens.

Ms. Lubbert shared that the Township will be starting a large master plan update in 2023 which will include a township wide traffic analysis. Ms. Lubbert also advised members of the public to reach out to the Kalamazoo County Road Commission with certain road concerns. She also noted that item 5 on page 4 of the MU draft also seeks to address these concerns by requiring a Traffic Impact Study (TIS). Details of the TIS were discussed.

AVB noted that MDOT has already completed a study of W Main along the area by the Prairies golf course. Their plan counts on an access road within the Prairie's development. Additionally AVB will follow best complete street policy recommendations in their project, include trails, sidewalks, etc.

Ms. Lubbert added that the MU district requires sidewalks and other amenities be included. The Township's complete streets policies would also be applicable.

Ms. Lubbert indicated that some of the language proposed for Item 5 on page 4 is good. She agreed that the MU draft language needs to be tweaked. However, she did recommend the removal of others, for example standards throughout this district need to be the same for any development independent of size. See attached notes.

Hinman argued that if the Township through the TIS were to require an additional connection and that connection is what causes service levels to suffer, it unfair that the developer then had to provide mitigation efforts.

Mr. Porter explained that the Township wouldn't be the entity subjectively requiring other connections, the TIS would outline if those connections are needed for the site to operate. Any connections would be solely for the purpose of ensuring the site can function. He added that the Township cannot require arbitrary offsite improvements. The Planning Commission agreed to remove this proposed language.

- 3. Street Width (curb to curb) = 29 feet one way – total pavement width 58 feet
- 4. Median Type = Raised
- 5. Median Width = 16 feet
- 6. On-Street Parking = No
- 7. Number of Travel Lanes = 4
- 8. Block Length = n/a
- 9. Alleys = Optional
- 10. Landscape Strip = 8 feet
- 11. Sidewalk = 6 feet + one foot beyond sidewalk
- 12. Bike Lane = 6 feet

ii. ii. Streets shall be interconnected with each other and with streets on abutting properties in a grid or modified grid pattern, unless otherwise approved by the Planning Commission.

iii. iii. A nonmotorized facility is required along all street frontages in accordance with the Township's Complete Street Policy, unless otherwise approved by the Planning Commission.

(5) Traffic Impact Study (TIS). A complete analysis of traffic generated by the entire development and the impact said development would have on the surrounding transportation system. The transportation system includes but is not limited to truck routes, emergency routes, State and County roads, non-motorized network(s), public transit, etc. Prior to commencement of the TIS, the Public Works Director or Township designated Traffic Engineer shall approve the limits of the study area, level of study, and inputs for forecasted trips and volumes which may include other approved and pending developments. The traffic analysis models shall anticipate the highest proposed use for each designated area within the development site plan. At a minimum, the TIS shall meet requirements of the Road Commission of Kalamazoo County's and Michigan Department of Transportation in the handbook titled Evaluating Traffic Impact Studies. Formal approval from other agencies shall be provided to the Township prior to formal Planning Commission Review. Any decline in level of service shall be completely mitigated by proposed solutions within the site design.

For larger comprehensive development plans in excess of 80 acres and linked to a Sub Area Plan:

- I. The TIS above shall also establish a baseline traffic volume calculating the traffic volume that would occur under the existing zoning district and/or the future land use plan, regardless of/prior to a rezoning to Mixed Use. Developer/applicant shall not be responsible for traffic mitigation below the baseline traffic volume.
- II. Mitigation efforts, if any, shall be broken into phases tied directly to the comprehensive development plan
- III. Mitigation shall not be required if the decline in service is caused by the Township requiring connection to an adjacent property or neighborhood and such connection is the sole cause of the decline in level of service
- IV. A decline in level of service to a level of service that is commercially acceptable will not require mitigation

No. Any connections would be required by the access management standards which are for safe function. ultimately the additional access and mitigation is a direct impact from the site. ITE sets these standards not the township.

like idea of adding language about a baseline regardless of size
OK regardless of size, needs to be tied to phasing plan
+ mitigation efforts need to be established upfront
Take out. what does this mean? All roads serve residents in the end

(final design, implementation, and cost allocation may be differed)

ok - with added language. this needs to be coordinated

V. Some or all mitigation requirements may be waived by the Planning Commission if adequate traffic improvements are implemented as part of a larger plan by MDOT, the Road Commission, or the Township Preliminarily designs, as part of the TIS, and fiscal contributions shall be required.

VI. In the event mitigation efforts are required, the Township will reasonably work with the developer/applicant in good faith to seek solutions and approvals necessary

(5)

OK but needs to be tweaked. take out "reasonably". add at end "Does not imply any financial commitment on the Township's part."

(6) **Design Standards.** Design standards that create a district identity. This shall include specific development standards that will be applicable to development within the district including, but not limited to, minimum lot area and frontage, architectural character, building materials, building height, lighting, site features, and entry monumentation. Street lighting shall be full cut-off design and mounted to be parallel to the ground. Design standards proposed by the applicant owner shall incorporate and may go beyond the development requirements in Section 30.30.D.

OK - clarifies intent

(7) **Stormwater.** Areas for common stormwater detention, those with the intention of serving a larger area or multiple facilities, shall be identified on the development schematic plan and turned over to the Kalamazoo County Drain Commission Office (unless otherwise agreed to by all parties involved) when constructed. Feasibility of site conditions should be considered.

OK

(8) **Residential Density and Density Bonus.**

No. There are larger areas in other sub areas that are not intended for high density. FYI - I consider the Sub area plan for maple hill south to fall under the high density category overall - just will need to show density distribution to match sub area plan

Overall Density: The overall density within the development schematic plan's residential areas shall match the intended character of the correlating Sub Area Plan; each residential density category is defined within Table 30.20.1 below. A comprehensive development plan that is being proposed (a) without a correlating Sub Area Plan and is within a C: Local Business District designation, or (b) with a correlating minimum 80 acre Sub Area Plan shall be considered under the high density residential category. Areas designated purely for commercial development may not be included in the overall gross density calculation. For comprehensive development plans with a correlating minimum 80 acre Sub Area Plan, overall gross density calculation shall be the gross acreage of the proposed development, including commercial development minus public/private rights-of-way and stormwater detention areas, however, stormwater detention areas may be included in the gross density calculation if they are designed as functional open spaces, are accessible to pedestrians, and do not require safety fencing.

ok with the stormwater... but will need to be explored more - include in open space section if keeping. will need to be intentional See Overlay Draft Page 5 Section XX.40 A.

current language allows ROW and detention basins to be included (mirrored off of current PUD ord)+ Mixed use - should we clarify? - will need map/sample

ii. **Density Bonus.** The Planning Commission may determine a density bonus, up to the maximum gross density defined within Table 30.20.1, upon finding that the proposed development provides additional public benefits to the overall community as outlined below. For the purpose of calculating the density bonus one (1) point shall equate to one (1) additional unit an acre.

should be consistent for all development s. original language mirrors Township current PUD requirement s to not include commercial areas.

- a) Dedication of land(s) for a public park and/or community buildings, if acceptable to the Township (2 - 4 points as determined by Planning Commission based on impact to overall community).
- b) Dedication of land(s) for the purpose of private parks that incorporate usable amenities. Acceptable amenities include playground equipment, picnic areas with grills and tables, tennis courts, baseball diamonds, etc. (1 - 2 points as determined by Planning Commission based on impact to overall community).

Understand. Maybe clarify impact on the private community?

- c) The project incorporates, either through the development schematic plan or within the design and/or development standards, a guaranteed range of housing opportunities through various housing types: for example, lofts, townhomes, apartments, mixed use, cottages, single-family homes, OK etc. (1 - 4 points as determined by the Planning Commission based on the variety of housing types).
- d) The project incorporates, within the design or development standards, significant use of sustainable building design and/or site design features such as, stormwater filtration landscaping, low impact stormwater management, optimized energy performance, on-site renewable energy, passive solar heating, use of reused/ recycled/ renewable materials, indoor air quality mechanisms, green roofs, a Walk Score of 70 or above, or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards. (2-4 points as determined by the Planning Commission based on the level of efficiency and impact to overall community).
- e) Provision of usable common open space in an amount which is at least 50 percent greater than the minimum common open space percentage required by Section. (1 point)
- f) Provision of other exceptional public benefits within the development (1-~~2~~4 points as determined by Planning Commission based on impact to overall community).

No. This section is too subjective... not comfortable giving it that much weight

No - not same category type. this can be an example of what can be considered under "other". generally this will be hit anyway because of our other nonmotorized requirements

Table 30.20.1 – Gross Residential Density		
Residential Character/Density Category	Initial Gross Density	Maximum Gross Density with Density Bonus
Agricultural	1 unit an acre	N/A
Low	4 units an acre	N/A
Medium/Transitional	4 units and acre	8 units an acre
High	6 <u>8</u> units an acre	15 <u>16</u> units an acre

Maybe - leaning toward no. 6 units an acre was recommended in the Maple Hill Overlay MP doc. See page 56. used as guide. FYI 8 is max for a current PUDs. enough bonus options to get higher easily

See Overlay Draft 10.24.19 and PC Meeting Minutes Ok for 16

- (9) **Public Sanitary Sewer and Water shall be required.** If area is not ready to be served, at a minimum dry mains for future connection shall be installed. A description of existing public infrastructure availability, current demands, downstream capacity, projected flows and increased demand feasibility needed to serve the project, and a plan for providing needed infrastructure, including community facilities.
- (10) **Phasing.** A developmental procedures agreement that will describe the timing and phasing, if applicable, of the project and outline other development details as necessary.
- (11) **Buffer from Adjacent Residentially Zoned Districts.** A minimum buffer area consisting of open landscaped green space measuring eighty-five (85) feet in width shall be established at

the perimeter of the development site adjacent to existing residentially zoned districts. No structures or parking areas shall be permitted within said buffer area. Buffer can include a 50' non-motorized trail system. Maybe, will need to be public - would need a setback and should be listed iv.

Karen?
material?
ADA, crushed rock

I. An alternative buffering tool may be proposed to the Planning Commission to consider; the applicant shall demonstrate that the requested alternative is just as, if not more, effective than the required buffering.

II. Ok This 85' buffering requirement shall be waived if traditional single-family detached and/or attached residential uses compatible in height and bulk with the abutting uses are established along the perimeter adjacent to the existing residential district.

III. This buffering requirement of 85' shall be waived if abutting residential uses are developed in compliance with the residential zoning that existed prior to the change to this MU zoning district.

(12) **Open Space.** 15% of the of the development schematic plan shall be designated as open space subject to the following standards: maybe - need to add previous language from earlier

I. Storm water management facilities (except as otherwise provided for herein) and any required buffering shall not be included in the designated open space, unless the buffering exceeds the minimum requirement, or the buffer includes a non-

II. A minimum of 50% of the total open space must be designated as useable common open space to stimulate social interaction and recreational activity:

a) The common useable opens space shall be easily accessible to residents, including visual and pedestrian linkages and proximity to such open spaces.

b) Private parks shall be subject to the conditions and limitations set forth in Section 49.100 of this Ordinance. A density bonus may be applicable; see Section 30.20.C.8 for details.

c) If a designated usable common open space area is eligible to become a public park to be transferred to Oshtemo Township to design and maintain, subject to the review and approval of the Parks Director, a density bonus would be applicable; see Section 30.20.C.8 for details.

III. Open space not designated as usable common open space shall be retained in an essentially undeveloped or unimproved state, except for necessary site grading. Ok

IV. All designated open space areas shall initially be under common ownership or control, such that there is a single entity having proprietary responsibility. Sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions shall be provided.

V. All designated open space areas shall be set aside through an irrevocable conveyance approved by the Planning Commission as part of final site plan approval, such as recorded deed restrictions, covenants that run perpetually with the land, a conservation easement, or land trusts. Ok - maybe tweak?

"required buffering" already addresses but can clarify for ex residents

No - the point of the rezoning is to bring the site into compliance with the correlating sub area plans vision - all call for buffer/ gradual shift in intensity. previous zoning shouldn't matter

"Changes or transfers in ownership or control of the Open space, sections thereof, shall be subject to review and approval of the Township. Open spaces shall always be under the control of a designated(?) entity."

See Overlay Draft Page 10 E.3.

D. APPLICATION REVIEW

Said review shall evaluate whether the proposed comprehensive development plan conforms to the standards and recommendations of the correlating Sub Area Plan, Master Plan, rezoning Add "the requirements in section C above",

principles, recognized principles of civic design, land use planning, landscape architecture, and building architectural design.

- 1) **Optional pre-application review(s).** Informal pre-application review(s) is encouraged and may be scheduled with the Planning Department and/or Planning Commission, at which the project concept may be reviewed by the applicant, Township staff, and Township consultants. Planning Department shall schedule such review within 4 weeks of application submittal. No - will need more time to review and write evaluation. should have discussion with staff before proceeding to PC - agree should clarify language. Shall follow development schedule.
- 2) **Planning Commission Review.** The Planning Commission, after public hearing and consideration, may recommend approval, approval with recommended changes, or denial of the rezoning and comprehensive development plan. The Township may consider, but shall not be limited to, future land use recommendations in the Master Land Use Plan; goals and objectives of the Sub Area Plan; the availability and capacity of utilities; potential positive and Ok. negative impact on neighboring land uses and; potential impact on the natural environment; and other concerns and benefits related to the general welfare, safety, and health of area residents. ok.
- 3) **Township Board Review.** After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in this Ordinance. Should the Township Board consider amendments to the proposed rezoning or comprehensive development plan advisable, then the Township Board shall, in accordance with Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405), refer such amendments to the Planning Commission for a report thereof within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the rezoning with or without amendments. The Township may consider, but shall not be limited to, future land use recommendations in the Master Land Use Plan; goals and objectives in the Sub Area Plan; the availability and capacity of utilities; potential impact on neighboring land uses and the natural environment; and other concerns related to the general welfare, safety and health of area residents.

E. AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT PLAN

All changes, modifications, revisions, and amendments made to the comprehensive development plan shall be resubmitted and considered in the same manner as originally required in D. above.

To optimize design, additional interior roads may be added to serve the development areas identified within the development schematic plan during the development of that area without an amendment to the comprehensive development plan.

Not needed and provides potential confusion. If keeping include C.

30.30 DEVELOPING WITHIN THE MIXED USE DISTRICT

A. CONDITIONS FOR DEVELOPMENT

Unless specifically outlined in a phasing plan approved with the comprehensive development plan, all public infrastructure including, shared detention basin areas, streets, street lighting, useable common open spaces, and non-motorized facilities, shall be installed prior to any development. All private streets shall be located in a 66-foot right-of-way (unless specified

No. "All private streets shall be built following zoning standards." See earlier comments

otherwise in 30.20 C. (4) above) with an easement granted to the Township for public utilities and nonmotorized facilities. The Township shall have no obligation or liability for the private street or maintenance thereof by virtue of the easement.

B. PERMITTED USES

- 1) One-family, two-family, three- or four-family, and multiple-family dwellings, including uses and buildings accessory thereto.
- 2) Any business primarily for the retail sale of merchandise or services in which any manufacturing, assembling or fabricating is merely incidental to and an unsubstantial part of said business.
- 3) Banks, credit unions, savings and loan offices and similar financial institutions.
- 4) Administrative, business, or professional offices.
- 5) Laundromats and dry-cleaning establishments, excluding those establishments providing cleaning services for other laundromat and dry-cleaning establishments.
- 6) Hotels, motels.
- 7) Restaurants.
- 8) Hospitals and medical clinics.
- 9) Essential services.
- 10) Indoor theatres.
- 11) Passenger bus terminals, excluding facilities for the overnight storage of buses.
- 12) Accessory buildings and uses customarily incidental to the foregoing.
- 13) Pet shops.
- 14) Houses of worship.
- 15) Commercial Center.
- 16) Proprietary schools and colleges.
- 17) Child Care Centers and Adult Care Centers.
- 18) Funeral homes.
- 19) Private clubs.
- 20) Nursing, convalescent, handicapped, or senior citizens' homes.
- 21) Drive-in service window or drive-through services for businesses.
- 22) Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
- 23) Buildings and regulator stations for essential services.
- 24) Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds, and other recreational areas.
- 25) Brewpub.
- 26) Microbrewery.
- 27) Wine Tasting Room.
- 28) Craft food and beverage production facility, limited to 8,000 square feet gross floor area.
- 29) Scientific or medical laboratories, engineering, testing or design facilities, or other theoretical or applied research facilities. Typical uses include electronics research laboratories,

environmental research and development firms, agricultural and forestry research labs, and pharmaceutical research labs.

30) Printing, lithographic, blueprinting, and similar uses.

31) Mixed use buildings, which entail a mixture of first-floor commercial, retail, office and/or minimal residential uses, with upper floor office and/or residential uses.

C. PERMITTED USES WITH CONDITIONS

Subject to administrative review applying the same standards as set forth in Article 49.

- a) Home Occupations
- b) Larger Facilities for Child and Adult Foster Care
- c) Group Day Care Home
- d) Bed and Breakfast Inns
- e) Golf Courses, Parks, and Outdoor Recreational Areas
- f) Assembly and Convention Halls.
- g) Veterinary, Small Animal Clinics

D. DEVELOPMENT REQUIREMENTS

All development within the Mixed Use District shall adhere to the approved Mixed Use District's comprehensive development plan, including the adopted design standards, and the following standards:

1) Residential

Residential designated areas within the comprehensive development plan shall be subject to an administrative review by the Planning Department applying the standards of the Subdivision/Site Condominium Ordinance or the Residential Condominium Standards which shall be modified by the general development standards outlined below.

2) Commercial

Commercial designated areas within the comprehensive development plan shall be subject to an administrative review by the Planning Department and shall meet the requirements outlined in Article 64 Site Plan Review, which shall be modified by the general development standards outlined below.

3) Mixed-Use Development

Shall follow both the Residential and Commercial requirements set forth above.

4) General Development Standards

- i. There shall be no minimum lot area or frontage requirements unless outlined in the Mixed Use District's comprehensive development plan.
- ii. Setbacks
 - a. Front Yard: 15 feet
 - b. Side Yard: 10 feet
 - c. Rear Yard: 20 feet

d. The Planning Commission may approve reduced setbacks in a manner that is consistent with the approved comprehensive development plan, encourages a consistent street wall and provides for a usable sidewalk area and a more attractive pedestrian environment. Applicant must officially request the reduction and provide reasoning for the request.

or remove all together?
original intent?

iii. A minimum separation of 20 feet shall be maintained between principal structures established. The Planning Commission may approve reduced separation between structures in a manner consistent with the approved comprehensive development plan when requested by applicant together with reasoning for the request.

Ok. but will need fire dept sign off + building

or remove all together?
original intent?

iv. Residential unit sizes shall be determined by Section 50.20 of the Ordinance.

No. but depends on intent? research examples

v. A minimum ground floor to floor height of 12 feet shall be required for all commercial and mixed use development unless the ground floor in a mixed use building is used for residential or residential ancillary uses.

No. To vague - what ordinance section? see req design standards for flex. will clarify

want to allow flexibility of uses on the 1st floor. keep as is = my gut. open to consider

vi. Maximum building height shall ~~be two (2) stories~~ meet the Township's zoning ordinance unless otherwise specifically permitted by a Sub Area Plan and/or the adopted comprehensive development plan.

provided by

look at Mixed use building definition. discuss Residential on first floor

vii. All roadways shall be designed and constructed as Streets to Kalamazoo County Road Commission standards, unless otherwise approved by the Planning Commission or pursuant to section 30.20 C.(4) above.

depends on above

viii. Pedestrian-Oriented. Sites and streets shall be designed such that vehicles are not the dominant feature.

Not ok with this language. but we can mention our complete street policy

ix. Sidewalks shall connect the road frontage sidewalks to all front building entrances, parking areas, central open spaces, and any other destination that generates pedestrian traffic.

x. No outdoor storage shall be permitted in this district.

xi. Residential accessory structures shall conform to the requirements as specified in Section 57.00 Accessory Buildings Serving A Primary Residence.

xii. For larger comprehensive development plans with a correlating minimum 80 acre Sub Area Plan where a greater overall quantity of parking will be available, to avoid excessive unused parking, the Planning Commission shall have ability to reduce or land bank the required parking counts if adequate parking is demonstrated for each phase.

unnecessary - see article 64. also all plans regardless of size should be treated the same

E. AUTHORITY TO WAIVER

No. we already have flexibility worked into the proposed ordinance. makes this too subjective.

Regulations relating to the use of land, including permitted land uses, height requirements, yard setbacks, and site improvements shall, in the first instance, be based on the standards and requirements outlined in this Article 30. However, the Planning Commission is given the authority to permit flexibility in such standards and encourage innovation in land use and variety of design, layout, type and use of structures, provided any variation granted would also result in the overall design being consistent with the intent and eligibility criteria of this Article 30, compatible with adjacent uses of land, the natural environment, and capacities of public services and facilities affected by the land uses.

See Overlay Draft Page 11 Sec XX.50

E.F. PROCESS

The Planning Department shall have the authority to administratively deny, approve, or approve with conditions all site plans submitted for review under this section. The Planning Department shall record its conclusions, its decisions, the basis for its decision, and any recommended conditions to be imposed in conjunction with an affirmative decision. The Planning Director shall have the discretion to forward any Site Plan submitted for administrative approval to the Planning Commission for final determination. If administrative approval is denied, the applicant may appeal the decision to the ~~Zoning Board of Appeals~~. Planning Commission. If administrative approval is denied because a zoning variance is required, the applicant may appeal the decision to the Zoning Board of Appeals.

keep original language - review by ZBA does not nec = variance

would like to add a requirement that the developer create a "design committee" - all deviations should get their review before coming to the Planning Commission/staff/ make sure that the developers intended design standards are being followed. would be easier to grant with this design groups ok.

DRAFT

This page left intentionally blank for printing purposes.

December 08, 2022



Mtg Date: December 15, 2022

To: Oshtemo Township Planning Commission

From: Colten Hutson, Zoning Administrator

Applicant: Kalamazoo Academy for Behavioral and Academic Success

Owner: Centerpoint Church

Property: 2345 N 10th Street, Parcel Number 05-11-280-045

Zoning: R-2: Residence District

Request: Special Use approval for a private school

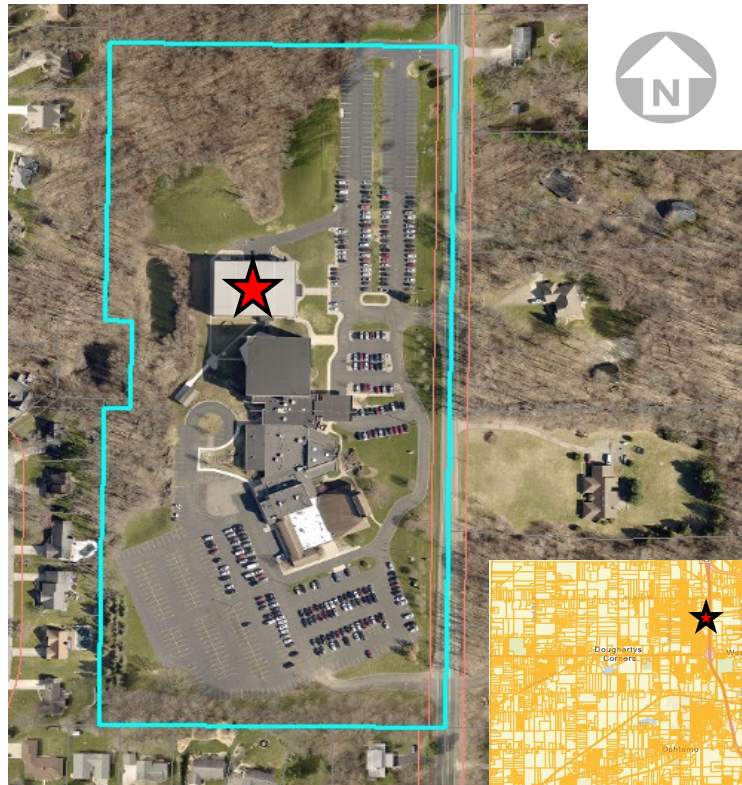
Section(s): Section 65: Special Uses

PROPOSAL:

Kalamazoo Academy for Behavioral and Academic Success, also commonly known as KABAS, is requesting special exception use approval to establish a private school within the existing building located at 2345 N 10th Street. The private school is proposed to host up to 24 children between the ages of 5 and 12 years old. The project area under consideration is outlined in light blue on the map to the right, with the proposed location of the special use identified by the red star.

OVERVIEW:

2345 N 10th Street is a standalone parcel located along the west side of N 10th Street, north of W Main Street, and west of US-131. The private school is proposed to be located within the northern most portion of the principal building on-site, which is identified by the yellow star in the visual on the following page.





The Kalamazoo Academy for Behavioral and Academic Success (KABAS) is an organization who specializes in assisting children with autism and other development delays, or who need more support than they are currently receiving. The special use is proposed to utilize roughly 2,464 square feet of space on the upper floor of the northern most portion of the principal building on-site. Up to 24 children between the ages of 5 and 12 are being proposed as well as up to 20 staff members. The applicant has also indicated that no buses will be circulating throughout the site as all children will be dropped off and picked-up through private transportation. The private school’s hours are proposed to be Monday through Friday from 9am-4pm.

ANALYSIS:

The subject property is presently zoned R-2: Residence District. Uses permitted in the R-2: Residence District are outlined in Article 7 of the Township’s Zoning Ordinance. Public and private schools are identified as a special exception use within said code section. When reviewing a special exception use, the general special use review criteria outlined in Section 65.30 shall be followed. Below is an analysis of the proposal against Section 65.30 of the Township’s Zoning Ordinance.

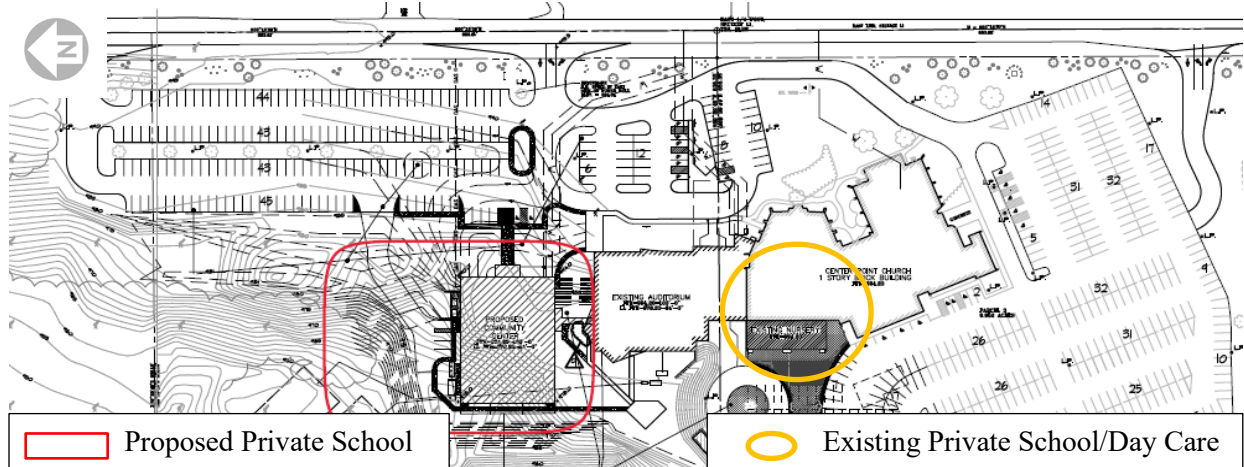
Section 65.30: Special Use Review Criteria

A. Master Plan/Zoning Ordinance: The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the District in which the use is located.

Oshtemo’s adopted Future Land Use Plan illustrates that the property in question is located within the *Low Density Residential* designation. Properties with a *Low Density Residential* designation are typically found in neighborhood type settings. The subject property is classified as R-2: Residence District, within which public and private schools are permissible with special exception use approval from the Planning Commission. The proposed use meets the intent of the Township’s Master Plan documents for this area and complies with the Township’s Zoning Ordinance.

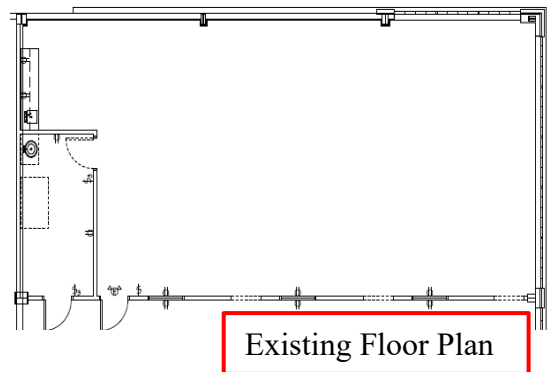
B. Site Plan Review: The Site Plan Review Criteria of Section 64.80

An engineered site plan is not required for a request of this nature as no changes will be made in relation to the site’s exterior. Having said that, a plan showing the general layout of the site and a floor plan have been provided in the images below.

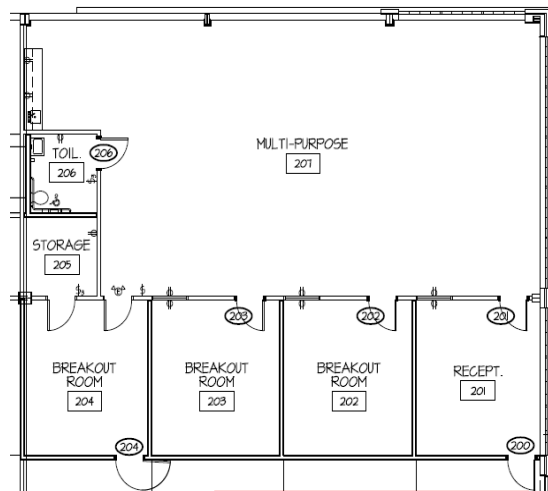


The subject property possesses approximately 600 parking spaces on-site. All existing parking stalls are 10’ wide x 20’ deep. Private schools require one parking space for each employee plus one parking space for each five children. 20 staff members are proposed as well as up to 24 students. For this proposed special use, a total of 25 parking spaces are required per ordinance. After counting the number of parking spaces necessary to accommodate the proposed private school use, there would still be roughly 575 parking spaces available throughout the site.

The proposed private school will operate during the weekdays Monday through Friday from 9am-4pm and will not interfere with the existing church use on-site. However, further consideration is needed as another private school - a preschool with a day care - currently exists in the southern portion of the site. The locations as to where each use is situated on-site is shown in the site map above. The existing preschool and day care services up to 110 students with 25 full and part time staff; this use requires 62 parking spaces. The existing private school and day care’s drop-off hours are up to one hour earlier than the proposed private school and pick-up hours are up to an hour and a half later. With the drop-off and pick-up times being different between the uses, and with the existing preschool and day care being located at the opposite ends of the site, it is not expected for there to be any significant overlap in terms of



Existing Floor Plan



Proposed Floor Plan

parking. However, even if there is overlap, ample parking exists for the proposed private school as well as the existing. The proposal will not impact drive aisles, fire lanes, and vehicle turning areas as the overall site layout is not changing. The minimum building setbacks have been met. Existing entrances on the site will not change and will continue to be used in a similar fashion.

C. Impacts:

- 1. The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.**

The proposed private school, a special exception use within the R-2: Residence District, would occupy an existing space on the upper level within the already established building on-site. The West Port neighborhood borders the subject site to its west as well as standalone parcels containing low density residential uses to the south, east, and north. The proposed private school would be harmonious with the other existing uses on and surrounding the site as an existing private school - which was previously determined by the Planning Commission to be compatible - already exists on-site. With the proposed private school being compatible with the allowable uses within this zoning district, no exterior site changes proposed, and being in accordance with both the Master Plan and the Zoning Ordinance, staff has no concerns that the proposed use will negatively affect neighboring uses.

- 2. Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.**

Staff does not foresee a significant impact of the proposed use on neighboring properties. The private school is proposed to be located within an existing building on-site. The principal building on-site currently serves a church, and a preschool with a child care center. The overall site layout is not changing as the applicant is not proposing any additions to the existing building. There is an existing outdoor play area on the west side of the property that KABAS will have access to and utilize. The already established outdoor play area is enclosed with 4' tall wrought iron fencing surrounding the play area. Photos of the existing outdoor play area can be found below. All requirements pertaining to setbacks, access, placement of buildings, etc. have been satisfied.



3. The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, or visual clutter.

With the exception of the existing outdoor play area, all activities associated with the proposed special use will be indoors. The outdoor play area located west (in the rear) of the principal building on-site has already been established to serve the existing day care and preschool on the property. Noise levels are not expected to be any different from the noise levels currently being generated from the site as a similar use exists and has been in operation for two years. The amount of traffic throughout the site during the weekdays will be substantially less than what the site is already accustomed to on the weekends for Sunday service. Staff does not foresee any negative impacts occurring from this use.

D. Environment: The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.

The proposed private school will be occupying existing space on the upper level within the principal building on-site. Interior alterations are proposed; however, such alterations are relatively minor as only approximately 700 square feet is being altered. The impervious surfaces on-site are existing, and no additional impervious surfaces are proposed. This criterion is not applicable.

E. Public Facilities: Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.

The principal building located at 2345 N 10th Street is adequately serviced by municipal water and municipal sanitary sewer. The Township's Non-motorized Transportation Plan does identify a 10' wide shared-use path adjacent to the subject site along the west side of N 10th Street; however, per Section 57.90 of the Zoning Ordinance, the property is exempt from constructing such shared-use path since the proposal is only a minor modification to the use of the property and the proposed interior alterations are unsubstantial. No changes to the site's exterior are proposed. This section does not apply.

F. Specific Use Requirements: The Special Use development requirements of Article 49.

No specific use requirements exist for private schools and similar uses. Therefore, this section is not applicable.

RECOMMENDATION:

Planning Department staff recommend the approval of the proposed special exception use for the private school at 2345 N 10th Street with the following conditions.

- 1) The private school will serve up to 24 children between the ages of 5 and 12.
- 2) Hours of operation will be 9am-4pm Monday through Friday, with drop-offs occurring between 8am-9am and pick-ups occurring between 4pm-4:30pm.
- 3) The total space occupied by the private school use for KABAS shall not exceed 2,464 square feet.

- 4) Documentation from the State of Michigan (Department of Licensing and Regulatory Affairs) approving the proposed private school and sealed building drawings for said use shall be provided to the Township.

Attachments: Application, Letter of Intent, Site Plan, Floor Plan, and Photos



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
 Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

Kalamazoo Academy for Behavioral & Academic Success (KABAS)
 2345 N 10th Street, Kalamazoo MI 49009

PROJECT NAME & ADDRESS _____

PLANNING & ZONING APPLICATION

Applicant Name : Richard Malott
 Company Kalamazoo Academy for Behavioral &
Academic Success (KABAS)
 Address 8971 W. KL Avenue Kalamazoo, MI 49009

 E-mail dickmalott@dickmalott.com
 Telephone 269-271-3532 Fax _____
 Interest in Property Special exception use

THIS
 SPACE
 FOR
 TOWNSHIP
 USE
 ONLY

OWNER*:

Name Centerpoint Church
 Address 2345 10th St N, Kalamazoo, MI 49009

 Email lharper@centerpoint.faith
269-375-4815
 Phone & Fax _____

Fee Amount _____
 Escrow Amount _____

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- | | |
|--|---|
| <input type="checkbox"/> Planning Escrow-1042 | <input type="checkbox"/> Land Division-1090 |
| <input type="checkbox"/> Site Plan Review-1088 | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input type="checkbox"/> Administrative Site Plan Review-1086 | <input type="checkbox"/> Rezoning-1091 |
| <input checked="" type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082 |
| <input type="checkbox"/> Zoning Variance-1092 | <input type="checkbox"/> Text Amendment-1081 |
| <input type="checkbox"/> Site Condominium-1084 | <input type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Accessory Building Review-1083 | <input type="checkbox"/> Other: _____ |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): _____

See attachment

LEGAL DESCRIPTION OF PROPERTY *(Use Attachments if Necessary):*

See attachment

PARCEL NUMBER: 3905- 05-11-280-045

ADDRESS OF PROPERTY: 2345 10th St N, Kalamazoo, MI 49009

PRESENT USE OF THE PROPERTY: Centerpoint Church

PRESENT ZONING R2 **SIZE OF PROPERTY** 2464 square feet

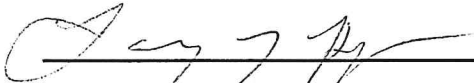
**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)

Address(es)

SIGNATURES


I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.



Owner's Signature *(* If different from Applicant)*

11/17/2022

Date



Applicant's Signature

11/17/2022

Date

- Copies to:
- Planning -1
- Applicant -1
- Clerk -1
- Deputy Clerk -1
- Attorney-1
- Assessor -1
- Planning Secretary - Original

PLEASE ATTACH ALL REQUIRED DOCUMENTS

Letter of Intent - Special Use Permit

Township: Oshtemo

RE: Special Exception Use - School Proposal

This letter of intent is to provide a description of the proposed use of part of The Point Community Center space at 2345 N. 10th Street. It is within the R-2, Residence District. However, with approval by the Planning Commission, public and private schools are allowed as special uses within this zoning district.

In the past, The Point Community Center utilized the multipurpose room located on the upper level to hold small-group meetings, events, and activities for adults with disabilities.

In this proposal, part of the upper level floor space of The Point Community Center will be used as a space for a nonprofit private school to provide behavioral support for children in grades K-6. The Academy will open its doors in August of 2023. Starting in August, the academy will serve up to 24 students, ages 5-12, who have autism, other development delays, or who need more support than they are receiving in their current placement. The academy will operate as follows:

- The school will involve a mix of one-to-one and small group (4:1 ratio) teaching
- Up 20 staff members
- Monday-Friday, 9-4 PM
- School drop-off window: 8-9AM
- Pick-up window: 4-4:30PM
- The location of the drop-off and pick-up site will be in the parking lot of The Point Community Center.
- Private transportation only
- Follow Academic calendar (August -December and January-July)
- Access to outdoor play area, already available for “Starting Pointe”, Center Point’s preschool
- Total space use occupied by special use permit: 2464 sq ft

In this proposal for the special-use permit, modifications will be made to the existing multipurpose room (main room 1792 sq feet): three doors will be added to the south wall. Also, the changing room located in the multipurpose room will be modified so that there is a child-sized toilet (room 206). In addition, four rooms (rooms 202, 203, and 204,) and a reception area (room 201) will be extended from the south wall of the multipurpose room. The space occupied by the academy will be a total of 2464 sq ft. Floor plans of this space are attached for reference.

Signature Richard W. Malott Date 11/17/2022

Print Name Richard Malott

Owner:
 Third Reformed Church
 2345 North 10th Street
 Kalamazoo, Michigan 49009

269-375-4815 (fax 269) 375-5121
 Contact Mr. Charles Palanca - Business Manager

Property Legal Description:

Zoning: R-2

Total site area: 1,243,820 sq. ft (29.70 acres)

Main building area: 60,000 sq. ft
 The Point building area: 11,860 sq. ft
 Total building area: 71,860 sq. ft (6% of 1,243,820 sq. ft of total site)

PARCEL 1:
 THE EAST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER, SECTION II, TOWN 2 SOUTH, RANGE 12 WEST, EXCEPT THE NORTH 1820 FEET THEREOF.
 ALSO EXCEPT: THE SOUTH 10 ACRES OF THE EAST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER, SECTION II, TOWN 2 SOUTH, RANGE 12 WEST, EXCEPT THE WEST 50 FEET OF THE SOUTH 1820 FEET OF THE EAST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION II, TOWN 2 SOUTH, RANGE 12 WEST.

PARCEL 2:
 THE SOUTH 10 ACRES OF THE EAST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER, SECTION II, TOWN 2 SOUTH, RANGE 12 WEST, EXCEPT THE WEST 50 FEET OF THE SOUTH 1820 FEET OF THE EAST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION II, TOWN 2 SOUTH, RANGE 12 WEST.

PARCEL 3:
 BEGINNING AT THE EAST QUARTER POST OF SECTION II, TOWN 2 SOUTH, RANGE 12 WEST; THENCE SOUTH 00 DEGREES 14'45" EAST ALONG THE EASTERLY LINE OF SAID SECTION 660.60 FEET; THENCE SOUTH 84 DEGREES 28'51" WEST 656.00 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER, NORTHEAST QUARTER, SOUTHEAST QUARTER OF SAID SECTION, SAID CORNER BEING ON THE NORTHERLY LINE OF "WEST FORT NO. 4"; AS RECORDED IN LIBER 30 OF PLATS, PAGE 25; THENCE NORTH 00 DEGREES 15'50" WEST, 660.73 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER, NORTHEAST QUARTER, SOUTHEAST QUARTER OF SAID SECTION II; THENCE NORTH 84 DEGREES 28'50" EAST ALONG THE QUARTER-LINE 656.10 FEET TO THE POINT OF BEGINNING, RESERVING THE EASTERLY 33 FEET OF THE ABOVE DESCRIBED PREMISES FOR COUNTY ROAD PURPOSES.

Site area covered by paving / sidewalks 210,000 sq. ft (16% of site)

Open area: approx. 1,006,900 sq. ft (77%)

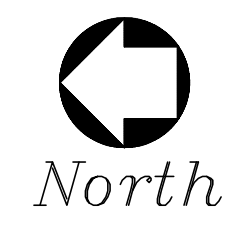
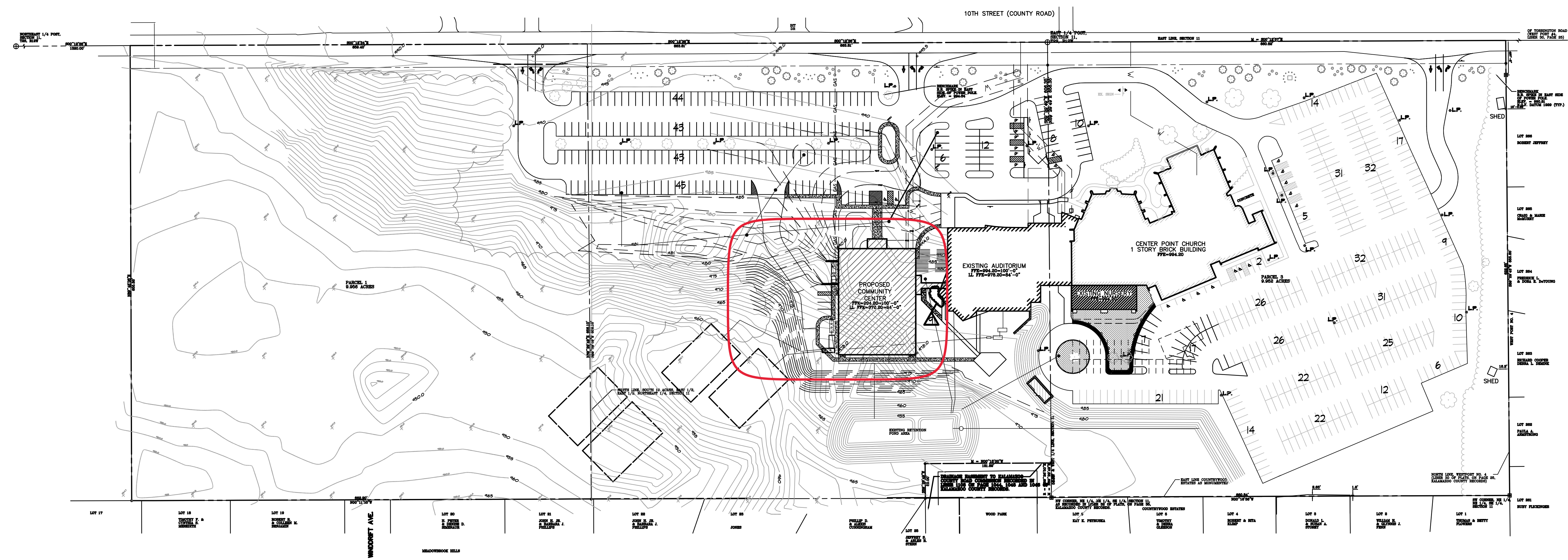
No new drive entrances or additional parking to be provided

Parking required: 1 per 3 seats in main place of assembly = 1200 / 3 = 400 required
 Parking provided: 576 10' x 20' spaces plus 21 barrier free space = total 597 spaces

Water service: per city of Kalamazoo water department - 6" main for domestic and fire protection. Extended to new addition.

Sanitary: Health Department approved septic system. New septic tanks tied to existing dosing tank and field.

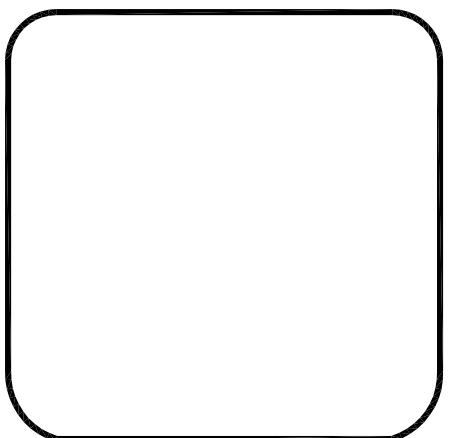
Setbacks: 10 Feet from right of way front.
 10 Feet rear and sides.



OVERALL SITE PLAN

SCALE 1" = 80'

NO.	DATE	REVISION
1		
2		
3		
4		
5		
6		
7		



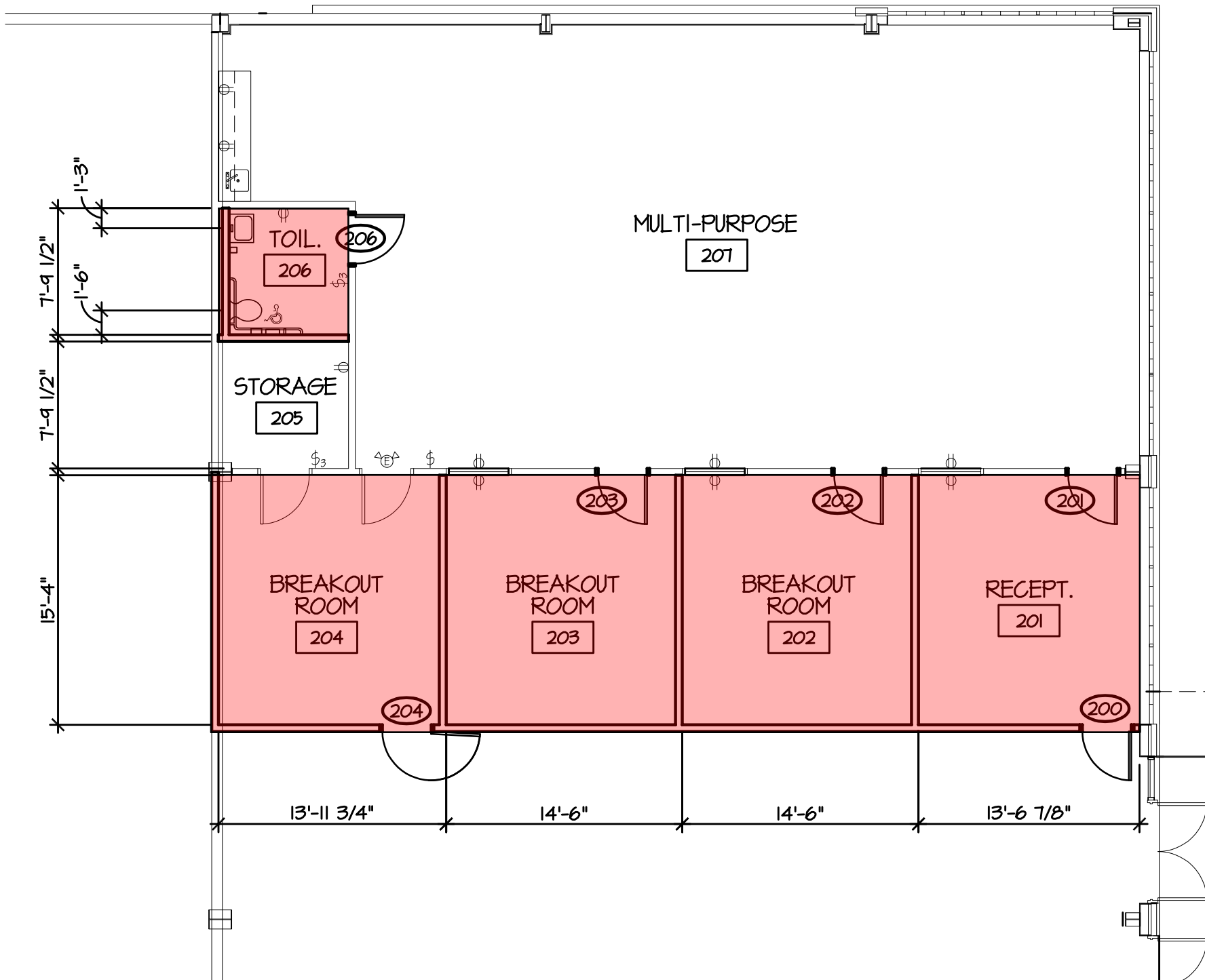
CENTER POINT CHURCH
DAYCARE UPGRADE SITE PLAN
 2345 NORTH 10th STREET
 Kalamazoo, MI

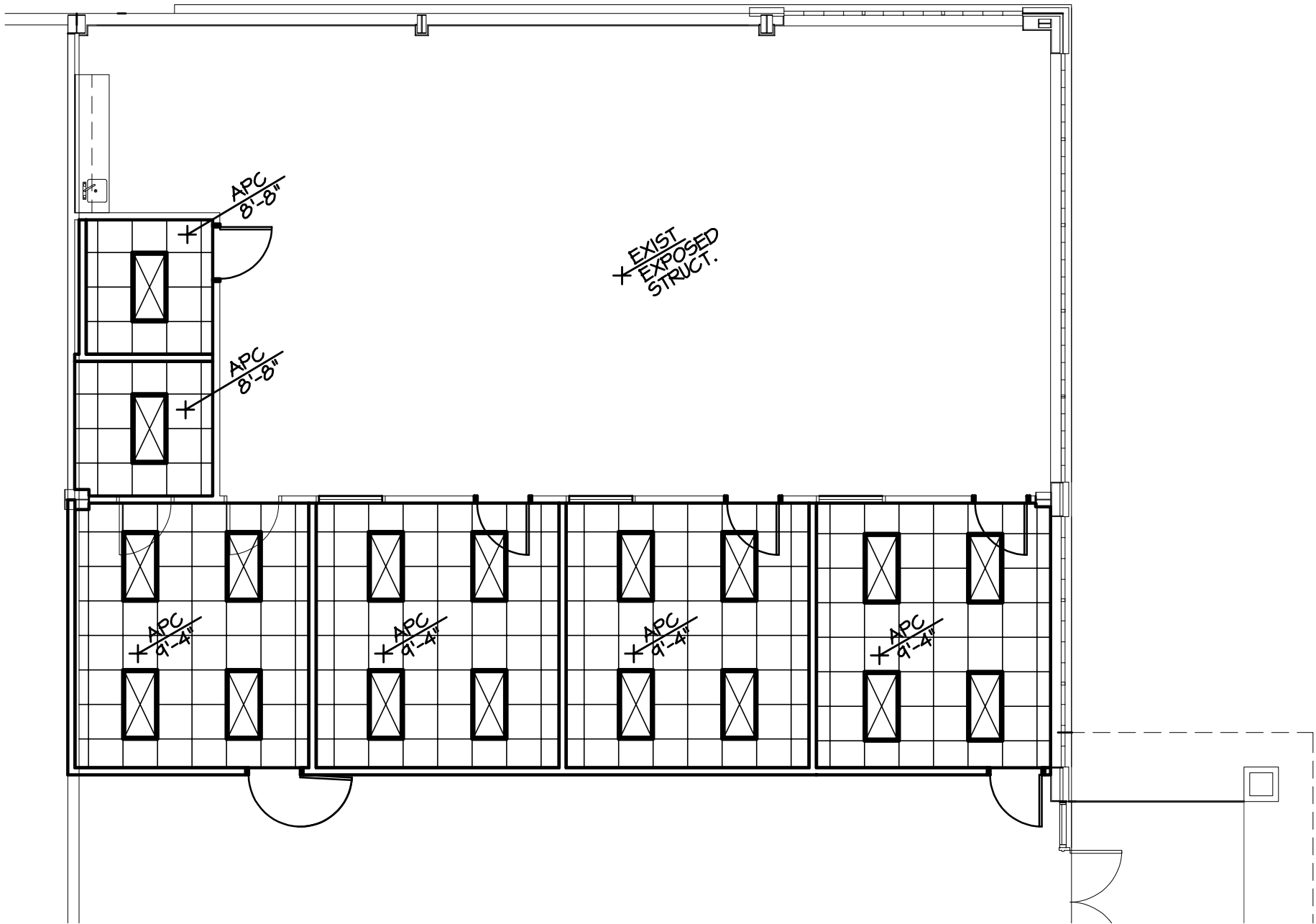
OVER ALL SITE PLAN

Vander Weele
 Design Consultants, P.C.
 5900 VanWee Park • Kalamazoo, Michigan 49009
 (269) 375-7227 Fax: (269) 375-3954
 e mail: vanderweele@vanderweele.com

XREFs.

PLOT SCALE
 1:1
 ISSUE DATE:
 6/12/20
 DRAWN BY:
 BAV
 SHEET NO.
C1.01
 PROJECT NO.
10238



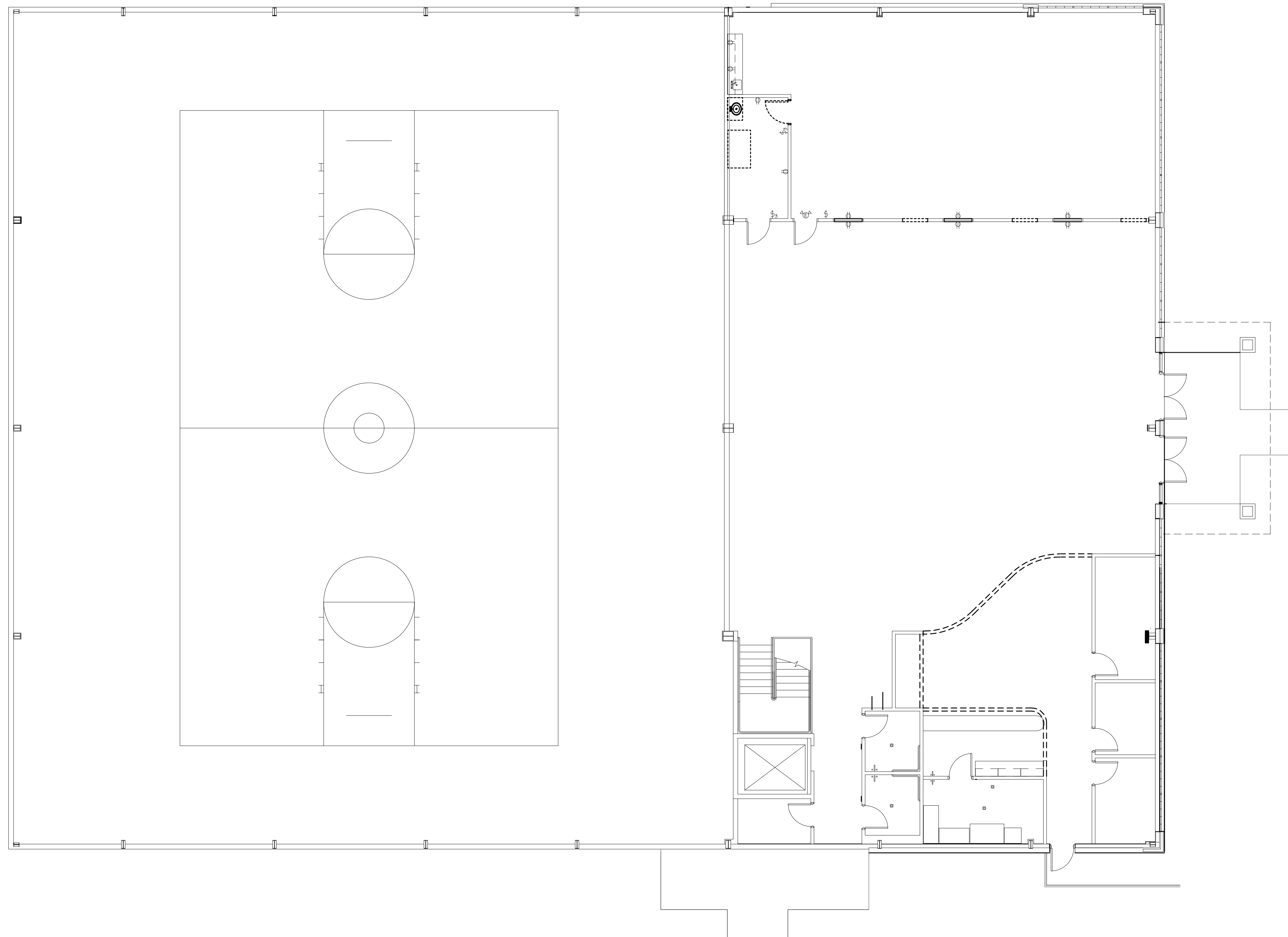


GENERAL ARCHITECTURAL DEMOLITION NOTES

1. CONTRACTOR IS RESPONSIBLE TO COORDINATE WITH ALL OTHER DRAWINGS AND SPECIFICATIONS FOR AREAS THAT WILL REQUIRE DEMOLITION NOT INDICATED ON THIS SHEET.
2. THE DEMOLITION PLANS GENERALLY INDICATE AREAS OF EXTENSIVE REMOVALS AND DO NOT NECESSARILY INDICATE ALL THE DEMOLITION WORK. CONTRACTOR SHALL PERFORM ALL DEMOLITION NECESSARY FOR PROPER EXECUTION OF THE PROJECT, WHETHER OR NOT SAID DEMOLITION IS SPECIFICALLY INDICATED WITHIN THESE DOCUMENTS.
3. CONTRACTOR IS RESPONSIBLE TO INFILL, PATCH AND/OR REPAIR EXISTING WALLS, FLOORS, AND CEILINGS TO MATCH EXISTING ADJACENT SURFACES WHERE DEMOLITION OCCURS, OTHER THAN AS DESCRIBED ON THESE DOCUMENTS.
4. PATCH AND REPAIR REMAINING ADJACENT SURFACES AT AREAS OF REMOVAL AND/OR ALTERATION TO MATCH EXISTING. PROVIDE A SOUND AND PROPER SUBSTRATE TO RECEIVE NEW FINISHES). COORDINATE WITH COLOR PLANS, WHERE A NEW FINISH IS NOT INDICATED, MATCH EXISTING ADJACENT FINISHES.
5. ALL DEMOLITION WORK IS TO BE DONE WITH REASONABLE CARE AS TO MINIMIZE DAMAGE TO EXISTING REMAINING SURFACES. CONTRACTOR IS RESPONSIBLE TO PROPERLY DISPOSE OF ALL DEMOLISHED ITEMS NOT INDICATED TO BE RELOCATED OR TURNED OVER TO THE OWNER.
6. PROVIDE TEMPORARY SHORING, BRACING, AND/OR SUPPORTS AS REQUIRED FOR ELECTRICAL ITEMS IN AREAS SHOWN FOR REMOVAL AND/OR ALTERATIONS.
7. COORDINATE WITH STRUCTURAL, MECHANICAL, PLUMBING, AND ELECTRICAL DRAWINGS FOR ADDITIONAL DEMOLITION NOTES.
8. PRIOR TO INDICATED DEMOLITION, COORDINATE ALL ITEMS TO BE SALVAGED FOR REUSE ON THE PROJECT, AND/OR RETURNED TO THE OWNER THRU THE CONSTRUCTION MANAGER/OWNER'S REPRESENTATIVE.

DEMOLITION NOTES:

- 1 REMOVE EXISTING QUARRY TILE FLOOR, TILE WALL BASE, AND ALL ASSOCIATED GROUT AND ADHESIVES. PATCH REMAINING FLOOR (AND WALL) SURFACES AS REQUIRED FOR NEW CONSTRUCTION.
- 2 REMOVE EXISTING OVERHEAD COILING DOOR, TRACK, COIL HOUSING, AND ALL RELATED ANCHORS AND SUPPORTS.
- 3 REMOVE EXISTING HOOD AND ALL RELATED SUPPORTS AND ANCHORS. PATCH REMAINING SURFACES AS REQUIRED FOR NEW HOOD.
- 4 SAWCUT AND REMOVE EXISTING CONCRETE FLOOR SLAB AS REQUIRED FOR INSTALLATION OF NEW SANITARY PIPING.
- 5 REMOVE / CORE EXTERIOR WALL AS REQUIRED FOR INSTALLATION OF NEW 4" DIAMETER DRYER VENT.
- 6 REMOVE EXISTING PLASTER AND LATH CEILING AS REQUIRED FOR INSTALLATION OF NEW EXHAUST GRILL EG-1. REFER TO SHEET M1.
- 7 REMOVE EXISTING 2' X 2' METAL GRID AND ACOUSTIC TILE LAY-IN CEILING SYSTEM AS REQUIRED FOR REMOVING AND REPLACING HOOD.
- 8 16" HIDE CMU HALL TO REMAIN BUT REMOVE SLOPED TOP. REFER TO SECTIONS 3/A1 AND 4/A1 FOR DETAILED INFORMATION.
- 9 REMOVE EXISTING 2' X 2' METAL GRID AND ACOUSTIC TILE LAY-IN CEILING SYSTEM AS REQUIRED FOR REMOVING/REPLACING OVERHEAD COILING DOOR.
- 10 REMOVE EXISTING GYP BOARD BULKHEAD AND METAL FRAMING (THIS SIDE OF DOOR) AS REQUIRED TO REMOVE AND REPLACE EXISTING OVERHEAD COILING DOOR.
- 11 SAWCUT AND REMOVE EXISTING CONCRETE SLAB AS REQUIRED FOR NEW UNDERGROUND SANITARY DRAINAGE LINE FOR WASHER.
- 12 REMOVE EXISTING FLOOR TROUGH DRAIN. SAWCUT AND REMOVE EXISTING CONCRETE SLAB AS REQUIRED FOR REMOVAL AND INSTALLATION OF NEW FLOOR TROUGH DRAIN.



1 UPPER LEVEL DEMOLITION PLAN
SCALE: 1/8" = 1'-0"

KABAS

BUILDING REMODELING
2345 10th Street, Kalamazoo, MI 49009

REVISIONS/REVIEW	DATE
BID AND CONSTRUCTION	11/01/2022

KEY PLAN

JOB NO. 2806.18



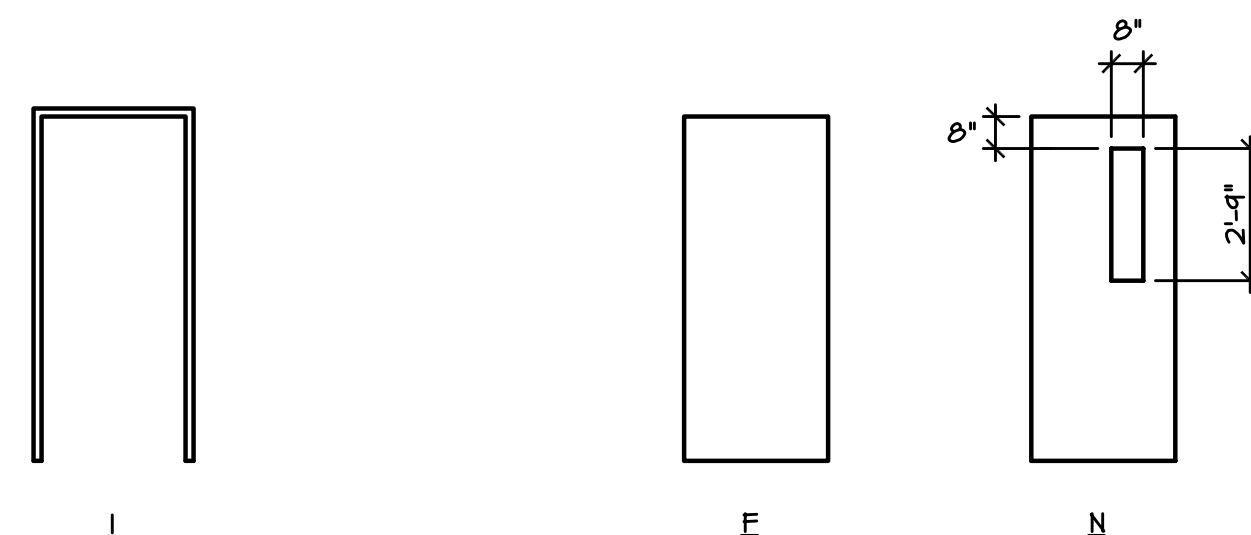
SHEET TITLE

UPPER LEVEL DEMOLITION PLAN

SHEET NO.

XXVLR

D1.2



DOOR FRAME TYPES
1/4" = 1'-0"

DOOR TYPES
1/4" = 1'-0"

OPNG	DOOR					FRAME					LABEL	REMARKS	
	SIZE	TYPE	MAT	GLASS	TYPE	MAT	GLASS	HEAD	JAMB	JAMB			SILL
200	3012	N	WD	1/4" FR5	I	HM	NONE	-	-	-	-	45 MIN.	
201	3012	N	WD	1/4" SAF.	I	HM	NONE	-	-	-	-	NONE	
202	3012	N	WD	1/4" SAF.	I	HM	NONE	-	-	-	-	NONE	
203	3012	N	WD	1/4" SAF.	I	HM	NONE	-	-	-	-	NONE	
204	3012	N	WD	1/4" FR5	I	HM	NONE	-	-	-	-	NONE	
206	3012	F	WD	-	I	HM	NONE	-	-	-	-	45 MIN.	

NOTES

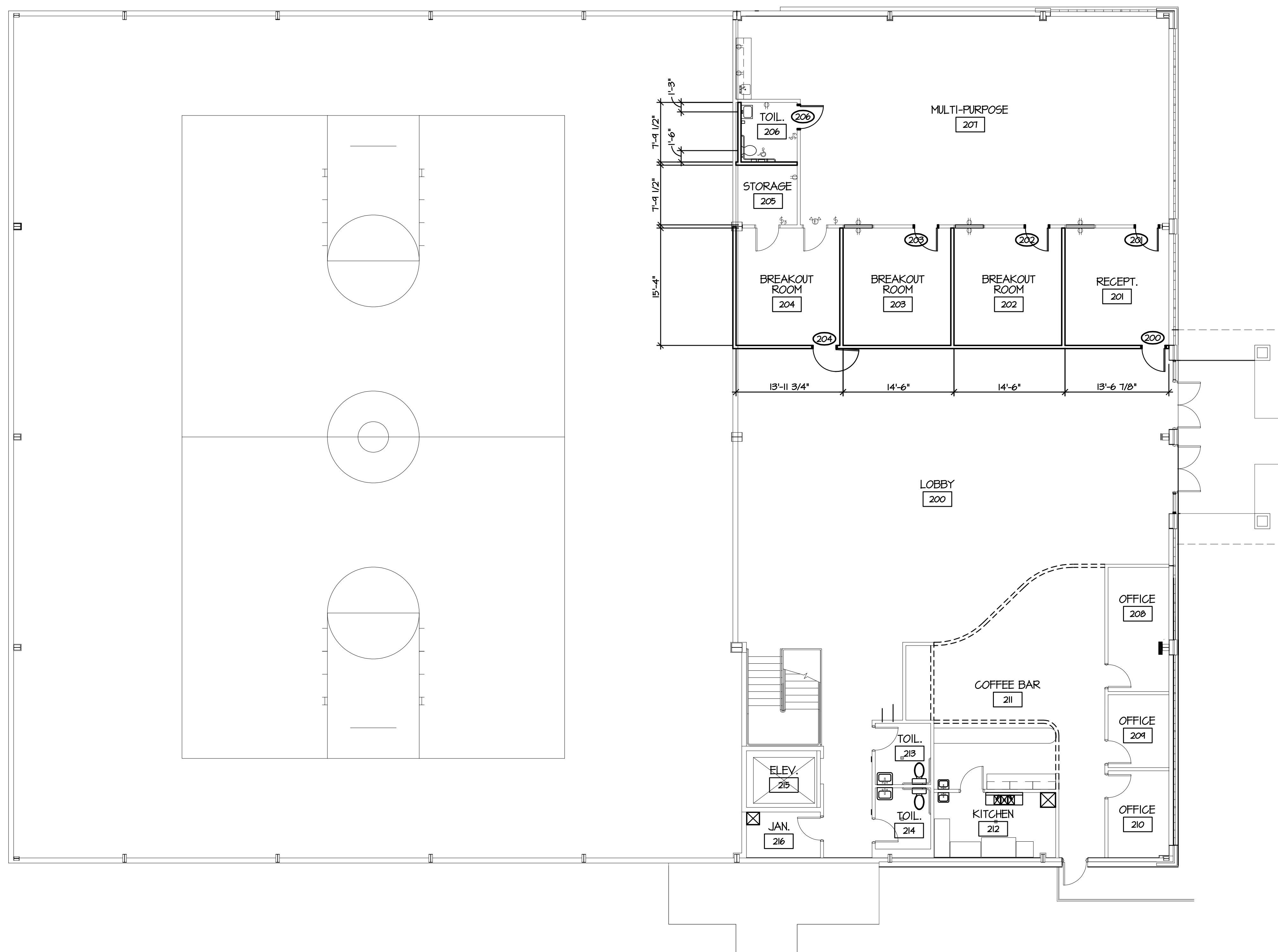
1. VERIFY EXISTING DOOR AND FRAME SIZES IN THE FIELD PRIOR TO FABRICATION OF NEW DOORS.

GENERAL NOTES

1. CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION AND NOTIFY ARCHITECT OF ANY DISCREPANCIES.
2. REFER TO DEMOLITION PLANS, REFLECTED CEILING PLANS, PLUMBING PLANS, MECHANICAL PLANS, AND ELECTRICAL PLANS FOR ADDITIONAL NOTES REGARDING PATCHING AT AREAS OF REMOVAL AND/OR ALTERATION. COORDINATE WITH PLUMBING, MECHANICAL AND ELECTRICAL CONTRACTORS.
3. PROVIDE MATERIALS TO MATCH ADJACENT EXISTING MATERIALS AT ALL LOCATIONS OF ARCHITECTURAL, STRUCTURAL, MECHANICAL & ELECTRICAL WORK WHERE NOT SPECIFIED OTHERWISE. SPOT PAINT TO MATCH EXISTING IF REQUIRED.
4. SEE DATA SHEET FOR ABBREVIATIONS.
5. ALL CONTRACTORS ARE RESPONSIBLE FOR COORDINATION BETWEEN DIFFERENT TRADES.

ARCHITECTURAL NOTES

1. 1 1/2" DIAMETER RAILING, CORE AND EPOXY ANCHOR INTO EXISTING CONCRETE SLAB.
2. WALL MOUNTED MOTORIZED PROJECTION SCREEN.
3. NEW DOOR IN EXISTING HOLLOW METAL FRAME. PREP AND PAINT EXISTING HOLLOW METAL FRAME. MATCH EXISTING DOOR FRAME COLOR AND SHEEN.
4. HIGH COUNTERTOP AND SUPPORT MEMBERS.
5. 12" NOMINAL CMU PARTITION, T/O WALL = 4'-0" A.F.F.. PREP AND PAINT.
6. PRE-FABRICATED BENCH SEAT.
7. WALL MOUNTED 65" FLAT PANEL LCD DISPLAY.
8. WALL MOUNTED ELECTRIC WATER COOLER. REFER TO PLUMBING AND ELECTRICAL DRAWINGS FOR PIPING AND POWER.
9. 12" NOMINAL CMU PIER BENEATH COUNTERTOP (COUNTERTOP SUPPORT PIER)
10. METAL STUD AND GYPSUM BOARD BULKHEAD. PRIME AND PAINT.
11. NEW DRYWALL PARTITION WALL: 5/8" GYPSUM BOARD BOTH SIDES OF 3-5/8" METAL STUDS AT 16" O.C. WITH SOUND BATT INSULATION FROM FINISH FLOOR TO UNDERSIDE OF MEZZ. FLOOR DECK.
12. NEW PLAM COUNTERTOP, BASE CABINETS, AND TALL CABINETS. REFER TO EQUIPMENT PLAN THIS SHEET FOR DETAILED CASEWORK INFORMATION.
13. NEW CONCRETE FILLED METAL PAN STAIR. REFER TO AT SHEETS FOR DETAILED REQUIREMENTS.
14. NEW GYPSUM BOARD AND METAL STUD PARTITION INFILL WITH WOOD FLANK FINISH. REFER TO AT SHEETS FOR DETAILED REQUIREMENTS.
15. 8" NOMINAL SINGLE SCORE CMU INFILL AT LOCATION OF EXISTING HOLLOW METAL FRAME REMOVAL. PRIME AND PAINT TO MATCH EXISTING ADJACENT WALL FINISH.
16. STAINLESS STEEL KENTWOOD LOGO MOUNTED TO FACE OF WOOD FLANKS. REFER TO AT SHEETS FOR DETAILED REQUIREMENTS.



1 UPPER LEVEL FLOOR PLAN
SCALE: 1/8" = 1'-0"

REVISIONS/REVIEW	DATE
BID AND CONSTRUCTION	11/01/2022

KEY PLAN

JOB NO. 2806.18

SHEET TITLE

UPPER LEVEL FLOOR PLAN

SHEET NO.










KABAS
BUILDING REMODELING
2345 10th Street, Kalamazoo, MI 49009



GENERAL REFLECTED CEILING PLAN NOTES:

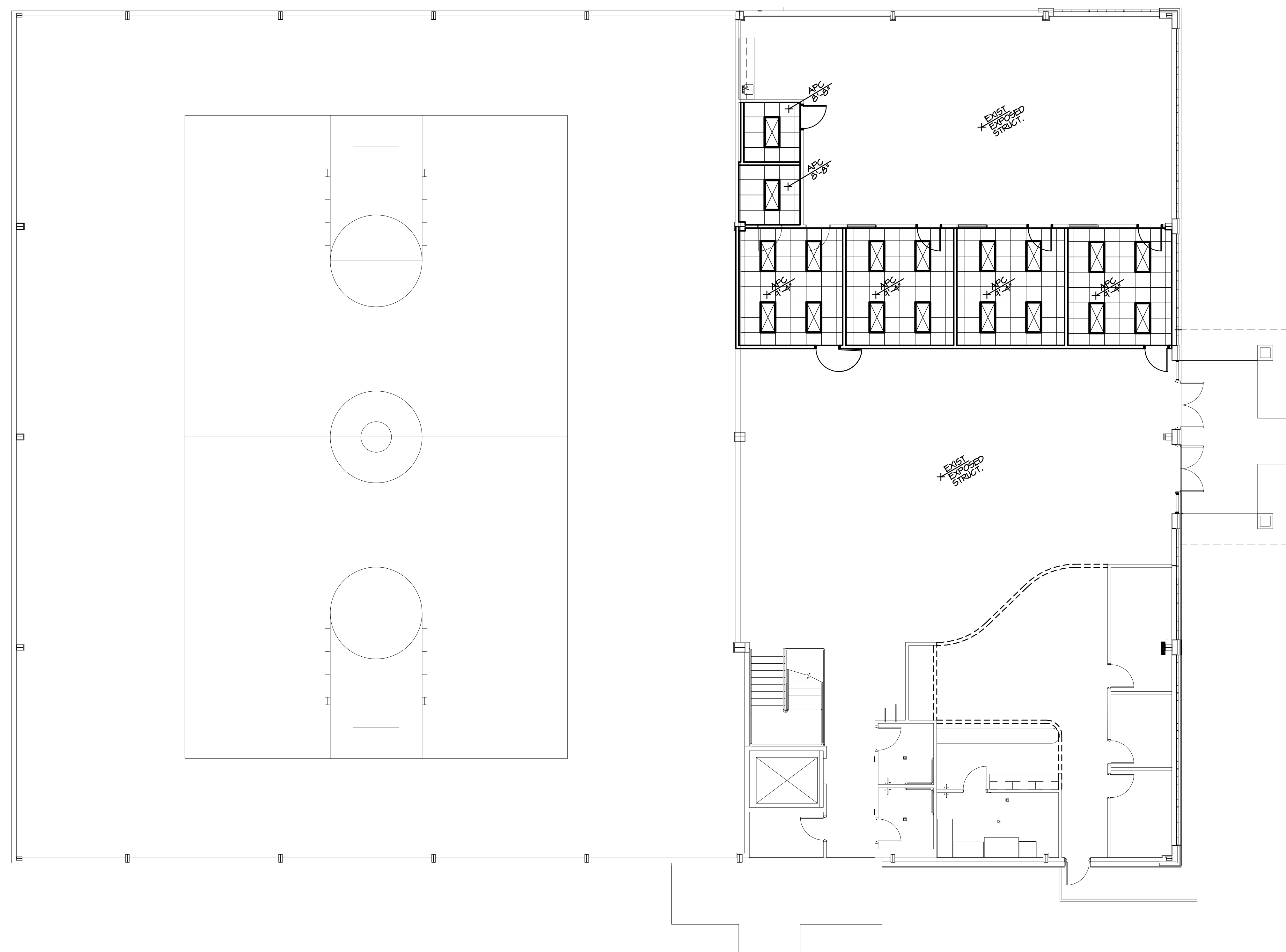
- REFERS TO CEILING MATERIAL & MOUNTING HEIGHT ABOVE FINISH FLOOR. ALL APC CEILINGS SHALL BE APC-1. UNO. CEILING ELEVATIONS ARE BASED ON EXISTING FINISH FLOOR ELEVATIONS.

REFLECTED CEILING LEGEND

-  LAY-IN LIGHT FIXTURE
-  SURFACE MOUNTED LIGHT FIXTURE
-  SUPPLY DIFFUSER
-  RETURN DIFFUSER
-  ACCESS PANEL - SEE REFLECTED CEILING PLAN NOTES. PAINT TO MATCH ADJACENT GYP. CLG.
-  ACOUSTICAL PANEL CEILING (APC)
-  GYPSUM BOARD CEILING / BULKHEAD

REFLECTED CEILING PLAN NOTES:

- EXISTING METAL GRID AND ACOUSTIC TILE CEILING SYSTEM TO REMAIN INCLUDING EXISTING LIGHT FIXTURES.
- NEW METAL GRID AND ACOUSTIC TILE CEILING SYSTEM TO MATCH EXISTING. REUSE EXISTING LIGHT FIXTURES.
- UNDERSIDE OF NEW HOOD, REFER TO FOOD SERVICE AND MEP DRAWINGS FOR DETAILED REQUIREMENTS.
- NEW 5/8" GYPSUM BOARD ON 6" METAL FRAMING AT 6" O.C.
- NEW RECESSED LIGHT FIXTURE. REFER TO ELECTRICAL.



1 UPPER LEVEL CEILING PLAN
SCALE: 1/8" = 1'-0"

KABAS

BUILDING REMODELING
2345 10th Street, Kalamazoo, MI 49009

REVISIONS/REVIEW	DATE
BID AND CONSTRUCTION	11/01/2022

KEY PLAN

JOB NO. 2806.18



SHEET TITLE

UPPER LEVEL CEILING PLAN

SHEET NO.

A2.2











December 9, 2022

Mtg Date: December 15, 2022
To: Planning Commission
From: Iris Lubbert, AICP, Planning Director
Subject: Public Hearing: Amendments to Article 69 Zoning Board of Appeals

Objective:

Consideration of amendments to Article 69 of the Township Zoning Ordinance, for recommendation to the Township Board.

Background:

Earlier in 2022 a request for a sign variance was submitted to the Township. In the process of researching substantial justice cases, staff found that a sign variance was previously approved for the site in question over a decade ago. The Township Ordinance currently does not state when and if an approved variance expires. For this reason, the request was approved as it fell within the parameters of the previous variance approval. To ensure this situation does not happen again and provide clarity, staff has drafted an amendment to Article 69 that outlines the duration of a variance. As this section was being updated, staff found it prudent to review the entirety of Article 69, additional amendments that provide clarification on the Zoning Board of Appeal's duties and operational procedures are also proposed. Due to the number of changes, a clean version of the proposed text has been provided along with a copy of the current text for reference.

Attachments: Proposed amendments to Article 69, Current version of Article 69

PROPOSED ARTICLE 69 – ZONING BOARD OF APPEALS

69.10 STATEMENT OF PURPOSE

Oshtemo Charter Township establishes this zoning ordinance, as permitted by the Michigan Zoning Enabling Act (Act 110 of 2006, MCL 125.3101, et seq., as amended), to create a Zoning Board of Appeals and to provide for the membership thereof.

69.20 APPOINTMENT; MEMBERS; CONDUCT OF BUSINESS

A. Creation, Appointment, and Removal. A Township Zoning Board of Appeals shall be appointed by a majority vote of the members of the Township Board as prescribed by the Michigan Zoning Enabling Act. The Zoning Board of Appeals shall be empowered with all the authority prescribed by law, or delegated to it, under specific provisions of this Ordinance. The Township Board shall establish rules to govern the procedures of the Zoning Board of Appeals in accordance with state law. The Township Board may remove members from the Zoning Board of Appeals as allowed under the Zoning Enabling Act, or the Zoning Board of Appeal’s rules of procedure.

B. Members. The Zoning Board of Appeals shall consist of five (5) regular members and may include the appointment of two (2) alternate members to serve as voting members in the absence of a regular member, or when a conflict of interest prevents a regular member from voting. One (1) member of the Zoning Board of Appeals shall be a member of the Township’s Planning Commission; the remaining members shall be appointed in accordance with the requirements of the Michigan Zoning Enabling Act and may include one (1) member who is a member of the Township Board (provided that such member shall not serve as Chairperson). No employee, or contractor, of the Township may serve as a member of the Zoning Board of Appeals (except to the extent that a member of the Township Board is considered to be an “employee” of the Township).

C. Conduct of Business. The Zoning Board of Appeals shall conduct meetings in accordance with the requirements of the Michigan Open Meetings Act and the Michigan Zoning Enabling Act, and shall not conduct business unless a majority of the members are present. Where an alternate member has been appointed, they shall continue to serve on that matter until a final decision is made, and shall have the same voting rights as a regular member.

69.30 TERM OF OFFICE

The term of each member shall be three (3) years (except for those members appointed based on their membership on the Planning Commission and/or Township Board, which term is limited to their service thereon). Vacancies shall be filled for the remainder of the unexpired term. Successors must be appointed not more than one (1) month after the term of the preceding member has expired. Initial appointment of terms shall include staggering so that one (1) or more of the first appointed members shall serve for less than three (3) years.

69.40 CONFLICT OF INTEREST

Members shall disqualify themselves from a vote in which they have a conflict of interest. A member of the Zoning Board of Appeals who is also a member of the Planning Commission, or Township Board shall not participate in a public hearing, or vote, on the same matter that they voted on as a member of the Planning Commission or Township Board. However, such member may consider and vote on other unrelated matters involving the same property.

69.50 VARIANCE AND APPEALS

A. Appeals. The Zoning Board of Appeals is empowered to hear appeals of administrative decisions, to interpret the Township's Zoning Ordinance, and to grant variances as provided herein.

B. Granting of Variance(s). Except as provided for elsewhere in the Township's Zoning Ordinance, the Zoning Board of Appeals is hereby given the right to:

1. Grant nonuse variances relating to the construction, structural changes, or alteration of Buildings or Structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in the ordinance.
2. Grant a nonuse variance from the Township's Zoning Ordinance where there are practical difficulties which inhibit strict compliance with the Township's Zoning Ordinance and where, in the opinion of the Zoning Board of Appeals, the spirit of the foregoing provisions is still observed, public safety, health, and welfare secured, and substantial justice thereby accomplished.
3. Attach conditions and limitations when granting a variance as deemed necessary to further the public health, safety, and general welfare of the Township (e.g., time limits or to require the conveyance or dedication to the public of a 66-foot wide right-of-way for ingress or egress to and from interior land having otherwise insufficient or inadequate public access for normal, proper and logical development).

C. Duration of Nonuse Variance(s) Approval. A non-use variance, once granted, runs with the land in perpetuity for the property as it existed when the variance was granted (i.e., prior to any land combination, division, or rezoning). A nonuse variance cannot be transferred to another property, site, or parcel. The Zoning Board of Appeals shall not approve a variance on the condition that the property, site, or parcel remain owned by a particular individual or entity.

A nonuse variance shall expire, and shall be automatically deemed null and void, if any of the conditions occur following its approval by the Zoning Board of Appeals:

1. No development activity under the nonuse variance is commenced within one (1) year of the date of approval.
2. If the Township determines and/or establishes by competent, material, and substantial evidence that the applicant is not complying with any attached conditions of the nonuse variance.
3. The Building, Structure, or Sign for which the nonuse variance was granted is, for any reason, removed or destroyed and not replaced for a period greater than twelve (12) months.
4. The property is modified in a way that impacts the condition for which the variance was granted (i.e., any land combination, division, or rezoning).

Where circumstances beyond the control of the applicant result in a failure to implement the granted nonuse variance, or the attached conditions, prior to the expiration of a one (1) year period from the original approval date, the applicant may request a onetime extension. An extension request must: (a) be received by the Planning Department at least thirty (30) days prior to the original expiration date of the nonuse variance, and (b) be requested in writing. Such onetime extension, if granted, shall not exceed twelve (12) calendar months from the original expiration date. The Planning Director shall have the discretion to forward any extension request submitted for administrative approval to the Zoning Board of Appeals for final determination. If administrative approval of the extension request is denied, the applicant may appeal the decision to the Zoning Board of Appeals.

69.60 RIGHT TO APPEAL ZONING BOARD OF APPEALS DECISION.

Any party aggrieved by a decision of the Township's Zoning Board of Appeals may appeal such decision to the Circuit Court for Kalamazoo County in accordance with the Michigan Zoning Enabling Act.

ZONING ORDINANCE ARTICLE 69

69 – BOARD OF APPEALS

Contents:

- **69.10 APPOINTMENT; MEMBERS**
- **69.20 TERM OF OFFICE**
- **69.30 CONFLICT OF INTEREST**
- **69.40 VARIANCE**

69.10 APPOINTMENT; MEMBERS

A Township Zoning Board of Appeals shall be appointed by the Township Board as prescribed by statute with all the powers and authority prescribed by law or delegated to it under specific provisions of the Ordinance. The Zoning Board of Appeals shall consist of five (5) members: One (1) member shall be a member of the Township Planning Commission. One (1) member may be a member of the Township Board, but neither that member nor any other member who is an elected officer of the Township may serve as Chairperson of the Zoning Board of Appeals. Up to two (2) alternates may be appointed to serve as voting members for the Board of Appeals when a regular member is unable to attend a meeting or when a regular member has a conflict of interest. An employee or contractor of the Township may not serve as a member of the Zoning Board of Appeals.

69.20 TERM OF OFFICE

The term of each member shall be 3 years and until a successor has been appointed and qualified, which successor must be appointed not more than one month after the expiration of the preceding term. Staggered terms shall be affected by one or more of the first appointed members serving for less than three years. Members from the Township Board and from the Planning Commission shall have terms limited to their respective other official terms or to such lesser period determined by resolution of the Township Board.

69.30 CONFLICT OF INTEREST

Members shall disqualify themselves from a vote in which they have a conflict of interest.

69.40 VARIANCE

Except as provided for elsewhere in the Ordinance, the Zoning Board of Appeals is hereby given the right to grant a variance from the foregoing where there are practical difficulties in the way of carrying out strict compliance with the foregoing or where, in the opinion of said Board, the spirit of the foregoing provisions is still observed, public safety, health, and welfare secured, and substantial justice thereby accomplished. In granting a variance, the Zoning Board of Appeals is hereby further given the right and authority to attach conditions and limitations deemed necessary to further the public health, safety, and general welfare of the Township, such as time limits or to require the conveyance or dedication to the public of a 66-foot wide right-of-way for

ingress or egress to and from interior land having otherwise insufficient or inadequate public access for normal, proper and logical development as a condition to the granting of any variance as herein provided and to further the public health, safety, and general welfare.



December 9, 2022

Mtg Date: December 15, 2022
To: Planning Commission
From: Iris Lubbert, AICP, Planning Director
Subject: Public Hearing: Amendments to Section 2.20 Definitions

Objective:

Consideration of amendments to Section 2.20 of the Township Zoning Ordinance, for recommendation to the Township Board.

Background:

The State Legislature recently acted to amend certain childcare laws to allow for increased capacity within family child care homes and group childcare homes. Public Act 106 of 2022 allows for one (1) additional child for a family child care home and two (2) additional children for a group child care home if they meet certain criteria. A family child care home, or group care home, is automatically eligible for increased capacity after satisfying all the following criteria:

- a) holds a current license;
- b) has been licensed to operate for at least twenty-nine (29) consecutive months;
- c) has received one or more unrelated minor children for care and supervision
- d) during the license (under subdivision b);
- e) has received a renewed regular license after at least twenty-nine (29) months
- f) of licensed operation (under subdivision b).

Due to these changes, the Township Attorney is recommending to amend applicable definitions to ensure Township compliance with the State Legislature. In addition, staff has identified a number of definitions that should be added to provide clarity to other sections of the ordinance and a number of existing problematic definitions that should be revised. The proposed amendments to Section 2.20 of the Ordinance includes amendments that address these concerns.

Attachments: Proposed amendments Section 2.20



ZONING ORDINANCE

ARTICLE 2

2 – CONSTRUCTION OF LANGUAGE AND DEFINITIONS

(Amended by ord. no. 611; adopted May 28th, 2019, effective June 6th, 2019. Amended by ord. no. 632; adopted February 10th, 2021, effective February 16th, 2021.)

2.20 DEFINITIONS

The following terms shall have the following meanings where used in the within Ordinance:

Accessory building - A building or portion of a building subordinate to and on the same lot, parcel, or building site as a principal building, and occupied by or devoted exclusively to an accessory use including, but not limited to, a private garage.

Accessory use - A use of a building, lot, parcel, building site, or portion(s) of same which is customarily incidental and subordinate to the principal use of the principal building or of the lot, parcel, or building site.

Adult Care Center - a non-residential facility, properly registered or licensed with the State, that supports the health, nutritional, social, and daily living needs of adults in a professionally staffed group setting for periods less than 24 hours a day. These facilities typically provide adults with transitional care and shortterm rehabilitation following hospital discharge.

Adult Foster Care Facility - a State certified facility housing at least one but not more than four adults that receive benefits from community mental health service programs. Shall not be signed.

Adult Foster Care Large Group Home - a State certified facility hosting at least thirteen but not more than 20 adults that receive benefits from community mental health service programs.

Adult Foster Care Small Group Home - a State certified facility hosting at least three but not more than 12 adults that receive benefits from community mental health service programs.

Agribusiness - Any business catering exclusively to agricultural production, which may include, but is not limited to, supplying services or goods (such as feed or supplies) to producers of marketable agricultural products like greenhouses, nurseries, and farm cooperatives.

Agriculture - The science, art, or occupation of cultivating land, raising crops, and feeding, breeding, and raising livestock.

Agriculture building - A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products and that is clearly accessory to the agricultural activity on site.

Agriculture operation - The production, harvesting, and storage of farm products including the land, plants, animals, buildings, structures, ponds, machinery, equipment, and other appurtenances used in the production of farm goods as a source of income.

Agricultural products - Includes but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

Agricultural special event (Agritourism Category 2) - A planned and organized education, entertainment, or recreation occasion or activity that brings the public to the agricultural operation, whether or not the participant paid to take part in the special event, provided said event is solely provided by the agritourism property owner.

Agriculturally related products - Items sold at a farm to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream-based desserts and beverages, jams, honey, food stuffs, and other items promoting the farm and on-site production.

Agriculturally related uses - Those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.

Agritourism - An agriculturally based operation or activity that brings public to a working farm for the purpose of enjoyment, education, or active involvement in the farm operation. Agritourism enterprises are further classified as follows:

- a. Agritourism, Category 1: An agritourism enterprise limited to u-pick fruits and vegetable operations, direct on-farm product sales, and farm markets.
- b. Agritourism, Category 2: An agritourism enterprise that includes education, entertainment, agricultural related uses and products, and limited non-agricultural related uses and products including: educational tours; historical agricultural exhibits; educational classes, lectures and seminars; petting farms, animal display and pony rides; outdoor mazes of agricultural origin, such as straw bales or corn; wagon, sleigh and hayrides; nature trails; outdoor picnic areas; and, other similar uses.
- c. Agritourism, Category 3: An agritourism enterprise that utilizes the rural character or agricultural buildings on site for nonresidential special events or activities, including: educational tours, classes, lectures, and seminars; celebratory gatherings such as weddings; retail events such as farm markets, barn markets, and agricultural sales; day camps; and, other similar special events or activities.

Assembly and Convention Hall - A room or building for the purpose of hosting a party, banquet, wedding, or any other social or business event. Assembly and Convention Halls can also be called meeting rooms, function halls, reception halls, or banquet halls.

Assisted living facility - A residential facility that provides residents with meals and assistance with daily activities, such as dressing, grooming, bathing, etc.

Auto Service- Facilities in which the primary service is the repair and maintenance of motor vehicles. Includes a business or premise that mechanically repairs automobiles (including replacement of parts and where oils and other vehicle fluids are drained or replaced), where tires, gas tanks, radiators or other similar items are replaced or repaired; a facility where the repair, rental, and maintenance of automobiles and trucks (including, but not limited to, the following: body shops, transmission shops, lube and emissions centers, tire stores, car washes (as a primary use), public garages, service stations, auto glass shops, and car rental businesses). Does not include Filling Station.

Awning - A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework. (Compare with "Marquee").

Bed and breakfast inn - A private residence that offers sleeping accommodations to lodgers on a temporary basis in the innkeeper's residence in which the innkeeper resides while renting the rooms to lodgers and serves meals at no extra

cost to its lodgers.

Brewpub - A facility licensed as a brewpub by the Michigan Liquor Control Commission and satisfying the requirements of such license that manufactures and sells beer for consumption on the premises or for take-out in addition to providing restaurant services.

Building - A structure having one or more stories and a roof designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

Building ~~S~~site - A portion of a ~~lot~~-Lot or ~~parcel~~-Parcel which is a two-dimensional condominium unit of land (i.e., envelope, footprint), along with any and all limited or general common elements designed for the construction of a principal condominium building in addition to accessory condominium buildings. All building sites shall have access to a public street or road.

Building official - The designated agency of the Township appointed to administer and enforce the State Construction Code, pursuant to Public Act 230 of 1972, as thereafter amended.

Cemetery - One or a combination of more than one of the following:

- a. A burial ground for earth interments.
- b. A mausoleum for crypt entombments.
- c. A crematory for the cremation of human remains.
- d. A columbarium for the deposit of cremated remains.

Child Care Center - A facility, other than a ~~pp~~private ~~residence~~Home, properly registered or licensed under 1973 Public Act 116, as amended, receiving one (1) or more children for periods of less than twenty-four hours (24) hours a day, and where the parents or guardians are not immediately available to the child. Child Care Center includes a facility that provides care for not less than two (2) consecutive weeks per year. The facility is generally described as a child care center, day care center, day nursery, play group, or drop-in center. Child care center does not include any of the following:

- a. A Sunday school, a vacation bible school, or a religious instruction class that is conducted by a religious organization where children are in attendance for not more than three (3) hours per day for an indefinite period, or not more than eight (8) hours per day for a period not to exceed four (4) weeks during a two (2)-month period.
- b. A facility operated by a religious organization where children are cared for not more than three hours while persons responsible for the children are attending religious services.

Child Caring Institution - A State certified care facility which allows more than four, but less than 13 minor children on a 24-hour basis.

Clear cutting - The act of removal of most or all trees in a wooded area.

Commercial ~~center~~-Center - A commercial building designed for multiple occupancy within which any use permitted in the "C" Local Business District Zoning classification may be located. A change in occupancy of an individual suite within a Commercial Center does not constitute a "change in use."

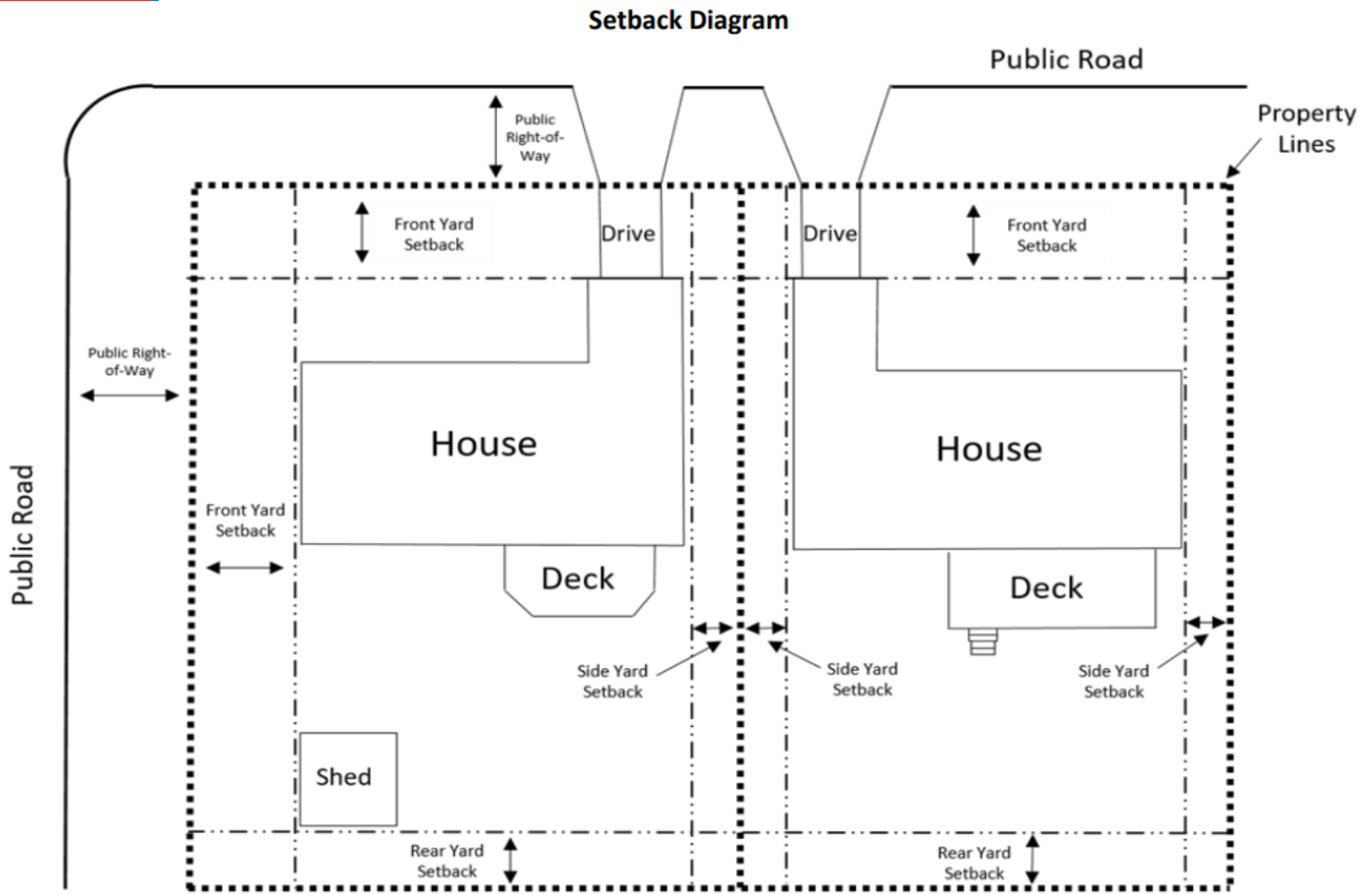
Common elements - The portions of a condominium project other than the condominium units.

- A. **General common elements** - The common elements of a condominium project other than the limited common elements.
- B. **Limited common elements** - The portion(s) of the common elements reserved in the master deed of a condominium project for the exclusive use of less than all the owners of condominium units in the project.

Condominium project - A development plan or project consisting of not less than two condominium units established in conformance with, and pursuant to, the Condominium Act, Act No. 59 of the Public Acts of 1978, as amended.

Condominium unit - That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed of the project, regardless of whether it is intended for residential, office, industrial, business, recreational, or any other type of use approved by the Michigan Department of Commerce for such projects.

Corner Lot - A Lot, Parcel, Building Site located at the intersection of two (2) or more streets resulting in a frontage on two (2) Streets, such that it has a Front Street Frontage and a Side Street Frontage. For the purpose of determining Setbacks, a Corner Lot shall have two front yards, as depicted in the image below:



Frontage, Front Street - A corner Lot has a Front Street and a Side Street Frontage, with the Front Street Frontage being the frontage onto which the front of the building faces.

Frontage, Side Street - A corner Lot has a Front Street and a Side Street Frontage, with the Side Street Frontage being the frontage onto which the side of the building faces.

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

Crematory - A building or structure within which the remains of deceased persons are or are intended to be cremated.

Dwelling, single-family - A detached building containing one dwelling unit.

Dwelling, two-family - A detached building containing two separate dwelling units.

Dwelling, three-family - A detached building containing three separate dwelling units.

Dwelling, four-family - A detached building containing four separate dwelling units.

Dwelling, multiple-family - A building containing five or more separate dwelling units.

Dwelling unit - A building or portion thereof designed for occupancy by one family for residential purposes, having cooking, sleeping, and sanitary facilities.

Elderly/retirement housing - A residential complex, not single-family, designed for independent living and principally occupied by senior citizens. Such facilities exclude institutional care such as medical or nursing care. (See "nursing home" and "assisted living facility.")

Essential services - The term "essential services" means the erection, construction, alteration, or maintenance by public utilities or township departments or commissions of underground or overhead gas, electrical, steam or water transmissions or distribution systems, collections, 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 township departments or commissions or for the public health or safety or general welfare.

Family.

- a. "Traditional Family" shall mean:
 - i. One person; or
 - ii. Up to two unrelated persons; or
 - iii. Where two or more persons reside in a dwelling unit, persons classified as constituting a Family shall be limited to husband, wife, son, daughter, father, mother, brother, sister, grandfather, grandmother, grandson, granddaughter, aunt, uncle, stepchildren, legally adopted children, foster children, legal wards, or any combination of the above persons living together in a single dwelling unit.

Anyone seeking the rights and privileges afforded a member of a Traditional Family by this ordinance shall have the burden of proof by clear and convincing evidence of their family relationship.

- b. As herein defined, a "Functional Family" shall be given the same rights and privileges and shall have the same duties and responsibilities as a Family, as defined herein for the purposes of construing and interpreting the Zoning Ordinance. "Functional Family" shall mean a collective number of individuals, including religious orders, living together in one dwelling unit whose relationship is of a regular and permanent nature and having a distinct domestic character or a demonstrable and recognizable bond where each party is responsible for the basic material needs of the other and all are living and cooking as a single housekeeping unit.

This definition shall not include any of the following:

- i. A society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or organization.
- ii. A group of individuals whose association is temporary or seasonal in character or nature or for the limited duration of their education.
- iii. A group whose sharing of a dwelling unit is not to function as a family, but merely for convenience and economics.

Any person seeking the rights and privileges afforded a member of a Functional Family by this ordinance shall have the burden of proof by clear and convincing evidence of each of the elements of a functional family.

Family ~~day-Child eCare hHome~~ - A ~~p~~Private ~~h~~Home properly registered or licensed under 1973 Public Act 116, as amended, in which one (1) but fewer than seven (7) minor children (or nine (9) children with increased capacity as defined and permitted by Public Act 106 of 2022) are received for care and supervision for periods of less than twenty-four (24) 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the ~~family household~~family by blood, marriage or adoption. A Family ~~day-Child eCare hHome~~ Family day care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year. A Family Child Care Home does not include an individual providing babysitting services for another individual (as defined by 1973 Public Act 116).

Farm Market - The sale of agricultural products directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land. This definition includes farm stands and roadside stands.

Fence - An artificially constructed barrier of any material or combination of materials, but not including hedges, shrubs, trees, or other natural growth, erected to enclose, screen or separate areas of land.

Filling station - A facility limited to retail sales to the public of motor fuel, motor oil, lubricants, travel aides, and minor automobile accessories. The facility may also offer for sale food items and tangible consumer goods. Common terms include filling station, fueling station, and gas station. The facility may also offer propane tank refill service but shall not have more than one 1,000-gallon tank on-site. Facilities in which the primary service is the repair and maintenance of motor vehicles are excluded.

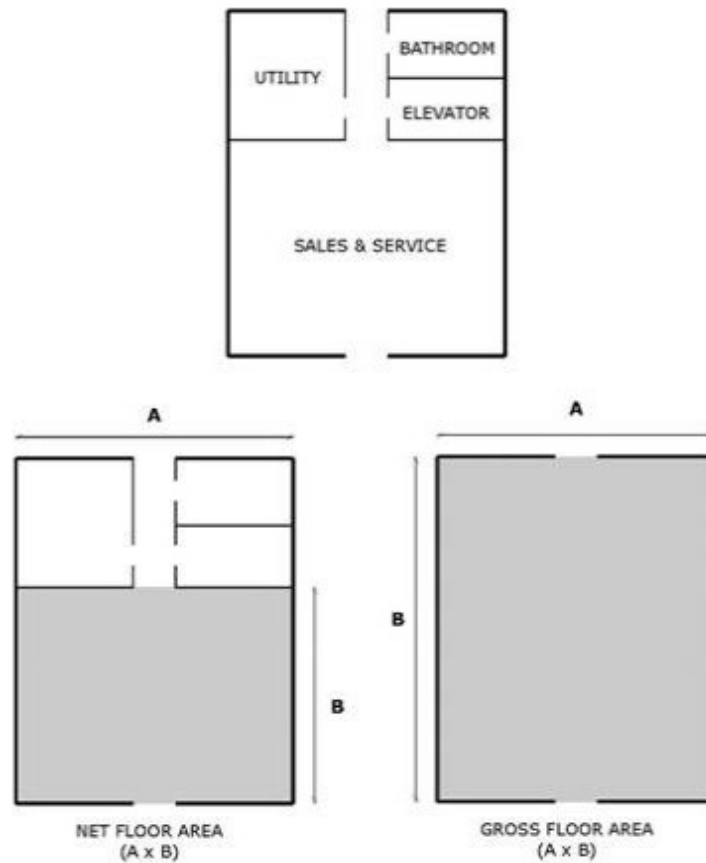
Financial ~~i~~nstitution -- A Building or portion of a Building~~n~~area primarily devoted to the provision of financial and/or banking services to customers or clients. Typical uses include (e.g., banks, credit unions, savings banks, savings and loan associations, lending establishments, and investment companies).

Flag - Any fabric or other flexible material containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision, other non-commercial entity, or which is seasonal or thematic in nature as regulated by Article 57.140.

Floor area, gross - The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of the exterior walls, or from the centerline of a wall separating two buildings, but not including any space where the floor-to-ceiling height is less than 6.5 feet.

Floor area, net – Non-dwellings - The area of all floors in a building computed by measuring the dimensions of the outside walls of a building excluding elevator shafts, stairwells, hallways, floor space used for basic utilities and sanitary facilities such as heating and cooling equipment and lavatories, mezzanines, attics or portions thereof with headroom of less than 6.5 feet, verandas, porches, patios, carports, parking garages, terraces, atriums and decks.

FLOOR AREA



Foster Family Group Home - A The Private Home of an individual licensed by the State of Michigan (pursuant to 1973 Public Act 116) certified to provide twenty-four (24) certified care facility which allows for more than four (4), but fewer than seven (7) minor children who are placed away from their parent, legal guardian, or legal custodian in foster care on a 24-hour basis.

Funeral home - A place of business used in the case of preparation for burial or transportation of a dead human body.

Garage, yard, and household sale - A temporary sale of tangible, used, personal property from residential premises.

Grade, Finished or Finished Grade - The final elevation of the surface of the ground after manmade alterations to the natural grade are completed.

Grade, Natural or Natural Grade - The unaltered natural surface of the ground.

Grade, Street or Street Grade - The elevation of the nearest edge of the pavement or traveled way.

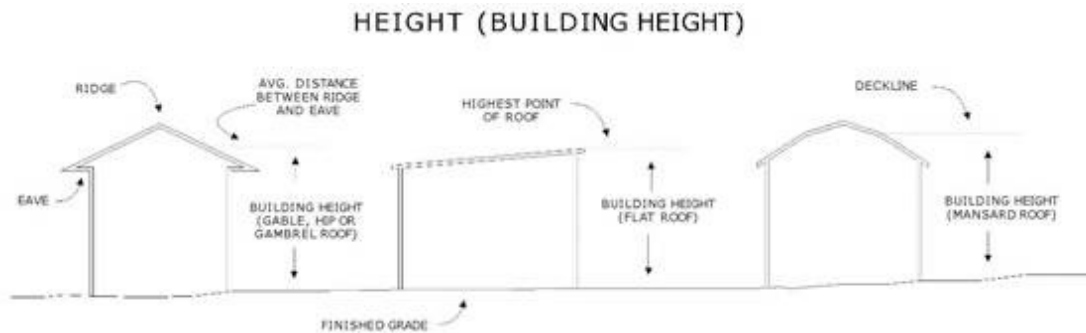
Group day-Child eCare hHome - A pPrivate hHome that is properly registered, or licensed, under 1973 Public Act 116, as amended, in which more than six (6) but not more than twelve (12) minor children (or fourteen (14) children with increased capacity as defined and permitted by Public Act 106 of 2022) are given care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or guardian, except children related to an adult

member of the household family by blood, marriage, or adoption. A Group day-care Home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

Hazardous substance.

- a. Any substance that the Michigan Department of Natural Resources has demonstrated, on a case-by-case basis, poses an unacceptable risk to the public health, safety, or welfare, or the environment, having considered the fate of the material, dose-response, toxicity, or adverse impact on natural resources.
- b. Hazardous substance as defined in the comprehensive environmental response, compensation, and liability act of 1980, Public Law 96-520, 94 Stat. 2767.
- c. Hazardous waste as defined in part 111 of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994 as amended; MCL 324.11101 et seq.
- d. Petroleum as described in part 213 of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994 as amended; MCL 324.21301 et seq.

Height (building height) - The vertical distance of a building measured from the average elevation of the adjacent finished grade to the highest point of the coping of a flat roof, to the average height between eaves and ridge for a gable, hip or gambrel roof, and to the deck line of a mansard roof.



Holiday Events/Festivals (Agritourism Category 2 and 3) - Nationally recognized or official public holidays, and/or observation of cultural traditions.

Home occupations - An occupation which is clearly incidental and subordinate to the principal use of the premises for residential purposes and conforms to the provisions of Section 48.60.

Hotel - A building or group of buildings in which temporary lodging is offered to the public for compensation and which may or may not contain accessory uses such as, but not limited to, restaurants and/or meeting rooms. For purposes of this Ordinance, "Hotel" and "Motel" are considered synonymous.

Industrial Park- An area of land developed as a site for factories and other industrial businesses.

Industrial-Office Development- A development designed to accommodate a variety of light industrial, applied technology, research, and related office uses within a subdivision setting as may be regulated by Section 49.130.

Junkyard - Any land or building used for commercial storage and/or sale of paper, rags, scrap metals, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not including a dump.

Lot - A single unit or division of land contained in a platted subdivision, whether it be numbered, lettered, or otherwise designated, which has frontage on a public or private street or road.

Lot, parcel, or building site area - The total horizontal area included within lot, parcel or building site property lines; where the front lot, parcel or building site property line is the centerline of a public street, the area shall not include that

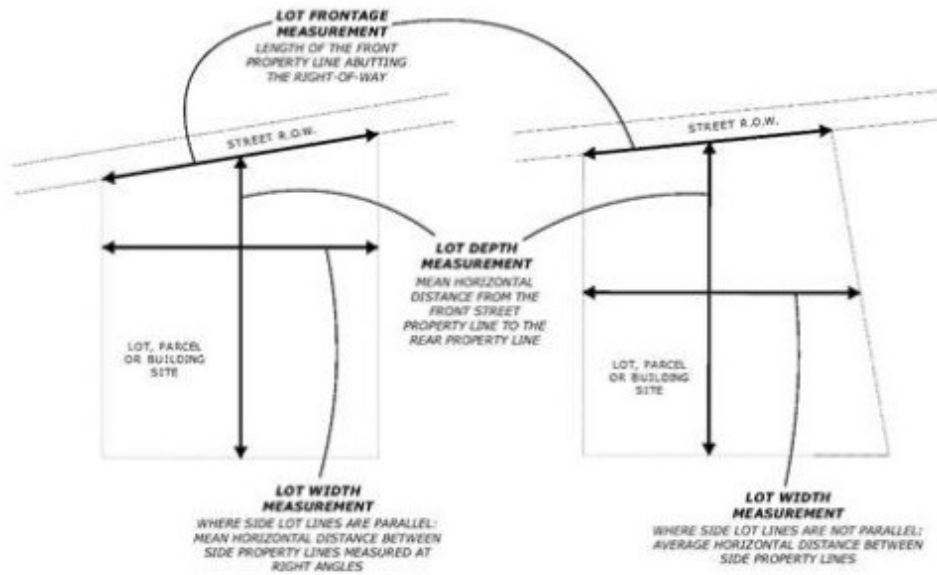
part which is in the public right-of-way.

Lot, parcel, or building site depth - The mean horizontal distance from the front street property line to the rear lot, parcel, or building site property line.

Lot, parcel or building site frontage - The length of the front property line abutting the dedicated public road right-of-way or private street easement.

Lot, parcel, or building site width - The mean horizontal distance between the side property lines as measured at right angles to the said side lines of the lot, parcel, or building site. Where said side lot lines are not parallel, the lot width shall be the average horizontal distance between the side lines.

LOT, PARCEL, OR BUILDING SITE FRONTAGE, WIDTH AND DEPTH



Mansard - A sloped roof or roof-like facade architecturally comparable to a building wall.

Marquee - A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building. (Compare with "Awning".)

Medical use of marihuana – The following definitions shall apply:

- a. Dispensary means any operation where marihuana is distributed to a qualifying patient by someone other than his or her designated primary caregiver.
- b. Marihuana, also known as Marijuana, also known as Cannabis. That term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PAS 368, MCL 333.7106, as is referred to in Section 3(d) of The Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d). Any other term pertaining to marihuana used in this section and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with that Act.
- c. Medical use of marihuana. The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under The Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d).
- d. Michigan Medical Marihuana Act or Act means the Michigan Initiated Law 1 of 2008, MCL 333.26421 et seq.
- e. Primary caregiver means a person as defined under MCL 333.26423(g) of the Act, who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs and who has been issued and possesses a Registry Identification Card under the Act.
- f. Qualifying patient means a person as defined under MCL 333.26423(h) of the Act, who has been diagnosed by a licensed physician as having a debilitating medical condition and who has been issued and possesses a Registry Identification Card under the Act.
- g. Registry Identification Card means the document defined as such under MCL 333.26423(i) of the Act and which is issued by the Michigan Department of Community Health to identify a person as a registered qualifying patient or registered primary caregiver.
- h. Smoke house means a facility that allows multiple qualifying patients to consume or ingest medical marihuana upon

the premises. This term does not encompass (1) a primary caregiver facility at which medical marihuana is consumed or ingested on the premises solely by the designated qualifying patient(s) of the primary caregiver(s) operating within the facility or (2) the consumption or ingestion of medical marihuana by a qualifying patient at his/her residence or at a hospital or hospice at which the qualifying patient is receiving care.

Microbrewery - A small-scale brewer that produces beer for sale on the premises, as well as for off-site sales, appropriately licensed as a microbrewery by the State of Michigan Liquor Control Commission and satisfying the requirements of such license.

Mobile home - A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. Mobile home does not include a recreational vehicle.

Mobile Home Park - A parcel or tract of land ~~under the control of a person~~ upon which three (3) or more ~~m~~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 therefore, together with any ~~building~~Building, ~~structure~~Structure, enclosure, ~~street~~Street, equipment, or facility used or intended for use incident to the occupancy of a ~~mobile~~Mobile Home and which is not intended for use as a temporary trailer park.

Mobile home site or space - A portion of the mobile home park set aside and clearly designated for use by a specific mobile home.

Mobile home subdivision - A platted residential development consisting of mobile homes or single-and two-family dwellings located on individual, separately-owned lots.

Motel – See “Hotel”

Non-agriculturally related products - Items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.

Non-agriculturally related uses - Activities that are part of an agricultural tourism operation’s total offerings but not tied to farming. Such non-agriculturally related uses include amusement rides, concerts, special events, etc.

Nonconforming uses - The use of a building or of land lawfully existing at the time this Ordinance became effective but which does not conform with the present use regulations of the district in which it is located.

Nursing Home - A facility which provides nursing care to individuals on a 24-hour per day basis because of illness, disease, or physical or mental infirmity. Provides care for those persons not in need of hospital care.

Office - A room, suite of rooms, or building used for executive, administrative, professional, political, informational, research or similar organizations.

Office Complex- a Lot, Parcel, or Building Site containing two (2) or more Office Buildings.

Outdoor - Any area not fully enclosed within a building by walls and a roof.

Outdoor light fixtures - Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces (e.g., polished, glossy or mirrored surfaces), lamps and similar devices used for illumination or advertisement. Such devices shall include, but are not limited to, lights for:

- a. Buildings and structures
- b. Recreational uses
- c. Parking lots
- d. Landscaped areas
- e. Signs and billboards
- f. Streets

- g. Product display areas
- h. Building overhangs and canopies
- i. Outdoor storage areas
- j. Area lighting

Parapet - The extension of a false front or wall above a roofline.

Parcel - A continuous area, tract or acreage of land which has not been divided or subdivided (i.e., platted) pursuant to, and/or in accordance with, the Land Division Act, 1967 PA 288 or Condominium Act, 1978 PA 59.

Pre-settlement vegetation - Vegetation that occurred prior to wide-spread European settlement as illustrated on the map titled "Pre-settlement Vegetation of Kalamazoo County" on file in the Township office.

Principal building - A building which is primarily occupied or devoted to the principal use of the lot, parcel or building site, i.e., not occupied by or devoted to an accessory use.

Private ~~h~~Home - For the purposes of ~~f~~Family ~~day~~Child ~~e~~Care ~~h~~Home and ~~g~~Group ~~day~~Child ~~e~~Care ~~h~~Home, "Private ~~h~~Home" means a private residence in which the licensee ~~or registrant~~ permanently resides as a member of the household, which residency ~~is shall~~ not ~~be~~ contingent upon caring for ~~minor~~ children ~~or employment by a child placing agency (pursuant to 1973 Public Act 116). Private Home includes a full-time Family Child Care Home, full-time Group Child Care Home, a full-time Foster Family Home, and a full-time Foster Family Group Home as defined by this Article.~~

-

Private street or road - A street or road which is and has not been dedicated for the public use and accepted by the Kalamazoo County Road Commission.

Property Line - The boundary line, whether it be front, side or rear, of a lot, parcel or building site.

Recreational vehicle - A vehicle primarily designed and to be used as temporary living quarters for recreational, camping or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

Retail Special Event (Agritourism Category 2 and 3) - A planned retail sales activity which brings the public to the property to allow vendors to sell their products for a set period of time.

Riding stable - A building used or to be used by the owner or operator thereof for the housing of horses for hire and/or for payment of boarding expenses.

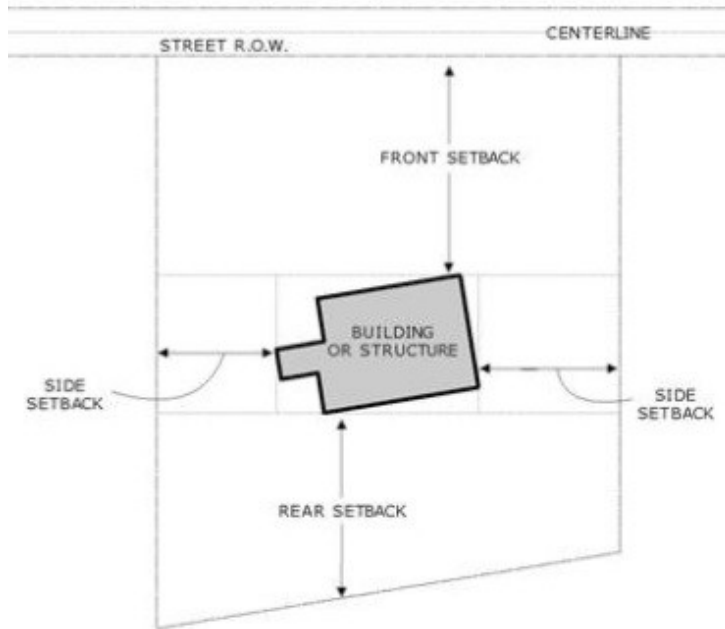
School - An educational institution that is properly registered or licensed with the State.

Seasonal - A recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.

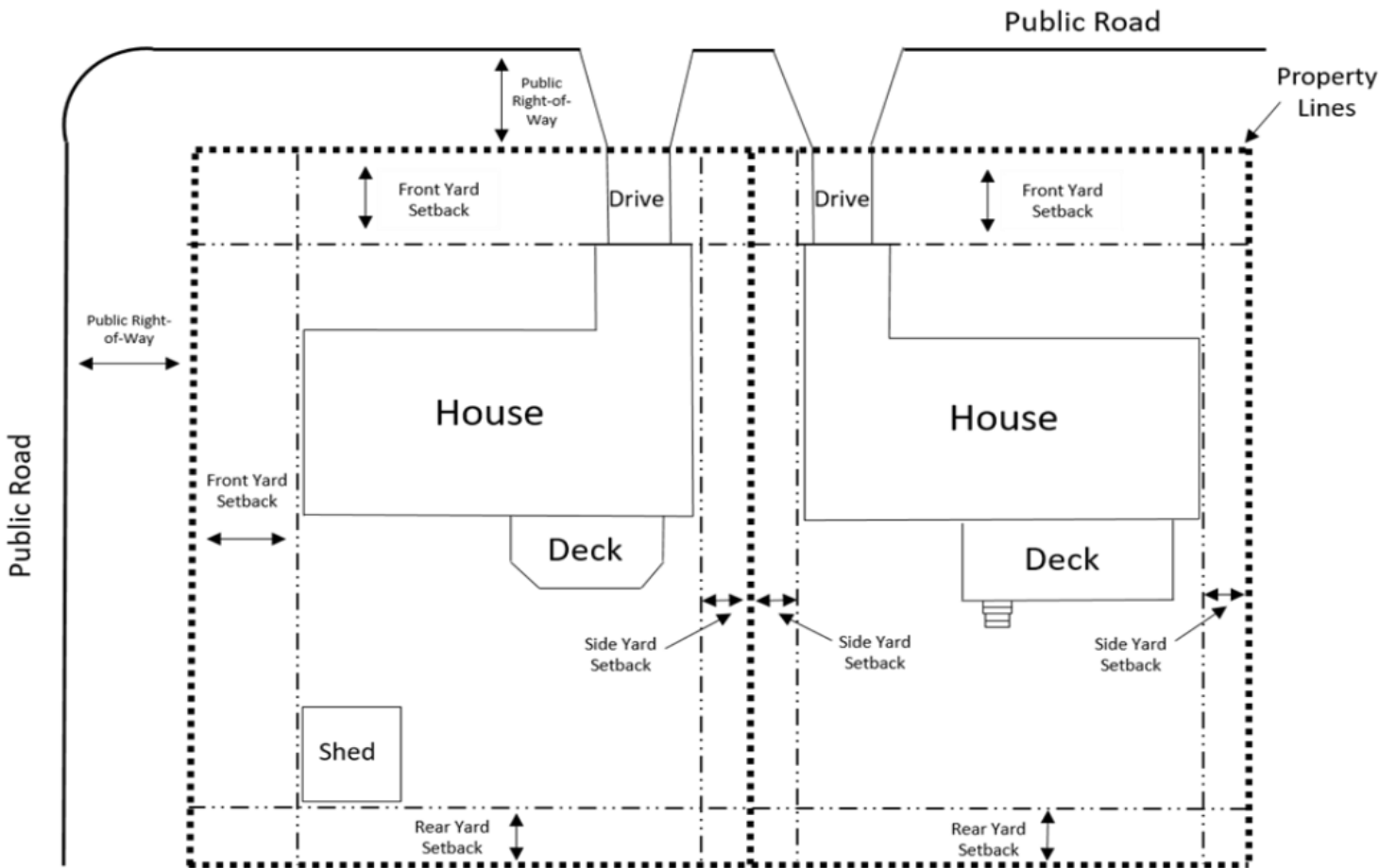
Sediment - Solid particulate matter, mineral or organic, that has been deposited in water, is in suspension in water, is being transported, or has been removed from its site of origin by soil erosion.

Setback - The required minimum horizontal distance between the leading edge of the building or structure (including, but not limited to, terraces, decks, covered projections) to the related front, side, or rear property line, or to the right-of-way.

SETBACKS



Setback Diagram



Shopping centers - A shopping center is an architecturally integrated group of three or more commercial establishments which are planned, developed, owned and/or managed as one unit, and which have a minimum of 50,000 square feet of gross floor area.

Showroom - A showroom is a commercial establishment, the building for which is primarily used for the display of merchandise samples.

Sidewalk - Any improved portion of the public right-of-way or private road easement lying between the edge of the improved roadway and adjacent property line intended for the use of pedestrians.

The term sidewalk shall include non-motorized multipurpose paths. The construction of said sidewalks shall comply with the Township's Sidewalk Ordinance.

Soil erosion control measures.

- a. "Temporary soil erosion control measures" means interim control measures which are installed or constructed to control soil erosion until permanent soil erosion control is affected.
- b. "Permanent soil erosion control measures" means those control measures which are installed or constructed to control soil erosion and which are maintained after project completion.

Street or road - A "way" or thoroughfare used for, or intended to be used for, the transit of motor vehicles.

Structure - Anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground; this term shall include fences which are more than 50 percent solid, tanks, towers, dish antennae, advertising devices, bins, tents, wagons, trailers, dining cars, camp cars or similar structures on wheels or other support used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles or frames or electrical or telephone utilities or to service utilities or to service utilities below the ground.

Tower or communications tower - A guyed, monopole, self-support tower, or other structure, whether free standing or on a building or other structure, which structure contains one or more antennas intended for transmitting or receiving television, radio, digital, microwave, cellular, telephone or other forms of electronic communication other than those customarily accessory to residential dwellings, such as television antennas, ham radio antennas, etc.

U-Pick - A fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant.

Wedding/Celebratory Event (Agritourism Category 2 and 3) - observation of a special social occasion such as a wedding, birthday, cultural traditions, etc., where people meet to commemorate and revel.

Wetland - Land characterized by the presence of water at a frequency and duration sufficient to support, and under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

- a. contiguous to an inland lake or pond, or a river or stream;
- b. not contiguous to an inland lake or pond, or a river or stream; and more than five acres in size;
- c. not contiguous to an inland lake or pond, or a river or stream; and five acres or less in size if determined to be a wetland by the Michigan Department of Environmental Quality ("MDEQ").

Wine tasting room - An off-site facility operated by a licensed winery other than the winery premises for the purpose of offering free samples of the wine it manufactures to customers as well as selling wine and goods to customers for consumption off premises only. Such a facility shall be properly licensed by the State of Michigan Liquor Control Commission and shall satisfy the requirements of such license.

Winery - A processing facility used for the commercial purpose of processing grapes or other materials to produce wine or similar spirits that is appropriately licensed for such use by the Michigan Liquor Control Commission and satisfies the requirements of such license. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions, and warehousing. Retail sales and tasting facilities of wine and related promotional items may be permitted as part of the winery operations.

Wooded area - An area of land dominated by trees.

Yard, front - Open space extending across the full width of a lot, parcel or building site, between the front property line of the lot, parcel, or building site and the nearest point of the building, or a porch or other projection thereof. The depth of such yard is the average horizontal distance between the front lot, parcel or building site property line and the nearest point of the building, or a porch, or other projection thereof.

Yard, rear - Open space extending across the full width of a lot, parcel or building site, between the rear property line of the lot, parcel or building site and the nearest point of the building, or a porch or other projection thereof. The depth of such yard is the average horizontal distance between the rear lot, parcel or building site property line and the nearest point of the building, or a porch, or other projection thereof.

