

ARTICLE 1
TITLE, SEVERABILITY, AMENDMENTS, AND EFFECTIVE DATE

1.10 SHORT TITLE

This Ordinance shall be known as the OSHTEMO CHARTER TOWNSHIP ZONING ORDINANCE.

1.20 VALIDITY

The provisions of the within Ordinance are hereby declared to be severable and should any provision, article, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, article, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such Ordinance which shall continue in full force and effect.

1.30 AMENDMENTS AND SUPPLEMENTS

Amendments and supplements to this Ordinance may be adopted as provided by law.

1.40 EFFECTIVE DATE

This Ordinance shall take immediate effect upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Published:

ARTICLE 2
CONSTRUCTION OF LANGUAGE AND DEFINITIONS

2.10 CONSTRUCTION OF LANGUAGE

When not inconsistent with the context, words used in the present shall include the future tense, words used in the singular number include the plural number and words used in the plural number include the singular. The word "shall" is always mandatory and not merely directory. Terms not herein defined shall have the meaning customarily assigned to them.

2.20 DEFINITIONS

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

1. 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.
2. 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.
3. Assisted living facility - A residential facility that provides residents with meals and assistance with daily activities, such as dressing, grooming, bathing, etc.
4. 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.
5. 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.
6. 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.
7. Building site - A portion of a lot or 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.
8. 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.

9. 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.
10. Child care center - A facility, other than a private residence, properly registered or licensed under 1973 Public Act 116, as amended, receiving one or more preschool or school age children for periods of less than 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 consecutive weeks per year. The facility is generally described as a child care center, day care center, day nursery, preschool, nursery school, parent cooperative preschool, 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 hours per day for an indefinite period, or not more than eight hours per day for a period not to exceed four weeks during a two-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.
11. Clear cutting - The act of removal of most or all trees in a wooded area.
12. Commercial 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."
13. 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.
14. 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.

15. 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.
16. 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.
17. Crematory - A building or structure within which the remains of deceased persons are or are intended to be cremated.
18. Dwelling, single-family - A detached building containing one dwelling unit.
19. Dwelling, two-family - A detached building containing two separate dwelling units.
20. Dwelling, three-family - A detached building containing three separate dwelling units.
21. Dwelling, four-family - A detached building containing four separate dwelling units.
22. Dwelling, multiple-family - A building containing five or more separate dwelling units.
23. Dwelling unit - A building or portion thereof designed for occupancy by one family for residential purposes, having cooking, sleeping, and sanitary facilities.
24. 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.")
25. 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.
26. 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.

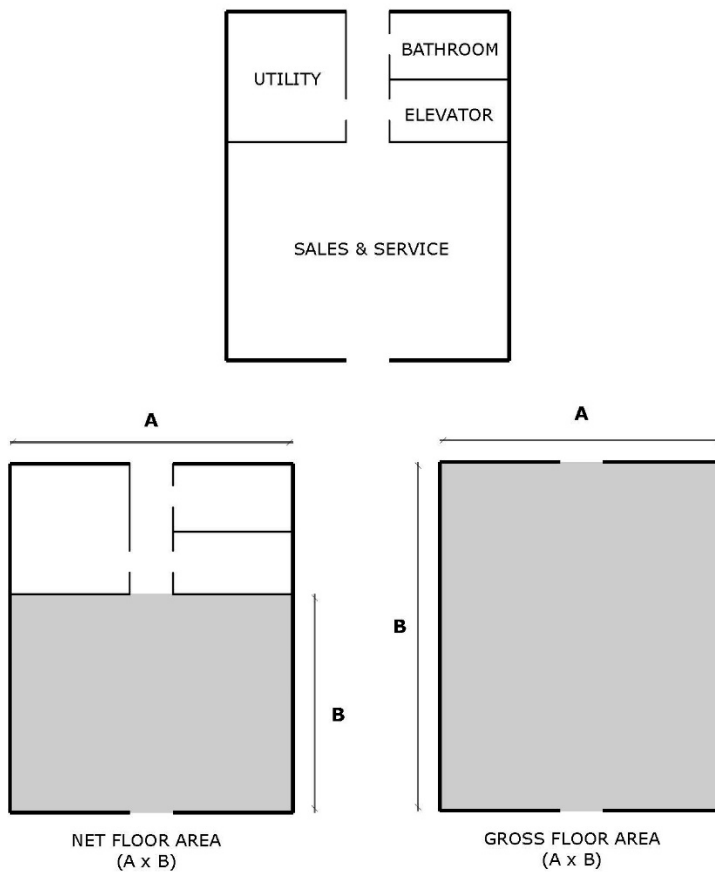
Any person seeking the rights and privileges afforded a member of a Functional Family by this ordinance shall have the burden of proof by clear and convincing evidence of each of the elements of a functional family.

- 27. Family day care home - A private home properly registered or licensed under 1973 Public Act 116, as amended, in which one but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family 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.
- 28. 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.
- 29. 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

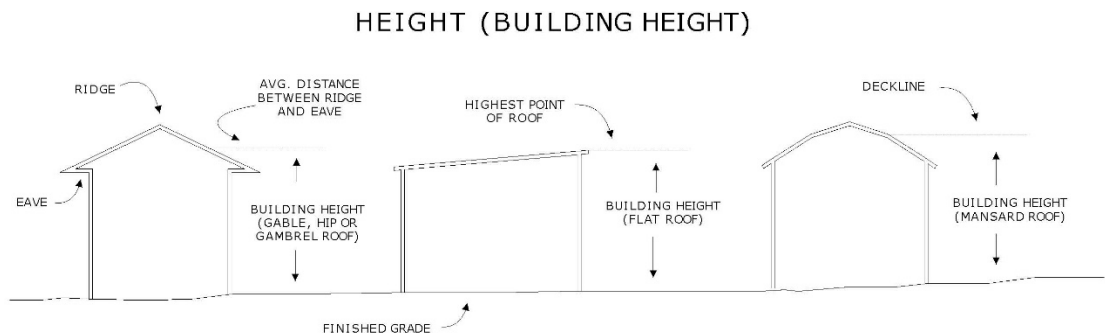
station. The facility may also offer propane tank refill service but shall not have more than one 1,000-gallon tank on-site. Facilities in which the primary service is the repair and maintenance of motor vehicles are excluded.

- 30. Financial institution - An area primarily devoted to the provision of financial and banking services to customers or clients. Typical uses include banks, credit unions, savings banks, savings and loan associations, lending establishments and investment companies.
- 31. 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.
- 32. 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



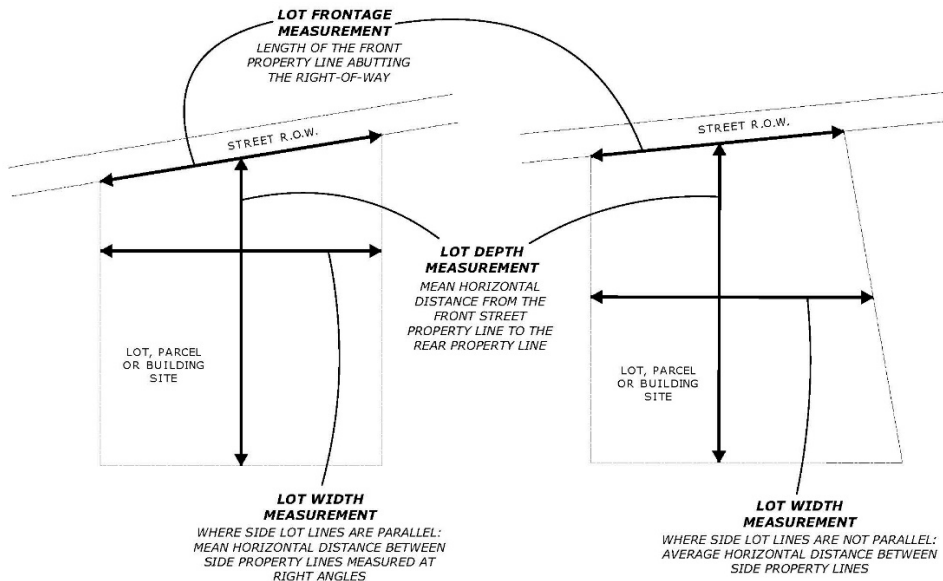
- 33. Funeral home - A place of business used in the case of preparation for burial or transportation of a dead human body.
- 34. Garage, yard, and household sale - A temporary sale of tangible, used, personal property from residential premises.
- 35. Group day care home - A private home properly registered or licensed under 1973 Public Act 116, as amended, in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. 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.
- 36. 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.
- 37. 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.



- 38. 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 48.40.

39. 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.
40. 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.
41. 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.
42. 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.
43. 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.
44. 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.
45. 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

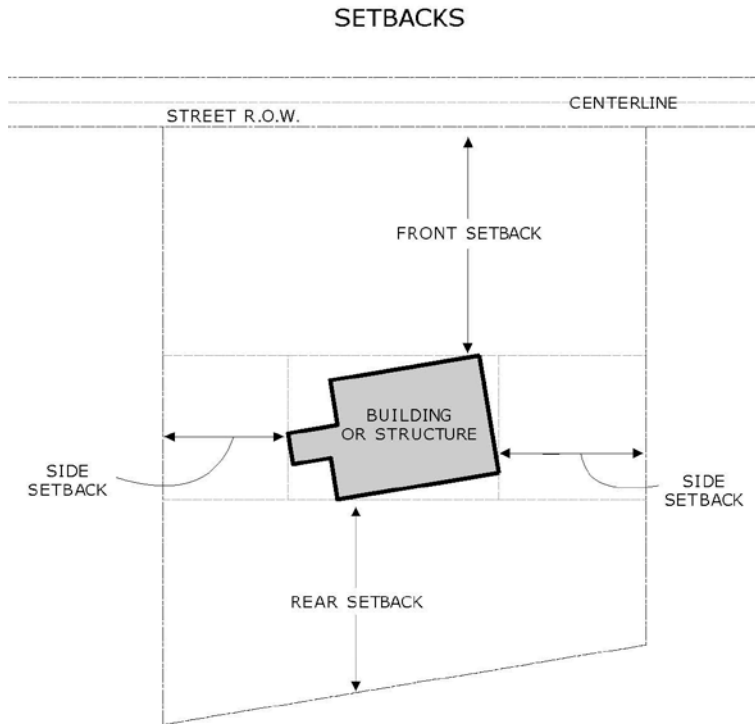


46. Medical use of marihuana – The following definitions shall apply:
- a. Dispensary means any operation where marihuana is distributed to a qualifying patient by someone other than his or her designated primary caregiver.
 - b. Marihuana, also known as Marijuana, also known as Cannabis. That term shall 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.
47. 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.

48. 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.
49. Mobile home park - A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park.
50. Mobile home site or space - A portion of the mobile home park set aside and clearly designated for use by a specific mobile home.
51. Mobile home subdivision - A platted residential development consisting of mobile homes or single-and two-family dwellings located on individual, separately-owned lots.
52. Motel – See “Hotel”
53. Non-conforming 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.
54. 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.
55. Office - A room, suite of rooms, or building used for executive, administrative, professional, political, informational, research or similar organizations.
56. Outdoor - Any area not fully enclosed within a building by walls and a roof.
57. 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

58. 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.
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.
60. 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.
61. Private home - For the purposes of family day care home and group day care home, private home means a private residence in which the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for minor children.
62. 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.
63. Property Line - The boundary line, whether it be front, side or rear, of a lot, parcel or building site.
64. 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.
65. 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.
66. 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.

67. 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.



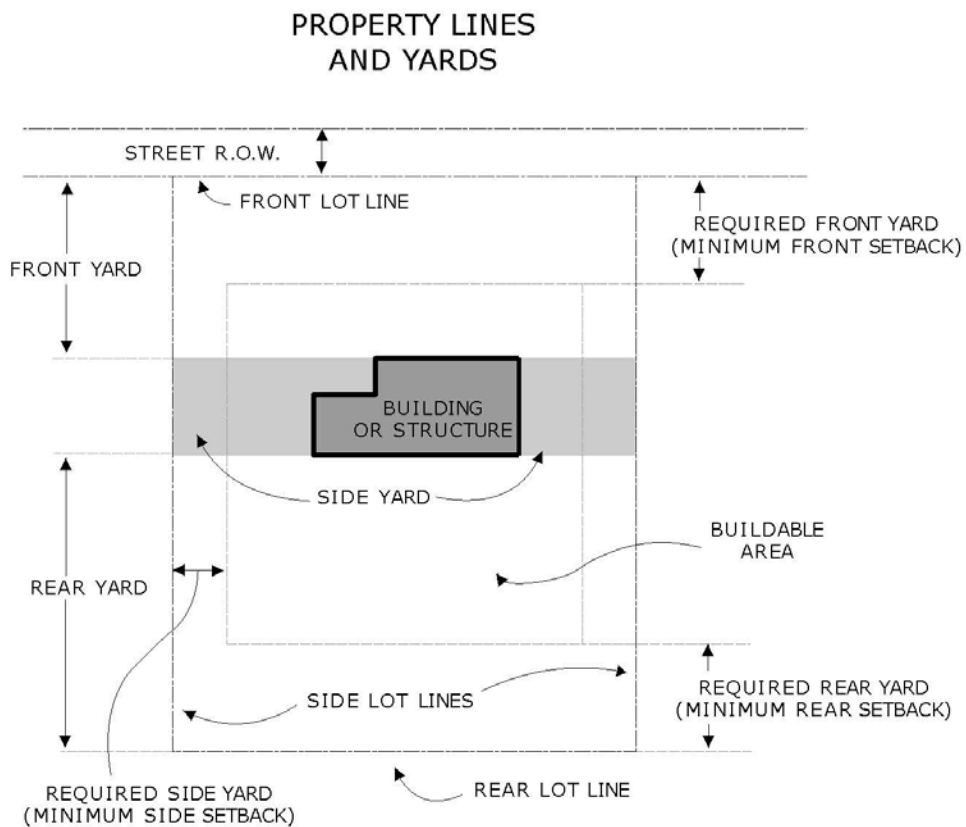
68. Shopping centers - A shopping center is an architecturally integrated group of three or more commercial establishments which are planned, developed, owned and/or managed as one unit, and which have a minimum of 50,000 square feet of gross floor area.
69. Showroom - A showroom is a commercial establishment, the building for which is primarily used for the display of merchandise samples.
70. 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.

71. 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.
72. Street or road - A "way" or thoroughfare used for, or intended to be used for, the transit of motor vehicles.
73. 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.
74. 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.
75. 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").
76. 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.
77. 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.
78. Wooded area - An area of land dominated by trees.

79. 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.
80. 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.



ARTICLE 3
ZONING DISTRICTS AND MAP

3.10 DISTRICTS ESTABLISHED

In order to regulate and restrict the location of trades and industries and the location of buildings erected or altered for specific uses, the Township of Oshtemo shall be divided into "Use Districts" as follows: • "AG" - Agricultural District • "RR" - Rural Residential District • "RC" - Residential Conservation District • "R-1" - Residence District • "R-2" - Residence District • "R-3" - Residence District • "R-4" - Residence District • "R-5" - Residence District • "VC" - Village Commercial District • "C-R" - Local Business District Restricted • "C" - Local Business District • "BRP" - Business Research Park District • "I-R" - Industrial District Restricted • "I-1" - Industrial District Manufacturing & Service • "I-2" - Industrial District Manufacturing & Service • "I-3" - Industrial District Special • West Main Street Corridor Overlay Zone • 9th Street Corridor Overlay Zone • Historic Overlay Zone • Neighborhood Commercial Overlay Zone • Village Form-Based Code Overlay Zone

3.20 PROHIBITED USES

Except as hereinafter provided, no building shall be erected or altered, nor shall any building or premises be used for any purpose other than is permitted in the "Use District" in which such building or premises is located.

3.30 CHANGE IN USE

Any building or premises that undergoes a change within the listed permitted uses (as opposed to a change in ownership or tenant) shall be required to bring the site into compliance with current zoning standards, to the extent practical as determined by the appropriate reviewing body.

3.40 DEFINITION OF BOUNDARIES

The location and boundaries of these zoning districts are established on a map entitled the "Oshtemo Township Zoning Map" which is hereby adopted as a part of this ordinance. The official zoning map shall be located in the office of the Township Clerk and shall be updated as necessary.

The official zoning map, including legally adopted amendments, shall be designated as such by the signature of the Township Clerk.

Where uncertainty exists as to the exact district boundaries, the following shall prevail:

- A. Where boundary lines are indicated as approximately following streets, alleys or highways, the center lines of said streets, alleys or highways shall be considered to be exact boundary lines.
- B. Boundaries indicated as approximately following lot lines shall be considered to follow said lot lines.
- C. Boundaries indicated as following section lines shall be considered to follow the section line.
- D. Boundaries indicated as following the shorelines of lakes shall be considered as following such shoreline. In the case of streams, such boundaries shall be considered to follow the center line

of the stream. Where shorelines of lakes have changed, the boundary line shall be construed as following the contour of the new shoreline and in the case of changes in the course of a stream, the boundary shall be considered as the center line of the new course.

- E. Where the application of the aforementioned rules leaves a reasonable doubt as to the exact location of a district boundary, the provisions of the more restrictive district shall govern the entire parcel in question, unless determined otherwise by the Zoning Board of Appeals upon recommendation by the Planning Department.

3.50 ZONING OF VACATED AREAS

Whenever any street, alley, highway or public right-of-way within the township shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the Zoning District of the abutting property. In the case of an abandoned right-of-way which also serves as a district boundary, the center line of such abandoned right-of-way shall remain the boundary line and the lands on either side of said center line shall become attached to their respective adjoining properties.

3.60 ZONING DISTRICT CHANGES

When district boundaries change, any non-conforming use may be continued subject to all other applicable provisions of this ordinance.

ARTICLE 4
AG: AGRICULTURAL DISTRICT

4.10 STATEMENT OF PURPOSE

This district classification is designed for areas where the principal use of land is for farming operations as defined in the Michigan Right to Farm Act. The district is intended to preserve the farming operations historically present in the Township and allow additional operations in keeping with the Township character. Activities within the district are to be carefully managed so as to achieve conservation of soil, water and nutrients.

4.20 PERMITTED USES

- A. Farm operations as defined in the Michigan Right to Farm Act when conducted in conformance with the generally-accepted agricultural and management practices adopted by the Michigan Commission of Agriculture.
- B. One dwelling may be established for each 200 feet of continuous public road frontage and three acres of land.
- C. Farm labor housing in compliance with the Michigan Health Code, as amended, when occupied by employees of the farm operation and their families. All such structures shall be setback a minimum of 100 feet from all property lines.
- D. Truck gardens, greenhouses, nurseries located on unplatted parcels.
- E. Houses of worship.
- F. Veterinarian clinics.
- G. Accessory buildings and uses customarily incidental to the foregoing.
- H. Essential services.
- I. Family day care home.

4.30 PERMITTED USES WITH CONDITIONS

- A. Temporary outdoor events (not lasting more than one day).
- B. Home occupations.

4.40 SPECIAL USES

- A. Buildings and regulator stations for essential services.
- B. Group day care home.

- C. Riding stables.
- D. Kennels for the breeding, raising and/or boarding of dogs or cats.
- E. Temporary outdoor events (lasting more than one day).
- F. Bed and Breakfast Inns.
- G. Communication towers.
- H. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- I. Wind energy conversion systems.

ARTICLE 5
RR: RURAL RESIDENTIAL DISTRICT

5.10 STATEMENT OF PURPOSE

This district is intended to protect the quality of the overall environment of Oshtemo Township while satisfying the desire for a semi-rural lifestyle within areas which are not considered suitable for agricultural uses due to soil limitations or land fragmentation, but which are also not suitable for traditional residential subdivisions as a result of utility system limitations, street capacity, or topography or other natural features. Use of nontraditional land development options, such as the Open Space Community provisions of Article 43 or Open Space Preservation Residential Development Option of Article 44 to conserve open space, fallow land, wooded areas, and wetlands, is encouraged.

5.20 PERMITTED USES

- A. Private, one-family dwellings.
- B. Libraries
- C. Fire stations and other Township buildings
- D. Cemeteries, excluding crematories
- E. House of Worship
- F. Accessory buildings and uses customarily incidental to the foregoing.
- G. Essential services, excluding buildings and regulator stations.
- H. Family day care home.

5.30 PERMITTED USES WITH CONDITIONS

- A. Nonprofit educational, noncommercial recreational and noncommercial business centers.
- B. Temporary outdoor events (not lasting more than one day).
- C. Home occupations.

5.40 SPECIAL USES

- A. Golf courses, parks, ~~motorized vehicular roadways~~, and outdoor recreational areas.
- B. Use of existing buildings formerly utilized in the daily operation of a farm (on or before March 12, 2003) on a parcel that is no longer operated as a functioning farm, as defined in the Michigan Right to Farm Act, for a landscaping contractor business or large-item storage subject to a finding by the Building Official that said building is suitable for the proposed use. No

outdoor storage of equipment or items such as snow plows, lawn mowers, trailers or boats may occur unless expressly approved during the Special Use and Site Plan review process.

- C. Public and private schools.
- D. Veterinarian clinics.
- E. Kennels, in unplatted areas, for the breeding, raising and/or boarding of dogs or cats.
- F. Shooting ranges and private clubs operating in connection therewith.
- G. Buildings and regulator stations for essential services.
- H. Group day care home.
- I. Temporary outdoor events (lasting more than one day).
- J. Bed and Breakfast Inns.
- K. Communication towers.
- L. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- M. Wind energy conversion systems.

ARTICLE 6
R-1: RESIDENCE DISTRICT

6.10 STATEMENT OF PURPOSE

This district classification is rural in character, designed to maintain an environment of predominantly low-density single-family dwellings, together with a minimum of other residentially related facilities primarily of service to the residents in the area, and provide a transition to higher density suburban residential development in the Township.

6.20 PERMITTED USES

- A. Private, one-family dwellings.
- B. Essential services, excluding buildings and regulator stations.
- C. Accessory buildings and uses customarily incidental to the foregoing.
- D. Family day care home.

6.30 PERMITTED USES WITH CONDITIONS

- A. Temporary outdoor events (not lasting more than one day).
- B. Home occupations.

6.40 SPECIAL USES

- A. Fire stations.
- B. Buildings and regulator stations for essential services.
- C. Group day care home.
- D. Temporary outdoor events (lasting more than one day).
- E. Communication towers.
- F. Wind energy conversion systems.

ARTICLE 7
R-2: RESIDENCE DISTRICT

7.10 STATEMENT OF PURPOSE

This district classification is designed as a suburban residential district to permit a greater density of residential development than is provided in the rural districts of the Township, together with other residentially related facilities and activities which would serve the inhabitants of the area.

7.20 PERMITTED USES

- A. Any permitted use in the "R-1" Residence District.
- B. Private two-family dwellings.
- C. Libraries.
- D. Fire stations.
- E. Cemeteries, excluding crematories.
- F. Reserved.
- G. Houses of worship.
- H. Accessory buildings and uses customarily incidental to the foregoing.
- I. Family day care home.

7.30 PERMITTED USES WITH CONDITIONS

- A. Temporary outdoor events (not lasting more than one day).
- B. Home occupations.

7.40 SPECIAL USES

- A. Golf courses, parks, and outdoor recreational areas.
- B. Buildings and regulator stations for essential services.
- C. Public and private schools.
- D. Group day care home.
- E. Temporary outdoor events (lasting more than one day).
- F. Communication towers.
- G. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- H. Wind energy conversion systems.

ARTICLE 8
R-3: RESIDENCE DISTRICT

8.10 STATEMENT OF PURPOSE

This district classification is designed as a transitional zoning classification to permit residential development together with other facilities that do not generate large volumes of traffic, traffic congestion and parking problems, and are designed so as to be compatible with surrounding residential uses.

8.20 PERMITTED USES

- A. Any permitted use in the "R-2" Residence District.
- B. Accessory buildings and uses customarily incidental to the foregoing.
- C. Family day care home.

8.30 PERMITTED USES WITH CONDITIONS

- A. Conversion of a residence for offices.
- B. Temporary outdoor events (not lasting more than one day).
- C. Home occupations.

8.40 SPECIAL USES

- A. Three or four-family dwellings.
- B. Buildings and regulator stations for essential services.
- C. Golf courses, parks, and outdoor recreational areas.
- D. Office buildings.
- E. Veterinary, small animal clinics.
- F. Banks, credit unions, and savings and loan offices.
- G. Public and private schools.
- H. Child care centers.
- I. Group day care home.
- J. Beauty parlors or barber shops.
- K. Temporary outdoor events (lasting more than one day).
- L. Communication towers.
- M. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- N. Wind energy conversion systems.

ARTICLE 9
R-4: RESIDENCE DISTRICT

9.10 STATEMENT OF PURPOSE

This district classification is designed to permit the greatest density of residential uses allowed within the Township, together with other residentially related facilities designed to service the inhabitants of the area.

9.20 PERMITTED USES

- A. Any permitted use in the "R-2" Residence District.
- B. Child care centers, nursing, handicapped, convalescent, senior citizens' and foster homes.
- C. Funeral homes.
- D. Accessory buildings and uses customarily incidental to the foregoing.
- E. Family day care home.

9.30 PERMITTED USES WITH CONDITIONS

- A. Three or four-family dwellings.
- B. Multiple-family dwellings.
- C. Temporary outdoor events (not lasting more than one day).
- D. Home occupations.

9.40 SPECIAL USES

- A. Private clubs, fraternities, sororities, lodges, except those of which the chief activity is a service customarily carried on as a business.
- B. Buildings and regulator stations for essential services.
- C. Golf courses, parks, and outdoor recreational areas.
- D. Public and private schools.
- E. Group day care home.
- F. Rehabilitation and/or redevelopment of a multiple-family legal nonconforming use where the existing density exceeds the density limitations of Section 48.80. This may not be construed as allowing an increase in density.
- G. Temporary outdoor events (lasting more than one day).
- H. Communication towers.
- I. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- J. Wind energy conversion systems.

ARTICLE 10
R-5: RESIDENCE DISTRICT

10.10 STATEMENT OF PURPOSE

This district classification is designed in recognition of the growing trend toward mobile homes and the need for well-located and properly developed areas to accommodate them. This district classification is designed to provide for such use under appropriate construction and development standards to promote the health, safety, and general welfare of the residents of such areas as well as the residents of adjoining premises. The area zoned for such purposes should be able to accommodate the increased traffic generated from such developments as well as the sanitary requirements of the same.

10.20 PERMITTED USES

- A. Essential services.
- B. Family day care home.

10.30 PERMITTED USES WITH CONDITIONS

- A. Mobile home subdivisions and accessory buildings.
- B. Mobile home condominium projects and accessory buildings and uses.
- C. Temporary outdoor events (lasting more than one day).
- D. Home occupations.

10.40 SPECIAL USES

- A. Mobile home parks and accessory buildings and uses.
- B. Mobile home sales.
- C. Group day care home.
- D. Temporary outdoor events (lasting more than one day).
- E. Communication towers.
- F. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- G. Wind energy conversion systems.

ARTICLE 11
R-C: RESIDENTIAL CONSERVATION DISTRICT

11.10 STATEMENT OF PURPOSE

These regulations are specifically intended to provide for development of housing opportunities while protecting sensitive environmental areas within and around the zoning district. Of specific concern are highly sensitive resources such as viewsheds, watersheds, plant and wildlife habitats, tall grass prairie and forested areas, streams and riparian corridors, and prime soils. The standards of this district allow for development in concert with the resources of the particular site and area.

11.20 PERMITTED USES

- A. Private, one-family dwellings.
- B. Family day care home.
- C. Essential services, excluding buildings and regulator stations.
- D. Accessory buildings and uses customarily incidental to the foregoing.
- E. Common houses with shared meeting rooms, kitchen facilities, recreational rooms, and community gardens, when constructed as part of a plat or condominium.
- F. Organic or community-supported gardens of ten acres or less that cultivate fruits, vegetables, nuts, flowers, and/or chickens for the use/consumption of the owners or residents within the development and not for commercial purposes.

11.30 PERMITTED USES WITH CONDITIONS

- A. Home occupations.
- B. Temporary outdoor events (not lasting more than one day).

11.40 SPECIAL USES

- A. Clustered "hamlet" residential development for the purpose of conserving open space, preserving sensitive resources, and reducing impermeable surface area.
- B. Parks, equestrian trails, and outdoor recreational areas.
- C. Public and private schools, libraries.
- D. Fire stations and other Township buildings.
- E. Buildings and regulator stations for essential services.
- F. Group day care home.

- G. Cemeteries, excluding crematories.
- H. Houses of worship.
- I. Communication towers.
- J. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- K. Wind energy conversion systems.

11.50 DEVELOPMENT STANDARDS

- A Except as elsewhere specified herein, the parcel, lot, and building site area and setback requirements shall be as specified in Article 50.
- B Development on the site shall comply with the standards of Section 56.20 of this Ordinance. Additional setback, open space, or buffer yard area may be required along adjacent water bodies, streams, or drains to limit the impact of the proposed development on the health and/or function of the stream or drain.
- C Low Impact Development (LID) best management practices shall be used in the development of any individual site, development, or recreation area within the R-C district. The design of storm water management systems shall respond to the natural drainage patterns of the area and be in coordination with the groundwater protection standards of Section 56.10 and the groundwater protection policies set forth in the Master Plan.
- D Whenever possible, efforts shall be made to restore the tall grass prairie on either stand-alone parcels or within residential developments. Open space, rights-of-way, public lands, and common areas shall be used to create continuous corridors and abutting areas of restored tall grass prairie.
- E All residential development consisting of more than one lot/building site shall be developed consistent with the standards and procedures of the Open Space Preservation Option provided in Article 44.
- F In order to reduce conflict points on abutting streets and ease traffic congestion, new residential developments shall be subject to the following access provisions:
 - 1 Access and circulation shall satisfy the standards of the Township Subdivision/Site Condominium Ordinance.
 - 2 Connectivity shall be provided to existing stub streets and stub streets shall be provided for future connections.
 - 3 Bicycle and pedestrian amenities shall be provided and connect to existing developments and the abutting streets.

ARTICLES 12 – 17
RESERVED

ARTICLE 18
C: LOCAL BUSINESS DISTRICT

18.10 STATEMENT OF PURPOSE

This district is designed to permit retail sales and commercial service uses.

18.20 PERMITTED USES

- A. 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.
- B. Banks, credit unions, savings and loan offices and similar financial institutions.
- C. Offices.
- D. Laundromats and dry-cleaning establishments, excluding those establishments providing cleaning services for other laundromat and dry-cleaning establishments.
- E. Hotels, motels.
- F. Restaurants.
- G. Hospitals and medical clinics.
- H. Essential services.
- I. Indoor theatres.
- J. Passenger bus terminals, excluding facilities for the overnight storage of buses.
- K. Accessory buildings and uses customarily incidental to the foregoing.
- L. Pet shops.
- M. Houses of worship.
- N. Planned shopping center developments.
- O. Commercial Center.
- P. Proprietary schools and colleges.

18.30 PERMITTED USES WITH CONDITIONS

- A. Veterinary clinics.
- B. Temporary outdoor events (not lasting more than one day).

18.40 SPECIAL USES

- A. Child care centers.
- B. Funeral homes.
- C. Private clubs.

- D. Parks of ten acres or less in size, subject to the conditions and limitations set forth at Section 49.70 of this Ordinance.
- E. Nursing, convalescent, handicapped, or senior citizens' homes.
- F. Drive-in service window or drive-through services for businesses.
- G. Retail lumber yards.
- H. New and/or used car sales lots; recreational vehicle sales lots; mobile home sales lots outside of mobile home parks; farm machinery and other equipment sales lots; boat sales lots; and other businesses involving substantial outdoor sales or activities connected with retail sales.
- I. Crematories.
- J. Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
- K. Filling stations, carwashes, public garages or service stations, excluding auto body and auto paint shops.
- L. Drive-in theatres.
- M. Buildings and regulator stations for essential services.
- N. Temporary outdoor events (lasting more than one day).
- O. Brewpub.
- P. Microbrewery.
- Q. Wine Tasting Room.
- R. Craft food and beverage production facility, limited to 8,000 square feet gross floor area.
- S. Communication towers.
- T. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- U. Private streets.
- V. Wind energy conversion systems.

ARTICLE 19
VC: VILLAGE COMMERCIAL DISTRICT

19.10 STATEMENT OF PURPOSE

This district is designed to promote a village atmosphere allowing for small-scale mixed land uses and satisfying the land needs for convenience, specialty and personal service establishments primarily serving residents in the immediate and nearby residential areas of the Township. The district is not intended for the location of multiple retail tenant structures which could be classified as community wide or regional in scale.

19.20 PERMITTED USES

- A. Private one, two and three-family dwellings.
- B. Accessory structures and uses customarily incidental to the uses permitted in this Article.

19.30 PERMITTED USES WITH CONDITIONS

- A. Home occupations.
- B. Temporary outdoor events (not lasting more than one day).

19.40 ADMINISTRATIVE REVIEW USES

Administrative review of the following uses, when established within preexisting nonresidential buildings, subject to the right of the Planning Director or designee to refer review to the Planning Commission.

- A. Generally recognized retail businesses, which supply commodities on the premises, such as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.
- B. Service establishments such as, but not limited to, repair shops (watches, radios, television, shoes, etc.), tailor shops, beauty parlors or barber shops, studios or galleries, self-service laundries, flower shops and photocopy shops.
- C. Retail dry cleaning establishments or pick-up stations, central dry-cleaning plants serving more than one retail outlet are prohibited.
- D. Business establishments such as, but not limited to, banks, loan companies, insurance offices and real estate offices.
- E. Professional services, including legal, financial, medical, and similar or allied professionals.
- F. Restaurants, excluding drive-in or drive-thru service.
- G. Houses of worship.

19.50 SPECIAL USES

- A. All new construction, additions, conversions of buildings to nonresidential use, and exterior facade changes other than routine maintenance.
- B. Outdoor sales or activities accessory to permitted retail uses.
- C. Filling stations, Mini-Food-Mart Stations, and auto glass repair shops, excluding body and engine repair and service garages.
- D. Pet shops, veterinarians.
- E. Child care centers or adult day care centers.
- F. Public and Private Schools.
- G. Indoor recreational facilities and health clubs.
- H. Drive-in service window or drive-through service for businesses, not to include restaurants.
- I. Other uses which are determined by the Planning Commission to be similar to those uses permitted in Section 19.20 through 19.40.
- J. Mixed uses allowing both residential and nonresidential uses within the same building.
- K. Buildings and regulator stations for essential services.
- L. Temporary outdoor events (lasting more than one day).
- M. Brewpub.
- N. Microbrewery.
- O. Wine tasting room.
- P. Craft food and beverage production facility, less than 8,000 square feet gross floor area.
- Q. Communication towers.
- R. Private streets.
- S. Wind energy conversion systems.

19.60 DEVELOPMENT STANDARDS

The site development standards shall include by reference the Design Recommendations as set forth in Chapter VII: Design Recommendations of the Village Theme Development Plan and the following area, setback, frontage, signs, and open space requirements for this district.

A. Minimum lot, parcel or building site frontage on a public right-of-way:

65 feet	Where driveway placement satisfies access management plan and guidelines and/or shared access*.
230 feet	Where driveway placement does not satisfy requirements of Access Management Plan and Guidelines.
* If shared access is proposed, provision for and documentation of shared access must be provided at time of site development and/or land subdivision for immediate or future cross-access between adjacent properties. Said documentation is subject to Township review and approval.	

B. Maximum Height – 35 feet or 2½ stories, whichever is the lesser.

C. Setback requirements:

Front*:	Minimum of 5 feet and maximum of 20 feet (from the right-of-way line)
Side:	Minimum of 0 feet.
Rear:	Minimum of 15 feet.
* Reviewing body may grant a deviation from the above setback requirement when full compliance is not achievable due to physical limitations specific to the subject property, building placement on neighboring properties would support a different front setback and said deviation is found to be in keeping with the spirit and intent of this Article and the Village Focus Area Development Plan. In no event shall the front setback exceed 70 feet from the street right-of-way line.	

D. Public sanitary facilities shall be provided as part of the site development. This shall not apply to single-family dwellings where public sanitary facilities are not available.

E. Sidewalks and/or Pedestrian Linkages shall be provided between parking areas and buildings on the same site. When they do not exist, sidewalks shall also be provided along lot, parcel or building site frontage, and may be within the public right-of-way.

F. Parking. No parking or loading areas may be located between the building and the front property line. Corner properties shall be considered to have two front property lines.

Regardless of building placement, no more than 30 percent of the parking may be placed within the side setback area(s) established between the building and the property's side property line(s).

Upon written request, the reviewing body may grant a deviation to allow up to 30% of parking between the building and the front property line. In considering whether to grant a deviation, the reviewing body shall consider the layout and parking placement on neighboring properties and their conformance with current standards as well as the likelihood of redevelopment of same. The reviewing body shall further consider if full compliance is not readily achievable on the subject site due to physical limitations specific to the subject property and said deviation is found to be in keeping with the spirit and intent of this Article and the Village Focus Area Development Plan.

- G. Parking and access. Shared parking and cross-access are encouraged.

Compliance with the Access Management Guidelines outlined in Article 51 and the Access Management Plan is required.

Site development shall be designed in consideration of the internal street network of the Village Focus Area Development Plan and the planned service drives contained within the Access Management Plan.

Where feasible and appropriate, shared access between sites to reduce the number of driveways and/or driveway placement to facilitate future shared access between properties, and/or closure of an existing driveway will be encouraged.

Parking must satisfy the off-street parking provisions of Article 52. However, the reviewing body may grant approval to allow reduced parking if it is demonstrated that sufficient parking spaces are available in a shared and/or adjacent facility during the principal operating hours of all uses to share said parking and access is shared.

Documentation of the cross-access and/or shared parking agreement between property owners is required at time of application for approval to allow reduced parking; and,

Sidewalks or other defined and paved pedestrian linkages must be provided between shared parking areas that are not physically connected to each other or the building served.

- H. Maximum gross floor area for a single building shall not exceed 15,000 square feet. Floor area ratio (F.A.R.) shall not exceed 0.20 for a single building and 0.25 for multiple buildings. Floor area ratio shall be determined as follows:

F.A.R.= Total gross floor area of building(s)* \ Total lot, parcel or building site area
*including garages and accessory buildings.

- I. All new buildings and structures shall be so designed to incorporate the following architectural design features:
1. Roof Shape. All roofs shall be so designed to include a pitched roof.
 2. Exterior Building Materials. Exterior materials must project a natural appearance. The exterior shall be constructed using horizontal wood siding, wood, stone, brick, brick veneer or masonry. The use of vinyl or aluminum siding is acceptable provided it simulates the appearance of horizontal wood siding.
 3. Building Orientation. Buildings shall be oriented to face the front property line. In the case of a corner property, the building shall be oriented toward that front property line most in keeping with other buildings in the vicinity of said property.
 4. Building Facade. For every 30 feet in length of a building wall, a visual or physical break in the facade (for purposes of adding depth and dimension to the building), shall be provided.

Elevation drawings shall be provided demonstrating compliance for review by the reviewing body as part of the Site Plan review process.

5. At least 30% of the exterior front facade must be windows.
 6. When side or rear facades are visible from a public street, they shall be visually compatible with the front facade.
- J. In addition to the provisions contained in Article 55, with the exception of Sections 55.70—55.100, the following signs are permitted in the "VC" Village Commercial District.
1. The following wall sign options are available:
 - a. Each building wall may have one (1) 50 square foot wall sign or marquee or one (1) 32 square foot canvas awning/canopy sign, OR
 - b. In the event that the building has commercial establishments, each commercial establishment will be permitted one wall sign per exterior wall of the tenant premises, maximum of two (2) (must be located upon premises of tenant). Each sign may have an area equal to one square foot for each lineal foot of tenant space width not to exceed a sign length of more than two-thirds the subject tenant space width and a sign area of 20 square feet. Tenant sign(s) may be canvas awning/canopy sign.
 2. One (1) freestanding permanent sign per lot, parcel or building site. Regardless of the number of commercial establishments, buildings or tenants per lot, parcel or building site, only one (1) such sign shall be permitted and shall not exceed a total sign area of 24 square feet unless it is in compliance with the table below:

Setback (feet)	Sign Area (square feet)	Height (feet)
0*	24	6
5	30	7
10	40	7
15+	50	8
<p>Note: For setbacks different than those listed above, select the sign area and height that corresponds to the next lower setback. Setbacks are measured from the right-of-way line. * Signs shall not be located within the right-of-way.</p>		

3. Window signs or displays, provided window sign(s) shall not cover more than 25 percent of the total window surface.
4. One (1) directory wall sign per building, not to exceed 20 square feet in total sign area.
5. Banners, seasonal and decorative in nature and theme that do not advertise a product, service or business and which pertain to holidays and/or community-wide or governmental events. Banners must be attached to light poles.

6. Directional signs up to two (2) square feet in sign area and four (4) feet in height. Each lot, parcel or building site shall not have more than two (2) directional signs.
7. Flags. A lot, building site or parcel shall be limited to three (3) flags. For lots, building sites and parcels with public street frontage in excess of 200 feet, three (3) additional flags are permitted for every additional 200 feet of continuous public street frontage. Flag pole height may not exceed 30 feet.
8. One (1) Special Event Sign, not to exceed 32 square feet, shall be permitted for up to fourteen (14) calendar days per year per lot, building site or parcel. A Sign Permit must be obtained prior to displaying a Special Event Sign.

K. Landscaping. Sites shall be landscaped as indicated below.

In order to enhance the streetscape within the village area, front setback areas shall be landscaped with two understory trees per 100 linear feet of frontage with a minimum of one. Street trees tolerant of a built-environment must be used. A list of recommended species is on-file at the Township office.

Internal Site Landscaping. Landscaping shall be provided for in all internal areas of parking lots to provide visual and climatic relief, pursuant to Article 53.

Portions of property not devoted to floor area, parking, access ways or pedestrian use, shall be appropriately landscaped with live plant material and maintained in a neat and orderly manner.

19.70 EXISTING BUILDINGS

Exterior modifications to existing buildings and structures in accordance with 19.60 must be made at the time expansion, reconstruction or remodeling activity occurs.

19.80 SITE IMPROVEMENT PHASING.

When the provisions of Section 19.60 apply to an existing building, structure or facility, the improvements may be completed in phases for the required physical site changes dictated in this Article.

Upon written request, the reviewing body may grant a deviation allowing a grace period of up to two years for the installation of physical site improvements when full compliance is not readily achievable due to physical limitations specific to the subject property and said deviation is found to be in keeping with the spirit and intent of this Article and the Village Focus Area Development Plan.

ARTICLE 20
BRP: BUSINESS AND RESEARCH PARK

20.10 STATEMENT OF PURPOSE

The "BRP" district allows for the establishment of coordinated campus-style development including technology, research, light industry, office, life sciences, and development uses. District provisions ensure a high quality of development through the coordination of uses and amenities within the development. These provisions are intended to create sustainable, efficient, functional, and attractive areas that incorporate a high level of amenities and meet public objectives for protection and preservation of the natural and built environment.

Developments, activities, and facilities of entities whose governing boards are Michigan constitutional bodies corporate, such as Western Michigan University, shall be exempt from the requirements stated herein.

20.20 PERMITTED USES

- A. Corporate headquarters, administrative, business or professional offices.
- B. Scientific or medical laboratories, engineering, research and development, 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.
- C. Production, processing, assembling, or packaging of products that rely upon research and technological innovation. Typical uses include manufacturing research instruments, electronic products, and surgical and medical instruments. This use type does not include uses that require federal air quality discharge permits.
- D. Banks, credit unions, and similar financial institutions. ~~The addition of drive-through service would require a Special Exception Use (see Section 19.40.C).~~
- E. Publicly owned and operated buildings and uses, including, but not limited to, community buildings and public parks, playgrounds, and other recreational areas.
- F. Retail and/or service establishments, including restaurants and fitness clubs, are permitted provided that such uses shall not be permitted as a principal use of a building and shall have at least one customer entrance off an interior hallway or atrium. ~~Drive-through windows may only be permitted by special exception use approval.~~
- G. Universities, colleges, and/or their activities and facilities.
- H. Bicycle stations, including bicycle storage, bicycle rental, bicycle repair, and shower facilities.
- I. Electric passenger vehicle charging station.
- J. Essential services.

- K. Accessory buildings and uses customarily incidental to the foregoing.

20.30 PERMITTED USES WITH CONDITIONS

- A. Temporary outdoor events (not lasting more than one day).

20.40 SPECIAL USES

- A. Printing, lithographic, blueprinting and similar uses.
- B. Child care centers.
- C. Banks, credit unions, and similar financial institutions with drive-through service windows.
- D. Conference center facilities.
- E. Solar, wind, and other renewable energy systems (refer to Section 49.250 regarding Wind Energy Conversion Systems).
- F. Temporary outdoor events (lasting more than one day).
- G. Drive through service and/or windows.**
- H. Communication towers.
- I. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- J. Private streets.
- K. Wind energy conversion systems.

20.50 DEVELOPMENT STANDARDS

- A. Overall Development Plan. Where two or more parcels, lots, or units are to be developed together in accordance with an overall plan, or where one development parcel is to be divided into individual lots or building sites, evidence must be submitted, signed by the owners of all property involved or their legal representatives, showing that the remaining portions of the property will be developed in accordance with the intent and specific provisions of this District. This evidence must be submitted prior to Site Plan approval. Such evidence must include, at a minimum, the following information:
 - 1. An overall development plan showing the size and layout of proposed individual parcels and divided lots or building sites; existing and proposed public streets; existing and proposed utility systems; historic resources and natural features to be preserved; wetlands to be preserved; proposed storm water management plans for the development; and other proposed site features such as landscape buffers.

2. Covenants, deed restrictions, or other legally binding agreements showing that individual development parcels and divided lots or building sites will be improved and developed in accordance with the building and site improvement requirements of this district.
 3. An anticipated schedule for the development of the proposed site and the construction of required improvements.
- B. Building and Site Design. The developer must create architectural and design standards for buildings and signs [sites] prior to the division of land within the "BRP" District. The architectural and design standards must be submitted to the Planning Commission for review and approval prior to development. Building and sign [site] designs shall be reviewed and approved by the Planning Commission based upon said standards.

The following specific conditions regarding building and site design shall be incorporated into the design standards and/or the development plan:

1. The design and siting of buildings and other improvements shall respect the contours of the area and respect existing natural features.
 2. The design of buildings and exterior improvements on each individual site shall be complementary and compatible to create a unified development image.
 3. Proposed development shall be landscaped in compliance with Section 53.50. Where practical, native plants including tall grass prairie plantings should be included in the required buffer materials.
 4. The placement of sculpture, fountains, and similar yard area improvements is encouraged and will not be subject to setback requirements.
- C. Low Impact Development (LID) best management practices shall be used in the development of any site or development within the "BRP" District. The design of storm water management systems shall respond to the natural drainage patterns of the area and be in coordination with the groundwater protection standards of Section 56.10 and the groundwater protection policies set forth in the Master Plan.
- D. The business and research park development shall be designed to incorporate and/or promote the preservation of the site's natural features and unique physical characteristics. A natural features preservation plan shall be submitted. Green space enhancement plans for land area along public roads abutting and serving the development shall also be required; this shall apply to property fronting on highways identified in Section 50.60.A.
- E. One or more of the following sustainable products and/or methodologies shall be incorporated into each property within a development: installation of green roof systems, development in compliance with LEED-certification standards, installation of renewable energy (solar, wind, etc.) technology, or other products or methodologies proposed to and approved by the Planning Commission and satisfying the intent of this Ordinance.

F. Development Standards.

1. Except as elsewhere specified herein, the parcel, lot, building site, yard, area and setback requirements shall be as specified in Article 50.
2. A parcel shall contain at least ten acres. Said parcel may be subsequently subdivided in compliance with Township procedures. Each lot or unit created shall be of sufficient size to satisfy the requirements herein as well as sound planning and design principles.
3. Development on the site shall comply with the standards of Section 56.20.A of this Ordinance. Additional setback, open space, or buffer yard area may be required along adjacent water bodies, streams, or drains to limit the impact of the proposed development on the health and/or function of the stream or drain.
4. Total ground coverage shall not exceed 50 percent of the individual site.

G. Parking and Circulation.

1. Any business and research park development intended to be developed into more than one lot or unit shall be serviced by an internal public road.
2. Access for a business and research park development onto the existing public road and access to individual sites shall be designed in compliance with Article 51, the Master Plan and Access Management Plan.
3. Sidewalks shall be provided along all internal public streets and to each site and principal building within the development.
4. Off-street parking shall be provided in accordance with Article 52. Parking layouts designed to accommodate cross-access and/or cross-parking arrangements and facilitate pedestrian travel will be encouraged.
5. Loading areas may be located in side or rear yards; however, side yard loading areas shall be screened from front yard view as well as view of public streets. Loading areas shall be designed so as not to interfere with parking and circulation, and to prevent the backing of trucks or other vehicles onto a public street or general circulation drive.
6. Five percent of the minimum required off-street vehicular parking spaces may be substituted with bicycle parking.

H. Public water and sanitary sewer shall be provided as part of the site development.

I. All utilities, including telephone, electric and cable television, shall be placed underground.

J. Exterior lighting shall be provided by LED lighting products and shall be oriented to pedestrians as well as to vehicles.

ARTICLE 21
C-R: LOCAL COMMERCIAL DISTRICT, RESTRICTED

21.10 STATEMENT OF PURPOSE

This district is designed to allow for a coordinated and planned approach to commercial development in areas with unique physical or dramatic topographical characteristics and/or accessibility limitations. These regulations are specifically intended to provide standards of use and design that recognize and complement Township entrance and other focal point locations.

21.20 PERMITTED USES

- A. Offices.
- B. Banks, credit unions, and similar financial institutions.

21.30 PERMITTED USES WITH CONDITIONS

- A. Temporary outdoor events (not lasting more than one day).

21.40 SPECIAL USES

- A. Hotels, Motels.
- B. Conference center facilities.
- C. Universities, colleges, and/or their activities and facilities.
- D. Restaurants.
- E. Banks, credit unions, and similar financial institutions with drive-through service windows.
- F. Private Clubs.
- G. Essential services.
- H. Commercial planned unit developments.
- I. Temporary outdoor events (lasting more than one day).
- J. Brewpub.
- K. Microbrewery.
- L. Wine Tasting Room.
- M. Craft food and beverage production facility, limited to 8,000 square feet gross floor area.
- N. Communication towers.
- O. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- P. Private streets.
- Q. Wind energy conversion systems.

21.50 DEVELOPMENT STANDARDS

- A. Access for the commercial development onto a public road shall be designed in compliance with Section 51.20—51.70 and the Master Land Use Plan policies.
- B. Except as provided below, unplatted land shall comply with the dimensional standards for parcels established by Section 50.10.A.

Unplatted land shall comply with the dimensional standards for lots and building sites established by Section 50.10.A. where development of unplatted land includes an interior street system which minimizes direct access onto a public road and provides for shared and/or cross-access arrangements in compliance with the Access Management Plan.

- C. All two-way interior streets within the commercial development shall have a paved driving surface with a minimum width of 24 feet, exclusive of parking area. All one-way interior streets within the commercial development shall have a minimum width of 15 feet, exclusive for parking.

Interior street systems serving the commercial development shall be designed in recognition of the area's topography and natural features.

Interior street systems shall comply with the access management policies set forth in the Access Management Plan.

- D. There shall be a 40-foot building setback requirement from the right-of-way line of all designated highways as specified in Section 50.60 and including Parkview Avenue, West Michigan Avenue, and 11th Street.
- E. Required off-street parking provided within the commercial development shall be located in compliance with building setback requirements and designed in recognition of the area's topography and natural features.
- F. Landscaping shall be provided in accordance with the provisions of Article 53.
- G. Exterior site lighting shall be designed in compliance with the lighting objectives and standards set forth in Section 54.10 and in coordination with other commercial land uses within the immediate "C-R" District.
- H. Public water and sanitary sewer shall be provided as part of the site development.

All utilities, including telephone, electric and cable television, shall be placed underground.

- I. Low Impact Development (LID) best management practices shall be used in the development of any site or development within the "C-R" district. The design of storm water management systems shall respond to the natural drainage patterns of the area and be in coordination with the groundwater protection standards of Section 56.10 and the groundwater protection policies set forth in the Master Plan.

- J. The commercial development shall be designed to incorporate and/or promote the preservation of the site's natural features and unique physical characteristics. A natural features preservation plan shall be submitted. Green space enhancement plans for land area along public roads abutting the commercial development shall also be required.
- K. Signs in the "C-R" District are provided for in Article 55 of the Ordinance with the exception of a limitation on pole signs. Pole signs are not permitted; freestanding signs are limited to ground signs.
- L. Building and Site Design. The developer must create architectural and design standards for buildings and signs [sites] prior to the division of land within the "C-R" district. The architectural and design standards must be submitted to the Planning Commission for review and approval prior to development. Building and sign [site] designs shall be reviewed and approved by the Planning Commission based upon said standards.

The following specific conditions regarding building and site design shall be incorporated into the design standards and/or the development plan:

1. The design and siting of buildings and other improvements shall follow the contours of the area and respect existing natural features.
 2. The design of buildings and exterior improvements on each individual site shall be complementary and compatible to create a unified development image.
 3. Proposed development shall be landscaped in compliance with Section 53.50. Where practical, native plants including tall grass prairie plantings should be included in the required buffer materials.
 4. The placement of sculpture, fountains, and similar yard area improvements is encouraged and will not be subject to setback requirements.
- M. Development on the site shall comply with the standards of Section 56.20.A of this Ordinance. Additional setback, open space, or buffer yard area may be required along adjacent water bodies, streams, or drains to limit the impact of the proposed development on the health and/or function of the stream or drain.
 - N. Gateway improvements shall be designed and established in accordance with the provisions of the Township's Gateway Plan, once established and if applicable for the subject location. If development occurs prior to the approval of a Gateway Plan, such improvements shall not be required as a part of the development approval.

ARTICLES 22-25
RESERVED

ARTICLE 26
I-R: INDUSTRIAL DISTRICT, RESTRICTED

26.10 STATEMENT OF PURPOSE

This district is limited to large tracts located along State highways, County primary roads and/or adjoining residential and/or commercial areas. These regulations are intended to provide standards of intensity of use and standards of external effects or amenities compatible with the surrounding or abutting residential districts.

26.20 APPLICABILITY

Existing and developed structures in the "I-R" district may be used for any identified Permitted or Special Use in accordance with the standards and procedures identified herein. Vacant land or land to be redeveloped within the "I-R" district may only be developed as an Industrial-Office Development (Section 49.100) within which any Permitted or Special Use within the district or other uses identified therein may be developed.

26.30 PERMITTED USES

- A. Assembly of finished or semi-finished products from previously prepared material.
- B. Packaging of previously prepared materials.
- C. Processing or compounding commodities such as drugs, cosmetics, pottery, plastics and food products.
- D. Production, processing, assembling, or packaging of products that rely upon research and technological innovation. Typical uses include manufacturing research instruments, electronic products, and surgical and medical instruments. This use type does not include uses that require federal air quality discharge permits.
- E. 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.
- F. Administrative, business, or professional offices.
- G. Banks, credit unions, and similar financial institutions.
- H. Hospitals and medical clinics.
- I. Printing, lithographic, blueprinting and similar uses.
- J. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.

- K. Essential services.
- L. Accessory buildings and uses customarily incidental to the foregoing.
- M. Craft food and beverage production facility.
- N. Winery.

26.40 PERMITTED USES WITH CONDITIONS

- A. Temporary outdoor events (not lasting more than one day).
- B. Wholesaling, storage and/or warehousing of commodities.

26.50 SPECIAL USES

- A. Industrial-Office Developments, designed to accommodate a variety of light industrial, applied technology, research, and related office uses within a subdivision setting.
- B. House of worship in an existing multi-tenant building.
- C. Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
- D. Communication towers.
- E. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- F. Private streets.
- G. Wind energy conversion systems.

26.60 DEVELOPMENT STANDARDS

- A. Except as elsewhere specified herein, the parcel, the lot, building site, yard, area and setback requirements shall be as specified in Article 50.
 - 1. Each district shall contain at least 30 contiguous acres.
 - 2. A parcel shall contain at least ten acres.
 - 3. There shall be a 100-foot setback requirement from the right-of-way line of all designated highways as specified in Section 50.60 and including the following roadways: Parkview, "N" Avenue, and 11th Street. Along all other roadways, public or private, there shall be a 40-foot setback requirement from the right-of-way line.
 - 4. Development on the site shall comply with the standards of Section 56.20.A of this Ordinance. Additional setback, open space, or buffer yard area may be required along

- adjacent water bodies, streams, or drains to limit the impact of the proposed development on the health and/or function of the stream or drain.
5. Proposed development shall be landscaped in compliance with Article 53. Where practical, native plants including tall grass prairie plantings should be included in the required buffer materials.
- B. Section 26.60.A.2 shall not apply to any parcel of land within the "I-R" Industrial District, Restricted, Classification, the boundaries of which have been established by any instrument recorded previous to December 27, 1988, in the office of the Register of Deeds for Kalamazoo County, Michigan, or established previous to that date by operation of law.

ARTICLE 27
I-1: INDUSTRIAL DISTRICT, MANUFACTURING/SERVICING

27.10 STATEMENT OF PURPOSE

This district is composed of certain lands located along State highways, County primary roads, and railroad rights-of-way. The district is designed to provide land for industries of a manufacturing and servicing nature in which all work is carried on within a fully enclosed building and which produces little external effect of an objectionable nature to the surrounding properties.

27.20 PERMITTED USES

- A. Any permitted use in the "I-R" Industrial District.
- B. Contractor's services related to the building trades such as electrical, mechanical, plumbing, general building, excavating, and landscaping.
- C. Auto body and paint shops.
- D. Ice and cold storage plant.
- E. Warehouses; fully enclosed.
- F. Automobile repair, service and/or automobile glass repair facilities.
- G. Crematories.
- H. Wholesale and retail lumber yards ~~involving the sale of new material; i.e. lumber, building equipment, paint, fixtures, supplies and related items.~~
- I. Laundromats and dry-cleaning establishments providing cleaning services to other laundromat and dry-cleaning establishments.
- J. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
- K. Essential services.
- L. Accessory buildings and uses customarily incidental to the foregoing.
- M. Communication towers.

27.30 PERMITTED USES WITH CONDITIONS

- A. Manufacturing, compounding, assembling or treatment of ~~articles, or~~ merchandise.
- B. Temporary outdoor events (not lasting more than one day).

- C. Communication towers.

27.40 SPECIAL USES

- A. Farm machinery and other equipment sales lots, subject to the conditions and limitations set forth in Section 49.130.
- B. Office buildings for executive and professional occupations traditionally related to building trades, including, but not limited to, architects, engineers and surveyors subject to the regulations contained in Section 49.100.C–N, where applicable as determined by the Planning Commission in the Special Use review/approval process.
- C. Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
- D. Storage buildings and mini warehouses.
- E. Freestanding office buildings on legal nonconforming substandard parcels subject to the regulations contained in Section 49.100, where applicable, as determined by the Planning Commission in the Special Use and Site Plan review process. For purposes of this section, the term substandard shall apply to a parcel that does not meet the minimum area requirements of Section 50.10.
- F. Kennels for the breeding, raising and/or boarding of dogs or cats.
- G. Veterinary small animal hospitals and dog pounds, including crematories attached thereto.
- H. Temporary outdoor events (lasting more than one day).
- I. Adult regulated uses.
- J. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- K. Private streets.
- L. Wind energy conversion systems.

27.50 DEVELOPMENT STANDARDS

Outdoor storage in connection with the above permitted uses shall be allowed in the side and rear yard areas except within the area required for setback from side and rear lot lines. Such storage may not exceed 100 percent of the square foot area of the principal building upon the premises. No outdoor storage of damaged or inoperable vehicles or equipment is allowed.

ARTICLE 28
I-2: INDUSTRIAL DISTRICT, MANUFACTURING/SERVICING

28.10 STATEMENT OF PURPOSE

This district is composed of certain lands located along State highways, County primary roads, and railroad rights-of-way. This district is designed to accommodate those industrial activities requiring greater outdoor storage and which, accordingly, require larger sites and may have a greater adverse effect on adjacent commercial or industrial uses.

28.20 PERMITTED USES

- A. Any permitted use in the "I-1" Industrial District.
- B. Public utility buildings and storage yards.
- C. Truck terminal, maintenance and service yard.
- D. Bus storage facilities.
- E. Sawmill.
- F. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
- G. Essential services.
- H. Accessory buildings and uses customarily incidental to the foregoing

28.30 PERMITTED USES WITH CONDITIONS

- A. Temporary outdoor events (not lasting more than one day).
- B. Communication towers.

28.40 SPECIAL USES

- A. Temporary outdoor events (lasting more than one day).
- B. Adult regulated uses.
- C. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- D. Private streets.
- E. Wind energy conversion systems.

28.50 DEVELOPMENT STANDARDS

Outdoor storage in connection with the above permitted uses shall be allowed in the side and rear yard areas except within the area required for setback from side and rear lot lines. No outdoor storage of damaged or inoperable vehicles or equipment is allowed.

ARTICLE 29
I-3: INDUSTRIAL DISTRICT, SPECIAL

29.10 STATEMENT OF PURPOSE

This district is designed to accommodate those uses not otherwise expressly included in the foregoing industrial district classifications and which, by virtue of the lack of conditions and restrictions attached to the operations, should be located in isolated areas and on sufficiently large sites to minimize any adverse effect emanating therefrom upon adjacent premises.

29.20 PERMITTED USES

- A. Gasoline and petroleum storage tanks.
- B. Grain equipment and processing.
- C. Fuel and feed yards.
- D. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
- E. Essential services.
- F. Accessory buildings and uses customarily incidental to the foregoing.

29.30 PERMITTED USES WITH CONDITIONS

- A. Automobile and other salvageable material junkyards.
- B. Temporary outdoor events (not lasting more than one day).
- C. Communication towers.

29.40 SPECIAL USES

- A. Cement block plants.
- B. Stockyards, meat processing and/or packing plants.
- C. Any other purposes, whatsoever, provided the provisions of the present or hereafter adopted ordinances of the Township regulating the location or maintenance of nuisances are complied with and provided further that nothing herein shall permit the commencement or maintenance of operations injurious to the health of persons residing on surrounding properties.
- D. Sanitary landfill or solid waste disposal facility.
- E. Temporary outdoor events (lasting more than one day).
- F. Adult regulated uses.
- G. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
- H. Private streets.
- I. Wind energy conversion systems.

ARTICLES 30-33
RESERVED

ARTICLE 34
VILLAGE FORM-BASED CODE OVERLAY ZONE

34.10 STATEMENT OF PURPOSE

A. Intent of the Form-Based Code.

The Form-Based Code Overlay District is designed to establish a compact, walkable, and mixed-use environment, and it is meant to create a comfortable, safe, and ecologically sustainable place for all residents to enjoy within the Oshtemo Village area. The Overlay District allows a mix of uses within each neighborhood, so residents do not have to rely exclusively on the automobile. It simultaneously allows for a variety of uses to create vitality and bring many activities of daily living within walking distance of homes. The regulations of this Article are further intended to ensure that the area covered by the Village Overlay District evolves into new, mixed-use neighborhoods with the following characteristics:

1. The size of each neighborhood reflects a five-minute walking distance from edge to center.
2. The mixture of permitted land uses includes stores, workplaces, residences, and civic buildings in close proximity.
3. Streets within the Village Form-Based Code Overlay serve the needs of pedestrians, cyclists, and automobiles equitably.
4. Public open spaces providing places for informal social activity and recreation.
5. Building frontages defining the public space of streets.

Oshtemo Charter Township seeks to create an area based upon traditional standards for urban planning and place making. In March, 2006, the Township Downtown Development Authority (DDA) created the vision for the Form-Based Code Overlay District through the Village Theme Development Plan. The process of creating this Plan involved the entire community and a team of planning and design professionals. This Form-Based Code Overlay applies to those areas planned for in the Village Theme Development Plan. Traditional urban design conventions have been applied to create a palette of street types available for redevelopment in this area. The Village area is divided into four distinct sub-districts: the Village Core, the Village Fringe, the Corridor-East, and the Corridor-South. There are also three distinct street types that run through each of these sub-districts: arterials, collectors, and local roads.

The Form-Based Code Overlay shall not pre-empt any previously adopted local or state codes that regulate public health and safety, such as the Michigan Building, Plumbing, Electrical, or Mechanical Codes. Should any conflict arise between the provisions of this Article and the Oshtemo Charter Township Zoning Ordinance, the provisions of this Article shall apply.

B. How to Use This Code.

1. Look at the Regulating Plan and determine whether your location falls within the Village Core, Village Fringe, Corridor-East, or Corridor-South sub-district.

2. Based on the standards in Section 34.40, determine whether your desired use and/or building type is permitted (or permitted as a Special Use) within that particular sub-district.
 3. Using the Regulating Plan determine what street type your lot fronts. Street types are defined and described in Section 34.70. (If you have a corner lot, the primary space or street will be based on the hierarchy in Section 34.70.A).
 4. Review the specific Development Standards in Section 34.40 that apply to your location based on the sub-district and street type on which your lot is located.
 5. Review the specific Building Standards in Section 34.50 that apply to the building type you desire to build to determine specific standards that apply to each building.
 6. Review the Architectural Standards in Section 34.60, which contain specific rules for buildings in each sub-district.
 7. Depending on the type of development being proposed, review the Street standards in Section 34.70 for the various street types.
 8. Review Sections 34.80 and 34.90 that include general provisions and administrative procedures.
- C. Components of the Code. The Village Overlay District has six primary sections: the Regulating Plan, the Development Standards, the Building Type Standards, Architectural Standards, the Street Standards, and the General Provisions/Approval Process. These six sections work together with the existing Zoning Ordinance as guidance for future development and redevelopment of the Village area.
1. Regulating Plan. The Regulating Plan is like a "zoning map" for the Village area, which provides specific information for the disposition of each property or lot. The Regulating Plan shows how each building contributes to the larger community and shows the arrangement of the public space (streets, greens, parks, greenbelts, etc.) in relation to private space. A proposed circulation plan is also shown on the regulating plan illustrating the opportunity and potential for creating new neighborhoods and linkages within the Village.
 2. Development Standards. The goal of the Development Standards is to shape the interaction between the public realm (sidewalks, streets, etc.) and private space (yards and gardens). The Development Standards set the basic parameters governing building form, including the envelope for building placement (in three dimensions) and certain required and permitted building elements, such as porches, balconies, and fences. They establish both the boundaries within which things may be done and specific things that must be done.
 3. Building Type Standards. This section identifies the various types of buildings that are permitted for development within the Village Overlay District. Each building type is clearly defined and standards are provided to guide the development of each building type across the various sub-districts. The definitions and standards are applied to establish consistency

and form within the District, but the language is general enough to be inclusive of most traditional forms of development.

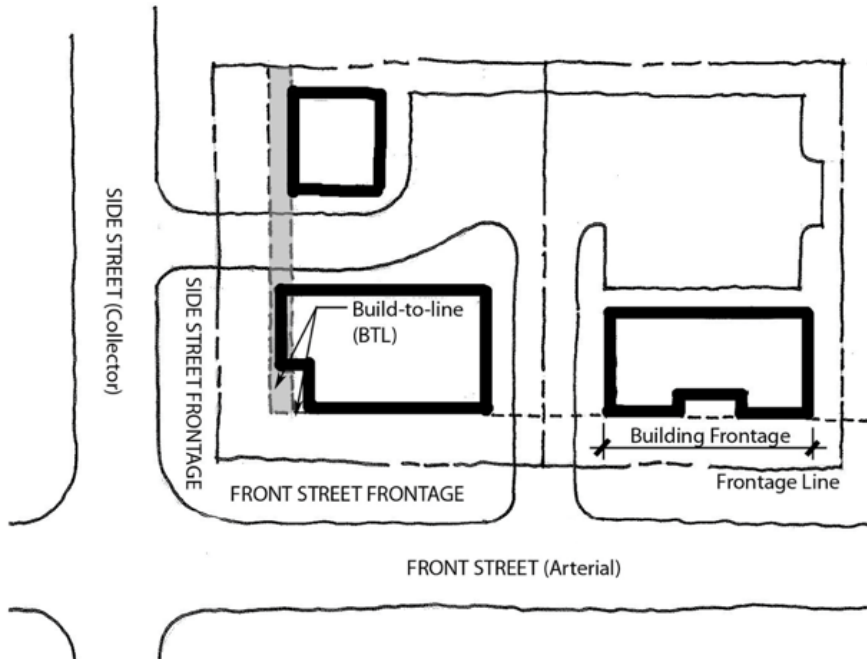
4. Architectural Standards. The goal of the Architectural Standards is a coherent and pleasing architectural character that is appropriate for a traditional, small, Midwestern town center, as provided for in the Oshtemo Charter Township Village Theme Development Plan. The Architectural Standards govern a building's architectural elements and set the parameters for materials, configurations, and construction techniques. Equivalent or better products than those specified are always encouraged.
5. Street Standards. This section provides standards for what should occur within the area of the street - lane width, bike lanes, sidewalks, street trees, street lamps, furniture, etc. Three street types are provided and standards vary depending on the sub-district in which the street is located. However, all of the standards are tied together to create a consistent treatment and theme throughout the entire Village area.
6. General Provisions. The adoption of this Overlay District entails changes to the Zoning Ordinance. The Overlay District is intended to be prescriptive rather than proscriptive - it states what is desired instead of what is not wanted.

34.20 DEFINITIONS

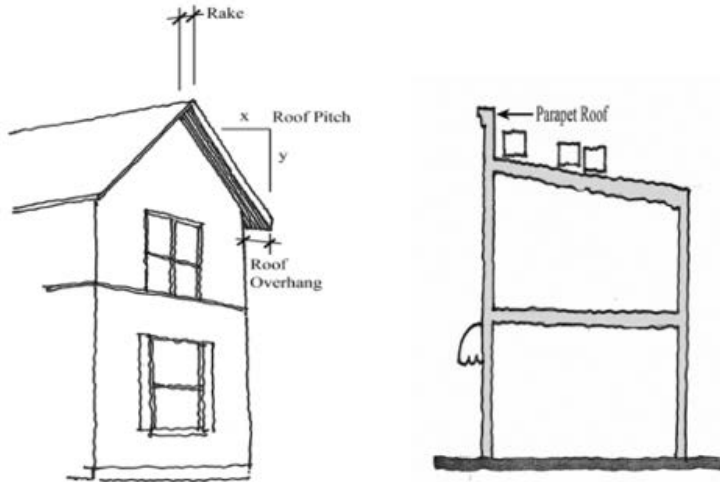
The definitions provided below shall apply to Article 34 only and the use of these forms within these Sections.

- A. ALLEY. A publicly or privately owned secondary right-of-way that affords access to the side or rear of an abutting property.
- B. AWNING. A non-permanent roof-like structure supported by a frame that projects out from a Facade over windows and doors.
- C. BALCONY. An open portion of an upper floor that extends beyond or indents into a building's exterior wall.
- D. BASE. The lowermost portion of a building Facade.
- E. BAY WINDOW (BAYS). A series of windows that project beyond the exterior wall of a building.
- F. BLOCK. An area of land that is surrounded by road rights-of-way or private road easements on all sides.
- G. BLOCK PERIMETER. The distance in linear feet measured along the Frontage Lines of Streets defining the outside boundary of a Block.
- H. BUILDING FRONTAGE. The horizontal dimension of a building's Facade facing a street and located on the Build-to-Line.

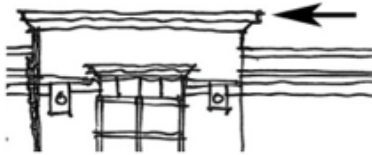
- I. BUILD-TO-LINE (BTL). The required line or area on or within which the Building Frontage of a primary structure must be located. The building shall be constructed so that the majority of the Facade of the structure is located at the Build-To-Line, as determined based on the standards in Section 34.40.A.2.b The BTL is a requirement, not a permissive minimum as is a set-back. The BTL for each site is determined based on the street and sub-district for each parcel shown on the Regulating Plan. (See illustration on following page.)
- J. BUILDING TYPE. A category that is determined by a building's height, scale, use, and location with respect to the Frontage Line.



- K. CAP TYPE. The detail at the top of a building that finishes a Facade. The following Cap Types may be used in the Village Form-Based Overlay District: (See illustration.)
 - 1 Parapet. A Cap Type that is a traditional architectural feature with a low wall at the edge of the roof that screens the roof itself, creating a roof line. The Parapet is topped or finished with a Cornice or other distinctive horizontal Expression Line. It is found on flat roofs and is frequently used to hide rooftop mechanical equipment.
 - 2 Pitched Roof. A type of roof with a slope that may or may not contain dormer windows and/or gable ends. This Cap Type is most often found on buildings containing residential uses. Mansard roofs are not permitted as a form of Pitched Roof.

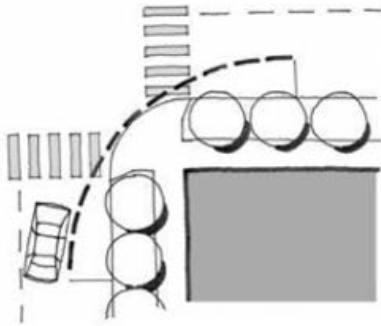


- L. A term defining a use, organization, or space operated on a not-for-profit basis and dedicated to the arts, culture, education, recreation, government, or transit.
- M. CLOSE. See RESERVE SPACE.
- N. CORNER PLAZA. See RESERVE SPACE.
- O. CORNICE. A traditional architectural feature with horizontal molding projecting from the Facade and along the top of a building.



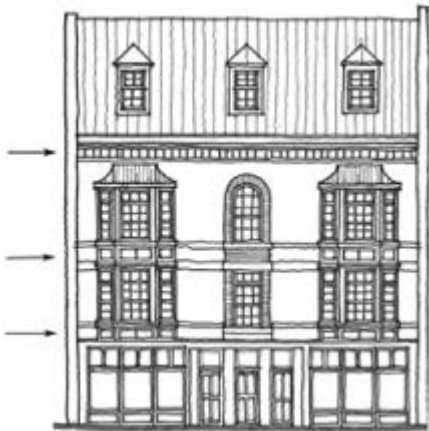
- P. COURTYARD APARTMENTS. This Building Type is also sometimes referred to as garden apartments. Multiple dwelling units are arranged to share one or more common green space areas, parking areas, recreation space, or similar type of courtyard. Units are accessed from the courtyard via a common access point.
- Q. CROSSWALK. A path clearly delineated on a Street to indicate where pedestrians should cross.
- R. CURB RADIUS. The curved edge of street paving at an intersection, measured at the inside travel edge of the travel lane.
- S. DORMERS. Small, roofed ancillary structures with windows providing light and air to upper level space within the roof. Dormers are permitted and do not constitute a Story so long as they do not break the primary Eaves line, are individually less than 15 feet wide, and are collectively not more than 60 percent of the building Facade.

- T. DUPLEX/TRIPLEX/QUADPLEX BUILDING. Residential Building Type including attached residential units of two, three, or four units each. Each unit has its own exterior access but shares common interior walls.
- U. EFFECTIVE TURNING RADIUS. The minimum radius appropriate for turning from a through travel lane on an approach street to an appropriate lane on the receiving street. (See illustration below.)



Effective turning radius for an automobile.

- V. EXPRESSION LINE. A decorative linear element, either horizontal or vertical, on the exterior of a building that typically delineates the floors or bays of a building. Expression Lines impact the perceived scale of a building by dividing it into more human-scaled pieces. (See illustration below.)



The arrows point to the Expression Lines on the building.

- W. FACADE. The exterior face of a building, including but not limited to, the wall, windows, window sills, doorways, and design elements such as Cornices, Expression Lines, and Parapets.
- X. FENESTRATION. An opening in the building wall allowing light and views between interior and exterior. Fenestration is measured as glass area (excluding window frame elements with a dimension greater than one inch) or as open area for parking structures or other non-heated and enclosed space.

- Y. FRONT PLAZA. See RESERVE SPACE.
- Z. FRONT STREET FRONTAGE. The side of a Lot along a Street onto which the front Facade of a building faces. 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. In cases where a building is located at the intersection of two Street Types (e.g., an Arterial and a Collector), the Front Street Frontage shall be the more intense Street Type. (See also SIDE STREET FRONTAGE).
- AA. FRONT STREET. The Street that a particular building or property faces. If a corner lot, then it is the Street of higher intensity.
- BB. FRONTAGE LINE. A Lot line that abuts Reserve Space, public right-of-way, or private road easement. Where the Pedestrian Area on the Street in front of the property extends into an easement on the Lot, the Frontage Line shall be considered that line separating the private property from the Pedestrian Area easement for the purposes of determining the Build-to-Line and similar development standards.
- CC. FRONT YARD HOUSE. Residential Building Type representing a detached single-family house set back from the street to provide a front yard and located on a Lot by itself.
- DD. GARDEN WALL. A freestanding wall along the property line dividing private areas from adjacent lots.
- EE. GROUND STORY. The first floor of a building that is level to or elevated above the sidewalk, excluding basements and cellars.
- FF. GREEN. See RESERVE SPACE.
- GG. LIVE/WORK. A structure that is specifically built (or altered) to accommodate non-residential/commercial uses on the ground floor and residential uses on the upper floors. Both the lower and upper levels may be occupied by the same user; however, it is not a requirement for this designation.
- HH. LOT. A single unit or division of land contained in a platted subdivision, whether it is numbered, lettered, or otherwise designated which has frontage on a public or private Street or road. The term "lot" shall also refer to unplatted parcels and units in site condominiums.
- II. MEDIAN. A paved or landscaped island separating lanes of traffic that travel in different directions.
- JJ. MIXED-USE. A building that includes more than one use; typically having different uses on the ground floor than the upper floors of the building.
- KK. PARAPET. See CAP TYPE.

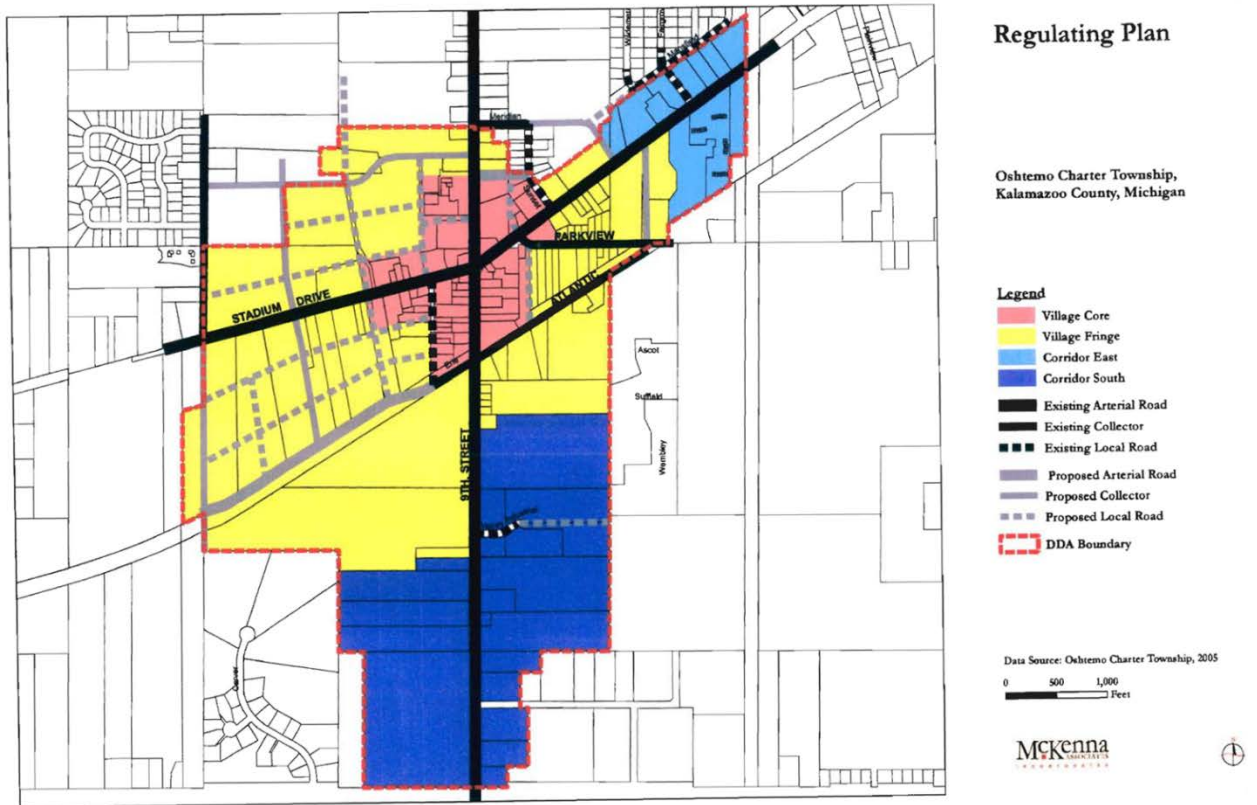
- LL. PARK. See RESERVE SPACE.
- MM. PAVER. A brick, block of stone, stamped concrete, or similar masonry material used in special sidewalk or crosswalk paving.
- NN. PEDESTRIAN AREA. The area between the curb and the edge of the right-of-way or road easement, although the pedestrian area may extend into an easement on private property depending on the width of the right of way and the existing conditions.
- OO. PITCHED ROOF. See CAP TYPE.
- PP. PLAYGROUND. See RESERVE SPACE.
- QQ. PORCH. A covered area adjoining an entrance into a building, usually with a separate roof. Porches may not be enclosed and must be open on at least three sides. Porches are larger than Stoops. They shall be wide enough to provide an opportunity to sit in a chair and shall be a minimum of 32 square feet with no dimension less than four feet.
- RR. REGULATING PLAN. Part of the Overlay District Regulations that is the coding key for the building envelope standards that provide specific information for the disposition of each lot. The Regulating Plan also shows how each Lot relates to adjacent Streets, the overall Village area, and the surrounding neighborhood.
- SS. RESERVE SPACE. See Section 34.80.A for descriptions and images of Reserve Space.
- TT. SERVICE DRIVE. A vehicular access drive located at the rear of a building that provides access to service areas, loading areas, and private garages.
- UU. SIDE STREET. On a corner lot a Side Street is the Street of lower intensity. Side Streets are only present on corner lots.
- VV. SIDE STREET FRONTAGE. For a corner lot, the Street to which the side Facade of a building faces. A corner lot has a Front Street and a Side Street Frontage (See also FRONT STREET FRONTAGE).
- WW. SILL. The horizontal element at the bottom of a window or door frame.
- XX. SQUARE. See RESERVE SPACE.
- YY. STOOP. A raised exterior platform at a building entry. A Stoop is uncovered and is open on all sides or may be covered with a roof. The Stoop area is not enclosed by windows, walls, screens, or other similar features. Stoops are smaller than Porches and shall be no larger than necessary to access the property and wait by the door for entry. The ability to sit in a chair is a qualification of a Porch.
- ZZ. STOOP/TOWNHOUSE BUILDING. Residential Building Type with each building having its own entrance from a Porch or Stoop. Units are typically multiple stories and arranged in rows.

- AAA. STOREFRONT BUILDING. A mixed-use Building Type that is active during the day and at night, on weekends, and on week days. Storefront Buildings may include retail, commercial, and lobby uses on the ground floor and residential or office uses on upper floors.
- BBB. STREET. A "way" or thoroughfare used for or intended to be used for the transit of vehicles. As used in this Article, Streets may also include other areas for public access, such as Reserve Space and parking lots.
- CCC. STREET TREE. A deciduous canopy shade tree planted alongside the Street in straight lines according to the streetscape standards for the sub-district. Street Trees are of a proven hardy and drought tolerant species, large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded.
- DDD. STREETSCAPE. Design elements along a Street, including streetlights, sidewalks, landscaping, street furniture, and signage.
- EEE. STUDIO. Work space for artists or artisans, including the fine arts and those skilled in an applied art or craft, and including the accessory sale of items produced on the premises. Applied arts refers to the incorporation of design and creative ideals to objects of function, utility, and everyday use.
- FFF. TRANSPARENCY. The degree, measured as a percentage, to which a Facade has clear, transparent windows on each story. Tints, films, and mirrored surfaces detract from the level of Transparency.
- GGG. "WHERE CLEARLY VISIBLE FROM THE STREET". Many requirements of the Overlay District apply only where the subject is "Clearly Visible from the Street." Note that the definition of Street in this instance includes reserve space, parking lots, and all public space except alleys. A building element more than 30 feet from the BTL or Street is by definition not Clearly Visible from the Street. Also, common and/or party walls are by definition not Clearly Visible from the Street.
- HHH. WORKPLACE BUILDING. Workplace Buildings may be Mixed-Use or strictly commercial structures designated primarily for allowing office, retail, studio, public, or civic uses. Upper floors may be used for any of these uses and residential purposes. A Workplace Building will probably not have as dynamic a presence along the street as the Storefront Building Type.

34.30 REGULATING PLAN.

- A. Understanding the Regulating Plan.
 - 1. The Regulating Plan allocates sub-districts, street type, and special features that serve as the controlling factors of the plan.
 - 2. The Regulating Plan shall guide the allocation of standards across the lands included within the Overlay District.

3. The Plan shall establish four sub-districts, three street types and a number of special features that interact. Each different interaction is illustrated as part of this Overlay District.
 4. The four sub-districts - Village Core, Village Fringe, Corridor-East, and Corridor-South - control land use and development in accordance with the Village Theme Development Plan.
 5. The three street types - Arterial, Collector, and Local Roads - establish a hierarchy of street types in existing and future locations to be provided in all future development.
- B. Regulating Plan. The Regulating Plan is the Zoning Map for the Village Form Based Code Overlay. The Village Area consists of four sub-districts:
1. Village Core. The purpose of the Village Core is to provide a pedestrian oriented area with a mixture of commercial, retail, and residential uses integrated horizontally or vertically at a greater intensity than the surrounding area. It is the intent to provide an integrated mix of uses in close proximity to provide an innovative and stimulating environment and encourage walking, biking, and transit use while also accommodating the automobile and boosting the market for commercial goods and services. This is the heart of the Village and should be the focus of most redevelopment/development efforts.
 2. Village Fringe. The Village Fringe sub-district is an extension of the Village Core sub-district. The sub-district is pedestrian oriented including a network of streets and pedestrian connections. Off the major roads, the Fringe area is a place for residential neighborhoods and other predominately residential uses. There are many areas within the Village Fringe that are or could be available for development or redevelopment. While the Core is the heart of the Village, the Fringe is where the greatest transformation may occur.
 3. Corridor-East. The purpose and intent of the Corridor-East sub-district is to provide an area that allows for a diversified base of commercial and higher density residential uses. Some expansion of the road network is suggested with pedestrian connections in order to ease traffic burdens and make additional land accessible for development. As this is the gateway to the Village Area from the east and US-131, it is important that it create a welcoming transition into the Village area.
 4. Corridor-South. The Corridor-South sub-district consists of a variety of uses - commercial, industrial, office - which are likely to remain in place and not redevelop in the near future. However, expansion of the road network is recommended to allow for additional development opportunities. As a result, extensive form improvements may not be feasible. But streetscape and landscaping can help establish a welcoming character in this gateway to the Village from the south and I-94. Therefore, many of the requirements in the Overlay District do not apply in this portion of the planning area. There are already regulations in place under the I-R zoning district regulations to provide for quality development in this area. Here, the overlay will work to ensure quality street networks and streetscape design and defer to the underlying zoning for other development standards and regulations.



- C. Transitioning. Parcels, lots, or units located within 100 feet of a boundary line separating sub-districts on the Regulating Plan shall be considered transitional parcels. A transitional parcel shall be required to adhere to the various development and design standards of this Overlay District assigned to the sub-district in which it is located. However, the Planning Commission may accept the use of the development and design standards of the adjacent sub-district on a transitional parcel in order to improve the transition between areas and blend in the overall district. The resulting development shall be of equal or higher quality than could have been achieved under the regulator sub-district standards, shall blend in with adjacent development, and shall not have an adverse impact on the public health, safety, and welfare.

34.40 DEVELOPMENT STANDARDS

The development standards contained in the following pages describe building placement, building type distribution, and land use for the sub-districts and street types established in the Regulating Plan (Section 34.30.B).

Unless specifically stated otherwise below, the Corridor-South sub-district shall be exempt from the Development Standards in the Village Overlay District. The Development Standards of the underlying zoning district shall apply.

A. Building frontage and placement.

1. Building Frontage. Street frontages in the Village Overlay District must have buildings fronting on a certain percentage of the street frontage, as prescribed by the standards in Table 34.1 below. The minimum building frontage standard shall be applied to each lot individually. Refer to Section 34.90.B for modification criteria.

Table 34.1 – Building Frontage			
Street Type	Village Core	Village Fringe	Corridor East
Arterial	75%	60%	60%
Collector	50%	40%	40%
Local	-	-	-

2. Building Placement and Setbacks.

- a. Perimeter setbacks. Proposed development in the Village Overlay District shall be setback from the boundaries of adjacent zoning districts outside the Village Overlay District according to the standards in Section 50.60 of the Township Zoning Ordinance. The perimeter setback determination shall be based on the underlying zoning designation of the subject property. These perimeter setbacks may be reduced to 25 feet by the Planning Commission based on the location of existing buildings or unique circumstances on the property that justify the reduction.

- b. Build-to-Line and Interior Setbacks.

- i. Build-to-Line. Build-to-line standards shall be required as shown in Table 34.2 below for each building type fronting on a street. Measurements shall be taken from the frontage line to the leading edge of the primary structure. For corner lots, both the front and side street frontage shall be subject to this requirement.

Table 34.2 – Build-to-Line (BTL) Standards (in feet)						
Building Types						
	Storefront Buildings	Workplace Buildings	Courtyard Apartments	Stoop/Townhouse Buildings	Duplex, Triplex, Quadplex	Front Yard House
Village Core	0 – 5 ¹	0 – 5	–	5 – 10	–	–
Village Fringe	5 – 10	5 – 10	10 ²	5 – 15	15 – 25	15 – 25
Corridor East	10 – 20	10 – 20	15 ²	15 – 25	15 – 25	–
Notes:						
1. May be increased by five feet to make room for outdoor dining or entry ways.						
2. These are minimums and not strict build-to-lines.						

- ii. Minimum interior side and rear yard setback requirements are presented in Table 34.3 below. The setback requirement shall be measured from the rear or side property line to the leading edge of the building. Side yard setback areas shall be maintained as lawn or landscaping in case the area needs to be used for access in the future:

Table 34.3 – Interior Side and Rear Yard Setbacks (in feet)		
	Interior Side Yard Setback	Interior Rear Yard Setback
Village Core	0	10 (w/alley) 40 (no alley)
Village Fringe	10	10 (w/alley) 25 (no alley)
Corridor East	10	10 (w/alley) 40 (no alley)

Note: The Planning Commission may approve a zero-foot side yard setback for building subject to Building Code requirements.

B. Building Type Distribution. The following building types may be developed in each of the sub-districts according to the tables below. To be permitted the building type must be located on a lot that satisfies the designated minimum width requirement and has frontage on the appropriate street type.

1. Village Core

Table 34.4 – Village Core Building Types			
Building Type	Frontage Width		
	0 – 79 Feet	80 – 120 Feet	120+ Feet
Storefront: All street types	X	X	X
Workplace: All street types	X	X	X
Stoop/Townhouse: Collector	X	X	X
Local Road	X	X	X

2. Village Fringe

Table 34.5 – Village Fringe Building Types			
Building Type	Frontage Width		
	0 – 79 Feet	80 – 120 Feet	120+ Feet
Storefront: Arterial	X	X	X
Collector	X	X	X
Workplace: Arterial	X	X	X
Collector	X	X	X
Courtyard Apartment: Arterial			X
Collector			X
Local Road			X
Stoop/Townhouse: Arterial		X	X
Collector		X	X
Local Road		X	X
Duplex, Triplex, Quadplex: Collector		X	X

Table 34.5 – Village Fringe Building Types			
Building Type	Frontage Width		
	0 – 79 Feet	80 – 120 Feet	120+ Feet
Local Road			
Front Yard House:			
Collector	X	X	
Local Road	X	X	

3. Corridor East

Table 34.6 – Corridor East Building Types			
Building Type	Frontage Width		
	0 – 79 Feet	80 – 120 Feet	120+ Feet
Storefront:			
All street types	X	X	X
Workplace:			
All street types	X	X	X
Courtyard Apartment:			
Arterial			X
Collector			X
Local Road			X
Stoop/Townhouse:			
Arterial		X	X
Collector		X	X
Local Road		X	X
Duplex, Triplex, Quadplex:			
Collector		X	
Local Road		X	

4. Accessory Buildings

- a. Accessory buildings shall be permitted in the Village Overlay District as set forth in Section 57.100 of this Ordinance unless otherwise stated herein.
- b. All buildings shall be approved through the Site Plan and Special Use process.
- c. Accessory buildings shall not be permitted in the Village Core.
- d. Accessory buildings in the Village Fringe shall be permitted in the rear yard only. Accessory buildings in the Corridor East sub-district shall be permitted in the side or rear yards.
- e. Where permitted, accessory buildings shall adhere to all location and placement standards for a primary building on that property.
- f. The accessory building shall be of a similar design, character, materials, and appearance as the primary structure and shall not exceed the size of the primary structure.

C. Uses. Permitted and Special Uses in the Village Overlay District shall be as designated in the underlying zoning district. In addition, the following conditions shall apply:

1. Use is also based on the permitted building types on a particular lot. For example, although commercial uses are permitted in the Village Fringe, only residential building types are permitted along local roads.
2. Permitted and Special Uses in the Village Commercial zoning district shall apply to the entire Village Core, Village Fringe, and Corridor East sub-districts.
3. Density shall be based on the standards of the underlying zoning district except as modified by the building type standards.

34.50 BUILDING TYPE STANDARDS.

The goal of the Building Type Standards is good street form, consistent development and character, and desirable outdoor private space (yards and gardens). They aim for the minimum level of control necessary to meet those goals.

The Building Type Standards set the basic parameters governing building construction, including the building envelope (in three dimensions) and certain required and permitted elements, such as porches, balconies, and fences.

The following General Principles shall apply throughout the Village Overlay District, except in the Corridor South sub-district:

- Buildings are oriented to the Street.
 - Buildings form and protect private open space. Private open space is an important complement to the public space of the neighborhood.
 - Buildings are designed for the Village theme, and buildings are designed to be sited in a Village setting.
 - Vehicle storage, garbage, and mechanical equipment are away from the street. Architectural standards in Section 34.60 include further architectural details.
- A. Storefront Buildings. Storefront buildings are mixed-use buildings that are active both during the day and at night, on the weekends and on weekdays. Storefront buildings are two to three stories in height and may contain retail and lobby uses on the ground floor (only non-residential uses are permitted on the ground floor fronting on arterials). The upper stories contain residential or office uses. The facade of the building facing the street has a high level of transparency, allowing for "eyes on the street" 24 hours a day and creating a safe and comfortable pedestrian area along the street.

Storefront buildings are built up to the sidewalk and must be located within a narrow build-to zone. Little or no side yard setback should be provided to create a continuous facade frontage along the street.

1. Permitted Uses. Retail, service, and civic uses are permitted on the ground floor, while all uses are permitted on upper floors. In no case may a non-residential use be located on the same floor as or above a residential use.
2. Residential Densities. For mixed-use buildings, dwelling unit density shall be determined based on the standards in Section 48.80.C.
3. Build-to zone. Storefront buildings must be located zero to five feet from the front street frontage line (and side street frontage line for corner lots) for all street types. This may be increased five feet to provide room for outdoor dining or entry ways. In the Village Fringe sub-district, Storefront Buildings must be located five to ten feet from the front street frontage line (and side street frontage line for corner lots) for all street types. In the Corridor East sub-district, Storefront Buildings must be located ten to 20 feet from the front street frontage line (and side street frontage line for corner lots). Refer to Section 34.90.B for modification criteria.
4. Encroachments. Awnings, eaves, bays, balconies and other encroachments may extend up to six feet beyond the face of the building even if this extends beyond the build-to line provided the encroachment is located a minimum of nine feet above the finished grade below. However, the encroachment may not extend into the street without permission from the appropriate body. Proof of such permission shall be submitted prior to Site Plan review by the Planning Commission.
5. Internal parking. Structured internal parking is permitted within buildings. Parking may also be located underground. Internal parking on the ground floor of a building must be located behind occupied uses fronting an arterial. The driveway into any internal parking area shall be from a collector, local road, or alley, and must be separated at least 50 feet from the frontage line on the front street. Internal parking garages shall be no higher than the height of the building at the build-to line.
6. Facade segmentation. The front facade shall be divided into segments not more than 50 feet wide by the use of vertical expression lines. Horizontal expression lines shall define the base and cap of buildings and should also distinguish the ground floor and upper floors.
7. Facade transparency. Transparency refers to the percentage of a facade that is occupied by windows. See Section 34.60.D for window standards. The street level facade shall have a minimum transparency of 75 percent measured between two feet and eight feet above the sidewalk. Upper story facades shall have no less than 30 percent transparency for each floor measured from floor to floor.
8. Building entrances. One building entrance shall be provided for each 75 feet of building frontage.
9. Building height. Storefront buildings should have the appearance of being at least two stories in height. One story buildings shall provide a false front giving the appearance of having a second story. Buildings shall be no more than three stories.

10. Cap type. Storefront buildings shall have either a flat roof with parapet cap type or a pitched roof.
 11. Floor height. The minimum floor height for ground stories, measured from the floor of the ground story to the floor of the story above, is 15 feet.
- B. Workplace Buildings. Workplace buildings are similar to storefront buildings, but they have an employment emphasis rather than a retail/entertainment emphasis. The facade will not be as transparent and the buildings will not cover as much of the block frontage as storefronts. The building is brought towards the street and located in a narrow band near the sidewalk.
1. Permitted uses. Office, retail, studio, or public and civic uses are permitted on the ground floor, while all uses are permitted on upper floors. In no case may a non-residential use be located on the same floor as or above a residential use.
 2. Residential densities. For mixed-use buildings, dwelling unit density shall be determined based on the standards in Section 48.80.C.
 3. Build-to zone. Workplace Buildings must be located zero to five feet from the front street frontage line (and side street frontage line for corner lots) in the Village Core. In the Village Fringe, Workplace Buildings must be located five to ten feet from the front street frontage line (and side street frontage line for corner lots). In the Corridor East, Workplace Buildings must be located ten to 20 feet from the front street frontage line (and side street frontage line for corner lots). Refer to Section 34.90.B for modification criteria.
 4. Encroachments. Awnings, eaves, bays, balconies and other encroachments may extend up to six feet beyond the face of the building even if this extends beyond the build-to line provided the encroachment is located a minimum of nine feet above the finished grade below. However, the encroachment may not extend into the street without permission from the appropriate body. Proof of such permission shall be submitted prior to Site Plan review by the Planning Commission.
 5. Internal parking. Structured internal parking is permitted within buildings. Parking may also be located underground. Internal parking on the ground floor of a building must be located behind occupied uses fronting an arterial. The driveway into any internal parking area shall be from a collector, local road, or alley, and must be separated at least 50 feet from the front property line on the primary frontage. Internal parking garages shall be no higher than the height of the building at the frontage build-to zone.
 6. Facade segmentation. The front facade shall be divided into segments not more than 50 feet wide by the use of vertical expression lines. Horizontal expression lines shall define the base and cap of buildings and should also distinguish the ground floor and upper floors.
 7. Facade transparency. Transparency refers to the percentage of a facade that is occupied by windows. See Section 34.60.D for window standards. The street level facade shall have a minimum transparency of 50 percent measured between two feet and eight feet above the finished grade. Upper story facades shall have no less than 30 percent transparency for each floor measured from floor to floor.

8. Building entrances. One building entrance shall be provided for each 75 feet of building frontage.
 9. Building height. Workplace buildings should have the appearance of being at least two stories in height. One story buildings shall be designed and built in such a manner to give the impression that it is two stories. (With a high-pitched roof, tall ceilings, false windows, parapet wall or similar technique) Buildings shall be no more than three stories.
 10. Cap type. Workplace buildings shall have either a flat roof with parapet cap type or a pitched roof.
 11. Floor height. The minimum floor height for ground stories, measured from the floor of the ground story to the floor of the story above, is 12 feet.
- C. Courtyard Apartments. Courtyard apartments, also sometimes referred to as garden apartments, are a conventional apartment or condominium development. A group of dwelling units are arranged to share one or more common courtyards, parking lots, recreation areas, and other facilities. Dwellings are accessed via the courtyard from a common drive to the front street. Dwelling configuration occurs as townhouses, flats, or flats located over or under flats or townhouses. The courtyard is intended to be a semi-public space that is an extension of the public realm.
1. Permitted uses. Multiple-family residential uses shall be permitted in Courtyard Apartments. The permitted density shall be based on the requirements of the R-4 zoning district (Article 9).
 2. Build-to zone. Courtyard apartments shall be located a minimum of ten feet from the front and side street frontage line in the Village Fringe, a minimum of 15 feet from the front and side street frontage line in the Corridor East sub-district, and a maximum of 70 feet in both sub-districts. Refer to Section 34.90.B for modification criteria.
 3. Building orientation. Courtyard apartment buildings located along the front street shall be oriented to the front street with entrances opening toward the street.
 4. Encroachments. Awnings, eaves, bays, balconies and other encroachments may extend up to six feet beyond the building face provided the encroachment is located a minimum of nine feet above the finished grade below. However, the encroachment may not extend into the street without permission from the appropriate body. Proof of such permission shall be submitted prior to any approvals.
 5. Parking. Required parking may be at-grade or underground. No parking shall be provided along the road frontage in the front yard or between the road frontage and the building, unless the building has a significant setback and the parking is well screened. See Section 34.60.H.4 and 34.80.B.5.
 6. Services and equipment. Where an alley is present, services, including all utility access and trash container areas, shall be located in the alley. Where an alley is not present, above

- ground equipment and trash container areas should be located at least ten feet behind the facade of the building and be completely screened from view of the street.
7. Facade transparency. Transparency refers to the percentage of a facade elevation that is occupied by windows. See Section 34.60.D for window standards. The street level facade shall have a minimum transparency of 20 percent measured from floor to floor. There is no standard for upper floors.
 8. Building height. Courtyard apartments shall be a maximum of three stories in height. One story buildings shall have the appearance of being at least two stories in height through the use of pitched roofs, dormers, elevated ceilings, and other design techniques.
 9. Cap type. Courtyard apartments shall have a residential appearance with a pitched roof or parapet roof.
- D. Stoop/Townhouse Buildings. The Stoop/Townhouse Building type is a residential building with each unit having its own exterior entrance from a porch or stoop. Stoop buildings are two to three stories in height, with the ground floor required to be elevated three to four feet above the surrounding grade. The slightly raised base allows some privacy for the residents of the building from passing pedestrians, while at the same time providing an appropriate level of transparency on the building to create a comfortable pedestrian environment on the street.

Stoop buildings have a small front yard that may be landscaped. Resident parking is accommodated in rear-yard locations where it is hidden from view by buildings, while visitor parking should be accommodated on the street (where permitted).

1. Permitted uses. Residential uses are permitted in stoop building types.
2. Residential densities. For Stoop/Townhouse Buildings, dwelling unit density shall be limited to a maximum unit density of eight units per acre.
3. Build-to zone. Stoop/Townhouse Buildings shall be located five to ten feet from the front street frontage line (and side street frontage line for corner lots) in the Village Core; five to 15 feet from the front street frontage line (and side street frontage line for corner lots) in the Village Fringe; and 15 to 25 feet from the front street frontage line (and side street frontage line for corner lots) in the Corridor East. Refer to Section 34.90.B for modification criteria.
4. Ground floor elevation. The ground floor of a stoop building type facing the street shall be elevated a minimum of three feet and a maximum of four feet above the elevation of the sidewalk along the front street in front of the stoop. Accessible units may be provided at grade at building corners or on side street frontage.
5. Facade segmentation. Each dwelling unit shall be differentiated with a vertical expression line on the front facade elevation. The use of different building materials or building material colors in addition to vertical expression lines is also an acceptable technique. Horizontal expression lines shall define the base and cap of the buildings and should distinguish the upper floor and lower floor.

6. Facade transparency. Transparency refers to the percentage of a facade elevation that is occupied by windows. See Section 34.60.D for window standards. The street level or ground floor shall have windows and openings satisfying the standards of Section 34.60.D, and they shall be larger than the windows and openings on the upper floors.
 7. Building height. Stoop/Townhouse buildings shall be a maximum of three stories in height and a minimum of two stories in height.
 8. Cap type. Stoop buildings shall have a pitched roof cap type.
 9. Parking. Required parking may be at grade or underground. No parking shall be provided along the road frontage between the building face and the road.
 10. Detached garages. Any detached garage proposed in conjunction with a stoop building shall have a maximum height of 22 feet and shall be located in the rear yard of the building.
 11. Attached garages. Stoop building types may include attached garages; however, the garage door may not face a front street. Attached garages shall be accessed from a side street or through an alley. Where garages are proposed to face a side street, the total width of garage doors may not exceed 50 percent of the total width of the building located at the build-to line along the side street frontage.
- E. Duplex, Triplex, Quadplex. This building type includes buildings containing two, three, or four dwelling units located upon a common lot. Each dwelling unit is individually accessed directly from the street, but they share a common wall or walls.
1. Permitted uses. Residential uses are permitted in duplex, triplex, and quadplex building types.
 2. Build-to zone. Duplex, triplex, and quadplex buildings must be located 15 to 25 feet from the front street frontage line (and side street frontage line for corner lots). Refer to Section 34.90.B for modification criteria.
 3. Ground floor elevation. The ground floor of a duplex, triplex, or quadplex building type shall be elevated at least two to three feet above the elevation of the sidewalk along the front street. This requirement may be waived in order to provide accessible units.
 4. Facade segmentation. Building elevations should be designed to provide at least one horizontal and/or vertical offset of a minimum three feet to give the appearance of multiple homes rather than one large home.
 5. Porch/stoop. Each dwelling unit in a duplex, triplex, or quadplex shall be accessed from the outside and shall have a porch or stoop.
 6. Cap type. Duplex, triplex, or quadplex buildings shall have a pitched roof cap type.

7. Parking/garages. One of the required parking spaces provided for each dwelling unit shall be within a garage. If possible, attached garages shall be accessed from the rear or side of the unit. Attached garages facing the front lot line shall be located at least 20 feet behind the front wall of the dwelling unit. On corner lots, if a side-loading attached garage is oriented to open towards the side street, the garage shall be recessed behind the building line, and, if practical, screened by a half wall.

Detached garages shall be located in the rear yard in compliance with the standards herein. If possible, access shall be provided by an alley. Detached garages facing the front lot line shall be located at least 20 feet behind the front wall of the dwelling unit.

8. Services. Where an alley is present, above ground equipment and trash container areas shall be located on the alley. If an alley is not present, these shall be located at least ten feet behind the front of the house and screened from view of the street by a fence or landscaping.

- F. Front Yard House. Whether large or small, front yard houses are the standard of any Village or neighborhood in America. Their front porches, stoops, and front yards contribute to the life and texture of the street. Careful building placement provides the Front Yard House with a comfortable, generous and private back yard, even on a very small lot.

1. Permitted uses. Residential uses are permitted in front yard house building types.
2. Build-to zone. Front yard houses shall be located 15 to 25 feet from the front or side street frontage line.
3. Ground floor elevation. The ground floor of a front yard house shall be elevated at least two to three feet above the elevation of the sidewalk along the front street. This requirement may be waived in order to provide accessible units within the development.
4. Porch/stoop. Each front yard house shall have a porch or stoop.
5. Cap type. Front yard houses shall have a pitched roof cap type.
6. Parking/garages. Two off-street parking spaces shall be provided for each dwelling unit. At least one parking space shall be provided within a garage. If possible, attached garages shall be accessed from the rear or side of the unit. Attached garages facing the front lot line shall be located at least 20 feet behind the front wall of the dwelling unit. On corner lots, if a side-loading attached garage is oriented to open towards the side street, the garage shall be recessed behind the building line, and, if practical, screened by a half wall.

Detached garages shall be located in the rear yard in compliance with the standards herein. If possible, access shall be provided by an alley. Detached garages facing the front lot line shall be located at least 20 feet behind the front wall of the dwelling unit.

7. Services. Where an alley is present, above ground equipment and trash container areas shall be located on the alley. If an alley is not present, these shall be located at least ten feet

behind the front of the house and screened from view of the street by a fence or landscaping.

G. Large-Footprint Buildings. Buildings with a footprint greater than 25,000 square feet may be approved provided they satisfy the following criteria in addition to the other standards and conditions within this Ordinance:

1. Buildings must be at least two stories in height. One-story buildings may be permitted if they are at least 24 feet in height. This may be accomplished with liner buildings, higher ceiling heights, and/or parapets.
2. To encourage use by pedestrians and decrease the need for solely auto-oriented patronage, large-footprint buildings must reinforce the character of the Village Overlay District and shall therefore continue a connected system of walkable street frontages.
3. Loading docks, service areas, and trash disposal facilities shall not face streets, parks, squares, or significant pedestrian spaces.

H. Additional Building Types. The Planning Commission may approve a building type not identified in Section 34.40.A or described within 34.50, provided that the building type is pedestrian oriented and meets the intent of the Village Overlay District.

34.60 ARCHITECTURAL STANDARDS.

The goal of the Village Overlay District and these Architectural Standards is to establish and retain the character that will be common throughout the district, and the basic characteristics of all structures (massing, roof pitch, voids, porches, yards, materials, etc.) as well as details (columns, window trim, rails, etc.) that will be durable and consistent with the principles of good planning and design. Architectural Standards within this Section 34.60 may be modified per the modification criteria in Section 34.90.B.

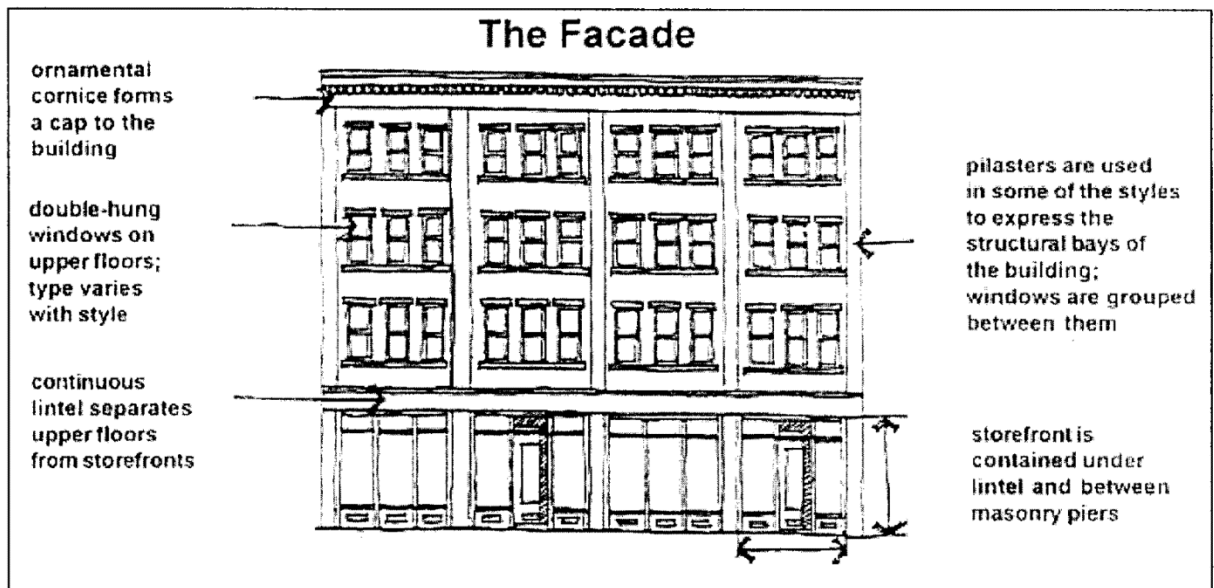
Unless specifically stated otherwise below, the Corridor South Sub-district shall be exempt from the Architectural Standards of the Village Overlay District. Existing standards of the underlying zoning district shall apply.

A. General Principles

1. Tradition

- a. Tradition is an attitude about construction that uses time-tested techniques to address a given design problem. The idea is not to mimic the past, but rather to use discipline when designing new buildings in order to foster a coherent Oshtemo Village aesthetic.
- b. Buildings designed to weather the basic elements (gravity, sun, weather, and time) and which incorporate time-tested rules of proportion retain their appeal, while "style" comes and goes. This is the idea behind the Village Overlay District's requirements on items such as column spacing, window proportion, roof pitches and overhangs.

- c. The arrangement of different building materials shall appropriately express the specific properties of the materials. For example, heavier more permanent materials (i.e., masonry) support lighter materials (i.e., wood).
2. Simplicity
- a. The building mass should be a simple composition of basic building forms following a clear hierarchy: principal structure, porches, attached structures, sheds.
 - b. Rooflines should be simple: gables, hips, and sheds, or combinations of these three basic roof forms. Flat roofs are limited to specific building types and areas and shall be provided with parapets with strong cornice lines. Roofs should correspond to the major massing of the building; complicated rooflines are to be avoided.



- c. Details such as doors, windows, eaves, columns, railings, etc. should be carefully designed and constructed. This will sustain a building's visual interest and value for a long time.
3. Equivalent or Better
- a. While certain techniques and product types are prescribed here, Equivalent or Better practices and products are encouraged. Such variations must be submitted to the Planning Commission or Township Planning Department (depending on the stage of development review) for approval.
4. Where Clearly Visible from the Street.
- a. Many requirements of this Village Overlay District, especially the Architectural Standards, apply only where the subject is "clearly visible from the street." Note that the definition of "street" includes reserve space, parking lots and all public space except

alleys, as defined herein. The intent here is to restrict control to the public realm where it has significance and limit public interference in the private realm.

- b. Where rear facades face parking lots, the character and design of these facades shall be considered as well. While still serving as a face to the community and to the structure, these rear facades do not have the same public exposure as the front facades and often provide service functions as well. Therefore, the Planning Commission may adjust the design requirements for the desired building type in this Section 34.60 as it applies to the rear facade considering the anticipated use of that side of the building, its exposure to the public, and the overall design of the structure.
- B. Building Walls (Exterior). Building walls should reflect and complement the traditional materials and techniques of southwest Michigan's regional architecture. They should express the construction techniques and structural constraints of traditional, long-lasting, building materials. Simple configurations and solid craftsmanship are favored. The illustrations are advisory only. Refer to the standards below for the specific prescriptions of this section.

Standards for Building Walls (where clearly visible from the street):

1. Materials: The following materials are permitted:

- a. Brick and tile masonry.
- b. Split-faced block (only for piers, foundation walls, and chimneys).
- c. Pre-cast masonry (for trim and cornice elements only).
- d. Native stone (or synthetic equivalent).
 - i. Brick, block, stone and similar materials must be properly detailed and in appropriate load-bearing configurations.
- e. Stucco (cement-like finish).
 - i. Smooth or sand only, no rough or "cake icing" finish.
- f. Gypsum Fiber Reinforced Concrete (GFRC - for trim elements only).
- g. Exterior Insulating and Finish Systems (EIFS - for trim elements only).
- h. Metal (for beams, lintels, trim elements and ornamentation only).

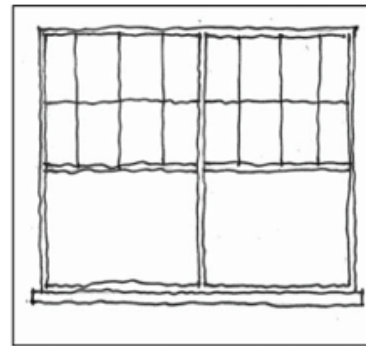


Use of brick and stone materials are permitted.

- i. Wood lap siding.
 - i. Smooth finish only (no rough-sawn).
 - ii. Must be painted or stained.
 - j. Hardie-Plank equivalent or better siding.
 - k. Vinyl or aluminum (architectural quality, heavy gauge: .040-.050 for vinyl or .019-.026 for aluminum)
2. Configurations and Techniques: The following configurations and techniques are permitted:
- a. Vertical wall openings shall not span more than one story.
 - b. Wall openings shall be as tall as or taller than they are wide.
 - c. Material changes shall be made logically - as where an addition (of a different material) is built onto the original building or where a building turns a corner.
- C. Roofs and Parapets. Roofs should have consistent pitches and designs with generous overhangs in order to provide visual coherence to the Village area. Roofs shall also demonstrate common-sense recognition of the climate by utilizing appropriate pitch, drainage, and materials.



Wood lap siding

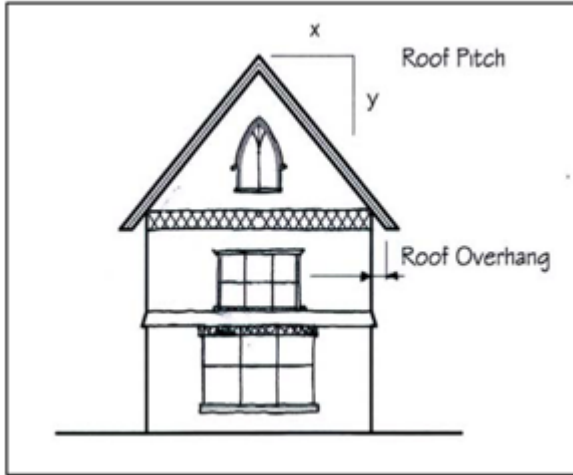


Window and wall openings shall have a vertical orientation. If the opening is wide, they can be divided to appear vertical.

Standards for roofs and parapets (where clearly visible from the street):

- 1. Pitched roofs.
 - a. Pitch (exclusive of roofs behind parapet walls).
 - i. Simple hip and gable roofs shall be symmetrically pitched between 6:12 and 12:12.
 - ii. Shed roofs, attached to the main structure, shall be pitched between 4:12 and 7:12.
 - b. Overhang.
 - i. Eaves and rakes (gable end) shall overhang between six inches and 24 inches on the primary structure in a manner proportional to the rest of the building design.

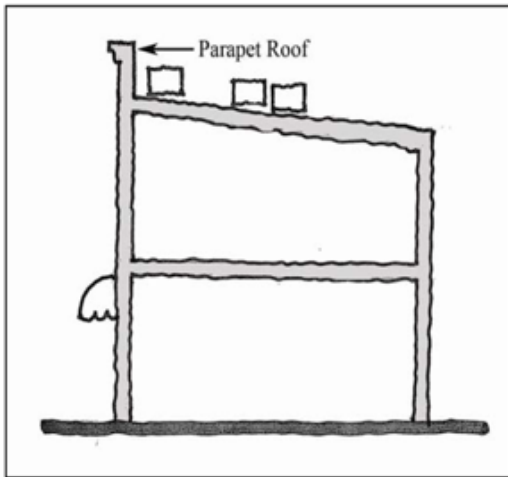
- ii. Eaves and rakes on outbuildings, dormers, and other smaller structures must overhang at least six inches.
- iii. Soffits shall contribute as an architectural detail of the roof and structure.



Roof pitch is a demonstration of the angle of the roof; slope is rise:run. Roof overhang is the amount that the eaves extend beyond the wall of the structure.



Rake is the amount that the gable end of the roof extends beyond the wall on that end of the structure.



Parapet roof screening equipment on a flat roof building.



A large overhanging eave with a wood soffit is above.

2. Parapet roofs.

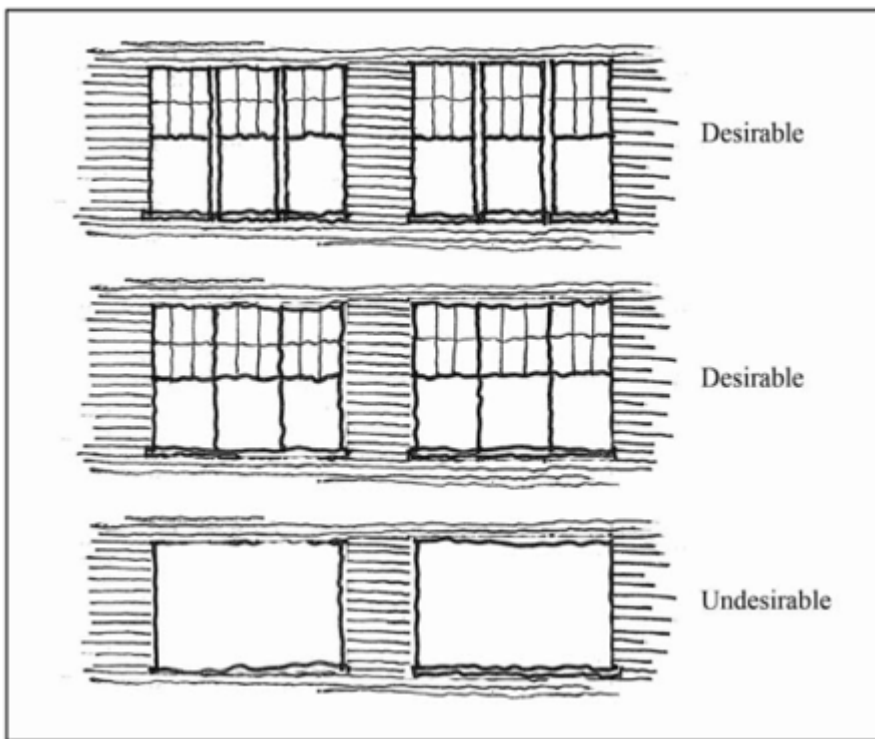
- a. Permitted on Courtyard Apartments, Storefront and Workshop Buildings only. May be used to screen roof material from any adjacent street. (Parapet roofs may be required on side walls by Building Codes for fire protection.)

- b. Buildings without visible roof surfaces and overhanging eaves shall provide a cornice projecting horizontally to screen rooftop equipment from view when standing across the street.
 - c. Skylights, roof vents, and rooftop mechanical equipment are permitted only on the roof plane opposite the front street or when shielded from Street view by the parapet wall.
 - d. Ornamentation which contributes to the character of the building is encouraged. Overly elaborate, "post-modern" designs are discouraged.
- D. Windows, Doors and Awnings. Windows and doors should be simple in both design and placement. Larger windows should be divided by mullions into multiple panes of glass. This helps the window "hold" the surface of the facade, rather than appearing like a "hole" in the wall, an effect that is produced by a single sheet of glass.

Standards for Windows and Doors (where clearly visible from the Street):

1. Materials: The following materials are permitted:
 - a. Window and door frames shall be made of anodized or painted aluminum, wood, clad wood, vinyl, or steel.
 - b. Window glass must be clear, with at least 90 percent light transmission at the ground story and at least 75 percent light transmission for the upper stories (modification as necessary shall be permitted to meet any applicable building code requirements.)
 - c. Specialty windows may utilize stained, opalescent, or glass block (one per facade maximum).
 - d. Doors shall be of wood, clad wood, fiberglass, glass, aluminum, and/or steel.
2. Configurations and Techniques: The following configurations and techniques are permitted:
 - a. Windows, frames, and doors shall coordinate with overall architecture and design.
 - b. For all windows:
 - i. Openings for windows, windowpanes, and doors shall be at least as tall as or taller than they are wide. Transom windows are not included in the measurements for this requirement.
 - ii. Windows may be ganged horizontally (maximum three per group) if subdivided by a mullion that is at least five inches wide.
 - iii. Windows shall be no closer than 36 inches to building corners.
 - iv. Exterior shutters, if utilized, shall be sized and mounted appropriately for the window ($\frac{1}{2}$ the width), even if inoperable.

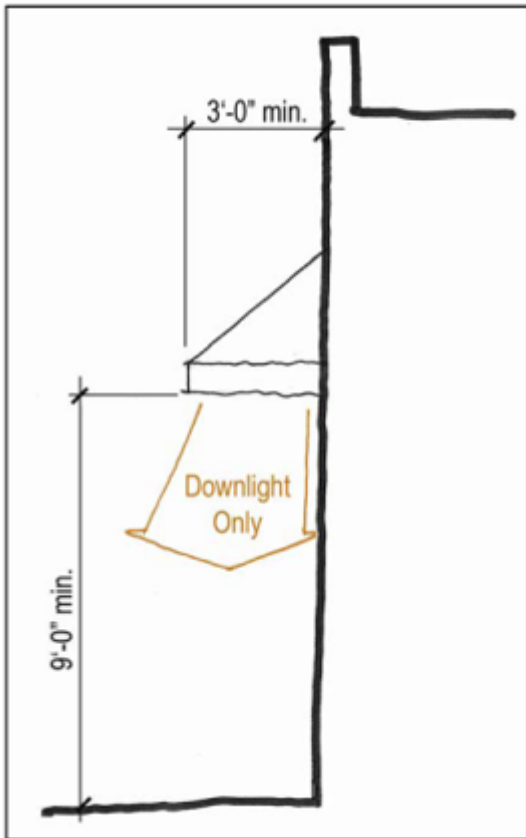
- c. Upper-story windows:
 - i. Double-Hung, Single-Hung, and Casement Windows shall be required.
 - ii. Windows shall have vertical proportions.
- d. Ground floor windows and doors on Storefront building types:
 - i. Windows shall have vertical proportions. Wide ground floor windows shall be divided to give the appearance of separate windows, each having vertical proportions.
 - ii. Ground floor windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space) and shall allow a minimum 60 percent of surface view into the building (to at least a 20-foot depth).
 - iii. Storefronts may extend up to 24 inches beyond the facade with a projecting window or building feature.



Wall openings shall be more vertical than horizontal in nature and may be separated by internal mullions if necessary to provide this result.

- 3. Awnings and Overhangs. When an awning or overhang is incorporated into a building, the following requirements must be met:

- a. Minimum nine feet clear height above sidewalk, minimum three feet depth out from the building facade.
- b. An awning or overhang may not extend into the street without obtaining permission from the appropriate body. Proof of permission shall be submitted prior to Site Plan review. Along private roads, awnings or overhangs may encroach into the easement but may extend no further than the street trees.
- c. Canvas cloth or equivalent (no glossy or reflective materials), metal or glass.
- d. No internal illumination of the awning or overhang. Downward lighting is permitted.
- e. Lettering on awning limited to five inches tall on vertically hanging fabric at curb side of awning.
- f. No one-quarter cylinder configurations.



Awnings and overhangs must be a minimum of 9 feet above the sidewalk below and extend a minimum of 3 feet from the building facade. The only illumination permitted is lighting that shines down from the awning.

- E. Lighting and Mechanical Equipment. Materials and equipment chosen for lighting fixtures should be durable, energy efficient, and weather well. Appropriate lighting is desirable for

nighttime visibility, crime deterrence, and decoration. However, lighting that is too bright creates intense glare, hinders night vision, and creates light pollution.

Standards for Lighting and Mechanical Equipment (where clearly visible from the street):

1. Lighting.

- a. Lighting in the Village Overlay District shall comply with the standards in Section 54.10 to 48.40 of the Zoning Ordinance in addition to those requirements stated below.
- b. Pole-mounted lighting in the Overlay District shall be limited to a height of 20 feet and be downward directed.
- c. If alleys are constructed, street lighting shall be provided in alleys upon their development.
- d. Street lighting shall be consistent with an approved streetscape design plan (when completed) to ensure consistency.

2. Mechanical Equipment.

- a. The following shall be placed away from the front street or side street frontage lines and be screened from view from the street: air compressors, air conditioners, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans (except those located per the public streetscape program), storage tanks, generators and similar units unless approved as necessary for a permitted essential service.
- b. Roof-mounted equipment shall be placed away from the frontage line and be screened from view from the street.
- c. New utility lines and utility leads for individual units shall be placed underground. As opportunities arise, existing overhead lines shall be placed underground as well.

- F. Street Walls. Street walls may be used to establish clear edges where buildings do not. The Village Overlay District standards provide for masonry walls that define outdoor spaces, screen the street from the private realm, and/or provide screening (parking lots, trash cans, gardens, and equipment). Street walls required within the Village Overlay District for these purposes shall be constructed in accordance with these standards. All street wall facades shall be as carefully designed as the building facade. Where the built form does not need to be as clearly defined or in more residential settings, fences can serve similar purposes.

Standards for Street Walls (where clearly visible from the Street):

1. Materials. The following materials are permitted:

- a. Native or regional stone and equivalent imitation stone.

- b. Brick.
 - c. Stucco on concrete block (or poured) only with brick or stone coping.
 - d. Metal (wrought iron, welded steel and/or black aluminum), for gates and detailing purposes only.
 - e. A combination of materials (e.g., stone piers with brick infill panels).
2. Configurations and Techniques. The following configurations and techniques are permitted:



A street wall used to screen the adjacent parking lot.

- a. Street walls along any unbuilt required building line shall be built to a height between 36 inches and 72 inches above the adjacent ground depending on the location of the wall and the purpose it is serving.
- b. Walls for screening equipment, adjacent higher intensity uses, and similar impacts shall be near the maximum height.
- c. Walls in front yards or adjacent to pedestrian areas (used for screening parking areas) shall be limited to 42 inches in height.
- d. Stucco street walls shall have a hardy species of climbing vine planted along them. Landscaping along other street walls is encouraged to soften the appearance.
- e. The street wall shall be designed so as not to create an imposing presence or fortress-like appearance. The Planning Commission may adjust these standards as necessary to avoid this situation (such as requirements for relief, articulation, materials changes, and/or design elements in the wall plans.)
- f. Walls used for parking lot buffers shall also be subject to the criteria of Section 34.60.H.4.

- G. Signage. Signs within the Village Overlay District should be clear, informative to the public, and well crafted. Appropriate signage is desirable for identifying the Village area's shops and businesses as well as for decoration. However, signage that is glaring or large creates a distraction, intrudes into and lessens the Village experience, and creates visual pollution.

The following sign regulations are applicable in the Village Overlay District, and shall supersede the sign requirements of Article 55 and Section 19.60.J, except where the provisions of Article 55 and Sections 19.60.J are specifically referenced or are not covered in the text below:

1. Approval. Signs shall be approved in accordance with the permitting requirements of Article 55. However, all new buildings and/or remodeled facades that will have a signage component shall demonstrate that sufficient space has been provided in the building design for future signage and that signage placed in that location will not conflict with the overall building design.
2. Design and Materials.
 - a. Exterior materials, finishes, and colors should be the same or similar to those used on the principal building.
 - b. Signs should be professionally constructed using high-quality materials such as metal, stone, hardwood, and brass.
 - c. The use of exposed neon tubing in conjunction with other types of materials to emphasize the business name, logo, or to indicate if open or closed is permitted; however, neon tubing within a sign cabinet that creates internal illumination or any other use of neon tubing is prohibited.
 - d. Internally lit plastic letters or plastic box signs are prohibited.
 - e. To minimize irreversible damage to masonry, all mounting and supports should be inserted into mortar joints and not into the face of the masonry.
3. Sign Lighting.
 - a. Internal Sign Illumination Prohibited. Internally illuminated signs are prohibited in the Village Overlay District. The only exceptions are signs with cut-out lettering where the internal light shines through the cut-out sign copy but not the opaque sign face.



Reverse Channel Illumination

- b. Externally Illuminated Lighting. Projecting light fixtures used for externally illuminated signs such as gooseneck fixtures for wall or projecting signs or ground-mounted spotlights for monument signs should be simple and unobtrusive in appearance. Any external sign light source must be designed so that the light source is directed against the sign and away from pedestrian or automobile travel ways.



Gooseneck Light Fixtures

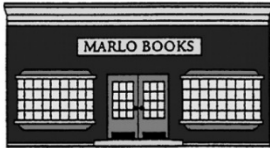
- c. Back-lit, Halo-lit, or Reverse Channel Letter Illumination. The use of back-lit, halo-lit, or reverse channel-lit lighting is permitted and encouraged in the Village Overlay District. These types of sign lighting are appropriate for pedestrian and automobile scale sign lighting applications (see illustration at right).
 - d. Prohibited Sign Elements. Any sign elements incorporating flashing or blinking lights, animated display screens, video monitors, or LCD, LED, or similar reader boards are prohibited in the Village Overlay District.
4. Multiple Story Buildings. The following regulations are applicable to multiple story buildings:
- a. Except where the height of the sign is specified in the following provisions, ground floor tenants shall place signs at the storefront level, below the expression line separating the ground floor from upper floors.
 - b. Upper story tenants may only display window signs. Such window signs may not exceed 25 percent of the total window area appurtenant to the tenant's floor space.
 - c. A small amount of additional signage for upper story tenants may be allowed when integrated into the design of the building and the overall signage program. This will be particularly true in the Village Core.
 - d. A directory sign shall be permitted at ground level entrances that provide access to upper story tenants.
5. Political Signs. Political signs shall be subject to the applicable requirements of Article 55.
6. Clear Vision Area. The sign shall comply with the Kalamazoo County Road Commission Clear Vision Area requirements, if applicable, as well as the Oshtemo Charter Township Clear Vision Area standards (Section 55.160).

7. Sign Area. The determination of how large a sign is shall be made based on the standards provided in Section 55.40, under "Sign Area".
8. Cornerstones. A cornerstone is an imprint of the name of the building or date of construction into a permanent material (such as concrete or stone) for display on the building. The cornerstone should be no larger than three square feet and shall be reviewed as a part of the overall building design, although it will not count towards the signage limits.
9. Permitted Signs. The following types of signs are permitted in the Village Overlay District. Table 34.7 below summarizes the size and number of signs permitted and a few key notes, particularly concerning signs that cannot be used concurrently. Detailed descriptions and standards for certain sign types follow:

Table 34.7 – Sign Summary			
	Size	Number	Notes
1.	1 sq. ft./linear foot of building frontage. Max 24 sq. ft. per sign.	Depends on building frontage. At least one sign permitted, but partial measurements rounded down.	Can not be used in conjunction with a projecting sign.
2.	8 sq. feet max.	One per ground floor tenant.	Can not be used in conjunction with a wall sign.
3.	Max. size depends on setback from street.	One per lot, parcel, or development area.	Must satisfy clear vision requirements.
4.	Max. 5" tall letters along vertically hanging surface adjacent to curb.	One per awning/canopy.	
5.	4 sq. feet max.	One per canopy or overhang.	May not be used in conjunction with a projecting sign.
6.	25% of window area.		Includes both temporary and permanent.
7.	6 sq. feet max.	One per ground floor business.	Must be located close to building.
8.	8 sq. feet max.	One per multi-tenant building.	
9.	2 sq. feet max.	One per use.	
10.	6 sq. feet max.	One per use.	

1. WALL SIGNS	
	Regulations:
i.	Wall signs should be located on the upper portion of the storefront and should not exceed 2/3 the width of the building or tenant frontage.
ii.	Wall signs shall not exceed a ratio of 1 square foot of area per linear foot of building width or tenant space width up to a maximum of 24 square feet per sign.

Definition: A sign that is mounted flush and fixed securely to or painted on a building wall, projecting no more than 12 inches beyond the face of a building wall and not extending sideways beyond the building face or above the highest line of the building to which it is attached.



III.	One wall sign shall be permitted for each 24 linear feet of building or tenant frontage on the front of the building (partial measurements will be rounded down; minimum of one sign per tenant or building frontage for single user buildings). Wall signs shall be distributed evenly on the building or complement the overall architecture and design, including the arrangement of bays and openings. For buildings and tenants with frontage and/or access on the side or rear, one additional wall sign may be permitted for each additional exposure to be no greater than 20 square feet.
iv.	Wall signs shall be placed in a clear signable area, which is an architecturally continuous area uninterrupted by doors, windows, or architectural details such as grillwork, piers, pilasters, or other ornamental features.
v.	For multiple-tenant uses, the size and number
	of signs for ground floor tenants shall be based on the standards above.
vi.	A wall sign shall not be used in conjunction with a projecting sign.
VII.	See Section 34.60.G.4 for more information regarding wall signs on multiple story buildings.

2. PROJECTING SIGNS

Definition: A sign that is affixed to the face of a building or structure that projects in a perpendicular manner from the wall surface of a building.

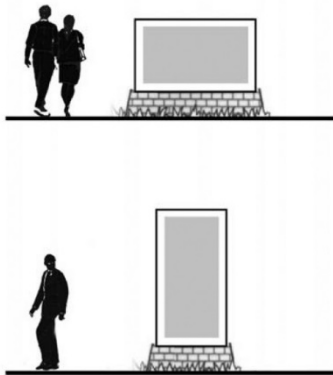
Regulations:	
i.	Projecting signs, including all brackets and hardware, shall not be mounted above the second-floor window sill in multi-story buildings.
ii.	Projecting signs shall be small in scale and provide a minimum vertical clearance of 9 feet between the lowest point of the sign and the sidewalk.
III.	The entire sign area of the projecting sign shall fit inside an imaginary rectangle with a maximum area of 8 square feet. Neither the height nor the width shall exceed 4 feet.
iv.	Projecting signs may not encroach into the street without obtaining permission from the appropriate body. Proof of such permission shall be submitted prior to approval. Along private roads, projecting signs may encroach into the street easement a maximum of 5 feet.
v.	Mounting hardware shall be attractive and an integral part of the sign design.





vi.	Marquee Signs are a form of projecting sign. A marquee sign is only permitted in conjunction with a theatre, cinema, or performing arts facility, and the sign may indicate the facility's name and a changeable copy portion of the sign highlighting current and future attractions. The permitted area of a Marquee Sign shall be determined by the Planning Commission consistent with the design and scale of the building and the surrounding environment.
VII.	One projecting sign is permitted per ground floor tenant. An additional sign may be granted for a tenant if located on a corner lot with multiple street frontages.
VIII.	A projecting sign shall not be used in conjunction with a wall sign.

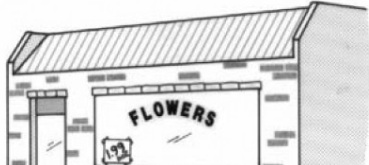
3. MONUMENT SIGNS

Definition: A freestanding sign. Monument signs are typically used for a building or series of buildings that are separated from adjacent streets by substantial setbacks. The base of the monument sign is typically brick or other masonry material and is approximately the same width as the sign face.




Regulations:			
i.	One monument sign per lot, parcel, or development area regardless of the number of commercial establishments on that lot, parcel, or site.		
ii.	Monument sign area and height requirements based on the setback from the road right of way or private road easement:		
	Setback (feet)	Sign Area (sq. ft.)	Height (feet)
	Less than 5	Sign not permitted.	
	5—9	24	5
	10—14	30	5
	15+	40	6
III.	Height and setback requirements shall be based on the proposed location of the sign.		
iv.	Monument signs shall be oriented towards an arterial street (parallel or perpendicular), or collector if not fronting on an arterial.		
v.	Monument signs shall be constructed out of decorative materials that complement the design of principal buildings within the development. Natural materials such as stone, decorative masonry, wood, or metal are preferred.		
vi.	Low level landscaping shall be provided around the base of the sign but shall not obscure any part of the sign message.		

	<p>VII. Monument signs shall be located in compliance with Township and County Clear Vision Area regulations.</p>
4. AWNING & CANOPY SIGNS	
<p>Definition: A sign that is printed on, painted on, or attached to an awning or canopy above a business door or window. Such signs are generally oriented toward pedestrians on the opposite side of the street.</p> 	<p style="text-align: center;">Regulations:</p> <p>i. Lettering and graphics up to five inches tall may be placed on the vertically hanging fabric of an awning on the side facing the curb.</p> <p>ii. Awnings or canopies with back-lit graphics or other kinds of interior illumination are prohibited.</p> <p>III. One sign per awning or canopy.</p> <p>iv. An awning or canopy sign maybe used in conjunction with a projecting sign or wall sign.</p> <p>v. Signage, lettering, graphics, and logos are prohibited on the upper, sloped portion of the awning and shall be located on the vertical flap.</p>
5. HANGING SIGNS	
<p>Definition: A hanging sign is similar to a projecting sign, except that it is suspended below a marquee, awning or canopy. Hanging signs are smaller than projecting signs due to their lower mounting height.</p> 	<p style="text-align: center;">Regulations:</p> <p>i. Hanging signs shall fit within an imaginary rectangle with a maximum area of 4 square feet (excluding supporting rods, chains, or similar hangers).</p> <p>ii. Hanging signs shall maintain a minimum vertical clearance of 9 feet between the lowest point of the sign and the sidewalk.</p> <p>III. One sign shall be permitted per canopy or overhang.</p> <p>iv. A hanging sign may not be used in conjunction with a projecting sign.</p>
6. WINDOW SIGNS	
<p>Definition: A window sign is painted, posted, displayed, or etched on an interior translucent or transparent surface, including windows or doors.</p>	<p style="text-align: center;">Regulations:</p> <p>i. Window signs, both temporary and permanent, shall not exceed 25% of the window area so that visibility into and out of the window is not obscured.</p>

	ii. Sign copy shall not exceed 8 inches in height.
	iii. Window signs should be applied directly to the interior face of the glazing or hung inside the window to conceal all mounting hardware and equipment.

7. A-FRAME SIGNS

Definition: A-Frame signs are designed to stand on their own either on private or public property. Such signs are portable and are usually placed along public sidewalks to attract pedestrians to adjacent businesses.





Regulations:	
i.	A-frame signs may have a maximum area of 6 square feet and a maximum height of 42 inches. The sign area is calculated on one side only.
ii.	A-frame signs may only be located in the frontage or walkway/furnishings areas of the pedestrian area along a street. The sign shall be located near the building to ensure sufficient space (at least 5 feet) is provided for pedestrian passage.
iii.	A-frame signs may not be permanently affixed to any object, structure, or the ground.
iv.	A-frame signs shall not be illuminated.
v.	A-frame signs may only be displayed during business hours and shall be removed when the business to which they are accessory is closed.
vi.	Each ground floor business with frontage on a street may have a maximum of one A-frame sign. Businesses without ground floor frontage may not have an A-frame sign. The sign must be located adjacent to the business to which it is accessory.

8. TENANT DIRECTORY SIGNS

Definition: A tenant directory sign is used to identify tenants and businesses in a multi-tenant building, often for tenants that do not have direct frontage on a public street. Such tenants can be located in second story space, or in portions of the building without a ground floor entry in the front. Tenant directory signs are oriented toward the pedestrian.



Regulations:	
i.	Tenant directory signs shall fit into an imaginary rectangle with a maximum area of 8 square feet.
ii.	Tenant directory signs shall be mounted flat against a solid wall proximate to a common building entrance serving tenants listed on the directory sign.
iii.	Tenant directory signs may include the following: building or project name, project logo, address, business tenant names, and suite numbers or letters.
iv.	A maximum of one tenant directory sign shall be approved per building unless proven otherwise necessary to the satisfaction of the Planning Commission.

9. PLAQUE SIGNS	
<p>Definition: A plaque sign is a small version of a wall sign that is attached to surfaces adjacent to store entries or tenant entries.</p> 	Regulations:
	i. Plaque signs shall fit into an imaginary rectangle with a maximum area of 2 square feet.
	ii. Plaque signs may project a maximum of 3 inches from wall surfaces.
	iii. Only one plaque sign shall be permitted per use.
10. RESTAURANT MENU SIGNS	
<p>Definition: A restaurant menu sign is a sign that incorporates a menu for a restaurant. The purpose of restaurant menu signs is to assist customers in finding a restaurant they would like to patronize.</p> 	Regulations:
	i. The maximum area for menu signs is 6 square feet.
	ii. Menu signs shall be located in a permanently mounted display box on the surface of the building adjacent to the entry.
	iii. Restaurant menu signs shall be permitted for all restaurants with table service.
iv. Only one restaurant menu sign shall be permitted per use.	

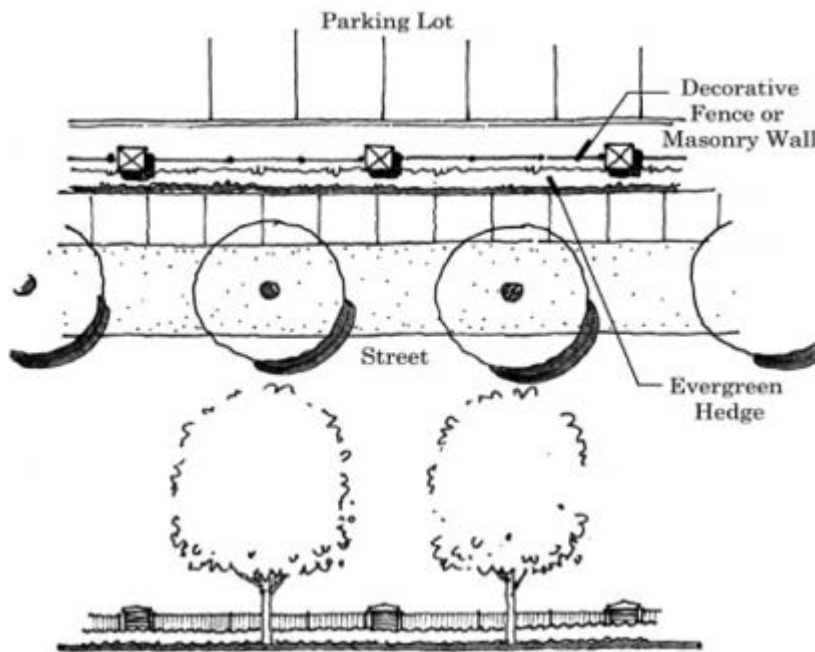
H. Landscaping. The purpose of the landscaping standards is to ensure coherent neighborhood streets, to assist property owners with understanding the relationship between the street and their own front yards, and to achieve creative and distinctive landscape and planting design emphasizing urban form. The preservation and use of native plants is strongly encouraged.

These requirements shall be in addition to the requirements of Article 53. Where there are conflicts, the requirements stated below shall apply. A landscape plan meeting all of the requirements of Section 53.30 shall be submitted for review whenever an activity requiring Site Plan review is proposed in the Village Overlay District.

1. Reserve space. Reserve Space may be required in accordance with the requirements in Section 34.80.A. Where Reserve Space is required, the space and the required landscaping within the space shall be clearly demonstrated on the Landscaping Plan.
2. Interior parking lot landscaping. Interior parking lot landscaping shall be provided in accordance with Section 53.70 of the Township Zoning Ordinance. In addition, parking lot islands shall be protected by concrete curbs or similar permanent means.
3. Street trees. Street trees shall be provided along each front and side street frontage as provided in Section 34.70.D.5.e. of this Ordinance. Street trees shall be canopy deciduous trees, specially selected to survive in this environment, and planted in a consistent row between two and three feet of the curb line.

4. Parking lot buffers. All parking lots shall be separated from the street frontage by a building or a parking lot buffer. A parking lot buffer is required when a parking lot is located within 30 feet of a road right-of-way or road easement. This landscape buffer shall consist of:
 - a. A minimum five-foot-wide buffer.
 - b. A decorative masonry wall, street wall, or decorative wrought-iron appearing aluminum fence with a height between 36 and 42 inches from the ground. If a fence is proposed, decorative masonry pillars shall be used to connect fence panels with a minimum of one pillar being provided every 20 to 25 feet.
 - c. A minimum four-foot-wide planting strip adjacent to the wall including evergreen plantings disposed to form a continuous hedge of small deciduous and evergreen shrubs in between the fence and the street right-of-way or road easement (see figure 34.1).

Figure 34.1 – Parking Lot Buffer



5. Detention pond landscaping. All detention ponds or similar storm water management facilities (including bioswales, rain gardens, and similar facilities) shall be designed to incorporate grading contours and plant materials that appear natural in context with the surrounding development and environment. Detention pond landscaping shall comply with the following requirements:
 - a. Clusters of large shrubs spaced not more than six feet on center shall be provided above the high water or freeboard elevation of the pond. A minimum of one shrub shall be planted for every 20 linear feet measured along the freeboard elevation of the pond.

- b. One ornamental deciduous tree shall be planted for every 40 linear feet measured along the freeboard elevation of the pond.
 - c. One canopy deciduous tree shall be planted for every 50 linear feet measured along the freeboard elevation of the pond.
 - d. Detention ponds shall be planted with native grasses or detention pond seed mix to discourage use by waterfowl. Grass should be allowed to grow to ten to 14 inches tall along the sides and bottom of the basin. Grass species that go dormant in winter are suggested.
 - e. Anti-waterfowl devices such as string matrix or string edge are recommended while establishing plantings.
 - f. A minimum of 20 percent of the plant materials shall be native plants.
6. Plant material standards. All plant material used to meet the landscaping requirements of the Village Overlay District shall meet the minimum standards provided in Section 53.90.
7. Corridor south sub-district. Landscaping in the Corridor South sub-district shall satisfy the standards for development provided in Article 53.

34.70 STREET TYPES AND STANDARDS

Development in the Village Overlay District shall occur using a combination of both the existing street network and new streets added to establish an improved circulation system. Proposed streets in the Village area may be public or private and shall satisfy the standards below as well as other standards governing such roadways in the Township. The use of private roads shall be subject to Planning Commission approval. Where existing streets are being improved, these standards along with the other standards overseeing such road development shall guide the design of the improvements.

A. Street network.

1. Types of streets. The street network shall consist of three types of streets:
 - a. Arterials shall form the basis around which the circulation system is designed. Arterials are the main streets within the Village area and shall have buildings or public spaces fronting on the street. Unless otherwise permitted herein, parking and loading areas shall not have frontage on an Arterial. Stadium Drive and 9th Street are the two Arterials within the Village area.
 - b. Collectors are intended to provide a connection between Arterials and to provide access to parking and loading areas. Collectors are required to have buildings or public spaces along at least a portion of the street frontage. Collectors may intersect with any street type.
 - c. Local Roads are streets that provide access to parking, loading, or other service areas of the site as well as residential uses. Local Roads do not have a significant building

frontage requirement. Local Roads may intersect with any street type, but Arterial intersections are discouraged.

2. Network layout. Streets should be developed consistent with the locations shown on the Regulating Plan. The exact location of streets on a particular site may be varied from those shown on the Regulating Plan to account for site-specific factors such as natural or man-made features provided that the general layout and number of streets and connection points for the continuation of streets on adjacent parcels are consistent with the Regulating Plan. Additional streets that are not shown on the Regulating Plan may be developed as necessary to create the required block system, and to distribute vehicular and pedestrian traffic through a development. Local streets may be removed with the approval of the Planning Commission provided the proposed development plan continues to maintain the required block system and meets the other required architectural standards. New streets shall satisfy the layout and design standards of this Section (34.70). Any variations to the location or layout of streets as shown on the Regulating Plan shall require the approval of the Planning Commission.
3. Street hierarchy. In order to determine which side is the front and which is the side on corner lots, a hierarchy of street types is used. The higher street type is considered the front for zoning purposes. This hierarchy may be used for other purposes as well. The street types in order from first level to third level are as follows:
 - a. Arterial.
 - b. Collector.
 - c. Local Road.

B. Street design standards.

1. Street areas. Streets consist of three areas: the travel way area, the parking area, and the pedestrian area. The elements that are included in each street area are described as follows (See Figure 34.2):
 - a. The vehicle travel way area consists of vehicle travel lanes, turning lanes, and medians (if provided).
 - b. The parking area consists of vehicle parking lanes, bike lanes, and potentially of public transit elements. Bicycle travel lanes, where provided, shall be clearly marked and located between the travel way area and the vehicle parking lane. While transit elements are not required, they can be accommodated in the parking area where transit is available in the Village area. Transit facilities would be accommodated by replacing some parking spaces with transit stops.
 - c. The pedestrian area consists of the area between the curb and the edge of the right-of-way or road easement, although the pedestrian area may extend into an easement on private property depending on the width of the right-of-way and the existing conditions. The pedestrian area is separated into three subareas (See Figure 34.3):

- i. The edge area is the space adjacent to and including the curb. The edge area is necessary to allow the doors of cars parked along the street to open and close freely and must remain clear of obstructions. The edge area also provides a place for snow to pile when plowed from the street. The minimum width of the edge area should be two and one-half feet to allow for this space. Along Local roads and Collectors, where a wider edge area is provided, it shall be landscaped and provide a tree lawn area.
- ii. The walkway/furnishings area accommodates amenities such as street trees, planters, and sidewalk furniture as well as the pedestrian walkway. Where there is no tree lawn, street trees shall be planted in planting strips or, if necessary, tree grates within the paved walkway/furnishings area.

This area also includes the pedestrian walkway, which is the basic sidewalk area where pedestrians walk. The walkway area must remain clear of obstructions to pedestrian travel. No permanent structures or uses are permitted in the designated walkway portion.

- iii. The frontage area is the portion of the walkway at the boundary between the right of way and private property. This is the area of the sidewalk that is closest to the building. The frontage area is intended to accommodate door openings and window shoppers. The frontage area may also be used for accessory uses associated with a use in a principal building.

Figure 34.2 – Street Areas

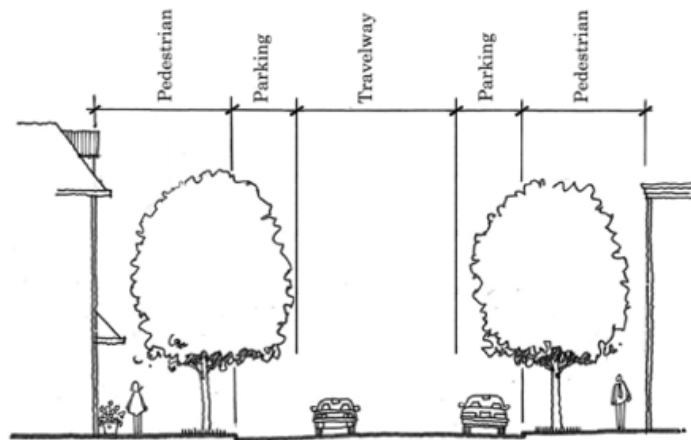
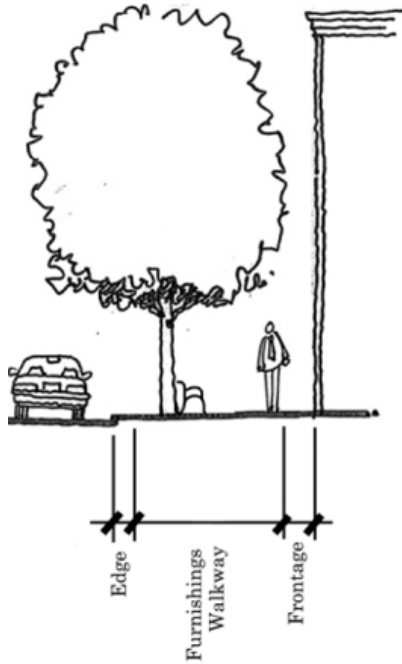


Figure 34.3 – Pedestrian Areas

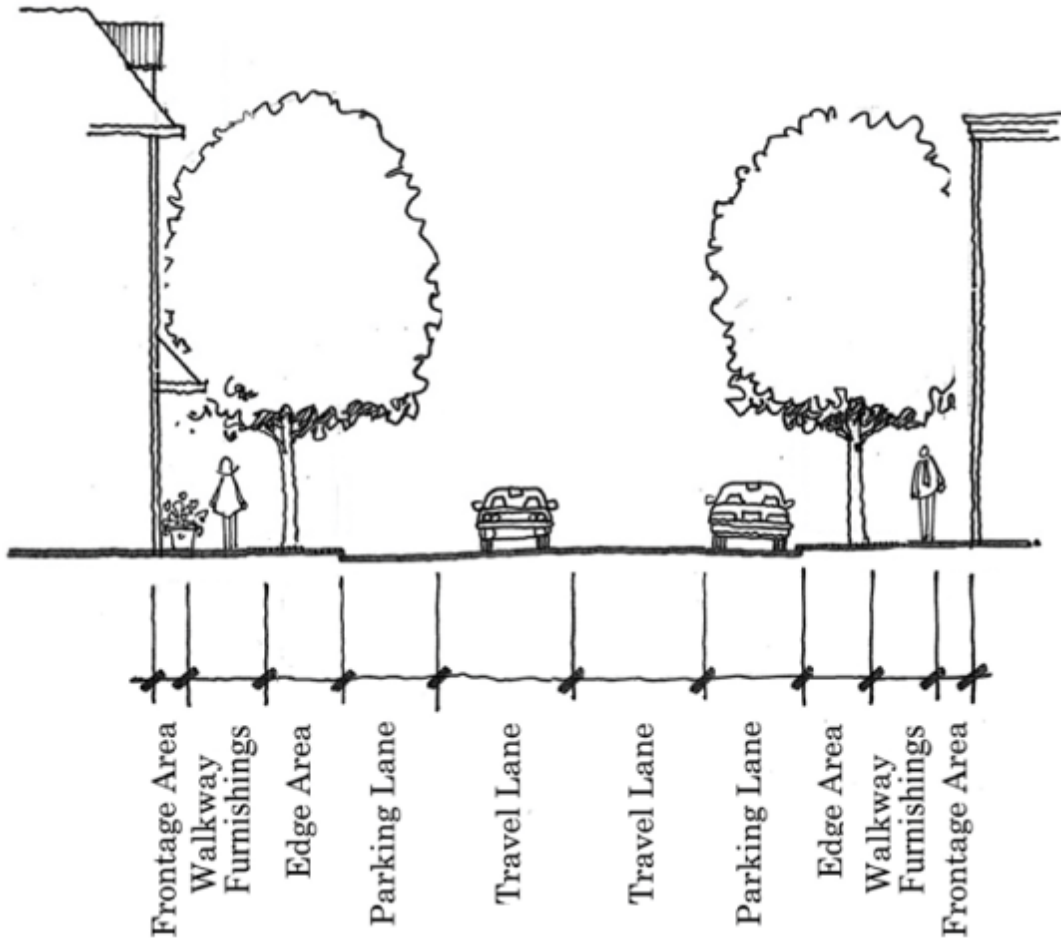


C. Street templates.

All streets shall conform to the following street design templates. The templates were created to provide standards to guide the design of road improvements within and along the public right-of-way and private easements. Where existing conditions or policies of other agencies conflict with these provisions, see Section 34.70.D.3.d.

1. Local Roads - See Figure 34.4
2. Collectors - See Figure 34.5
3. Arterials - See Figure 34.6

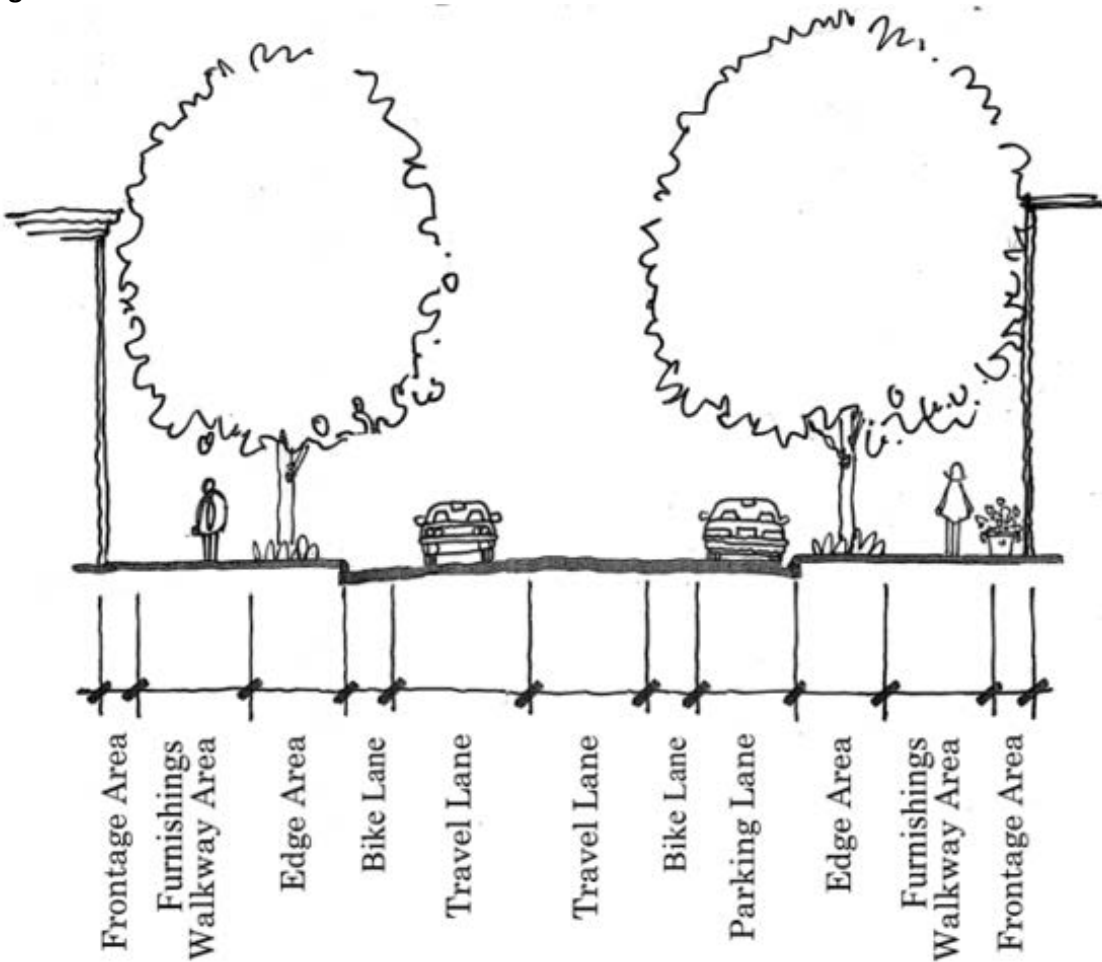
Figure 34.4 – Local Road



Right-of-way/Road Easement Width: 66 feet

Travel Area		Parking Area		Pedestrian Area	
Travel Lanes:	2	Parking Lane Width:	8'	Total Width:	14'
Travel Lane Width:	11'	Parking Lanes:	2	Edge Area Width:	5'
Center or Left Turn Lane ¹ :	As needed			Walkway/Furnishings Area Width:	7'
Median Width:	-			Frontage Area Width:	2'
Notes:					
Where a center or left turn is needed, a minimum of one parking lane shall be removed and the edge area shall be reduced to 3.5 feet in width on both sides.					

Figure 34.5 - Collector



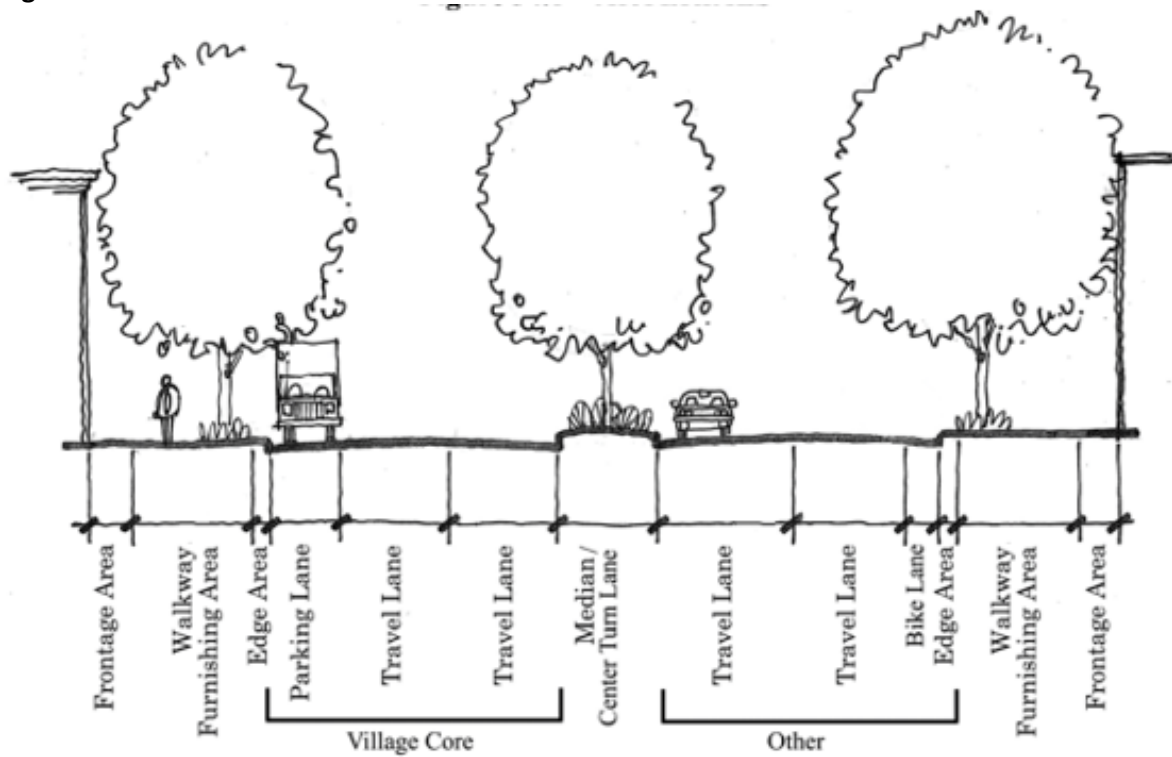
Right-of-way/Road Easement Width: 66 feet

Travel Area		Parking Area		Pedestrian Area	
Travel Lanes:	2	Parking Lane Width:	8'	Total Width:	14'
Travel Lane Width:	11'	Parking Lanes:	1	Edge Area Width:	5'
Center or Left Turn Lane ¹ :	As needed	Bike Lane Width:	4'	Walkway/Furnishings Area Width:	7'
Median Width:	-			Frontage Area Width:	2'

Notes:

1. Where a center or left turn is needed, a minimum of one parking lane shall be removed and the edge area shall be reduced to 3.5 feet in width on both sides.
2. The bike lane may be relocated to the pedestrian area to create a ten-foot non-motorized pathway if the Collector is located on an appropriate route, subject to Planning Commission approval.

Figure 34.6 - Arterials



Right-of-way/Road Easement Width: 100 feet

Travel Area		Parking Area		Pedestrian Area	
Travel Lanes:	5	Parking Lane Width:	8'	Total Width:	14.5' ⁴
Travel Lane Width:	11'	Parking Lanes:	2	Edge Area Width:	2.5' ⁴
Center or Left Turn Lane ¹ :	Yes	Bike Lane Width:	4'	Walkway/Furnishings Area Width:	10'
Median Width:	11'			Frontage Area Width:	2'

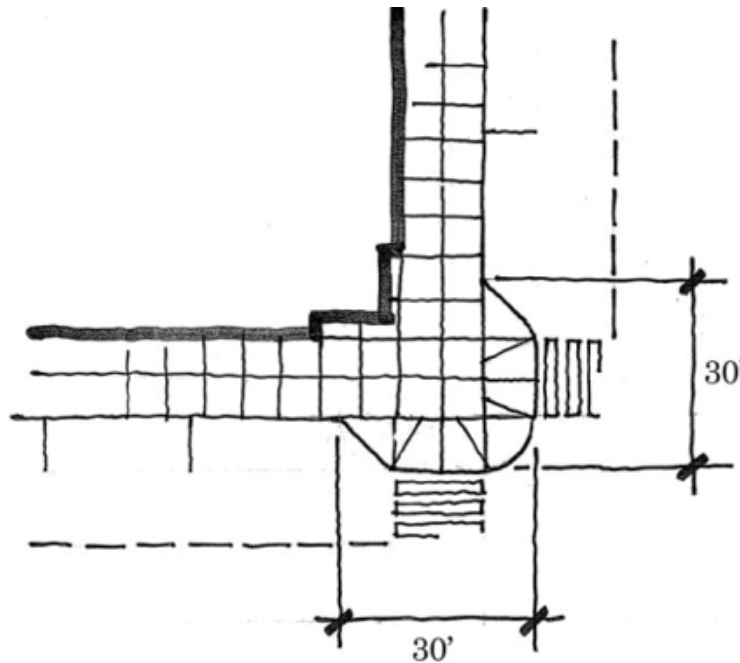
Notes:

1. Median islands are encouraged.
2. On-street parking may be provided along Arterials in the Village Core subject to Kalamazoo County Road Commission approval.
3. On-street bicycle lanes shall be required along arterials except in the Village Core. Non-motorized pathways may be constructed on one side of an arterial, except in the Village Core, for the purpose of connecting and extending existing trailways and developments. The pathway may be placed in the walkway/furnishings area and may extend into the frontage area if necessary, subject to Planning Commission approval. If provided, the bike lane shall be removed and the additional space applied to the pedestrian area.
4. These standards assume parking lanes are provided on both sides of the street and no bike lane is provided. If parking lanes are not permitted, the additional right-of-way shall be split between the Edge Area and Frontage Area similar to arterials outside the Village Core.

D. Other street design standards.

1. Sidewalk design. Sidewalks, access ramps, and driveway crossings shall be designed in accordance with the Township Sidewalk/Multi-Purpose Path Construction Standards, unless otherwise required in this Ordinance.
2. Outdoor eating areas. Outdoor eating areas shall be permitted immediately adjacent to permitted establishments serving food in either the frontage and/or furnishings/walkway areas. If located in the furnishings/walkway area, a minimum of five feet clear walkway must remain for pedestrians to pass. The furniture shall not be permanently attached to the ground and shall be stored out of sight when the outdoor seating area is not in season.
3. Adjustments to the street templates. The street templates may be adjusted to incorporate any of the following items, subject to Planning Commission approval or at the direction of the Planning Commission:
 - a. Corner bump-outs. Corner bump-outs may be provided at street corners in the Village Core only. Parking spaces shall be eliminated to provide the additional area necessary to accommodate a corner bump-out. A corner bump-out may have a maximum dimension of 30 feet, measured from the intersecting curb line (see figure 34.7).

Figure 34.7 – Corner Bump-Out Design

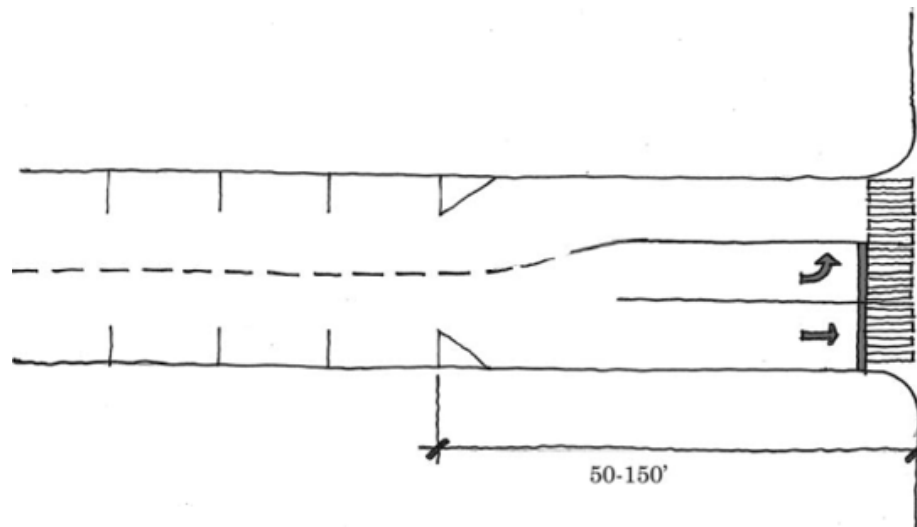


- b. Mid-block bump-outs. Mid-block bump-outs may be provided on blocks with a length greater than 500 feet to provide pedestrian crosswalks and/or additional landscaping area. Parking spaces shall be eliminated to provide the necessary area to accommodate a mid-block bump-out. A mid-block bump-out may have a minimum depth of ten feet

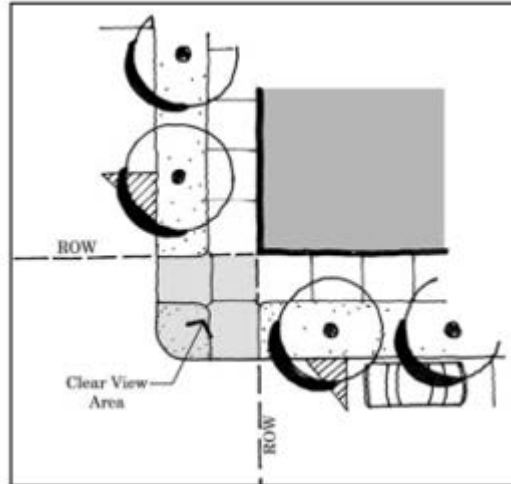
and a maximum length of 20 feet. If a mid-block bump-out is provided for pedestrian purposes, the crosswalk shall be clearly marked through the vehicle travel way area through the use of decorative paving or pavement markings and signs or other methods of advising vehicle drivers that pedestrians have the right-of-way.

- c. Left turn lanes. If a left turn lane is required by Kalamazoo County Road Commission standards or is otherwise proposed, the area necessary to accommodate the left turn lane shall be provided by eliminating a portion of the parking lane along one or both sides of the street. The parking lanes may be eliminated for only that space necessary to meet County design requirements (see figure 34.8). The exact portion of the parking lanes to be eliminated will depend upon the anticipated or existing traffic volumes on the street. A higher traffic volume will require a longer left-turn and bypass lane and the elimination of the parking lane.

Figure 34.8 – Left Turn Lane Design



- d. Other adjustments to the street templates. The Planning Commission may permit other adjustments to the Street Templates included in this Section 34.70.C if the applicant can provide evidence that the adjustment is warranted by specific site layout problems, by existing conditions not created by themselves, or if required by other governmental agencies such as the Kalamazoo County Road Commission. Such an adjustment shall only be approved if the requested adjustment will still achieve the goals of this Ordinance and will not negatively impact the utility of any of the three street types or the health, safety, and welfare of the users of the Street(s).
4. Design standards applicable to all streets.
 - a. Curb radius. Curb radius standards shall satisfy Kalamazoo County Road Commission minimum requirements as well as any additional standards established by Oshtemo Charter Township.



Clear vision area formed by the junction of two rights of ways.

- b. Clear vision area. A clear vision area shall be maintained at all intersections. Nothing shall be located to cause a hazard to vehicular or pedestrian traffic by depriving the pedestrian or driver of a clear and unobstructed view of approaching, intersecting, or merging traffic. The clear vision standards of the Kalamazoo County Road Commission shall also be satisfied where streets or drives intersect with public streets.
- c. Parallel parking stalls. Parallel parking stalls shall have a minimum length of 23 feet. Pavement markings shall be provided for the entire width of the parking stall to demark the location of parallel parking stalls.
- d. Sidewalks at driveway crossings. When a sidewalk crosses a vehicle driveway, the driveway shall retain the elevation of the sidewalk. The appearance of the sidewalk shall be maintained across the driveway to indicate that the area traversed by a vehicle remains a part of the pedestrian zone and that pedestrians have the right-of-way.
- e. Crosswalks. In the Village Core, pedestrian crosswalks shall be distinguished by decorative pavement (such as brick pavers or integrally colored scored concrete). In all other sub-districts, the pedestrian crosswalks shall be distinguished from the travel way and parking areas through the use of pavement striping, although decorative pavement may be used if desired.
- f. Pedestrian pass-throughs.
 - i. When parking is located behind buildings, one pedestrian pass-through may be proposed by the applicant or required by the Planning Commission for every 450 feet of frontage along a block face. Pedestrian pass-throughs are subject to Planning Commission approval if proposed by the applicant.
 - ii. Pedestrian pass-throughs shall have a minimum width of ten feet, be designed so they cannot be enclosed or locked, and shall be designed to be safe and visually interesting for pedestrians. Appropriate measures shall be taken to prevent vehicular access in this area. Security lighting sufficient to maintain a minimum light

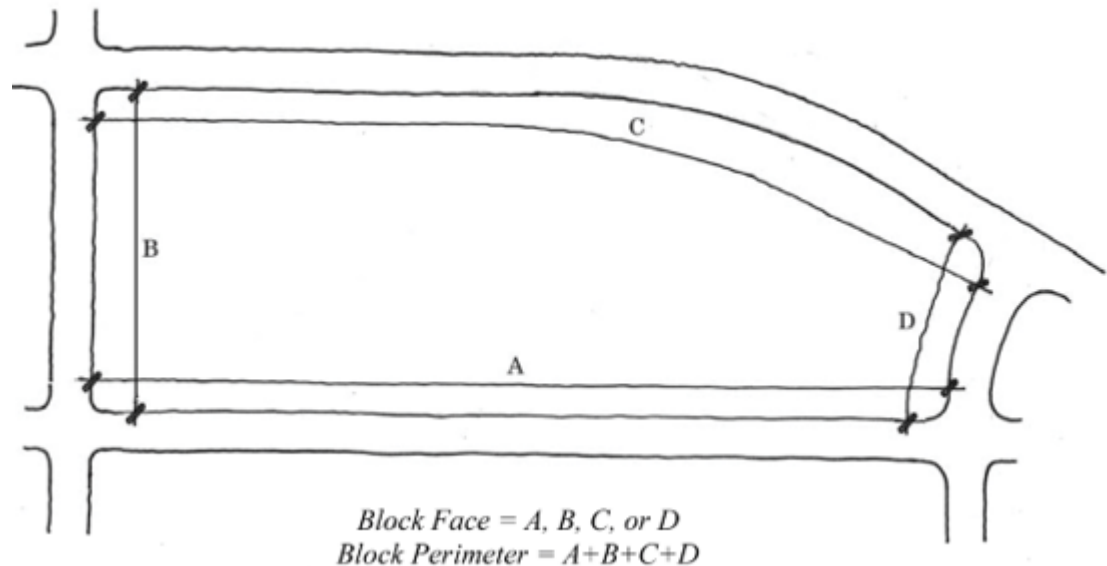
level of one foot-candle measured one foot above grade level shall be provided in pedestrian pass-throughs.

- iii. Where feasible, pedestrian pass-throughs shall coordinate with mid-block bump-outs and/or lot line boundaries.
 - g. Curbs. Vertical curbs with a minimum height of four inches are required along all streets. The curb is included in the edge subarea of the pedestrian area.
 - h. Medians. Where median islands are proposed on public rights-of-way, the median must satisfy the design and maintenance standards of the Kalamazoo County Road Commission.
5. Required streetscape improvements. The following streetscape improvements may be required to be provided with new development in the Village area as determined by the Planning Commission based on the size of the area being developed and the amount of street frontage unless otherwise provided through a public improvement program. Streetscape improvements shall be coordinated throughout the Village area through the development of a Streetscape Plan identifying allowable elements for use within the Village. They must also be located in a manner that maintains a minimum five-foot clear walkable area for pedestrians.
- a. Street lights must be provided at a pedestrian scale and in a coordinated fashion. They shall be located every 50 feet on center in the Village Core and Village Fringe and every 75 feet on center in the Corridor East and Corridor South. Streetlights shall be located in the edge area of the pedestrian area.
 - b. Trash receptacles must be provided at street corners with one additional trash receptacle provided in the furnishings area of the pedestrian zone along each side of the street every 300 feet for Arterials. Trash receptacles shall be provided at intersections for Collectors and Local Roads. Trash receptacles shall be located in the pedestrian area.
 - c. A minimum of one bicycle rack sufficient to accommodate four or more bicycles shall be provided every 400 feet for Arterials. Bicycle racks shall be located in the furnishings area of the pedestrian zone. Bicycle racks shall not be required in the Corridor South sub-district.
 - d. A minimum of one bench shall be provided for every 200 feet along an Arterial. Benches may be clustered instead of being provided at regular 200-foot intervals. In the Corridor South sub-district, the spacing shall be increased to one bench for every 500 feet. Benches should be located in the furnishings area of the pedestrian zone.
 - e. Street trees shall be provided in an organized and coordinated fashion throughout the Village area. They shall be located at least every 50 feet on center in the Village Core and Village Fringe and at least every 75 feet on center in the Corridor East and Corridor South. Street trees shall be located within a lawn area that either extends for the length of the block or connects every other street tree; tree grates may be used where a lawn area cannot be accommodated due to a lack of space. Street trees located along the

same street frontage shall be aligned in a consistent row along the street. All street trees must be maintained with a minimum clearance height of 15 feet to the first branch at maturity.

- f. Inter-development driveways. Major drive aisles and entry drives within and between significant developments and their parking facilities may be required by the Planning Commission to be treated similarly as public roadways in terms of streetscape. Similar street trees and light fixtures shall be located on those routes designated to carry traffic in, out, and between large development areas and parking lots in the Overlay District. This shall be included as part of the landscape plan.
6. Termination of streets. All streets shall terminate only at an intersection with another street, with the exception of temporary stub streets at property lines intended for future street connections. Refer to Section 34.90.B for modification criteria.
 7. Block length and block perimeter. The street network shall be laid out to define blocks according to the following standards (see figure 34.9). Refer to Section 34.90.B for modification criteria.
 - a. The distance of a block face shall be the length of the street creating the side of the block between two adjacent intersections. The distance shall not exceed 1,000 feet.
 - b. No block perimeter, measured along the block face at the right-of-way or private road easement, shall exceed 2,400 feet.

Figure 34.9 – Block Face and Block Perimeter



8. Street connectivity. Collectors and Local Roads shall extend to property lines so that they may be connected to streets on adjacent properties when those properties develop and

streets are constructed there. One stub street shall be provided for each 1,000 feet or fraction thereof along such property lines.

E. Driveways and access management.

1. Management. Where applicable, driveways and access points in the Village Overlay District shall satisfy the requirements of Article 51 of this Ordinance and the Township Access Management Plan.
2. Access to Arterials. Intersections with Arterials (9th Street and Stadium) should occur only as illustrated on the Regulating Plan. Only Collectors and Local Roads may intersect with Arterials. No permanent access points for individual properties shall be permitted along Arterials in the Village Core and Village Fringe sub-districts. (Existing nonconforming access points shall be permitted to remain until a rear access or shared driveway system is created.) The intersections shown on the Regulating Plan may be shifted to the north or south, or east or west; however, no additional intersections may be constructed than are shown on the Regulating Plan. The exact location of intersections with the Arterial road system is subject to Planning Commission approval.
3. Network of Collectors and Local Roads. In order to provide access to properties, a secondary street network must be developed to distribute traffic onto the various parcels that are located in the Village Overlay District from Stadium Drive and 9th Street. The Regulating Plan for the District illustrates the location of Arterials, which are the primary streets in the area. It also illustrates proposed locations for many new Collectors and Local Roads. These locations may be shifted and rearranged but must satisfy the street standards identified above and meet the approval of the Planning Commission.
4. Temporary access. If a parcel is proposed for development under the standards of the Village Form-Based Overlay District that does not yet have access to a shared parking facility or a secondary road access system, a provisional access point onto an Arterial may be permitted by the Planning Commission with the condition that the provisional access shall be closed at the sole expense of and by the landowner once the parcel has access to the Arterial through the use of a secondary road network.

If the Planning Commission approves a provisional access, the developer shall provide the Township with an adequate surety bond or other guarantee deemed acceptable to the Township in an amount sufficient to cover construction costs associated with the closing of the provisional road access. The Site Plan shall show the proposed layout of the site when the provisional access drive is removed.

34.80 GENERAL PROVISIONS

A. Reserve space.

All developments in the Village Overlay District of 20,000 square feet or more of nonresidential and/or mixed-use gross floor area or five or more residential dwelling units are required to provide outdoor reserve spaces. The following standards regulate the amount and type of reserve space that must be provided accompanying each type of development. The types of

reserve space that may be provided in the Village Overlay District are summarized on the following pages.

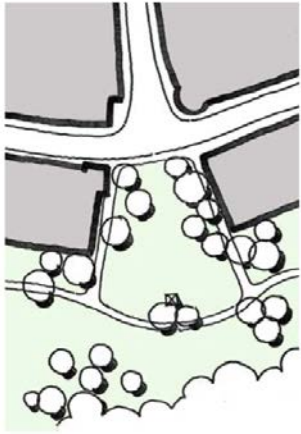
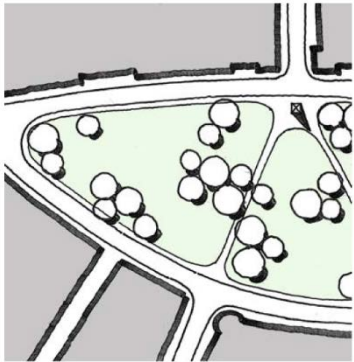
1. Minimum reserve space required. All developments in the Village Overlay District of 20,000 or more square feet of non-residential and/or mixed-use gross floor area or five or more residential dwelling units are required to provide outdoor reserve spaces. The reserve space requirements are based on building types. Each has a reserve space requirement, and each building has a specific range of reserve space types that can be provided to meet the reserve space requirement. Table 34.8 below establishes the amount of reserve space required in conjunction with each building type and the types of reserve space that can be provided to meet the minimum reserve space requirement for each type of building.

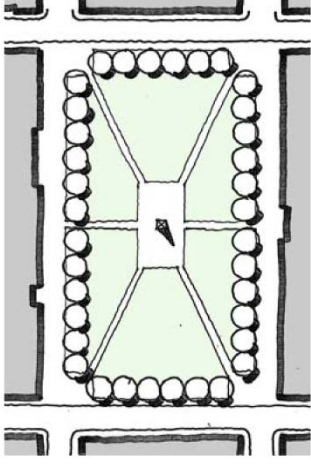
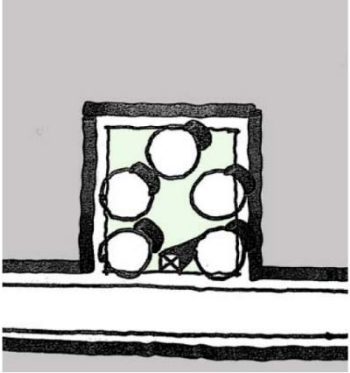
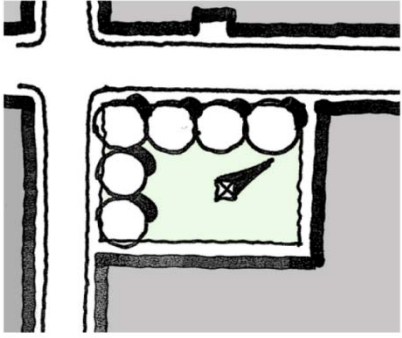
Table 34.8 – Reserve Space Requirements		
Building Type	Reserve Space Required ¹	Permitted Reserve Space Types
Storefront	5% of gross floor area of building(s)	Close, Corner Plaza ² , Green, Square, Front Plaza
Workplace	5% of gross floor area of building(s)	Close, Corner Plaza ² , Green, Square, Front Plaza
Courtyard Apartment	250 sq. ft. / dwelling unit	Green, Park, Playground
Stoop/Townhouse	250 sq. ft. / dwelling unit	Green, Park, Playground
Duplex, Triplex, Quadplex ³	10% of development area	Green, Park, Playground
Front Yard House ³	10% of development area	Green, Park, Playground
Notes:		
<ol style="list-style-type: none"> 1. The gross floor area of the building includes the area of upper floors. In a mixed-use building, any residential units on upper stories are included in the gross floor area for purposes of calculating required reserve space instead of requiring reserve space per residential dwelling unit. For example, four 1,500 square foot apartments located above retail in a storefront building would add 6,000 square feet to the gross floor area of the mixed-use building. If a 20,000 square feet storefront building is proposed, a minimum of 1,000 square feet (20,000 x 5% = 1,000 sq. ft.) of outdoor reserve space must be provided. 2. Corner plazas should be used sparingly as an accent reserve space and should not be the dominant form of reserve space in a development. 3. Reserve spaces in residential neighborhood settings shall be designed to limit impacts on adjacent neighbors and property owners. Active recreational areas shall provide sufficient buffers, setbacks, screening, and other measures deemed sufficient by the Planning Commission to control for potential impacts. 		

2. Location of reserve space. Reserve space shall be located proximate to the building type for which it is required. For instance, if a close is proposed to meet the reserve space requirement for a storefront building, the close should be fronted by storefront buildings.
3. Sharing of reserve space. A development in the Village Overlay District may count available reserve space on adjacent sites towards the reserve space requirement. If shared reserve space on another site is proposed to meet the reserve space requirement, the reserve space on the other site must have a blanket cross access and cross usage easement. Further, sufficient reserve space shall be located on the site under development and the existing site to meet the minimum aggregate requirement for reserve space between the two sites.
4. Storm water management facilities. Storm water management facilities in the Village Overlay District may be attractively designed as a site amenity. If designed as a site amenity

by a landscape architect or similarly certified professional with access granted to the public (or neighborhood residents as a minimum), then storm water management facilities may count towards a maximum of 50 percent of the minimum reserve space requirement.

5. Reserve space maintenance plan. The applicant shall submit a reserve space maintenance plan indicating how privately-owned reserve space will be maintained in an attractive and inviting condition and identifying the party or parties responsible for maintaining the reserve space.
6. Landscaping. Reserve spaces shall be landscaped in accordance with the requirements of this Section, the requirements in Section 34.60.H, and the requirements of Article 53 of this Zoning Ordinance.
7. Types of reserve space.

Types of Reserve Space		
Park.	<p>A reserve space usually created around an existing natural feature such as a river, corridor, lake, or forested area. It is the largest type of open space and is the most natural in character. A park does not have a minimum area; however, it must contain a natural feature of some kind, such as a woodlot, water channel or water feature, or wetland.</p>	
Green.	<p>A reserve space type that is spatially defined by adjacent rights-of-way, private road easements, or building facades. A green contains a grassy center that may have hard surfaced pedestrian pathways crossing the lawn area. The edges of the green are usually defined by formal tree plantings or landscaped planters that surround the grassy center. A green typically has a minimum area of one acre, and a minimum dimension of 150 feet.</p>	

Types of Reserve Space		
<p>Square.</p>	<p>A larger, central reserve space type defined by adjacent building facades, public road rights-of-way, or private road easements. It has a mix of pavement and formally designed landscaping. Monuments and artwork are commonly included in its design. A square is defined on at least one side by a street. A square typically has a minimum area of 15,000 square feet and a maximum area of one acre as well as a minimum dimension of 100 feet.</p>	
<p>Close.</p>	<p>A type of reserve space that is fronted by buildings on three sides and a street on the fourth side. The Planning Commission may approve a close as an internal courtyard surrounded primarily by buildings on all four sides with no street frontage, except perhaps an access point. A close is typically hard surfaced with landscaping mainly provided in islands and planters. Landscaping should be designed to provide a respite from the surrounding built environment. A typical close has a minimum area of 2,000 square feet and a maximum area of 15,000 square feet and has a minimum dimension of 50 feet.</p>	
<p>Corner Plaza.</p>	<p>A type of reserve space located at the corner of two streets. A corner plaza is created by shifting the build-to zone along one street back from the frontage line of the lot to create an open space area in between the building and the street. A corner plaza is fronted by buildings on two sides and by streets on two sides. A typical corner plaza has a minimum area of 1,000 square feet and a maximum area of 6,000 square feet as well as a minimum dimension of 30 feet. When a corner plaza is proposed, the build-to zone is shifted to the edge of a corner plaza.</p>	
<p>Playground.</p>	<p>A reserve space type that can be paved or landscaped and includes play equipment, recreational facilities such as tennis courts or basketball courts, and/or recreational fields, depending on the size of the playground. Typically, the area is found in primarily residential areas. However, active recreational areas shall be appropriately located and/or buffered to minimize potential impacts on adjacent neighbors. A playground shall have a minimum area of 5,000 square feet.</p>	

Types of Reserve Space	
Front Plaza.	A reserve space created in areas where buildings are built to or near the right of way line. The plaza is created when the building or a portion of the building is moved back no more than ten feet from the required build-to-line creating a front plaza area for gathering, eating, waiting on transit, or otherwise enjoying the outdoors. This must be public space, although portions of it can be reserved for outdoor dining purposes. As indicated, the depth shall be no more than 10 feet with a maximum area of 1,000 square feet. Landscaping should be provided as necessary to support the use and design of the space.

B. Parking

1. [Standards.] All developments proposed in the Village Overlay District shall satisfy the standards of Article 52 of the Township Zoning Ordinance unless otherwise provided here or elsewhere in this Section.
2. Minimum and Maximum Parking Required. Parking must be provided in accordance with the requirements of Article 52.
 - a. On-street parking shall be counted towards the minimum parking requirement.
 - b. Required parking shall be provided within 500 feet of the building or site that it serves.
3. Shared parking. Shared parking may be permitted per the requirements of Section 52.70.
4. Parking on other properties. Only parking spaces on properties that contain the required blanket cross-access and cross-parking easement agreement may be counted toward the required parking.
5. Parking setbacks.
 - a. Front street setbacks.
 - i. Off-street parking shall be located in the rear yard only in the Village Core.
 - ii. No more than one row of parking may be located to the side of the building in the Village Fringe provided it is setback at least ten feet behind the front face of the primary building and screened appropriately. The one row of vehicles shall be oriented to face the building.
 - iii. In the Corridor East sub-district, one row of parking may be permitted on the front street side of the building frontage. The one row of parking shall be perpendicular to the right-of-way and positioned to face the building. The drive aisle shall be a minimum of ten feet from the front street frontage line.
 - b. Side street setback. Same as for front streets.
 - c. Interior side yards. A five-foot minimum setback shall be provided with appropriate screening adjacent to an off-street parking facility in an interior side yard. The Planning

Commission may reduce this to zero feet where a connection is being provided between adjacent parking facilities or where adjacent uses are sharing a parking facility. If the latter, the facility must still provide sufficient interior parking lot landscaping as required by this Ordinance.

- d. Rear yard setback. Off-street parking lots shall be located a minimum of ten feet from the rear property line. The Planning Commission may reduce this to zero feet where a connection is being provided between adjacent parking facilities or where adjacent uses are sharing a parking facility. If the latter, the facility must still provide sufficient interior parking lot landscaping as required by this Ordinance.
 - e. [Subterranean parking.] Subterranean parking shall not extend beyond the building footprint.
6. Drive-throughs. In underlying districts where allowed, drive-through windows and drive-up facilities shall only be provided in the Village Overlay District as a Special Use in accordance with the following requirements:
- a. The drive-through window or drive-up facility shall be located in the rear of the building and may not be located within 40 feet of a road right-of-way, except for an alley. Vehicle stacking areas may not be located in between the drive-through window or drive-up facility and the street.
 - b. The drive-through window, drive-up facility, and vehicle stacking area shall be screened from view from the street by buildings, an opaque evergreen landscape screen between three and four feet in height above the surrounding grade, or a hardscape feature having a height of three to four feet above the surrounding grade such as a decorative screen wall or planter box.
 - c. A maximum of one drive-through window or drive-up facility for non-restaurant uses shall be permitted per use in the Village Core.

34.90 ADMINISTRATION

- A. Application and approval procedures.
 1. Approval process. Any proposed development in the Village Overlay District shall require prior approval pursuant to Township ordinances.
 2. Site Plan approval. All applications in the Village Overlay District shall be reviewed by the Planning Commission unless administrative review is allowed under the ordinance. Site Plan approval shall follow the procedures and be required in accordance with the requirements of Article 64 and Article 34 of this Ordinance. Site Plans must contain all of the information listed in Article 64 as well as in Article 34, as applicable, unless otherwise required for the particular type of application.
 3. Site condominium and subdivision development. Any proposed site condominium or subdivision in the Village Overlay District shall be reviewed following the procedures

contained in the Township site condominium or subdivision control ordinance with the exception that any design requirement contained in the Village Overlay District shall take precedence over any similar design requirement contained in the condominium or subdivision control ordinance.

- B. Modifications. The requirements of this Article 34 are comprehensive in scope and detailed in nature. The regulations have been designed to establish specific design criteria for the Village Overlay District, while still allowing for flexibility in site layout and design, architecture, and landscaping. However, unique site conditions or other factors may justify modifications from the development standards of the Village Overlay District standards. It is the intent of this Section 34.90.B to establish a procedure by which the Planning Commission may modify certain development standards of this Article 34. Relief from any standard or provision of this ordinance not specifically identified as a modifiable standard shall require a variance from the Zoning Board of Appeals following the procedures of Article 69.
1. Modification procedure. The Planning Commission shall be the approving body for any requested modification to the modifiable standards of this Article 34. In reviewing a requested modification, the Planning Commission shall consider all of the following:
 - a. The proposed development will still meet the purpose and intent of the Village Overlay District as identified in Section 34.10.A if the requested modification is approved.
 - b. The applicant shall submit evidence demonstrating that compliance with the strict standards of the Village Overlay District makes development impractical on the site, and that the modification is reasonably necessary to develop in accordance with the standards of this Article 34.
 - c. The applicant shall demonstrate that the requested modification is the smallest modification necessary.
 - d. The modification will permit innovative design.
 2. Modifiable standards. Unless otherwise referenced in this Article 34, only the standards and regulations specifically identified below may be modified. If the reference refers to a subsection, only the identified standards of that subsection may be modified. If the reference refers to an entire section, any standard in the section may be modified.
 - a. Termination of streets. See Section 34.70.D.6.
 - b. The block length and block perimeter standards may be modified to permit larger or smaller block perimeters. See Section 34.70.D.7.
 - c. The build-to zone and the building frontage requirements of the development standards. In general, only small modifications to build-to zone or building frontage standards should be approved. See Sections 34.40.A., 34.50.A., 34.50.B., 34.50.C., 34.50.D., and 34.50.E.
 - d. Architectural standards. See Section 34.60.

3. Modification due to adjacent development. The Planning Commission may consider modifications to the development standards of this Overlay District so that the proposed development will better fit with adjacent development. When considering the modification, the Planning Commission shall consider the following:
 - a. The anticipated lifespan of the adjacent development,
 - b. Whether the development with the proposed modification is of equal or better quality than without the modification, and
 - c. Whether the modification will limit the ability of the Township to achieve the goals of the Overlay District.
- C. Nonconforming uses and structures. This section establishes regulations for nonconforming uses and nonconforming structures. This section is intended to allow nonconforming uses and structures to continue to the extent consistent with the health, safety and public welfare purposes of this Ordinance. However, the ultimate goal is to bring such nonconforming uses and structures into compliance with the Ordinance.
 1. Nonconforming uses. Nonconforming uses in the Village Overlay District shall be subject to the regulations contained in Article 63 of this Zoning Ordinance.
 2. Nonconforming lots. Lots which are nonconforming as to width or area may be adjusted or subdivided provided the resulting reconfiguration brings the nonconforming lot (and resulting lot(s) if applicable) into, or closer to, conformity with the requirements of this Ordinance.
 3. Nonconforming buildings or structures. Buildings or other structures that are nonconforming as to placement, frontage, height, design, or other zoning regulations contained in these Overlay standards or elsewhere in this Ordinance may be repaired, replaced, or added to, only to the extent permitted by this section:
 - a. Additions. A nonconforming building or other structure may be added to, provided that the portion of the building or other structure comprising such addition complies with all requirements of this Article 34.
 - b. Restoration of building or other structure. If a nonconforming building or structure is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy, structural alterations, or other repairs for purposes of reconstruction may be carried out so long as the cost of repair or reconstruction does not exceed 50 percent of the total replacement cost of the building or structure unless it results in conformity with these standards. Single-family homes within the Village Core sub-district may be rebuilt subject to the criteria of Section 34.50.F insofar as possible.
 - c. Other repair. Repair and maintenance of nonconforming buildings or other structures, other than structural alterations and other repairs required for restoration of damaged or partially destroyed buildings, may be carried out provided that no structural

alterations or design modifications may be carried out unless those structural alterations are determined by the building official to be required for protection of the public health, safety, and welfare.

- d. Demolition and construction/reconstruction. Notwithstanding any provisions of the above-listed standards, in any instance where a person proposes to, or commences to, alter, expand, or add to an existing nonconforming building or structure and nonconforming portions of the nonconforming building or structure are demolished in the course of such alterations, expansions, or additions, all nonconforming portions of the building or structure so demolished shall be reconstructed in compliance with all requirements of Article 34. This requirement shall apply regardless of whether such demolition is determined by the building official to be necessary to comply with the Building Code or required for the protection of the public health and safety.
- e. Remodeling and aesthetic improvements. Improvements to a nonconforming building or structure resulting in modifications to design, architectural, aesthetic, or similar site elements referenced in this Article 34 shall be made in compliance with all requirements of Article 34, to the extent practicable considering the nonconforming status of the structure. Where the remodeling or alteration involves significant interior alterations (the annual cost exceeds 50 percent of the value of the structure), the structure shall be brought into conformance with the standards of Article 34.

ARTICLE 35
9TH STREET AND WEST MAIN OVERLAY ZONE

35.10 STATEMENT OF PURPOSE

This Overlay Zone is designed to allow for commercial and residential development along the West Main Street corridor within the West Main Street Sub-Area and the 9th Street corridor within the 9th Street Sub-Area. This Overlay Zone is in keeping with the goals, objectives and standards of the 9th Street Sub-Area Plan and the West Main Street Sub-Area Plan. To that end, specific standards have been established to ensure the following objectives are achieved:

A. 9th Street Corridor.

1. Recognize its location along a significant rural corridor in the Township and shall ensure future development presents the appropriate character for the Township.
2. Maintain the efficiency of the existing transportation system and provide a safe and efficient local transportation network within new development along with other necessary infrastructure and utility improvements.
3. Provide for a high quality of life for residents in and around the Sub-Area, including the protection of existing natural features.
4. The majority of the 9th Street and KL Avenue frontage has been designated as 9th Street Commercial. This designation reflects a low intensity commercial and non-residential vision along 9th Street that complements the rural nature of the Township as a whole.
5. Areas designated Transitional Residential will allow for residential development primarily through PUD or cluster development processes in order to allow for innovative neighborhoods while protecting existing natural resources and open space areas. Where the development is adjacent to the 9th Street Commercial designation, medium density residential uses such as condominiums, senior housing, and two-family to four-family units would be appropriate.

B. Main Street Corridor.

1. Reflect the rural character of the Township and be respectful of surrounding development.
2. Limit access to West Main Street and provide interconnections with adjacent development to establish a safe and efficient local transportation network.
3. Occur in a manner that enhances the existing quality of life of all those who live, work, and play in Oshtemo.
4. Reflect the low intensity commercial and non-residential vision along West Main Street that would complement the rural nature of the Township.

5. Transitional Residential areas will serve as buffers between the traffic and non-residential uses along West Main Street and the adjacent neighborhoods and residential uses.
6. Because of the infrastructure and surrounding development, this is an appropriate location for residential development as an extension of existing neighborhoods to the east and west. However, as development occurs along the corridor, the surrounding neighborhoods should be appropriately protected.

35.20 OPTIONAL OVERLAY

The 9th Street and West Main Street Overlay Districts are established as Optional Overlay Zones. This means that they are overlaid on other, existing zoning districts. Within these Optional Overlay districts, property owners have the option to continue to use their property in the manner permitted in the underlying districts. The Overlay provides additional opportunities and flexibility should property owners choose to avail themselves of those choices. These opportunities within the Overlay district, however, do not apply unless the property owner elects to become subject to the Overlay District and the standards and procedures contained herein.

35.30 PERMITTED USES.

A. 9th Street Residential

The following uses may be located within the 9th Street Residential Section of the Overlay District:

1. All uses permitted in the "R-2" Residence District Sections 7.20 and 7.30.
2. Single-family dwellings developed in accordance with Article 44 Open Space Preservation Residential Development.
3. Alternative housing types such as two-family attached and four-family attached may be allowed within 300 feet of the 9th Street Commercial section, provided they are determined to be in keeping with the goals and intent of the 9th Street Sub-Area Plan's transitional residential designation and comply with the requirements of Article 9 and 50
4. Family day care home.
5. Accessory buildings and uses customarily incidental to the foregoing.

B. 9th Street Commercial

The following uses may be located within the 9th Street Commercial Section of the Overlay District:

1. 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.

2. Laundromats and dry-cleaning establishments, excluding those establishments providing cleaning services for other laundromats and dry-cleaning establishments.
3. Banks, credit unions, savings and loan offices and similar financial institutions.
4. Offices, including medical and dental offices.
5. Restaurants without drive-throughs.
6. Essential services.
7. Accessory buildings and uses customarily incidental to the foregoing.
8. Houses of worship.
9. Proprietary schools and colleges.
10. Temporary outdoor events subject to the conditions of Section 48.100.

C. West Main Street Residential

The following uses may be located within the West Main Street Residential section of the Overlay District:

1. All uses permitted in the "R-2" Residence District Sections 7.20 through 7.40.
2. Single-family dwellings developed in accordance with Article 44 Open Space Preservation Residential Development.
3. Alternative housing types such as two-family attached and four-family attached may be allowed within 300 feet of the Main Street Commercial section, provided they are determined to be in keeping with the goals and intent of the Main Street Sub-Area Plan's transitional residential designation.
4. Family day care home.
5. Accessory buildings and uses customarily incidental to the foregoing.

D. West Main Street Commercial

The following uses may be located within the West Main Street Commercial section of the Overlay District:

1. 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.
2. Banks, credit unions, savings and loan offices and similar financial institutions.

3. Offices, including medical and dental offices.
4. Laundromats and dry-cleaning establishments, excluding those establishments providing cleaning services for other laundromats and dry-cleaning establishments.
5. Restaurants without drive-throughs.
6. Essential services.
7. Accessory buildings and uses customarily incidental to the foregoing.
8. Houses of worship.
9. Proprietary schools and colleges.
10. Temporary outdoor events subject to the conditions of Section 48.100.

35.40 SPECIAL USES

A. Residential

The following uses may be located within the 9th Street Residential and the West Main Street Residential section of the Overlay District subject to Special Use approval:

1. Group day care home.
2. Residential planned unit development subject to Article 41.
3. Golf courses, parks, and outdoor recreational areas.
4. Buildings and regulator stations for essential services.
5. Public and private schools.

B. Commercial

The following uses may be located within the 9th Street Commercial and the West Main Street Commercial section of the Overlay District subject to Special Use approval:

1. Brewpub.
2. Buildings and regulator stations for essential services.
3. Child care centers.
4. Commercial planned unit developments subject to Article 41.

5. Craft food and beverage production facility.
6. Crematories.
7. Drive-in service window or drive-through service for businesses, not to include restaurants.
8. Funeral homes.
9. Golf courses, parks, and outdoor recreational areas.
10. Group day care home.
11. Hotels, motels.
12. Indoor theaters.
13. Microbrewery.
14. Nursing, convalescent, handicapped, assisted living, or senior citizens' homes.
15. Private clubs.
16. Public and private schools.
17. Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
18. Temporary outdoor events.
19. Veterinary clinics.
20. Wine Tasting Room.
21. Temporary outdoor event (lasting more than one day)

35.50 DEVELOPMENT STANDARDS

A. General Requirements

1. Unifying Elements

The following unifying elements should be a part of every development within the 9th Street Sub-Area and West Main Street Sub-Area:

- a. Existing natural features, such as wetlands, woodlands, landmark trees, and scenic vistas, should be preserved and incorporated into the development or redevelopment.
- b. To screen uses from the roadway, undulating landforms and a combination of trees, shrubs, perennials and grasses should be used instead of rigid berms and rows of evergreen trees.
- c. Where feasible, the required bicycle paths along 9th Street and West Main Street should meander and undulate through the landscape and not proceed in a straight line parallel to the road. Lower level bike path lighting is allowed.
- d. Building setbacks and landscape buffers should be designed as naturalized green spaces, incorporating sustainable storm water management features and creative use of vegetation.



Naturalized landscaping is a key unifying element.

- e. At least 60 percent of the landscape proposed should be composed of materials that are native (For a listing of species native to Lower Michigan, see MICHIGAN FLORA ONLINE at www.michiganflora.net) and hardy in both rural and suburban settings, inspire rural images and vistas, maintain a healthy condition in a street side environment and provide visual interest to highlight the rural indigenous character of the Township.



Example of meandering bicycle trail.

- 2. Low Impact Development (LID) best management practices shall be used in the development of any site or development within the Overlay District. The design of stormwater management systems shall respond to the natural drainage patterns of the area and be in coordination with the groundwater protection standards of Section 56.10 and the groundwater protection policies set forth in the Master Plan.
- 3. All development shall be designed to incorporate and/or promote the preservation of the site's natural features and unique physical characteristics. A natural features preservation plan shall be submitted. This shall include an inventory of existing conditions. Green space enhancement plans for land area along public roads abutting the commercial development shall also be provided.

B. Setbacks and side line spacing

Buildings within the Main Street Overlay District shall be set back a minimum of 140 feet and buildings within the 9th Street Overlay Districts shall be set back a minimum of 100 feet from the centerline of the road right-of-way. Side line spacing shall comply with the standards of Section 50.60 Additional setback, open space, or buffer yard area may be required along

adjacent water bodies, streams, or drains to limit the impact of the proposed development on the health and/or function of the stream or drain.

C. Site circulation

Developments within the 9th Street and West Main Overlay Zone shall comply with the Access Management Guidelines in Article 51 of this Ordinance as well as the Access Management Plan through the development of an interior street network, inter connections, and shared access drives and parking lots.

Direct access from 9th Street or West Main Street to individual properties within the Overlay Zone shall be provided only in compliance with the 9th Street Sub-Area Plan or the West Main Street Sub-Area Plan.

Where adjacent properties have not yet developed and/or extensions of the interior street system abutting the site has not yet been constructed, provision for the following design elements is appropriate:

1. site design that accommodates the interior street system in the future
2. temporary direct access provided in compliance with Article 51.
3. closure of the temporary access at the time the property can reasonably be served by the interior street system

All two-way interior streets within the Overlay Zone shall have a paved driving surface with a minimum width of 24 feet, exclusive of parking area.

All one-way interior streets within the Overlay Zone shall have a paved driving surface with a minimum width of 15 feet, exclusive of parking area.

Interior street systems shall comply with the access management guidelines set forth in the Access Management Plan and Article 51.

D. Building requirements

The following specific conditions regarding building and site design shall be incorporated into the design standards and/or the development plan:

1. Buildings shall be oriented in consideration of the interior street system and existing natural features on the site.
2. There shall be a minimum building setback of 15 feet from an interior street and ten feet from a parking area.
3. The footprint of a single-story building shall not exceed 25,000 square feet of floor area; a multi-story building shall not exceed 35,000 square feet of gross floor area. This shall not include basement or other below ground development.

4. For developments with multiple buildings and/or multiple sites, the developer must create architectural and design standards for buildings and sites prior to the division of land within the 9th Street Sub-Area or West Main Street Sub-Area. The architectural and design standards must be submitted to the Planning Commission for review and approval prior to development. Building and site designs within the development area shall be reviewed and approved by the Planning Commission based upon said standards.
5. The design and siting of buildings and other improvements shall follow the contours of the area and respect existing natural features.
6. The design of buildings and exterior improvements on each individual site shall be complementary and compatible with the rural character of the 9th Street Sub-Area or West Main Street Sub-Area to create a unified development image that is consistent with this area of the Township.
7. The placement of sculptures, fountains, and similar yard area improvements is and will not be subject to setback requirements.

E. Parking

Parking shall be developed in compliance with the provisions of Article 52 Off-street Parking of Motor Vehicles. Required off-street parking shall be designed in recognition of the area's topography and natural features.

No more than one double-loaded row of parking may be located in front of a building facing Main Street or 9th Street.

Parking layouts shall be designed to accommodate cross-access arrangements and facilitate pedestrian travel. Cross-parking arrangements are encouraged.

F. Pedestrian pathways

Non-motorized vehicular/pedestrian travel routes shall be incorporated into site designs and located to allow for extension of and/or connection with similar travel routes on adjacent properties consistent with the Township's Non-motorized Plan and constructed in accordance with the Township's adopted engineering standards.

Interior streets shall be designed with sidewalks to provide pedestrian access to buildings and throughout the development area.

G. Landscaping

Development or redevelopment in the 9th Street Sub-Area or West Main Street Sub-Area shall comply with the provisions of Section 53.100 including 53.110 Incentives for restoring pre-settlement vegetation and are encouraged to include the following rural design elements.



An example of large masses of perennials and grasses.

1. Large masses of native or naturalized perennials and grasses should be utilized in the landscape area along West Main Street. Plantings should be informal, have a natural appearance and require minimal maintenance. (For a listing of species native to Lower Michigan, see MICHIGAN FLORA ONLINE at www.michiganflora.net).

2. Irrigation should be used only where needed due to the type of plants used.

3. Open areas, including those in or near the right-of-way, should be left in a natural state, rather than converted to lawn.

4. Trees should be clustered and planted at random intervals. They should be left in naturalized beds with naturalized undergrowth whenever possible.

5. Existing native vegetation should be maintained along the 9th Street and West Main Street road frontage.



Joe-Pye Weed is an example of native vegetation.

6. Land forms should be smooth, natural, undulating forms with the bike path meandering over, down, around and through the land forms.

7. Development within the Overlay Districts shall also comply with any screening requirements within the Zoning Ordinance unless otherwise modified by the Planning Commission.

H. Site lighting

Exterior site lighting shall be designed in compliance with the lighting objectives and standards set forth in Section 54.10 and in coordination with other land uses within the immediate 9th Street Sub-Area or West Main Street Sub-Area.

I. Water, sewer and utilities

Public water and sanitary sewer shall be provided as part of the site development.

All utilities, including telephone, electric and cable television, shall be placed underground.

Development on the site shall comply with the storm water management standards of Section 56.20.A of this Ordinance. The design of storm water management systems shall respond to the natural drainage patterns of the area and be designed in coordination with the groundwater protection standards of Article 56, the groundwater protection policies set forth in the Master Plan, and the 9th Street Sub-Area Plan or the West Main Street Sub-Area Plan, whichever is applicable.

J. Natural features and open space

The site shall be designed to incorporate and/or promote the preservation of natural features and unique physical character. A natural features preservation plan shall be submitted for review/approval. The natural features preservation plan shall identify all regulated natural features and generally identify other existing natural features to be preserved and to be removed or altered. Greenspace enhancement plans for land area along public roads abutting the site shall also be required.

Not less than five percent of the site shall be designated as open space and subject to the following standards:

1. Any significant/sensitive non-regulated environmental resources (e.g., steep slopes, wetlands, woodlands, etc.) shall be included within the designated open space.
2. Designated open space on individual sites shall be arranged so as to form an interconnected open space network across the 9th Street Sub-Area or West Main Street Sub-Area.
3. Designated open space shall be retained in an essentially undeveloped or unimproved state to serve the following purposes:
 - a. conservation of land and its resources
 - b. ecological protection
 - c. protect historic and/or scenic features
 - d. shaping and guiding development within the 9th Street Sub-Area or West Main Street Sub-Area
 - e. enhancement of values and safety.
4. Structures or buildings which are accessory to the designated open space may be erected in accord with the approved Site Plan. These accessory structures or buildings shall not exceed, in the aggregate, one percent of the designated open space.
5. Designated open space shall be set aside through an irrevocable conveyance approved by the Planning Commission, such as:
 - a. recorded deed restrictions

- b. covenants that run perpetually with the land
 - c. a conservation easement
 - d. land trusts.
6. Such conveyances shall assure that the open space is protected from development, except as approved by the Planning Commission. Such conveyance shall also:
- a. indicate the proposed allowable use(s) of the designated open space;
 - b. require that the designated open space be maintained by parties who have an ownership interest in the open space;
 - c. provide standards in accordance with best management practices for scheduled maintenance of the open space;
 - d. provide for said maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained or is determined by the Township to be a public nuisance, with the assessment of costs upon the open space owner.

K. Signage

All signage shall comply with Article 55 of the Zoning Ordinance.

35.60 DIMENSIONAL DEVIATION

To encourage flexibility and creativity consistent with the objectives of the 9th Street Sub-Area Plan and the West Main Street Sub-Area Plan, the Planning Commission may grant specific deviations from the dimensional requirements set forth in this Article. Any dimensional deviation shall be approved through a finding by the Planning Commission that the deviation meets the purpose of the 9th Street Sub-Area Plan, the West Main Street Sub-Area Plan and this Overlay Zone. Such a dimensional deviation is not subject to variance approval by the Zoning Board of Appeals.

The minimum parcel, lot or building site area, frontage, and width shall not be reduced more than ten percent below that required by Section 50.10.A.

35.70 REVIEW CRITERIA

In considering an application for development within the Overlay Zone, the Planning Commission shall make its determination on the basis of the goals and objectives of the 9th Street Sub-Area Plan, the West Main Street Sub-Area Plan, the Special Use criteria set forth in Section 65.30, the Site Plan Review Criteria set forth in Section 64.80, as well as the following standards and criteria:

- A. The overall design shall be consistent with the goals and objectives of the 9th Street Sub-Area Plan, the West Main Street Sub-Area Plan and the specific design standards set forth herein.

- B. The proposed use shall be serviced by the necessary public facilities to ensure the public health, safety and general welfare of the users of the facility and the residents of the surrounding area.
- C. The proposed use shall be designed to minimize the impact of traffic generated by the development on the surrounding land uses and road network.
- D. The proposed use shall be designed so as to be in character with surrounding conditions as they relate to bulk and location of structures, pedestrian and vehicular circulation, landscaping and amenities.
- E. The proposed development shall be designed and constructed so as to protect the integrity of the existing on- and off-site sensitive and natural environments, including wetlands, woodlands, hillsides, water bodies and groundwater resources.
- F. The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, and/or visual impact.

ARTICLE 36
HISTORICAL OVERLAY ZONE

36.10 PURPOSE

The purpose of this Zone is to promote the preservation and rehabilitation of historical places in the Township by protecting those places against destruction or encroachment upon structures, monuments, or other features which contribute or will contribute to the cultural, social, architectural, and historical heritage of the Township.

It is recognized that changes that occur to one property can impact the property next door, the block, and even an entire neighborhood. The establishment of this Historical Overlay Zone will help the Township manage how change occurs both in the Zone itself and within surrounding properties in order to ensure that as much of the original character of the historical place remains intact.

The preservation of these places helps to safeguard the Township's heritage, stabilize and improve property values, foster civic beauty and promote history.

36.20 PERMITTED USES

- A. Any permitted use in the underlying zoning.
- B. Any use significant to the historical purpose or characteristics of the property.

36.30 SPECIAL USES

Any permitted use in the underlying zoning.

36.40 ESTABLISHMENT

The Historical Overlay Zone shall be established in a manner which buffers any historic feature to a distance of 100 feet. In no event shall an Historical Overlay Zone extend beyond the property boundary containing the historic feature.

ARTICLE 37
NEIGHBORHOOD OVERLAY ZONE

37.10 PURPOSE

This district is intended to accommodate neighborhood related businesses and services reserved for and designed to meet the frequent shopping needs of the area and/or provide services in a manner convenient to adjacent residential areas. These regulations are specifically intended to provide standards of use and design that ensure compatibility of size and appearance with adjacent land use and nearby residential neighborhoods, as well as a sensitivity to the environment of the site

37.20 PERMITTED USES

None

37.30 SPECIAL USES

- A. Retail uses such as convenience grocery, lawn/garden, small appliance sales and repairs, and similar uses.
- B. Service establishments, such as barber/beauty salon, dry clean drop-off/pick-up station, video store, tailor, shoe repair, and similar uses.
- C. Pharmacy.
- D. Limited banking service.
- E. Gasoline sales.
- F. Restaurants, coffee shop, bakery, ice cream parlor and similar uses.
- G. Pet care facilities, including pet shops.
- H. Child or Adult day care centers.
- I. Studios, including art, dance, music and photography.
- J. Other uses which determined by the Planning Commission to be similar to those uses listed above.

37.40 DEVELOPMENT STANDARDS

- A. Each overlay district shall not be greater than two contiguous acres.
- B. Coverage. The total improved area of each development site shall not occupy more than 50% of the parcel, lot or building site area.

- C. Architecture. Building architecture shall have a residential appearance compatible with the residential character of the Township including, but not limited to, roof line, exterior materials, and building height, orientation and facade. Elevation drawings shall be submitted with the Site Plan materials for the reviewing body to consider during the Special Exception Use approval process.
- D. Building setbacks. Front setbacks shall satisfy the provisions of Section 50.60.A; side and rear setbacks shall satisfy the provisions of Section 50.60.B and C.
- E. Landscaping. A Type C green space shall be established along all property lines, consistent with Section 53.50. A Type F green space shall be established along property lines abutting any property used as a residence. Internal parking lot landscaping shall be provided consistent with Section 53.70. Pursuant to Section 53.140, deviation from the green space requirements may be granted by the reviewing body.
- F. Parking. Where feasible and appropriate, the Planning Commission may require the parking layout to be designed to allow for cross-access and cross-parking with adjacent properties.
- G. Unimproved areas shall be designed to achieve the following:
 - 1. screen undesirable views
 - 2. complement building form
 - 3. mitigate impacts from lighting and noise
- H. Signs. In addition to the provisions of Article 55, with the exception of Sections 55.70 – 55.90, the following signs are permitted:
 - 1. One (1) ground mounted sign up to 30 square feet in area and eight feet in height;
 - 2. One of the following wall signs are permitted:
 - a. One (1) wall sign or marquee per building not to exceed 50 square feet in total sign area; OR,
 - b. One (1) canvas awning/canopy sign per building, not to exceed 32 square feet in total sign area; OR
 - c. In the event that the building has multiple commercial establishments, each commercial establishment's space will be permitted one sign with a sign area equal to one square foot for each lineal foot of tenant space width not to exceed a sign length of more than two-thirds the subject tenant space width and a sign area of 20 square feet. Tenant signs may be awning/canopy sign.

ARTICLES 38-40
RESERVED

ARTICLE 41
PLANNED UNIT DEVELOPMENT

41.10 PURPOSE

The purpose of this Article is to permit greater flexibility and more creative and imaginative design through the use of planned unit development legislation, as authorized by Section 16(c) of the Michigan Zoning Enabling Act (Public Act 12 of 2008, as amended) for the purpose of:

- A. Promoting a more economical and efficient use of the land;
- B. Promoting land use that is consistent with the goals and objectives of the Township Master Plan;
- C. Implementing the Sub-Area Plans contained in the Township Master Plan;
- D. Promote a mix of integrated and compatible land uses to encourage walkability;
- E. Providing for a harmonious variety of housing choices with the integration of community facilities, recreational opportunities and allow for commercial facilities and;
- F. Facilitating the provision of safe and efficient streets and site access in conformance with access management objectives;
- G. Promoting the conservation of natural features and encouraging an efficient, aesthetic and desirable use of open space consistent with the Township's character;
- H. Ensuring compatibility of design and use between neighboring properties; and
- I. To achieve higher quality development through cooperative efforts.

These regulations are intended to result in land use development consistent with Zoning Ordinance standards yet allowing for modifications from the general standards. These regulations are not intended as a device for ignoring the Township's zoning standards nor the planning concepts upon which the Zoning Ordinance has been based.

41.20 SCOPE

A Planned Unit Development shall be recognized as a Special Use and controlled by the guidelines thereof. Residential Planned Unit Developments regulated by Section 41.60 shall be permitted as a Special Use in the "R-2", "R-3", "R-4", and "R-C" zoning classifications. Commercial Planned Unit Developments regulated by Section 41.70 shall be permitted as a Special Use in all non-residential zoning classifications.

41.30 DEVELOPMENT OWNERSHIP

The proposed planned unit development shall be under common ownership or control while being constructed, such that there is a single entity having proprietary responsibility for the full completion of

the project. 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.

41.40 APPLICATION OF ZONING ORDINANCE REQUIREMENTS

All Zoning Ordinance requirements for the underlying zoning classification shall apply, unless specifically waived or modified by the Planning Commission.

41.50 DEVIATION FROM DIMENSIONAL REQUIREMENTS

To encourage flexibility and creativity consistent with the objectives of the planned unit development concept, the Planning Commission may grant specific deviations from the dimensional requirements set forth in the Zoning Ordinance. Any dimensional deviation shall be approved through a finding by the Planning Commission that the deviation meets the purpose of a planned unit development set forth in Sections 41.60 and 41.70. Such a dimensional deviation is not subject to variance approval by the Zoning Board of Appeals.

41.60 RESIDENTIAL PLANNED UNIT DEVELOPMENT PROVISIONS

A. Minimum development size

The minimum size of a planned unit development shall be 20 acres of contiguous land.

B. Allowable uses

Planned unit developments are restricted to one or more of the following uses regardless of the zoning classification in which the development is located, provided such land uses are consistent with the goals and objectives of the Township Master Plan including the Sub-Area Plans:

1. One-family, two-family, three- or four-family, and multiple-family dwellings, including uses and buildings accessory thereto.
2. Low intensity nonresidential uses such as educational, cultural, recreational, neighborhood office or neighborhood commercial nature, including uses and buildings accessory thereto. Non-residential uses shall be compatible in design, layout, scale and appearance with the residential character of the area and shall be an integral part of a residential development logically oriented to and coordinated with the planned unit development to serve the day-to-day needs of residents in the development.

C. Residential density requirements

The overall density of residential uses within a planned unit development shall be determined by dividing the planned unit development residential area by the minimum residential parcel, lot, or building site area per dwelling unit required by the zoning classification in which the development is located exclusive of those areas encompassing existing and future public street right-of-way(s), private street easement(s), or protected natural features.

For purposes of this section, the minimum residential parcel, lot, or building site area per dwelling unit for the "R-3" zoning classification shall be deemed equal to the density limitations for three- or four-family dwelling units set forth in Section 49.230. The minimum residential parcel, lot, or building site area per dwelling unit for the "R-4" zoning classification shall be deemed equal to the density limitations set forth in Section 48.80.

In the event the development lies in more than one zoning classification, the number of dwelling units shall be computed for each zoning classification separately.

The total density of all phases developed prior to completion of the project shall not exceed eight units per acre.

D. Nonresidential development requirements

Nonresidential uses permitted by Section 41.60.B.2, including access roads and parking associated with such nonresidential uses, shall not exceed 20 percent of the planned unit development.

Nonresidential uses or a building devoted primarily to a nonresidential use shall not be built or established prior to the completion of construction of 60 percent of the dwelling units within the planned unit development.

E. Open space

Within every residential planned unit development there shall be designated an amount of open space of not less than ten percent of the planned development and subject to the following standards:

1. Fifty percent of any significant/sensitive environmental resources (e.g., steep slopes, woodlands, etc.) may be included within the designated open space.
2. Designated open space shall be set aside as common land and retained in an essentially undeveloped or unimproved state to serve the following purposes:
 - a. Conservation of land and its resources
 - b. Ecological protection
 - c. Provide for parkland and passive recreation (which preserve the natural features)
 - d. Protect historic and/or scenic features
 - e. Shaping and guiding the planned unit development
 - f. Enhancement of values and safety.
3. Designated open space shall be easily accessible to residents of the planned unit development, including visual and pedestrian linkages and proximity to such open spaces.

4. Structures or buildings which are accessory to the designated open space may be erected in accord with the approved Site Plan. These accessory structures or buildings shall not exceed, in the aggregate, one percent of the designated open space area.
5. Designated open space shall 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.
6. Designated open space shall be set aside through an irrevocable conveyance approved by the Planning Commission, such as:
 - a. Recorded deed restrictions
 - b. Covenants that run perpetually with the land
 - c. A conservation easement
 - d. Land trusts.
 - e. Such conveyance shall assure that the open space is protected from development, except as approved by the Planning Commission. Such conveyance shall also:
 - i. indicate the proposed allowable use(s) of the designated open space;
 - ii. require that the designated open space be maintained by parties who have an ownership interest in the open space;
 - iii. provide standards for scheduled maintenance of the open space;
 - iv. provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained or is determined by the Township to be a public nuisance, with the assessment of costs upon the open space ownership.
7. Open space area(s) shall be taxed/assessed to each owner of a parcel/lot/building site within the planned unit development; each dwelling unit within a planned unit development shall be taxed/assessed for its pro rata share of the value of the open space area(s).

41.70 COMMERCIAL PLANNED UNIT DEVELOPMENT PROVISIONS

A. Minimum development size

The minimum size of a planned unit development shall be ten acres of contiguous land, except on lots, parcels, or building sites no less than 7.5 acres in size, the boundaries of which have been established by an instrument recorded previous to December 27, 1988, in the Office of the

Register of Deeds for Kalamazoo County, Michigan, or established previous to that day by operation of law.

B. Allowable uses

Planned unit developments may contain any combination of the following uses regardless of the zoning classification in which the development is located, provided such land uses are consistent with the goals and objectives of the Township Master Plan including the Sub-Area Plans.

1. One-family, two-family, three- or four-family, and multiple-family dwellings, including uses and buildings accessory thereto.
2. Nonresidential uses of an educational, cultural, recreational, office or commercial character, including uses and buildings accessory thereto, which uses, in design, layout and appearance, are logically oriented to and coordinated with the planned unit development.

C. Open space

Within every commercial planned unit development there shall be designated an amount of useable common open space of not less than five percent of the planned development and subject to the following standards:

1. Any significant/sensitive environmental resources (e.g., steep slopes, wetlands, woodlands, etc.) may not be included within the designated open space.
2. Storm water management facilities may not be included in the designated open space. The Planning Commission may allow all or portions of storm water management facilities to be included in designated open space provided they incorporate best management practices and low impact design techniques that contribute to the overall quality of the development.
3. Designated open space shall be set aside as common land and either retained in an essentially undeveloped or unimproved state or improved as a central "public gathering place" to serve the following purposes:
 - a. Conservation of land and its resources
 - b. Ecological protection
 - c. Provide for parkland and passive recreation (which preserve the natural features)
 - d. Protect historic and/or scenic features
 - e. Shaping and guiding the planned unit development
 - f. Enhancement of values and safety
 - g. Provide opportunities for social interaction

- h. Provide active recreational opportunities on a neighborhood scale.
 - 4. Designated open space shall be easily accessible to residents of the planned unit development, including visual and pedestrian linkages and proximity to such open spaces.
 - 5. Structures or buildings which are accessory to the designated open space may be erected in accord with the approved Site Plan. These accessory structures or buildings shall not exceed, in the aggregate, five percent of the designated open space area.
 - 6. Designated open space shall 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.
 - 7. Designated open space shall be set aside through an irrevocable conveyance approved by the Planning Commission, such as:
 - a. Recorded deed restrictions
 - b. Covenants that run perpetually with the land
 - c. A conservation easement
 - d. Land trusts.
 - e. Such conveyance shall assure that the open space is protected from development, except as approved by the Planning Commission. Such conveyance shall also:
 - i. indicate the proposed allowable use(s) of the designated open space;
 - ii. require that the designated open space be maintained by parties who have an ownership interest in the open space;
 - iii. provide standards for scheduled maintenance of the open space;
 - iv. provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained or is determined by the Township to be a public nuisance, with the assessment of costs upon the open space ownership.
 - 8. Open space area(s) shall be taxed/assessed to each owner of a parcel/lot/building site within the planned unit development; each dwelling unit within a planned unit development shall be taxed/assessed for its pro rata share of the value of the open space area(s).
- D. Residential density requirements

The overall density of residential uses located within a commercial planned unit development shall be determined by dividing the planned unit development residential area by the minimum

residential parcel, lot, or building site area per dwelling unit required by the "R-4" zoning classification set forth in Section 48.80.

In the event the development lies in more than one zoning classification, the number of dwelling units shall be computed for each zoning classification separately.

The total density of all phases developed prior to completion of the project shall not exceed eight units per acre.

41.80 DESIGN STANDARDS

A. Access

Direct access for a planned unit development onto a public road shall be designed in compliance with the Access Management Guidelines.

B. Interior street system

The planned unit development shall be serviced by an interior street system. No use within the planned unit development shall front or gain direct access from an off-site road network.

If the interior street system is private, it shall be built in conformance to the standards and requirements of Section 49.160 of the Township Zoning Ordinance.

The access management policies, as set forth in the Access Management Plan, shall be applicable to the interior street system.

C. Utilities

Public water, sanitary sewer, and storm drainage facilities shall be provided as part of the development. All utilities, including telephone, electric, and cable television, shall be placed underground.

D. Storm water management

The design of storm water management systems and drainage facilities shall be designed in coordination with the groundwater protection strategies of the Township. The use of best storm water management practices is encouraged. The Planning Commission may allow all or portions of the storm water management system and drainage facilities to be included in designated open spaces provided they incorporate best management practices and low impact design techniques and contribute to the overall quality of the development.

E. Street lighting

Street lighting shall be designed in compliance with the lighting objectives and standards set forth in Section 54.10.

F. Landscaping

Landscaping shall be provided in accordance with Article 53.

G. Natural Features

The development shall be designed to promote the preservation of natural features.

41.90 REVIEW CRITERIA

In considering an application for approval of a planned unit development, the Planning Commission shall make its determination on the basis of the Special Use criteria set forth in Section 65.30, the Site Plan Review Criteria set forth in Section 64.80, as well as the following standards and criteria:

- A. The overall design and uses proposed in connection with a planned unit development shall be consistent with the intent of the planned unit development concept and the specific design standards set forth herein.
- B. The proposed planned unit development shall be consistent with the goals, objectives, and development principles identified in the Township Master Plan including applicable Sub-Area Plan contained in the Master Plan.
- C. The proposed planned unit development shall be serviced by the necessary public facilities to ensure the public health, safety, and welfare of the residents and users of the development.
- D. The proposed planned unit development shall be designed to minimize the impact on traffic generated by the development on the surrounding land uses and road network.
- E. The proposed planned unit development shall be designed so as to be in character with surrounding conditions as they relate to the bulk and location of structures, pedestrian and vehicular circulation, landscaping, and amenities.
- F. The proposed planned unit development shall be designed and constructed so as to preserve the integrity of the existing on- and off-site sensitive and natural environments, including wetlands, woodlands, hillsides, water bodies, and groundwater resources.
- G. The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact, and access.
- H. The proposed planned unit development shall comply with all applicable Federal, State, and local regulations.

41.100 APPROVAL PROCESS AND DOCUMENTATION REQUIREMENT

- A. Application requirements: The application for approval of a planned unit development shall be made according to the procedures for Special Uses set forth in Section 65.40 and the application guidelines for planned unit developments set forth in this section.

B. Approval process: The following approval process shall apply to a Planned Unit Development application:

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.
2. Special Use / Conceptual plan review: The Planning Commission shall hold a public hearing on a planned unit development application in accordance with the Special Use provisions set forth in this Zoning Ordinance. The mandatory Conceptual Plan shall be presented as part of the Special Use review by the Planning Commission. The review is intended to provide an indication of the issues and concerns that must be resolved prior to the submittal of individual project or overall planned unit development Site Plan(s). Conceptual Plan approval shall not constitute an approval of a detailed Site Plan but shall be deemed an expression of approval of the overall layout of the planned unit development and should be used as a guide to the preparation of the Site Plan. A request for modification to the approved Conceptual Plan shall be submitted to the Planning Commission for review in the same manner as the original Conceptual Plan was submitted and reviewed.
3. Site Plan review: Following Conceptual Plan review, individual project or overall planned unit development Site Plan(s) shall undergo a final review by the Planning Commission. The detailed Site Plan shall conform to the approved Conceptual Plan and incorporate any revisions or recommendations made by the Planning Commission at the Conceptual Plan review. If a detailed Site Plan is not submitted for review within six months of Conceptual Plan approval, the Planning Commission may require a resubmission of the Conceptual Plan for further review and possible revision. Site Plan review shall be subject to all appropriate sections of the Zoning Ordinance.

C. Optional pre-application review(s) requirements: The applicant shall present the following information on the proposed planned unit development for a pre-application review with the Township Planning Department and applicable Township consultants:

1. Sketch plan of the proposed layout;
2. An accurate legal description of the development site;
3. The names and addresses of all current owners of the development site;
4. The total acreage;
5. The number of acres to be developed by use;
6. The total number of acres of open space;
7. The number of acres to be preserved as open space;
8. The number and type of residential units;

9. The details of the nonresidential land use;
 10. The details of the pedestrian and vehicular circulation system; and,
 11. The location and dimensions of known natural features.
- D. Conceptual plan review requirements: Engineering details of Conceptual Plans are not required to be developed beyond a level of detail required to determine the feasibility of the proposed layout. The Conceptual Plan, drawn to a reasonable scale, shall provide the following information:
1. Boundaries of the planned unit development;
 2. A general location map showing the existing zoning designations and uses of the planned unit development and all land within one-quarter mile.
 3. The topography of the site and its relationship to adjoining land;
 4. The location of existing streets adjacent to the planned unit development with an indication of how they will connect with the proposed circulation system for the development. In addition, an indication if the streets are planned to be public or private.
 5. The pedestrian and vehicular circulation system and related parking facilities proposed within the planned unit development.
 6. Delineation of proposed residential areas indicating area size and dwelling unit density. Delineation of proposed nonresidential areas indicating area size, number of buildings, building envelopes, building location and orientation.
 7. The interior open space system and park/recreation areas.
 8. Location of proposed landscape buffer areas, including greenbelts, berms and/or screening.
 9. General arrangement of the overall storm water management system.
 10. Location of the public sanitary sewer and water systems intended to serve the overall development.
 11. The name, address and telephone number of:
 - a. All persons with an ownership interest in the land on which the planned unit development will be located together with a description of the nature of each entity's interest.
 - b. All engineers, attorneys, architects or registered land surveyors associated with the planned unit development.

- c. The developer or proprietor of the planned unit development.
 - d. Any person(s) authorized to represent the owner in the review process.
12. An accurate legal description of the planned unit development, including appropriate tax identification numbers.
 13. The total acreage of the planned unit development.
 14. The number and type of units to be developed.
 15. A general statement as to how common open space and park/recreation areas are to be owned and maintained.
 16. If the development is to be constructed in phases, a general indication of how the sequence of phases is to proceed.
 17. A narrative describing how the planned unit development is supported by the Township's Master Plan, the capacity and availability of necessary public facilities to the development, and the impact the development will have on adjoining properties.
- E. Site Plan review requirements: The following information shall be included on, or attached to, all Site Plans:
1. An update of the approved Conceptual Plan pursuant to the informational requirements set forth in Section 64.60;
 2. Easements, deed restrictions, and other documents pertaining to the open space system and park/recreation areas;
 3. If condominium ownership is proposed, all documentation required by the condominium regulations of the Township;
 4. Engineering plans presented in sufficient detail to indicate compliance with the engineering standards adopted by the Township, including the cross sections of proposed streets, drive aisles, paved areas, and on-site drainage, including retention and/or detention areas.

41.110 POST-APPROVAL PROCEDURES AND REQUIREMENTS

- A. Effect of approval. After a Site Plan has been approved and construction of any part thereof commenced, no other type of development will be permitted on the site without further approval thereof by the Planning Commission after proceedings conducted as in the original application. This limitation shall apply to successive owners.
- B. Conformity to approved plan. Property which is the subject of approval for a planned unit development must be developed in strict compliance with the approved Special Use and Site Plan and any amendments thereto which have received Planning Commission approval. If construction and development do not conform with same, the approval thereof shall be

forthwith revoked by the Township by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site other than for the purpose of correcting the violation.

- C. Amendment to approved plan. A proposed amendment or modification to a previously approved Site Plan shall be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed.
- D. Project phasing. When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and residents of the surrounding area.

Each phase of the project shall be commenced within one year of the schedule set forth on the approved plan. If construction of any phase is not commenced within the approved time period, approval of the Site Plan shall become null and void.

- E. Performance guarantee. The Planning Commission may require that a performance guarantee, in accordance with Section 64.110, be deposited with the Township to ensure completion of the site in accordance with the approved plans.
- F. Recording of action. No building permit shall be issued for the development and no construction activity commenced within the planned unit development until an affidavit containing the full legal description of the planned unit development, specifying the date of final Planning Commission approval, and declaring that all improvements will be carried out in accordance with the approved planned unit development unless an amendment approved by the Township is recorded with the Register of Deeds for Kalamazoo County.

In addition, all required public dedications for streets, utility easements or other public facilities, and deed restrictions shall be duly filed with the Township and have been recorded with the Register of Deeds for the County.

- G. Revocation. In any case where construction has not commenced within one year of final Planning Commission approval, all approvals shall be null and void. The applicant may apply for an extension, not to exceed one year, under the terms set forth in Section 65.60.B. A maximum of two extensions may be allowed.

ARTICLE 42
RESIDENTIAL CONDOMINIUM DEVELOPMENT STANDARDS

42.10 PURPOSE

The purpose of this Ordinance is to offer an alternative to traditional subdivisions through the use of the Condominium Act, Public Act 59 of 1978.

42.20 ZONING DISTRICTS

Attached condominiums are permitted as a special exception use in the R-2, R-3, and R-4 Residence Districts.

42.30 DEVELOPMENT STANDARDS

A. Density. The overall density of a condominium development shall be as follows:

1. R-2 District – 4 dwelling units per acre
2. R-3 District – 4 dwelling units per acre
3. R-4 District – 6 dwelling units per acre

In the event the development lies in more than one zoning classification, the number of dwelling units shall be computed for each zoning classification separately.

B. Units per Building. A two-unit building shall be permitted in the R-2 District. Up to a four-unit building shall be permitted in the R-3 and R-4 Districts.

C. Height. No unit shall be taller than two stories or 25 feet in height.

D. Interior Transportation Network.

1. The condominium development and all associated units shall be serviced by an interior transportation network, which can consist of public roads, private streets or private drives. No use within the condominium shall front or gain direct access from an off-site road network.
2. Public roads must meet all of the requirements of the Road Commission of Kalamazoo County.
3. If the interior transportation network is private streets, they shall be built in conformance to the standards and requirements of Section 49.160 of the Zoning Ordinance.
4. Private drives must be two-way with a minimum surface width of 24 feet exclusive of any area used for parking. All drives shall be paved with asphalt or other hard surface material.
5. For condominium developments with 50 or more units, at least two primary points of ingress or egress must be provided.

6. When an interior drive would service as a connecting link between different land ownerships or different public roads, either currently or within the foreseeable future, it shall, regardless of whether it is a public or private road, be constructed in accordance with the public road specifications of the Road Commission of Kalamazoo County and be located upon a reserved right-of-way of not less than 66 feet in width.
 7. A 50-foot half-width shall be required for all primary street rights-of-way abutting a condominium project.
- E. Nonmotorized Transportation.
1. Sidewalks. Sidewalks shall be provided on both sides of any transportation network within the condominium development.
 2. Nonmotorized facilities. If the Township has planned a nonmotorized trail/path through an approved nonmotorized plan, the condominium development must include their portion of the trail/path within the development.
- F. Open Space.
1. At least 10 percent of the total condominium project must be dedicated as common open space.
 2. Dedicated common open space shall be easily accessible to residents of the condominium, including both visual accessibility from the residential units as well as pedestrian linkages through sidewalks and/or trails.
 3. Any structures, which are accessory to the community open space, may be provided in accordance with the approved Site Plan. These accessory structures, such as gazebos, pool house, play equipment, etc., shall not exceed, in the aggregate, one percent of the dedicated common open space.
 4. Dedicated common open space shall be under common ownership or control, through the homeowner's association of the condominium. Sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions shall be provided to the Township.
 5. Dedicated common open space shall be set aside through an irrevocable conveyance, approved by the Planning Commission, that assures protection from development, except as outlined in the approved Site Plan. Such conveyance may be a recorded deed restriction, covenants, or conservation easement and shall provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained or is determined by the Township to be a public nuisance, with the assessment of costs upon the open space ownership.
- G. Utilities. Public water and sanitary sewer shall be provided as part of the development. All private utilities shall be placed underground.

- H. Master Deeds and Bylaws. Language shall be included in the master deed and bylaws indicating that common elements are to be properly and adequately maintained and that failure to do so will permit the Township to intervene, make the necessary improvements and ensure adequate maintenance, through an assessment to the property owners.

42.40 APPROVAL PROCESS

- A. Special exception use. An application for a condominium project shall be made in accordance to the procedures for a Special Use set for in Article 65 and the requirements outlined herein.
- B. Optional pre-application review. An informational pre-application review is encouraged and may be scheduled with the Planning Department. The pre-application review may either be with Township staff or the Planning Commission per the applicants' request.
- C. Site Plan review. A Site Plan, per the requirements of Article 64 shall be submitted for Planning Commission review.
- D. The following information shall also be provided as part of the special exception use application:
 - 1. The legal documents for any easement, deed restrictions, reservations, etc. proposed within the project.
 - 2. The master deed and by-laws for the condominium project.
- E. Approval of the Site Plan and condominium documents by the Planning Commission shall be required as a condition to the right to construct, expand or convert a condominium project. No permits for erosion control, building construction, grading, or installation of public water or sanitary sewer facilities shall be issued for property in a condominium development until a final Site Plan has been approved by the Township Planning Commission and is in effect.

ARTICLE 43
OPEN SPACE COMMUNITY

43.10 PURPOSE

The purpose of this Article is to offer an alternative to traditional subdivisions through the use of planned unit development legislation, as authorized by Section 16(c) of the Township Rural Zoning Act (Public Act 184 of 1943, as amended) for the purpose of:

- A. Assuring the permanent preservation of substantial open space and other natural resources;
- B. Allowing innovation and greater flexibility in the design of residential developments;
- C. Facilitating the construction and maintenance of streets, utilities, and public service in a more economical and efficient manner;
- D. Providing for site development that maintains a low visual impact, particularly along the roadway and abutting properties;
- E. Encouraging a less sprawling form of development, thus preserving open space and natural features consistent with the Township's rural character ensuring compatibility of design and use between neighboring properties.

These regulations are intended to result in a specific development substantially consistent with Zoning Ordinance standards yet allowing for modifications from the general standards. These regulations are not intended as a device for ignoring the Township's zoning standards nor the planning concepts upon which the Zoning Ordinance has been based.

43.20 SCOPE

An Open Space Community is defined as a residential development whereby the protection of substantial open space is established as the primary site development consideration of which the clustering or grouping of dwelling units and/or lots upon a small portion of the site is a fundamental part.

An Open Space Community shall be recognized as a Special Use and shall be controlled by the guidelines thereof. Such residential developments shall be permitted as a Special Use in the "RR", "R-2", "R-3", "R-4", "R-5" and "R-C" zoning classifications.

43.30 OPEN SPACE COMMUNITY PROVISIONS

- A. Designated open space shall consist of contiguous land area which is restricted to nondevelopment uses.
- B. A minimum of 40 percent of the gross area of the open space community shall be designated as "open space."

- C. Any significant/sensitive environmental resources (steep slopes, wetlands, woodlands, etc.) shall be included within the designated "open space."
- D. Designated "open space" shall be set aside as common land for low impact recreation, conservation, crop-growing, orchards, or be preserved in a natural state.
- E. Designated "open space" shall be easily accessible to residents of the open space community, including visual and pedestrian linkages and proximity to such open spaces.
- F. Designated "open space" shall be subject only to uses approved by the Township Planning Commission on the approved Site Plan. Division (by platting, site condominiumizing or otherwise) of the designated open space shall be prohibited.
- G. Structures or buildings which are accessory to the designated open space may be erected in accord with the approved open space plan. These accessory structures or buildings shall not exceed, in the aggregate, one percent of the designated open space area.
- H. The following undeveloped land area within the boundaries of the open space community site shall not be included as designated "open space":
 - 1. Land devoted to a residential unit, accessory use, vehicle access, parking, and/or approved land improvement
 - 2. Public street right-of-way, or right-of-way deeded to the Township
 - 3. Private street easements
- I. Designated "open space" shall 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.
- J. Designated "open space" shall be set aside through an irrevocable conveyance approved by the Planning Commission, such as:
 - 1. Recorded deed restrictions
 - 2. Covenants that run perpetually with the land
 - 3. A conservation easement
 - 4. Land trusts
- K. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on the approved Site Plan, and shall never be changed to another use. Such conveyance shall also:
 - 1. Indicate the proposed allowable use(s) of the designated open space;

2. Require that the designated open space be maintained by parties who have an ownership interest in the open space;
 3. Provide standards for scheduled maintenance of the open space;
 4. Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
- L. Open space area(s) shall be taxed/assessed to each owner of a building site/lot within the open space community; each lot or building site within an open space community shall be taxed/assessed for its pro rata share of the value of the open space areas.

43.40 DEVELOPMENT PROVISIONS

- A. Repealed/deleted by Ord. No. 364 effective June 8, 1998.
- B. An Open Space Community shall be limited to single-family and/or two-family residential dwelling units provided that the total number of dwelling units does not exceed the density for the Open Space Community site permitted by Section 43.40.C.
- C. The permitted density of residential uses within an open space community shall not exceed the density allowed by the Zoning Ordinance standards of the underlying residential zoning district:
 1. "RR" as stated in Section 50.10.A.
 2. "R-2", "R-3", "R-4", "R-5", and "R-C" as identified below.

The number of residential sites allowable within an Open Space Community project shall be determined in the following manner:

- a. A parallel design for the project consistent with the State and Township requirements and design criteria for a tentative preliminary plat shall be presented to the Planning Commission for review
 - b. The design shall be reviewed to determine the number of lots that could be feasibly constructed following the adopted plat requirements
 - c. The number of lots determined by the Planning Commission in this review shall be the maximum number of residential sites allowable for the Open Space Community
- D. Except for minimum parcel, lot, or building site area, frontage, and width requirements, all Zoning Ordinance requirements for the underlying zoning classification shall apply, unless specifically waived or modified by the Planning Commission.
- E. Residential sites shall be designed to accommodate adequate sewage disposal where public sewer is not required.

F. Residential development shall be confined to cluster areas established within the project site.

G. Cluster area design standards

1. A minimum of four and a maximum of eight dwelling units shall be permitted per cluster area
2. Cluster areas should be provided access to accommodate vehicles, utilities, and commonly owned facilities, and a linkage to the project open space system
3. Cluster areas should be visually and physically separated from one another and roadways by open space buffers
4. Cluster areas should be integrated into the site without causing significant impacts on neighboring properties
5. Cluster areas should be designed to be compatible with the surrounding community character
6. Cluster areas should be designed to avoid a suburban subdivision appearance
7. The use of single-loaded streets (houses on only one side) —especially alongside "open space," around community common areas, and to create foreground meadows along the public road that serves the development —should be incorporated into cluster area designs to avoid a suburban subdivision appearance.

H. Visual screening of residences from off-site street networks and open space community site boundaries shall be accomplished through the siting of residences, maximizing existing screens, and providing new natural screens and/or open space buffers where appropriate.

I. Regulatory flexibility: To encourage flexibility and creativity consistent with the objectives of the open space community concept, the Planning Commission may grant specific deviations from the dimensional requirements set forth in the Zoning Ordinance. Any dimensional deviation shall be approved through a finding by the Planning Commission that the deviation meets the purpose of the open space community set forth in Section 43.10. Such a dimensional deviation is not subject to variance approval by the Zoning Board of Appeals.

J. The proposed open space community development shall be under common ownership or control while being constructed, such that there is a single person or entity having proprietary responsibility for the full completion of the project. 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.

43.50 DESIGN STANDARDS

A. Access: Direct access for an open space community onto a public road shall be designed in compliance with the Access Management Guidelines.

- B. Interior street system: The open space community shall be serviced by an interior street system; dwelling units shall not front or gain direct access from an off-site road network. Interior streets may be public and/or private subject to Township approval.

Public streets shall be constructed to the standards of and dedicated to the Kalamazoo County Road Commission. Private streets shall be constructed to Kalamazoo County Road Commission standards with the exception of the width of the pavement and the width of the easement as indicated below.

All private two-way interior streets within an open space community shall have a paved driving surface with a minimum width of 24 feet, exclusive of parking area, and a minimum easement width of 66 feet. All private one-way interior streets within an open space community shall have a paved driving surface with a minimum width of 15 feet, exclusive of parking area, and a minimum easement width of 55 feet.

Where adjoining areas are not subdivided, the arrangement of streets in the proposed Open Space Community shall be required to be extended to the boundary line of the project to make provision for the future projection of streets into adjoining areas.

When an interior street will serve as a connecting link between different land ownerships or different public roads, either currently or within the future, it shall be constructed and dedicated as a public road in the Kalamazoo County Road system or, if approved by the Township, it may be a private road located upon a 66-foot wide public right-of-way/easement granted to the Township for public ingress and egress. If approved as a private road, the Township shall have no obligation or liability for the private road or maintenance thereof by virtue of the right-of-way/easement.

Where space permits, cul-de-sacs shall be designed with a central island where vegetation can be preserved/established.

Street systems should be designed so that their curvature or alignment produces "terminal vistas" of open space elements, such as water features, meadows, or playing fields. This may commonly occur at the terminus of street intersections or through the use of single-loaded streets.

The access management policies, as set forth in the Access Management Plan, shall be applicable to the interior street system.

- C. Utilities: Public water and sanitary sewer may be required where facilities are reasonably available and/or where densities require.

Private on-site sewer facilities may be permitted subject to the review and regulation of the Michigan Department of Environmental Quality and/or Kalamazoo County Environmental Health Department and approval of the Township.

All utilities, including telephone, electric and cable television, shall be placed underground.

- D. Storm water management: The design of storm water management systems and drainage facilities shall be designed in coordination with the groundwater protection strategies of the Township.
- E. Street lighting: Street lighting shall be designed in compliance with the lighting objectives and standards set forth in Section 54.10.
- F. Natural features: The development shall be designed to promote the preservation of natural features.
- G. Setbacks: Front setbacks shall be a minimum of 60 feet from the center of the public or private street. Other setbacks shall comply with Section 50.60.

43.60 APPLICATION PROCEDURE/APPROVAL PROCESS

- A. Application requirements: The application for approval of an open space community shall be made according to the procedures for Special Uses set forth in Section 65.40, and the application guidelines for open space community set forth in this section.
- B. Effect of Approval: After a Site Plan has been approved and construction of any part thereof commenced, no other type of development will be permitted on the site without further approval thereof by the Planning Commission after proceedings conducted as in the original application. This limitation shall apply to successive owners.
- C. Conformity to Approved Plan: Property which is the subject of approval for an open space community must be developed in strict compliance with the approved Special Use and Site Plan and any amendments thereto which have received Planning Commission approval. If construction and development does not conform with same, the approvals thereof shall be forthwith revoked by the Township by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site other than for the purpose of correcting the violation.
- D. Amendment to Approved Plan: A proposed amendment or modification to a previously approved Site Plan shall be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed.
- E. Project phasing: When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space community and the residents of the surrounding area.

Each phase of the project shall be commenced within 12 months of the schedule set forth on the approved Site Plan. If construction of any phase is not commenced within the approved time period, plan approval shall become null and void.

- F. Performance Guarantee. The Planning Commission may require that a performance guarantee, in accordance with Section 64.110, be deposited with the Township to insure completion of the site in accordance with the approved plans.
- G. Recording of Action: No building permit shall be issued for the development and no construction activity commenced within the open space community until an affidavit containing the full legal description of the open space community, specifying the date of final Planning Commission approval, and declaring that all improvements will be carried out in accordance with the approved open space community plan unless an amendment is approved by the Planning Commission, is recorded with the Register of Deeds for Kalamazoo County.

In addition, all required public dedications for streets, utility easements or other public facilities, and deed restrictions shall be duly filed with the Township and have been recorded with the Register of Deeds for Kalamazoo County.

43.70 REVIEW CRITERIA

In considering an application for approval of an open space community, the Planning Commission shall make its determination on the basis of the Special Use criteria set forth in Section 65.30, the Site Plan Review Criteria set forth in Section 64.80, as well as the following standards and criteria:

- A. The overall design and land uses proposed in connection with an open space community shall be consistent with the intent of the open space community concept and the specific design standards set forth herein.
- B. The proposed open space community shall be serviced by the necessary public facilities to assure the public health, safety, and welfare of project residents and users.
- C. The proposed open space community shall be designed to minimize the impact of traffic generated by the development on the surrounding land use and street network.
- D. The proposed open space community shall be designed so as to be in character with surrounding conditions as they relate to the bulk and location of structures, pedestrian and vehicular circulation, landscaping, and amenities.
- E. The proposed open space community shall be designed and constructed so as to preserve the integrity of existing on- and off-site sensitive and natural environments, including wetlands, woodlands, hillsides, water bodies, and groundwater resources.
- F. The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, crop-growing, orchards, recreation, visual impact and access.
- G. The proposed open space community shall comply with all applicable federal, state and local regulations.

43.80 APPLICATION GUIDELINES

- A. Approval Process: The following approval process shall apply to an open space community application:
1. Optional Pre-Application Review(s): Informal pre-application review(s) is encouraged and may be scheduled with the Planning Department at which the project concept may be reviewed by the applicant, Township staff, and Township consultants.
 2. Conceptual Plan Review: An Open Space Community shall undergo a mandatory conceptual plan review by the Planning Commission. The review is intended to provide an indication of the issues and concerns that must be resolved prior to review of the Site Plan by the Planning Commission. Conceptual plan approval shall not constitute an approval of a detailed Site Plan but shall be deemed an expression of approval of the layout as a guide to the preparation of the Site Plan. A request for modification to the approved conceptual plan shall be submitted to the Planning Commission for review in the same manner as the original conceptual plan was submitted and reviewed.
 3. Special Use/Site Plan Review: Following conceptual plan review, an open space community shall undergo a final review by the Planning Commission. The detailed Site Plan shall conform to the approved conceptual plan and incorporate any revisions or recommendations made by the Planning Commission at the conceptual plan review. If a detailed Site Plan is not submitted for review within six months of conceptual plan approval, the Planning Commission may require a resubmission of the conceptual plan for further review and possible revision. Site Plan review shall be subject to all appropriate sections of the Zoning Ordinance.

If municipal water and/or sewer are not available, a letter from the Kalamazoo County Environmental Health Department attesting to the suitability of the land for use of septic tanks and tile fields and of the proposed water supply for human consumption must be provided prior to Planning Commission action on the Special Use and Site Plan Review application.

The Planning Commission shall hold a public hearing on an open space community application in accordance with the Special Use provisions set forth in Section 65.40.

- B. Optional Pre-Application Review(s) Requirements: The applicant shall present the following information on the proposed Open Space Community for a pre-application review with the Township Planning Department and applicable Township consultants:
1. Sketch plan of the proposed layout;
 2. An accurate legal description of the development site;
 3. The names and addresses of all current owners of the development site;
 4. The total acreage;

5. The number of acres to be developed by use;
 6. The number of acres ineligible for density computation or open space;
 7. The number of acres of open space;
 8. The number of acres to be preserved as open space;
 9. As required under Section 43.40(C)(2), a sketch parallel subdivision plan as required by the Land Division Ordinance.
 10. The number and type of proposed residential units;
 11. The details of the pedestrian and vehicular circulation system; and,
 12. The location and dimensions of known natural features.
- C. Conceptual Plan Review Requirements: Engineering details of conceptual plans are not required to be developed beyond a level of detail required to determine the feasibility of the proposed layout. The conceptual plan, drawn to a reasonable scale, shall provide the following information:
1. Boundaries of the open space community;
 2. A general location map showing the existing zoning designations, uses, and ownerships of the open space community and all land within one quarter mile.
 3. The topography of the site and its relationship to adjoining land;
 4. A general description of existing soil conditions per the Kalamazoo County Soil Survey Map.
 5. Locations and dimension of wetland areas and other significant natural features such as: tree stands, slopes in excess of eight percent, ponds, streams and water drainage areas.
 6. The location of existing streets adjacent to the open space community with an indication of how they will connect with the proposed circulation system for the proposed development.
 7. The pedestrian and vehicular circulation system proposed within the open space community.
 8. Delineation of proposed residential areas indicating for each such area its size and number of buildings, dwelling unit density, building envelopes, and orientation of units.
 9. The interior open space system and park/recreation areas.
 10. Proposed landscaping, including greenbelts, berms, and/or screening.
 11. The overall storm water drainage system.

12. The proposed sewage treatment method and water systems.
13. A colored rendering of the Site Plan for presentation purposes.
14. The overall plan shall represent the development concept using maps and illustrations for each use; specify square footage or acreage allocated to each use which is not single family residential; approximate locations of each principal structure in the development, setbacks, and typical layouts and architectural building elevations for each use. The plan shall summarize in a table form, the underlying zoning district requirements and specify, in table form, requested modifications from those requirements.
15. As required under Section 43.40(C)(2), a parallel plan for determining the maximum allowable density as required by Section 50.10 of the Ordinance. This plan shall meet the requirements for a plat based upon PA 288 of the 1967, as amended, and the Township Land Division Ordinance. The plan shall be based upon the minimum lot area and the required dimensions for the underlying zoning district or 30,000 square feet for lot area, whichever is less.
16. Maps and written analysis of the significant natural, cultural, and geographic features of and near the site. Analysis must include:
 - a. Existing vegetation;
 - b. Topography;
 - c. Water bodies;
 - d. Streets, rights of way, easements; and,
 - e. Existing structures.
17. An analysis of vehicular traffic impact of the proposed open space community on existing road network.
18. A specific time schedule of the intended development and construction details, including proposed phasing or timing of all improvements.
19. In addition, the following documentation shall accompany the Conceptual Plan:
 - a. The name, address and telephone number of:
 - i. All persons with an ownership interest in the land on which the open space community will be located together with a description of the nature of each entity's interest.
 - ii. All engineers, attorneys, architects or registered land surveyors with the open space community.

- iii. The developer or proprietor of the open space community.
 - iv. Any person(s) authorized to represent the owner in the review process.
 - b. An accurate legal description of the open space community, including appropriate tax identification numbers.
 - c. The total acreage of the open space community.
 - d. The number and type of units to be developed.
 - e. A general statement as to how common open space and park/recreation areas are to be owned and maintained.
 - f. If the development is to be constructed in phases, a general indication of how the sequence of phases is to proceed.
 - g. A narrative describing how the open space community is supported by the Township's Master Land Use Plan, the capacity and availability of necessary public facilities to the development, and the impact the development will have on adjoining properties.
- D. Site Plan review requirements: The following information shall be included on, or attached to, all plans:
- 1. An update of the approved conceptual plan pursuant to the informational requirements set forth in Section 64.60;
 - 2. Easements, deed restrictions, and other documents pertaining to the open space system and park/recreation areas;
 - 3. If condominium ownership is proposed, all documentation required by the condominium regulations of the Township;
 - 4. Engineering plans presented in sufficient detail to indicate compliance with the engineering standards adopted by the Township, including the cross sections of proposed streets, drive aisles, paved areas, and on-site drainage, including retention and/or detention areas.

ARTICLE 44
OPEN SPACE PRESERVATION RESIDENTIAL DEVELOPMENT OPTION

44.10 PURPOSE

The purpose of this Article is to offer an alternative to traditional subdivisions through the use of the open space preservation residential development option, as authorized by Section 16(c) of the Township Rural Zoning Act (Public Act 184 of 1943, as amended) for the purpose of:

- A. Assuring the permanent preservation of substantial open space and other natural resources;
- B. Allowing innovation and greater flexibility in the design of residential developments;
- C. Facilitating the construction and maintenance of streets, utilities, and public service in a more economical and efficient manner;
- D. Providing for site development that maintains a low visual impact, particularly along the roadway and abutting properties;
- E. Encouraging a less sprawling form of development, thus preserving open space and natural features consistent with the Township's rural character ensuring compatibility of design and use between neighboring properties.

These regulations are intended to result in a specific development substantially consistent with Zoning Ordinance standards yet allowing for modifications from the general standards. These regulations are not intended as a device for ignoring the Township's zoning standards nor the planning concepts upon which the Zoning Ordinance has been based.

44.20 SCOPE

An open space preservation community is defined as a residential development whereby the protection of substantial open space is established as the primary site development consideration of which the clustering or grouping of dwelling units and/or lots upon a small portion of the site is a fundamental part.

An open space preservation community shall be recognized as a Permitted Use and shall be subject to review and approval of the Planning Commission pursuant to the guidelines established herein. Such residential developments shall be permitted in the "R-1", "RR", "R-2", "R-3", "R-4", "R-5" and "R-C" Zoning classifications.

44.30 OPEN SPACE PROVISION

- A. Designated open space shall consist of contiguous land area which is left in an undeveloped state.
- B. A minimum of 50 percent of the gross area of the open space preservation community shall be designated as open space.

- C. Any significant/sensitive environmental resources (steep slopes, wetlands, woodlands, etc.) shall be included within the designated open space. However, areas considered unbuildable shall not constitute more than 50 percent of the required open space.
- D. Designated open space shall be set aside as common land for low impact recreation, conservation, crop-growing, orchards, or preserved in a natural state.
- E. Designated open space may be, but is not required to be, dedicated for public use. Dedication of land to the public may be allowed with approval of the reviewing body and the Township Board.
- F. Designated open space shall be easily accessible to residents of the open space community, including visual and pedestrian linkages and proximity to such open spaces.
- G. Designated open space shall be subject only to uses approved by the Township Planning Commission on the approved Site Plan. Division (by platting, site condominiumizing or otherwise) of the designated open space shall be prohibited.
- H. Structures or buildings which are accessory to the designated open space may be erected in accord with the approved open space plan. These accessory structures or buildings shall not exceed, in the aggregate, one percent of the designated open space area.
- I. The following undeveloped land area within the boundaries of the open space preservation community site shall not be included as designated open space:
 - 1. Land devoted to a residential unit, accessory use, vehicle access, parking, and/or approved land improvement
 - 2. Public street right-of-way or right-of-way deeded to the Township
 - 3. Private street easements
 - 4. Land used for a golf course
- J. Designated open space shall be under common ownership or control, such that there is a single entity having propriety responsibility. Sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions shall be provided.
- K. Designated open space shall be set aside through an irrevocable conveyance approved by the Planning Commission, such as:
 - 1. Recorded deed restrictions
 - 2. Covenants that run perpetually with the land
 - 3. A conservation easement
 - 4. Land trusts

Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on the approved Site Plan, and shall never be changed to another use. Such conveyance shall also:

5. Indicate the proposed allowable use(s) of the designated open space;
 6. Require that the designated open space be maintained by parties who have an ownership interest in the open space;
 7. Provide standards for scheduled maintenance of the open space;
 8. Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
- L. Open space area(s) that are owned by private individuals or entities shall be taxed/assessed to each owner of a lot, building site or parcel within the open space preservation community; each lot, building site or parcel within an open space preservation community shall be taxed/assessed for its pro rata share of the value of the open space areas.

44.40 DEVELOPMENT PROVISION

- A. An open space preservation community shall be limited to single-family and/or two-family residential dwelling units, if same is permitted by the underlying residential zoning district and provided that the total number of dwelling units does not exceed the density for the open space preservation community site permitted by Section 44.40.B.
- B. The permitted density of residential uses within an open space preservation community shall not exceed the density allowed by the Zoning Ordinance standards of the underlying residential zoning district.
 1. In "RR" as stated in Section 50.10.A.
 2. In "R-1" "R-2", "R-3", "R-4", "R-5" and "R-C" as identified below:

The number of residential sites allowable within an open space preservation community project shall be determined in the following manner:

- a. A parallel design for the project consistent with the State and Township requirements and design criteria for a tentative preliminary plat shall be presented to the Planning Commission for review
- b. The design shall be reviewed to determine the number of lots that could be feasibly constructed following the adopted plat requirements
- c. The number of lots determined by the Planning Commission in this review shall be the maximum number of residential sites allowable for the open space preservation community

- C. Except for minimum parcel, lot, or building site area, frontage, and width requirements, all Zoning Ordinance requirements for the underlying zoning classification shall apply, unless specifically waived or modified by the Planning Commission.
- D. Residential sites shall be designed to accommodate adequate sewage disposal where public sewer is not required.
- E. Residential development shall be confined to cluster areas established within the project site.
- F. Cluster area design standards
 1. A minimum of four and a maximum of eight dwelling units shall be permitted per cluster area
 2. Cluster areas should be provided access to accommodate vehicles, utilities, and commonly owned facilities, and a linkage to the project open space system
 3. Cluster areas should be visually and physically separated from one another and roadways by open space buffers
 4. Cluster areas should be integrated into the site without causing significant impacts on neighboring properties
 5. Cluster areas should be designed to be compatible with the surrounding community character
 6. Cluster areas should be designed to avoid a suburban subdivision appearance
 7. The use of single-loaded streets (houses on only one side) - especially alongside open space, around community common areas, and to create foreground meadows along the public road that serves the development - should be incorporated into a cluster area designs to avoid a suburban subdivision appearance.
- G. Visual screening of residences from off-site street networks and open space preservation community site boundaries shall be accomplished through the siting of residences, maximizing existing screens, and providing new natural screens and/or open space buffers where appropriate.
- H. Regulatory flexibility: To encourage flexibility and creativity consistent with the objectives of the open space preservation community concept, the Planning Commission may grant specific deviations from the dimensional requirements set forth in the Zoning Ordinance. Any dimensional deviation shall be approved through a finding by the Planning Commission that the deviation meets the purpose of the open space preservation community set forth in Section 44.10. Such a dimensional deviation is not subject to variance approval by the Zoning Board of Appeals.

- I. The proposed open space preservation community development shall be under common ownership or control while being constructed, such that there is a single person or entity having proprietary responsibility for the full completion of the project. Sufficient documentation of ownership or control, shall be submitted with the application for approval.

44.50 DESIGN STANDARDS

- A. Access: Direct access for an open space preservation community onto a public road shall be design in compliance with the Access Management Guidelines.
- B. Interior street system: The open space preservation community shall be serviced by an interior street system; dwelling units shall not front or gain direct access from an off-site road network. Interior streets may be public or private subject to Township approval.

Public streets shall be constructed to the standards of and dedicated to the Kalamazoo County Road Commission. Private streets shall be constructed to Kalamazoo County Road Commission standards with the exception of the width of the pavement and the width of the easement as indicated below.

All private two-way interior streets within an open space preservation community shall have a paved driving surface with a minimum width of 24 feet, exclusive of parking area, and a minimum easement width of 66 feet. All private one-way interior streets within an open space community shall have a paved driving surface with a minimum width of 15 feet, exclusive of parking area, and an easement width of 55 feet.

Where adjoining areas are not subdivided, the arrangement of streets in the proposed open space preservation community shall be required to be extended to the boundary line of the project to make provision for the future projection of streets into adjoining areas.

When an interior street will serve as a connecting link between different land ownerships or different public roads, either currently or within the future, it shall be constructed and dedicated as a public road in the Kalamazoo County Road system or, if approved by the Township, it may be a private road located upon a 66-foot wide public right-of-way/easement granted to the Township for public ingress and egress. If approved as a private road, the Township shall have no obligation or liability for the private road or maintenance thereof by virtue of the right-of-way/easement.

Where space permits, cul-de-sacs shall be designed with a central island where vegetation can be preserved/established.

Streets systems should be designed so that their curvature or alignment produces "terminal vistas" of open space elements, such as water features, meadows, or playing fields. This may commonly occur at the terminus of street intersections or through the use of single-loaded streets.

The access management policies, as set forth in the Access Management Plan, shall be applicable to the interior street system.

- C. Utilities: Public water and sanitary sewer may be required where facilities are reasonably available and/or where densities require.

Private on-site packaged sewer facilities may be permitted subject to the review and regulation of the Michigan Department of Environmental Quality, Kalamazoo County Environmental Health Department and approval of the Township.

All utilities, including telephone, electric and cable television, shall be placed underground.

- D. Storm water management: The design of storm water management systems and drainage facilities shall be designed in coordination with the groundwater protection strategies of the Township.
- E. Street lighting: Street lighting shall be designed in compliance with the lighting objectives and standards set forth in Section 54.10.
- F. Natural features: The development shall be designed to promote the preservation of natural features.
- G. Setbacks: Front setbacks shall be a minimum of 60 feet from the center of the public or private street. Other setbacks shall comply with Section 50.60.

44.60 APPLICATION PROCEDURE/APPROVAL PROCESS

- A. Application requirements: The application for approval of an open space preservation community shall be made according to the procedures for Site Plan Review set forth in Article 64 and the application guidelines for open space preservation community set forth in this section.
- B. Effect of approval: After a Site Plan has been approved and construction of any part thereof commenced, no other type of development will be permitted on the site without further approval thereof by the Planning Commission after proceedings conducted as in the original application. This limitation shall apply to successive owners.
- C. Conformity to approved plan: Property which is the subject of approval for an open space preservation community must be developed in strict compliance with the approved Site Plan and any amendments thereto which have received Planning Commission approval. If construction and development does not conform with same, the approval thereof shall be forthwith revoked by the Township by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site other than for the purpose of correcting the violation.
- D. Amendment to approved plan: A proposed amendment or modification to a previously approved Site Plan shall be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed.
- E. Project phasing: When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities,

circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the open space community and the residents of the surrounding area.

Each phase of the project shall be commenced within the 12 months of the schedule set forth on the approved Site Plan. If construction of any phase is not commenced within the approved time period, plan approval shall become null and void.

- F. Performance bond: The Planning Commission may require that a performance bond, in accordance with Section 64.110, be deposited with the Township to insure completion of the site in accordance with the approved plans.
- G. Recording of action: No building permit shall be issued for the development and no construction activity commenced within the open space community until an affidavit containing the full legal description of the open space preservation community, specifying the date of final Planning Commission approval, and declaring that all improvements will be carried out in accordance with the approved open space community plan unless an amendment is approved by the Planning Commission, is recorded with the Register of Deeds for Kalamazoo County.

In addition, all required public dedications for streets, utility easements or other public facilities, and deed restrictions shall be duly filed with the Township and have been recorded with the Register of Deeds of Kalamazoo County.

44.70 REVIEW CRITERIA

In considering an application for approval of an open space preservation community, the Planning Commission shall make its determination on the basis of the Site Plan Review Criteria set forth in Section 64.80, as well as the following standards and criteria:

- A. The overall design and land uses proposed in connection with an open space preservation community shall be consistent with the intent of the open space preservation community concept and the specific design standards set forth herein.
- B. The proposed open space preservation community shall be serviced by the necessary public facilities to assure the public health, safety, and welfare of project residents and users.
- C. The proposed open space preservation community shall be designed to minimize the impact of traffic generated by the development on the surrounding land use and street network.
- D. The proposed open space preservation community shall be designed so as to be in character with surrounding conditions as they relate to the bulk and location of structures, pedestrian and vehicular circulation, landscaping, and amenities.
- E. The proposed open space preservation community shall be designed and constructed so as to preserve the integrity of existing on-and off-site sensitive and natural environments, including wetlands, woodlands, hillsides, water bodies, and groundwater resources.

- F. The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, crop-growing, orchards, recreation, visual impact, and access.
- G. The proposed open space preservation community shall comply with all applicable Federal, State and local regulations.

44.80 APPLICATION GUIDELINES

- A. Approval Process: The following approval process shall apply to an open space preservation community application:
 - 1. Optional Pre-Application Review(s): Informal pre-application review(s) is encouraged and may be scheduled with the Planning Department at which the project concept may be reviewed by the applicant, Township staff, and Township consultants.
 - 2. Conceptual Plan Review: An open space preservation community shall undergo a mandatory conceptual plan review by the Planning Commission. The review is intended to provide an indication of the issues and concerns that must be resolved prior to review of the Site Plan by the Planning Commission. Conceptual plan approval shall not constitute an approval of a detailed Site Plan but shall be deemed an expression of approval of the layout as a guide to the preparation of the Site Plan. A request for modification to the approved conceptual plan shall be submitted to the Planning Commission for review in the same manner as the original conceptual plan was submitted and reviewed.
 - 3. Site Plan Review: Following conceptual plan review, an open space community shall undergo a final review by the Planning Commission. The detailed Site Plan shall conform to the approved conceptual plan and incorporate any revisions or recommendations made by the Planning Commission at the conceptual plan review. If a detailed Site Plan is not submitted for review within six months of conceptual plan approval, the Planning Commission may require a re-submission of the conceptual plan for further review and possible revision. Site Plan review shall be subject to all appropriate sections of the Zoning Ordinance.

If municipal water and/or sewer are not available, a letter from the Kalamazoo County Environmental Health Department attesting to the suitability of the land for use of septic tanks and tile fields and of the proposed water supply for human consumption must be provided prior to Planning Commission action on the Site Plan Review application.

The Planning Commission shall hold a public hearing on an open space preservation community application and shall notify the applicant and all owners and occupants of properties within 300 feet of such hearing.

- B. Optional Pre-Application Review(s) Requirements: The applicant shall present the following information on the proposed open space preservation community for a pre-application review with the Township Planning Department and applicable Township consultants:
 - 1. Sketch plan of the proposed layout;
 - 2. An accurate legal description of the development site;

3. The names and addresses of all current owners of the development site;
 4. The total acreage;
 5. The number of acres to be developed by use;
 6. The number of acres ineligible for density computation or open space;
 7. The number of acres of open space;
 8. The number of acres to be preserved as open space;
 9. As required in Section 44.40.B.2, a sketch parallel subdivision plan per the provisions of the Land Division Ordinance;
 10. The number and type of proposed residential units;
 11. The details of the pedestrian and vehicular circulation system; and
 12. The location and dimensions of known natural features.
- C. Conceptual Plan Review Requirements: Engineering details of conceptual plans are not required to be developed beyond a level of detail required to determine the feasibility of the proposed layout. The conceptual plan, drawn to a reasonable scale, shall provide the following information:
1. Boundaries of the open space community;
 2. A general location map showing the existing zoning designations, uses, and ownerships of the open space community and all land within one quarter mile.
 3. The topography of the site and its relationship to adjoining land;
 4. A general description of existing soil conditions per the Kalamazoo County Soil Survey Map.
 5. Locations and dimension of wetland areas and other significant natural features such as: tree stands, slopes in excess of eight percent, ponds, streams and water drainage areas.
 6. The location of existing streets adjacent to the open space community with an indication of how they will connect with the proposed circulation system for the proposed development.
 7. The pedestrian and vehicular circulation system proposed within the open space community.
 8. Delineation of proposed residential areas indicating for each such area its size and number of buildings, dwelling unit density, building envelopes, and orientation of units.

9. The interior open space system and park/recreation areas.
10. Proposed landscaping, including greenbelts, berms, and/or screening.
11. The overall storm water drainage system.
12. The proposed sewage treatment method and water systems
13. A colored rendering of the Site Plan for presentation purposes.
14. The overall plan shall represent the development concept using maps and illustrations for each use; specify square footage or acreage allocated to each use which is not single-family residential; approximate locations of each principal structure in the development, setbacks, and typical layouts and architectural building elevations for each use. The plan shall summarize in a table form, the underlying zoning district requirements and specify, in table form, requested modifications from those requirements.
15. As required in Section 44.40.B.2, a parallel plan for determining the maximum allowable density as required by Section 50.10 of the Ordinance. This plan shall meet the requirements for a plat based upon PA 288 of the 1967, as amended, and the Township Land Division Ordinance. The plan shall be based upon the minimum lot area and the required dimensions for the underlying zoning district or 30,000 square feet for lot area, whichever is less.
16. Maps and written analysis of the significant natural, cultural, and geographic features of and near the site. Analysis must include:
 - a. Existing vegetation;
 - b. Topography;
 - c. Water bodies;
 - Streets, rights of way, easements; and,
 - d. Existing structures.
17. An analysis of vehicular traffic impact of the proposed open space community on existing road network.
18. A specific time schedule of the intended development and construction detail, including proposed phasing or timing of all improvements.
19. In addition, the following documentation shall accompany the Conceptual Plan:
 - a. The name, address and telephone number of:

- i. All persons with an ownership interest in the land on which the open space preservation community will be located together with a description of the nature of each entity's interest.
 - ii. All engineers, attorneys, architects or registered land surveyors with the open space preservation community.
 - iii. The developer or proprietor of the open space preservation community.
 - iv. Any person(s) authorized to represent the owner in the review process.
 - b. An accurate legal description of the open space preservation community, including appropriate tax identification numbers.
 - c. The total acreage of the open space preservation community.
 - d. The number and type of units to be developed.
 - e. A general statement as to how common open space and park/recreation areas are to be owned and maintained.
 - f. If the development is to be constructed in phases, a general indication of how the sequence of phases is to proceed.
 - g. A narrative describing how the open space preservation community is supported by the Township's Master Land Use Plan, the capacity and availability of necessary public facilities to the development, and the impact the development will have on adjoining properties.
- D. Site Plan Review Requirements: The following information shall be included on, or attached to, all plans:
 - 1. An update of the approved conceptual plan pursuant to the informational requirements set forth in Section 64.60;
 - 2. Easements, deed restrictions, and other documents pertaining to the open space system and park/recreation areas;
 - 3. If condominium ownership is proposed, all documentation required by the condominium regulations of the Township;
 - 4. Engineering plans presented in sufficient detail to indicate compliance with the engineering standards adopted by the Township, including the cross sections of proposed streets, drive aisles, paved areas, and on-site drainage, including retention and/or detention areas.

ARTICLES 45-47
RESERVED

ARTICLE 48
CONDITIONS FOR SPECIFIC PERMITTED USES

48.10 AUTOMOBILE AND OTHER SALVAGEABLE MATERIAL JUNKYARDS

- A. All storage operations shall be screened from adjoining streets and highways by a solid fence at least eight feet in height and set back not less than 100 feet from abutting street right-of-way lines.
- B. No operations or storage shall be conducted within the aforesaid 100-foot setback area which shall be maintained free of equipment, material or debris.
- C. All outdoor activities and storage shall be screened by a solid wood fence of sufficient height located upon the property so as to obstruct such activities or storage from the view of persons occupying or using adjoining premises other than streets and highways unless, in the discretion of the Zoning Board of Appeals the same would be unnecessary because of the nature of the use or the contour or character of the adjoining premises.

48.20 COMMUNICATION TOWERS

A. Purpose

The purpose of this section is to accommodate the need for communication while protecting the public health, safety and welfare. Co-location of equipment shall be required whenever possible.

B. Scope

Communication towers shall be considered as a permitted use with conditions in the I-1, I-2 and I-3 Industrial District Zoning classifications, subject to the provisions of this Section and Article 65.

Proposed co-location of equipment on an approved tower shall be considered a permitted use with conditions subject to the provisions of this Section and Article 64.

C. Communication tower provisions.

A communication tower shall be erected, constructed, located or established in compliance with the following:

1. Justification. A proposed tower shall not be established unless the communications equipment/antenna(s) planned for the proposed location cannot be accommodated on an existing or approved tower within the area of the proposed tower due to one of the following reasons:
 - a. The planned equipment would exceed the structural capacity of the existing or approved tower as documented by a qualified and licensed engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate the planned or equivalent equipment at a reasonable cost.

- b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - c. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 - d. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
2. Design of tower.
- a. Any proposed or modified tower shall be designed and constructed to accommodate future co-locations. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
 - b. A proposed or modified tower shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities and located on the site so as to minimize its visibility from the public right-of-way and residentially zoned properties.
3. Height. The height of a tower shall be determined by measuring the vertical distance from the tower's point of contact with the ground or rooftop to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the height shall be considered with the combined height of the structure and tower.
4. Tower setbacks.
- a. A tower shall be located so that the setback from all property lines is equal to or greater than the height of the tower. The reviewing body may deviate from such requirements if the deviation is consistent with the spirit and intent of the Ordinance.
 - b. Towers shall not be located between a principal structure and a public street, with the following exceptions:
 - i. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
 - ii. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
 - c. A tower's setback may be reduced or its location to a public street varied to allow the integration of a tower into an existing or proposed structure, such as a church steeple, utility pole, power line support device or other similar structure.

- d. Towers shall be set back at least 150 feet from any adjacent residences, residentially zoned property or a public street.
5. Accessory structures. Structures accessory to a tower, including utility buildings, shall be designed and located on the site to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district.
6. Landscaping/screening.
 - a. Landscaping/screening at the site shall be designed and maintained to minimize visibility of the tower and related equipment from the public right-of-way and residentially zoned properties.
 - b. Ground-mounted equipment and accessory buildings and structures may be required to be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the architectural character of the surrounding area.
7. Security fencing. Security fencing of at least six feet (unless other height is required by state or federal regulations) shall be required to prevent access to the tower, accessory building/structure and/or guyed wires. The reviewing body may deviate from such requirements if the deviation is consistent with the spirit and intent of the Ordinance.
8. Lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. Site lighting shall comply with Article 54.
9. Signs and advertising. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
10. Interference with public safety telecommunications. No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study by a qualified and licensed professional engineer which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.
11. Site access and parking. The reviewing body may allow deviation from the Access Management Guidelines, paving and/or parking standards of the Zoning Ordinance.
12. Inspections. All towers shall be inspected at regular intervals, no less than once a year, and serviced as frequently as may be necessary, to maintain the tower in a safe and weather-withstanding condition. Reports as to all inspections and servicing shall be made available to the Township upon written request.
13. Updated information. The tower owner or representative shall annually update the Township with the following information:

- a. Name, address, phone number of tower owner; name, address and phone number of contact persons for engineering, maintenance and other notice purposes.
 - b. Organization name, address, phone number, and contact person of each co-locator and the operational status of the equipment.
 - c. Notification of date of lease expiration and/or cessation of operation of any equipment and date of removal.
14. Abandonment or Unused towers, portions of towers, tower mounted equipment, and associated facilities. Abandoned or unused towers, portions of towers, tower mounted equipment and associated facilities shall be removed as follows:
- a. All abandoned or unused towers, portions of towers, tower mounted equipment, and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the reviewing body.
 - b. In the event that a tower, portions of towers, tower mounted equipment, and/or associated facilities are not removed within 12 months of cessation of operations at a site, the subject facilities may be removed by the Township and the costs of removal assessed against the property.
 - c. A copy of a signed lease, which includes a requirement that the applicant shall remove the tower, portion of tower, tower mounted equipment and associated facilities upon cessation of operations at the site shall be submitted at the time of application, if applicable.
- D. Additional application requirements.

In addition to the information required for the Site Plan review and Special Use review, applications for towers shall include the following supplemental information:

1. Tower plans and a report from a qualified and licensed professional engineer which:
 - a. describes the tower height and design, including a cross section and elevation;
 - b. documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distance between antennas;
 - c. describes the tower's capacity, including the number and type of antennas/equipment that it can accommodate;
 - d. documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 - e. includes an engineer's stamp and registration number; and

- f. indicates that the proposed tower complies with regulations administered by the Federal Communications Commission and the Federal Aviation Administration.
 - g. includes information necessary to allow determination of compliance with Building Code, Electrical Code and other applicable Township Ordinances.
 - h. includes other information necessary to evaluate the request.
2. A letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use. Further, a request to co-locate antennas on a tower shall not be unreasonably refused. No provider or lessee or agent thereof shall unreasonably fail to cooperate to accommodate co-location.
- E. Co-location
- 1. The placement of antennas/equipment on roofs, walls and existing towers may be approved by the reviewing body, provided the antennas and associated equipment meet the requirements of this Section and Article 64, after submittal of (1) a Site Plan; (2) a report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna, any structural modifications needed to accommodate the co-location, and the proposed method of affixing the antenna to the structure, including complete details of all fixtures and couplings, and the precise point of attachment; (3) a copy of the signed lease, if applicable, including a removal clause; and (4) other information necessary to evaluate the request.
 - 2. Co-locations on approved towers and electric transmission towers shall be considered a minor change to an approved Site Plan and shall be reviewed pursuant to this section and Article 64.

48.30 CONVERSION OF A RESIDENCE FOR OFFICES

- A. Shall include medical clinics and doctor's offices for the treatment of human beings.
- B. Any such building must remain compatible in size, height, external design, landscaping and surrounding open space as other residential buildings in the area adjacent and nearest to the proposed use within a radius not to exceed one-half mile.
- C. Any interior or exterior lighting shall be of a subdued character with the source not visible from the perimeters of the property and shall be reduced in intensity or eliminated during non-business hours.
- D. Required off-street parking and driveways shall be maintained upon the premises, appropriately landscaped and situated in locations least objectionable to adjacent premises, not closer than ten feet to such adjacent premises nor within the required front setback areas.

- E. Landscaping shall be established in accordance with Article 53 between such premises and any adjacent premises utilized for single-family or two-family purposes or, if vacant, zoned for such purposes.
- F. Access to and from the premises by motor vehicles shall be designed to accommodate forward movement in each case and no vehicles shall be permitted to back into the abutting private or public street.

48.40 HOME OCCUPATION

The purpose of this section is to allow residents to conduct home occupations that are incidental and subordinate to the residential use of the premises and to establish a general threshold of acceptable nonresidential activity beyond which the activity shall not be permitted or shall require Special Use approval.

Additionally, the proposed Home Occupation shall be within the spirit of the Ordinance to insure the compatibility of any use with the character of the zoning classification in which the same is located and that the health, safety, and general welfare of the neighborhood will not thereby be impaired.

- A. Home occupations shall meet the following criteria to be considered a permitted use:
 - 1. The occupation(s) conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes.
 - 2. Shall be operated in their entirety within the dwelling and/or within an attached garage and not within any detached garage or accessory building located upon the premises.
 - 3. Shall be conducted by the person or persons occupying the premises as their principal residence.
 - 4. No nonresident on-premises employees are permitted.
 - 5. The dwelling has no exterior evidence to indicate that the same is being utilized for any purpose other than that of a dwelling. No signs are permitted.
 - 6. The occupation(s) shall not utilize more than (a) 25% of the interior gross floor area of the premises; or (b) 500 square feet, whichever is less.
 - 7. No goods are sold from the premises which are not strictly incidental to the principal home occupation conducted therein.
 - 8. No occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by means of vibrations, noise, smoke, odor, dust, dirt, fumes, glare, heat, electrical disturbance, lighting, or the creation of vehicular traffic in excess of what is characteristic of the area. Vibrations, noise, smoke, odor, dust, dirt, fumes, glare, heat, electrical disturbance, or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.

The use and/or storage of hazardous materials in excess of quantities customary to a residential dwelling are not permitted.

9. Outdoor activity, storage, and/or display are prohibited
10. Use of a commercial vehicle is subject to Section 52.30.
11. The following shall not be deemed home occupations: medical or dental clinics or offices, child care facilities, barbershops and beauty salons (except barbershops and beauty salons limited to one operator), funeral homes, restaurants, veterinarian clinics or offices, kennels, riding stables, storage facilities, adult regulated uses, or any sale, resale, maintenance, repair, restoration or painting of automobiles, trucks, motorcycles, motorized recreational vehicles, and boats, and other occupations determined by the Planning Commission to be similar to the occupations listed in this subsection.
12. Medical Marihuana. A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d) and the requirements of [this] section, shall be allowed as a home occupation in the RR, Rural Residential District. Nothing in this section, or in any companion regulatory provision adopted in any other provision of the Township's general Ordinances are intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the General Rules. Also, since Federal law is not affected by that Act or the General Rules, nothing in this section, or in any companion regulatory provisions adopted in any other provision of the Township's general Ordinances are intended to grant, nor shall they be construed as granting immunity from criminal prosecution under Federal law. The Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:
 - a. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
 - b. No registered primary caregiver shall be located:
 - i. Within a one-thousand-foot radius from any school, child care or day care facility, to insure community compliance with Federal "Drug-Free School Zone" requirements.
 - ii. Within a one-thousand-foot radius of another primary caregiver's facility.
 - iii. Within a five-hundred-foot radius from any house of worship.
 - iv. Within a five-hundred-foot radius of a public park.

Measurements for purposes of this subsection shall be made from parcel/lot/building site unit boundary to parcel/lot/building site unit boundary.

- c. Not more than one primary caregiver shall be permitted to service qualifying patients on a property.
 - d. Not more than five qualifying patients shall be assisted with the medical use of marihuana within any given calendar week, and all such assistance shall occur between the hours of 8:00 a.m. and 6:00 p.m.
 - e. All medical marihuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient, as reviewed and approved by the Building Official and the Kalamazoo County Sheriff's Department.
 - f. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.
 - g. All medical marihuana shall be grown by the primary caregiver in the home from which the primary caregiver operates.
 - h. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 p.m. to 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.
 - i. That portion of the residential structure where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Oshtemo Charter Township Fire Department to insure compliance with the Michigan Fire Protection Code.
 - j. Nothing in this Ordinance shall be deemed to allow dispensaries, compassion clubs or smoke houses which are strictly prohibited in all zoning districts.
 - k. All primary caregivers shall annually be registered, inspected and licensed by the Township in accordance with Ordinance No. 521.
- B. The Planning Commission may authorize as a Special Use, Home Occupations which depart from the criteria stated in Section 48.40.A.2,4, and/or 6 above per Section 49.90.

48.50 MANUFACTURING, COMPOUNDING, ASSEMBLING, OR TREATMENT OF MERCHANDISE

- A. All work must be carried on within an enclosed building.

- B. Work carried on must not emanate noise, smoke, odor, dust, dirt, noxious gases, glare, heat, vibration or psychological ill effects to such an extent as will be a nuisance or annoyance to owners or occupants of surrounding premises.

48.60 MOBILE HOME CONDOMINIUM PROJECTS AND ACCESSORY BUILDINGS AND USES

- A. Mobile home condominium projects shall be established in full conformance with the Condominium Act, Act No. 59 of the Public Acts of 1978, as amended.
- B. All mobile home condominium projects and single- or two-family dwellings in a mobile home condominium shall have a minimum living area of 750 square feet for a one and two-bedroom unit plus 150 square feet of additional living area for each additional bedroom beyond two. Dwellings shall be exempt from the provisions of Section 50.30.
- C. No mobile home in a mobile home condominium project shall have exposed wheels, towing mechanism, undercarriage or chassis.
- D. Each mobile home in a mobile home condominium project shall be installed pursuant to the manufacturer's setup instructions and the rules and regulations of the Michigan Mobile Home Commission and shall be secured to the premises by an anchoring system or device also complying with the rules and regulations of the Michigan Mobile Home Commission. In addition, the area between the grade elevation of the building site and the mobile home shall either have a wall of the same perimeter dimensions of the mobile home and constructed of such materials and type as required in the Township Building Code for single-family dwellings or shall instead have skirting of the same perimeter dimensions of the mobile home, which skirting shall be in compliance with the standards set forth in Rule 604 of the Michigan Mobile Home Code promulgated by the Michigan Mobile Home Commission.
- E. All mobile homes and single- or two-family dwellings in a mobile home condominium project shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- F. All mobile homes and single- or two-family dwellings in a mobile home condominium project shall contain permanently attached steps connected to exterior door areas or to porches connected to said door area where a difference in elevation requires the same.
- G. Each mobile home in a mobile home condominium project shall be constructed in compliance with the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended.
- H. No more than one mobile home or single- or two-family dwelling shall be placed upon an individual building site.

48.70 MOBILE HOME SUBDIVISIONS AND ACCESSORY BUILDINGS

- A. Mobile home subdivisions shall be established in full compliance with the provisions of the Township Subdivision Control Ordinance.

- B. All mobile homes, single- or two-family dwellings in a mobile home subdivision project shall have a minimum living area of 750 square feet for a one and two-bedroom unit plus 150 square feet of additional living area for each additional bedroom beyond two. Dwellings shall be exempt from the provisions of Section 50.30.
- C. No mobile home in a mobile home subdivision shall have exposed wheels, towing mechanism, undercarriage or chassis.
- D. Each mobile home in a mobile home subdivision shall be installed pursuant to the manufacturer's setup instructions and the rules and regulations of the Michigan Mobile Home Commission and shall be secured to the premises by an anchoring system or device also complying with the rules and regulations of the Michigan Mobile Home Commission. In addition, the area between the grade elevation of the lot and the mobile home shall either have a wall of the same perimeter dimensions of the mobile home and constructed of such materials and type as required in the Township Building Code for single-family dwellings or shall instead have skirting of the same perimeter dimensions of the mobile home, which skirting shall be in compliance with the standards set forth in Rule 604 of the Michigan Mobile Home Code promulgated by the Michigan Mobile Home Commission.
- E. All mobile homes and single- or two-family dwellings in a mobile home subdivision shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- F. All mobile homes and single- or two-family dwellings in a mobile home subdivision shall contain permanently attached steps connected to exterior door areas or to porches connected to said door area where a difference in elevation requires the same.
- G. Each mobile home in a mobile home subdivision shall be constructed in compliance with the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended.
- H. No more than one mobile home or single- or two-family dwelling shall be placed upon an individual lot.

48.80 MULTIPLE-FAMILY DWELLINGS

- A. Excludes hotels and motels.
- B. Dwelling unit density for any portion of a multiple family dwelling site located within 200 feet of property in an "AG", "RR", "R-1" or "R-2" zoning classification shall be limited to a maximum unit density of six units per acre. In addition, to the extent that parking areas, community buildings or open space recreational areas are located within said 200-foot area, such facilities shall be so situated and designed as to, in the judgement of the Zoning Board of Appeals at the time of Site Plan review, minimize adverse effects therefrom to owners and occupants of the properties located in the higher zoning classification.

- C. Dwelling unit density for any portion of a multiple family dwelling site located more than 200 feet from property in an "AG", "RR", "R-1" or "R-2" Zoning Classification shall be limited to a maximum unit density of eight units per acre.
- D. All two-way interior drives within a multiple-family dwelling development shall be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 21 feet exclusive of any area used for parking. All one-way interior drives within a multiple-family development shall also be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 13 feet exclusive of any area used for parking. When an interior drive would service as a connecting link between different land ownerships or different public roads, either currently or within the foreseeable future, it shall, regardless of whether it is a public or private road, be constructed in accordance with the public road specifications of the Kalamazoo County Road Commission and be located upon a reserved right-of-way of not less than 66 feet in width.
- E. Sidewalks. Sidewalks shall be provided on both sides of any access drive leading into a multi-family development from a public street.
- F. Access streets. A multiple-family development shall be furnished with a minimum of two access streets connecting the same to a public highway or highways unless the Zoning Board of Appeals grants a variance from such requirements where, in the opinion of said Board, the additional access or accesses would not improve traffic safety because of the peculiar characteristics of the proposed development. A stop sign shall be provided at every intersection of an access street with a public highway.
- G. Utilities. Public water, sanitary sewer and storm drainage facilities shall be provided as part of the site development. All electric and telephone transmission wires shall be placed underground.
- H. Open space requirements.
 - 1. All multiple-family dwellings shall be established on a lot, parcel, or building site in such a manner that there is at least one contiguous area of open space suitable for recreational purposes and equal to not less than five percent of the total area of the lot, parcel, or building site on which the multiple-family dwelling is located. The Zoning Board of Appeals shall have the authority to grant variances from this requirement to accommodate alternative open space arrangements consistent with the purpose of this provision.
 - 2. Subject to Section 50.50.
- I. The minimum separation between buildings shall be 40 feet (except buildings accessory thereto). Separation shall be measured in the same manner as a building setback.

48.90 NONPROFIT EDUCATIONAL, NONCOMMERCIAL RECREATIONAL AND NONCOMMERCIAL BUSINESS CENTERS

- A. Shall include, but not be limited to the following accessory uses for the benefit of participants and directly relating to such centers: classrooms, libraries, lecture halls, eating facilities,

overnight accommodations, conference center facilities, facilities for the production and documentation of audio visual presentations, satellite communication accommodations, custodial living, and maintenance facilities, office and recreation accessory uses.

- B. Buildings shall not be constructed to a height exceeding 40 feet. Buildings and structures shall be set back 200 feet from the front right-of-way line of adjoining streets. Buildings and structures shall be set back 40 feet from the rear or side property line. Outdoor storage areas shall be screened from view of adjoining residentially developed or zoned land.
- C. Such facilities must be located upon one of the designated highways listed in Section 50.60.A of the zoning ordinance.
- D. Any entrance to the facility must be developed with a traffic deceleration lane. The Zoning Board of Appeals shall have authority to grant a variance from this requirement where in its opinion the deceleration lane would not substantially improve the traffic safety because of the particular characteristics of the facility, the road upon which the entrance is located, or the volume of traffic upon the road.
- E. Not less than 75 percent of the site must be maintained as open space unencumbered by buildings, structures, paved roads, sidewalks, or parking areas.
- F. The facility shall be designed so as to limit the number of participants to not exceed ten per acre.
- G. Adequate off-street parking must be constructed to insure sufficient parking space to meet the reasonably foreseeable demands upon the facility but not exceeding one parking space for each person the facility is designed to serve and shall be effectively screened from adjoining residentially developed or zoned land.
- H. During Site Plan review, the Zoning Board of Appeals shall consider whether more than one vehicular entrance road is necessary for public safety and fire protection.

48.100 TEMPORARY OUTDOOR EVENTS (NOT LASTING MORE THAN ONE DAY).

- A. Events shall last no more than one day.
- B. Use is incidental to the principal use of the property.
- C. A Site Plan shall be submitted for administrative review indicating the following:
 - 1. Traffic lanes and on-site parking.
 - 2. Fire lanes and emergency vehicle turning areas.
 - 3. Restrooms provided (in building or portable facilities).
 - 4. Placement of vehicles, trailers, and all other equipment is away from adjoining residentially used properties and complies with all applicable setbacks.

- 5. All activity takes place on subject property.
- D. The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.
- E. All signs directed off-site must receive a temporary sign permit and comply with all applicable sign ordinances.
- F. Property owner must approve and acknowledge the use of the property for the event.

48.110 THREE OR FOUR-FAMILY DWELLINGS

- A. Building shall not be more than two stories in height.
- B. Dwelling unit density shall be limited to a maximum unit density of four units per acre.
- C. Public sanitary sewer facilities shall be provided as part of the site development.

48.120 VETERINARIAN CLINICS

- A. Must be fully enclosed.
- B. No outdoor runs or animal facilities are permitted.

48.130 WHOLESALING, STORAGE AND/OR WAREHOUSING OF COMMODITIES

- A. Includes such commodities as hardware, packaged or fresh food, clothing, and drugs.
- B. Does not include live fowl or animals, commercial explosives, or above or below ground bulk storage or flammable liquids, or gasses, unless and only to the extent that such storage of liquids or gases is directly connected to energy or hearing on the premises.
- C. Commodities must be wholly contained within a fully enclosed building.

ARTICLE 49
REQUIREMENTS FOR SPECIAL USES

49.10 ADULT REGULATED USES

A. Purpose

The purpose of this section is to:

1. Protect the health, safety and welfare of the citizens of Oshtemo Charter Township by the establishment of reasonable and uniform regulations on adult regulated uses;
2. Minimize the deleterious secondary effects of such uses on property values and to minimize blight;
3. Protect the societal interest in order and morality and discourage deleterious secondary effects, such as prostitution, sexual assault and other criminal activity;
4. Regulate against the concentration of such uses and their proximity to certain uses considered particularly susceptible to the negative impacts of such uses;
5. Protect the Township's commercial districts through location of such uses in the industrial zoning districts;
6. Protect the quality of life in the Township.
7. It is not the purpose of this section to impose a limitation or restriction on the content of any communicative materials, including sexually oriented materials, or to restrict or deny access by adults to sexually oriented materials protected by the First Amendment.

B. Scope

Adult regulated uses are Special Uses allowed upon Special Use review and approval in the "I-1," "I-2 or "I-3" Industrial District classifications and are prohibited in all other zoning district classifications.

C. Adult regulated uses [defined].

The following uses are considered adult regulated uses and subject to the regulations provided in this section:

1. "Adult arcade or mini motion picture theater" means any place to which the public is permitted or invited wherein coin operated or slug operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).

2. "Adult book store, adult novelty store, or adult video store" means a commercial establishment which offers for sale or rental for any form of consideration and which has as a substantial or significant portion of its stock in trade, books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations, recordings, other audio matter, and novelties or devices which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas." The adult book store, adult novelty store, or adult video store may have other principal business purposes that does not involve the offering for sale or rental materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" and still be categorized as an adult book store, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as adult book store, adult novelty store, or adult video store so long as more than 50 percent of its gross receipts are derived from the sale or rental for consideration the specified materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
3. "Adult booth" means a small enclosed or partitioned area inside an adult regulated use which is (1) designed or used for the viewing of books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, video cassettes, slides or other visual representations, recordings and novelties or devices which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" by one or more persons, and (2) is accessible to any person, regardless of whether a fee is charged for access. "Adult Booth" does not include a foyer through which any person can enter or exit the establishment, or a restroom.
4. "Adult cabaret" means a night club, cafe, restaurant, lounge, bar or similar establishment (which may or may not include the service of food or beverages), where male or female dancers, entertainers, waiters, waitresses or employees regularly provide live performances which are distinguished or characterized by their emphasis on "Specified Anatomical Areas" or "Specified Sexual Activities" for the observation or entertainment of patrons, guest, and/or members. Adult cabaret also includes an establishment which permits, provides or features topless dancers and/or bottomless dancers, strippers, topless or bottomless waiters, waitresses and/or employees.
5. "Adult model studio" means any place where a person who displays "Specified Anatomical Areas" is regularly provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. Such an establishment includes, but is not limited to, the following activities and services: modeling studios, body painting studios, wrestling studios, individual theatrical performance or dance performances, barber shops or hair salons, car washes, and/or convenience stores. An adult model studio shall not include a proprietary school licensed by the State of Michigan or a college, junior college or university supported entirely or partly by taxation, or in a structure:

- a. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing, and
 - b. Where in order to participate in a class a student must enroll at least three days in advance of the class, and
 - c. Where no more than one nude or semi-nude model is on the premise at any one time.
6. "Adult motel" means a hotel, motel or similar commercial establishment which:
- a. Offers accommodations to the public for any form of consideration; and
 - b. Provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas"; and
 - c. Has a sign visible from the public right-of-way which (a) advertises the availability of this adult type of photographic reproductions, or (b) offers a sleeping room for rent for a period of time that is less than ten hours, or (c) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.
7. "Adult motion picture theater" means a theater where, for any form of consideration, films, motion pictures, videos, slides or other photographic reproductions are regularly shown in which a substantial portion of the total presentation is devoted to the showing of materials which are distinguished or characterized by their emphasis on the depiction, description or relation to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation or entertainment of patrons, guests and/or members.
8. "Adult outdoor motion picture theater" means a theater having an open lot or part thereof with appurtenant facilities devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions for any form of consideration to persons in motor vehicles or in outdoor seats, and presenting material distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation or entertainment of patrons, guest and/or members.
9. "Adult personal service business" means a commercial business having as a principal activity a person, while nude or partially nude, providing personal services for another person on an individual basis. "Nude" or "partially nude" is defined as having attire which reveals "Specified Anatomical Areas" as defined in this section.
10. "Adult physical culture business" means any commercial establishment, club or business by whatever name designated, which regularly offers or advertises or is equipped or arranged to provide massages, body rubs, alcohol rubs, physical stimulation, baths or other similar treatment by any person. An adult physical cultural business may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses and steam baths.

11. "Adult theater" means a theater, concert hall, auditorium or similar commercial establishment, either indoor or outdoor in nature, which, for any form of consideration, regularly features live performances which are distinguished or characterized by their emphasis on "Specified Sexual Activities" or by exposure of "Specified Anatomical Areas" for observation by guests, patrons and/or members.

An adult theater does not include a theater, concert hall, auditorium or similar establishment which, for any fee or consideration, regularly features live performances which are not distinguished or characterized by their emphasis on the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas" in that any such depiction or description is only incidental to the primary purpose of the performance.

D. Terms

The following terms shall have the indicated meanings for purposes of this section.

1. "Developed area" is defined as that area on the lot, parcel or building site which is improved with paving/parking and/or buildings. Developed area does not include any access drive or signage.
2. "Nude or partially nude" is defined as having attire which reveals "Specified Anatomical Areas."
3. "Person" means any individual, corporation, partnership, limited liability company or other entity.
4. "Specified anatomical areas." Portions of the human body defined as follows:
 - a. Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below the point immediately above the areola;
 - b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
5. "Specified sexual activities." The explicit display of one or more of the following:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse or sodomy;
 - c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

E. Regulations

In addition to the Special Use criteria of Article 65, an adult regulated use shall comply with the following:

1. No such use shall be located, operated or maintained within 500 feet of:
 - a. A church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities;
 - b. A public or private educational facility, including but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, junior colleges and universities. School shall include the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
 - c. Family day care homes or group day care homes;
 - d. An entertainment use which has as its principal use children or family entertainment;
 - e. A public park or recreational area which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball, tennis court, wilderness areas or other similar public land within the Township which is under the control, operation or management of the Township or other unit of government;
 - f. A zoning district boundary of an agricultural or residential district as defined in the Township Zoning Ordinance.
 - g. A conforming residential use in a non-residential zoning district.
2. The distance limitations above shall be measured in a straight line without regard to intervening structures or objects from the developed area of the lot, parcel or building site occupied by the adult regulated use to the nearest point of the lot, parcel or building site occupied by any of the uses so listed in Section 49.10.E.1.
3. Adult regulated uses shall comply with all sign requirements under the Township Zoning Ordinance. Where inconsistencies exist between the provisions of this section and the sign requirements in the Township Zoning Ordinance, the provisions herein shall control.
4. No advertisement, display of product or entertainment on the premises, signs or other exhibits which depict, describe or relate to "Specified Sexual Activities" and/or "Specified Anatomical Areas" shall be displayed in window areas or other area where the same can be viewed by pedestrians and motorists on any street, sidewalk or other public place.
5. No person shall reside in, or permit any person to reside in, the premises of an adult regulated use.
6. No person operating an adult regulated use shall permit any person under the age of 18 to be on the premises of said business, either as an employee or as a customer.

7. The building and site, including building openings, entries, exits and windows, shall be designed, constructed, and maintained so that material, entertainment, and/or performances which depict, describe or relate to "Specified Sexual Activities" and/or "Specified Anatomical Areas" cannot be observed by pedestrians and motorists on any street, sidewalk or public right-of-way, or from an adjacent land use.
8. The adult regulated use shall satisfy all landscaping requirements of the Township Zoning Ordinance.
9. The adult regulated use shall also demonstrate that the site meets all of the traffic and access management standards of the Township.
10. The Site Plan shall include a diagram that shows all land use zoning districts and any of the uses described in Section 49.10.E.1. above which are located within 1,000 feet of the proposed adult regulated use, as well as meet the informational requirements of Section 64.60.
11. No building, premises, structure or other facility that contains any adult regulated use shall contain any other adult regulated use.
12. No building, premises, structure or other facility containing any adult use shall be located, operated, or maintained within 1,000 feet of any other adult regulated use building, premises, structure or facility as defined in this section, measured as set forth in subpart (b).

F. Exempt uses.

The following uses are exempt from the provisions of the terms and conditions of this section and are subject to the other provisions of the Township Zoning Ordinance, and the following uses shall not be construed to be included in any of the definitions of this section:

1. Accredited hospitals, nursing homes, sanitariums or other licensed health care facilities, physicians, surgeons, chiropractors, osteopaths, physical therapists, registered nurses and other establishments or professionals duly licensed under the laws of the State while engaged in the activities for which they are so licensed;
2. Barbers, beauticians, barber shops, and beauty parlors licensed under the laws of the State which also offer massages, provided that massages therein involved are limited to the head, shoulders, scalp, neck, hands and feet. Such establishments which also provide activities which fall under the definition of "Adult personal service business" in this section shall, however, be governed by the provisions, terms and conditions of this section;
3. Public and parochial school and college or professional athletic coaches and trainers while acting within the scope of their school employment; and
4. Professional Massage Therapists, while engaged in the performance of the duties of their profession, who meet the following criteria:

- a. Proof of graduation from a school of massage licensed by the State of Michigan or another state with equivalent standards, consisting of at least 500 classroom hours of instruction and practical training, which include 300 hours of theory and practice of massage therapy, 100 hours of anatomy and physiology, and 100 hours of elective subjects; or proof of completion of a comprehensive course of study in a massage training program at an American community college or university which requires at a minimum the training and curriculum above; and
 - b. Proof of current professional membership in the American Massage Therapy Association, International Myomassethics Federation, Associated Bodywork and Massage Professionals, or other national massage therapy organization with comparable prerequisites for certification, including liability insurance and testing.
5. Nonprofit organizations operating a community center, swimming pool, tennis court, or other educational, cultural, recreational or athletic facilities which are used primarily for the welfare of the residents of the area.

49.20 BED AND BREAKFAST INNS

- A. Residency. The dwelling unit in which the bed and breakfast inn is located shall be the principal residence of the real property owner and operator, and the real property owner and operator shall live on the premises when the bed and breakfast operation is active.
- B. Rooms. The number of rooms available for guests shall be limited to six.
- C. Occupancy. Occupancy shall be of a transient nature for periods not to exceed 14 consecutive days in duration in any one month by any particular guest. A guest registry shall be maintained and could be subject to inspection by the Township upon request.
- D. Character. Residences used for bed and breakfast inns shall be suitable in character for the use proposed and shall not be cause for a change in character of the neighborhood.
- E. Meals. Meals or other services provided on the premises shall only be available to residents, employees, and overnight guests of the establishment.
- F. Licenses. Proof of application for state and county licenses shall be submitted. Required licenses shall be obtained prior to commencement of the use.
- G. Sign. A non-animated sign not exceeding six square feet in area may be provided. Such sign may be provided as a ground sign or a wall sign. The location of the sign shall be approved by the Planning Commission at the time of Site Plan review. If illuminated the sign shall satisfy the requirements of Section 55.150 of the Township Zoning Ordinance.
- H. Parking. Parking shall be provided in accordance with the requirements in Article 52.
 1. One off-street parking space shall be provided for each lodging room and two off-street spaces shall be provided for the owner. Required spaces may be provided in an enclosed structure.

2. No parking shall be permitted in the front yard.
 3. Parking spaces shall be screened from the road and adjacent properties in accordance with the requirements of Section 53.50.
 4. Parking spaces shall be configured so as not to disturb the residential appearance of the neighborhood. The Planning Commission may require additional landscape buffering to preserve neighborhood appearance.
- I. Refuse storage. Exterior refuse storage facilities beyond what might normally be expected for a detached single-family dwelling shall be screened from view in accordance with the standards in Section 53.80.C. Landscape screening may be substituted for the fence or wall required in said section provided it will provide similar, opaque, all-season screening.
 - J. Annual review. Special Uses shall be subject to annual review with on-site inspections. The review shall be conducted administratively unless significant changes or problems warrant Planning Commission review. Annual approval must be received from local fire and building inspectors for adequate exits, smoke alarms, and general fire prevention and health department code adherence, which may be subject to an inspection fee in accordance with the Township Fee Schedule.
 - K. Impact. Bed and Breakfast Inns shall comply with the provisions of the Township Anti-Noise and Public Nuisance Ordinance (Part 214 of the General Code of Ordinances) and shall produce no offensive noise, traffic, glare, vibration, smoke, electrical interference, dust, odors, or heat that would be detrimental to the character of the neighborhood. Any glare, vibration, smoke, electrical interference, dust, odors, or heat detectable beyond the property lines shall constitute a violation of the terms of this provision. Any such violations shall be enforceable under the terms of the Anti-Noise and Public Nuisance Ordinance and/or Zoning Ordinance as applicable.
- 49.30 CLUSTERED "HAMLET" RESIDENTIAL DEVELOPMENT FOR THE PURPOSE OF CONSERVING OPEN SPACE, PRESERVING SENSITIVE RESOURCES, AND REDUCING IMPERMEABLE SURFACE AREA
- A. At least 70% of the residential development will be set aside as a permanent unbroken stretch of open space with a minimum frontage on any side of at least 100 feet via common ownership by the Homeowners' Association, or by fee simple title transfer or the recordation of an open space/scenic easement in the name of a land conservancy or similar open space preservation organization.
 - B. Up to six dwelling units per acre allowed.
 - C. Minimum lot or building site size of 8,000 sq. ft.
 - D. Public sewer and water must be provided as part of the development.
 - E. With the exception of those specific elements identified herein, the standards and procedures of Article 44 for the Open Space Preservation Option shall be utilized for this development.

- F. The environmental conditions, size, and shape of the proposed property shall be capable of accommodating the proposed development and increased density on site.

49.40 COMMERCIAL PLANNED UNIT DEVELOPMENTS WITHIN THE C-R DISTRICT

- A. Commercial planned unit developments are permitted within the C-R District in accordance with the standards and conditions of Article 41 and subject to the following conditions and limitations:
 - B. One or more of the following uses are permitted:
 - 1. Restaurants, excluding drive-in or drive-thru service, in buildings of not less than 5,000 square feet.
 - 2. Offices, in buildings of not less than 5,000 square feet.
 - 3. Banks, credit unions, and savings and loan offices.
 - 4. Scientific or medical laboratories, engineering, testing, or design facilities, or other theoretical or applied research facilities.
 - 5. When developed concurrently with one or more of the above uses, any business primarily for the retail sale of merchandise or services in which any manufacturing, assembly or fabricating is merely incidental to and an unsubstantial part of said business.
 - 6. Private clubs.
 - 7. Brewpubs, microbreweries, or wine tasting rooms.
 - C. Commercial planned unit development design standards.
 - 1. The minimum parcel, lot or building site area, frontage and width shall not be reduced more than 10 percent below that required by Section 50.10.A.
 - 2. To encourage flexibility and creativity consistent with the objectives of the planned unit development concept, the Planning Commission may grant specific deviations from the dimensional requirements set forth in the Zoning Ordinance. Any dimensional deviation shall be approved through a finding by the Planning Commission that the deviation meets the purpose of a planned unit development. Such dimensional deviations are not subject to variance approval by the Zoning Board of Appeals.
 - 3. The commercial planned unit development shall be serviced by an interior street system. No use within the planned unit development shall gain direct access from an off-site road network.
 - 4. Within every commercial planned unit development there shall be designated an amount of open space not less than five percent of the planned development and subject to the following standards:

- a. Any significant/sensitive environmental resources (e.g. steep slopes, wetlands, woodlands, etc.) Shall be included within the designated open space.
- b. Designated open space shall be set aside as common land and retained in essentially undeveloped or unimproved state to serve the following purposes:
 - i Conservation of land and its resources.
 - ii Ecological protection.
 - iii Provide for parkland and passive recreation (which preserve the natural features).
 - iv Protect historic and/or scenic features.
 - v Shaping and guiding the planned unit development.
 - vi Enhancement of values and safety.
- c. Designated open spaces shall be easily accessible through visual and pedestrian linkages and through proximity to such open spaces.
- d. Structures or building which are accessory to the designated open space may be erected in accord with the approved Site Plan. These accessory structures or buildings shall not exceed, in the aggregate, one percent of the designated open space.
- e. Designated open space shall 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.
- f. Designated open space shall be set aside through an irrevocable conveyance approved by the Planning Commission, such as:
 - i Recorded deed restrictions
 - ii Covenants that run perpetually with the land
 - iii A conservation easement
 - iv Land trusts
 - v Require that the designated open space be maintained by parties who have an ownership interest in the open space
 - vi Such conveyances shall assure that the open space is protected from development, except as approved by the Planning Commission. Such conveyance shall also:
 - I Indicate the proposed allowable use(s) of the designated open space;

- II Require that the designated open space be maintained by parties who have an ownership interest in the open space;
 - III Provide standards for scheduled maintenance of the open space;
 - IV Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained or is determined by the Township to be a public nuisance, with the assessment of costs upon the open space ownership.
- g. Open space area(s) shall be taxed/assessed to each owner of a parcel/lot/building site within the planned unit development; each unit within a planned unit development shall be taxed/assessed for its pro rata share of the value of the open space area(s).
- 5. The proposed commercial planned unit development shall be under common ownership or control while being constructed, such that there is a single entity having proprietary responsibility for the full completion of the project. Sufficient documentation of ownership or control, that indicates that proposed development will be completed in its entirety, shall be submitted with the application for approval.
 - 6. A sign may be located at each entrance of a commercial planned unit development solely to identify the commercial planned unit development, which sign does not exceed 30 square feet in area and which does not exceed eight feet above the grade of the abutting street or highway. The sign(s) shall be located no closer to any property line than one-half the required building setback.
 - 7. The design standards applicable within the "C-R" District shall apply to a commercial planned unit development.
 - 8. The Review Criteria set forth in Section 41.90 applicable to Planned Unit Developments shall apply to a commercial planned unit development.
 - 9. The Application Procedure/Approval Process set forth in Section 41.100 for Planned Unit Developments shall apply to a commercial planned unit development.

49.50 COMMUNICATION TOWERS

A. Purpose

The purpose of this section is to accommodate the need for communication while protecting the public health, safety and welfare. Co-location of equipment shall be required whenever possible.

B. Scope

Communication towers shall be considered as a permitted use with conditions in the I-1, I-2 and I-3 Industrial District Zoning classifications and as a Special Use in all other zoning district classifications, subject to the provisions of this Section and Article 65.

C. Communication tower provisions.

A communication tower shall be erected, constructed, located or established in compliance with the following:

1. Justification. A proposed tower shall not be established unless the communications equipment/antenna(s) planned for the proposed location cannot be accommodated on an existing or approved tower within the area of the proposed tower due to one of the following reasons:
 - a. The planned equipment would exceed the structural capacity of the existing or approved tower as documented by a qualified and licensed engineer, and the existing or approved tower cannot be reinforced, modified or replaced to accommodate the planned or equivalent equipment at a reasonable cost.
 - b. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
 - c. Existing or approved towers and buildings within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
 - d. Other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
2. Design of tower.
 - a. Any proposed or modified tower shall be designed and constructed to accommodate future co-locations. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.
 - b. A proposed or modified tower shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities and located on the site so as to minimize its visibility from the public right-of-way and residentially zoned properties.
3. Height. The height of a tower shall be determined by measuring the vertical distance from the tower's point of contact with the ground or rooftop to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the height shall be considered with the combined height of the structure and tower.

4. Tower setbacks.
 - a. A tower shall be located so that the setback from all property lines is equal to or greater than the height of the tower. The reviewing body may deviate from such requirements if the deviation is consistent with the spirit and intent of the Ordinance.
 - b. Towers shall not be located between a principal structure and a public street, with the following exceptions:
 - i. In industrial zoning districts, towers may be placed within a side yard abutting an internal industrial street.
 - ii. On sites adjacent to public streets on all sides, towers may be placed within a side yard abutting a local street.
 - c. A tower's setback may be reduced or its location to a public street varied to allow the integration of a tower into an existing or proposed structure, such as a church steeple, utility pole, power line support device or other similar structure.
 - d. Towers shall be set back at least 150 feet from any adjacent residences, residentially zoned property or a public street.
5. Accessory structures. Structures accessory to a tower, including utility buildings, shall be designed and located on the site to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district.
6. Landscaping/screening.
 - a. Landscaping/screening at the site shall be designed and maintained to minimize visibility of the tower and related equipment from the public right-of-way and residentially zoned properties.
 - b. Ground-mounted equipment and accessory buildings and structures may be required to be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the architectural character of the surrounding area.
7. Security fencing. Security fencing of at least six feet (unless other height is required by state or federal regulations) shall be required to prevent access to the tower, accessory building/structure and/or guyed wires. The reviewing body may deviate from such requirements if the deviation is consistent with the spirit and intent of the Ordinance.
8. Lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. Site lighting shall comply with Article 54.

9. Signs and advertising. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
10. Interference with public safety telecommunications. No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study by a qualified and licensed professional engineer which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.
11. Site access and parking. The reviewing body may allow deviation from the Access Management Guidelines, paving and/or parking standards of the Zoning Ordinance.
12. Inspections. All towers shall be inspected at regular intervals, no less than once a year, and serviced as frequently as may be necessary, to maintain the tower in a safe and weather-withstanding condition. Reports as to all inspections and servicing shall be made available to the Township upon written request.
13. Updated information. The tower owner or representative shall annually update the Township with the following information:
 - a. Name, address, phone number of tower owner; name, address and phone number of contact persons for engineering, maintenance and other notice purposes.
 - b. Organization name, address, phone number, and contact person of each co-locator and the operational status of the equipment.
 - c. Notification of date of lease expiration and/or cessation of operation of any equipment and date of removal.
14. Abandonment or Unused towers, portions of towers, tower mounted equipment, and associated facilities. Abandoned or unused towers, portions of towers, tower mounted equipment and associated facilities shall be removed as follows:
 - a. All abandoned or unused towers, portions of towers, tower mounted equipment, and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the reviewing body.
 - b. In the event that a tower, portions of towers, tower mounted equipment, and/or associated facilities are not removed within 12 months of cessation of operations at a site, the subject facilities may be removed by the Township and the costs of removal assessed against the property.
 - c. A copy of a signed lease, which includes a requirement that the applicant shall remove the tower, portion of tower, tower mounted equipment and associated facilities upon cessation of operations at the site shall be submitted at the time of application, if applicable.

D. Additional application requirements.

In addition to the information required for the Site Plan review and Special Use review, applications for towers shall include the following supplemental information:

1. Tower plans and a report from a qualified and licensed professional engineer which:
 - a. Describes the tower height and design, including a cross section and elevation;
 - b. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distance between antennas;
 - c. Describes the tower's capacity, including the number and type of antennas/equipment that it can accommodate;
 - d. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 - e. Includes an engineer's stamp and registration number; and
 - f. Indicates that the proposed tower complies with regulations administered by the Federal Communications Commission and the Federal Aviation Administration.
 - g. Includes information necessary to allow determination of compliance with Building Code, Electrical Code and other applicable Township Ordinances.
 - h. Includes other information necessary to evaluate the request.
2. A letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use. Further, a request to co-locate antennas on a tower shall not be unreasonably refused. No provider or lessee or agent thereof shall unreasonably fail to cooperate to accommodate co-location.

E. Co-location

1. The placement of antennas/equipment on roofs, walls and existing towers may be approved by the reviewing body, provided the antennas and associated equipment meet the requirements of this Section and Article 64, after submittal of (1) a Site Plan; (2) a report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna, any structural modifications needed to accommodate the co-location, and the proposed method of affixing the antenna to the structure, including complete details of all fixtures and couplings, and the precise point of attachment; (3) a copy of the signed lease, if applicable, including a removal clause; and (4) other information necessary to evaluate the request.

2. Co-locations on approved towers and electric transmission towers shall be considered a minor change to an approved Site Plan and shall be reviewed pursuant to this section and Article 64.

49.60 EARTH REMOVAL, QUARRYING, GRAVEL PROCESSING, MINING, RELATED MINERAL EXTRACTION BUSINESSES, AND LANDFILL GAS RECOVERY PROCESSING FACILITIES.

Earth removal, quarrying, gravel processing, mining, related mineral extraction business[es], and landfill gas recovery processing facilities shall only be permitted as a Special Use in the "AG", "RR", "R-2", "R-3", "R-4", "R-5", "R-C", "C", "C-R", "BRP", "I-R", "I-1", "I-2", [and] "I-3" zoning district classifications. Before Special Use approval shall be granted for said activity, the Township Planning Commission shall be satisfied the following conditions and limitations are, or shall be, strictly complied with, in addition to any other requirements contained in the Township Zoning Ordinance or in any other Township ordinance controlling such operations.

A. Location

1. All such operations shall be located on a primary road, as defined by the County, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, said Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.
2. Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such excavation operation shall be permitted closer than 150 feet to interior boundary lines of the property or such larger setback as may be required by the Planning Commission to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operation, then the Planning Commission may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly affected to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the Planning Commission and adequate lateral support as set forth is at all times maintained.
3. No such excavation operation shall be permitted within 50 feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.
4. The permanent processing plant and its accessory structures shall not be located closer than 250 feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment.

5. No such excavation operation shall be located within 100 feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other state commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.

B. Screening

Screening shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth.

C. Nuisance abatement.

1. Noise and vibration shall be minimized in their effect upon adjacent properties by the use of modern equipment designed to accomplish such minimization and by the proper use of berms, walls and natural planting screens. All equipment shall be maintained and operated in such a manner as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
2. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
3. Hours. The operation shall be restricted to the hours of 7:00 a.m. until 7:00 p.m. The Planning Commission may permit operations beyond these time periods if the nature of the operation requires longer hours and the effect upon adjacent properties is minimized to an acceptable level appropriate for such extended hours of operation.
4. Fencing. All dangerous excavations, pits, pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others and shall be eliminated as expeditiously as possible.

D. Reclamation of mined areas.

1. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one acre or more. Substantial completion of reclamation and rehabilitation shall be affected within one year after termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.
2. The following standards shall control reclamation and rehabilitation:

- a. All excavation shall be either to a water-producing depth of not less than five feet below the average summer ground water table in the excavation, or shall be graded or backfilled with non-hazardous, non-flammable, and non-combustible solids to insure:
 - i. That the excavated area shall not collect stagnant water and not permit the same to remain therein; or,
 - ii. That the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
 - b. The banks of all excavations shall be sloped to the water line in a water-producing excavation at a slope which shall not be steeper than one foot vertical to four feet horizontal, and to the pit floor in a dry operation at a slope which shall not be steeper than one foot vertical to three feet horizontal.
 - c. Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one-year period. Where used, topsoil shall be applied to a minimum depth of four inches to support vegetation.
 - d. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetation cover on the land surface and to minimize erosion.
 - e. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.
3. A performance bond, cash, or bank letter of credit shall be furnished the Township Clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$3,000.00 per acre proposed to be mined or excavated in the following 12 months' period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this ordinance and the applicant's filed plan. Mined areas resulting in a water depth of five feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than one foot vertical to four feet horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually on or about the anniversary date of the excavation permit for adjustment and compliance with the foregoing requirements by the zoning inspector of the Township and the Township Planning Commission. In no event shall such financial guarantee be less than \$3,000.00 in amount.

E. Submission of operational and reclamation plans

1. No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of the within Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
 - a. A contour map of the tract of land involved in the operations, including dimensions of the same, access to abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.
 - b. The number of acres and the location of the same proposed to be operated upon within the following 12-months' period after commencement of operations.
 - c. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
 - d. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
 - e. In the event excavation or activities are to be conducted closer than 150 feet from the boundaries of the site, soil borings shall be made on the perimeter of the excavation site in sufficient number to disclose whether conditions exist satisfactory for lateral support of adjacent premises as determined by the Township Engineer. The written consent of the Planning Commission shall be required if mining operations shall be closer than specified in the within ordinance to the boundaries of the site. Such written consent shall only be granted if the Planning Commission determines, in its absolute discretion, that the requested operation shall not have a material adverse impact upon adjacent properties. Such written consent may be made subject to such reasonable conditions and limitations as the Planning Commission deems appropriate.
 - f. A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

F. Hearing

1. After receiving an application for a grant of a Special Use for an earth removal, quarrying, gravel processing, mining and related mineral extraction business accompanied by the required plans and specifications and permit fees, the Planning Commission shall hold a public hearing upon such application in the same manner preceded by the same notice as set forth in Section 65.40 of this Ordinance pertaining to Special Uses.
2. Opportunity shall be given to all present to be heard at such hearing.

3. Following such hearing, said Planning Commission shall grant or deny the application and set forth its reasons for its decision. Such decision shall be based upon the criteria set forth in Ordinance and shall be based, in addition, on a consideration of the following:
 - a. The most advantageous use of the land, resources and property.
 - b. The character of the area in question and its peculiar suitability, if any, for particular uses.
 - c. Conservation of property values, as well as natural resources and the general and appropriate trend and character of development in the subject area.
 - d. The protection and preservation of the general health, safety and welfare of the township.
 - e. The scarcity or value of the minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.
 - f. Whether or not the operations were previously in existence prior to the adoption of the text provision concerning the same and the extent and character of such previous operations.
 - g. In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary to promote the above-mentioned standards and to minimize any adverse effects of the proposed operation upon the adjoining residents and property owners. The Planning Commission may also in applying these standards, limit the length of time its Special Use approval is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same. It shall be empowered to renew or extend a special permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of said mined or disturbed area. No permit shall be revoked until the operator has been given written notice of any violation forming the basis of such revocation and not less than 30 days have elapsed to correct said violation.

The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Planning Commission as may be established by the Township Board based upon the reasonable cost thereof.

G. Liability insurance

All operators shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in the amount of not less than \$100,000.00 for each person or property injured or damaged and not less than \$300,000.00 for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance

shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

H. Variances

The Zoning Board of Appeals shall have the right and authority to grant variances from the foregoing conditions and limitations where particular circumstances or hardship may exist, the spirit and intent of the provisions to protect the neighborhood from devastation are still complied with and substantial justice would thereby be affected.

49.70 GOLF COURSES, PARKS, ~~MOTORIZED VEHICULAR ROADWAYS~~, AND OUTDOOR RECREATIONAL AREAS

- A. The principal uses shall be an outdoor activity compatible with the other principal uses permitted in the particular zoning classification.
- B. Concession stands, pro-shops, clubhouses, equipment repair facilities, and other incidental commercial type uses shall be permitted provided they are located so as to minimize any adverse effects upon adjoining residential property owners and are operated for the purpose of serving patrons of the principal use and not the adjoining community or transient motorists.
- C. No overnight accommodations other than a single-family dwelling for the owner or manager of the facility shall be allowed unless expressly approved by the Planning Commission in granting a Special Use hereunder.
- D. Adequate public restrooms and other facilities shall be constructed and properly maintained, commensurate with the anticipated popularity of the particular use involved.
- E. Rubbish disposal shall be handled in such a manner as will avoid any littering upon adjoining properties and will minimize any adverse effects from noise, odor or dust to adjoining properties.
- F. Off-street parking shall be required on the site located in areas which will minimize any adverse effects upon adjoining property owners and shall be sufficient to satisfy peak periods of use and in compliance with the provisions of Article 52.
- G. Fencing may be required by the Planning Commission where deemed necessary to prevent trespass onto adjoining residences or residentially zoned property.
- H. The placement of any trails, roads, runs, obstacle courses or similar roadways or pathways shall be in such locations as to minimize any adverse effects of noise, traffic or dust upon adjoining residents and shall, where the Planning Commission deems necessary to dissipate noise emanating therefrom, be screened.
- I. Equipment storage buildings and other such buildings of a commercial nature shall be screened from adjoining residential properties.

- J. The Planning Commission shall have the right and authority to impose additional restrictions and conditions as may be necessary for the protection of the health, safety and welfare of any resident on adjoining property and to ensure that any noise, odors, traffic or other activities incident thereto have a minimum impact upon the general area in which the same is located.
- K. The application for a Special Use must contain a plan for insuring adequate supervision of a recreation area and all activities therein.

49.80 GROUP DAY CARE HOME

- A. Outside play area is appropriately fenced for the safety of the children.
- B. The residential character of the property shall be preserved and maintained. Any building must be compatible in size, height, external design, landscaping, and surrounding open space as other residential building in area.
- C. Operation may not exceed 16 hours of operation during a 24-hour period.
- D. No signs are permitted.
- E. One parking space, in accordance with Article 52, shall be provided for each non-resident employee working on site at any one time.

49.90 HOME OCCUPATION

- A. The Planning Commission may authorize as a Special Use, a Home Occupation which departs from the criteria stated in Section 48.40.A.2,4, and/or 6; provided, however, that any Home Occupation so authorized shall meet the following conditions:
 - 1. All other criteria stated in Section 48.40.A, shall be met.
 - 2. All applications for Special Use shall include a statement setting forth a detailed description of the proposed Home Occupation(s), its location, and purpose(s) for which the proposed or existing accessory building, if any, will be used.
 - 3. The number of nonresident employees working on-site cannot exceed one (1) at any one time.
 - 4. Operation of a Home Occupation within a completely-enclosed accessory building subject to Site Plan review and approval by the Planning Commission and the following limitations:

Area of Property	Area of Accessory Building utilized for Home Occupation
Less than one acre	Not permitted
From 1 to 1.99 acres	Up to 500 square feet
From 2 to 2.99 acres	Up to 800 square feet
Three acres or more	Up to 1,200 square feet
Note: In no case shall the area of the accessory building utilized for the Home Occupation exceed the interior gross floor area of the dwelling.	

- a. Use of an accessory building is limited to property containing a single or two-family dwelling.
 - b. All applications requiring Site Plan review shall include a drawing to scale of the subject property, containing the following information:
 - i. A north arrow and graphic scale.
 - ii. All property lines and their dimensions.
 - iii. Building setbacks from property lines.
 - iv. Location and dimensions of all existing and proposed structures (including height of all proposed accessory buildings) on the subject property and any existing buildings on adjacent properties within 50 feet of the subject property boundaries.
 - c. No accessory building allowed pursuant to this subsection shall be used for a purpose other than that approved by the Planning Commission.
 - d. If the Planning Commission reviews the Site Plan for an accessory building, it is not subject to review by the Zoning Board of Appeals.
- B. To ensure harmonious relationships and to minimize conflicts between adjacent uses, the Planning Commission shall consider the characteristics of the proposed Home Occupation and/or accessory building in relation to the following: the purpose and intent of this Ordinance, size of property, size of dwelling, proposed location on the property, existing land uses in area, and future land uses as reflected in the Master Land Use Plan. The Planning Commission may attach requirements to such Home Occupation and accessory building when it deems necessary to avoid or mitigate adverse impacts on surrounding properties which may include, but is not limited to, a reduction in the size of the building and increased setback requirements.

49.100 INDUSTRIAL-OFFICE DEVELOPMENTS, DESIGNED TO ACCOMMODATE A VARIETY OF LIGHT INDUSTRIAL, APPLIED TECHNOLOGY, RESEARCH, AND RELATED OFFICE USES WITHIN A SUBDIVISION SETTING

- A. This provision is not intended to exclude the development of individual sites held by a single entity, provided all regulations contained herein are satisfied.
- B. Industrial-Office Developments shall be permitted one or more of the following uses:

1. Any permitted use within the "I-R" District;
 2. Corporate headquarters, administrative, business or professional offices located in a building with a minimum gross floor area of not less than 10,000 square feet;
 3. Scientific or medical laboratories, engineering, testing or design facilities, or other theoretical or applied research facilities;
 4. Secondary uses complementary to the foregoing.
 - a Retail and/or service establishments, including restaurants are permitted provided that such uses shall not be permitted as a principal use of a building and shall have at least one customer entrance off an interior hallway or atrium. Under no circumstances shall drive-thru windows be permitted.
 5. Accessory buildings and uses, customarily incidental to any of the uses set forth in this section.
- C. The development may consist of one or more parcels under single ownership or owned separately but developed jointly according to a common development plan.

Under these provisions, sites within the development may be created either through the platting procedures of the Land Division Act or through the Condominium Act. One or more principal buildings may be placed on an individual site.

- D. Any industrial-office development with more than one building site shall be serviced by an internal public road.

Access for an industrial-office development onto the existing public road and access to individual sites shall be designed in compliance with Article 51, the Master Land Use Plan and Access Management Policies.

- E. Sidewalks shall be provided along all internal public streets and to each site and principal building within the development.
- F. Off-street parking shall be provided in accordance with Article 52.

Parking layouts designed to accommodate cross-access and/or cross-parking arrangements and facilitate pedestrian travel will be encouraged.

- G. Loading areas may be located in side or rear yards; however, side yard loading areas shall not face public streets outside of the development and shall be screened from front yard view where practical.

Loading areas shall be designed so as not to interfere with parking and circulation, and to prevent the backing of trucks or other vehicles onto a public street or general circulation drive.

- H. Buildings shall be located in compliance with building setback standards established by Section 26.60.A.
- I. Total ground coverage shall not exceed 50 percent of the individual site.
- J. To create a park-like atmosphere, property within the development shall be developed in an attractive manner, visually compatible with adjacent uses. The architectural and design standards must be submitted to the Planning Commission at time of Site Plan approval for review and approval prior to development of each site. Buildings and site improvements shall be reviewed by the Planning Commission for compliance with the following standards:
 - 1. The design and siting of buildings and other improvements shall follow the contours of the area and respect existing natural features.
 - 2. The design of buildings and exterior improvements on each individual site shall be complementary and compatible to create a unified development image.
 - 3. All improved areas of an individual site shall be landscaped with a variety of trees, shrubbery, and ground cover to create attractive natural buffers between adjacent uses and properties.
 - 4. The placement of sculpture, fountains, and similar yard area improvements is encouraged and will not be subject to setback requirements.
- K. Low Impact Development (LID) best management practices shall be used in the development of any site or development within the "I-R" district. The design of storm water management systems shall respond to the natural drainage patterns of the area and be in coordination with the groundwater protection standards of Section 56.10 and the groundwater protection policies set forth in the Master Plan.
- L. The industrial-office development shall be designed to incorporate and/or promote the preservation of the site's natural features and unique physical characteristics. A natural features preservation plan shall be submitted. Greenspace enhancement plans for land area along public roads abutting and serving the development shall also be required.
- M. Signs shall be permitted in compliance with the provisions of Article 55.
- N. Exterior site lighting shall be designed in compliance with the lighting objectives and standards set forth in Section 54.10.
- O. Public water and sanitary sewer shall be provided as part of the site development.

All utilities, including telephone, electric and cable television, shall be placed underground.
- P. Application for approval of an industrial-office development shall be made according to the procedures for Site Plan Review set forth in Section 64.60 and the procedures for Special Uses set forth in Section 66.40.

49.110 MOBILE HOME PARKS AND ACCESSORY BUILDINGS AND USES

- A. Shall include residences for the mobile home park owner and family.
- B. All mobile home parks shall comply with the requirements imposed by Michigan Public Act 419 of 1976 and any and all amendments thereto and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health, except as said Act and regulations may be modified by the provisions herein.
- C. Mobile home parks shall have no less than 200 feet of frontage on a dedicated public road. Every mobile home park must have a minimum of two access streets connecting said park to a public highway or highways unless the Zoning Board of Appeals grants a variance from such requirements where, in the opinion of said Board, the additional access or accesses would not improve traffic safety because of the peculiar characteristics of the proposed development.
- D. Mobile home parks shall not be less than 15 acres in size.
- E. Landscaping in accordance with Article 53 - Landscaping shall be provided.
- F. All two-way interior drives within a mobile home park shall be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 21 feet exclusive of any area used for parking. All one-way interior drives within a mobile home park shall also be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 13 feet exclusive of any area used for parking. When an interior drive would serve as a connecting link between different land ownerships or different public roads, either currently or within the foreseeable future, it shall, regardless of whether it is a public or private road, be constructed in accordance with the public road specifications of the Kalamazoo County Road Commission and be located upon a reserved right-of-way of not less than 66 feet in width.
- G. Two paved off-street (or drive) parking spaces for each mobile home site shall be provided; in addition, regional paved off-street (or drive) parking spaces shall be provided sufficient for the parking of one vehicle for every three mobile home sites. On-street (or drive) parking shall be prohibited. Notwithstanding the foregoing, the within provisions shall not be deemed to prohibit paved parking bays contiguous to interior drives, so long as said paved parking bays do not intrude upon the minimum interior drive, driving surface widths prescribed above and meet the relevant standards for parking bays promulgated by the Michigan Mobile Home Commission pursuant to Michigan Public Act 419 of 1976, as amended.
- H. Each mobile home site shall be well-drained and be provided with a permanent foundation providing adequate footing such as concrete piers, concrete ribbons (at least 24 inches in width) or a concrete slab base.
- I. All utilities, including Cable TV, installed in the mobile home park must be installed underground.
- J. Fire hydrants must be installed and the placement and size thereof shall be determined by the developer subject to the approval of the Township Fire Department.

- K. Each mobile home park shall be developed with sites of not less than 5,500 square feet per mobile home unit. These 5,500 square feet for any one site may be reduced up to 20 percent provided that the minimum individual site is not less than 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least 75 percent of the land saved shall be dedicated as open space, but in no case shall the open space requirement be less than that required under Rule 125.1946 of the Michigan Administrative Code.
- L. Every mobile home park must be connected to a municipal sanitary sewer system and a municipal public water system under such arrangements and contracts as can be agreed upon between the developer and the Township Board prior to the approval of the mobile home park plans by the Planning Commission.
- M. Only one single-family mobile home shall be allowed per mobile home site.
- N. Every mobile home park must provide at least a 12-foot wide deceleration lane into every entrance to the mobile home park abutting a public road. The Planning Commission shall have authority to grant a deviation from this requirement when it determines in its sole discretion that, because of factors such as the low level and/or rate of speed of traffic on the abutting public road, the deceleration lane would serve no useful practical purpose in protecting the safety of persons entering the mobile home park or traveling upon the public road abutting the mobile home park entrance.
- O. Preliminary Plan.
 - 1. Preliminary plans for all new mobile home parks or expansion of existing mobile home parks must be submitted to and approved by the Planning Commission as being in compliance with the terms of this Ordinance and all applicable state statutes and regulations promulgated thereunder before construction may commence. Application for preliminary plan approval shall be made by (1) filing seven copies of the preliminary plan with the Township Clerk, and (2) paying a preliminary plan review fee as determined by resolution of the Township Board based upon the cost of processing the review and as shall be on file with the Township Clerk for public information.
 - 2. The preliminary plan must consist of, but shall not be limited to, the following:
 - a. The name and address of the applicant.
 - b. The legal description of the subject parcel of land.
 - c. The area of the subject parcel of land.
 - d. The present zoning classification of the subject parcel.
 - e. A plan drawn to scale indicating all of the following:
 - i. The number and size of individual mobile home sites and the location of streets.

- ii. The location and method of sewage treatment and disposal and appropriate support data necessary to show the adequacy of same.
 - iii. The source and location of the water supply and fire hydrants.
 - iv. The location of access to public roads.
 - v. The drainage provisions.
 - vi. Site features including all structures, outdoor recreational facilities, walkways, parking and street frontage.
 - vii. The location, size and design of all signs to be placed upon the site.
 - viii. The location and general description of all screening and landscaping to be retained or established on the site.
3. Property which is the subject of preliminary plan approval must be developed in strict compliance with the approved preliminary plan and any amendments thereto which have received the approval of the Planning Commission.
4. A proposed amendment, modification or alteration to a previously approved preliminary plan shall be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed.
5. The Township Planning Commission shall have the right and authority to require the applicant to file with the Township Building Department at the time of Township approval of a preliminary plan for a new mobile home park or for expansion of an existing mobile home park, a performance surety bond, bank letter of credit or cash bond in such amounts as may be determined by said Board necessary to insure the development of the site in accordance with the approved preliminary plans therefor. Such bond or bank letter of credit, if required, shall continue for the duration of the construction and development of the site and until all conditions are complied with and shall be in a face amount which is a reasonable percentage of the estimated total costs of the particular construction and site development. If a performance bond is required, the amount of the performance bond shall be set at a minimum of 100 percent of the cost of the unfinished work. The bond shall be for the purpose of securing the health, safety and welfare of the residents of the Township and adjacent residents and property owners. Said Board shall provide for the rebate of any cash bond filed in this connection in reasonable proportion to the ratio of the work completed on the improvements for which the bond was required provided the amount remaining on deposit still provides reasonable security for the completion of the unfinished improvements germane to the deposit.
- P. Mobile Home Parks - electronic copies of plans. Following final approval by the Planning Commission and before a Certificate of Occupancy may be issued, the applicant shall furnish the Township hard copies on both paper and Mylar and a digital copy of the final approved Site Plan and as-built drawings of public water and sewer mains, prepared to scale. Digital copies shall be provided in AutoCAD (.dwg) or (.dxf) format. Digital copies may be submitted on 3 ½" disk or CD.

Each digital file shall include a minimum of two ties to Government Section Corners. Additionally, the following should be included and provided as their own unique layers in the electronic file: lot/unit numbers; dimensions; lot lines; boundaries; rights-of-way; street names; easements; section lines and section corners; utility lines; adjacent plat corners; and, other information deemed appropriate to the subject project.

49.120 MOBILE HOME SALES

- A. Shall be limited to mobile home sites in the mobile home park or to an inconspicuous limited area therein.
- B. Shall be limited to the display of different types of mobile homes which are permitted to be occupied within the mobile home park.

49.130 NEW AND/OR USED CAR SALES LOTS; RECREATIONAL VEHICLE SALES LOTS; MOBILE HOME SALES LOTS OUTSIDE OF MOBILE HOME PARKS; FARM MACHINERY AND OTHER EQUIPMENT SALES LOTS; BOAT SALES LOTS; AND OTHER BUSINESSES INVOLVING SUBSTANTIAL OUTDOOR SALES OR ACTIVITIES CONNECTED WITH RETAIL SALES

- A. No such outdoor sales or activities in connection therewith shall be conducted upon premises which do not contain a sales office in a building.
- B. Adequate security outdoor lighting shall be provided upon the premises to illuminate any outdoor goods, merchandise or activities located thereon.
- C. An area shall be provided for customer parking for not less than four vehicles and for such additional vehicles as may be determined to be reasonable and necessary to accommodate the particular business activity which parking spaces shall be constructed of asphalt or other hard-surface, dust-free material.
- D. All operations and business activities, including the parking or display of sales items and equipment and outdoor sales and display area enclosures, shall comply with the setback requirements for buildings and structures contained in the Ordinance.
- E. Outdoor display or parking of sales items and equipment shall be maintained on a dust free surface.
- F. A defined access to the off-street parking areas shall be provided not exceeding 30 feet in width. Such access drive shall be constructed similarly to the parking areas and similarly maintained.
- G. The size and location of such outdoor sales businesses shall not be such as to unreasonably interrupt or impede pedestrian or vehicular travel by customers or patrons of adjoining commercial businesses.
- H. Sales and display areas for garden centers must be developed to provide a decorative enclosure such as wrought iron fence and columns or an obscuring wall. Wall materials shall be consistent with the primary building material(s).

- I. Display of products in an enclosed outdoor sales and display area may not exceed a height of ten feet unless screened from view from outside the area, subject to Planning Commission review and approval.

49.140 OFFICE BUILDINGS

- A. Shall include medical clinics and doctor's offices for the treatment of human beings.
- B. No such building shall be more than 25 feet in height.
- C. No such building shall be larger than 10,000 square feet in area.
- D. The total area of all such buildings shall not occupy more than 30 percent of the ground area of the lot, parcel or building site on which they are located.
- E. No retail activity shall be carried on nor stock of goods maintained for sale upon the premises.
- F. The minimum setback distance between any building and any rear or interior side property line shall be 20 feet or the height of the abutting side of the building at its highest point as measured from the grade of the property line, whichever is greater and shall be subject to Section 50.60, where applicable.
- G. Required off-street parking shall be maintained upon the premises but shall be prohibited in the required front and side setback areas set forth in Section 50.60.
- H. Access to and from the premises by motor vehicles shall be designed to accommodate forward movement in each case and no vehicles shall be permitted to back into the abutting private or public street.
- I. Any outdoor lighting shall be subdued in character and shall be reduced in intensity or eliminated during non-business hours. All such lighting shall comply with Sections 54.10 through 54.30.
- J. Landscaping shall be provided in accordance with Article 53.
- K. The Planning Commission shall have the right and authority to impose additional restrictions and conditions as may be necessary for the protection of the health, safety, and welfare of adjoining property owners and to ensure that any noise, odors, traffic, or other incidental activities incident thereto have a minimum impact upon the neighborhood in which the same is located, including but not limited to hours of operation.

49.150 PARKS, EQUESTRIAN TRAILS, AND OUTDOOR RECREATIONAL AREAS

- A. Excludes golf courses and similar land- and water-intensive uses.
- B. The principal use shall be an outdoor activity compatible with the other principal uses permitted in the zoning district.

- C. Concession stands, clubhouses, equipment repair facilities, and other incidental commercial type uses shall be permitted provided they are located so as to minimize any adverse effects upon adjoining residential property owners and are operated for the purpose of serving patrons of the principal use and not adjoining community or transient motorists.
- D. No overnight accommodations other than a single-family dwelling for the owner or manager of the facility shall be allowed unless expressly approved by the Planning Commission in granting a Special Use hereunder.
- E. Adequate public restrooms and other facilities shall be constructed and properly maintained, commensurate with the anticipated popularity of the particular use involved.
- F. Rubbish disposal shall be handled in such a manner as will avoid any littering upon adjoining properties and will minimize any adverse effects from noise, odor, or dust to adjoining properties.
- G. Off-street parking shall be required on the site located in areas which will minimize any adverse effects upon adjoining property owners and shall be sufficient to satisfy peak periods of use and in compliance with the provisions of Article 52.
- H. Fencing may be required by the Planning Commission where deemed necessary to discourage trespass onto adjacent residential property. Fencing shall be designed to allow free flow of local wildlife.
- I. The placement of any trails, roads, runs, obstacle courses, or similar roadways or pathways shall be in such locations as to minimize any adverse effects of noise, traffic, or dust upon adjoining residents and shall, where the Planning Commission deems necessary to dissipate noise emanating therefrom, be screened.
- J. Equipment storage buildings and other such buildings of a commercial nature shall be screened from adjoining residential properties.
- K. The Planning Commission shall have the right and authority to impose additional restrictions and conditions as may be necessary for the protection of the health, safety, and welfare of any resident on adjoining property, and to ensure that any noise, odors, traffic, or other activities incident thereto have a minimum impact upon the general area in which the same is located.
- L. The application for a Special Use must contain a plan for insuring adequate supervision of a recreation area and all activities therein.

49.160 PRIVATE STREETS

A. Purpose

The purpose of this section is to offer an alternative to public streets in nonresidential site condominium developments by allowing private streets with special approval. This section is intended to serve the health, safety and welfare of the public by standardizing private streets and requiring design, construction and maintenance of same to facilitate access by emergency

vehicles and multiple public and private users. This section sets forth the procedural, design, construction and documentary requirements.

B. Scope

The requirements hereinafter set forth shall apply to all private streets within nonresidential site condominiums.

C. Procedural requirements and approval process.

1. Preliminary Review. Prior to application for Special Use and Site Plan approval, any development utilizing private streets shall first be presented to the Planning Commission for a preliminary review. The preliminary plan should not reflect planned site condominium layout. Information that should be provided on the preliminary plan:

- a. Topography of the development and its relationship to adjoining lands.
- b. Natural features, including the location of woodlots, wetlands, marshland, streams, lakes, and similar features; location and species of trees >12" in diameter as measured at four feet above the ground, soil characteristics of the development at least to the detail provided by the U.S. Soil Conservation Service.
- c. Zoning and use of abutting properties.
- d. Potential opportunities for cross-access with an adjacent property(s) based upon adjacent land use and natural features.
- e. Tentative location(s) of private street easement.

2. Special Use and Site Plan review. Subsequent to the Preliminary Review, a nonresidential site condominium utilizing private streets shall undergo a final review by the Planning Commission. The detailed Site Plan shall incorporate any recommendations made by the Planning Commission at the preliminary plan review. If a detailed Site Plan is not submitted for review within six months of preliminary plan review, the Planning Commission may require a re-submission of the preliminary plan for further review and possible revision. Site Plan review shall be subject to all appropriate sections of the Zoning Ordinance.

The Planning Commission shall hold a public hearing in accordance with the Special Use provisions set forth in Section 65.40.

3. Commencement. No construction shall be commenced on a private street (or extension or addition thereto) until and unless all approvals under this Section and any other applicable ordinance sections have been obtained from the Township.
4. Certificate of Completion. A Certificate of Completion must be issued before a Certificate of Occupancy may be granted for any site in the condominium development. Upon completion of construction of a private street (or addition or modification thereof), at least one complete set of record construction drawings signed by a licensed engineer or contractor

shall be submitted to the Township at the time of application for a Certificate of Completion indicating that construction of the private street was observed and found to be generally in compliance with the approved plans and other Township approvals. These drawings shall indicate any changes to the original private street plans previously approved by the Township, the correct location, size, etc. of both preexisting and new utilities shall also be specified.

D. Private street provisions.

The following standards are required for all private streets:

1. All private streets shall have a recorded permanent private easement. All private streets shall have 66 feet of frontage on a public road. The easement shall also expressly permit public utilities to be installed within the easement. The minimum easement radius for a turn-around shall be of such size that is able to encompass the emergency vehicle turn-around and utilities.
2. Private streets shall be constructed to Kalamazoo County Road Commission standards with the exception of the width of the pavement, easement, curb and gutter and clearing requirements as indicated below.

All private two-way interior streets shall have a paved driving surface with a minimum width of 24 feet, exclusive of parking area, and a minimum easement width of 66 feet. All private one-way interior streets shall have a paved driving surface with a minimum width of 15 feet, exclusive of parking area, and a minimum easement width of 55 feet. The area in which the private street is to be located shall have a minimum cleared width of 33 feet, which clearing shall always be maintained.

3. The design of the storm water management and drainage facilities should seek to be comparable in function and appearance to common natural drainage systems and runoff patterns, including wetlands. The private street shall be constructed with such storm water drainage easements, storm water runoff, culverts, and drainage contours necessary to ensure adequate drainage and runoff.
4. Each private street shall be given a street name that is not the same as any other street name in the County, as determined by the Kalamazoo County Planning Department. A visible street sign and a stop sign shall be erected and maintained at the intersection of the private street with the public road at all times. The signs shall be paid for, posted and thereafter maintained by the condominium association.
5. Intersection of new private street with abutting public road is subject to review and approval of Kalamazoo County Road Commission or the Michigan Department of Transportation, as appropriate.
6. Within the private street easement, each side of the street shall be landscaped consistent with the plant material requirements of a Type A green space as identified in Article 53 of the Ordinance. Additionally, each site within the site condominium will have to satisfy the

requirements of Article 53 at the time that Site Plan approval is granted for development thereon. Credit for existing vegetation, pursuant to Section 53.100, will be given.

7. Private streets shall not exceed a maximum grade of six (6) percent. In no case shall a six percent grade extend more than 1,000 feet in length. Notwithstanding the preceding, the Planning Commission, upon recommendation of the Township Engineer, may allow a maximum grade of up to eight percent for a private street if it is reasonably determined that such increased grade meets all of the following standards:

The private street will be safe;

The increased grade will not hinder the ability of firefighting equipment, ambulances and other emergency vehicles and personnel to reach all portions of the development; and

The developer demonstrates that automobile traffic will be able to easily and safely go up and down the grade at all times of the year, including when ice and snow are present.

8. Second Access/Emergency Access. Any private street which will serve or permit access to ten or more lots, parcels or building sites, or which serves land uses generating a combined daily volume of traffic of 3,000 trips per day or more or exceeds a length of 1,500 feet shall have two means of direct access to public roads. The second means of access may be used for emergency access purposes only with approval from the Planning Commission and such access shall be maintained at the condominium association's expense. Each access shall be built and maintained to the standards required for private streets.

E. Cross access/connectivity.

Context sensitive cross-access and connectivity between properties and developments reduces traffic on arterial streets and vehicular conflict points, and benefits utilities and emergency services.

1. Criteria for cross-access. In determining if cross-access is feasible, the Planning Commission will consider the following:
 - a. The existing and planned future land use and zoning of adjoining land and likelihood that cross-access will be appropriate and beneficial with future development or current use of adjoining land.
 - b. Whether topography and natural areas and features reasonably allow for cross-access.
 - c. If requiring cross-access will impose an undue hardship on the developer of the site condominium.
2. If cross-access with an adjacent property/development has been found to be appropriate by the Planning Commission during the preliminary review step, the Site Plan shall reflect same and said cross-access established or its future construction provided for in the condominium documents.

F. Design modifications or deviation.

1. The Planning Commission reserves the right to place higher design requirements and standards on a development should it be in the best interests of the Township and for the protection of the health, safety and general welfare of its residents based upon the proposed project and recommendations of Township Engineer and Fire Department.
2. The Planning Commission may modify design requirements under certain conditions and with a finding of the Township Engineer as acceptable.

For any development from which a deviation from the guidelines set forth herein is requested, the applicant shall submit to the Township a report containing the following information:

- a. Identification of site restrictions.
- b. Statement indicating the anticipated number of buildings to be serviced by the private street, a reasonably estimated total square footage of buildings within the site condominium and corresponding vehicle trips per day that will be generated with full build-out of the development.
- c. Description of the internal development circulation and access arrangements serving the individual sites.
- d. Compliance with the objectives of the Township's Access Management Guidelines and this Section.
- e. Demonstration that utilities will be adequately accommodated.

Upon adequate submission of the aforementioned information, the Planning Commission shall determine if alternate street design and access arrangements are warranted and comply with the Township's access management and private street objectives.

G. Maintenance and maintenance agreement

1. Maintenance Agreement. The site condominium master deed and by-laws shall provide for and assure that the private street shall be regularly maintained, repaired, and kept free of snow and ice so as to comply with this Section and to assure that the private street is safe for travel at all times and that the costs thereof will be paid for by the condominium association and/or condominium owners benefited by the private street. The documents shall further provide that said maintenance requirements are enforceable by the Township at its option. Additionally, the agreement shall provide that, if the private street is not maintained to the requirements of this Section, all of the condominium owners shall be deemed to have consented to a special assessment district being created by the Township to maintain or upgrade the private street. The agreement shall also provide that, alternately, the Township Board, at its option, can improve and maintain the private street so that it meets the requirements of this Section, and the Township can charge the

condominium owners for the reasonable costs thereof, and such costs shall be secured by either placing a lien on the condominium units or by placing the costs thereof on the tax roll.

2. Maintenance and Snow Removal. The developer (and once units have been sold, the Condominium Association) shall be responsible for maintaining private streets at all times to the standards required by this Section and all other applicable laws. Such reasonable maintenance shall include, but not be limited to, plowing snow when there is two or more inches of accumulation and removing ice in the winter so that firefighting and emergency vehicles can access all portions of the private street at all times.

49.170 RESTAURANTS

- A. Excludes the use of drive-in or drive-thru services.
- B. Only permitted in buildings of not less than 5,000 square feet.

49.180 RETAIL LUMBER YARDS

- A. Allows the sale of lumber, building equipment, pain, fixtures, supplies and related items.
- B. The operation and storage activities of which was so enclosed to be out of the view of persons upon adjacent properties and public highways.
- C. No such use shall be permitted unless it is located upon a state highway or county primary road.

49.190 RIDING STABLES

- A. Shall only be permitted in unplatted areas.
- B. Boarding is permitted.
- C. Subject to the provisions of Section 57.80 with the exception 57.80.A.

49.200 SANITARY LANDFILL OR SOLID WASTE DISPOSAL FACILITY

Prior to approval by the Planning Commission of a Special Use for a sanitary landfill or solid waste disposal facility, as herein defined, in any area of the Township, said Planning Commission shall be certain that the following limitations and conditions are or shall be strictly complied with, in addition to any other requirements contained in the Township Zoning Ordinance, or in any other Township ordinance controlling such operations. The following rules and regulations shall apply specifically to each landfill area or disposal facility, unless county or state regulations on any particular requirement are more restrictive, and then such more restrictive regulation shall apply.

- A. Location:
 1. All such operations shall be located on a state highway or county primary road, as defined by the County Road Commission of Kalamazoo, for ingress and egress thereto, and on a road, which does not create traffic through an area developed primarily for residential

- purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations, as a condition of such operation, and for the purpose of routing traffic around residential areas. A stop sign shall be erected and maintained by the owner/operator at all egress roads of the disposal area. Under no circumstances shall trucks use private drives or private access routes from the applicants' property which are within 150 feet of any residence.
2. Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such disposal area shall be permitted closer than 100 feet from the interior boundary lines. In addition, no disposal areas shall be permitted closer than 300 feet to any domicile, or within 300 feet of any residential districts. No such disposal areas shall be permitted closer than 100 feet to adjacent public right-of-way, property lines or lakes and streams. Such disposal areas shall at no time be permitted where adjoining lateral support for the maintenance for adjoining land is not maintained.
 3. Any permanent processing plant and its accessory structures shall not be located closer than 250 feet from the interior boundary lines. In addition, if located within 1,000 feet of a residence, it shall be obscured by a suitable barrier, not less than ten feet high, with screening, of a type to be decided on an individual basis, by the Planning Commission at the time of application. Where practicable, the processing plant shall be as close to the center of the subject property as possible, and at a lower level than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus, nor to the stockpiling or loading and transportation equipment.
 4. No such disposal area shall interfere with the established natural flow of surface waters, to the detriment or damage to adjoining public or private properties. The Planning Commission shall have the right to require an applicant to construct adequate sediment basins if it appears that substantial sediment may be carried into any nearby watercourse.
 5. Any sanitary landfill area or solid waste disposal facility, located within the boundaries of the Township, whether publicly or privately owned, shall be open to Township residents, property owners and businesses, during established business hours, at a rate competitive with other disposal areas in Southwestern Michigan. Other persons or parties may also be granted access to a public facility, subject to paying charges as determined by the public body having jurisdiction. Private waste disposal areas shall provide service to all persons and businesses, regardless of where located. Special handling fees may be charged for bulky or difficult to process items. Hazardous materials, as defined in P.A. 64 of 1978, as amended, for the State of Michigan and defined by the Department of Natural Resources in its Hazardous Waste Management Rules, Sections R299.630 through R 299.6317 inclusive, containing Rules 301—317 exclusively, and dated February 5, 1981, or as defined in other similar Acts or Regulations which may provide such regulation(s) hereafter, are prohibited.
 6. Greater isolation distances may be required by the Planning Commission if the sanitary landfill or solid waste disposal area being proposed, is adjacent to special quiet zones, as designated by local or state government.

B. Sight Barriers and Fencing:

1. Sight barriers shall be provided along all setback lines of the sites which lack natural screening conditions through existing contours or evergreen growth.
2. The sanitary landfill area is to be fenced with an eight-foot high chain link fence with three strands of barbed wire, angled 45 degrees toward the outside of the premises on the top. Such fence shall be located inside of any berms or screening following the exterior boundaries.

The entrance to the sanitary or solid waste disposal landfill area shall have a gate which shall be closed and locked at all times that the landfill is not open.

C. Nuisance Abatement:

1. Air pollution, noise and vibration, and their effect upon adjacent properties shall be minimized by the utilization of adequate soundproofed equipment and buildings designed to accomplish such minimization, and by the proper use of berms, walls and natural planting screens. Interior and adjoining roads used in the solid waste disposal operations, shall have their surfaces treated to minimize any such condition.
2. Rodent traps, if needed, shall be placed every 100 yards, around the perimeter of the sanitary landfill area, inside the fence, and shall be regularly inspected and cleaned, not less frequently than once each week.
3. Any outdoor lighting deemed necessary by the owner /operator shall be of the sharp cut-off type and shall comply with Section 54.10.
4. Every sanitary landfill facility, which accepts refuse, shall have adequate water supply and facilities for quick delivery of water to any part of the property, for the purpose of extinguishing fires. Capacity shall be such that at least 50 gallons of water per minute can be applied to any fire, continuously, for at least ten hours. The source of the water supply and the facilities to provide for the delivery of the water shall be indicated on the plans submitted for approval by the Planning Commission.
5. All litter shall be collected from the sanitary landfill site by the end of each working day and either placed in the fill, compacted and covered that day, or stored in a covered container.
6. In winter operations, snow and ice shall be removed before any material, either refuse or earth cover, is placed on the fill. A supply of unfrozen earth cover material shall be maintained and available, either in protected stockpiles or in a natural bank protected from, or not subject to freezing. Frozen cover materials shall not be placed on the fill.
7. Prior to the commencement of the construction of any landfill within the Township the owner/operator of the proposed landfill shall obtain from each lake, stream, creek, watercourse and private, residential agricultural and commercial water well a water sample for complete chemical analysis. These water samples shall be taken from each of the aforementioned water sources within a mile radius of the exterior boundaries of the

- property acquired for the construction of the landfill. These samples shall contain the exact location from which they were obtained, the name and address of the property owner who owns the land from which the water sample was taken, and the name and address of principle user of the water well, if different from the owner of the property upon which the well is located. The owner/operator of the proposed landfill shall turn these samples over to a properly accredited laboratory for complete analysis. The results of the individual analysis shall be certified by the laboratory, and then filed with the Township Clerk, for the purpose of future reference, should there at some later date be suspected groundwater contamination. In addition, copies of the quarterly monitoring test well results shall be delivered to the Township promptly upon receipt by the owner/operator.
- D. Time Limits: All operations, other than the maintenance of equipment within a fully enclosed building, shall be conducted only between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday, and 7:00 a.m. and 3:00 p.m. on Saturdays and legal holidays. A sign stating the hours and prohibiting dumping at other times shall be placed in a conspicuous location at the entrance.
- Keys for admittance to the disposal area shall be given to the Township Clerk. Disposal facilities shall have qualified personnel on duty at all times to direct the dumping, spreading, compaction and covering of materials.
- E. Liability Insurance: All applicants shall be required to carry personal injury and property damage insurance, in addition to any and all bonds required by state statute, while any open or unrehabilitated area exists. Such insurance shall be in the amount of not less than \$1,000,000.00 for each person injured or property damaged, or for any injury or damage to more than one person or one person's property, arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operation, as well as upon properties adjoining thereto, as the result of conditions or activities existing upon the site. Such policies shall be filed with the Township Clerk and shall be maintained in effect for a period of not less than 20 years following final closure and termination of sanitary landfill activities. The deductible written into the insurance policy shall not exceed five percent of the per incident limit of the liability of the policy. The coverage obtained by the owner/operator to fulfill the requirements of this section shall include the provisions that the insurer shall notify the Township 30 days prior to the cancellation of the insurance for any reason.
- F. Closure of Disposal Areas: Reclamation or rehabilitation of sanitary landfill or solid waste disposal areas shall be accomplished as soon as practicable following the completion of an area. Where possible, such rehabilitation or reclamation shall be accomplished concurrently with facility's operations. Substantial completion of reclamation and rehabilitation shall be affected within two years after the termination of the waste disposal facility. Inactivity for 12 consecutive months shall constitute, for this purpose, termination of disposal activities. Technical standards which shall control the final reclamation and rehabilitation of the site, and the post-closure monitoring of the site shall be the rules and regulations written by the Department of Natural Resources, Resource Recovery Division, Solid Waste Management for the State of Michigan pursuant to Public Act 641 of 1978, as amended, being Section 299.401, et seq., of the Michigan Compiled Laws and known as the Solid Waste Management Act, or other similar acts which may provide such regulation hereafter.

G. Submission of Operational and Closure Plans:

1. No sanitary landfill activities shall be allowed or commenced until a plan has been submitted to the Township Planning Commission, disclosing compliance with all of the provisions within this ordinance, or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
 - a. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto, abutting public streets, and whether or not the same are on state or county primary roads, additional roads, if any, to be constructed and the location and nature of abutting improvements of adjoining properties.
 - b. The number of acres and the location of the same, proposed to be operated upon within the following 12-month period after commencement of operations.
 - c. The type of sanitary landfill or solid waste disposal area proposed to be constructed, the nature of the equipment to be used and the materials to be accepted.
 - d. A survey by a registered surveyor, showing the location of the principal disposal site and the distance of any proposed operations, and the boundaries of the site.
 - e. A map disclosing the approximate final grade and the levels to be established following completion of the disposal areas, including the proposed uses being contemplated for the future use of the land, and other such matters as may evidence the bona fide nature of the rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed waste disposal area.
 - f. A map disclosing the location of all lakes, streams, creeks, watercourses and public, private, residential, agricultural and commercial water wells from which the samples will be taken for analysis, as stipulated in 3(g) of this section.
 - g. A written agreement, signed by the owner/operator of the proposed disposal area, agreeing to abide by the following plan for solutions to groundwater contamination, should such contamination occur as a result, or suspected result of the disposal operations.

- H. Impact Fees: The owner or operator shall pay to the municipality an impact fee of \$0.10 (or a sum greater than \$0.10 if an agreement with regard to same has been reached between the owner or operator and the Township) per cubic yard on solid waste disposed of in a landfill.

The impact fee shall be collected by the owner or operator and paid to the municipality quarterly by the thirtieth day after the end of each calendar quarter.

I. A Trust Fund for the Mitigation of Landfill Problems:

1. A trust fund shall be established at a convenient bank, within the County, chosen by the Township Board. The impact fees shall be paid into this trust fund for the life of the sanitary landfill or solid waste disposal facility. Expenditures from the trust fund are to be approved

by a Board of Trustees consisting of one citizen appointed by the Township Board, the Township Supervisor, and one representative of the owner/operator. Board members shall serve for terms of two years. Trust fund monies may be expended pursuant to a majority vote of the Board of Trustees for any purpose that promotes the public health, safety and welfare.

2. The mitigation of environmental degradation shall be accomplished by limiting the amount of new leachate produced; steps shall be taken which restrict the movement of existing pollutants in the water. When domestic, agricultural or commercial wells lie in the path of a contaminated plume, one of the following possible solutions to the problems of public health, hazard and environmental degradation shall, at the discretion of the Township be required of the owner/operator of the landfill.
 - a. Immediate purging of the groundwater. Studies must be conducted, at the expense of the owner/operator of the waste disposal area, to determine the extent of the groundwater contamination, cleanup required, and the timetable by which the cleanup will proceed.
 - b. Provision of an alternate water supply. This shall include, but not be limited to:
 - i. Locating uncontaminated groundwater.
 - ii. Providing bottled water. This shall be a temporary measure, designed to prevent health hazards until another system can be prepared. This service should be terminated once a permanent water supply system becomes operational.
 - iii. Hooking into an existing municipal water supply system.

The owner/operator of a sanitary landfill reasonably suspected of contamination of the groundwater for residence, farms or businesses, shall guarantee the cost of the construction of the extension of a municipal water line to the affected area, and the cost of the hookup to this water supply. The Township shall pay for any oversizing of the line to permit the extension of service to areas not affected by the leachate. The owner/operator of the sanitary landfill may make an unrestricted cash payment to the Township to carry out its responsibility to the residents in obtaining for them uncontaminated water. This option shall be at the discretion of the proper authority. If the water is available to the residents of the affected area, it will assume sole responsibility for establishing water rates, assessments and connection charges, and for the granting of waivers of any of these charges to residents whose water supply is endangered by the leachate and for policies governing the system operation and waiver policy.

If the Township does not agree to make water available to its residents, the entire issue shall revert back to the landfill owner/operator's responsibility. The Township shall assume no responsibility or liability for any injuries or property damage resulting from the sanitary landfill operations.

- J. Financial Guarantee: Financial guarantee shall be given the Township, insuring the proper closure and rehabilitation of the solid waste disposal area. The amount of the guarantee shall

not be less than \$5,000.00 per acre of disposal area, but not less than \$20,000.00 nor more than \$200,000.00 for the area proposed to be licensed by the State, or which has previously been operated upon during any preceding period and which has not been reclaimed or rehabilitated. All such financial guarantees shall be reviewed annually on or about the anniversary date of the sanitary landfill construction permit, for adjustment in compliance of the foregoing requirements by the Zoning Inspector of the Township or other such official as may be designated by the Township Board. In this regard, the amount of the financial guarantee may be increased or decreased, based upon the cost of living index, promulgated by the U.S. Department of Labor, using the effective date of this ordinance amendment as the base period for the \$5,000.00 per acre amount. Such financial guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit or a corporate bond of a licensed insurance company, eligible to insure disposal facilities in Michigan. The corporate bond, if it is used, shall be a performance bond which shall be filed with the Township Clerk governing all portions of the sanitary landfill operation required to be maintained in accordance with these regulations, guaranteeing the satisfactory performance of these regulations. The bond shall not be cancellable for nonpayment of premium on disposal areas already worked and shall continue in force for one year after closure and reclamation of the sanitary landfill facility.

For all sanitary landfill areas, the minimum financial guarantee shall be at least \$20,000.00, provided to the Township, if less than five acres are required to be covered by the financial guarantee at any time. The bond shall be filed with the Township before the permit is issued, and on or before the first of each year, thereafter.

Approval by the Planning Commission shall be based upon the criteria set forth within said ordinance and shall be based, in addition, on a consideration of the following:

1. The most advantageous use of the land, resources and property.
 2. The character of the area in question and its particular suitability, if any, for the particular use.
 3. Conservation of property values as well as natural resources and the general appropriate trend and character of development in the subject area.
 4. The protection and preservation of the general health, safety and welfare of the Township.
 5. The scarcity or value of waste disposal areas as compared with the effect upon adjacent communities near the proposed operation. The Planning Commission may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same.
- K. Existing sanitary landfill operations: All licensed sanitary landfill operations existing on the effective date of this ordinance shall be subject to the within regulations with regard to future operations; however, such pre-existing disposal areas shall be allowed to continue in operation on its then existing land. A Special Use shall not be required therefor.

49.210 STORAGE BUILDINGS AND MINI WAREHOUSES

- A. Must be fully enclosed.
- B. Storage is primarily for, but not limited to residential and office customers.
- C. The distance between buildings shall not be less than 30 feet.
- D. Outdoor storage will require approval by the Planning Commission.

49.220 TEMPORARY OUTDOOR EVENTS (LASTING MORE THAN ONE DAY).

- A. May last more than one day.
- B. Use is incidental to the principal use of the property.
- C. A Site Plan shall be submitted for administrative review indicating the following:
 - 1. Traffic lanes and on-site parking.
 - 2. Fire lanes and emergency vehicle turning areas.
 - 3. Restrooms provided (in building or portable facilities).
 - 4. Placement of vehicles, trailers, and all other equipment is away from adjoining residentially used properties and complies with all applicable setbacks.
 - 5. All activity takes place on subject property.
- D. The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.
- E. All signs directed off-site must receive a temporary sign permit and comply with all applicable sign ordinances.
- F. Property owner must approve and acknowledge the use of the property for the event.

49.230 THREE OR FOUR-FAMILY DWELLINGS

- A. Building shall not be more than two stories in height.
- B. Dwelling unit density shall be limited to a maximum unit density of four units per acre.
- C. Public sanitary sewer facilities shall be provided as part of the site development.

49.240 VETERINARY, SMALL ANIMAL CLINIC

- A. No outside facilities or runs shall be permitted.

- B. Subject to the conditions and limitations set forth in Section 49.140.

49.250 WIND ENERGY CONVERSION SYSTEMS (WECS).

- A. Purpose

The regulation of wind energy conversion systems, including the height, minimum parcel, lot and building site area and required setbacks for such systems, is intended to provide for an alternative source of power generation while protecting the health, safety and welfare of Township residents.

- B. Definition

Wind energy conversion systems (WECS): A system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related equipment. May be freestanding or roof-mounted.

1. A "small turbine/on-site" system is intended to primarily serve the needs of the consumer at the site on which it is erected and is not intended to, but may, be connected to the utility grid.
2. A "large turbine/utility grid system" is designed to generate electricity from one or more towers (within an array) and is intended to serve institutions, residential communities or larger cooperatives and may or may not be intended to be connected to the utility grid.

- C. Special Use.

Due to the concerns related to health, safety and welfare, such systems shall be regulated as Special Uses within all zoning districts, provided such land area is sufficient to support their development and operation, except that "large turbine/utility grid systems" shall not be allowed in the R-1, Residential District and the R-2, Residential District.

The following requirements shall be met and the Planning Commission may impose additional conditions when found reasonable and appropriate to avoid or mitigate adverse impacts on surrounding properties:

1. Additional requirements: In addition to the requirements of Site Plan Review, Article 64, the Site Plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy wires or other support devices, and the location of all buildings within 300 feet of the WECS.
2. Application requirements: Each Special Use application shall be accompanied by a complete set of the manufacturer's instructions which shall, at a minimum, include the following: A standard foundation and anchor design or specifications for local soil conditions; Detailed instructions for operation and maintenance of the WECS on site; A copy of all warnings

- and/or documents provided by the manufacturer of the WECS; Grounding and lightning procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters); and Proof of Insurance. In addition, the Underwriters Label shall be attached to the base of the tower and any subsystem, such as the generator, and the following information shall be included: The name, address, and telephone number of the owner of the tower/subsystem; Manufacturer's name and address; Model number; Serial number; Emergency and normal shutdown procedures; The survival wind speed in miles per hour and meters per second for the tower and the maximum power output for the generator; Name of installer; Name of person responsible for maintenance; Emergency telephone number for the installer and the person responsible for maintenance; and, Proof of Insurance of WECS owner. The applicant shall ensure that this information is valid and kept current throughout the life of the WECS and also provided to the Township Clerk.
3. Electromagnetic interference: The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, and/or television broadcasting or reception, and shall comply with Federal Communication Rules, 47 CFR, parts 15 (including subparts A and F) and 18 (including subparts A, D and H).
 4. Noise: The maximum level of noise permitted to be generated by any WECS shall be 55 decibels during normal operating conditions, as measured on the DBA scale, measured at the property line nearest the WECS. This noise level may be exceeded during short-term events such as utility outages and/or severe wind storms. The Planning Commission may require that the manufacturer's specifications regarding noise generated by the proposed WECS be provided by the applicant and/or that a baseline study of the decibel levels existing prior to the installation be included as required documentation for review.
 5. Vibration: Under no circumstances shall a WECS produce vibrations humanly perceptible beyond lot boundaries.
 6. Safety: A wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All towers shall have lightning protection. If a "small turbine/on-site system" utilizes a tower supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors.
 7. Appearance: No WECS may be artificially illuminated and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority; proof of such requirement shall be provided at the time of application for Special Use approval. When lighting is required by the Federal Aviation Administration, a tightly focused LED light beam shall be utilized.

All WECS shall be light grey in color. Finishes must be matt or non-reflective.

Except for warning signs or placement of the name of the manufacturer and/or logo on the nacelle, no signs or other forms of advertising shall be allowed on a WECS.

Towers for "large turbine/utility grid system" WECS shall be monopole design. Lattice towers and/or towers requiring support by guy wires are not permitted for "large turbine/utility grid system" WECS.

8. Construction Codes, Towers and Interconnection Standards:

- a. WECS shall comply with all applicable state construction and electrical codes and local building permit requirements.
- b. WECS shall comply with the Federal Aviation Administration Requirements, the Michigan Airport Zoning Act and the Michigan Tall Structures Act and any other applicable state or federal code, regulation or law.
- c. WECS shall comply with the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.

D. Site development

1. Setbacks: A freestanding "small turbine/on-site" WECS shall be situated on the lot, parcel or building site so that no portion of the tower or turbine is closer to property lines than 150 percent of the height of the tower including the top of the blade in its vertical position.

A freestanding "large turbine/utility grid" WECS shall be situated on the parcel so that no portion of the tower or turbine is closer to property lines than 150 percent of the height of any tower including the top of the blade in its vertical position.

The minimum distance between a freestanding WECS and any building on the same property shall be 20 feet for a "small turbine/on-site" WECS and 75 feet for a "large turbine/utility grid" WECS.

The Planning Commission, in consideration of such request, may waive the setback requirements where such proposed location is justified by a report from the manufacturer documenting the need for the waiver and how the proposed location is more appropriate (i.e., pre-existing obstructions such as trees, buildings, topography, etc.), proposed placement does not negatively impact adjoining properties, and where such adjoining property owner(s) have indicated through formal letter that such waiver is acceptable.

2. Freestanding Tower Height: The maximum allowable height for any "small turbine/on-site" WECS, based upon the combined tower and rotor blade length, shall be 60 feet for parcels of less than five acres, 80 feet for parcels of five to less than ten acres and up to 120 feet for parcels of ten acres or more. The maximum allowable height for any "large turbine/utility grid" WECS, based upon the combined tower and rotor blade length, shall be 300 feet.

The Planning Commission, in consideration of such request, may waive the height limit when the proposed height is justified by a report from the manufacturer and/or applicant documenting the need for the waiver and how the proposed height is necessary for effective operation of the WECS (i.e., pre-existing obstructions such as trees, buildings, topography, etc.), proposed height does not negatively impact adjoining properties and

- where such adjoining property owner(s) has indicated through formal letter that such waiver is acceptable.
3. Ground Clearance: For both horizontal and vertical axis turbines on freestanding towers, the WECS rotor shall be located on the tower or support such that the minimum blade clearance above ground level is 20 feet for a "small turbine/on-site" WECS and 75 feet for a "large turbine/utility grid" WECS.
 4. Accessibility: Freestanding towers shall be designed and constructed in such a manner that climbing devices are only accessible with a ladder, either raised up or detached when not in use, to a height of 12 feet.
 5. Wiring: All wiring between the WECS and the main use or electrical grid shall be underground.
 6. Utility Company Notice: For any proposed WECS, the applicant shall provide proof of written notice to the utility of the proposed WECS, and the utility's response thereto. The applicant shall comply with all requirements of the servicing utility.
 7. Additional Studies: The applicant may offer and submit, or the Planning Commission may require, that the applicant submit studies related to noise, vibration, or similar issues that may be considered a nuisance. In addition, such studies may include avian and wildlife impact, visual impacts, shadow flicker (changes in light intensity caused by the moving blade) or similar issues based upon compatibility of the proposed use in the requested location including a visual impact simulation viewable from four angles showing the completed site as proposed on the Site Plan.
- E. Obsolete WECS/decommission plan/site reclamation.

The applicant shall submit a plan that indicates the anticipated life of the project, the estimated cost and the manner in which the site will be reclaimed when the WECS is no longer operating and/or is obsolete, including a timeline for removal of the WECS (not to exceed 60 days). The Planning Commission may also require that the applicant demonstrate the availability of funds for site reclamation.

ARTICLE 50
SCHEDULE OF REGULATIONS

50.10 AREA REQUIREMENTS

- A. No building permit shall be issued therefore, and no buildings constructed, placed, or moved upon any parcel, lot, or building site less than the area and frontage requirements as specified in this Section; nor where the same would be located upon a parcel, lot, or building site of land with an area of ten acres or less having a depth of greater than four times the width of said parcel, lot or building site.

All parcels must have the frontage specified in this Section on a dedicated public road or street with the width of said required frontage maintained until at least the required building setback line.

All lots or building sites must be situated on a public road or street with the width at building setback line as specified in this Section.

Building sites within nonresidential site condominiums must be situated on a public road or street or a private street easement with the width at building setback as specified in this Section.

Any parcel, lot or building site existing prior to March 31, 1997 shall be considered buildable if the only dimensional nonconformity is a depth to width ratio exceeding four-to-one subject to the Planning Director in his/her discretion to require the dedication of a 66-foot-wide easement for future access to interior lands.

Schedule of Area, Frontage, and/or Width Requirements		
Minimum Area Required	R-1, R-2, R-3, R-4, and R-C	R-5
Parcels (unplatted)	50,000 sq. ft.	Refer to Section 49.110.D
Lots (platted)/Building Sites		
No Water or Sewer	22,000 sq. ft.	
Water or Sewer	15,000 sq. ft.	
Water and Sewer	10,560 sq. ft.	
Minimum Frontage or Width Required	R-1, R-2, R-3, R-4, and R-C	R-5
Parcels Frontage (unplatted)	200 feet	Refer to Section 49.110.C
Lots (platted)/Building Sites (Width at building setback)	100 feet	

Minimum Area Required	C, C-R, or BRP	I-R	I-1	I-2	I-3
Parcels	50,000 sq. ft.	Refer to Section 23.60.A.2	50,000 sq. ft.	50,000 sq. ft.	50,000 sq. ft.
Lots/Building Sites					
No Water or Sewer	30,000 sq. ft.				
Water or Sewer	18,000 sq. ft.				
Water and Sewer	13,200 sq. ft.				
Minimum Frontage or Width Required	C, C-R, or BRP	I-R	I-1	I-2	I-3
Parcels (frontage)	200 ft.	200 ft.	200 ft.	200 ft.	200 ft.
Lots/Building Sites (Width at setback)					
No Water or Sewer	120 ft.				
Water or Sewer	120 ft.				
Water and Sewer	120 ft.				

AG and RR Dimensional Requirements		
District	Type	Dimensional Requirements
AG	Parcel, lot, lot or building site area:	40 acre* parcel/tract size
	Frontage:	200 feet
RR	Parcels, lots, or building sites	
	Area requirements:	1.5 acres
	Minimum frontage:	200 feet
	Lot, building sites within an Open Space Community	
	Area requirements:	Density of 1.0 dwelling units per acre
	Minimum frontage:	120 feet
*Minimum of three (3) acres and 200 feet of public street frontage required per dwelling unit.		

- B. Any attempt to circumvent the intent and purpose of the foregoing provisions by multiple conveyances, contracts, leases or agreements or any combination of the foregoing shall be considered a violation and shall prohibit the issuance of a building permit or the construction or location of buildings upon the land in question and shall subject the violator to the fines and penalties provided in the Township Zoning Ordinance.
- C. The Planning Commission is hereby given the right to grant a deviation from the foregoing where the subject parcel meets all of the following criteria and where, in the opinion of said Planning Commission, the spirit of the foregoing provisions are still observed, public safety, health, and welfare secured, and substantial justice thereby accomplished: (1) parcel was established prior to March 31, 1997 and is not considered lawfully nonconforming pursuant to Section 50.10.E; (2) parcel satisfies the minimum dimensional requirements of a platted lot as set forth in Section 50.10.A; (3) the dimensions of neighboring lawfully nonconforming properties would support said deviation.

Additionally, the Planning Commission is hereby given the right and authority, in furthering the public health, safety, and general welfare, to require any or all of the following as a condition in granting a deviation: 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; shared and/or cross access with an adjacent property(s); and, restricted or prohibited curb-cuts when the Access Management Guidelines cannot be satisfied and reasonable access is otherwise available to the subject parcel.

- D. The purpose of the within provisions is to secure the more orderly development of property in unplatted areas through the encouragement and regulation of open spaces between buildings and lessening of congestion, the encouragement of more efficient and conservative land use, the facilitating of transportation, sewage disposal, water supply and other public requirements and by providing for future access to interior land which might not otherwise be adaptable to proper and advantageous development.
- E. Section 50.10.A shall not apply to any parcel, lot or building site, the boundaries of which have heretofore been established by any instrument recorded previous to October 4, 1965, in the office of the Register of Deeds for Kalamazoo County, Michigan or previously established by operation of law, provided that notwithstanding such exception, not more than one dwelling shall be allowed at any time on less than 200 feet of frontage on any unplatted parcel unless otherwise permitted under this Ordinance.
- F. Frontage, width, and area requirements in Section 50.10.A shall not apply to any parcel, lot or building site with buildings or regulator stations for essential services.
- G. The Planning Director or designee is hereby given the right to grant relief to parcels of land having a depth greater than four times the width of said parcel provided (1) the boundaries of the subject parcel have heretofore been established by an instrument recorded previous to March 31, 1997 and (2) the parcel satisfies the minimum area and frontage requirements stated for parcels in Section 50.10.

Additionally, the Planning Director or designee is hereby further given the right and authority, in furthering the public health, safety, and general welfare, 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 relief as herein provided. The decision of the Planning Director may be appealed to the Zoning Board of Appeals.

50.20 DIMENSIONAL REQUIREMENTS FOR DWELLINGS

A. Single-family dwellings

All one-story dwellings having one or two bedrooms shall have a minimum living area of 1,000 square feet as measured around the exterior of said dwellings exclusive of the basement area. All one-story dwellings having more than two bedrooms shall have a minimum additional living area of 150 square feet per additional bedroom exclusive of the basement area.

All two-story or split-level dwellings having one or two bedrooms shall have a minimum of 500 square feet of first floor living area as measured around the exterior and a total living area of at least 1,000 square feet exclusive of basement area and shall have an additional 150 square feet of living area for each bedroom in addition to two bedrooms.

Single-family dwellings are subject to the standards set forth in Section 50.30.

B. Two-family dwellings

All buildings consisting of two dwelling units, each unit having one or two bedrooms, shall have a minimum first floor living area of 1,000 square feet total area as measured around the exterior of the building, and a minimum of 1,000 square feet of living area per dwelling unit exclusive of basement area. Any dwelling unit having more than two bedrooms shall have a minimum of 150 square feet of additional living area for each bedroom in excess of two bedrooms exclusive of basement areas.

Two-family dwellings are subject to the standards set forth in Section 50.30.

C. Three and four dwelling units re subject to the conditions and limitations set forth in Section 50.20.D.

D. Multiple-family dwellings

All buildings consisting of five or more dwelling units shall have the following minimum footage of living area per unit, exclusive of basement areas:

1. Efficiency apartments consisting of one room, bath, and kitchen—400 square feet.
2. One-bedroom apartments—500 square feet.
3. Two-bedroom apartments—650 square feet.
4. Three-bedroom apartments—800 square feet.

Any apartment having more than three bedrooms shall have an additional 150 square feet of living space for each additional bedroom in excess of three bedrooms exclusive of basement areas.

All measurements and area requirements herein set forth shall be computed without regard to porches, garages, breezeways and carports.

In the event of any controversy concerning what constitutes habitable floor area, the Zoning Board of Appeals is hereby given the authority to determine the same upon application thereto by either the Building Official or by the applicant for a building permit.

50.30 RESIDENTIAL DWELLING STANDARDS

A building, mobile home, pre-manufactured or pre-cut dwelling structure designed and used for a single-family or two-family dwelling shall comply with the following standards:

- A. The minimum floor to ceiling height shall be 7.5 feet.
- B. At least 50 percent of the longest side of a dwelling must also have a depth of not less than 24 feet. In the case of a single story, two-family dwelling, at least 50 percent of the longest side of each dwelling unit shall have a depth of not less than 24 feet.
- C. Be permanently attached to a solid foundation or in the case of mobile homes, connected to piers, constructed on the site in accordance with the Michigan Building Code and any manufacturer's specifications. The dwelling shall be fully enclosed with a permanent wall around its perimeter extending from the footing or slab to the ground floor. The perimeter wall shall be constructed of concrete, concrete block, wood, or other material, comparable to those used to construct the foundation of site-built homes; in no case shall metal, plastic or vinyl skirting be utilized.
- D. No exposed wheels, towing mechanisms, undercarriage, or chassis will be permitted. Any space that may exist between the foundation and the ground floor of the dwelling will be fully enclosed by an extension of the foundation wall along the perimeter of the dwelling.
- E. The dwelling will be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- F. The dwelling must contain permanently attached steps connected to exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
- G. The dwelling must contain no additions of rooms or other areas which are not constructed with an appropriate foundation and permanent attachment to the principal structure.
- H. The dwelling complies with all pertinent building and fire codes including, in the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards," effective June 15, 1976, as amended. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations allow standards of construction which are less stringent than those imposed by the Michigan Building Code, then and in that event, the less stringent federal or state standards or regulation will apply.
- I. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state law or otherwise specifically required in the ordinance of the Charter Township of Oshtemo pertaining to such parks.
- J. Energy-saving earth shelter homes shall be constructed with a completely earth-covered roof having a structural roof system with a slope of not less than one-half inch of rise per foot of run, or constructed with a roof which is not completely earth-covered having a slope with at least a

five-inch rise for each 12 inches of run, and in either case, containing at least one exposed vertical exterior elevation not less than 7.5 feet in height by 24 feet in width designed and constructed in accordance with Michigan Building Code regulations pertinent thereto and without any accommodation for any dwelling units above ground.

50.40 NUMBER OF DWELLINGS PER LOT, PARCEL, OR BUILDING SITE

Except as otherwise specifically permitted in this Ordinance, no more than one dwelling shall be allowed on a lot, parcel, or building site within a residential district. Notwithstanding the foregoing, with regard to an unplatted parcel of land within a residential district other than the Rural Residential District, one additional dwelling may be established if the parcel on which it is located has at least 400 feet of frontage on a dedicated public road and twice the area required by Section 50.10. (For properties within the Agricultural District, refer to Section 4.20.B).

50.50 MAXIMUM BUILDING COVERAGE

No single-family, two-family, three-family, four-family, or multi-family dwelling or dwellings and buildings accessory thereto shall occupy more than 30 percent of the ground area of the lot, parcel or building site upon which the same is located.

50.60 SETBACK PROVISIONS

A. Designated highways

East and West	Minimum Setback Distance
West Main Street from 12 th Street to Van Kal Street	170 feet from the center of the street right-of-way
Stadium Drive from 12 th Street to the South line of Section 31 of the Township	120 feet from the center of the street right-of-way
Almena Drive from West Main to Van Kal Street	120 feet from the center of the street right-of-way
H Avenue from 12 th Street to Van Kal Street	70 feet from the street right-of-way
KL Avenue from 12 th Street to Van Kal Street	70 feet from the street right-of-way
North and South	
12 th Street/Drake Road the entire length of the Township	120 feet from the centerline of the street right-of-way
Van Kal Street from the South line of Section 31 of the Township to West Main Street and the portions within Sections 6 and 7 of the Township	70 feet from the street right-of-way
6 th Street from G Avenue to West Main Street and from ML Avenue to N Avenue	70 feet from the street right-of-way
10 th Street from G Avenue to West Main Street	70 feet from the street right-of-way
9 th Street from the centerline of Section 2 to N Avenue	70 feet from the street right-of-way
4 th Street from West Main to the South line of the Township	70 feet from the street right-of-way
11 th Street from Stadium Drive to Parkview Avenue	70 feet from the street right-of-way

The minimum setback for all buildings constructed along the highways above designated within the Township shall be as prescribed above unless a larger setback is otherwise required in the Zoning Ordinance or unless the building is constructed or located within 300 feet of a building existing on the effective date of this Ordinance provision (August 31, 1998) which is closer than

the above prescribed setback requirements, in which case such setback may be decreased according to the following schedule:

Distance Between Buildings	Setback Distances
Over 175 feet and up to 300 feet	Existing building setback distance, plus 2/3 of the difference between the prescribed setback distance and the existing building setback distance.
Over 50 feet and up to 175 feet	Existing building setback distance, plus 1/3 of the difference between the prescribed setback distance and the existing building setback distance.
Up to 50 feet	Existing building setback distance but not less than 40 feet from the street right-of-way line.

B. Agricultural and Residence Districts

In "AG" Agricultural Districts, "RR" Residence Districts, "R-1" Residence Districts, "R-2" Residence Districts, "R-3" Residence Districts, "R-5" Residence Districts, "R-C" Residential, Conservation Districts and with respect to buildings having two stories or less in "R-4" Residence Districts, there shall be a setback from all street right-of-way lines and outlots and/or planned future public street extensions of not less than 30 feet for all buildings unless a larger setback is otherwise required in the Township Zoning Ordinance or the building is constructed within 300 feet of a building existing on the effective date of this Ordinance provision (December 24, 1966) which is closer than the 30-foot setback requirement, in which case such setback may be decreased according to the schedule set forth in Section 50.60.A hereof. If the building is constructed within 100 feet of a building existing on the effective date of this Ordinance provision which is further than the 30-foot setback requirement, the minimum setback requirement shall be equal to the average of the closest existing buildings on either side of the new building.

The minimum setback distance between any building and any interior side property line in the "AG" Agricultural Districts, "RR" Residence Districts, "R-1" Residence Districts, "R-2" Residence Districts, "R-3" Residence Districts, and "R-C" Residential, Conservation Districts shall be ten feet for all buildings, pools, and associated decks whether attached or detached unless a larger setback is otherwise required in the Township Zoning Ordinance. The minimum setback distance between any building, pools, and associated decks whether attached or detached and any rear property line in the "AG" Agricultural Districts, "RR" Residence Districts, "R-1" Residence Districts, "R-2" Residence Districts, "R-3" Residence Districts, and "R-C" Residential, Conservation Districts shall be not less than 15 feet unless a larger setback is otherwise required in the Township Zoning Ordinance. The minimum setback distance between any building and any rear or interior side property line in the "R-5" Residence Districts, and, with respect to buildings having two stories or less in "R-4" Residence Districts, shall be ten feet or the height of the abutting side of the building at its highest point as measured from the grade of the property line, whichever is greater. The setbacks for buildings exceeding two stories in the "R-4" Residence Districts are set forth in Section 50.60.C. The rear and interior side property line setbacks for nonresidential buildings in the above zoning districts shall satisfy the requirements of Section 50.60.C.

The minimum setback distance between any accessory building not exceeding 200 square feet in area and any rear or interior side property line in the "AG" Agricultural Districts, "RR"

Residence Districts, "R-1" Residence Districts, "R-2" Residence Districts, "R-3" Residence Districts, "R-4" Residence Districts, "R-5" Residence Districts, and "R-C" Residential, Conservation Districts shall be three feet, unless a larger setback is otherwise required in the Township Zoning Ordinance. Accessory buildings exceeding 200 square feet shall be set back from side and rear property lines a minimum of ten feet or the height of the accessory building at its highest point as measured from the grade of the property line, whichever is greater, unless a larger setback is otherwise required in the Township Zoning Ordinance.

In "AG" Agricultural Districts, "RR" Residence Districts, "R-1" Residence Districts, "R-2" Residence Districts, "R-3" Residence Districts, "R-4" Residence Districts, "R-5" Residence Districts, and "R-C" Residential, Conservation Districts there shall be a setback of not less than 25 feet from all street right-of-way lines and outlots and/or planned future public street extensions for all parcels, lots or building sites with buildings or regulator stations for essential services unless a larger setback is otherwise required in the Township Zoning Ordinance.

1. Separation between buildings

With respect to residential buildings of four dwelling units or less, there shall be a 20-foot separation between buildings located on the same parcel, lot, or building site (except buildings accessory thereto). Separation shall be measured in the same manner as a building setback.

2. Lawful nonconforming residential buildings existing as of the date March 11, 1996.

Any residential building constructed as of the date of March 11, 1996, which is set back less than the distance required by Section 50.60.A or Section 50.60.B (whichever is applicable) from the street right-of-way lines shall be considered a lawful nonconforming structure under Section 63.40 for purposes of the application and enforcement of the setback provisions of Sections 50.60.A and 50.60.B. Structures rendered lawfully nonconforming by this section shall not be utilized to decrease the setback required under the reduction schedule contained within Section 50.60.A.

C. Business and Industrial Districts

In "C" Local Business District, "BRP" Business and Research Park District, "I-R" Industrial District, Restricted, "I-1" Industrial District, Manufacturing/Service, "I-2" Industrial District, Manufacturing/Service, "I-3" Industrial District, Special and with respect to buildings exceeding two stories in "R-4" Residence District, the minimum setback distance for all buildings shall be 70 feet from all street right-of-way lines and outlots and/or planned future public street extensions abutting the property unless a larger setback is otherwise required in the Township Zoning Ordinance, or the building is constructed within 300 feet of a building existing on the effective date of this Ordinance provision (December 24, 1966) which is closer than the 70-foot setback requirement, in which case such setback may be decreased accordingly to the schedule set forth in Section 50.60.A hereof. The setbacks applicable to the "C-R" Local Business District, Restricted, are set forth in Section 21.50.D.

The minimum setback distance between any building and any rear or interior side property line shall be 20 feet or the height of the abutting side of the building at its highest point as measured

from the grade of the property line, whichever is greater. The Zoning Board of Appeals shall have the authority to grant a variance to allow a zero-foot side or rear yard setback to permit the connection of buildings on adjoining properties in a "C" zoning classification, if the Zoning Board of Appeals, after consultation with the Township Fire Chief, determines that adequate fire protection measures (such as the establishment of fire walls and/or sprinkler systems) will be taken to deter the spread of fire between such adjoining properties.

The minimum setback distance between any accessory building and any rear or interior side property line in the "C" Local Business District, "BRP" Business and Research Park District, "I-R" Industrial District, Restricted, "I-1" Industrial District, Manufacturing/Service, "I-2" Industrial District, Manufacturing/Service, "I-3" Industrial District, Special, shall be 20 feet or the height of the accessory building at its highest point as measured from the grade of the property line, whichever is greater.

In "C" Local Business District, "BRP" Business Research Park District, "I-R" Industrial District, Restricted, "I-1" Industrial District, Manufacturing/Service, "I-2" Industrial District, Manufacturing/Service, "I-3" Industrial District there shall be a setback of not less than 25 feet from all street right-of-way lines and outlots and/or planned future public street extensions for all parcels, lots or building sites with buildings or regulator stations for essential services unless a larger setback is otherwise required in the Township Zoning Ordinance.

D. Service station equipment

Notwithstanding the foregoing, the minimum setback for gasoline pumps, detached gasoline pump canopies, display racks, air pumps, or other service station equipment shall be 20 feet from the road right-of-way line and any rear or interior side property line.

E. Outside toilets

Temporary outside toilets shall be subject to the same setback requirements as those specified for buildings; provided, however, that said outside toilets shall not be erected closer than 25 feet to any building upon adjoining premises being used for permanent habitation.

F. Antennas, towers, and satellite dishes

All radio and television antennas, transmission towers, and satellite dish antennas shall be subject to the same setback requirements as those specified for accessory buildings.

G. Private service roads

Except where other provisions of the Oshtemo Charter Township Zoning Ordinance require a larger setback for a building or structure, the minimum setback distance between any building or structure and a private service road serving more than one business establishment shall be 15 feet from the service road right-of-way line.

50.70 SUPPLEMENTAL SETBACK PROVISION FOR PROPERTY ABUTTING A HIGHER RESIDENTIAL ZONING CLASSIFICATION

A. Supplemental setback provision for property abutting property containing an Historical Overlay Zone.

Except where other provisions of the Oshtemo Charter Township Zoning Ordinance require a larger setback for a building or structure, the minimum setback distance between any building or structure and the leading boundary of the Historical Overlay Zone, shall be as follows:

1. Twenty feet where the subject site is developing as a single or two-family dwelling.
2. Fifty feet where the subject site is in an "AG", "RR", "R-1" or "R-2" zoning classification. This minimum setback distance shall be increased by one foot for each foot in height in excess of 25 feet of the building in the "AG", "RR", "R-1" or "R-2" zoning classification as measured from the adjacent grade.
3. One hundred feet where the subject site is in an "R-3", "R-4", "R-C", "C-R", "C", "BRP", "I-R", "I-1", "I-2", or "I-3" zoning [classification]. This minimum setback distance shall be increased by one foot for each foot in height in excess of 25 feet of the building in the "R-3", "R-4", "R-C", "C-R", "C", "BRP", "I-R", "I-1", "I-2" or "I-3" zoning classification as measured from the adjacent grade.

B. Except where other provisions of the Oshtemo Charter Township Zoning Ordinance require a larger setback for a building or structure, the minimum setback distance between any building or structure and any rear or side property line abutting property located in a higher residential zoning classification than the subject site shall be as follows:

1. Fifty feet where the subject site is in a "R-3", "R-4" or "R-5" zoning classification and abuts property in an "AG", "RR", "R-1", "R-2", or "R-C" zoning classification. This minimum setback distance shall be increased by one foot for each foot in height in excess of 25 feet of the building in the "R-3", "R-4", or "R-5" zoning classification as measured from the adjacent grade.
2. Eighty-five feet where the subject site is in a "C" or "C-R" zoning classification and abuts property in an "AG", "RR", "R-1", "R-2", "R-3", "R-4", "R-5", or "R-C" zoning classification. This minimum setback distance shall be increased by one foot for each foot in height in excess of 25 feet of the building in the "C" or "C-R" zoning classification as measured from the adjacent grade.
3. One hundred feet where the subject site is in an "BRP", "I-R", "I-1", "I-2", or "I-3" zoning classification and abuts property in an "AG", "RR", "R-1", "R-2", "R-3", "R-4", "R-5" or "R-C" zoning classification. This minimum setback distance shall be increased by one foot for each foot in height in excess of 25 feet of the building in the "BRP", "I-R", "I-1", "I-2" or "I-3" zoning classification as measured from the adjacent grade.

- C. No off-street parking or storage or outdoor commercial ground activities shall occur within the front, side and rear setback areas hereinbefore set forth unless the same are located a minimum of 15 feet from the interior boundaries of the site.
- D. The foregoing setback requirements shall not apply if a single-family dwelling is located on the site in the lower abutting zoning classification.
- E. The minimum setback distance between any building or structure and any rear or side property line abutting property with a single- or two-family residence located in an equivalent or lower zoning classification than the subject site shall be 50 feet or a type F greenspace shall be installed along the property line between the improved area of the subject property and the abutting residence (see Article 53).

ARTICLE 51
ACCESS MANAGEMENT GUIDELINES

51.10 PURPOSE

The following guidelines shall be applied to all land uses locating on an "arterial" or "collector" (as those terms are defined in the Access Management Plan) and requiring the Site Plan review. Implementation will occur both at the Township Site Plan review stage and during the road authority's review of the driveway permit request. Township reviews will be conducted in cooperation with the appropriate road authority, either the Michigan Department of Transportation (MDOT) or the Kalamazoo County Road Commission (KCRC). Following Site Plan approval by the Township, driveway permits consistent with Township requirements may be obtained from the road agency having jurisdiction.

51.20 DRIVEWAY APPROVAL PROCESS

The driveway approval process is as follows:

- A. The applicant informally presents Site Plan to the Township Planning Department. The Township offers suggestions consistent with the guidelines of Article 51 and the provisions of the Access Management Plan.
- B. The applicant submits Site Plan to the Township Planning Department and road authority for review (road authority staff should direct applicant of need to conform with Township requirements).
- C. The Township Planning Department contacts road authority staff for comments within ten days of receipt/submission of Site Plan.
- D. The Township Planning Department presents access design recommendations to reviewing body.
- E. The reviewing body takes action on Site Plan.
- F. The Township Planning Department informs road authority staff of decision.
- G. The applicant requests driveway permit from road authority.

51.30 DRIVEWAY DESIGN

- A. Driveway Width:
 1. The standard two-way commercial driveway design shall include one ingress lane and one egress lane with a combined maximum throat width of thirty-six feet, measured from face to face of curb.
 2. Where exit volumes are expected to exceed 1,000 vehicles per day, 100 during peak hours, or in areas where it is determined that undesirable motorist delays will occur, two exit lanes may be required. Such driveways should include one 15-foot ingress lane and two 11½ foot

wide egress lanes (one marked exclusively for left turns). In areas where significant pedestrian/bicycle travel is expected, the ingress and egress lanes should be separated by a 4–10-foot-wide median with pedestrian refuge area.

3. For access arrangements which include two one-way driveways, each driveway shall be 16 feet wide, measured perpendicularly, and angled to minimize the disruption on traffic flow.
 4. Left and right turn movements on and off roadways typically have the greatest impact of traffic flow and accident frequency. Therefore, where driveways are to be located in a segment defined in adopted Township corridor studies as having a high accident rate or significant traffic congestion/delays, or where left turn access is available through alternative means of access, the Township may require driveway design and signing which discourages certain turning movements.
 5. Where driveways are intended to control specific left and/or right turn ingress and egress, the designs reflected in the Access Management Plan shall apply.
 6. Reference the Access Management Plan for schematics of the designs indicated in subsections 1 - 5. Similar designs may be accepted, provided that they are approved by the Michigan Department of Transportation or the Kalamazoo County Road Commission.
- B. Engineering judgement should be utilized to determine the necessary throat length and storage guidelines. In the absence of adequate traffic volume data, application of the commonly-used values found in Table 1 is appropriate.

Table 1. – Minimum Throat Length Requirements			
Land Use	Building Size	Minimum Throat Length (Feet)	
		Collector	Arterial
Apartments	<100 units	25	50
	100-200 units	50	75
	>200 units	75	125
Office	<50,000 sq. ft.	25	50
	50,001 – 100,000 sq. ft.	25	75
	100,001 – 200,000 sq. ft.	50	100
	200,001 – 500,000 sq. ft.	100	150
	>500,000 sq. ft.	125	250
Retail	<30,000 sq. ft.	25	50
	>30,000 sq. ft.	25	75
Shopping Center	<250,000 sq. ft.	25	50
	250,001 – 500,000 sq. ft.	50	75
	500,001 – 750,000 sq. ft.	75	200
	>750,000 sq. ft.	125	250
Supermarket	<20,000 sq. ft.	50	75
	>20,000 sq. ft.	75	125
Restaurant	<15,000 sq. ft.	25	50
	>15,000 sq. ft.	25	75
Drive-In Restaurant	<2,000 sq. ft.	25	75
	>2,000 sq. ft.	50	100
Motel	<150 rooms	25	75

Table 1. – Minimum Throat Length Requirements			
Land Use	Building Size	Minimum Throat Length (Feet)	
		Collector	Arterial
	>150 rooms	25	100
Light Industrial	<100,000 sq. ft.	25	50
	100,001 – 500,000 sq. ft.	50	100
	>500,000 sq. ft.	50	200

C. Curb Radii:

1. Standard two-way commercial driveways shall be designed with a minimum 35-foot radius where primarily passenger vehicle traffic is expected.
2. For sites where truck traffic is expected, or where determined necessary by the Oshtemo Fire Department, a larger radius may be required.

D. All driveways should be on a 90-degree angle with the roadway unless physical modifications and directional signs are used to enforce intended one-way operations or restricted turning movements.

E. Deceleration lanes and tapers, where warranted by either through traffic conditions or expected high driveway volumes, should be used to avoid the disruption in the flow of traffic caused by motorists making right turns.

F. When alternatives to a two-way driveway are necessary to provide adequate driveway access to property fronting upon the arterial street system, the following progression of alternatives should be used:

1. One standard, two-way driveway;
2. Additional ingress/egress lanes on one standard, two-way driveway;
3. Two, one-way driveways;
4. Additional ingress/egress lanes on two, one-way driveways;
5. Additional driveways on cross street;
6. Additional driveway on major street.

Restricted turns and roadway modifications will be considered in conjunction with alternative driveway designs.

G. Driveways shall be constructed of a paved surface resistant to erosion.

H. Driveways shall be constructed such that drainage is channeled away from the street right-of-way.

- I. In order to ensure smooth on-site traffic circulation, directional signs and/or pavement markings may be required and shall be clearly visible and maintained.

51.40 NUMBER OF DRIVEWAYS

- A. Access for an individual parcel, lot, or building site for contiguous parcels, lots, or building sites under the same ownership shall consist of either a single two-way driveway or a paired driveway system wherein one driveway is designed, and appropriately marked, to accommodate ingress traffic and the other egress traffic.
- B. For developments that can demonstrate that their combined driveway approach volumes (entering and exiting) will exceed 3,000 during an average day (or will be used by 300 vehicles during the peak hour of traffic for either the street or the use), and lacking access to a secondary street, a second driveway may be allowed along the major street provided that the additional driveway can meet the spacing requirements.
- C. For a parcel, lot, or building site with frontage exceeding 300 feet, or where a parcel, lot, or building site has frontage on at least two streets, an additional driveway may be allowed, provided that a traffic analysis is submitted by the applicant showing that conditions warrant an additional driveway and that all driveways meet the spacing requirements.
- D. Certain developments generate enough traffic to warrant consideration of an additional driveway to reduce delays for exiting motorists. Where possible, these second access points should be located on a side street, shared with adjacent uses or designed for right turn-in, right-turn-out only movements. Uses where a second driveway could be considered are influenced by the trip generation characteristics of the use and the volumes of the adjacent roadway, as shown in Table 2. (Note: Where the development has access to a signalized location, the approach volume of driveway traffic should be doubled that shown for unsignalized locations to warrant consideration of a second access.)

Table 2. - Development Characteristics that Warrant Consideration of an Additional Driveway
• Family developments with over 500 units
• A grocery store of over 30,000 square feet (GFA)
• A shopping center with over 40,000 square feet (GFA)
• A hotel or motel with over 400 rooms
• Industrial developments with over 300,000 square feet (GFA) or 350 employees (although a secondary entrance for trucks should be allowed)
• Warehouses of over 750,000 square feet (GFA) or 350 employees
• A mobile home park with over 600 units
• General office building of 150,000 square feet (GFA) or 500 employees
• Medical office building of 60,000 square feet (GFA) or 200 employees
• Fast food restaurant of over 6,000 square feet (GFA)
• Sit-down restaurant of over 20,000 square feet (GFA)

51.50 DRIVEWAY SPACING

- A. Driveway spacing will be based on posted speed limits along the property frontage as indicated in Table 3.

Table 3. – Recommended Driveway Spacing Distances	
Posted Speed Limit (MPH)	Driveway Spacing* (Feet)
30	125
35	150
40	185
45	230
50	275
55	350

*Measured centerline to centerline

- B. Driveway spacing from intersecting streets shall be subject to the schedule outlined in Table 4.

Table 4. – Driveway Spacing from Intersections		
Driveways Along Arterials		
Intersecting Street	Full Movement Driveway (Feet)	Channelized for right-turn-in, right-turn-out (Feet)
Arterial	250	100
Signalized		
Non-Arterial	125	75
Other Street	100	75
Driveways Along Side Streets Intersecting Arterials		
Intersecting Street	Full Movement Driveway (Feet)	Channelized for right-turn-in, right-turn-out (Feet)
Arterial	200	100
Signalized		
Non-Arterial	100	75
Other Street	75	75
Measured from the nearest edge of the driveway throat to the nearest edge of the intersection.		
Reference the Access Management Plan for an illustration of typical driveway spacings required by Tables 3 and 4.		

- C. Additional Driveway Placement Considerations

1. If the amount of street frontage is not sufficient to meet these criteria, the driveway shall be constructed adjacent to the property line furthest from the intersection.
2. Future shared use or the development of a frontage road/service drive will be encouraged.
3. In areas where accidents and congestion due to left turn traffic movements are a concern, designs to discourage left turn ingress and/or egress will be considered.

- D. If a driveway curb radius extends beyond the frontage of the property, written consent from the affected property owner allowing the design must be provided.
- E. In order to minimize left turn conflicts at non-signalized locations, driveways shall be offset a minimum of one hundred fifty feet, measured centerline to centerline, or aligned with those across the street.
- F. Where parcels, lots, or building sites have frontage or access on more than one roadway, access shall be provided from the lesser traveled street. Where spacing requirements can be met, high traffic volumes will be generated, or the subject side street is inappropriate for nonresidential traffic, access onto the main roadway will be considered.
- G. In the case of expansion, alteration or redesign of an existing development where existing driveways do not comply with the guidelines set forth herein, the closing, relocation, or redesign of the driveway may be required.

51.60 DEVIATION FROM GUIDELINES

For any development from which a deviation from the guidelines set forth herein is requested, the applicant shall submit to the Township a report containing the following information:

- A. Identification of traffic conditions and/or site restrictions
- B. Justification of need
- C. Identification of the impact of the development and its proposed access facilities on the operation of the abutting street
- D. Description of the internal circulation and parking system
- E. Compliance with the objectives of the Township's access management guidelines.

Upon adequate submission of the aforementioned information, the viewing body shall determine if alternate access arrangements or site designs are warranted and comply with the Township's access management objectives.

ARTICLE 52
OFF-STREET PARKING OF MOTOR VEHICLES

52.10 PURPOSE

The purpose of this Article is to permit and regulate off-street parking of motor vehicles and the off-street loading and unloading of vehicles in all zoning districts.

52.20 PROVISION AND MAINTENANCE

Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto in each district for all occupants, employees and patrons of said property. Parking space shall be provided in the manner herein specified.

52.30 AGRICULTURAL AND RESIDENTIAL ZONES

Parking of motor vehicles in the Agricultural or residential zones, except those used for farming or recreational purposes, shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type not to exceed one ton rated load carrying capacity.

52.40 COMMERCIAL DISTRICTS AND INDUSTRIAL DISTRICTS

- A. The overnight parking of semi-trucks and/or semi-trailers in commercial, or industrial districts shall be permitted only when incidental and accessory to the principal use being conducted on the premises, unless permitted elsewhere in the Ordinance. No overnight parking of semi-trucks and/or semi-trailers shall be permitted in the Village Commercial district.
- B. Vehicle, trucks and trailers with a business name or logo thereon shall be parked away from the right-of-way, and if space is available, behind the building within which the business is located.

52.50 OFF-STREET PARKING AND SITE CIRCULATION REQUIREMENTS

Requirements for all parking spaces, parking lots, and drive aisles (except those for single- and two-family dwellings, for mobile homes or single- or two-family dwellings in a mobile home subdivision, or for farms) shall be as follows:

- A. Space size. Each automobile parking space shall not be less than 200 square feet nor less than ten feet wide exclusive of driveway and aisle space. For parking lots with over 100 spaces, minor adjustments of the dimensions prescribed in this Section may be authorized by the reviewing body for up to 25 percent of the required spaces, provided the design remains consistent with generally recognized design standards for off-street parking facilities.
- B. Parking aisle width. Aisles shall be 24 feet wide for two-way traffic and 20 feet wide for one-way traffic. Consideration will be given to alternate widths for one-way aisles in conjunction with angled parking other than 75 to 90 degrees.

- C. Circulation aisle width. Aisles for the general vehicular circulation of the public shall be 24 feet wide for two-way traffic and 20-feet wide for one-way traffic. The reviewing body may grant, upon request, reduced widths for circulation aisles. The reviewing body will consider the following before making a determination of drive aisles may be reduced:
 - 1 Overall site circulation,
 - 2 Access to public rights-of-way,
 - 3 Public safety,
 - 4 Volume of traffic,
 - 5 Visibility,
 - 6 Location of nonmotorized traffic,
 - 7 Grade and slope of the drive,
 - 8 Other site considerations which may impact general circulation.
- D. Pavement. All off-street parking facilities, including private drives thereto, shall be constructed of materials which will have a paved surface resistant to erosion. Use of permeable materials, similar to a paved surface, is encouraged.
- E. Accessible accommodations. Any barrier free parking spaces or accessible loading aisles between said spaces shall be designed and constructed in accordance with the Americans with Disabilities Act of 1990, using the 2010 or most recent design standards. Barrier free parking spaces, accessible loading aisles between said spaces, and ramps shall be constructed of aggregate cement concrete or a similar, pre-approved hard surface alternate, subject to Township Staff approval. Flexible paving is not allowed.
- F. Backing into or from a street is prohibited. All trucks and vehicles shall enter and exit the lot, parcel, or site using forward movement from and to the abutting street.
- G. Bicycle parking. Provision of parking facilities for bicycles is strongly encouraged and may be required as part of a Special Use approval.
- H. Maximum number of spaces. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, no parking lot shall have parking spaces totaling more than 110% of the minimum parking space requirements except as may be approved by the reviewing body.
- I. Additional parking allowance. In granting any additional space, the reviewing body shall determine that the parking is necessary, based upon documented evidence of actual use and demand provided by the applicant. The reviewing body shall also consider impacts on the property and surrounding properties including any natural features thereon. Use of pervious pavement is encouraged. This allowance shall apply only to those parcels, lots or building sites with a minimum of 50 parking spaces as required by Sections 52.70 and 52.100.

52.60 LOADING AND UNLOADING

Space for all necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the side or rear yard of the lot, parcel or building site, on a paved surface and shall not interfere with pedestrian or vehicular movement.

52.70 MIXED USES IN THE SAME BUILDING OR JOINT USE OF FACILITIES

In the case of mixed uses in the same building or common parking facilities for several uses in the same vicinity, the total parking space requirement is the sum of the individual requirements for each use at the same time of day. The maximum joint requirements will be less than the total individual requirements if the peak needs for the uses occur at distinctly different times of the day.

52.80 SHARED ACCESS REDUCTION

- A. When a frontage road or service drive is established on a parcel, lot, or building site, the total number of parking spaces required shall be reduced by ten percent.
- B. When a cross parking arrangement or agreement has been reached (and written evidence thereof in existence) regarding two or more parcels, lots, or building sites, the number of parking spaces required for each of the parcels, lots, or building sites in question shall be reduced by ten percent.

52.90 DRIVE THROUGH WINDOWS

A minimum of five 10-foot by 20-foot stacking spaces, measured from each individual point of service, for food service establishments and a minimum of three 10-foot by 20-foot stacking spaces per window for all other drive-through establishments for vehicles awaiting service shall be on-site and designed and located so as not to block or impede pedestrian and/or vehicle circulation on the site or on any adjacent sidewalk or street. Stacking spaces shall not be considered parking spaces.

52.100 MINIMUM REQUIRED PARKING SPACES

52.100 Minimum Required Parking Spaces	
Land Use	Minimum Number of spaces Per Unit of Measure
A. Residential	
1. One-family	2 per dwelling unit
2. Two, three or four-family	2.5 per dwelling unit
3. Multi-family	2.5 per unit
4. Retirement Community/Elderly housing	1.5 per unit plus 1 for each employee on the largest shift
5. Manufactured Housing Community	In accordance with Section 49.110.G accessory uses calculated separately
B. Office	
1. Business & General Office	1 per each 150 s.f. of net floor area
2. Banks, Credit Unions	1 per each 150 s.f. of net floor area
3. Medical, Dental Offices & Clinics	1 per each 150 s.f. of net floor area
4. Veterinary Offices & Clinics	1 per each 150 s.f. of net floor area excluding boarding areas

52.100 Minimum Required Parking Spaces	
Land Use	Minimum Number of spaces Per Unit of Measure
C. Business & Commercial	
1. Retail Sales (except as otherwise specified herein)	1 per each 150 s.f. of net floor area
2. Automotive Repair Shops & Service Stations	3 spaces per bay plus 1 per each 300 s.f. of net floor area
3. Beauty Salon or Barber Shop	1 per each 100 s.f. of net floor area or 3 for each work station, whichever is greater
4. Personal Services Including Dry Cleaners, Shoe Repair	1 per each 300 s.f. of net floor area with a minimum of 4 spaces required
5. Motel/Hotel	1 per each unit plus 1 for each employee plus amount required for accessory uses
6. Restaurants, Brewpub, Microbrewery	1 per each 70 s.f. of net floor area plus 1 per each employee on the largest shift OR 1 per each 3 persons allowed within the maximum occupancy load as established by the Township building code plus 1 per each employee on the largest shift, whichever is greater
7. Showrooms for Furniture, Appliances, Household Equipment, Motor Vehicle, and Machinery Sales	1 per each 400 s.f. of net floor area used for sales and/or display
8. Wine Tasting Room, Winery, Craft Food and Beverage Production Facility	For those portions of the facility dedicated to retail sales and services, 1 space per 150 s.f. of net floor area shall be required. For those portions of the facility dedicated to manufacturing, assembly, processing, warehousing, distribution, and/or similar operations, 1.5 spaces per each 1,000 s.f. of net floor area OR one per employee, whichever is greater, shall be required.
D. Industrial	
1. Manufacturing, Assembly, Processing & Research Facilities	1.5 per each 1,000 s.f. of net floor area plus the required parking devoted to other uses OR one per employee whichever is greater
2. Warehouse and Distribution Facilities	1 per each 1,500 s.f. of net floor area plus the required parking devoted to other uses OR one per employee whichever is greater
E. Institutional	
1. Houses of Worship	1 for each 3 seats or 6 feet of pew in the main place of assembly
2. Day Care Centers	1 for each employee plus 1 for each 5 children
3. Elementary & Middle Schools	1 for each staff member plus 1 for each 3 seats of the maximum seating capacity for the indoor place of assembly having the greatest seating capacity
4. High Schools	1 for each staff member plus 1 for each 4 students plus 1 for each 3 seats of the maximum seating capacity for the indoor place of assembly having the greatest seating capacity
5. Nursing Homes/ Assisted Living	1 for each 2 beds plus 1 for each employee

52.100 Minimum Required Parking Spaces	
Land Use	Minimum Number of spaces Per Unit of Measure
6. Movie Theaters, Theaters, Stadiums, Sports Arena, Auditoriums (with fixed seating)	1 for each 3 seats or 6 feet of bench
7. Meeting rooms, Assembly & Convention Halls (without fixed seating)	1 space for each 3 persons allowed within the maximum occupancy load as established by the Township building code
F. Recreation & Entertainment	
1. Bowling Alleys	5 per lane
2. Private clubs and Lodges	1 space for each 3 persons allowed within the maximum occupancy load as established by the Township building code
3. Golf Driving Ranges	1.5 per tee
4. Par 3 and Miniature Golf	2 per hole plus 1 per 2 employees on the largest shift
5. Golf Courses	6 per hole plus 1 per employee
6. Health Fitness Center	1 per each 200 sf of net floor area plus 1 per each employee on the largest shift
7. Roller/Ice Skating Rink	1 space for each 3 persons allowed within the maximum occupancy load as established by the Township building code

52.110 OTHER USES

- A. Commercial center. Parking shall be calculated based on a definitive breakdown of the uses within the center as presented by the developer. If no definitive breakdown is presented, parking shall be calculated assuming that one-half of the square footage of the center will be used for retail sales and one-half for restaurant use.
- B. Accessory uses. Accessory uses shall require additional parking.
- C. Other. For those uses not specifically mentioned, the requirement for off-street parking facilities shall be based upon uses similar in terms of parking demand as determined by the Township.

52.120 DEFERRED PARKING (NON-RESIDENTIAL USES)

As a means of avoiding greater amounts of parking spaces and impermeable surface than are reasonably needed to serve a particular use while still ensuring site adequacy, the reviewing body may allow deferred construction of the required number of spaces for any non-residential use if the following conditions are satisfied:

- A. The applicant submits a Site Plan including the design and layout of all required parking areas including areas proposed for deferred parking. Such deferred parking area shall not include areas required for setbacks, landscaping or greenspace, or land otherwise unsuitable for parking due to environmental or physical conditions.

- B. The applicant demonstrates, to the satisfaction of the reviewing body, that a reduced number of parking spaces will meet the parking needs due to the nature, size, density, location, or design of the proposed development. Pedestrian access and use may be considered.
- C. And any other factors reasonably related to the need for parking for the proposed development as determined by the reviewing body.
- D. At any time, subsequent to approval, the Township may require the construction of additional parking spaces based on review of the parking needs by the Planning Director.

52.130 OFF-STREET PARKING, STORAGE OR SALES

Off-street parking or storage of vehicles, motor homes, recreational vehicles, boats, snowmobiles, camping trailers, or other similar equipment shall be prohibited in the required setback areas between buildings and the abutting public or private street right-of-way or easement on all residential lot, parcel or building sites, in an "AG", "RR", "R-1", "R-2", "R-3", "R-4", or R-C zoning district classifications where residences or buildings are located within 200 feet of one another. This prohibition shall be subject to the following exception:

- A. Such parking shall be permitted within private driveways not exceeding 22 feet in width located within such setback areas, provided such driveways are for the principal purpose of access to a garage or entryway to a dwelling or other permitted use and are not for the principal purpose of off-street parking or storage.
- B. Not more than two vehicles, boats, snowmobiles, camping trailers or similar equipment, in any combination, and owned by the property's occupant may be placed for sale on a lot, parcel or building site. Said items may be placed for a period of no longer than 90 days in a calendar year per item. All said vehicles, boats, snow mobiles, camping trailers or similar equipment shall not be displayed in any portion of the public right-of-way or private street easement.

52.140 DEVIATION

Upon application, the reviewing body is hereby given the right to grant a deviation from the foregoing to an existing developed property where there are practical difficulties or unnecessary hardship in the way of carrying out strict compliance with the foregoing and where said deviation is found to be in keeping with the spirit and intent of this Article.

ARTICLE 53
LANDSCAPING

53.10 STATE OF PURPOSE

The purpose of this Article is to assist all land uses requiring Site Plan review in meeting desired landscaping objectives and to set forth minimum yet flexible standards for required landscape areas. The objectives and functions of the landscape requirements are to:

- Increase compatibility between abutting and adjacent uses including public and private roads and to provide buffering between dissimilar land uses.
- Protect residential quality of life.
- Improve air quality and provide shade.
- Decrease wind velocity, reduce soil erosion and increase surface water retention.
- Reduce glare from buildings, cars, night lighting, and other sources.
- Screen unattractive features.
- Reduce noise.
- Define safe access and circulation.
- Enhance or focus attention toward a feature (building, entrance, sign, etc.)
- Provide visual relief from monotonous features such as building walls, large parking lots and streets.
- Add natural color and texture and provide habitat for wildlife.
- Enhance and maintain the area's natural character and provide greenspace.

53.20 SCOPE

All uses subject to Site Plan review shall be landscaped in accordance with a plan meeting the requirements of this Article.

53.30 GENERAL PROVISIONS

- A. Portions of the site not devoted to floor area, parking, access ways or pedestrian use shall be appropriately landscaped with live plant material consisting of deciduous canopy and coniferous trees, understory trees, shrubs, ground cover, and grasses and maintained in a neat and orderly manner.
- B. A landscaping plan drawn to scale shall be submitted detailing the location, type and size of all plant material, berms, walls and fences, and their relationship to existing and proposed facilities, structures, pavement, and access points. It must be of sufficient detail for the reviewing body to determine if it conforms with this Article. Plans shall be reviewed pursuant to this Article and Article 64.
- C. Landscaping material and structures shall be placed in such a manner so as to not interfere with cross-visibility, public safety, or the safe movement of vehicles and pedestrians.
- D. Completion of landscaping shall coincide with the completion of the building or structure unless a later date is permitted in writing by the Township and a performance guarantee is provided, pursuant to Section 64.110.

- E. Any areas that become disturbed for any reason shall be restored in accordance with the original landscape plan unless approved otherwise in writing by the Township.
- F. Corner Lots - For the purpose for this Article a corner lot is considered as having two front yards and appropriate landscaping shall be provided for each.

53.40 DEFINITIONS

- A. Greenspace - Landscaped area around the perimeter of a parcel, lot, or site.
- B. Ground Cover - Plant material that normally reaches a maximum height of not more than 18 inches.
- C. Tree - Canopy - Tall woody plant of a species that normally grows to an overall height of at least 50 feet, usually with one main trunk and many branches.
- D. Tree - Understory - woody plant of a species that normally grows to an overall height of at least 25 feet, usually with one main trunk and many branches. May be of an ornamental nature.
- E. Tree - Evergreen - woody plant of a species with foliage that remains green year-round, usually with one main trunk and many branches. Normally grows to a height of at least 25 feet.
- F. Shrub - Deciduous - A woody plant with several stems, smaller than a tree, that sheds its foliage at the end of the growing season. Mature height ranges from three to 13 feet.
- G. Shrub - Evergreen - A woody plant with several stems, smaller than a tree, with foliage that remains green year-round. Mature height ranges from three to 13 feet.
- H. Shrub - Low growing - A woody plant with several stems, sometimes referred to as dwarf, usually evergreen. Mature height ranges from 1½ to three feet.
- I. Viewshed. The natural environment that is visible from one or more viewing points.

53.50 GREENSPACE AREAS

- A. Table 53-A indicates the Greenspace Type required on properties based upon zoning or road classification. The letter designations indicated in Table 53-A refer to the requirements and standards stated in Table 53-B.

Table 53-A Greenspace Type															
Adjacent Zoning or Road															
Zoning of Subject Site ¹	AG RR R-1 R-2	R-3	R-4	R-5	R-C	VC C	C-R	BRP	I-R	I-1	I-2 I-3	HOZ ^{3, 4}	Arterial, Collector or Local ²	Highway	Private Street Easement
AG, RR, R- 1, R-2, R-3 ³	C	C	A	A	C	A	B	B	B	B	B	E	C/C +	B	H
R-4	F	F	D	D	F	A	A	B	B	B	B	F	C/C	B	H
R-5	F	F	D	D	F	A	A	B	B	B	B	F	C/C	B	H
R-C	F	F	D	D	F	A	A	B	B	B	B	F	C/C	B	H
C	F	F	F	F	F	A	A	C	C	C	C	F	C/C	C	H
C-R	F	F	F	F	F	A	A	C	C	C	C	F	C/C	C	H
BRP	F	F	F	F	F	E	E	A	A	C	C	F	C/C	C	H
I-R	F	F	F	F	F	E	E	A	A	C	C	F	C/C	C	H
I-1	F	F	F	F	F	E	E	C	C	A	C	F	C/C	C	H
I-2, I-3	G	G	G	G	G	E	E	C	C	C	A	G	C/C	C	H

Note: Refer to Article 19 for properties in the VC, Village Commercial District.

- Greenspace type for Special Uses may be increased by the Planning Commission based upon review of the criteria of Article 65.
- C+ applies when the required non-motorized facility and/or utilities are accommodated partially or entirely in the greenspace area due to inadequate space within the public street right-of-way.
- Criteria apply to permitted uses other than single- or two-family dwellings or uses accessory thereto.
- Greenspace width shall be applied from the nearest boundary of an HOZ. In the event that the boundary of the HOZ is "x" feet short of a property line, "x" feet shall be subtracted from the prescribed greenspace width of the developing property. Where a lesser greenspace width is permitted, the number of required plantings shall be reduced based on the ratio of permitted width over prescribed width. For example, if an HOZ ends ten feet short of a property line, a prescribed 40-foot width would become 30 feet, and 75% of the prescribed plantings would be required. Where other provisions of the Zoning Ordinance require a more intense greenspace, those provisions shall apply.

B. The following table (Table 53-B) indicates greenspace requirements stated in terms of width of the greenspace as measured from the property line or right-of-way line, whichever is applicable, and the number and type of plant units required per 100 linear feet of greenspace. The clustering of plant material within a greenspace is encouraged.

Table 53-B Width of Greenspace and Quantity of Plant Material per 100 Linear Feet									
Greenspace Type	A	B	C	C+	D	E	F	G	H
Minimum width of greenspace (ft.)	10	10	20	30	25	30	35	40	15
Canopy tree	1	2	2	2	3	4	4	6	1
Understory tree	2	4	3	3	6	6	2	4	2
Shrubs	-	-	4	4	9	12	18	24	-
Evergreen/ Conifer tree	-	2	-	-	-	2	6	10	-

- C. Berms - Landscaped undulating earthen berms not exceeding six feet in height, as measured from the grade of the abutting paved area, either existing or proposed, of the subject site, and 3:1 slope may be permitted within a required greenspace. Credit of up to 25 percent may be received against the required plantings in a greenspace by the use of berms three feet in height or greater in said greenspace.
- D. No off-street parking, storage, outdoor commercial ground activities, or structures shall be permitted in greenspace areas.

53.60 SUBDIVISIONS / SITE CONDOMINIUMS

- A. Street trees along internal roadways. Each lot or building site within a subdivision or site condominium shall be required to have at least one canopy tree for every 50 feet of road frontage or portion thereof. The planting of additional canopy trees along streets is encouraged. Trees shall be planted near the street but outside of the right-of-way of all internal roadways. Required street trees shall be planted when the lot or building site is developed, prior to issuance of a Certificate of Occupancy.
- B. Greenspace along external roadways. In order to preserve viewsheds on Township roads, Type "C" greenspace and plant materials shall be required along all external roadways. See Section 53.50 for width and planting requirements in Type "C" greenspace.
- C. Existing trees and vegetation. To the extent feasible, existing trees and vegetation shall be left undisturbed through the course of development. Existing canopy trees may be credited toward satisfying tree planting requirements. See Section 53.100 for guidelines on credits for existing trees. Existing trees may be used to satisfy the street tree requirement if located near the right-of-way. Existing vegetation may be used to satisfy the tree and shrub requirement if located within a required greenspace area.
- D. Replacement. Required trees and plantings shall be maintained to ensure their survival. At the discretion of the Planning Commission, a performance guarantee may be required to ensure that proposed landscaping is maintained for a period of at least 18 months per Section 53.90.H. Such guarantee may take the form of an irrevocable letter of credit, cash escrow, or performance bond.

53.70 PARKING AREA LANDSCAPING

Landscaping shall be designed and situated to define safe access and circulation ways, provide shade and visual relief, and diminish the scale of large lots.

- A. Perimeter. The visual impact of parking lots shall be minimized through the use of landscaping, berms, walls, and/or decorative fences in such a manner as to interrupt or screen the areas from view.
- B. Interior. Landscape features including end islands, peninsulas, and strips shall be installed in the interior of parking lots to delineate on-site circulation, ensure adequate sight distance at the intersection of aisles and interior roadways, and to prevent diagonal vehicular movement

through parking lots. Features shall be designed with sufficient radii to ensure drivers are able to make 90 degree right turns without encroaching upon landscaping or adjacent traffic lanes.

1. Area Requirements based on the number of parking spaces are indicated in Table 53-C.

Table 53-C Interior Landscaping Area Requirements for Parking Lots		
a.	Parking lots containing up to 50 parking spaces	15 square feet of land area per space
b.	Parking lots containing between 51 and 99 parking spaces	25 square feet of land area per space
c.	Parking lots containing 100 or more parking spaces	30 square feet of land area per space

2. Minimum size. The minimum size of any internal landscaped area shall be 200 square feet, with a minimum width of ten feet.
3. Protection of Landscaping. Interior landscape areas shall be protected by the installation of a raised concrete or asphalt curb, anchored landscape timbers around the border, bumper blocks, other suitable means. A minimum distance of three feet shall be established between proposed tree and shrub plantings and the backside of the curb or timbers to facilitate snow storage while protecting the plantings.
4. Required Plantings. The number and type of plantings shall be determined at a rate of one deciduous canopy tree and two low growing shrubs per 200 square feet of interior landscape area.

53.80 OTHER SITE LANDSCAPING REQUIREMENTS

A. Loading Areas

Loading areas shall be landscaped in such a manner as to screen the area from view of adjacent property, public right-of-way or private access easement. Plants, berms, walls, and/or solid decorative fencing may be used. When loading areas are adjacent to residentially zoned land, the screening must be a minimum of six feet high at installation.

B. Shopping Cart Storage

Any area used for shopping cart containment as may be provided adjacent to the building shall be screened by a minimum four-foot-high masonry wall compatible with the building exterior facade and architecture.

C. Rubbish Disposal and Recyclable Facilities

Rubbish disposal facilities including dumpsters and other commercial containers for waste and recyclable material shall be situated on a hard surface and enclosed by a solid wall or solid fence no less than six (6) feet in height on three sides. In addition, if the front of the disposal facility is visible from an adjacent property, public right-of-way or private access easement, six (6) foot high metal view obstructing doors shall be installed. Enclosure structures and gates shall be

maintained in good repair at all times. The use of chain-link fencing with or without interwoven slats is not permitted. Recyclable materials, such as pallets and bales, shall be situated and enclosed as described above.

D. Storm Water Retention Areas

Any fenced areas that are visible from an adjacent property, public right-of-way or private access easement shall be landscaped to screen them from view.

Storm water management utilizing the design criteria stated in Section 56.20.C, is encouraged. Credit of up to 10 percent may be received against the required plant material in a greenspace when the design criteria stated in Section 56.20.C is used for storm water management within said greenspace.

53.90 MATERIAL REQUIREMENTS AND MAINTENANCE

- A. Native Plants. Native plants are well adapted to local conditions, therefore requiring little maintenance once established. They eliminate or significantly reduce the need for fertilizers and water. They also often attract beneficial insects, which prey on pests, decreasing the need for pesticides. Native plants are less expensive to maintain, they promote biodiversity, and maintain our natural heritage and our community's character. At least 75 percent of required canopy trees shall be native to lower Michigan. At least 30 percent of all other required landscape material within each Plant Material Type shall be native to lower Michigan. For a listing of species native to lower Michigan, see MICHIGAN FLORA ONLINE at www.michiganflora.net.
- B. Hardy Plant Materials. All landscaping material shall be hardy to the area and appropriate to the situation in which it is proposed, free of disease and insects, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen.
- C. Minimum Plant Size. Plant materials shall meet the minimum plant size requirements contained in Table 53-D. Height of a plant is measured from the top of the root ball or top of the container soil to the top of the leader, the primary stem of the plant.

Table 53-D Minimum Size	
Plant Material Type	Size
Canopy Tree - Single Stem	2" caliper*
Canopy Tree - Multi-stem - Clump	10 feet (height)
Understory Tree	8' to 10' (height)
Evergreen Tree	5 feet (height)
Shrub - Deciduous	24 inches (height)
Shrub - Evergreen	18 inches (height)
Shrub - Low growing	2-gallon pot
*2" caliper as measured in conformance with the American Standard for Nursery Stock	

- D. Monoculture. The use of a single species is prohibited to increase the rate of plant survival. Except for plantings used for evergreen screening, no one species of tree or shrub may make up more than 50% of the total amount within each Plant Material Type.
- E. Not Permitted.
 - 1. Species not permitted as required street tree plantings and that should be used with caution when placed in proximity to any existing or proposed building, structure, walkway, or parking area are listed below. These species may be appropriate in buffer areas or for landscape restoration.

Species Appropriate for Buffer Areas or Landscape Restoration	
Botanical Name	Common Name
<i>Acer negundo</i>	Box Elder
<i>Acer saccharinum</i>	Silver Maple
<i>Aesculus hippocastanum</i>	Horse Chestnut
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Catalpa speciosa</i>	Catalpa
<i>Ginkgo biloba (Female)</i>	Female Ginkgo
<i>Populus spp.</i>	Poplars, Cottonwood, Aspen
<i>Liquidambar styraciflua</i>	Sweet Gum
<i>Salix spp.</i>	Willows
<i>Ulmus spp.</i>	Elms

- 2. Any species known to have structural weakness or excessive bearing of fruit or nuts should not be used in areas of vehicular or pedestrian traffic.
- F. Invasive species. To protect species indigenous to the Township, the use of invasive species which naturalize is not permitted. Those invasive species not permitted are listed on the Midwest Invasive Species Information Network at <http://www.misin.msu.edu/>.
- G. Maintenance. Landscape areas shall be maintained in a neat and orderly manner including mowing, fertilizing, pruning, and irrigation to promote optimum condition.
- H. Replacement. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season later.
- I. Groupings. Shrubs shall be grouped within the required greenspace and parking lot landscape areas when appropriate for aesthetic value and ease of maintenance.
- J. Greenspace within the public right-of-way/private access easements. The land area lying between the required greenspace in the front yard of properties and the edge of pavement of a public or private access easement shall be neatly maintained with grass or groundcover.

53.100 PRESERVATION CREDITS

- A. Preservation of Existing Trees. Credit shall be awarded for preserving canopy trees. By preserving canopy trees, tree planting requirements can be significantly reduced. The number of credits awarded for tree preservation shall be in accordance with the table presented below. Trees intended to be preserved shall be indicated on the landscape plan and type and size shall be noted. Tree protection fencing shall be required according to Section 53.120.

Tree preservation credits	
Diameter of Preserved Tree*	Number of Trees credited
Over 24 inches	4
12 inches to 24 inches	3
8 inches to 11.9 inches	2
2 inches to 7.9 inches	1
*Diameter measured at 4' above ground level	

- B. Preservation of existing native vegetation. Credit shall be awarded for preserving existing vegetation native to lower Michigan, including shrubs and grassland species. By preserving existing native vegetation, tree and shrub planting requirements can be significantly reduced. The number of credits awarded shall be determined by Township planning staff based on existing species and the intended function of the required tree and shrub plantings.

53.110 INCENTIVES FOR RESTORING PRE-SETTLEMENT VEGETATION

- A. Oshtemo Township's pre-settlement vegetation types were primarily Oak Savanna, Oak Forest, and Beech-Sugar Maple Forest, with smaller areas of Prairie, Marsh, Bur Oak Opening, and Southern Swamp Forest. A map of pre-settlement vegetation showing the geographic location of these vegetation types is on file in the Township office. It includes a description of the predominant plant species for each vegetation type. This information is also available online at wmich.edu/planning/WebSites/GeogMap/KalCountyVegetationMapEntire.htm.
- B. To encourage restoration of pre-settlement vegetation, all uses subject to Site Plan review may opt to submit a landscape restoration plan in lieu of a landscape plan. A landscape restoration plan shall use native vegetation types to meet the intent of screening and buffering requirements while at the same time strive to restore the pre-settlement vegetation of the immediate area. Even though the exact number of each landscape element may not be provided, approval of such a plan shall be granted so long as the overall intent is satisfied. Prior approval of the landscape restoration plan by Township Planning staff is required.

53.120 TREE PROTECTION DURING CONSTRUCTION

- A. Before development, the developer or builder shall erect tree protection fencing that will shield and protect all trees designated to be preserved. Fencing should be placed no closer than ten feet from the trunk of a tree or five feet beyond the drip line of a tree or group of trees, whichever is greater.
- B. Fencing shall be a minimum of 48 inches high.

- C. Tree protection fencing shall be maintained during construction and all construction materials, supplies, and equipment shall be kept out of the protected areas.
- D. Location of tree protection fencing must be shown on the approved landscape plan.

53.130 PROVISIONS FOR EXISTING SITES

- A. Perimeter and parking area landscape requirements shall apply to all expansions, renovations, or alterations that increase the gross floor area. Each increase in gross floor area of one percent shall require the installation of a minimum of five percent of the landscaping for the total site.
- B. Landscape requirements for Parking Areas, Section 53.70 shall apply when expansions increase the number of parking spaces by 20 percent or at least ten parking spaces.
- C. When parking lots not in conformance with Article 53 are milled and resurfaced landscaping in accordance with Section 53.70 is encouraged.

53.140 EXCEPTIONS

- A. Additional Planting Requirements - For reason of conflicting uses, unfavorable topography, or other unique or extenuating physical circumstances, the reviewing body may increase required landscape plantings in any required greenspace if in its determination an increase is found necessary to reasonably achieve the spirit, purpose and intent of this Article.
- B. Reductions and Substitutions of Plantings - If a physical hardship exists or existing topography and vegetation are determined by the reviewing body to provide equal or better landscape and buffering effect, the reviewing body may approve modifications only to the planting requirements of Section 53.50. The reviewing body may require such alternate plantings and visual screens as hedges, fences, walls, and/or combination thereof which it deems necessary to ensure compliance with the spirit, purpose and intent of this Article.

ARTICLE 54
LIGHTING

54.10 INTENT

- A. Statement of purpose. The purpose of this Article is to regulate the placement and arrangement of lighting within the Township. These regulations are intended to:
 - 1. Protect the public health, safety and general welfare;
 - 2. Enable the fair and consistent enforcement of these regulations;
 - 3. Control light spillover and glare;
 - 4. Minimize the detrimental effect of outdoor lighting on astronomical observations by the general public;
 - 5. Encourage lighting systems which conserve energy and costs;
 - 6. Preserve community character;
 - 7. Provide for nighttime safety, utility, security and productivity.
- B. Outdoor lighting objectives. Lighting arrangements shall be arranged in the following manner:
 - 1. To avoid light spillover onto any adjacent premises;
 - 2. So that light from any illuminated source shall be so shaded, shielded or directed that the light intensity or brightness will not be reasonably objectionable to surrounding areas;
 - 3. To control illumination of vertical architectural surfaces.
 - 4. To provide for uniform lighting within sites.

54.20 STANDARDS

All outdoor lighting upon any premises, regardless of zoning classification, shall be subject to the following conditions and limitations:

- A. Site and area lighting shall be designed such that light levels do not exceed 0.1 foot-candles at any point along the perimeter of the property. In the instance of a commercial or industrial use of a property with both nonresidential and a higher underlying zoning where said higher zoning would not otherwise allow said use, the 0.1 foot-candle limit shall be required at the line where the nonresidential zoning changes to the higher zoning.
- B. To provide for uniformity of lighting, the ratio of maximum to minimum levels of light within the illuminated areas of a nonresidential property shall not exceed 4:1. Exception shall be made for

those areas along the perimeter of the property where a significant reduction in lighting is expected in order to comply with the provisions of subsection (a) above.

- C. Pole-mounted light fixtures used for site and area lighting shall be subject to the following design guidelines:
1. Pole-mounted lighting with a pole height of 15 feet or less shall not exceed 175 watts per lamp and the fixture shall be cut-off design regardless of lamp type. Typical residential light fixtures on residential properties, not to include flood lights or security lights, are exempt from the cut-off requirement when mounted at a height of eight feet or less.
 2. Pole-mounted lighting with a pole height of greater than 15 feet and not exceeding 25 feet in height shall be a down-type, mounted horizontally and angled perpendicular to the ground (Illuminating Engineering Society of North America, "IES," sharp cut-off). Such lighting shall not exceed 400 watts per lamp.
 3. Pole-mounted lighting with a pole height exceeding 25 feet shall be a down-type, mounted horizontally and angled perpendicular to the ground (IES sharp cut-off) and shall be subject to Township approval. Such lighting shall not exceed 400 watts per lamp.
 4. Public street lighting shall be reviewed by the Township for compliance with the intent of Sections 54.10 and 54.20 and shall be in character with the lighting called for in Sections 54.20.C.1, 2, and 3.
- D. Except as provided in Section 54.20.E, building-mounted lighting shall be full cut-off fixtures and shall not exceed 175 watts per lamp regardless of lamp type and shall not exceed a 20-foot mounting height. The use of architectural features on the building, such as a canopy, which prevent the projection of light beyond the architectural feature may satisfy the intent of this section and allow the use of non-full cut-off fixtures, subject to the approval of the Planning Director or designee. Typical residential light fixtures on residential buildings and associated accessory buildings, not to include flood lights or security lights, are exempt from the full cut-off requirement when mounted at a height of eight feet or less.
- E. Fixtures used for the sole purpose of illuminating a building facade may be up to 400 watts per lamp and may be building- or ground-mounted. Light generated from said fixtures shall be appropriately shielded with louvers so that no light is emitted beyond the building facade. Building-mounted fixtures, in this instance, shall be full cut-off and mounted so as to direct light down; fixtures that direct light upward are not permitted. The illumination of building exteriors shall not exceed the recommended foot-candle levels set forth by the IES, not to exceed 20 foot-candles. No more than 25% of a building wall may be illuminated.
- F. Landscape light fixtures, including ground lighting for signs, flag poles and statues, shall not exceed 175 watts per lamp and shall be equipped with shields or shutters to help eliminate glare.
- G. There shall be no lighting of a blinking, flashing, rotating or fluttering nature, including changes in light intensity, brightness or color except for public safety purposes. Beacon and/or search

lights shall not be permitted except for public safety purposes. Temporary seasonal/holiday lighting is not prohibited by this subsection.

- H. A site lighting plan for uses requiring Site Plan review shall be submitted and shall provide the following information:
 - 1. Proposed location on premises of all outdoor light fixture(s).
 - 2. Description of illumination devices, fixtures, lamps, supports, reflectors and other devices (e.g., fixture type, mounting height, wattage).
 - 3. Photometric data of illumination cast on horizontal surfaces. Vertical photometric data may be required.
 - 4. Illumination level data for all building, vertical architectural and landscaping lighting proposed.
- I. For uses requiring Site Plan review, lighting shall be significantly reduced during non-operational building hours, allowing only lighting necessary for security purposes. The lighting plan submitted for review shall note where this distinction occurs.

54.30 EXISTING LIGHTING

All lighting established prior to and existing on October 21, 1994, shall comply with, at minimum, the following: All lighting upon any premises, regardless of zoning classification, shall be so arranged as to avoid glare or direct illumination onto any portion of any adjacent highway or onto any adjacent premises.

54.40 INTERIOR LIGHTING

Where interior lighting and/or lighting displays are located adjacent to a bay of windows, glass doors or other transparent areas of a building facade, walls or roof (e.g., skylights), the lighting shall be shielded or screened such that glare and intensity are not reasonably objectionable to patrons, individuals on adjacent and nearby properties, and/or motorists on adjacent streets.

ARTICLE 55
SIGNS AND BILLBOARDS

55.10 STATEMENT OF PURPOSE

The intent of this Article is to regulate the type, number, physical dimensions, erection, placement and maintenance of signs in the Township. The purpose of the limitations, regulations, and standards established herein is to:

- A. Promote the public peace, health, and safety of residents and visitors;
- B. Protect the natural beauty and distinctive character of Oshtemo Charter Township;
- C. Protect commercial districts from visual chaos and clutter;
- D. Provide an environment which fosters growth and development of business;
- E. Protect property values;
- F. Eliminate distractions which are hazardous to motorists and pedestrians;
- G. Protect the public's ability to identify establishments and premises;
- H. Protect the public's interest in public buildings, streets, roads and highways and open spaces;
and
- I. Balance the individual rights of property owners to communicate their message with the public's right to be free of unreasonable distractions and aesthetic intrusions.

55.20 SCOPE

Except as otherwise expressly provided herein, this Article shall not relate to building design. Nor shall the Article regulate official traffic or government signs; the content of signs; scoreboards at athletic fields; gravestones; barber poles under three feet in height; religious symbols; commemorative plaques; the display of street numbers or names; or any display structure or construction not defined herein as a sign.

The provisions contained in Sections 55.70 through 55.90 herein shall not apply to properties located within the VC, Village Commercial District.

55.30 GENERAL PROVISIONS

It shall be unlawful for any person to erect, place, or establish a sign in Oshtemo Charter Township except in accordance with the provisions of this Article.

55.40 DEFINITIONS

For the purpose of this Article the following words or phrases are defined as follows:

- A. A-Frame Sign, (or Sandwich Board Sign) - An incidental sign designed to be portable and stand on its own in an "A" or tent shape that provides information at a pedestrian scale to customers as they enter or pass the entry to the business.
- B. Abandoned Sign - A sign which no longer identifies or advertises a currently operating business, lessee, service, owner, product, or activity, and/or for which no legal owner can be found.
- C. Advertising Display Area - The advertising display surface area (copy area) encompassed within any regular geometric figure which would enclose all or part of the sign. The structural supports for a sign, whether they be columns, pylons, or a building, or a part thereof, shall not be included in the advertising area.
- D. Animated Sign - A sign which uses movement or change of lighting to depict action or to create a special effect or scene. (Compare with "Flashing Sign").
- E. 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").
- F. Awning/Canopy Sign - Letters, numerals or other drawings painted on, printed on, or attached flat against the surface of an awning/canopy.
- G. Balloon Sign - An air or gas filled sign, excluding 17 inch or smaller latex balloons where only one may be tied to an item with a display height not greater than five feet above that to which said balloon is attached which may not include utility or light poles.
- H. Banner or Banner Sign - A sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentation applied to paper, plastic, or fabric of any kind. (Compare with Snipe Sign).
- I. Bench Sign - A sign located on any part of the surface of a bench or seat visible from an adjacent property or right-of-way.
- J. Billboard - A sign which advertises an establishment, service, merchandise, use, entertainment, activity, product or message which is not conducted, sold, produced, manufactured or furnished upon the lot, building site or parcel where the sign is located.
- K. Building Identification Sign - A sign which identifies a building by its recognized name, not including a product or service.
- L. Changeable Copy Sign - A sign upon which a display or message can be changed by physical replacement or electronic change of the display or message. The definitions below, (a) through (d), are used in conjunction with electronically changeable copy signs:

1. Dissolve - A mode of message transition on an electronically changeable copy sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.
 2. Fade - A mode of message transition on an electronically changeable copy sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.
 3. Flash - A mode of message transition on an electronically changeable copy sign accomplished by varying the light intensity, where the message instantly and repeatedly reduces or increases intensity.
 4. Scroll - A mode of message transition on an electronically changeable copy sign accomplished by the movement of a message.
- M. Clearance (of a Sign) - The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.
- N. Commercial Center Identification Sign - A sign identifying or recognizing a Commercial Center.
- O. Commercial Sign - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
- P. Community Event Sign - A sign advertising or announcing a special community-wide event or activity conducted or sponsored by, or on behalf of a unit of local government, a charitable organization, or a not-for-profit corporation.
- Q. Construction Sign - A temporary unilluminated sign which displays the name or names of principal contractors, architects and lending institutions and/or others responsible for the construction on the site where the sign is placed. May include information similar to a development sign.
- R. Copy - The wording on a sign surface in either permanent or removable letter form.
- S. Development Sign - A temporary non-illuminated sign advertising a subdivision, condominium, apartment development, or manufactured housing community in the process of being developed on the site where the sign is placed. A residential development sign does not include a subdivision identification sign.
- T. Directional Sign - A sign providing directions for vehicular or pedestrian circulation into, within or out of a development. Said sign shall not contain advertising display copy other than the names of on-site establishments and only for purposes of indicating direction

- thereto. Directional signs shall be located on the lot, building site or parcel where the sign(s) is located.
- U. Directory Sign - A sign which displays the names and locations of occupants or the use of a building.
 - V. Electronic Billboard - A billboard, or portion thereof, that can be electronically changed by remote or automatic means, or that appears to change or have movement caused by any method other than manually removing and replacing the billboard or its components, whether the apparent movement or change is in the display, the billboard's structure, or any other component of the billboard. This includes any video-display, revolving, flashing, or animated displays, and display that incorporates rotating or swinging panels, intermittent illumination or the illusion of such illumination, light emitting diodes (LEDs) manipulated through digital input, "digital ink," or any other method or technology that allows the billboard face to present a series of images.
 - W. Face of Sign - The area of a sign on which the copy or display is placed.
 - X. Feather Flag Sign - Also known as a Banner Flag Sign or a Swooper Sign, this is a vertically oriented banner attached to a single pole allowing the fabric to hang loose at one or two of the four corners.
 - Y. Festoons - A string of ribbons, tinsel, flags, pennants or pinwheels.
 - Z. Flag - Any fabric or other flexible material containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other non-commercial entity, or seasonal or thematic in nature.
 - AA. Flashing Sign - A sign which contains an intermittent or sequential flashing light source used to attract attention. This does not include changeable copy signs, animated signs, as defined in this Article, or signs which through reflection or other means, create an illusion of flashing of intermittent light. (Compare with "Animated Sign" and "Changeable Copy Sign").
 - BB. Freestanding Sign - A sign structurally separated from a building.
 - CC. Government Sign - A public sign erected and maintained by Oshtemo Charter Township, the county, state, or federal government.
 - DD. Grade, Finished - The final elevation of the surface of the ground after manmade alterations to the natural grade are completed.
 - EE. Grade, Natural - The unaltered natural surface of the ground.
 - FF. Grade, Street - The elevation of the nearest edge of the pavement or traveled way.
 - GG. Ground Mounted Sign - A sign which extends from the ground or that has a support placing the bottom thereof less than three feet from the ground. (Compare with "Pole Sign").

- HH. Height (of a Freestanding Sign or Flag Pole) - The vertical distance measured from the highest point of the sign or flag pole, including any decorative embellishments, to the grade of the adjacent street or to the grade beneath the sign or flag pole. (Compare with "Clearance").
- II. Where the natural grade adjacent to a sign support structure is lower than the street grade, sign height shall be measured from the street grade.
- JJ. Where the natural grade adjacent to a sign support structure is higher than the street grade, sign height shall be measured from the natural grade adjacent to the sign support structure. In no event shall the highest point of a pole sign exceed a height of 20 feet above street grade (see ground mounted sign options).
- KK. Height (of a Wall Sign) - The vertical distance measured from the highest point of the sign to the finished grade beneath the sign.
- LL. Human Sign - A sign carried or displayed by a person for advertising or directional purposes, a person wearing clothing containing an advertising message, or a person wearing a costume for advertising purposes.
- MM. Illuminated Sign - A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
- NN. Incidental Sign - A sign, emblem, or decal informing consumers on the premises of the goods, facilities, or services available at that location. No sign for which the primary purpose is to attract new consumers to the business from offsite shall be considered incidental. No sign with a commercial message legible from a position off the lot, building site or parcel on which the sign is located shall be considered incidental.
- OO. Maintenance - The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.
- PP. Mansard - A sloped roof or roof-like facade architecturally comparable to a building wall.
- QQ. Marquee - A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building. (Compare with "Awning".)
- RR. Marquee Sign - A sign attached to or supported by a marquee structure.
- SS. Nameplate - A nonelectric on-premises sign giving only the name, address and/or occupation of an occupant or group of occupants.
- TT. Non-commercial Sign - A sign not advertising an establishment, product, good or service. (Compare with "Political Sign".)
- UU. Obsolete Sign - A sign which identifies a business, service or activity which has discontinued or relocated from the location where said sign is placed.

- VV. Off-Premises Sign - Another word for a billboard.
- WW. On-Premises Sign - A sign which pertains to the use of the premises on which it is located.
- XX. Painted Wall Sign - A sign which is applied with paint or similar substance on the face of a wall.
- YY. Parapet - The extension of a false front or wall above a roofline.
- ZZ. Pennant - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.
- AAA. Permanent Sign - A sign which is permanently affixed on or in the ground or to a building and meets the requirements of a structure under the Building Code.
- BBB. Pole Sign (or Pylon Sign) - A sign with all parts of the display sign area at a height of eight feet or more, excluding the necessary supports, uprights or braces. (Compare with "Ground Mounted Sign.")
- CCC. Political Sign - A sign relating to a candidate for public office or a position on an issue. (Compare with "Non-commercial Sign.")
- DDD. Portable Sign - A reusable and movable sign not permanently affixed in the ground, or to a structure or building.
- EEE. Real Estate Sign - A sign advertising the real estate upon which the sign is located for the purpose of offering the property for sale, lease or rent.
- FFF. Roof Sign - A sign attached, applied, painted, erected, or constructed wholly upon or over the roof of a building and supported on the roof structure.
- GGG. Rotating Sign - A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.
- HHH. Seasonal Agricultural Sign - An on-premises temporary sign advertising seasonal agricultural crops or other agricultural products not exceeding a height of five (5) feet and with a maximum display area of 32 square feet.
- III. Seasonal Agricultural Directional Sign - A sign directing traffic to a functioning farm located within the Township, where said farm is not located on an arterial road as reflected within the Master Land Use Plan, identifying an agricultural commodity or product available for purchase that was grown and/or processed at the farm.
- JJJ. Sign - A device, structure, painting, fixture, or placard using color, graphics, symbols, manicured landscaping, and/or written copy designed specifically for the purpose of advertising or identifying any event, establishment, product, good, service or displaying or depicting other information.

- KKK. Sign Area - The area shall be measured by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem, lighting or other display, together with any frame or other material or other color forming an integral part of the display or used to differentiate it from the background against which it is placed. Where a sign consists solely of individual letters painted or mounted on a wall, any blank area which is more than ten percent of the area of the sign as otherwise computed shall be disregarded.
- LLL. Where a sign has two or more faces, the area of all faces shall be included in determining the area of a sign, except that where two faces are placed back-to-back and are at no point more than two feet from one another, the area of the sign shall be deemed to be only the area of one face, or if faces are of different sizes, the area of the larger face.
- MMM. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy or colors, patterns, logos that are a trademark or reasonably recognizable identification for the establishment and/or sign owner subject to the above provisions.
- NNN. The necessary supports or uprights on which the sign is placed may not exceed 30 percent of the permitted square footage of the sign, excluding those portions of the support structure below street grade.
- OOO. Sign Face Change - A change of only the sign face contained within a permanent rigid frame where the change does not alter the existing sign area.
- PPP. Snipe Sign - A sign that is placed in the ground or attached to a utility pole, tree, fence, or any other object improperly located along, adjacent, or within a public or private road right-of-way or drive, which usually advertises a use, service, or product not located on the same site as the sign. (Compare with Banner Sign or Real Estate Sign). Flags that do not contain any advertising copy placed on light or utility poles shall not be considered snipe signs for purposes of this Article.
- QQQ. Special Event Sign - A banner, portable sign, feather flag sign, or balloon sign, not exceeding a height of five feet if located on the ground, 12 feet if a feather flag sign, and a mounting height of 20 if located on a building wall, or a balloon sign not exceeding a height of 20 feet when fully inflated, depicting a special event, such as a Grand Opening, Going-out-of-Business sale, semi-annual sale at a commercial establishment or a special event at a permitted nonresidential use in the residential zoning districts. Balloon signs shall be securely anchored to and placed directly upon the ground and fully inflated at all times. Ground mounted banners shall not be attached to trees or other plant materials at any time.
- RRR. Subdivision Identification Sign - A permanent sign identifying an industrial, commercial, or residential development.
- SSS. Temporary Sign - A sign that is not constructed or intended for long term use and is not permanently attached to a building or other structure.

- TTT. Tenant Space Width - The horizontal distance between the side walls of a tenant space measured parallel to and immediately adjacent to the abutting wall upon which a sign will be placed. For the purposes of determining permitted wall sign area, tenant space width shall only include space completely enclosed within the building.
- UUU. Under-Canopy Sign - A sign suspended beneath a canopy, ceiling, roof, or marquee.
- VVV. Vehicle Sign - A sign painted on, incorporated in, or attached directly to any mode of transportation, including but not limited to automobiles, trucks, boats, busses, airplanes, and trailers.
- WWW. Wall Sign - A sign including, but not limited to, painted, individual letter, and cabinet signs, which are attached parallel to and extending not more than 15 inches from the wall of a building. May include a window sign exceeding 25 percent of window area. If a wall sign is attached to a building façade, the portion of the façade outside of the extreme limits of the writing, representation, emblem, lighting or other display, together with any frame or other material or other color forming an integral part of the display shall be disregarded when calculating sign area provided that area of the façade is not illuminated by the sign or other light fixtures.
- XXX. Window Area - An individual pane of glass or a contiguous area of glass separated only by nonstructural elements of dissimilar (non-glass) material.
- YYY. Window Sign - A sign placed inside or upon a window facing the outside which is intended to be seen from the right-of-way or the outdoors.

55.50 SIGNS PROHIBITED

The following types of signs are prohibited in all zoning districts:

- A. Abandoned signs.
- B. Animated signs.
- C. Balloon signs, except as expressly permitted by this Article.
- D. Banner signs, except as expressly permitted by this Article.
- E. Bench signs.
- F. Feather flag signs, except as expressly permitted by this Article.
- G. Festoons.
- H. Human signs.
- I. Obsolete Signs.

- J. Pennants.
- K. Portable signs, except as expressly permitted by this Article.
- L. Roof Signs.
- M. Rotating signs.
- N. Signs imitating or resembling official traffic or government signs or signals.
- O. Snipe signs.
- P. Special Event Signs, except as expressly permitted by this Article.
- Q. Vehicle signs not used during the normal course of business which are parked or located for the primary purpose of displaying the advertising copy.

55.60 SIGNS PERMITTED IN ALL ZONING DISTRICTS

The following signs are allowed in all zones:

- A. Incidental signs.
- B. Noncommercial signs not to exceed 16 square feet in sign area and a height of five feet. Noncommercial signs may be placed only on private property and only with the permission of the property owner.
- C. Political signs may be placed only on private property and only with the permission of the property owner. Signs relating to an election or referendum shall be removed five days following such election or referendum.
- D. Banners, seasonal and decorative in nature and theme that do not advertise a product, service or business and which pertain to holidays and/or community-wide or governmental events. Feather flag signs shall not be permitted to be used for this purpose.

55.70 AGRICULTURAL AND RESIDENTIAL LAND USES

- A. In all agricultural and residential uses, the requirements of Schedule A shall govern the use, area, type, height and number, in addition to the requirements elsewhere in this Ordinance.

SCHEDULE A - Agricultural and Residential Land Uses					
Use	Sign Type	Maximum Sign Area	Maximum Height	Sign Purpose	Maximum No. of Signs
Education, religious, cemeteries, public buildings, public parks and other nonresidential uses in an	a) ground sign	30 s.f.	5 feet	identification	1 per principal use
	or				

SCHEDULE A - Agricultural and Residential Land Uses					
Use	Sign Type	Maximum Sign Area	Maximum Height	Sign Purpose	Maximum No. of Signs
agricultural or residential district (other than offices or financial services)	wall sign	30 s.f.	20 s.f.		
	b) directional	2 s.f.	3 feet	directional	1 per curb cut
Residential developments	a) ground sign	30 s.f. (see footnote ¹)	5 feet	identification	1 per street entrance
	b) directional	2 s.f.	3 feet		2 per development
Apartment developments and mobile home parks	a) ground sign	30 s.f. (see footnote ¹)	5 feet	identification and/or informational	1 per street entrance
	b) directional	2 s.f.	3 feet	directional	2 per development
Home occupations, day care and foster care uses in a residence		None			None
Off-premises signs prohibited		None		None	
Functioning farms and farm markets	a) seasonal agricultural directional signs (see footnote ²)	6 s.f.	4 feet	directional	12
	b) ground sign (see footnote ³)	30 s.f. ⁴	5 feet	business and identification	4 ⁴
Nonresidential uses in an agricultural or residential district other than the R-3, Residence District	a) ground sign	30 s.f.	5 feet	identification	1 per principal use
	b) wall sign	30 s.f.	20 s.f.		
	c) directional	2 s.f.	3 feet	directional	1 per curb cut
<p>NOTES:</p> <ol style="list-style-type: none"> Where allowed, sign face may be used in conjunction with a wall, fence or other architectural entrance feature, provided the structure to which the sign face is attached does not exceed a height of six feet. In no case shall a functioning farm or farm market be permitted to have Seasonal Agricultural Directional Signs, in any quantity, for more than 90 days per calendar year. Such signs may only be erected as long as commodities or products identified are available for purchase. A Sign Permit is required. Applies to functioning farms and farm markets in an agricultural or residential district. Functioning farms and farm markets in commercial districts shall be allowed signage with a maximum sign area and maximum height as permitted in Section 55.80, Schedule B, with the exception that they are permitted up to four (4) signs totaling the maximum sign area allowed. Ground signs for farms and farm markets are not required to be permanent signs. Functioning farms and farm markets may install up to four (4) signs with combined sign areas totaling no more than the maximum display area allowed for a single sign (30 square feet). 					

B. All Agricultural and Residential uses shall also be permitted the following:

- Flags.
- One (1) Seasonal Agricultural Sign, not to exceed a sign area of 32 square feet, except as expressly permitted herein, shall be permitted for up to 90 calendar days per year per

principal use for functioning farms and farm markets. A sign permit must be obtained prior to displaying a Seasonal Agricultural Sign.

55.80 COMMERCIAL AND OFFICE LAND USES

A. In all commercial and office uses the requirements of Schedule B shall govern sign use, area, type, height and numbers in addition to requirements elsewhere in this Ordinance.

SCHEDULE B - Commercial and Office Land Uses					
Use	Sign Type	Maximum Sign Area	Maximum Height	Sign Purpose	Maximum No. of Signs
Individual commercial establishments, including hotels without restaurants (not located within a multi-tenant commercial center)	a) wall sign	1 s.f. for each foot in length or height (whichever is greater) of the wall to which it is affixed (see footnote 1)	30 feet	business or identification	4 per building (see footnote 3)
	b) pole sign OR	60 s.f.	20 feet		1 pole or ground mounted sign (see footnotes 2 and 4)
	ground sign	80 s.f.	10 feet		
	c) window signs and displays	25% of window area			
Multi-tenant commercial center, including hotels with restaurants	a) pole sign OR ground sign	60 s.f. ⁵	20 feet	commercial center and/or individual tenant identification	1 pole or 1 ground sign (see footnotes 2 and 4)
		80 s.f. ⁵	10 feet		
	b) wall sign OR	80 s.f.	30 feet	identification of commercial center	1 per building wall not to exceed 4 per building
	canopy/awning	32 s.f.	12 feet		
Commercial tenants within a multi-tenant commercial center (also see below)	a) wall sign	1 s.f. per lineal foot of tenant space width not to exceed a sign length of more than 2/3 the subject tenant space width.	30 feet	business or identification	1 per exterior wall of the tenant premises, maximum of 2 (must be located upon premises of tenant)
	b) nameplate	6 s.f.	underside of building overhang	identification	1 per tenant
	c) window signs and displays	25% of total window area			

SCHEDULE B - Commercial and Office Land Uses					
Use	Sign Type	Maximum Sign Area	Maximum Height	Sign Purpose	Maximum No. of Signs
	individual pole and ground mounted signs prohibited				
Auto service stations and filling stations	a) pole sign OR	60 s.f.	20 feet	identification	1 pole or 1 ground sign (see footnote 2)
	ground sign	80 s.f.	10 feet		
	b) wall sign	1 s.f. for each foot in length or height (whichever is greater) of the wall to which it is affixed (see footnote 1)	25 feet	business or identification	4 per building (see footnote 3)
	c) window signs and displays	25% of window area			
Automobile sales	a) pole sign OR	60 s.f.	20 feet	identification	1 pole or ground sign for new car dealership, and/or 1 pole or ground sign for used car sales and/or 1 pole or ground sign for automotive service. Maximum of two (2) signs.
	ground sign	80 s.f.	10 feet		
	b) wall sign	1 s.f. for each foot in length or height (whichever is greater) of the wall to which it is affixed (see footnote 1)	25 feet	identification	4 per building (see footnote 3)
	c) window signs and displays	25% of window area			
Buildings within an office complex (as defined below)	a) wall sign OR	25 s.f.	20 feet	identification for offices within building	1 per tenant
	wall sign	50 s.f.	20 feet	identification	1 per building
	b) ground sign pole signs prohibited	40 s.f.	5 feet		1 per building at site of building

SCHEDULE B - Commercial and Office Land Uses					
Use	Sign Type	Maximum Sign Area	Maximum Height	Sign Purpose	Maximum No. of Signs
Buildings containing one or more offices which are under separate business management and not located within an office complex (as defined below)	a) wall sign OR	25 s.f.	20 feet	identification for individual offices within building	1 per tenant
	wall sign	50 s.f.	20 feet		1 per building
	b) ground sign pole signs prohibited	60 s.f.	8 feet	identification	1 per building
Office complex (lot, parcel or building sites containing 2 or more office buildings)	ground sign	60 s.f.	8 feet	identification of complex and/or individual buildings therein	1 sign per street entrance not to exceed more than one per 2,600 lineal feet of continuous road frontage along the same public street
Off-premises signs prohibited, including billboard signs		None			None
Nonresidential uses in the R-3, Residence District (other than offices or financial services)	a) wall sign	50 s.f.	20 feet	identification	1 per wall, maximum of 2 per building
	b) ground sign	60 s.f.	8 feet	identification	1 per building
	pole signs prohibited				
NOTES:					
<ol style="list-style-type: none"> 1. Wall length shall be measured in a straight line from the two farthest points on the subject side of the building regardless of any protrusions between said points which shall not be considered a separate wall(s). 2. Lots, parcels, and building sites with frontage on more than one street may have one sign on each street frontage with one sign permitted a maximum sign area of 60 square feet and any additional signs limited to 30 square feet each. 3. More than one wall sign may be placed upon the same wall provided the combined square footage does not exceed the maximum display area permitted for that wall and/or the maximum number allowed for the building. 4. Individual commercial establishments and multi-tenant commercial centers with 400 feet or more of frontage shall be allowed one additional sign (ground sign or pole sign). Additional sign(s) shall not have a sign area or height greater than what is permitted in Schedule B. 5. Multi-tenant commercial centers shall be permitted an additional eight square feet of display area for each tenant over the first two. Total sign area shall not exceed 50 percent of the permitted sign area. 					

B. All Commercial and Office uses shall also be permitted the following:

1. Flags. A lot, building site or parcel shall be limited to three flags. For lots, building sites and parcels with public street frontage in excess of 200 feet, three additional flags are permitted

for every additional 200 feet of continuous public street frontage. Flag pole height may not exceed 60 feet. Maximum flag size shall be 15 feet x 25 feet.

2. One directory wall sign per building, not to exceed 20 square feet in total sign area.
3. Directional signs up to two square feet in area and four feet in height. Each lot, building site, parcel, commercial center, or development shall not have more than one directional sign per street entrance.

55.90 INDUSTRIAL LAND USES

- A. In all industrial uses the requirements of Schedule C shall govern sign use, area, type, height and numbers in addition to requirements elsewhere in this Ordinance.

SCHEDULE C - Industrial Land Uses					
Use	Sign Type	Maximum Sign Area	Maximum Height	Sign Purpose	Maximum No. of Signs
Individual industrial buildings outside an industrial park or industrial-office development (as described below)	a) wall sign,	25 s.f.	20 feet	individual tenant identification	1 per tenant space
	OR				OR
	wall sign	50 s.f.	20 feet	building identification	1 per building
	b) ground sign	60 s.f.	8 feet	identification of building and/or individual tenants	1 per building
Individual buildings within an industrial park or industrial-office development (as described below)	a) wall sign,	25 s.f.	20 feet	individual tenant identification	1 per tenant space
	OR				
	wall sign	50 s.f.	20 feet	building identification	1 per building
	b) ground sign	40 s.f.	5 feet	building or tenant identification	1 per building*
Industrial Parks and industrial-office developments	ground sign	60 s.f.	8 feet	identification of industrial park	1 sign per street entrance not to exceed more than one per 2,600 lineal feet of continuous road frontage along the same public street.
* Sign must be located on same lot, building site or parcel as building/tenant it identifies.					

- B. All Industrial uses shall also be permitted the following:
 1. Flags. A lot, building site or parcel shall be limited to three flags. For lots, building sites and parcels with public street frontage in excess of 200 feet, three additional flags are permitted for every additional 200 feet of continuous public street frontage. Flag pole height may not exceed 60 feet. Maximum flag size shall be 15 feet x 25 feet.

2. One directory wall sign per building, not to exceed 20 square feet in total sign area.
3. Directional signs up to two square feet in area and a height of four feet. Each lot, building site, parcel, or development shall not have more than one directional sign per street entrance.

55.100 TEMPORARY SIGNS

Throughout the Township, the requirements of Schedule D shall govern the use, area, type, height, and number of temporary signs, in addition to the requirements elsewhere in this Ordinance. (See also Section 55.40 Definitions for descriptions of each of the sign types below.)

SCHEDULE D - Temporary Signs		
Sign Type	Standard	Requirement
Construction Sign	Number	One per street frontage
	Area	Maximum 32 square feet
	Height	Maximum 5 feet
	Duration	30 days prior to beginning construction to 30 days following issuance of certificate of occupancy but not more than two years from beginning of construction
	Permit	Required
Real Estate Sign	Number	One per lot, building site, or parcel
	Area	Maximum 6 square feet (residential) Maximum 24 square feet (non-residential)
	Height	Maximum 5 feet
	Other	Must be non-illuminated
	Permit	Not required
Development Sign	Number	One per subdivision, condominium, apartment, or manufactured housing development on the site where it is being developed.
	Area	Maximum 32 square feet
	Height	Maximum 5 feet
	Duration	Not to exceed 2 years
	Permit	Required
Community Event Sign	Number	One sign per event per lot, building site, or parcel
	Area	Maximum 16 square feet
	Height	Maximum 5 feet
	Duration	No more than 2 weeks prior to 1 week following event
	Location	May not be located in Right of Way and must have property owner's permission
	Permit	Not required
	Number	One per lot, building site, parcel, or tenant in a multi-tenant commercial center during each six-month period identified below
	Area	Maximum 32 square feet

SCHEDULE D - Temporary Signs		
Sign Type	Standard	Requirement
Special Event Sign	Height	Maximum 5 feet if mounted on ground Maximum 20 feet if located on a building wall or if a balloon sign Maximum 12 feet for Feather Flag Signs
	Duration	Maximum 14 days from January 1 to June 30 Maximum 14 days from July 1 to December 31
	Permit	Required
	Other	At a multi-tenant commercial center, only one such sign may be on display at a time
A-frame Sign	Number	One per lot, building site, parcel, or business within a multi-tenant commercial center
	Area	Maximum 6 square feet
	Height	Maximum 42 inches
	Duration	May be on display during day but must be stored indoors when business is not in operation
	Location	Must be within 10 feet of customer entry door to business it serves without disturbing pedestrian or emergency access. A minimum of 5 feet clearance shall be provided for pedestrian passage.
	Permit	Not required
Commercial Banner Signs	Number	One per business
	Area	32 square feet
	Height	Eight feet, maximum
	Duration	During construction or maintenance period (not to exceed 12 months)
	Location	Building wall
	Permit	Not required

55.110 BILLBOARDS

- A. Billboards may be located on a lot, building site or parcel within an area 150 feet in width on either side of the right-of-way of U.S. Highway 131 zoned "C", Local Business District or lower. Such billboard shall meet the building and setback requirements of the Ordinance for signs except for, and in addition to, the following requirements:
 1. No more than one billboard may be located per linear mile of highway regardless of the fact that such billboard may be located on a different side of the subject highway or in another jurisdiction than any other billboard. No billboard shall be located within 750 feet of a residential zone and/or an existing residence.
 2. The total surface area of any billboard facing one direction shall not exceed 300 square feet and a height of 20 feet.
 3. Billboards may be illuminated, however, the lighting fixtures used to illuminate a billboard shall be mounted on the top of the structure and directed down so that no light rays are emitted by the installed fixture at angles above the billboard's highest horizontal plane or onto any adjacent lot, building site or parcel.

4. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
5. All billboards and all appurtenances thereto shall be kept in good repair and in a proper state of preservation with all display surfaces neatly painted or posted at all times.
6. All billboards shall be oriented with the longest side parallel to the ground.
7. Doubled-stacked billboards are prohibited.

B. Electronic Billboards.

1. Findings. It is recognized that billboards with changeable or continuous, dynamic content are more distracting and less comprehensible than static images as they require more attention for longer periods of time to comprehend the intended message. Studies show that there is a direct correlation between dynamic, electronic displays on billboards and the distraction of drivers, which can lead to traffic accidents. Drivers can be distracted by a changing message, by waiting for the next change to occur on a sign, and by messages that do not tell the full story in one look.

Drivers are more distracted by special effects used to change the message of a billboard, by messages on a sign that are too small to be clearly seen, or that contain more than a simple easily read message.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages on billboards. Except as prohibited by state or federal law, billboard owners should have the opportunity to use these technologies with certain, reasonable restrictions.

The restrictions are intended to minimize potential driver distraction and to minimize proliferation near residential areas where billboards with dynamic, electronic displays can adversely impact residential character.

It is also recognized that billboards do not need to serve the same way-finding function as do on-premises signs allowed under Article 55, Signs and Billboards. Further, billboards are allowed only within certain zoning districts. Billboards are in themselves distracting and their removal serves public safety. A single electronic display can serve the function otherwise performed by multiple traditional billboards. Thus, billboard owners ought to be encouraged to use electronic displays to consolidate such activities in appropriate locations while removing traditional billboards that currently do not conform to Ordinance standards.

The standards within this section are therefore intended to provide incentives for the voluntary and uncompensated removal of billboards in certain settings. Their removal results in an overall advancement of one or more of the goals set forth in this chapter that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate billboards that would otherwise remain distributed throughout the Township.

Electronic displays should therefore be allowed on billboards but with significant and reasonable controls to minimize their proliferation and potential threats to public safety.

2. Regulations. An electronic billboard shall not contain any visible moving parts, revolving parts, or mechanical movement of any description or other apparent visible movement except for electronic displays subject to the following requirements and standards:
 - a. Except as otherwise stated herein, electronic billboards are subject to the same requirements as traditional billboards as provided for in Section 55.110.A of this Ordinance, including size, height, separation, and location.
 - b. The images and messages displayed must be static or still images. Such images and messages shall be permitted to fill the entire sign area. Animation, video streaming, moving images, or other pictures and graphics displayed in a progression of frames that give the illusion of motion or moving objects shall be prohibited. Under no circumstances shall any message or display appear to flash, undulate, pulse, move, portray flashes of light or blinking lights, or otherwise appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or make other comparable or hypnotic movements.
 - c. An electronic billboard may not allow the display or message to change more frequently than once every eight seconds, with a transition period of one second or less.
 - d. The transition from one static image or message to another on an electronic billboard shall be instantaneous without any delay or special effects accomplished by varying the light intensity or pattern, where the first message gradually reduces intensity or appears to dissipate and lose legibility simultaneously with the gradual increase in intensity, appearance and legibility of the second message, such as, but not limited to: flashing; blinking; spinning; revolving; shaking; zooming; fading; dissolving; scrolling; dropping; traveling; chasing; exploding; or similar effects that have the appearance of movement, animation, changing in size, or being revealed incrementally rather than all at once.
 - e. An electronic billboard must have installed an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this article.
 - f. Sequential messaging as part of an electronic billboard shall be prohibited. The images and messages displayed shall be complete in themselves without continuation in content to the next image or message or to any other billboard.
 - g. Every line of copy and graphics on an electronic billboard must be at least 12 inches in height.
 - h. Electronic billboards shall be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the billboard owner must immediately stop the electronic display when notified by the Township that it is not

complying with the standards of this section. Prior to issuing any necessary permits for an electronic billboard, the applicant shall submit to the Township written verification from the manufacturer that the electronic billboard is so designed and equipped.

- i. The owner of the electronic billboard shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning natural disasters, road emergencies, weather emergencies, or defense situations. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.
3. Brightness.
- a. The maximum brightness levels for electronic billboards shall not exceed 0.3 (three tenths) foot-candles over ambient light levels measured within 150 feet of the source, consistent with the terms of this section. The measurement shall be taken at ground level perpendicular to the surface of the screen. Certification must be provided to the Township demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the Township in its reasonable discretion and shall be the responsibility of the sign owner in order to ensure that the specified brightness levels are maintained at all times.
 - b. Brightness of digital signs shall be measured as follows:
 - i. At least 30 minutes following sunset, a foot candle meter shall be used by the person doing the inspection to obtain an ambient light reading for the location. This is done while the sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the sign area at the pre-set location.
 - ii. The sign shall then be turned on to full white copy to take another reading with the meter at the same location.
 - iii. If the difference between the readings is 0.3 foot-candles or less, the brightness is properly adjusted.
4. Incentives. Billboards do not need to serve the same wayfinding function as do on-premises signs. Further, due to size and spacing requirements of this section of the Ordinance, most if not all billboards in the Township are nonconforming, and no additional billboards can be constructed beyond the 11 currently located in the Township without additional changes to the Ordinance. Finally, billboards are in themselves distracting and their removal serves public safety. The Township is extremely limited in its ability to cause the removal of these signs. This clause is intended to provide incentives for the voluntary and uncompensated removal of billboards in certain settings. This removal results in an overall advancement of one or more goals set forth in this section, including reducing the degree of nonconformity, that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to

consolidate outdoor advertising services that would otherwise remain distributed throughout the Township.

A person may obtain a sign permit from the Township to replace an existing nonconforming billboard with an electronic billboard in the same location, at the same or reduced height and at the same or reduced area, if the requirements stated below are satisfied. Otherwise, such signs would be required to conform to all of the standards of this Section as a new sign.

- a. The applicant shall agree in writing to permanently remove, prior to the issuance of any necessary permits for the installation of an electronic billboard, at least two other nonconforming billboards within the Township owned or leased by the applicant, each of which must satisfy the criteria of subparagraphs b. through d., below. (Each individual billboard face shall be considered a separate billboard, and the billboard proposed to be replaced by the new electronic billboard face may be considered one of the two nonconforming billboards to be removed.) Unless being replaced by an electronic unit, removal shall include the complete removal of the structure and foundation supporting each billboard. The Zoning Administrator shall verify that the billboards to be removed are nonconforming and that the nonconforming billboards have been removed prior to issuing any necessary permits for an electronic billboard. The applicant shall also agree in writing that it is removing the nonconforming billboards voluntarily and that it has no right to compensation for the removed billboards under any law. When executed, the applicant shall record said agreement with the Kalamazoo County Registrar of Deeds.
- b. The Township has not previously issued a sign permit for an electronic billboard based on the removal of the particular nonconforming billboards relied upon in this permit application.
- c. Each removed billboard shall have a copy and graphic area equal to or greater than the area of the copy and graphic area for which the electronic billboard permit is sought.
- d. If a billboard to be removed is one for which a permit is required by the State of Michigan, the applicant shall surrender its permit to the State upon removal of the billboard. Proof shall be submitted to the Township that the State permit has been surrendered prior to any necessary permits for an electronic billboard being issued by the Township.

55.120 PERMITS REQUIRED AND CONDITIONS

Unless otherwise provided by this Article, all signs shall require permits and payment of fees. This shall include face changes for signs and billboards. No sign shall be installed or utilized until and unless a permit has been issued by the Township. No permit is required for the maintenance of a sign.

A permit issued pursuant to this Section becomes null and void if work is not commenced within 180 days of issuance. If work authorized by the permit is suspended or abandoned for more than 180 days, the permit must be renewed with an additional payment of one-half the original fee as provided on the fee schedule adopted by resolution of the Township Board and on file at the Township Hall.

55.130 SIGNS NOT REQUIRING PERMITS

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this Article:

- A. Construction signs of six square feet or less.
- B. On-premise directional signs of two square feet or less.
- C. Seasonal decorations.
- D. Non-commercial signs, including political signs, and community event signs.
- E. Government signs or notices, or any sign relating to an emergency.
- F. Real estate signs.
- G. Incidental signs, provided such signs do not occupy more than six square feet of advertising display area.
- H. Flags.

55.140 MAINTENANCE

All signs, flags, and flag poles shall be properly maintained. Exposed surfaces shall be clean and painted, if paint is required. Defective or damaged parts shall be replaced.

55.150 LIGHTING

Unless otherwise specified by this Section, all signs may be illuminated.

- A. No sign regulated by this Section may utilize:
 - 1. An exposed incandescent lamp* with an external reflector and without a screen or comparable diffusion device.
 - 2. Any exposed incandescent lamp* in excess of 160 watts unless a screen or shield is installed so that no light rays are emitted by the installed fixture beyond the advertising display area.
 - 3. Any revolving beacon light.
 - 4. Lights that could be confused with or construed as traffic control devices.
 - 5. Direct or reflected light that could create a traffic hazard to operators of motor vehicles.

(*For the purpose of this Section, quartz lamps shall not be considered an incandescent light source.)

- B. Metal halide lighting, fluorescent lighting and quartz lighting may be used for outdoor advertising signs but shall be installed in enclosed luminaries.
- C. Glass tubes filled with Neon, Argon or Krypton may be used provided they do not flash intermittently or create a visual effect of movement.
- D. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure whenever practical or mounted so that no light rays are emitted by the installed fixture at angles above the sign's highest horizontal plane or in any event beyond the advertising display area.
- E. Unless the premises is open for business, the operating of lighting fixtures on or in signs, with the exception of time and temperature displays, is prohibited from 9 p.m. to sunrise when light from said sign can shine into any window of a residence within 500 feet or from midnight to sunrise when the lot, building site or parcel upon which it is located abuts a residential zoning district.
- F. No sign may be illuminated by flashing, rotating, oscillating or intermittent lighting.
- G. Electronically changeable copy signs, with the exception of Electronic Billboards (see Section 55.140.B), may change message no more than once every six (6) seconds and shall not use transitions that dissolve, fade, flash, and/or scroll.
- H. Signs utilizing electronically changeable copy signs may not be so bright as to be objectionable or inappropriate for the surroundings.
- I. Up to 25 percent of the permitted sign area of an allowable sign may be dedicated to changeable copy or to electronically display the current time and/or temperature. This percentage shall be increased to 50 percent for filling stations solely for the purpose of displaying fuel prices within the additional area provided. This limit shall not apply to electronic billboards.

55.160 REQUIRED SIGN SETBACKS FOR ALL ZONING DISTRICTS

Required sign setbacks for all signs and structures supporting said sign shall be as follows:

- A. No sign shall be placed in a location where it causes a hazard to vehicular or pedestrian traffic by depriving the driver or pedestrian of a clear and unobstructed view of approaching, intersecting or merging traffic. No sign may be located within the public right-of-way.
- B. Development/Building Identification signs and Subdivision Identification signs may be placed in boulevard median strips if approved by the Kalamazoo County Road Commission and/or the Township as part of an approved Site Plan.
- C. All signs shall be setback a minimum of ten feet from any public right-of-way line and ten feet or the height of the sign, whichever is greater, from all other property lines, except as follows.

1. Directional signs, real estate signs per Section 55.150.C, special event signs and community event signs may be located adjacent to a property line out of the right-of-way.
 2. Subdivision Identification signs shall be located a minimum of 25 feet from the pavement of the adjacent roadway(s) and in any event, no closer than five feet to any lot line(s).
 3. Subdivision Identification signs, in agricultural and residential zoning districts, may be located at the front property line but no closer than five feet to any other property line(s).
 4. Signs lawfully existing as of January 1, 2000 on parcels, lots or building sites with frontage on West Main Street between US-131 and Drake Road may remain as located.
 5. Seasonal Agricultural Directional Signs may be located adjacent to the lot line and within the right-of-way so long as they do not interfere with the clear vision area for traffic.
- D. Where a property is permitted to have more than one freestanding sign under Section 55.80, the distance between such freestanding signs shall not be less than 150 feet.

55.170 SIGN HEIGHT AND OVERHANG

- A. Wall sign height shall be measured from the first-floor elevation of the building.
- B. A wall sign shall not extend beyond the window sills of the floor above or the top of the wall to which it is attached.
- C. A wall sign shall not project beyond the ends of the wall to which it is attached.
- D. Walls signs may be affixed flat against the wall of a building or may project therefrom not more than 15 inches. Signs projecting over a walkway or path shall be at least 11 feet above the finished grade.
- E. A sign shall not project into the public right-of-way of any adjacent street. Signs projecting over public property shall be at least 11 feet above the finished grade.

55.180 LANDSCAPING

The base treatment for a freestanding sign shall be landscaped and maintained. Such landscaping may be placed in stone, masonry or treated wood bases, containers or in the ground to achieve a pleasant aesthetic arrangement.

55.190 DEVIATIONS

In obtaining a permit, the applicant may apply to the Township for a deviation from certain requirements of this Article. A deviation may be granted by the Zoning Board of Appeals where the literal application of the Article would create a hardship for the sign user and the following criteria are met:

- A. The granting of the requested deviation would not be materially detrimental to the property owners in the vicinity.
- B. The hardship created by a literal interpretation of the Article is due to conditions unique to that lot, building site or parcel and does not apply generally to other properties in the Township.
- C. The granting of the deviation would not be contrary to the general purposes of this Article or set an adverse precedent.

In granting a deviation, the Zoning Board of Appeals may attach additional requirements necessary to carry out the spirit and purpose of this Article in the public interest.

55.200 RE-SUBMISSION OF APPLICATION FOR A DEVIATION REQUEST

- A. No application for a deviation from the provisions of this Article shall be submitted to the Township or be formally considered by the Township where such application has been previously denied or turned down by the Township unless the Township determines that either one year has passed since the prior application was denied or the new application or project is substantially changed from the prior one. In determining whether substantial changes have occurred, the Zoning Board of Appeals shall consider:
 - 1. Whether the application has been substantially modified from the earlier one;
 - 2. Whether external conditions or circumstances have changed significantly so as to warrant a reconsideration of the application;
 - 3. Whether new and material evidence has been discovered which would justify a reconsideration of the application or project and the failure to present such evidence at the first consideration was not the fault of the applicant.

ARTICLE 56
ENVIRONMENTAL PROTECTION REQUIREMENTS

56.10 GROUNDWATER PROTECTION STANDARDS

A. Scope

These provisions shall apply to all businesses and facilities, including private and public facilities, which use, store or generate hazardous substances in aggregate quantities greater than 100 kilograms per month (equal to 25 gallons or 220 pounds) and which require Site Plan review under the provisions of this ordinance.

B. Groundwater protection standards

1. Land use and the design of related improvements should seek to protect the natural environment, including wetlands, water bodies, water courses, flood plains, groundwater and soils.
2. The design of storm water management and drainage facilities should seek to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and not increase flooding or the possibility of polluting surface or groundwater, on-site or off-site.
3. General purpose floor drains shall be connected to an approved public sewer system, an on-site closed holding tank (not a septic system), or as authorized and regulated through a State of Michigan groundwater discharge permit.
4. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the surface of the ground, groundwater, lakes, streams, rivers or wetlands.
5. State and Federal agency requirements for storage, spill prevention, record-keeping; emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals. If regulations for more than one government agency apply to a proposed land use, the most stringent regulations shall be followed.
6. Secondary containment for aboveground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
7. Outdoor storage of hazardous substances shall be prohibited except in product tight containers which are protected from weather, leakage, accidental damage and vandalism, and where same complies with the standards of this Section with regard to secondary containment.

8. The design and construction of areas and facilities for loading/unloading of hazardous substances shall be designed to prevent spills and discharges to the surface of the ground, groundwater, lakes, streams, rivers or wetlands.
9. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.
10. Out-of-service water wells shall be sealed and abandoned in accordance with applicable requirements of the Michigan Department of Public Health.
11. Underground storage tank installation, operation, maintenance, closure, and removal shall be in accordance with the requirements of the State Fire Marshal Division and the Michigan Department of Natural Resources.

56.20 STORM WATER MANAGEMENT

A. Statement of purpose

The purpose of the Section shall be to:

1. Protect the public health, safety, welfare and property;
2. Promote the efficient use of land and water resources;
3. Provide for cost-effective and functionally effective storm water management;
4. Prevent soil erosion and sediment runoff;
5. Encourage the use of natural drainage systems for runoff;
6. Encourage multiple-purpose storm water management which enhances the environmental character;
7. Allow the use of wetlands for storm water management in selected locations, while ensuring that the natural functions and quality of wetlands are protected;
8. Allow for off-site and/or common storm water systems;
9. Allow for storm water management designs that are consistent with the aesthetic character of the area;
10. Allow for Township review of clear cutting that may result in a loss of soil-stabilizing vegetation, erosion of stream banks, and alterations of drainage patterns that may impact immediate property, neighboring properties, areas in near proximity, and the overall environment;
11. Encourage minimal clearing, grading and land disturbance activities to that needed for construction, maintenance, and emergency services;

12. Discourage the clear cutting of vegetation without restoration in order to prevent the abuse of land and the resultant negative impacts, both on- and off-site;
13. Encourage the preservation of existing trees and vegetation and the restoration of pre-settlement vegetation areas.

B. Storm water management/soil erosion plan.

1. Township review and approval of a storm water management and soil erosion control plan shall be obtained prior to the commencement of any site/earth changes or work.
2. A storm water and/or soil erosion control plan shall be submitted and reviewed consistent with the applicable Site Plan Review requirements set forth in Article 64.
3. The storm water management and/or soil erosion control plan shall be subject to compliance with all applicable provisions of this Section and Section 64.80.
4. The storm water management and/or soil erosion control plan shall be subject to review and comment by the Township Engineer.

C. Storm water management standards

All land uses shall be subject to the following storm water system design conditions and limitations:

1. All structures and land uses in the Township shall be established in such a manner as to prevent runoff of surface water not accommodated by a public system onto adjoining properties; all owners or developers of property shall be required to construct and maintain such on-site storm water management and drainage facilities necessary to prevent flow of runoff of surface water onto adjoining properties. All systems shall be designed, at minimum, to provide sufficient capacity to accommodate a 100-year storm as defined by the National Weather Service.
2. The design of storm water management and drainage facilities should seek to retain the natural retention and storage capacity of any wetland, water body, or watercourse, not increase flooding or the possibility of polluting surface or groundwater, on-site or off-site, and retain natural runoff patterns.
3. The design of storm water management and drainage facilities should seek to be comparable in function and appearance to common natural drainage systems and runoff patterns, including wetlands.
4. Whenever feasible, developers are encouraged to design a storm water management system which provides for runoff to be conveyed using a system of filtered percolation through surface means such as swales and/or vegetated buffer strips (using indigenous plant species) so as to decrease velocity, increase natural infiltration, allow sediment to settle, and remove pollutants before entering the retention area. Reference Section 53.80

regarding possible reduction in required site landscaping materials with the use of the above design criteria.

5. The use of a seed mixture containing 45% native grasses and wild flowers for swales and retention areas is encouraged. The Township will maintain a list of suggested mixtures on file.
6. Storm water management and drainage facilities shall be designed to protect the public health, safety, welfare and property and be visually attractive. Consideration shall be given to the effects of an excessive rainfall and a possible overflow event.
7. Storm water management and drainage facilities shall be designed to protect the public health, safety, welfare and property and be visually attractive. Consideration shall be given to the effects of an excessive rainfall and a possible overflow event.

D. Soil erosion control

1. The natural topography and vegetation of a site shall be preserved to the maximum extent possible, except where major alterations are determined to be consistent with the purpose of the Ordinance as set forth in Section 56.20.A.
2. Earth changes shall occur in such a manner that minimizes the exposure time of any disturbed land. Any area of the development not actively under construction shall be stabilized, and seeded if weather permits, within 30 days of completion of earth disturbing work in that area of the site.
3. All owners or developers of property shall erect such temporary soil erosion control measures during construction and/or earth change activity as are necessary to prevent soil or sediment to flow into any private or public storm water retention system or discharge area and onto any street. All owners or developers shall also construct and maintain all such permanent soil erosion control measures as are necessary to prevent the flow of sediment onto adjoining properties and/or into any private or public storm water retention or discharge areas and onto any street. All soil and/or sediment must be retained on site.

The method(s) utilized to comply with this provision must be consistent with the specifications for soil erosion and sediment control utilized by the Michigan Department of Transportation in its construction projects and are subject to the review, approval and inspection of the Township. The following are examples: (1) Filter Bags, (2) Silt Fences, (3) Sediment Traps and Basins, (4) Check Dams and Weirs, (5) Temporary Channel Liners.

4. All areas of a residential parcel, lot or site disturbed for the construction of a residence, except for driveways, walkways and required parking areas, shall be seeded or sodded within six months of the certificate of occupancy.

E. Storm water runoff to wetlands

Wetlands, as defined by Section 2.20, may be used for storm water management if the following conditions are met:

1. The wetland would not be impaired or destroyed;
 2. The wetland has sufficient holding capacity for storm water;
 3. Adequate on-site soil erosion control is provided to protect the natural functioning of the wetland;
 4. Adequate erosion control and protection of wetlands is provided during the construction phase(s) of development;
 5. The requirements of state law have been satisfied as determined by the MDEQ.
- F. Off-site/common storm water management systems.

Except as to those systems subject to the jurisdiction of the Kalamazoo County Road Commission and/or the Kalamazoo County Drain Commission, the following conditions apply:

1. In lieu of an on-site storm water management system, the use of off-site storm water management systems may be proposed. Any waiver shall be granted through a finding that the storm water management system design meets the purpose of this Ordinance set forth in Section 56.20.A. Such a waiver is not subject to variance approval by the Zoning Board of Appeals.
 2. Off-site storm water management systems shall be established through the execution and recording of an easement agreement, subject to review/approval of the Township Attorney. Such agreement shall also:
 - a. Indicate that no further development in the area of the storm water system be permitted without Township approval;
 - b. Provide standards for scheduled maintenance of the storm water management system;
 - c. Provide for an effective means of enforcement by the Township in the event that the storm water management system is inadequately maintained or is determined by the Township to be a public nuisance, allowing for the assessment of costs of enforcement and maintenance upon the property owners.
- G. Run off of surface water

All structures and land uses hereafter established in the Township shall be established in such a manner as to prevent any additional run off of surface water onto adjoining properties.

56.30 CLEAR CUTTING

A. Clear cutting permit

1. Any activity that involves the clear cutting of one or more acres of land and which is not otherwise exempt from this Ordinance, shall be required to obtain a clear-cutting permit from Oshtemo Township as described below.
2. Exemptions: A clear cutting permit is not required for any of the following exempted activities:
 - a. Clear cutting of less than one acre of land within a twelve-month period.
 - b. Clear cutting on a developed residential parcel of two acres or less, including vacant lots and building sites in an approved subdivision or site condominium.
 - c. Clear cutting for a development that has received Site Plan approval under the provisions of Article 64, Site Plan Review, provided that such clear cutting takes place after approval and is in accordance with such approval.
 - d. Clearing of land located within the Agricultural zoning district for agricultural purposes.
 - e. Clearing for the maintenance of existing roads, private access easements, driveways, and utility easements.
3. Application requirements: Applicants proposing to clear cut more than one acre of land shall be required to submit the following information:
 - a. Name, address, and contact information of the applicant;
 - b. Written consent of the owner(s) of the land, if the applicant is not the sole owner;
 - c. A Site Plan of the property, drawn to scale, showing the area to be cleared;
 - d. Amount of land to be cleared (in acres);
 - e. A statement outlining the purpose of the clear cutting or the proposed use of the cleared area;
 - f. Location and dimension of required buffer areas as described in the General Provisions section below;
 - g. Location and description of proposed erosion-control devices or structures, in conformance with the requirements of Section 56.20.C Storm water management standards; Section 56.20.D, Soil erosion control; and tree protection fencing, if required.
4. Upon receipt of the application for a clear-cutting permit, the Township planning staff shall inspect the site and review the application. Applicants shall be notified within 15 business

days of submitting an application whether it has been approved, denied, or whether additional information is needed.

5. If the staff determines that the application is in compliance with the provisions of this section, the permit shall be approved administratively. If the staff determines that the application is not in compliance with the provisions of this section, the permit shall be denied. Any such denial can be appealed to the Zoning Board of Appeals.
6. Storm water management and soil erosion control plans shall be subject to review and comment by the Township Engineer. If it is determined that the erosion control measures either proposed or implemented by the applicant do not satisfy the general provisions described below, the Township reserves the right to place additional requirements on the clear-cutting permit to rectify such deficiencies.
7. Following approval of a clear-cutting permit, all sites shall be subject to inspection for compliance with this Ordinance.
8. Fee: An application fee may be established by resolution of the Township Board for a clear-cutting permit based upon the cost of processing the review and inspections and would be required upon application for the permit.

B. General provisions of clear cutting permit

The following provisions will apply to all clear cutting governed by this Section and will be evaluated by staff during the application review process.

1. The Site Plan shall demonstrate that the proposed use of the clear-cut area is achieved with judicious effort to preserve the integrity of the land, existing topography, natural features (i.e., slopes, woodlands, etc.), and natural drainage patterns; preserves existing woodlands and understory and individual trees to the greatest extent reasonable; and maintains the soil-stabilizing vegetation and avoids altering drainage patterns.
2. To preserve viewsheds along roadways and buffer adjoining properties, a 20-foot wide buffer area of undisturbed vegetation shall be maintained along roadways and property lines. Clear cutting will not be permitted within buffer areas; however, harvesting of select trees within the buffer area and development of roadways may be permitted with approval from the Planning Department.
3. During clear cutting and until revegetation or stabilization has taken place, erosion and sediment controls shall be designed and implemented necessary to prevent sediment from leaving the clear-cut site. Unacceptable clearing practices and erosion control measures are those that alter existing drainage patterns and/or cause property damage off-site.
4. The plans for the use or restoration of the site following land clearing shall comply with the standards and requirements of Sections 56.20.A and 56.20.B, as applicable.
5. Tree protection fencing shall be installed around trees to be preserved in the required buffer areas. Tree protection fencing shall meet the requirements of Section 53.120.

C. Enforcement and penalties

1. Any clear cutting, grading, development, or other site work in violation of the requirements of this Section or contrary to the approved plans shall be considered a violation of the Township Zoning Ordinance and enforceable per the requirements of Section 70.30, Penalty, of this Ordinance. Enforcement may include, but is not limited to, actions to abate, enjoin or restore the property in question.
2. Where specific trees are designated to be preserved, each such tree that is removed shall constitute a separate offense.

ARTICLE 57
MISCELLANEOUS PROTECTION REQUIREMENTS

57.10 RESIDENTIAL OCCUPANCY

Except as otherwise specifically permitted in this Ordinance, no more than one family as defined in Section 2.20, shall be permitted to occupy a dwelling unit.

57.20 TEMPORARY SECOND DWELLING ON A PARCEL

A permit may be secured from the Planning Director or his or her designee to temporarily occupy an existing dwelling on an unplatted parcel that does not meet the criteria stated in Section 50.40 for a period of up to one year while construction of a new permanent dwelling upon the premises occurs, subject to the following conditions and limitations:

- A. The applicant must submit plans for and receive a building permit for the new dwelling.
- B. The existing dwelling must be removed from the property within 30 days of the issuance of a Certificate of Occupancy or one year from the issuance of the temporary second dwelling permit, whichever comes first.
- C. The applicant must provide a performance guarantee to the Township at the time of application for the temporary second dwelling permit in accordance with Section 64.110 in order to ensure the removal of the existing dwelling from the property. Said performance guarantee shall be valid and not expire for a period of at least 13 months from the date of issuance of the building permit for the second dwelling.
- D. If at the expiration of a one-year period the new dwelling is not in a condition for permanent occupancy, the Zoning Board of Appeals, upon application and upon the showing of hardship and for good cause, may extend the temporary second dwelling permit for an additional six-month period.

57.30 MOBILE HOMES AND RECREATIONAL VEHICLE STANDARDS

- A. Use for dwelling purposes

Except for mobile homes located in an "R-5" Residence District classification, no recreational vehicles or other structure failing to qualify as a "dwelling" under the terms of this Ordinance shall be used for dwelling purposes within the Township limits; provided, however, that recreational vehicles or mobile homes not qualifying as a "dwelling" hereunder may be used for temporary dwellings for a total period of not more than 14 days in any one year when located upon premises having water and sewage facilities approved by the Kalamazoo County Health Department.

- B. Temporary residence; permit

A permit may be secured from the Township Zoning Official to use a mobile home not qualifying as a dwelling hereunder or a garage within a residential zone as a temporary residence for a

period of not to exceed one year provided that the ability and intent to erect a permanent dwelling upon the premises is shown and provided that the mobile home or garage is located upon premises having water and sewage facilities approved by the Kalamazoo County Health Department, subject to the following conditions and limitations:

1. The applicant must first submit plans for and receive a building permit for a permanent dwelling.
2. The applicant must commence construction of the permanent dwelling within 90 days after issuance of said building permit.
3. If, at the expiration of the one-year period, the permanent dwelling is not in a condition for permanent occupancy, the Zoning Board of Appeals, upon application and upon the showing of hardship and for good cause, may extend the temporary permit for an additional six-month period.
4. Any application for such a permit shall be accompanied by a fee as may be determined by resolution of the Township Board.

57.40 TEMPORARY OUTSIDE TOILETS DURING CONSTRUCTION

No outside toilets shall hereafter be erected except such as may temporarily be needed during construction on the premises.

57.50 CONTAINMENT OF GARBAGE AND FOOD WASTES

Every structure shall be provided with not less than one covered and sanitary receptacle for garbage and food wastes for each two dwelling units housed therein. Such container shall be so enclosed as to keep insects and animals from getting to the contents of the container. No garbage or food wastes shall be stored upon or permitted to accumulate upon premises except upon permitted garbage dumps.

57.60 FENCES

The requirements of this section shall apply to fences.

A. Construction, Material and Maintenance

1. All fences shall be of sound construction.
2. All fences shall have the finish side facing out, away from the property on which the fence is located.
3. No barbed wire, spire tips, sharp objects, or electrically-charged fences shall be erected in or abutting any residentially zoned district.
4. Bona fide agricultural uses may use barbed wire or charged fences to control livestock.

5. Security fences six feet high and above in industrial-zoned districts may include an additional 18 inches of barbed wire. Such barbed wire shall slant inward toward the property or be straight up. Security fences with barbed wire in other zoning districts shall require Special Use approval.
6. All fences shall be maintained and not endanger life or property. Any fence which through lack of repair, type of construction or otherwise, endangers life or property is hereby deemed a nuisance.
7. Swimming pools as defined in the Michigan Building Code shall be fenced in accordance with the requirements of the Code.

B. Location

Except as specified below, fences may be placed up to the property line provided:

1. No fence shall be placed within any public right-of-way or within the easement for private roads.
2. On corner properties, no fence more than 30 inches in height shall be placed within 20 feet of the intersection of the abutting street rights-of-way or easements which interferes with traffic visibility across the corner.

C. Height

1. "AG", "RR", "R-C", "R-1", "R-2", and "R-3" Zoning Districts. All fences located within the identified zoning districts shall be limited to a maximum height of four (4) feet within the required front building setback area except as stated in Section 57.60.B.2 The maximum fence height in the side or rear yard shall be six (6) feet as measured from the grade on both sides of the fence. Fence height shall be measured from the grade of the lowest side of the wall when a fence is constructed on top of a wall.
2. "R-4" and "R-5" Zoning Districts. All fences located within these specified zoning districts shall be limited to a maximum height of eight (8) feet regardless of which yard it is located in, except as stated in Section 57.60.B.2 fence height shall be measured in the same manner as described in Paragraph A above. Any fence located in the required front building setback area shall be of a decorative enclosure type, constructed of either wrought iron or simulated wrought iron (pre-finished aluminum), or similarly decorative and durable materials as determined suitable by the appropriate reviewing body. Such fences shall have a maximum 50% opacity.
3. Other Zoning Districts. Fences exceeding six (6) feet in height shall be subject to approval by the appropriate reviewing body.
4. Height Exceptions. Multi-family and non-residential development requests undergoing Site Plan review may request a taller fence in side and rear yard areas that exceeds the height restrictions identified in Paragraphs A through C above as part of the Site Plan review process. The appropriate reviewing body may approve a fence up to the maximum building

height of the underlying zoning district. In considering such a request, the appropriate reviewing body shall consider whether adequate clear vision is present, the impact on neighboring properties, and the unique site-related issues that warrant the request.

57.70 KEEPING OF DOGS

The keeping of more than three dogs is prohibited within or upon any platted properties used primarily for residential purposes or within 300 feet of any such platted properties unless the premises are located in a "C" Local Business District or lower classification; provided, however, that any litter of dogs which causes the aforesaid limit of three to be exceeded shall not constitute a violation of this provision for a period of four months after birth; and provided further that no more than two such litters shall be so allowed to remain upon the aforesaid premises within any consecutive 12-month period. The keeping of more than three dogs shall also be prohibited in any area of the Township if the same become a nuisance by reason of odors or noise as determined by the Zoning Board of Appeals. The determination of the Zoning Board of Appeals shall be conclusive on the question of whether the same are a nuisance. Except as herein limited, the keeping of up to nine dogs shall be permitted upon unplatted land within the Township.

57.80 KEEPING OF POULTRY, SWINE, HORSES, OR LIVESTOCK

The keeping of poultry, swine, livestock or horses and other similar animals (collectively referred [to] herein as animals) as pets or for educational purposes, is permitted under the following conditions:

- A. Activities shall be conducted on less than a commercial scale for the private enjoyment of the property owners.
- B. There shall be a minimum of one acre for each large animal, including horses, cattle, and swine, or similar animals; or, one-quarter acre for each small animal (under 200 pounds), exclusive of those set forth above and for chickens, ducks, turkeys, and rabbits (collectively referred [to] herein as specified animals). All parcels, lots, and building sites shall be permitted up to five specified animals; roosters are prohibited. Parcels, lots, and building sites larger than one acre shall be permitted one additional specified animal for each one-quarter acre in excess of one acre.
- C. A building, other than the residence, used to shelter animals and/or any area used to store, dispose of, or compost manure, shall not be located closer than 50 feet for large or small animals and ten feet or the height of the building, whichever is greater, for specified animals to any property line and not nearer than 150 feet for large or small animals and 20 feet for specified animals to any preexisting dwelling on adjacent premises under different ownership. At minimum, a fenced-in enclosure, other than the residence, shall be placed for the housing of animals. All buildings or other enclosures shall be within either the side or rear yards and may not be within the required front setback for the subject property.
- D. Large and small animals (excluding specified animals) shall be controlled in a suitable manner to prevent their approaching closer than 100 feet to any preexisting dwelling on adjacent premises under different ownership. Specified animals shall not be allowed free roam, must be contained within a six-foot fence or other fully enclosed structure at all times, and shall be controlled in a suitable manner to prevent their approaching closer than 20 feet to any preexisting dwelling on

adjacent premises under different ownership. A sight fence or other screening is required if specified animals are visible from any other residential property or any public rights-of-way. All fences for specified animals shall be within either the side or rear yards and may not be within the required front setback for the subject property.

- E. The keeping of poultry, swine, horses, or livestock is further prohibited where conditions of maintenance are such to cause:
 - 1. Unpleasant odors to be generated sufficiently strong to be discernible upon property of others for continuous periods of longer than six days, or
 - 2. Noise to be generated sufficiently loud to penetrate indoors upon property of others for continuous periods in excess of four hours, or
 - 3. Flies, insects or rodents to be attracted to the place where said animals and/or fowl are kept and are thereafter permitted to multiply and escape upon adjoining property.
 - 4. Said animals or fowl, alive or dead, or any refuse therefrom to trespass or be carried upon adjoining property.

57.90 SIDEWALKS

For those uses requiring Site Plan review under this ordinance, an internal sidewalk network (including connection to and establishment of a sidewalk in the right-of-way of any arterial, collector, or local road indicated on the Non-motorized Facilities Map abutting the site) shall be required within public street rights-of-way and/or private street easements unless the reviewing body grants a deviation from this provision. Deviation may be considered if the street is a cul-de-sac, or if there are constraints as the result of severe topography or natural features.

57.100 ACCESSORY BUILDINGS

All references to accessory building in this Section shall apply only to residential accessory buildings exceeding 200 square feet in area, including private garages, pole buildings, carports and barns/stables. This section does not apply to agricultural uses meeting the requirements of Section 4.10.

- A. No accessory building shall:
 - 1. Be used for human habitation unless the provisions of Section 50.20.A and the Building Code are satisfied.
 - 2. Be used for purposes other than those accessory and customarily incidental to permitted residential use of the property by the owner or occupant of same.
 - 3. Be used for any business use or home occupation unless approval is granted pursuant to Section 48.40 or 49.90.
 - 4. Violate the setback requirements of Section 50.60.

5. Exceed a height of 20 feet on lots, parcels or building sites of 30,000 square feet or less, or a height of 25 feet on lots, parcels or building sites larger than 30,000 square feet unless approval for same is granted by the Zoning Board of Appeals pursuant to Section 57.100.B. Height shall be measured from the abutting grade to the highest point of the building.
 6. Precede the dwelling upon the subject property unless approval for same is granted by the Zoning Board of Appeals pursuant to Section 57.100.B.
 7. Have a width greater than one-third of the lot, building site or parcel width or 24 feet, whichever is greater.
- B. Accessory Buildings Subject to Site Plan Review and Approval of the Planning Director or Designee:
1. Property is vacant.
 2. Aggregate floor area of accessory buildings exceeds ground floor area of dwelling, excluding attached garages, covered porches, and breeze ways.
 3. Total floor area of all buildings exceeds 20 percent of lot, building site or parcel area.
 4. Accessory building is placed between the dwelling and the front property line. For purposes of this Section, corner properties shall be considered to have two front property lines.
 5. Height exceeds the provisions of Section 57.100.A.5.

To ensure harmonious relationships and to minimize conflicts between adjacent uses, the Planning Director or designee shall consider the proposed characteristics and uses of the building in relation to the following: size of property, size of dwelling, proposed placement on property, existing land uses in area and future land uses as reflected in the Master Land Use Plan.

The Planning Director or designee may attach requirements to such accessory building and use when it deems necessary to avoid or mitigate adverse impacts on surrounding properties which may include a reduction in the size of the building.

The Planning Director or designee shall have the right to refer any proposed accessory building to the Zoning Board of Appeals for Site Plan review and approval.

All applications requiring Site Plan review and approval shall be accompanied by a drawing of the subject property, drawn to scale, containing the following information:

- a. A North arrow and graphic scale.
- b. All property lines and their dimensions.

- c. Location and dimensions of all existing and proposed structures (including height of all proposed accessory buildings) on the subject property and any existing buildings on adjacent properties within 50 feet of the subject property.
- d. Building elevations including building and roofing materials and color.

An application hereunder shall also include a signed statement setting forth the purpose(s) for which the proposed accessory building(s) will be used and a completed Acknowledgment of Zoning Restriction, signed by the property owner(s), on a form provided by the Township, indicating that the building may not be used for commercial purposes. The Township shall record said Restriction following construction of the building. No accessory building allowed pursuant to this subsection shall be used for a purpose other than that approved by the Planning Director, Planning Commission or Zoning Board of Appeals as appropriate.

57.110 PORTABLE TEMPORARY STORAGE CONTAINERS

A portable temporary storage unit, known as a portable storage container (PSC), as defined in this section, and sometimes called a portable on-demand storage unit or PODS unit, may be temporarily delivered, placed, used and removed in any zoning district, but only in compliance with the provisions of this section.

- A. A PSC is a box-like container typically delivered by truck to a location, to serve as a means of temporarily storing household or other goods and items. A PSC does not include a truck trailer or other part of a motor vehicle, nor any type of wheeled vehicle or conveyance. A PSC does not include any type of storage container that is placed and remains on or in any truck, truck trailer, other motor vehicle or any other vehicle or conveyance or part thereof, except for the immediate delivery and immediate removal of a PSC from a parcel of land. A PSC includes only the type of container that is specifically designed, manufactured and intended to be used for the particular storage purposes described in this section.
- B. A PSC may be placed temporarily on a lot, parcel, or building site for the storage of household or other goods, items or objects that are proposed to be moved to another location or that are being stored temporarily during building, remodeling, or for other purposes requiring temporary storage of such items outside the dwelling or other building in which they were originally located.
- C. Except as stated in the subparagraphs below, a PSC may remain on a property not longer than 30 consecutive days in any 12-month period commencing on the date when the PSC is first placed on the property.
 - 1. If a PSC is being used for storage of goods and objects during the remodeling or reconstruction of a building on the property, the PSC may remain on the property not longer than 90 days in any 12-month period, commencing on the date when the PSC is first placed on the property.
 - 2. The person using the PSC may apply to the Zoning Administrator for approval of an extension of the time periods provided above, and the Zoning Administrator may approve such extension if the following can be demonstrated:

- a. That the terms and conditions of this section were and will continue to be satisfied by the applicant during the period of storage.
 - b. No serious adverse effects are likely to result from the approval of an extended period of time for such storage.
 - c. That the extension is for a defined period of time only.
 - d. That the extension is necessary for completion of the project for which the PSC was originally intended and that diligent progress has been made toward completion of that project throughout the storage period.
- D. A PSC shall not be longer than 16 feet, wider than eight feet, nor higher than eight feet.
- E. Not more than one PSC shall be placed on a lot, parcel, or building site at any one time in the "AG", "RC", "RR", "R-1", or "R-2" district or on any other lot, parcel, or building site in the Township with a single or two-family residence. In these instances, the PSC must be located in the driveway of the residence unless agreed to otherwise by the Zoning Administrator. In the "R-3", "R-4", "R-5", "VC", "C-R", "C", "BRP", "I-R", "I-1", "I-2", and "I-3" districts a parcel, lot, or building site may have up to three PSCs for a stated period of time, not exceeding the time periods stated in subsection C, whichever is applicable, but only if the following conditions are satisfied:
1. There is good and sufficient cause for the additional number of PSCs, such as extenuating circumstances requiring a greater amount of temporary storage space.
 2. That the terms and conditions of this section would be satisfied, despite the greater proposed number of PSCs.
 3. No serious adverse effects are likely to result from the approval of a greater number of PSCs, not exceeding the above-stated maximum permissible number.
- F. A PSC shall be placed no closer than ten feet from any public or private street right-of-way, nor closer than ten feet from any property line.
- G. Any signage or other writing or graphic material on a PSC shall be limited to the name, address and telephone number of the provider of the PSC.
- H. A PSC shall not be used for the storage of any toxic or hazardous materials.
- I. A PSC used in the "AG", "RC", "RR", "R-1", or "R-2" districts or on any other lot, parcel, or building site with a single- or two-family residence shall be used only for the storage of personal goods and property but shall not be used for the storage of commercial goods, business inventory, or personal property not associated with the dwelling on the lot or parcel on which the PSC is placed.

57.120 GARAGE, YARD, AND HOUSEHOLD SALES

Garage, yard, basement, and household goods sales may be permitted at a residential premises subject to the following conditions and limitations:

- A. No sale shall continue for a period of more than three days.
- B. Not more than two such sales shall be conducted per calendar year from the same premises.
- C. All merchandise offered for sale shall be stored indoors except during the hours of the sale.
- D. The sale may be closed at any point if it begins to constitute a nuisance to adjacent properties as a result of noise, traffic, parking, lighting, hours, or the nature of merchandise offered for sale.
- E. A sale shall be permitted one sign not to exceed six square feet in area to be located on the property on which the sale is to occur. Up to two additional directional signs not to exceed six square feet in area may be located off-premises for purposes of directing traffic to the sale. The signs may be installed no more than two days prior to the sale and must be removed within one day following the event. Signage shall comply with all other provisions of Article 55.

57.130 ADDRESSING REQUIREMENTS FOR STRUCTURES

A. Intent

To help ensure that emergency service responders are able to locate buildings in a timely manner, any structure or individual tenant space erected or established in the Township shall be subject to the following street address display standards.

B. Applicability

- 1. The addressing standards of this section shall apply to any structure or tenant space erected or established in the Township that is subject to Site Plan review, per Article 64 of the Zoning Ordinance, unless expressly exempted herein.
- 2. Single-family homes, duplexes, triplexes, and fourplexes shall be exempt from this section.
- 3. Any existing applicable structures or individual tenant spaces that do not meet the standards of this section shall be considered legally non-conforming.
- 4. Any expansion or modification to a legally non-conforming structure that requires Site Plan approval, per Article 64 of this ordinance, shall also come into compliance with the requirements of this section.

C. General Requirements

- 1. Structures subject to this section shall have their street address displayed in accordance with Table 57.130.D.

2. Individual tenant spaces with dedicated ingress and egress within a larger structure subject to this section shall have their street number or suite/unit number/letter displayed in accordance with Table 57.130.D.
3. To the extent practical, addresses and individual tenant space numbers/letters shall be displayed on the side of the structure facing the street to which it is addressed.
4. On multiple frontage properties, structures shall have their addresses displayed on each road frontage, excluding limited access highways, which shall be formatted using the following convention: street number, directional abbreviation, street name, and street type abbreviation. For example, 7275 W Main St.
5. Structures with one street frontage shall require that only the street number be displayed.
6. Street and suite/unit numbers shall be displayed using Arabic numerals.
7. Street addresses and individual tenant space numbers/letters shall be displayed in a legible manner and shall be of a color that contrasts to the structure or backing on which the address is displayed. The font used should be Helvetica Bold or similar. Acceptance of proposed font and contrast quality is subject to Fire Marshal approval.
8. For buildings located within a larger development that do not have direct exposure to road frontage, the address shall be displayed on the side of the structure facing the primary vehicle access point, in accordance with Table 57.130.D.
9. If the structure's address is not visible from the street due to vegetation, topography, or other obstructions, or if the structure is more than 200 feet from the adjacent right-of-way, then the address shall also be indicated on a free-standing display device, at least ~~five~~ three feet in height above the adjacent road grade, to be located at the street frontage as close to the right-of-way/road easement boundary and associated driveway as practicable or as otherwise restricted by this Zoning Ordinance. The text characters of said sign shall comply with the size standards of Table 57.130.D. Street addresses may be collocated on other sign structures associated with the property or development.
10. Any structure or tenant space subject to this section located on a private or local road, but clearly visible from a collector or arterial road, shall, at a minimum, adjust its associated address character size and placement based on its distance from and orientation to the higher-level roadway, per Table 57.130.D.

D. Character and Placement

1. The following table shall be used to determine the minimum address display standards:

Table 57.130.D

DISTANCE FROM RIGHT-OF-WAY, EASEMENT BOUNDARY, OR DRIVEWAY TO STRUCTURE OR DISPLAY DEVICE		CHARACTER SIZE AND PLACEMENT		
From	To	Minimum Height	Minimum Width	Maximum Building Placement Height Above Adjacent Road or Driveway Grade
0'	39'	8"	4"	15'
40'	69'	10"	5"	20'
70'	199'	12"	6"	25'

2. Address characters for structures shall be mounted on the wall of the subject structure at least ten feet above the adjacent road grade, unless this requirement cannot be met, then addressing shall be placed on a freestanding sign between the structure and the road and visible from the road.

ARTICLES 58-62
RESERVED

ARTICLE 63
NON-CONFORMING USES, STRUCTURES AND LAND

63.10 INTENT

Upon the adoption of this Ordinance or subsequent amendments, there may exist lots, buildings, structures and uses of land which were lawful prior to the enactment of this Ordinance, but which are not in conformance with the provisions of this Ordinance, or amendment thereto. It is the intent of this Ordinance to permit such nonconformities to remain until they are discontinued or removed, but not to encourage their survival or, where discontinuance or removal is not feasible, to gradually upgrade such nonconformities to conforming status. Because nonconforming lots, structures and uses, so long as they exist, prevent the full realization of the goals and objectives of the Township Master Plan, the spirit of this Article is to reduce, rather than increase, such nonconformances.

The following regulations shall control lawful non-conforming uses in existence at the time of passage of this Ordinance.

63.20 NONCONFORMING PARCELS, LOTS OR BUILDING SITES

In any zoning district, notwithstanding limitations imposed by other provisions of this Ordinance, where a nonconforming lot, parcel or building site of record, lawful at the time of its creation, fails to meet the requirements for minimum area, minimum width, minimum frontage or exceeds the allowable depth to width ratio of 4 to 1, such lot, parcel or building site may be used for the permitted uses of the zoning district, provided that all other applicable minimum requirements are met.

63.30 NONCONFORMING USES OF LAND OR STRUCTURE

The use of any land or structure, existing and lawful at the time the use commenced, may be continued, even though such use does not conform to the provisions of this Ordinance, or amendment hereto, subject to the following provisions:

- A. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land or structure.
- B. No nonconforming use shall be moved in whole or in part to any other portion of the land or structure occupied by such use.
- C. If any nonconforming use of land or structure ceases for any reason for a period of more than 12 months, any subsequent use of such land or structure shall conform to the requirements of this Ordinance.
- D. If a nonconforming use of land or structure is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a nonconforming less restrictive use.

63.40 NONCONFORMING STRUCTURES

Structures which are existing and lawful at the time of construction may be continued, even though such structures do not conform to the provisions of this Ordinance, or amendment thereto, subject to the following provisions:

- A. No nonconforming structure may be enlarged or altered in a way which increases its nonconformity.
- B. If any nonconforming structure is damaged, by any means or in any manner, to the extent that the cost of reconstruction or restoration exceeds one-half the value of such structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, exclusive of the market value of land, such reconstruction or restoration shall only be permitted in conformity with the provisions of this Ordinance.
- C. If any nonconforming structure is damaged, by any means or in any manner, to the extent that the cost of reconstruction or restoration is equal to or less than one-half the value of such structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, exclusive of the market value of land, such reconstruction or restoration shall be permitted, provided a building permit for such reconstruction or restoration is issued within one year of the occurrence of such damage.
- D. If a nonconforming structure is altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later reestablished or increased.

63.50 SINGLE-FAMILY AND TWO-FAMILY DWELLINGS

Notwithstanding the foregoing, a single-family or two-family dwelling located in a zoning district, which does not permit the same, may be altered, expanded and/or rebuilt. In addition, one accessory building not exceeding 600 square feet in area may be erected for a nonconforming single-family or two-family dwelling lacking an existing accessory building.

63.60 CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, and premises provided there is no change in the nature or character of such nonconforming uses except in conformity with the provisions of this Ordinance.

ARTICLE 64
SITE PLAN REVIEW

64.10 PURPOSE

The intent of this Article is to provide for consultation and cooperation between the land developer and the Township Zoning Board of Appeals in order that the developer may accomplish his objectives in the utilization of his land within the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity.

64.20 APPLICABILITY

- A. Prior to the establishment of a use, addition to an existing use, or the erection of any building, a Site Plan shall be submitted to and approved by the Township in accordance with the procedures of this Article, and the development requirements of this and other applicable ordinances.
- B. The Township shall not approve the issuance of a building permit until a Site Plan, where required, has been approved and is in effect. Obtaining Site Plan approval does not guarantee issuance of a building permit.
- C. No grading, removal of trees or other vegetation, landfilling, installation of utilities, or other construction improvements shall commence for any development which requires Site Plan approval until a Site Plan is approved and is in effect, except as permitted by this ordinance or by Section 56.30.
- D. Site Plan review shall be required for the activities or uses listed in the table below. The Planning Commission, Zoning Board of Appeals, or Planning Department through Administrative Approval shall have the authority to review and to approve, approve with conditions, or deny Site Plan applications as provided in this Article, in accordance with the table below. If all Site Plan application requirements are met, the Site Plan shall be approved, approved with conditions, or denied within 60 days of receipt of the completed application.
- E. The Planning Director shall have the discretion to forward any Site Plan submitted for administrative approval to the Zoning Board of Appeals for final determination.
- F. If administrative approval is denied, the applicant may appeal the decision to the Zoning Board of Appeals.
- G. Single-family and two-family dwellings are exempt from these requirements.

Activity/Use	Administrative Review	Zoning Board of Appeals	Planning Commissio	Township Board
NEW CONSTRUCTION				
Open Space Developments			Approve	
Planned Unit Developments (PUD)			Approve	

Activity/Use	Administrative Review	Zoning Board of Appeals	Planning Commission	Township Board
Multi-Family Developments/Buildings		Approve in R-4 District	Approve in R-3 District	
Mobile Home Community			Recommend	Approve
Any Nonresidential Building, Structure or Use (unless Special Use)		Approve		
Special Uses			Approve	
EXPANSION/MODIFICATION TO EXISTING BUILDINGS				
Alteration or expansion involving less than one-fourth of the floor area of an existing structure or is no greater than 2,000 sq. ft. whichever is less	Approve			
Alteration or expansion involving more than one-fourth of the floor area of an existing structure or is greater than 2,000 sq. ft.		Approve		
Expansion/Intensification of a Special Use			Approve	
CHANGE IN USE				
Reuse of an existing building where no building expansion is proposed, if the Planning Director determines the new use is similar or less intense in terms of parking, traffic generation, drainage, utility needs, noise, aesthetics and other external effects	Approve			
Change of land or building to a more intensive use, as determined by the Planning Director, that may involve substantial change in parking, traffic flow, hours of operation, public services, effluent discharge, or substantial alteration of the physical character of the site		Approve		
Change to a Special Use			Approve	
Temporary uses, buildings and structures	Approve			
Change of use/occupancy of an individual suite within a Commercial Center	Approve			
ACCESSORY STRUCTURES AND SITE IMPROVEMENTS				
Accessory structures/buildings that are one-fourth the size of the principal building or less and does not affect other Zoning requirements	Approve			

Activity/Use	Administrative Review	Zoning Board of Appeals	Planning Commission	Township Board
Accessory structures/buildings that are more than one-fourth the size of the principal building and/or affect other Zoning requirements		Approve		
Outdoor storage, sales and display for more than one day			Approve	
Modification or expansion of existing off-street parking, stacking spaces or loading and unloading areas	Approve			
Construction, relocation or erection of signs, screening walls, fences, waste receptacles, sidewalks, lights, and poles	Approve			
Modifications to comply with accessibility requirements	Approve			

64.30 REVIEW BY TOWNSHIP PLANNING COMMISSION

Special Uses, condominium projects, planned unit developments, and/or uses, buildings, or structures which require prior approval by the Township Planning Commission shall be submitted to the Planning Commission for Site Plan Review in lieu of submission of the Site Plan to the Zoning Board of Appeals, which review by the Planning Commission shall be subject to the same standards as those governing review by the Zoning Board of Appeals.

64.40 SUBDIVISION/SITE CONDOMINIUMS UNDER OPEN SPACE OR PUD

Open space and planned unit developments involving site condominiums or subdivisions shall require final approval by the Township Board following preliminary/conceptual plan review and approval by the Planning Commission. Open space and planned unit developments involving site condominiums or subdivisions shall follow both the requirements of their respective Zoning Ordinance regulations, as well as the requirements of Part 290 of the General Ordinances, including the plan development requirements. The Site Plan review requirements of Section 64.60 herein shall not govern the review process for open space or planned unit developments that include site condominiums or subdivisions.

64.50 OPTIONAL SKETCH PLAN REVIEW

Preliminary sketches of proposed site and development plans may be submitted for review to the Zoning Board of Appeals prior to final approval. The purpose of such procedure is to allow discussion between a developer and the Zoning Board of Appeals to better inform the developer of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final Site Plan approval. Such sketch plans shall include as a minimum the following:

- A. The name and address of the applicant or developer, including the names and addresses of all officers of a corporation or partners of a partnership.
- B. A legal description of the property.

- C. Sketch drawings showing tentative site and development plans.

The Zoning Board of Appeals shall not be bound by any tentative approval given at this time.

64.60 APPLICATION PROCEDURE

- A. Submittals. Requests for Site Plan Review shall be made by filing with the Township Planning Department. The following information shall be required:
 - 1. A review fee as determined by resolution of the Township Board based upon the cost of processing the review and as shall be on file with the Township Clerk for public information.
 - 2. One copy of the completed application form for Site Plan Review which shall contain, as a minimum, the following:
 - a. The name and address of the applicant.
 - b. The legal description of the subject lot, parcel or building site.
 - c. The area of the lot, parcel or building site in acres or, if less than one acre, in square feet.
 - d. The present zoning of the subject lot, parcel or building site.
 - e. A general description of the proposed development.
 - f. The environmental permits checklist.
 - g. The hazardous substance reporting form for Site Plan review.
 - 3. Copies of the proposed Site Plan, the number of which to be determined by the Township Planning Department.
- B. Process: Upon receipt of a Site Plan application and supporting data, the Planning Department shall:
 - 1. Review the Site Plan application for completeness.
 - 2. Forward the Site Plan application and all supporting data to the Fire Department, Parks Department, Township Engineer and Township Legal Counsel who shall review the materials and return written comments to the Planning Department.
 - 3. Notify the applicant in writing of the comments received or if the Site Plan is incomplete. Incomplete applications and Site Plans may not be submitted to the Zoning Board of Appeals or Planning Commission.

4. If revised plans are required, the applicant shall submit within the time frame provided by the Planning Department. Planning staff will determine which Township departments require a second review. Any final comments will be provided to the applicant prior to Zoning Board of Appeals or Planning Commission meeting.
 5. The Planning Director shall schedule the final application and plan on the next available Planning Commission or Zoning Board of Appeals meeting. Members of the reviewing body shall be delivered copies of the same prior to the hearing for their preliminary information and study. The hearing shall be scheduled within not more than 60 days following the date of the receipt of the plans and application by the Planning Department.
 6. The applicant shall be notified of the date, time and place of the hearing not less than one week prior to such date.
- C. Site Plan: A Site Plan shall consist of an overall plan for the entire development drawn on 24" by 36" paper and drawn to a scale of no less than 1" = 50'. The Planning Department may request copies of all plans and drawings at a reduced size format. The Site Plan shall contain all of the materials and information listed below to be considered complete to begin the review process for submission to the Zoning Board of Appeals or Planning Commission, unless deemed unnecessary by the Planning Department:
1. General Requirements:
 - a. The date, name and address of the preparer;
 - b. Project title;
 - c. Location map with the north point indicated;
 - d. Seal of the architect, engineer, surveyor or landscape architect for those sections of the plan set in which they are responsible;
 - e. Zoning classification of the proposed parcel and all adjacent parcels;
 - f. Percentage of land covered by buildings and that reserved for open spaces;
 - g. All interior and exterior areas to be used for the storage, use, loading/unloading, recycling or disposal of hazardous substances.
 2. Access and Circulation. Site Plans must include dimensioned drawings of all existing a proposed:
 - a. Public and private easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned;
 - b. Acceleration, deceleration, passing lanes and approaches; dedicated road or service drive locations; proposed locations of driveways, access drives, street intersections; driveway locations on opposite frontage; dimensioned fire lanes, including curve radii; and surfacing materials.
 - c. Parking spaces, circulation aisles, off-street loading/unloading area, stacking spaces, and surfacing materials;
 - d. Location and width of sidewalks.
 3. Buildings and Structures:
 - a. Location, height, and outside dimensions of all existing and proposed buildings or structures on the site, with setbacks and yard dimensions;

- b. Front, side and rear building elevations with all windows, lights, doors, and exterior materials, including color, indicated;
 - c. Dwelling unit density where pertinent;
 - d. Rubbish disposal facilities with elevation details of the enclosures;
 - e. Location of signs, if determined;
 - f. All existing or proposed underground and above-ground storage tanks.
4. Utilities, soil erosion, sedimentation control, and drainage:
- a. Grading plan showing existing contours at a maximum interval of two feet;
 - b. Location, size and design of existing and proposed service facilities above and below ground, including:
 - i. Water supply facilities including fire hydrants, water lines and mains;
 - ii. Sanitary sewer facilities;
 - iii. Natural and engineered drainage by location type (e.g. natural drainage courses, storm sewers, and other utility mains and facilities) including location of interior and exterior drains, dry wells, catch-basins, retention/detention areas, sumps and other facilities designed to collect, store and transport storm water;
 - iv. The point of discharge for all drains and pipes;
 - v. Easements.
 - c. Drainage management plan with design calculations showing drainage courses and proper management to direct runoff of impervious surfaces and roof drains.
5. Landscaping Plan. Location and description of all:
- a. Lines demarcating the limits of land clearing on a site. Land clearing shall be limited to that needed for the construction of buildings, structures, parking lots, street right(s)-of-way, drainage and utility areas, other site improvements, and any grading necessary to accommodate such construction;
 - b. Natural features including the location of woodlots, wetlands, marshland, streams, lakes, drain basins, water courses, flood plains and similar features; location and species of trees >12" in diameter as measured at four feet above the ground within the proposed development area of the site;
 - c. Soil characteristics of the site at least to the detail provided by the U.S. Soil Conservation Service;
 - d. Pedestrian walks, malls and recreation areas;
 - e. Proposed landscaping, including berms, buffers, screens and greenbelts, lawns, shrubs, and other live plant materials;
 - f. Screening walls and fences, including dimensions, materials and details;
 - g. Method of irrigation, if applicable.
6. Lighting Plan:
- a. Location and detail of on-site illumination;
 - b. Elevation details of proposed light fixtures, including height;
 - c. Photometric plan.
7. Any additional material information necessary to consider the impact of the project upon adjacent properties, the general public, and the environment, as may be demanded by the Planning Department, Planning Commission or the Zoning Board of Appeals.

64.70 ACTION ON APPLICATION AND PLANS

- A. Following the hearing, the Planning Commission or Zoning Board of Appeals shall have the authority to approve, disapprove, or modify the proposed plans in accordance with the purpose of the Site Plan Review provisions of the Township Zoning Ordinance and criteria therein contained. Any required modification shall be stated in writing, together with the reason therefor, and delivered to the applicant. The Planning Commission or Zoning Board of Appeals may either approve the plans contingent upon the required modifications, if any, or may require a further review after the same have been included in the proposed plans of the applicant. If further review is required, the decision of the Planning Commission or Zoning Board of Appeals shall be made by said Board within 120 days of the receipt of the Application by the Planning Department.
- B. Two copies of the approved final Site Plan with any required modifications thereon shall be maintained as part of the Township records for future review and enforcement. One copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Planning Commission or Zoning Board of Appeals for identification of the final approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variance, duly signed, shall also be filed with the Township records as a part of the Site Plan and delivered to the applicant for information and direction.

64.80 CRITERIA FOR REVIEW

In reviewing the application and Site Plan and approving, disapproving or modifying the same, the Zoning Board of Appeals shall be governed by the following standards:

- A. There is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to ensure the safety and convenience of pedestrian and vehicular traffic. Access for all sites located on an "arterial" or "collector" (as those terms are defined in the Access Management Plan) shall comply with the provisions of Article 51, the Access Management Guidelines, and be designed in consideration of the provisions of the Access Management Plan.
- B. That the buildings, structures, and entryways thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects therefrom upon owners and occupants of adjacent properties and the neighborhood.
- C. That pedestrian access is considered on the site and within the site for ease of access to the development and that Township Standard Specifications for Sidewalks are met.
- D. That as many features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters. Judicious effort shall be demonstrated to preserve the integrity of the land, existing topography, natural features (i.e., slopes, woodlands, etc.) and natural drainage patterns to the greatest extent feasible.

- E. That any adverse effects of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.
- F. That all provisions of the Township Zoning Ordinance and General Ordinances, as required, are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.
- G. That the height and location of all portions of buildings and structures are accessible to available emergency vehicles and equipment.
- H. That the plan will not result in any additional run off of surface waters onto adjoining property.
- I. That the plan as approved is consistent with the intent and purpose of zoning to promote public health, safety, morals and general welfare; to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to conserve property values and natural resources; and to give reasonable consideration to the character of a particular area, its peculiar suitability for uses and the general and appropriate trend and character of land, building and population development.
- J. That the plan as approved is consistent with the Ground-Water Protection Standards in Section 56.10 of the Ordinance.

64.90 CONFORMITY TO APPROVED SITE PLAN

- A. Approval of the Site Plan shall be valid for a period of one year after the date of approval. If a building permit has not been obtained and on-site development actually commenced within said one year, the Site Plan approval shall become void and new approval obtained before any construction or earth change is commenced upon the site. Extensions may be granted by the approving body if requested prior to the expiration of the one-year validity period.
- B. Property which is the subject of Site Plan approval must be developed in strict compliance with the approved Site Plan and any approved amendments thereto or modifications thereof pursuant to Section 64.100. If any site is not developed in compliance with said Site Plan, the approval shall be revoked. Notice of such revocation shall be made by written notice by the Township to the developer at the last known address. Upon revocation of Site Plan approval, no further construction activities may be commenced upon the site other than for the purpose of correcting any violations.
- C. The Township may, upon proper application by the developer and in accordance with the procedure established in this ordinance, approve a modification to the Site Plan to coincide with the developer's construction, provided such construction satisfies the criteria placed upon the previously granted Site Plan approval and the Zoning Ordinance.

- D. At least one complete set of record construction drawings signed by a licensed architect, engineer, landscape architect, or contractor shall be submitted to the Township or its designee at the time of application for a Certificate of Occupancy or, in the case of residential developments before a Building Permit may be issued.

These drawings shall indicate any changes approved by the Township to the original Site Plan. Additionally, the correct location, size, etc. of any preexisting utilities or facilities shall be specified.

64.100 AMENDMENT TO SITE PLAN

- A. Once Site Plan approval has been granted by the appropriate reviewing body, significant changes to the approved Site Plan shall require a resubmission in the same manner as the original application except as provided herein.
- B. The Planning Director may approve minor changes in a final Site Plan that has been approved by the Planning Commission or Zoning Board of Appeals, upon the submittal of a revised Site Plan in accordance with the following:
 - 1. Those items outlined in Section 64.20 under Administrative Approval.
 - 2. Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provide a similar screening effect on an equal or greater basis.
 - 3. Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, but not the addition of new driveways.
 - 4. Changes of building materials or design, fencing, screening, or site amenities which will result in a higher quality development, as determined by the Planning Department.
 - 5. Slight modification of sign placement.
 - 6. Changes required or requested by a county, state or federal agency for safety reasons or for compliance with applicable laws that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved Site Plan.
 - 7. Situations the Planning Director deems similar to the above that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved Site Plan.

64.110 PERFORMANCE GUARANTEE

The Township Zoning Board of Appeals or the Township Planning Commission, as the case may be, shall have the right and authority to require the applicant to file a performance guarantee as a condition of Site Plan approval.

Additionally, when the full development of the site in accordance with the approved Site Plan cannot be finalized prior to application for occupancy subsequent to the completion and approval of all aspects of

the building permit, and a performance guarantee has not already been provided for the subject site improvements or project, the Planning Director of the Township may approve occupancy conditioned upon the provision of a performance guarantee.

Such guarantee may take the form of an irrevocable letter of credit, or cash escrow, or performance bond. Such amount of the guarantee shall be the equivalent of the estimated cost of the improvements or project as submitted by the applicant and verified by the Planning Director. The applicant shall provide an itemized schedule of estimated costs to complete all such improvements or the project. In all instances, the amount shall be adequate to insure the development of the site in accordance with the approved plans therefor.

Such guarantee, if required, shall continue for the duration of the construction and development of the site and until all conditions are satisfied.

Upon request, the Township shall provide for the rebate of any cash escrow or allow for a reduction in the value of a letter of credit or performance bond filed in this connection in reasonable proportion to the ratio of the work completed on the improvements for which the guarantee was required. The amount remaining on deposit shall still provide reasonable security for the completion of the unfinished improvements applicable to the deposit and in no instance be less than 10% the amount of the original performance guarantee until all the site improvements or the project are fully completed.

Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this Ordinance, the Township may complete the necessary improvements itself or by contract to an independent contractor and assess all costs of completing said improvements against the performance guarantee, including any interest accrued on said guarantee. The Township shall notify the owner, Site Plan review applicant, or other firm or individual responsible for completion of the required improvements 30 days prior to the commencement of said completion.

ARTICLE 65
SPECIAL USES

65.10 PURPOSE

In order to make this Ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the Township, the Township Planning Commission, in addition to its other functions, is authorized to approve the location of certain uses within the various zone classifications, which uses are designated in this Ordinance as Special Uses.

Such Special Uses have been selected because of the unique characteristic of the use which, in the particular zone involved under certain physical circumstances and without proper controls and limitations, could cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, such Special Uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Planning Commission is satisfied that the same, under the conditions, controls, limitations, circumstances and safeguards proposed therefor and imposed by said Planning Commission, would be compatible with the other uses expressly permitted within said district and with the natural environment; would not, in any manner, be detrimental or injurious to the use or development of adjacent properties or to the occupants thereof; would promote the public health, safety, and general welfare of the community; and that the standards required by the Planning Commission for the allowance of such Special Use can and will, in its judgment, be met at all times by the applicant.

65.20 APPLICABILITY

The standards and requirements of this Article apply to all Special Uses outlined in Article 49.

65.30 REVIEW CRITERIA

The Planning Commission shall only approve an application for a Special Use that meets the following standards.

- A. Master Plan/Zoning Ordinance. The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including District in which the use is located.**
- B. Site Plan review. The Site Plan Review Criteria of Section 64.80.**
- 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.**

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.**
 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.**
- 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.**
- 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.**
- F. Specific use requirements. The Special Use development requirements of Article 49.**

65.40 APPLICATION PROCEDURE

- A. All applications for Special Uses shall be filed with the Township Clerk and shall include all pertinent plans, specifications and other data upon which the applicant intends to rely for a Special Use.
- B. The Planning Commission shall, upon receipt of a written application in proper form, schedule and hold a hearing upon the request and shall notify the applicant and all owners of all contiguous parcels of such hearing.

65.50 PLANNING COMMISSION DECISION

- A. Decision. Following such hearing, said Planning Commission shall either grant or deny a permit for such Special Use and shall state its reasons for its decision in the matter.
- B. Conditions.
 1. All conditions, limitations and requirements upon which any such permit is granted shall be specified in detail by said Planning Commission in its decision and shall be filed with the zoning enforcement officer of the Township.
 2. The plot plan and specifications, and all conditions, limitations and requirements imposed by the Planning Commission, shall be incorporated as a part of the Special Use approval and violations of any of these at any time will cause revocation of such approval and said Special Use shall cease to be a lawful use.

65.60 DURATION OF APPROVAL

- A. Period of approval. Any property which is the subject of a Special Use which has not been used for a period of one year for the purposes for which such Special Use was granted shall thereafter

be required to be used for only permissible uses set forth in the particular zoning classification in which the property is located and the permit for such Special Use shall thereupon terminate unless extended by the Planning Commission upon application for such extension filed with said Planning Commission.

- B. Extensions. Said Planning Commission shall have authority to grant an extension of such Special Use where the applicant therefor satisfies the Planning Commission of any of the following existing circumstances:
1. The delay in commencement or completion of the project subject to the Special Use approval was beyond the control of the applicant and the applicant has in good faith attempted to meet the foregoing time schedule.
 2. The project is in the process of being developed for the Special Use purpose and has reasonably progressed towards completion.
 3. The complexity or size of the project requires additional time for either commencement or completion of construction, which commencement and completion appear feasible and probable if permitted. Under this circumstance, the Planning Commission shall have the authority to grant an initial longer period for commencement and/or completion at the time of approving the original Special Use.
 4. Successive extensions of time may be granted by the Planning Commission for such periods of time as said Planning Commission determines to be reasonable and proper under the foregoing criteria.
 5. Where a Special Use is terminated by lapse of time, any new application for a Special Use shall be heard and determined anew based upon circumstances then existing.

65.70 RE-APPLICATION

No application for a Special Use which has been denied by the Planning Commission shall be resubmitted within one year from the Planning Commission's denial except on the grounds of new evidence or proof of changed circumstances or conditions found.

65.80 EXPANSION, ALTERATION, OR CHANGE

No expansion, alteration or change of a Special Use, including land area occupied by said use and/or activities related to said use, shall be made unless the Planning Commission, upon receiving proper application, grants approval for the expansion, alteration or change. The Planning Commission shall consider the request for expansion in the same manner as the original Special Use request, pursuant to Section 65.10.

ARTICLE 66
CONDITIONAL REZONING

66.10 INTENT

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

66.20 APPLICATION AND OFFER OF CONDITIONS

- A. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
- B. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Article.
- C. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district. Offers of conditions or restrictions shall not be approved if such conditions or restrictions would have the effect of departing from the standards of the Zoning Ordinance or other regulations or Ordinances promulgated by, or applicable in Oshtemo Charter Township.
- D. Any use or development proposed as part of an offer of conditions that would require a Special Use approval under the terms of this Ordinance may only be commenced if a Special Use for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- E. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
- F. Any use or development proposed as part of an offer of conditions that would require Site Plan approval under the terms of this Ordinance may only be commenced if Site Plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- G. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning

Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

66.30 APPLICATION REVIEW

- A. Planning Commission Review. The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner. 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 Master Land Use 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.
- B. Township Board Review. After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with 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 conditional 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 Master Land Use 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.
- C. Township Board Approval.
 - 1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Article. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.
 - 2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Kalamazoo County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain a legal description of the land to which it pertains.

- c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Kalamazoo County Register of Deeds.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Kalamazoo County Register of Deeds. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

66.40 COMPLIANCE WITH CONDITIONS

- A. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- B. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

66.50 TIME PERIOD FOR ESTABLISHING DEVELOPMENT OR USE

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 12 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

66.60 REVERSION OF ZONING

If approved development and/or use of the rezoned land does not occur within the time frame specified under Section 66.50, then the land shall revert to its former zoning classification as set forth in MCL 125.3405. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applied to all other rezoning requests.

66.70 SUBSEQUENT REZONING OF LAND

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section 66.60 or otherwise, the Statement of Conditions imposed under the former zoning classification shall ceased to be in effect. Upon the owner's written request, the Township Clerk shall record with the Kalamazoo County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

66.80 AMENDMENT OF CONDITIONS

- A. During the time period for commencement of an approved development or use specified pursuant to Section 66.50 or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
- B. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

66.90 TOWNSHIP RIGHT TO REZONE

Nothing in the Statement of Conditions nor in the provisions of this Article shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (MCL 125.3102, et seq.)

66.100 FAILURE TO OFFER CONDITIONS

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

ARTICLE 67
BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

67.10 BUILDING PERMIT

No structure shall be erected, altered, or excavation started until a building permit for such erection or alteration shall have been issued as required by the Township Building Code.

67.20 CERTIFICATE OF OCCUPANCY

It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, located, erected, changed, converted, or enlarged wholly or partly, or changed in manner of use, until a Certificate of Occupancy has been issued for that premises certifying that the structure or use complies with the provisions of this Ordinance.

67.30 ISSUANCE OF CERTIFICATE OF OCCUPANCY; FEES

Prior to the issuance of such Certificate of Occupancy, the Building Official shall be satisfied that the building or alteration complies in all respects with the building and health laws and ordinances and the provisions of these regulations. Fees shall be charged and paid to the Treasurer of the Township upon the issuance by the Building Official of the building permits or Certificates of Occupancy for all new construction projects, alterations, additions to, or repairs on all existing buildings or structures as determined by resolution of the Township Board.

ARTICLE 68
PLANNING COMMISSION

68.10 TITLE, SCOPE, PURPOSE AND INTENT

This Ordinance shall be known and may be cited as the Oshtemo Charter Township "Planning Commission Enabling Ordinance." This Ordinance is adopted pursuant to the authority granted the Township Board under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., to establish a Planning Commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this Ordinance and any future amendments to this Ordinance.

The purpose of this Ordinance is to provide that the Oshtemo Charter Township Board shall hereby reaffirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Oshtemo Charter Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., to establish the appointments, terms, and membership of the Planning Commission; to identify the officers and the minimum number of meetings per year of the Planning Commission; and to prescribe the authority, powers and duties of the Planning Commission.

68.20 ESTABLISHMENT

The Township Board hereby reaffirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Oshtemo Charter Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq. The Oshtemo Charter Township Planning Commission shall have seven members. Members of the Oshtemo Charter Township Planning Commission as of the effective date of this Ordinance shall, except for an ex officio member whose remaining term on the Planning Commission shall be limited to his or her term on the Township Board, continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for Planning Commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

68.30 APPOINTMENTS AND TERMS

The Township Supervisor, with the approval of the Township Board by a majority vote of the members elected and serving, shall appoint all Planning Commission members, including the ex officio member.

The Planning Commission members, other than an ex officio member, shall serve for terms of three years each, subject to a limit of two full consecutive terms.

A Planning Commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

Planning Commission members shall be qualified electors of the Township, except that one Planning Commission member may be an individual who is not a qualified elector of the Township. The membership of the Planning Commission shall be representative of important segments of the community in accordance with the major interests as they exist in the Township. The membership shall also be representative of the entire geography of the Township to the extent practicable.

One member of the Township Board shall be appointed to the Planning Commission as an ex officio member.

An ex officio member has full voting rights. An ex officio member's term on the Planning Commission shall expire with his or her term on the Township Board.

No other elected officer or employee of the Township is eligible to be a member of the Planning Commission.

68.40 REMOVAL

The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

68.50 CONFLICT OF INTEREST

Before casting a vote on a matter on which a Planning Commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this Ordinance constitutes malfeasance in office.

For the purposes of this Article, "conflict of interest" is defined as, and a Planning Commission member shall declare a conflict of interest and abstain from participating in Planning Commission deliberations and voting on a request, when:

- A. An immediate family member is involved in any request for which the planning commission is asked to make a decision. "Immediate family member" is defined as a spouse, mother, father, sister, brother, son or daughter, including an adopted child.
- B. The Planning Commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;
- C. The Planning Commission member owns or has a financial interest in neighboring property;

For the purposes of this Article, a neighboring property shall include any property immediately adjoining the property involved in the request.

- D. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the Planning Commission.

68.60 COMPENSATION

The Planning Commission members may be compensated for their services as provided by Township Board resolution. The Planning Commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the Township

Board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

68.70 OFFICERS AND COMMITTEES

The Planning Commission shall elect a chairperson and a secretary from its members and may create and fill other offices as it considers advisable. An ex officio member of the Planning Commission is not eligible to serve as chairperson. The term of each office shall be one year, with opportunity for reelection as specified in the Planning Commission bylaws.

The Planning Commission may also appoint advisory committees whose members are not members of the Planning Commission.

68.80 BYLAWS, MEETINGS AND RECORDS

The Planning Commission shall adopt bylaws for the transaction of business.

The Planning Commission shall hold at least four regular meetings each year and shall by resolution determine the time and place of the meetings.

Unless otherwise provided in the Planning Commission's bylaws, a special meeting of the Planning Commission may be called by the chairperson or by two other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to Planning Commission members at least 48 hours before the meeting.

The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL 15.261, et seq.

The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by a Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

68.90 ANNUAL REPORT

The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of the planning activities, including recommendations regarding actions by the Township Board related to planning and development.

68.100 AUTHORITY TO MAKE MASTER PLAN

Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., the Planning Commission shall make a master plan as a guide for development within the Township's planning jurisdiction.

Final authority to approve a master plan or any amendments thereto shall rest with the Township Board by resolution.

Unless rescinded by the Township, any plan adopted or amended under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

68.110 ZONING POWERS

The Township Board hereby reaffirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former Township Zoning Act, Public Act 184 of 1943, MCL 125.271, et seq.; the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.; or other applicable zoning statutes to the Oshtemo Charter Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.

68.120 CAPITAL IMPROVEMENTS PROGRAM

To further the desirable future development of the Township under the master plan, the Township Board, after the master plan is adopted, shall prepare or cause to be prepared by the Township Supervisor or by a designated nonelected administrative official, a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following six-year period. The prepared capital improvements program, if prepared by someone other than the Township Board, shall be subject to final approval by the Township Board. The Planning Commission is hereby exempted from preparing a capital improvements plan.

68.130 SUBDIVISION AND LAND DIVISION RECOMMENDATIONS

The Planning Commission may recommend to the Township Board provisions of an Ordinance or rules governing the subdivision of land. Before recommending such an Ordinance or rule, the Planning Commission shall hold a public hearing on the proposed Ordinance or rule. The Planning Commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the Township.

The Planning Commission shall review and make recommendation on a proposed plat before action thereon by the Township Board under the Land Division Act, Public Act 288 of 1967, MCL 560.101, et seq. Before making its recommendation, the Planning Commission shall hold a public hearing on the proposed plat. A plat submitted to the Planning Commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the Township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

68.140 PUBLIC STRUCTURES AND IMPROVEMENTS

The Planning Commission may recommend to the Township Board programs for public structures and improvements, as well as the financing thereof.

68.150 SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the Ordinance, which shall continue in full force and effect.

68.160 REPEAL

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed. The resolution establishing the Oshtemo Charter Township Planning Commission under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., is hereby repealed.

68.170 EFFECTIVE DATE

This Ordinance shall take effect in accordance with State law.

ARTICLE 69
BOARD OF APPEALS

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.

ARTICLE 70
ENFORCEMENT, FEES AND PENALTIES

70.10 ENFORCEMENT

The provisions of this Ordinance shall be enforced by the Ordinance Enforcement Officer and/or the Planning and Zoning Administrator.

70.20 FEES

The Township Board is hereby authorized to establish or alter, by resolution, fees for application for amendments to the Zoning Ordinance and for application or appeals to the Planning Commission or Zoning Board of Appeals to be paid to the Township with such application or appeals to help defray the cost to the Township of such proceedings.

70.30 PENALTY

Any person, corporation, firm or other entity who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Ordinance Enforcement Officer, Planning Commission, Board of Appeals, or the Township Board issued in pursuance of this Ordinance shall be responsible for a municipal civil infraction. Upon determination of responsibility, the person, corporation, firm or other entity shall pay a fine according to the following schedule:

- A. First offense \$ 75.00
- B. Second offense within three years of first offense \$150.00
- C. Third offense within three-year period \$325.00
- D. Fourth and each subsequent offense within three-year period are each \$500.00

If a determination of responsibility is made by the Court, the Court may impose costs as provided for by law in addition to the fines called for above.

Each day during which a violation continues shall be deemed a separate offense. The imposition of a fine shall not exempt an offender from compliance with the provisions of this Ordinance.

The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

The use of land and dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of any provisions of this Ordinance is hereby declared a nuisance per se and shall be abated and the owner and/or agent in charge thereof shall be adjudged guilty of maintaining a nuisance per se in accordance with statute.