

OSHTEMO CHARTER TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN

NOTICE OF ORDINANCE ADOPTION

TO: THE RESIDENTS AND PROPERTY OWNERS OF OSHTEMO CHARTER TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that on the 24th day of January, 2023, the Township Board amended the Oshtemo Charter Township Zoning Ordinance, by the adoption of Ordinance No. 647, which provides, in summary, as follows:

1. The amendment and rewrite of Article 69 of the Township Zoning Ordinance – Zoning Board of Appeals which shall read, in summary, as follows:

ARTICLE 69 – ZONING BOARD OF APPEALS

69.10 Statement of Purpose

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

69.20 APPOINTMENT; MEMBERS; Conduct of Business

- A. Creation, Appointment, and Removal. A Township Zoning Board of Appeals shall be appointed by a majority vote of the members of the Township Board as prescribed by the Michigan Zoning Enabling Act.
- B. Members. The Zoning Board of Appeals shall consist of five (5) regular members and may include the appointment of two (2) alternate members to serve as voting members in the absence of a regular member, or when a conflict of interest prevents a regular member from voting.
- C. Conduct of Business. The Zoning Board of Appeals shall conduct meetings in accordance with the requirements of the Michigan Open Meetings Act and the Michigan Zoning Enabling Act and shall not conduct business unless a majority of the members are present.

69.30 TERM OF OFFICE

The term of each member shall be three (3) years (except for those members appointed based on their membership on the Planning Commission and/or Township Board, which term is limited to their service thereon). Vacancies shall be filled for the remainder of the unexpired term.

69.40 CONFLICT OF INTEREST

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

69.50 VARIANCE AND APPEALS

- A. Appeals. The zoning Board of Appeals is empowered to hear appeals of administrative Decisions, to interpret the Township's Zoning Ordinance, and grant variances as provided herein.
- B. Granting of Variance(s). Except as provided for elsewhere in the Township's Zoning Ordinance, the Zoning Board of Appeals is hereby given the right to,
 - 1. Grant nonuse variances relating to the construction, structural changes, or alteration of Buildings or Structures.
 - 2. Grant a nonuse variance from the Township's Zoning Ordinance where there are practical difficulties which inhibit strict compliance with the Township's Zoning Ordinance.
 - 3. Attach conditions and limitations when granting a variance.
- C. Duration of Nonuse Variance(s) Approval. A non-use variance, once granted, runs with the land in perpetuity for the property as it existed when the variance was granted (i.e., prior to any land combination, division, or rezoning) – unless no development activity is commenced within one (1) year – at which point the variance shall expire.

69.60 Right to Appeal Zoning Board of Appeals Decision.

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

- 2. Amendment of the Township Zoning Ordinance to add the definition of Qualified Residential Treatment Program (QRTP) to Article two (2) of the Zoning Ordinance and to add Qualified Residential Treatment Program as a permitted use to the following zoning districts: AG, R-R, R-I, R-2, R-3, R-4, R-5 and R-C.
 - A. Article two (2): Add the following definition: Qualified Residential Treatment Program (QRTP) as defined by Chapter 722 of Michigan Compiled Laws Governing Child Welfare Organization.
 - B. Residential Districts: The following Residential Districts shall all add Qualified Residential Treatment Programs (QRTP) as a permitted use:
Article four (4) AG - 4.20, Article five (5) R-R – 5.20, Article six (6) R-1 – 6.20,

Article seven (7) R-2 - 7.20, Article eight (8) R-3 – 8.20, Article nine (9) R-4 – 9.20, Article ten (10) R-5 – 10.20, Article eleven (11) R-C – 11-20.

3. Amendments to the definitions section, Article two (2), Sec. 2.20 as follows:

Auto Service- Facilities in which the primary service is the repair and maintenance of motor vehicles (including replacement of parts and where oils and other vehicle fluids are drained or replaced), where tires, or other similar items are replaced or repaired.

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”).

Child Care Center - A facility, other than a Private Home, properly registered or licensed under 1973 Public Act 116, as amended, receiving one (1) or more children for periods of less than twenty-four hours (24) hours a day. Childcare 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 areligious organization where children are in attendance for not more than three (3) hours per day for an indefinite period, or not more than eight (8) hours per day for a period not to exceed four (4) weeks during a two (2)-month period.
- b. A facility operated by a religious organization where children are cared for not more than three hours while persons responsible for the children are attending religious services.

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

Family day Child Care Home - A Private Home properly registered or licensed under 1973 Public Act 116, as amended, in which one (1) but fewer than seven (7) minor children (or nine (9) children with increased capacity as defined and permitted by Public Act 106 of 2022) are received for care and supervision for periods of less than twenty-four (24) 24 hours a day. A Family Child Care Home does not include an individual providing babysitting services for another individual (as defined by 1973 Public Act 116).

Financial Institution — A Building or portion of a Building area primarily devoted to the provision of financial and/or banking services to customers or clients.

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

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

Foster Family Home - The Private Home of an individual licensed by the State of Michigan (pursuant to 1973 Public Act 116) certified to provide twenty-four (24) hour

certified caregiver that allows for one (1), but not more than four (4), minor children who are placed away from their parent, legal guardian, or legal custodian in foster care on a 24-hour basis. Shall not be signed.

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

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

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

Group Child Care Home - A Private Home that is properly registered, or licensed, under 1973 Public Act 116, as amended, in which more than six (6) but not more than twelve (12) minor children (or fourteen (14) children with increased capacity as defined and permitted by Public Act 106 of 2022) are given care and supervision for periods of less than twenty-four (24) hours a day.

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

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

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

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

Office Complex- a Lot, Parcel, or Building Site containing two (2) or more Office Buildings. Parapet - The extension of a false front or wall above a roofline.

Private Home - For the purposes of Family Child Care Home and Group Child 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 or employment by a child placing agency (pursuant to 1973 Public Act 116). Private Home includes a full-time Family Child Care Home, full-time Group Child Care Home, a full-time Foster Family Home, and a full-time Foster Family Group Home as defined by this Article.

Qualified Residential Treatment Project – As defined by Chapter 722 of the Michigan Compiled Laws governing child welfare organizations.

PLEASE TAKE FURTHER NOTICE that all Ordinances, or parts of Ordinances, inconsistent with this Ordinance are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

PLEASE TAKE FURTHER NOTICE that the full text of the Ordinance has been posted for public inspection at Oshtemo Township Hall, 7275 West Main Street, Kalamazoo, Michigan, 49009, and on the Township’s website, www.oshtemo.org.

DUSTY FARMER, Clerk
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