

7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334  
269-216-5220 Fax 375-7180 TDD 375-7198  
[www.oshtemo.org](http://www.oshtemo.org)

**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**Thursday, October 27, 2016  
7:00 p.m.**

**AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes – October 13, 2016
6. Old Business
  - a. Landscape Ordinance Amendments
7. Any Other Business
  - a. Food Trucks as a Temporary Use
  - b. Residential District Changes – Zoning Re-Organization
8. Planning Commissioner Comments
9. Adjournment

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

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

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official to respond at a later date.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be board discussion prior to call for a motion.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name; it is not required unless the speaker wishes to have their comment recorded in the minutes.

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

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

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.

(adopted 5/9/2000)  
(revised 5/14/2013)

**Policy for Public Comment**  
**6:00 p.m. "Public Comment"/Portion of Township Board Meetings**

At the commencement of the meeting, the Supervisor shall poll the members of the public who are present to determine how many persons wish to make comments. The Supervisor shall allocate maximum comment time among persons so identified based upon the total number of persons indicating their wish to make public comments, but no longer than ten (10) minutes per person. Special permission to extend the maximum comment time may be granted in advance by the Supervisor based upon the topic of discussion.

While this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official to respond at a later date.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name; it is not required unless the speaker wishes to have their comment recorded in the minutes.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.

(adopted 2/27/2001)  
(revised 5/14/2013)

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD OCTOBER 13, 2016**

---

**Agenda**

**Old Business:**

- a. Landscape Ordinance Amendments**

**Other Business:**

- a. Medical Marijuana Dispensary**
  - b. Food Trucks as a Temporary Use**
- 

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, October 13, 2016 commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Millard Loy, Chair  
Fred Antosz  
Wiley Boulding, Sr.  
Dusty Farmer  
Pam Jackson

MEMBER ABSENT: Mary Smith

Also present were Julie Johnston, Planning Director, Martha Coash, Meeting Transcriptionist and two other persons.

**Call to Order and Pledge of Allegiance**

The meeting was called to order by Chairperson Loy at approximately 7:00 p.m., and the "Pledge of Allegiance" was recited.

**Agenda**

The Chairperson asked if there were any additions, deletions or corrections to the Agenda.

Ms. Johnston suggested item seven "Old Business" be moved ahead of item six "Any Other Business" to allow the audience member who was in attendance regarding medical marijuana dispensaries to hear discussion on that item first.

Chairperson Loy asked for a motion to accept the amended Agenda.

Ms. Jackson made a motion to accept the amended agenda as suggested. Ms. Farmer seconded the motion. The motion passed unanimously.

### **Public Comment on Non-Agenda Items**

Chairperson Loy noted there were no audience members who wished to comment on non-agenda items and proceeded to the next item.

### **Approval of the Minutes of September 22, 2016**

Chairperson Loy asked if there were any additions, deletions or corrections to the minutes of September 22, 2016. Hearing none, he asked for motion to approve the minutes.

Mr. Antosz made a motion to approve the minutes of September 22, 2016 as presented. Ms. Farmer seconded the motion. The motion was approved unanimously.

Chairperson Loy moved to Other Business and asked Ms. Johnston to review the request regarding opening a medical marijuana dispensary.

## **OTHER BUSINESS**

### **a. Medical Marijuana Dispensary**

Ms. Johnston explained the Michigan legislature recently passed some new medical marijuana laws that may impact the Township's current ordinance, but said Staff has not yet had an opportunity to review the new legislation. Currently, the Township Zoning Ordinance addresses medical marijuana under Section 78.900: Home Occupations. Section 78.910.L allows for the growing and distribution of marijuana as a home occupation for a primary caregiver as defined by the Michigan Medical Marihuana Act, P.A. 2008. Section 78.910.L.10 specifically prohibits dispensaries.

She said Mr. Jerald Brown has approached the Township requesting the opportunity to open a dispensary. Planning staff informed him that this type of use was not allowed and that the only way that it would be permissible is if a zoning ordinance change was recommended by the Planning Commission and approved by the Township Board. He requested an opportunity to speak to the Planning Commission on this issue.

Mr. Jerald Brown, 4012 Rockwood and owner of Lawrence Productions located at 6146 West Main St., told the Board he is an entrepreneur interested in new revenue

streams. He noted there has been confusion about legal issues regarding supplying medical marijuana since 2008 when it became legal to sell in Michigan. Since then several clinics have opened and closed in the Kalamazoo area.

He said P.A. 281 of 2016, the Medical Marijuana Facilities Licensing Act, clarified regulations and expressed his interest in opening a provisioning center. He would purchase marijuana from a grower and sell it to patients. He believes his location is convenient and that it would likely meet all stipulations. If the Township were to decide to permit establishment of such a facility, he would apply for a license. He acknowledged this is a difficult subject for some people and speculated recreational marijuana may be legalized in Michigan in the future.

Chairperson Loy noted there had been two dispensaries in the area previously and that policing was an issue. Some research will be necessary to see what is involved.

Ms. Johnston explained the new legislation gives the Township a year to opt in. If that occurs, a percentage of the tax revenue to the state would be returned to the Township. There would also be an annual fee imposed. To allow dispensaries, the Township Board would need to approve a change to the Ordinance and the Planning Commission would need to decide where dispensaries could be located and include that in the Zoning Ordinance.

There was discussion about how many dispensaries might be allowed, that it would be important to solicit public input, that states are looking for more revenue and this may be the tip of the iceberg, that dispensaries were prohibited in the Township in 2014, that the property in question backs up to a residential neighborhood and that security could be a big concern and would be similar to a pharmacy, and that this is a good time to begin the conversation.

Ms. Johnston said she would be attending a seminar soon regarding the changes in the new legislation.

Chairperson Loy suggested a path forward: after Ms. Johnston attends the seminar, she and Attorney Porter should review the new regulations and then take a recommendation to the Township Board if appropriate. If the Board approves provision of dispensaries, then the item would come back to the Planning Commission for action. He noted the process could easily take several months to conclude and thanked Mr. Brown for coming to the Board now to give ample time for consideration.

Ms. Jackson suggested Board Members read information available regarding this issue to become more informed.

#### **b. Food Trucks as a Temporary Use**

Chairperson Loy moved to the next item on the agenda.

Ms. Johnston told the Board a food truck owner approached Township Planning staff with a request to place a food truck at the First National Bank at 5313 West Main Street. Based on current Zoning Ordinance regulations, food trucks would be governed under the requirements for temporary events. Staff informed the applicant that only a one day event could be approved administratively and that anything longer than a day would require Planning Commission approval. He was informed the Planning Commission has granted temporary events for up to approximately 30 days.

She said the applicant indicated it was his wish to place the food truck at this location every day (or almost every day) on an annual basis. The truck would arrive before the lunch hour and stay for the remainder of the day. It was unclear when the truck would leave the site, but staff was told it would leave each day. She said it was explained to the applicant the request is outside of the normal approvals granted by the Planning Commission and that further discussion was needed.

She explained there are several potential ways in which to manage food trucks in the Township, including:

- Draft a separate ordinance specifically designed to manage the placement and duration of food trucks on a particular property.
- Manage them as temporary outdoor event in the same manner the Planning Commission currently handles temporary events (setting a specific time frame). Under this option, a time frame could be set as a trial period for the food truck. If things go well, the approval could be renewed periodically by either staff or the Planning Commission.
- Regulate them under the General Ordinance No. 122.000 – Hawkers, Peddlers and Solicitors.
- Regulate them as a prohibited use

Depending on the outcome of discussion, she said the business owner would like to move forward with his request, if possible.

Discussion among Trustees noted food trucks usually come into a business district for lunch over an hour or two, for special events or specific days but that every day seems unusual; food trucks are an amazing idea, but they are place making in an urban area - the location requested does not serve that purpose - it is too close to established restaurants on West Main, would seem like a permanent fixture, and would not be in a safe, walkable area.

Allowing one food truck would mean others would have to be allowed which would be hard on businesses. Generators and other apparatus around the truck would be somewhat messy.

Ms. Johnston explained the Hawkers, Peddlers license available from the Township allows a business to go from place to place, but that is different from parking in the same place every day. She noted the five day permit is like a fireworks special exception use. Once a quarter per vendor is typically what is allowed - if more than one day in one location is requested, the approval of the Board is required.

She was asked to look into a truck that has been seen in the Township Park and a few other areas and to talk with the interested party regarding whether they would be interested in a five day permit requiring action by the Planning Commission.

## **OLD BUSINESS**

### **Landscape Ordinance Amendments**

Chairperson Loy asked Ms. Johnston to review progress on proposed Landscape Ordinance Amendments.

Ms. Johnston distributed copies of the proposed Landscape Ordinance Amendments as adjusted following the September 22 meeting to reflect Board discussion. She noted additional landscaping plans were provided by Karen High to demonstrate the updated language and the existing Ordinance requirements.

She said Staff is close to having the Ordinance ready for Board action except for section 75.D.1 and 2: Total Site Landscaping, for which they are struggling to come up with a solution for requirements. Staff will continue working on that section and will return to the Board with a recommendation for approval of the complete document soon.

## **PLANNING COMMISSIONER COMMENTS**

Ms. Jackson said she would be absent from the October 27 meeting.

Chairperson Loy reminded the Board of the Drake House open house scheduled for October 23 from 2-4 p.m. and updated them on progress on the interior of the house.

Ms. Johnston told Commissioners she and Mr. Clark are working on each District Ordinance as part of re-organization and will have large items to discuss with the Planning Commission a little at a time, with the goal of having a whole new Ordinance for Board approval at once rather than as sections. She expects to discuss the "Residential Districts" section at the next meeting.

## **ADJOURNMENT**

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Loy adjourned the Planning Commission meeting at approximately 8:00 p.m.

Minutes prepared:  
October 24, 2016

Minutes approved:  
\_\_\_\_\_, 2016



October 20, 2016

**Mtg Date:** October 27, 2016  
**To:** Planning Commission  
**From:** Julie Johnston, AICP  
**Subject:** Landscape Ordinance

Karen High, Ben Clark and I worked on the Landscape Ordinance draft and feel we have developed regulations that are ready for Planning Commission final review. The new language is shown in **red** and any wording recommended for removal is ~~stricken~~.

Karen High will provide some additional landscaping plans the evening of the Planning Commission meeting based on the final recommended changes to the draft ordinance. I look forward to our continued discussion on this topic.

Thank you.

## SECTION 75 LANDSCAPING

### A. Intent

The intent of this section is to promote the public health, safety, and welfare and improve the visual appearance of the Township by requiring landscaping for each development for which site plan review is required. It is further the intent of this section to achieve the following:

- Increase compatibility between uses and provide buffering between dissimilar land uses.
- Improve the overall aesthetics and appearance of public rights-of way.
- 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 natural character and appearance of the community.

### B. Application of Requirements

These requirements shall apply to all uses subject to site plan review as defined in Section 82 of this ordinance. No site plan shall be approved unless a landscape plan is provided which meets the requirements set forth herein.

### C. General Provisions

1. Minimum Requirements - The requirements in this Section are minimum requirements and shall not preclude the developer and the Township from mutually agreeing to additional landscaping.
2. Landscape plan preparation – Landscape plans are required for all developments requiring site plan approval. However, site plans that meet one or more of the following must submit a Landscape Plan that is sealed by a landscape architect:
  - a. ~~100~~ **70** or more parking spaces
  - b. Screening Between Land Uses
  - c. Request tree preservation credits
  - d. Request credits for preserving native vegetation
  - e. Request to submit an alternative landscape plan to restore pre-settlement vegetation
3. Site coverage - 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.

4. Visibility - 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. A triangular clear view zone area shall be established at the intersections of street rights-of-way and internal circulation drives intended for continued movement within a site and between properties. The clear zone shall be 25 linear feet for street rights-of-way and 15 linear feet for internal circulation drives drawn along each right-of-way from their point of intersection, creating a triangular clear corner. No plant materials above a height of two feet from the established street grades shall be permitted within the clear view zone area.

**PROVIDE ILLUSTRATION FOR #4**

5. Land clearing - 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. **No grading or removal of the following trees shall be permitted in the area of the parcel, lot or building site not developed:**
  - a. **Trees that are native to Michigan with a diameter of 2-inches or greater at 4-feet in height.**
  - b. **Trees that are not native to Michigan with a diameter of 8-inches or greater at 4-feet in height.**
6. Public right-of-way/private easement greenspace – the land area lying between the paved portion of a public right-of-way/private easement and the property line shall be neatly maintained with grass or groundcover.
7. Maintenance – installation, maintenance, and completion
  - a. All landscaping required by this section shall be planted before obtaining a certificate of occupancy or the appropriate financial guarantee such as cash placed in an escrow account, letter of credit, and/or performance bond in the amount of the cost of landscaping to be released only after landscaping is completed.
  - b. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.
  - c. Landscaping required by this section shall be maintained in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.
  - d. 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.

D. Screening Between Land Uses

1. A landscape buffer shall be constructed to create a visual screen between the following land use types:
  - a. Nonresidential land use or zoned property along all adjoining boundaries of a residential land use or zoned property.
  - b. Multi-family or manufactured home community along all adjoining boundaries of a one or two-family land use or zoned property.
2. The **landscape** buffer shall be a minimum of **30 feet in width**.
3. The landscape buffer must create a visual barrier at least six (6) feet in height that provides opacity to the adjacent property owner.
4. The landscape buffer must contain two (2) canopy trees, two (2) evergreen trees and (2) understory trees for every 100 linear feet of required buffer length. Evergreens may be substituted for canopy and understory trees at a 1:1 ratio.
5. The landscape buffer must also include a combination of one or more of the following to provide ~~an~~ **the required 6-foot** opaque visual barrier:
  - a. Berms – landscaped undulating earthen berms with varying heights as measured from the grade of the abutting property.
  - b. Walls or fences – Walls or fences must be a minimum of six (6) feet in height as measured on the side of the proposed wall or fence having the higher grade. A required wall or fence shall be located on the lot line except where underground utilities interfere and except in instances where conformity with front yard setback is required. Upon review of the landscape plan, the reviewing body may approve an alternate location of a wall or fence.

The Planning Department shall review and the Zoning Board or Appeals or Planning Commission shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels, stone, or wood. Chain link fences with opaque slats are not permitted.
  - c. Plant materials – Landscape planting materials may consist of a variety of materials but must provide opacity to the adjacent property. For plant materials the height requirement is based upon reasonably anticipated growth over a period of three (3) years.
6. Where there is a need to provide a greater noise or dust barrier or to screen more intense development as determined by the reviewing body, a solid wall or fence with additional landscape materials shall be required.

#### E. Parking Lot Landscaping

1. Parking lot landscaping shall include islands or peninsulas 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 turns without encroaching upon landscaping or adjacent traffic lanes.
2. Total parking lot landscaping shall be based on the following:
  - a. Parking lots with 10 parking spaces or fewer shall be exempt from parking lot landscaping requirements.
  - b. Parking lots with 11 spaces or more shall provide landscaping at 25 square feet per parking lot space. Total square footage shall be dispersed into separate landscape features, such as islands or peninsulas, within parking lots so as to break up the broad expanse of pavement, guide the circulation of vehicular and pedestrian traffic, and to provide shade and visual relief from pavement.
3. There shall be a minimum of one (1) canopy tree and two (2) low growing shrubs for every 200 square feet of required parking lot landscaping.
4. The minimum size of any parking lot landscape feature shall be no less than six (6) feet in any single dimension and no less than 200 square feet in area.
5. To reduce the impacts of extensive concrete or asphalt, a parking lot landscape feature must be provided at least every 200 linear feet of parking spaces.
6. All parking lot landscaping shall be neatly maintained with plant material or mulch.
7. Parking lot landscape features shall be protected by the installation of a raised concrete or asphalt curb, anchored landscape timbers around of the border, or other suitable means. A minimum distance of three (3) feet shall be established between proposed trees and the backside of the protection device.
- ~~8. The reviewing body may, at its discretion and based on Planning Department recommendations, approve alternative landscape plantings at the perimeter of parking lots where landscaping within parking lots would be impractical due to the size of the parking lot or detrimental to safe and efficient traffic flow.~~

#### F. Street Rights-of-Way Greenbelts

1. Greenbelts shall be 20 feet wide along public rights-of-way and 15 feet wide along private rights-of-way, measured from the right-of-way line.
2. The greenbelt shall be landscaped with a minimum equivalent of one (1) canopy tree and two (2) understory trees for every 100 linear feet, or fraction thereof, of frontage abutting a street right-of-way.

3. Parking lots adjacent to street rights-of-way shall provide shrubs at a ratio of 1.5 shrubs for every one (1) parking space. Shrubs that reach a mature height of at least three (3) feet shall be utilized and they shall be in groupings spaced at least three (3) feet on center to screen the parking lot from the right-of-way.
4. In addition to the required plantings within the greenbelt, the remainder of the greenbelt shall be landscaped with grass, ground cover, shrubs, and other organic landscape materials.
5. Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the linear dimension used to determine the minimum number of trees required.
6. Trees may be placed in groupings within the greenbelt.

G. ~~Total Site~~ **Interior Site** Landscaping

1. **Interior site** landscaping shall be provided on a minimum of **10** percent of the ~~property~~ **developed area of the parcel, lot or building site**. Such site area landscaping square footage may include, but is not limited to all of the requirements outlined herein, ~~excluding the street rights-of-way greenbelt. Corner lots may include the greenbelt square footage for the frontage with the lowest linear feet.~~
2. **Interior site** landscaping shall be **located adjacent to buildings and in at least one side or rear yard** distributed throughout the developed area of the parcel, lot or building site, ~~including at least one side or rear yard and adjacent to buildings.~~
3. In addition to the other tree requirements outlined herein, one (1) canopy tree will be required for every 1,500 square feet and one (1) understory tree will be required for every 2,500 square feet of the ~~total~~ **interior** site landscaping.
4. **Interior site** area landscaping shall be provided to **enhance the appearance of the site and** screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air conditioning units, and loading areas.

H. Loading/Unloading Areas

Loading areas shall be landscaped in such a manner as to screen the area from view of public rights-of-way or private access easements.

I. Screening of Trash and Recycling Containers

1. Outside trash and recycling disposal containers shall be screened on all sides with an opaque fence or wall and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of material that is compatible with the architectural materials used in the site development. The Planning Commission or Zoning Board or Appeals, at its discretion, may approve alternative methods of screening.

2. Containers and enclosures shall be located away from public view insofar as possible, and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
3. Screening and gates shall be of a durable construction. Chain link fences with opaque slats are not permitted.

J. Landscape Elements

1. Native plant materials – At least 75 percent of required 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 **information on native plants and lists of trees and shrubs** a listing of species native to Lower Michigan, see **the following websites:** MICHIGAN FLORA ONLINE at

- a. [www.nativeplants.msu.edu](http://www.nativeplants.msu.edu)
- b. [www.plant.native.org](http://www.plant.native.org)
- c. [www.wildflower.org/collections/Michigan](http://www.wildflower.org/collections/Michigan)

2. Composition -

- a. The use of a single species is prohibited. Except for plantings used for evergreen screening, no one species of tree or shrub may make up more than 50 percent of the total amount of required landscaping material.
- b. Any species known to have structural weakness or excessive bearing of fruit or nuts shall not be used in areas of vehicular or pedestrian traffic.
- c. Species not permitted within street rights-of-way greenbelts and should be used with caution when placed in proximity to any existing or proposed building, structure, walkway, or parking area are listed in the below table:

Botanical Name	Common Name
Acer negundo	Box Elder
Acer saccharinum	Silver Maple
Aesculus hippocastanum	Horse Chestnut
Ailanthus altissima	Tree of Heaven
Catalpa speciosa	Catalpa
Ginkgo biloba (Female)	Female Ginkgo
Populus spp.	Poplars, Cottonwood, Aspen
Liquidambar styraciflua	Sweet Gum
Salix spp.	Willows
Ulmus spp.	Elms
Fraxinus	Ash

- d. Invasive species - To protect species indigenous to the Township, the use of invasive species which naturalize are prohibited. Those invasive species not permitted are listed on the Midwest Invasive Species Information Network at [www.misin.msu.edu](http://www.misin.msu.edu).
  - e. 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.
3. Minimum size requirements - Where landscaping is required, the following minimum size requirements for representative landscape materials shall be applicable. 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.

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.

- 4. Berms – Any proposed berms shall be constructed with slopes not to exceed a one to three (1:3) gradient. Berm slopes shall be protected with sod, seed, or other form of natural ground cover.
- 5. Coordination with utilities - Provision shall be made to coordinate landscaping with existing and proposed underground and overhead utility lines so as to avoid interference with plant growth.
- 6. Stormwater retention and detention ponds - The integration of stormwater retention and detention ponds in the overall landscape concept is recommended. Ponds with a natural or free form shape, rather than square or rectangular design and appearance, shall be required. If site constraints dictate a more engineered shape, the design and appearance must be approved by the reviewing body. 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.

K. Tree Preservation Credits

- 1. Tree preservation credits shall be given for trees preserved within the developed portion of a parcel, lot or building site. The location of preserved trees shall determine which specific landscape requirement shall be reduced.

2. Credit shall be awarded for preserving canopy trees. 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.

<b>Tree Preservation Credits</b>	
<b>Diameter of Preserved Tree*</b>	<b>Number of Trees credited</b>
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.

3. In the event that healthy trees which are used to meet the minimum requirements of this section or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the Township, the contractor shall replace them with trees which meet Ordinance requirements.

L. Tree Protection prior to and during Construction.

1. 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.
2. Fencing shall be a minimum of 48 inches high.
3. Tree protection fencing shall be maintained during construction and all construction materials, supplies, and equipment shall be kept out of the protected areas.
4. Paving, or other site improvements, shall not encroach upon the dripline of the existing trees to be preserved.
5. Location of tree protection fencing must be shown on the approved landscape plan.

M. 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 reduced. The number of credits awarded shall be recommended by Township planning staff and approved by the reviewing body based on a natural features inventory prepared by an environmental professional or landscape architect that describes existing species and the intended function of the required tree and shrub plantings.

N. Incentives for Restoring Pre-Settlement Vegetation

1. 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.
2. 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. Township planning staff shall recommend and the reviewing body shall approve a landscape restoration plan.

O. Provisions for Existing Sites

1. Street rights-of-way greenbelts and screening between land uses shall be required for any existing site where the renovation, expansion or alteration increases the structure by more than 25 percent of the existing floor area or is greater than 2,000 square feet.
2. Landscape requirements for parking lots shall apply when expansions increase the number of parking spaces by 25 percent or at least eleven (11) parking spaces. Parking lot landscaping requirements shall be based on, and only apply to, the new spaces developed.
3. If site constraints prevent the application of these requirements, the reviewing body may grant relief **an alternate approach or reduction in the landscape requirements** through the site plan review process.

P. Modifications or Reductions

If an unusual physical circumstance exists on or affects a property, the reviewing body may approve modifications to the **planting material** requirements of this Section. These modifications may include the approval of plantings and visual screening such as hedges, fences, walls, and/or combinations thereof, which provides an alternate approach the reviewing body deems appropriate to ensure compliance with the spirit, purpose and intent of this Section.

If existing topography and vegetation are determined by the reviewing body to provide equal or better landscape and buffering effect, reductions in plantings may also be approved if the spirit, purpose and intent of this Section is met.

October 20, 2016



**Mtg Date:** October 27, 2016  
**To:** Planning Commission  
**From:** Julie Johnston, AICP  
**Subject:** Zoning Ordinance Re-Organization: Residential Districts

### Re-Organization of the Residential Districts

Attached to this memo are two documents that outline how Planning staff would like to re-organize the seven zoning districts where residential development may occur. The first document shows the ~~strike throughs~~ for deleted script and **red** text for new language. The second frames how the District would look after the re-organization is complete.

You may remember from the spreadsheet provided at the September 22<sup>nd</sup> meeting, it is the intent of staff to re-organize the Districts in the following way:

1. Statement of Purpose
2. Permitted Uses
3. Conditional Uses
4. Special Uses
5. Development Standards (if applicable)

Conditional uses will be those that are permitted by right as long as the development can meet the conditions established in the Ordinance. For example, in the current Ordinance, three and four family dwellings have the following conditions:

1. Building height shall be restricted to two stories.
2. Dwelling unit density is limited to a maximum of four dwelling units per acre.
3. Public sanitary sewer facilities are required as part of the development.

As long as the developer can meet these conditions, they would be permitted to proceed. Special Uses are those that because of their intensity or possible impacts to neighboring uses, require Planning Commission approval. Both Conditional and Special Uses, along with any associated regulations, will be listed in a separate section of the Ordinance. So, if a developer is interested in building a new office building in the R-3 District, they would first look in the District to see if an office use is allowed and how it is permitted. They would determine that a new office building is a Special Use. They would then look to the Special Use section of the Ordinance for any particular conditions that might be associated with that use.

In addition to the allowable uses, some Districts might have a section called Development Standards. This is to address any specific development requirements related only to that District. For example, in the

current Ordinance most of the non-residential uses in the R-3 District have the same development requirements. These requirements are initially listed with the first use and then every subsequent use refers back to these regulations. The new Ordinance would place these regulations under the Development Standards. Re-organizing in this way clearly shows that all non-residential uses in the R-3 District must meet these standards.

Besides the re-organization of uses into the three possible categories, some additional changes include:

1. Delineating the number of days between Conditional and Special temporary uses. A Conditional temporary use, which can be approved administratively, is five days or less. Anything more than five days requires Planning Commission approval.
2. Differentiating between veterinary clinics that provide medical attention to all animals (general clinics) and those that just see small animals. Staff thought it might be appropriate to allow general vet clinics in the Agricultural and Rural Residential Districts where there might be a need for this type of service. Specific regulations will be developed to manage the development of these clinics.
3. In the Rural Residential District, staff is suggesting removing “motorized vehicular roadways” from the outdoor recreational uses. The impact of this type of use seems too intense for this district.
4. Staff is suggesting adding riding stables to the Rural Residential District as a Special Use so it can be regulated and approved by the Planning Commission.
5. Staff is recommending removing beauty and barber shops from the R-3 District and including them in the new Transitional Mixed Use District that is under development. The intensity of the use seems better suited for a district that will allow some commercial uses over the R-3 District, which is more suited to office uses.
6. Child care centers were added to the R-4 District as a Special Use.

After reviewing the districts and determining which uses should fall into each category, staff then began working on the specific conditions/regulations associated with each Conditional and Special Use. The recommended updates for Conditional and Special Uses will be presented at the November 10<sup>th</sup> meeting.

#### R-1 and R-2 Districts

As staff was reviewing the Residential Districts, an idea developed around combining the R-1 and R-2 Districts. This would reduce the number of residential classifications from six to five distinct zoning districts. The only difference between the R-1 and R-2 Districts are the allowable uses. The minimum requirements for lot/parcel area, frontage/width and setbacks is the same for both districts. The following uses are found in the R-2 District, but not R-1:

##### Conditional Uses:

1. Two-family dwelling
2. Cemeteries

Special Uses:

1. Golf courses, parks and other passive recreational areas
2. Private Schools

There are three clusters of R-1 zoning in the Township, which encompass four developments: Country Club Village, Oshtemo Ridge, Oshtemo Woods and Fairlane subdivisions. Based on the difference in land uses between the R-1 and R-2 Districts, the greatest possible impact would be the inclusion of two-family developments. The current ordinance states that two-family dwellings must have more square footage per lot/building site than single-family, as follows:

Lots (Platted)/Building Sites	R-1, R-2, R-3, R-4, R-5 and R-C
No Utilities	22,000 sq. ft. (Single-Family) and 30,000 sq. ft. (Two-Family)
Sewer or Water	15,000 sq. ft. (Single-Family) and 18,000 sq. ft. (Two-Family)
Sewer and Water	10,560 sq. ft. (Single-Family) and 13,200 sq. ft. (Two-Family)

As a Conditional Use, any two-family dwellings would be required to meet the conditions established by the Planning Commission through the development of the new Ordinance. If the Planning Commission is interested in continuing the discussion regarding merging these two districts, staff will provide possible regulatory language for two-family dwellings at the November meeting.

In addition to the four developments noted above, there are a few parcels zoned R-1 that are large enough that they could be redeveloped to one of the other possible uses that could be included in the R-1 District if the merge occurs. There are two five acre parcels on 11<sup>th</sup> Street, just south of KL Avenue that are single-family residential but have the potential to redevelop. There is approximately 26 acres of property that borders the Oshtemo Ridge and Oshtemo Woods development to the north and west. This property is owned by Consumers Energy for a transmission corridor and is not likely to be redeveloped. Finally, there are four large parcels immediately south of the Country Club Village development that are also being used as single-family residential, which could redevelop.

Three maps have been provided with this memo which graphically demonstrate the previous information. As can be seen, the biggest impact to the R-1 District is the possible inclusion of the two-family dwelling. Since uses are already established on the larger parcels, the possibility of them being redeveloped is relatively low, with the exception of 11<sup>th</sup> Street. These two five acre parcels are included as part of the Transitional Mixed Use District of the Master Plan. It is very conceivable that they would request rezoning at some future date to allow for more intense uses.

Based on the information provided, the merging of these two districts could be successful if two-family dwellings could be appropriately managed. However, retaining the status quo is also acceptable. The Planning Commission will need to consider if the merging these districts is important to the tidying up of the Ordinance.

Residential-Conservation District

This district has not been applied to any property within the Township. In addition, the development requirements are extremely strict, which would preclude anyone from seeking out a rezoning to this district. Staff recommends removing it from the Ordinance.

19.000 - AGRICULTURAL DISTRICT

19.100 - 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.

19.200 - Permitted Uses.

**Single-family dwellings**

19.201 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.

~~19.202 One dwelling may be established for each 200 feet of continuous public road frontage and three acres of land.~~ **MOVED TO SECTION 66.150 Number of buildings per lot, parcel or building site.**

19.204 Truck gardens, greenhouses, nurseries ~~located on unplatted parcels.~~

19.205 Houses of worship.

19.208 Essential services, **excluding buildings and regulator stations**

19.210 Family day care home.

~~19.206 Veterinarian clinics.~~ **(MOVED to Special Uses)**

19.207 Accessory buildings ~~and~~ **for** uses customarily incidental to the foregoing **primary use.**

**Conditional Uses.**

~~19.203 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.~~

19.209 Home occupations ~~subject to Section 78.900.~~

19.211 Temporary outdoor events, ~~subject to the following conditions and limitations:~~

~~(a) Use is incidental to principal use of the property and all events shall not last more than one day.~~

~~(b) 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.~~
- ~~(c) The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.~~
- ~~(d) All signs directed off-site must receive a temporary sign permit and comply with all applicable sign ordinances.~~
- ~~(e) Property owner must approve and acknowledge the use of the property for the event.~~

19.400 - Special exception Uses.

19.401 Buildings and regulator stations for essential services.

19.402 Group day care home subject to the following conditions and limitations:

- ~~(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 Section 68, shall be provided for each non-resident employee working on-site at any one time.~~

19.403 Riding stables, including boarding, in unplatted areas, subject to the provisions of Section 78.400—78.410 with the exception 78.400(a).

19.404 Kennels for the breeding, raising and/or boarding of dogs or cats.

19.405 Temporary outdoor events meeting all the conditions and limitations of Section 19.211 except 19.211(a).

19.406 Bed and Breakfast Inns, subject to the following conditions and limitations:

- ~~(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 76.410 of the Township Zoning Ordinance.~~
- ~~(h) Parking. Parking shall be provided in accordance with the requirements in Section 68.
  - ~~(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 75.140.~~
  - ~~(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 75.160. 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 use permits 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.~~

## **Veterinarian Clinics, General**

20.000 - RURAL RESIDENTIAL DISTRICT

20.100 - 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 **residential** 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~~ **or** traditional residential subdivisions as a result of **soil limitation, land fragmentation**, 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 Section 60.500 or Open Space Preservation Residential Development Option of Section 51 to conserve open space, fallow land, wooded areas, and wetlands, is encouraged.

20.200 - Permitted Uses.

20.201 ~~Private, one~~ **Single**-family dwellings.

20.202 ~~Libraries.~~ **(MOVE TO SPECIAL USES)**

20.203 ~~Fire stations and other Township buildings.~~ **(MOVE TO SPECIAL USES)**

20.204 ~~Cemeteries, excluding crematories.~~ **(MOVE TO CONDITIONAL USES)**

20.206 Houses of Worship.

~~20.207 Nonprofit educational, noncommercial recreational and noncommercial business centers, including but not limited to the following accessory uses for the benefit of the 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 recreational accessory uses, subject to the following conditions and limitations:~~ **(MOVE TO SPECIAL USES)**

- ~~(a) 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.~~
- ~~(b) Such facilities must be located upon one of the designated highways listed in Section 64.100 of the zoning ordinance.~~
- ~~(c) 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.~~
- ~~(d) Not less than 75 percent of the site must be maintained as open space unencumbered by buildings, structures, paved roads, sidewalks, or parking areas.~~
- ~~(e) The facility shall be designed so as to limit the number of participants to not exceed ten per acre.~~

~~(f) 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.~~

~~(g) 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.~~

20.208 Accessory buildings and **for** uses customarily incidental to the **primary use** foregoing subject to Section 78.800.

20.209 ~~Home occupations subject to Section 78.900.~~ **(MOVE TO CONDITIONAL USES)**

20.210 Essential services, excluding buildings and regulator stations.

20.211 Family day care home.

20.212 ~~Temporary outdoor events, subject to the following conditions and limitations:~~ **(MOVE TO CONDITIONAL USES)**

~~(a) Use is incidental to principal use of the property and all events shall not last more than one day.~~

~~(b) 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.~~

~~(c) The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.~~

~~(d) All signs directed off-site must receive a temporary sign permit and comply with all applicable sign ordinances.~~

~~(e) Property owner must approve and acknowledge the use of the property for the event.~~

### **Conditional Uses.**

#### **Home occupations**

#### **Temporary outdoor events**

#### **Cemeteries**

20.400 - ~~Special exception~~ **Uses.**

#### **Public buildings for governmental purpose.**

#### **Nonprofit educational, noncommercial recreational and noncommercial business centers,**

20.401 Golf courses, parks, motorized vehicular roadways, and **other passive** outdoor recreational areas, subject to the following conditions and limitations:

- ~~(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 exception use permit 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 Section 68.000.~~
- ~~(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 insure 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 exception use permit must contain a plan for insuring adequate supervision of a recreation area and all activities therein.~~

20.402 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 exception use and site plan review process. **(REMOVE??)**

20.403 Public and **P**Private schools.

- 20.404 Veterinarian clinics, **General**.
- 20.405 Kennels, in unplatted areas, for the breeding, raising and/or boarding of dogs or cats.
- 20.407 ~~Shooting ranges and~~ Private clubs **and lodges** operating in connection therewith , **except those which the chief activity is a service customarily carried on as a business. (Move shooting ranges to industrial district)**
- 20.408 Buildings and regulator stations for essential services.
- 20.409 Group day care home ~~subject to the conditions and limitations set forth in Section 19.402.~~
- 20.410 Temporary outdoor events ~~meeting all the conditions and limitations of Section 20.212 except 20.212(a).~~
- 20.411 Bed and Breakfast Inns ~~subject to the conditions and limitations set forth in Section 19.406.~~

### **Riding Stables**

21.000 - "R-1" RESIDENCE DISTRICT CLASSIFICATION

21.100 - 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.

21.200 - Permitted Uses.

21.201 ~~Private, one~~ **Single**-family dwellings.

21.202 Essential services, excluding buildings and regulator stations.

21.203 Accessory buildings, ~~subject to Section 78.800, and~~ **for** uses customarily incidental to the foregoing **primary use**.

21.205 Home occupations ~~subject to Section 78.900.~~ **(MOVED TO CONDITIONAL USES)**

21.206 Family day care home.

21.207 ~~Temporary outdoor events, subject to the following conditions and limitations:~~ **(MOVED TO CONDITIONAL USES)**

- ~~(a) Use is incidental to principal use of the property and all events shall not last more than one day.~~
- ~~(b) 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.~~~~
- ~~(c) The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.~~
- ~~(d) All signs directed off-site must receive a temporary sign permit and comply with all applicable sign ordinances.~~
- ~~(e) Property owner must approve and acknowledge the use of the property for the event.~~

**Houses of Worship.**

**Conditional Uses**

**Home Occupation**

**Temporary Outdoor Events**

21.400 - ~~Special exception~~ **Uses.**

21.401 ~~Fire stations.~~ **Public buildings for governmental purpose**

21.403 Buildings and regulator stations for essential services.

21.404 Group day care home ~~subject to the conditions and limitations set forth in Section 19.402.~~

21.405 Temporary outdoor events ~~meeting all the conditions and limitations of Section 21.207 except 21.207(a).~~

22.000 - "R-2" RESIDENCE DISTRICT CLASSIFICATION

22.100 - 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.

22.200 - Permitted Uses.

22.201 Any permitted use in the "R-1" Residence District.

**Single-family dwellings**

**Essential services, excluding buildings and regulator stations**

22.202 ~~Private two-family dwellings.~~ **(Move to Conditional Uses)**

22.203 ~~Libraries.~~ **(Move to Special Uses)**

22.204 ~~Fire stations.~~ **(Move to Special Uses)**

22.206 ~~Cemeteries, excluding crematories.~~ **(Move to Conditional Uses)**

22.208 Houses of worship.

22.209 Accessory buildings, ~~subject to Section 78.800, and~~ **for** uses customarily incidental to the foregoing **primary use.**

22.211 Family day care home.

**Conditional Uses.**

**Two-Family Dwellings**

**Cemeteries**

**Home occupations**

**Temporary outdoor event**

22.400 - Special exception Uses.

22.401 Golf courses, parks, and **other passive** outdoor recreational areas, ~~subject to the conditions and limitations set forth at Section 20.401 of this Ordinance.~~

22.402 Buildings and regulator stations for essential services.

22.403 ~~Public and~~ **P**riate schools.

22.404 Group day care home ~~subject to the conditions and limitations set forth in Section 19.402.~~

22.405 Temporary outdoor events ~~meeting all the conditions and limitations of Section 21.207 except 21.207(a).~~

**Public buildings for government purposes**

23.000 - "R-3" RESIDENCE DISTRICT CLASSIFICATION

23.100 - 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.

23.200 - Permitted Uses.

23.201 Any permitted use in the "R-2" Residence District.

**Single-family dwellings**

**Essential services, excluding buildings and regulator stations**

23.202 Conversion of a residence for offices, including medical clinics and doctor's offices for the treatment of human beings, subject to the following conditions and limitations: **(Move to Conditional Land Uses)**

- ~~(a) 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.~~
- ~~(b) 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.~~
- ~~(c) 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.~~
- ~~(d) Landscaping shall be established in accordance with Section 75 between such premises and any adjacent premises utilized for single family or two family purposes or, if vacant, zoned for such purposes.~~
- ~~(e) 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.~~

23.203 Accessory buildings, subject to Section 78.800, and **for** uses customarily incidental to the foregoing **primary use.**

23.204 Family day care home.

**Houses of worship**

**Conditional Uses.**

**Two-family dwellings**

### Three or four-family dwellings

### Conversion of a Residence for Offices

### Home occupations

### Temporary outdoor event

#### 23.400 - Special exception **Uses**.

23.401 Three or four family dwellings of not more than two stories in height subject to the following conditions and limitations: **(MOVED to Conditional Uses)**

- ~~(a) Dwelling unit density shall be limited to a maximum unit density of four units per acre.~~
- ~~(b) Public sanitary sewer facilities shall be provided as part of the site development.~~

23.402 Buildings and regulator stations for essential services.

23.403 Golf courses, parks, and **other passive** outdoor recreational areas, ~~subject to the conditions and limitations set forth at Section 20.401 of this Ordinance.~~

23.404 Office Buildings, ~~including medical clinics and doctor's offices for the treatment of human beings, subject to the following conditions and limitations:~~

- ~~(a) No such building shall be more than 25 feet in height.~~
- ~~(b) No such building shall be larger than 10,000 square feet in area.~~
- ~~(c) 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.~~
- ~~(d) No retail activity shall be carried on nor stock of goods maintained for sale upon the premises.~~
- ~~(e) 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, which ever is greater and shall be subject to Section 64.700 where applicable.~~
- ~~(f) 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 64.000.~~
- ~~(g) 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.~~
- ~~(h) 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 78.700 through 78.730.~~
- ~~(i) Landscaping shall be provided in accordance with Section 75.000.~~
- ~~(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 adjoining property owners and to insure 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.~~

23.405 Veterinary **Clinic, Small Animal clinics with no outside facilities or runs** subject to the conditions and limitations set forth in Section 23.404.

23.406 Banks, credit unions, and savings and loan offices ~~subject to the conditions and limitations set forth in Section 23.404.~~

23.407 ~~Public and~~ **Private** schools.

23.408 Child care centers ~~subject to the conditions and limitations set forth in Section 23.404.~~

23.409 Group day care home ~~subject to the conditions and limitations set forth in Section 19.402.~~

23.410 ~~Beauty parlors or barber shops.~~ **(MOVE to Transitional Mixed Use District)**

23.411 Temporary outdoor events ~~meeting all the conditions and limitations of Section 21.207 except 21.207(a).~~

#### **Public buildings for government purposes**

#### **Development Standards.**

**These development standards, along with any other applicable ordinance requirements, shall apply to the non-residential uses allowed within the R-3 District.**

1. No ~~such~~ building shall be more than 25 feet in height.
2. No ~~such~~ building shall be larger than 10,000 square feet in area.
3. 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.
4. No retail activity shall be carried on nor stock of goods maintained for sale upon the premises **unless specifically related and incidental to the primary use. Retail activity may only occupy 10 percent of the gross floor area.**
5. 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 64.700 where applicable.~~
6. 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 64.000.~~
7. 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.

8. Any outdoor lighting shall be ~~subdued~~ **residential** in character and shall be reduced in intensity or eliminated during non-business hours. ~~All such lighting shall comply with Sections 78.700 through 78.730.~~
9. ~~Landscaping shall be provided in accordance with Section 75.000.~~
10. The ~~Planning Commission~~ **reviewing body** 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~~ **adverse effects** have a minimum impact upon the neighborhood in which the same is located, including but not limited to hours of operation.

24.000 - "R-4" RESIDENCE DISTRICT CLASSIFICATION

24.100 - 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.

24.200 - Permitted Uses.

24.201 — Any permitted use in the "R-2" Residence District.

**Single-family dwellings**

**Essential services, excluding buildings and regulator stations**

24.202 — ~~Three or four family dwellings of not more than two stories in height subject to the conditions and limitations set forth in Section 24.205.~~ **(MOVED to Conditional Uses)**

24.203 ~~Child care centers, nursing, handicapped, convalescent, senior citizens' and foster homes.~~  
**(Child Care Centers moved to Special Use) (Nursing and convalescent homes moved to Conditional Use)**

24.204 — ~~Funeral homes.~~ **(MOVE to Transitional Mixed Use District)**

24.205 ~~Multiple family dwellings excluding hotels and motels, subject to the following conditions and limitations:~~ **(MOVED to Conditional Uses)**

- ~~(a) 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.~~
- ~~(b) 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.~~
- ~~(c) 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.~~

- ~~(d) Sidewalks. Sidewalks shall be provided on both sides of any access drive leading into a multi-family development from a public street.~~
- ~~(e) 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.~~
- ~~(f) 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.~~
- ~~(g) 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 66.400.~~
- ~~(h) 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.~~

24.206 ~~A dwelling unit may be occupied by more than one family, up to four unrelated individuals, but never more than two persons per bedroom. (Moved to Development Standards)~~

24.208 ~~Accessory buildings, subject to Section 78.800, and for uses customarily incidental to the foregoing primary use.~~

24.209 Family day care home.

## **Houses of Worship**

### **Conditional Use**

#### **Two-family dwellings**

#### **Three or four-family dwellings**

#### **Multiple-family dwellings**

#### **Nursing, convalescent and assisted living facilities**

#### **Home occupations**

## Temporary outdoor event

24.400 - ~~Special exception~~ **Uses.**

24.401 Private clubs, fraternities, sororities, lodges, ~~except those of which the chief activity is a service customarily carried on as a business.~~

24.402 Buildings and regulator stations for essential services.

24.403 Golf courses, parks, and **other passive** outdoor recreational areas, ~~subject to the conditions and limitations set forth at Section 20.401 of the Ordinance.~~

24.404 ~~Public and~~ **P** private schools.

24.405 Group day care home ~~subject to the conditions and limitations set forth in Section 19.402.~~

24.406— ~~Rehabilitation and/or redevelopment of a multiple-family legal nonconforming use where the existing density exceeds the density limitations of Section 24.205. This may not be construed as allowing an increase in density. (Moved to Development Standards)~~

24.407 Temporary outdoor events ~~meeting all the conditions and limitations of Section 21.207 except 21.207(a).~~

## Child Care Centers

### Development Standards.

1. Rehabilitation and/or redevelopment of an **existing** multiple-family legal nonconforming use where the ~~existing~~ density exceeds the density limitations of **Section 24.205 is permitted**. This may not be construed as allowing an increase in density.
2. A dwelling unit may be occupied by more than one family, up to four unrelated individuals, but never more than two persons per bedroom.

25.000 - "R-5" RESIDENCE DISTRICT CLASSIFICATION

25.100 - Statement of Purpose.

This district classification is designed in recognition of the growing trend toward **for the development of mobile homes communities** 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.

(Ord. No. 206 eff. Aug. 23, 1984)

25.200 - Permissible **Permitted** Uses.

25.201 ~~Mobile home subdivisions and accessory buildings and uses subject to the following conditions and limitations:~~ **(MOVED to Conditional Uses)**

- ~~(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 condominium 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 66.125 subparagraph (b).~~
- ~~(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.~~

25.202 Essential services, **excluding buildings and regulator stations**

25.203— Mobile home condominium projects and accessory buildings and uses subject to the following conditions and limitations: **(MOVED to Conditional 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 subdivision 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 66.125 subparagraph (b).~~
- (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.~~

25.204 Home occupations subject to Section 78.900. **(MOVED to Conditional Uses)**

25.205 Family day care home.

25.206 ~~Temporary outdoor events, subject to the following conditions and limitations:~~ **(MOVED to Conditional Uses)**

- ~~(a) Use is incidental to principal use of the property and all events shall not last more than one day.~~
- ~~(b) 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.~~~~
- ~~(c) The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.~~
- ~~(d) All signs directed off site must receive a temporary sign permit and comply with all applicable sign ordinances.~~
- ~~(e) Property owner must approve and acknowledge the use of the property for the event.~~

**Houses of worship**

**Conditional Uses.**

**Mobile home subdivisions/site condominiums**

**Home occupations**

**Temporary outdoor events**

25.400 - Special exception Uses.

25.401 ~~Mobile home parks and accessory buildings and uses including residences for the mobile home park owner and his family, subject to the following conditions and limitations:~~

- ~~(a) 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.~~
- ~~(b) 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.~~
- ~~(c) Mobile home parks shall not be less than 15 acres in size.~~
- ~~(d) Landscaping in accordance with Section 75—Landscaping shall be provided.~~

- ~~(e) 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.~~
- ~~(f) 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.~~
- ~~(g) 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.~~
- ~~(h) All utilities, including Cable TV, installed in the mobile home park must be installed underground.~~
- ~~(i) 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.~~
- ~~(j) Each mobile home park shall be developed with sites of not less than 5,500 square feet per mobile home unit. This 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.~~
- ~~(k) 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.~~
- ~~(l) Only one single family mobile home shall be allowed per mobile home site.~~
- ~~(m) 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.~~

~~(n) 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:
  - ~~(aa) The name and address of the applicant.~~
  - ~~(bb) The legal description of the subject parcel of land.~~
  - ~~(cc) The area of the subject parcel of land.~~
  - ~~(dd) The present zoning classification of the subject parcel.~~
  - ~~(ee) 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.~~

~~(e) 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.~~

25.402 Mobile home sales, which are limited to mobile home sites in the mobile home park or to an inconspicuous limited area therein designated for the display of different types of mobile homes which are permitted to be occupied within the mobile home park.

25.403 Group day care home subject to the conditions and limitations set forth in Section 19.402.

25.404 Temporary outdoor events meeting all the conditions and limitations of Section 25.206 except 25.206(a).

## AGRICULTURAL DISTRICT

### 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.

### Permitted Uses.

1. Single-family dwellings
2. 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.
3. Truck gardens, greenhouses, nurseries
4. Houses of worship
5. Essential services, excluding buildings and regulator stations
6. Family day care home
7. Accessory buildings for uses customarily incidental to the primary use

### Conditional Uses.

1. Farm labor housing
2. Home occupations
3. Temporary outdoor events (5 days or less)

### Special Uses.

1. Buildings and regulator stations for essential services
2. Group day care home
3. Riding stables, including boarding
4. Kennels
5. Temporary outdoor events (more than 5 days)
6. Bed and Breakfast Inns
7. Veterinarian clinics, general

## RURAL RESIDENTIAL DISTRICT

### 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 residential lifestyle within areas which are not considered suitable for agricultural uses or traditional residential subdivisions as a result of soil limitation, land fragmentation, 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 Section 60.500 or Open Space Preservation Residential Development Option of Section 51 to conserve open space, fallow land, wooded areas, and wetlands, is encouraged.

### Permitted Uses.

1. Single-family dwellings
2. Houses of worship
3. Accessory buildings for uses customarily incidental to the primary use
4. Essential services, excluding buildings and regulator stations
5. Family day care home

### Conditional Uses.

1. Home occupations
2. Temporary outdoor events (5 days or less)
3. Cemeteries

### Special Uses.

1. Public buildings for governmental purpose
2. Nonprofit educational, noncommercial recreational and noncommercial business centers
3. Golf courses, parks, and other passive outdoor recreational areas
4. Private schools
5. Veterinarian clinics, general
6. Kennels
7. Private clubs and lodges
8. Buildings and regulator stations for essential services
9. Group day care home
10. Temporary outdoor events (more than 5 days)
11. Bed and Breakfast Inns
12. Riding stables

## "R-1" RESIDENCE DISTRICT

### Statement of Purpose.

This district classification is 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.

### Permitted Uses.

1. Single-family dwellings
2. Essential services, excluding buildings and regulator stations
3. Accessory buildings for uses customarily incidental to the primary use
4. Family day care home
5. Houses of worship

### Conditional Uses.

1. Home occupation
2. Temporary outdoor events (5 days or less)

### Special Uses.

1. Public buildings for governmental purpose
2. Buildings and regulator stations for essential services.
3. Group day care home
4. Temporary outdoor events (more than 5 days)

## "R-2" RESIDENCE DISTRICT

### 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.

### Permitted Uses.

1. Single-family dwellings
2. Houses of worship
3. Accessory buildings for uses customarily incidental to the primary use
4. Family day care home
5. Essential services, excluding buildings and regulator stations

### Conditional Uses

1. Two-family dwellings
2. Cemeteries
3. Home occupations
4. Temporary outdoor event (5 days or less)

### Special Uses.

1. Golf courses, parks, and other passive outdoor recreational areas
2. Buildings and regulator stations for essential services
3. Private schools
4. Group day care home
5. Temporary outdoor events (more than 5 days)
6. Public buildings for government purposes

## "R-3" RESIDENCE DISTRICT

### Statement of Purpose.

This district classification is designed 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.

### Permitted Uses.

1. Single-family dwellings
2. Accessory buildings for uses customarily incidental to the primary use
3. Family day care home.
4. Houses of worship
5. Essential services, excluding buildings and regulator stations

### Conditional Uses.

1. Two-family dwellings
2. Three or four-family dwellings
3. Conversion of a residence for offices
4. Home occupations
5. Temporary outdoor event (5 days or less)

### Special Uses.

1. Buildings and regulator stations for essential services.
2. Golf courses, parks, and other passive outdoor recreational areas
3. Office buildings
4. Veterinary clinic, small animal
5. Banks, credit unions, and savings and loan offices
6. Private schools
7. Child care centers
8. Group day care home
9. Temporary outdoor events (more than 5 days)
10. Public buildings for government purposes

### Development Standards.

These development standards, along with any other applicable ordinance requirements, shall apply to the non-residential uses allowed within the R-3 District.

1. No building shall be more than 25 feet in height.
2. No building shall be larger than 10,000 square feet in area.
3. The total area of all buildings shall not occupy more than 30 percent of the ground area of the lot, parcel or building site on which they are located.
4. No retail activity shall be carried on nor stock of goods maintained for sale upon the premises unless specifically related and incidental to the primary use. Retail activity may only occupy 10 percent of the gross floor area.
5. 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.
6. Required off-street parking shall be maintained upon the premises but shall be prohibited in the required front and side setback areas.
7. 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.
8. Any outdoor lighting shall be residential in character and shall be reduced in intensity or eliminated during non-business hours.
9. The reviewing body 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 adverse effects have a minimum impact upon the neighborhood in which the same is located, including but not limited to hours of operation.

## "R-4" RESIDENCE DISTRICT

### 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.

### Permitted Uses.

1. Single-family dwellings
2. Accessory buildings for uses customarily incidental to the primary use
3. Family day care home
4. Houses of worship
5. Essential services, excluding buildings and regulator stations

### Conditional Use.

1. Two-family dwellings
2. Three or four-family dwellings
3. Multiple-family dwellings
4. Nursing, convalescent and assisted living facilities
5. Home occupations
6. Temporary outdoor event (5 days or less)

### Special Uses.

1. Private clubs, fraternities, sororities, and lodges
2. Buildings and regulator stations for essential services
3. Golf courses, parks, and other passive outdoor recreational areas
4. Private schools
5. Group day care home
6. Child care centers
7. Temporary outdoor events (more than 5 days)

### Development Standards.

1. Rehabilitation and/or redevelopment of an existing multiple-family legal nonconforming use where the density exceeds the density limitations of **Section 24.205** is permitted. This may not be construed as allowing an increase in density.

2. A dwelling unit may be occupied by more than one family, up to four unrelated individuals, but never more than two persons per bedroom.

## "R-5" RESIDENCE DISTRICT

### Statement of Purpose.

This district classification is designed for the development of mobile homes communities. 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.

### Permitted Uses.

1. Essential services, excluding buildings and regulator stations
2. Family day care home
3. Houses of worship

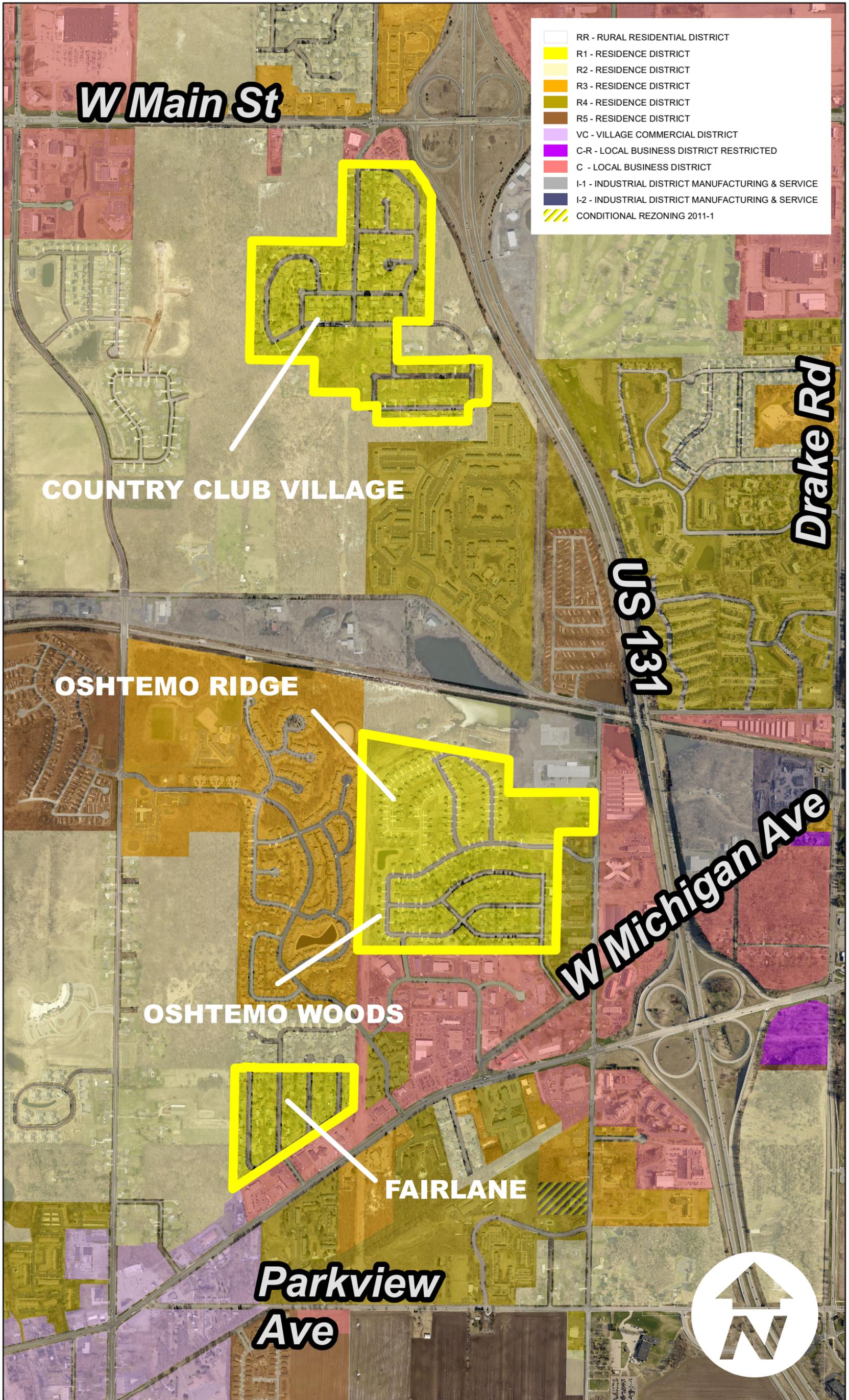
### Conditional Uses.

1. Mobile home subdivisions/site condominiums
2. Home occupations
3. Temporary outdoor events (5 days or less)

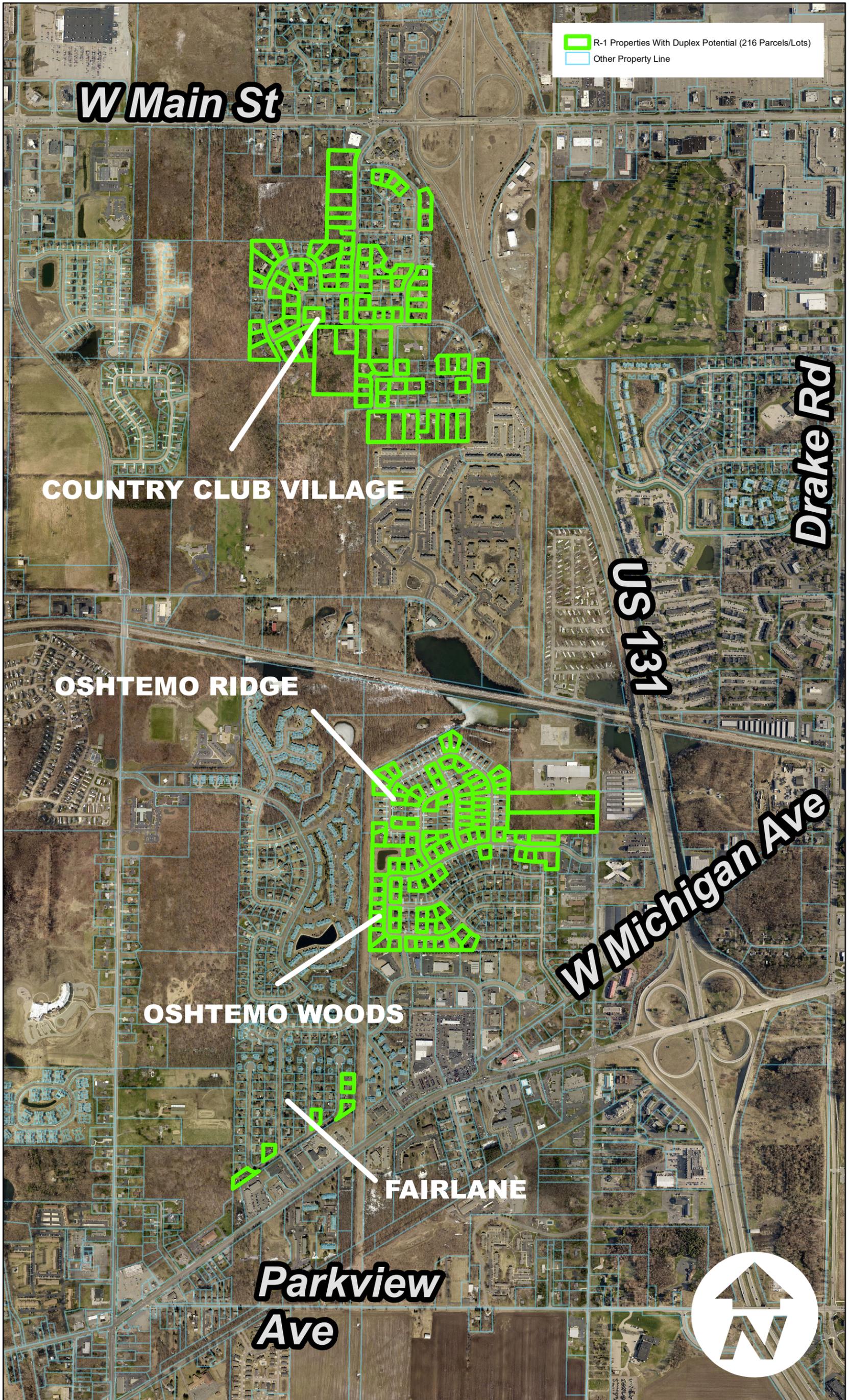
### Special Uses.

1. Mobile home parks and accessory buildings
2. Mobile home sales
3. Group day care home
4. Temporary outdoor events (more than 5 days)

# R-1 Zoning Clusters



# R-1 Zoned Properties with Duplex Potential



0 0.5 1 Miles

# R-1 Properties with Increased Intensity Potential

