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

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

Masks Are Now Optional in Oshtemo Township Buildings

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

**THURSDAY, AUGUST 25, 2022
6:00 P.M.**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: August 11th, 2022
6. Work Session:
 - a. Amendments to Article 69 Zoning Board of Appeals
 - b. Amendments to Article 55 Signs and Billboards
 - c. Amendments to Article 2 Construction of Language and Definitions
 - d. Implementation of the 2019 Village Theme Development Plan - Amendments to Article 19 and Article 34 (continued)
7. Other Updates and Business
8. Adjournment

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

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

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

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

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

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

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

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

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

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Clare Buszka	216-5221	cbuszka@oshtemo.org
<u>Trustees</u>		
Cheri L. Bell	372-2275	cbell@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Kizzy Bradford	375-4260	kbradford@oshtemo.org

Township Department Information			
<u>Assessor:</u>			
Kristine Biddle	216-5225	assessor@oshtemo.org	
<u>Fire Chief:</u>			
Mark Barnes	375-0487	mbarnes@oshtemo.org	
<u>Ordinance Enf:</u>			
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org	
<u>Parks Director:</u>			
Karen High	216-5233	khigh@oshtemo.org	
Rental Info	216-5224	oshtemo@oshtemo.org	
<u>Planning Director:</u>			
Iris Lubbert	216-5223	ilubbert@oshtemo.org	
<u>Public Works:</u>			
Marc Elliott	216-5236	melliott@oshtemo.org	

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION
DRAFT MINUTES OF A MEETING HELD AUGUST 11, 2022**

Agenda

**SPECIAL USE AND SITE PLAN EXTENSION REQUEST: HUNTINGTON RUN
MOBILE HOME PARK EXPANSION**

Steering Committee: Housing Data Services Questionnaire

**Work Session: Implementation of the 2019 Village Theme Development Plan –
Amendments to Article 19 and Article 34**

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, August 11, 2022, commencing at approximately 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

ALL MEMBERS

WERE PRESENT:

Bruce VanderWeele, Chair
Micki Maxwell, Vice Chair
Kizzy Bradford
Deb Everett
Alistair Smith
Anna Versalle
Chetan Vyas

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, Martha Coash, Recording Secretary, and three guests.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m. Those in attendance joined in reciting the Pledge of Allegiance.

Approval of Agenda

The Chair determined there were no changes to the agenda and let the agenda stand as published.

PUBLIC COMMENT ON NON-AGENDA ITEMS

The Chair asked if anyone present wished to speak on non-agenda items. As no one responded, he moved to the next agenda item.

Approval of the Minutes of the Meeting of July 29, 2022

Chairperson VanderWeele asked for additions, deletions, or corrections to the Minutes of the Meeting of July 29, 2022.

Ms. Maxwell noted the fourth paragraph on page five regarding the payback from Meijer to the Township for road development should read 9th Street, rather than Stadium Drive Parkway.

The Chair asked for a motion.

Ms. Everett **made a motion** to approve the Minutes of the Meeting of July 29, 2022, as presented with the correction noted by Ms. Maxwell. Mr. Smith **seconded the motion**. The **motion was approved** unanimously.

Chairperson VanderWeele moved to the next agenda item and asked Ms. Lubbert for her report.

SPECIAL USE AND SITE PLAN EXTENSION REQUEST: HUNTINGTON RUN MOBILE HOME PARK EXPANSION

Ms. Lubbert explained the Planning Commission was being asked to approve, approve with modification, or deny, with a formal motion, the 18-month Site Plan and Special Use extension request for the Huntington Run mobile home park expansion at 6255 Cranbrook Lane submitted by Sun Communities and Four Leaf Properties.

Per Section 64.90 A and 65.60 of the Ordinance, if a property which was subject to a Special Use and/or Site Plan approval has not obtained a building permit and on-site development has not commenced within one year, Site Plan approval and/or Special Use approval becomes void. Extensions may be granted by the Planning Commission if requested prior to the expiration of the one-year validity period. The one-year validity period for this project ends on August 10, 2022; the applicant requested an 18-month extension.

She indicated the Planning Commission has the authority to grant an extension of a Special Use where the applicant satisfies any of the following existing circumstances:

1. The delay in commencement or completion of the project subject to the Special Use approval was beyond the control of the applicant and the applicant has in good faith attempted to meet the foregoing time schedule.
2. The project is in the process of being developed for the Special Use purpose and has reasonably progressed towards completion.
3. The complexity or size of the project requires additional time for either commencement or completion of construction, which commencement and completion appear feasible and probable if permitted. Under this

circumstance, the Planning Commission shall have the authority to grant an initial longer period for commencement and/or completion at the time of approving the original Special Use.

4. Successive extensions of time may be granted by the Planning Commission for such periods of time as said Planning Commission determines to be reasonable and proper under the foregoing criteria.
5. Where a Special Use is terminated by lapse of time, any new application for a Special Use shall be heard and determined anew based upon circumstances then existing.

Ms. Lubbert said, based on the timing for necessary interjurisdictional reviews and approvals prior to site construction, the Township Director of Public Works properly advised the applicant that an extension to the project's approval would be necessary. If all goes well, the applicant anticipates construction to begin later this month. However, the maximum extension time permitted is requested as a precaution. Based on the coordination completed to date, circumstances permitting the Planning Commission to grant an extension have been met. However, based on communicated timelines, an extension of 18 months is unnecessary.

She recommended the Planning Commission grant a 12-month extension.

Chairperson VanderWeele noted there were no questions from Commissioners and asked if the applicant wished to speak.

Mr. Robb Lamer, PE, of Exxel Engineering, Inc., said the responsibility for the water main approval was in question and being worked out. The City of Kalamazoo does not need to be involved and no permit is needed from them for this item. Exxel is working with EGLE for review and approval of the plans.

Mr. Smith **made a motion** to grant the requested Special Use and Site Plan Extension request for the period of 12 months for the expansion of Huntington Run Mobile Home Park by Sun Communities and Four Leaf Properties, located at 6255 Cranbrook. The approval is based on the recommendation of staff regarding the timing for necessary for interjurisdictional reviews and approvals prior to site construction. Ms. Maxwell **seconded the motion**. The **motion was approved** unanimously.

Chairperson VanderWeele moved to the next item on the agenda.

Steering Committee: Housing Data Services Questionnaire

Ms. Lubbert reported the W.E. Upjohn Institute for Employment Research is wrapping up their work with the County's Housing Study and are getting ready to start work on the Township's Housing Master Plan Update (also known as the Housing Action Plan). To ensure we are on the same page with the end result, they created a questionnaire to be completed by the Planning Commission and Planning Director. She asked Commissioners to review and answer the questions presented by W.E. Upjohn.

To help with the discussion, the Planning Director provided and walked through her answers to the questions.

The group was pleased with the answers Ms. Lubbert provided. Commissioners agreed her answers could be utilized and submitted on behalf of the Planning Commission.

Ms. Bradford **made a motion** to accept the answers provided by Ms. Lubbert to the W.E. Upjohn housing survey with the one addition suggested by Commissioners to provide an inventory of the current housing types and stock in the Township. Mr. Vyas **seconded the motion**. The **motion was approved** unanimously.

Other Updates and Comments

Chairperson VanderWeele moved to “Other Updates and Comments” at this point in the meeting before going into a work session. He asked whether “special use exceptions” requests might be given to staff to approve if the requests are within guidelines rather than having to bring them to the Commission in order to make better use of their time.

Attorney Porter said he felt that would make sense, that he and Ms. Lubbert will look at language to amend the ordinance to allow for that change. He indicated language would allow pursuing that change, but that if a request for special use exception were denied by staff, the request could then be brought to the Planning Commission for consideration.

At 6:26 p.m. the Chair moved the meeting to work session.

Work Session: Implementation of the 2019 Village Theme Development Plan – Amendments to Article 19 and Article 34

Ms. Lubbert noted she began reviewing suggested amendments to the 2019 Village Theme Development Plan at the last meeting. She discussed the Statement of Purpose for the amended document and walked through the sections of the document, explaining their purpose.

She referred to an open question from the last meeting, under 19.40 Special Uses: (on p. 3), that is whether a drive-in service window or drive through service for restaurants should be allowed. She started the discussion there by moving to 34.80/General Provisions, #6: Drive-Throughs, for a review of this suggested change.

There was extended discussion of the possible ramifications of this particular change as well as of the general history and purpose for development of the Village concept, problems that have kept the area from developing as envisioned, and possibilities on the horizon for being able to move toward realizing the vision/character desired for this area. There was a concern about whether the Village could continue to

develop as desired if drive-throughs for restaurants were permitted, but Ms. Lubbert indicated there would be Planning Commission control through building type standards.

At that point the group moved to section 34.40 of the document: “Development Standards,” for careful review. A problem within “Building frontage and Placement” was identified. As this language conforms to language in the Master Plan, it was suggested an amendment may be needed to the Master Plan to allow a change to allow the language in this section to work.

Ms. Lubbert continued the process of reviewing the proposed amendments to 34.40 under Section B: Building Type Distribution. It was agreed the provisions for the first three building types listed in Table 34.6 (Corridor East/West Building Types) should mirror the first three building type provisions in Table 34.5. (Village Fringe Building Types).

Discussion for the evening ended at that point.

ADJOURNMENT

With no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 8:02 p.m.

Minutes prepared:
August 13, 2022

Minutes approved:
_____, 2022

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August 17, 2022

Mtg Date: August 25, 2022
To: Planning Commission
From: Iris Lubbert, AICP, Planning Director
Subject: Work Session: Amendments to Article 69 Zoning Board of Appeals

Objective:

The Planning Director will introduce the proposed amendments to Article 69 to the Planning Commission at their regular August 25th meeting. The Planning Commission is asked to review and provide feedback on the proposed changes; and if deemed appropriate give staff permission to set a date for public hearing.

Background:

Recently a request for a sign variance was submitted to the Township. In the process of researching substantial justice cases, staff found that a sign variance was previously approved for the site in question over a decade ago. The Township Ordinance currently does not state when and if an approved variance expires. For this reason, the request was approved as it fell within the parameters of the previous variance approval. To ensure this situation does not happen again and provide clarity, staff has drafted an amendment to Article 69 that outlines the duration of a variance. As this section was being updated, staff found it prudent to review the entirety of Article 69, additional amendments that provide clarification are suggested.

Attachments: Proposed amendments to Article 69

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ARTICLE 69 – ZONING BOARD OF APPEALS

69.10 Statement of Purpose.

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

69.20 APPOINTMENT; MEMBERS; Conduct of Business

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

B. Members. The Zoning Board of Appeals shall consist of five (5) regular members and may include the appointment of two (2) alternate members to serve as voting members in the absence of a regular member, or when a conflict of interest prevents a regular member from voting. One (1) member of the Zoning Board of Appeals shall be a member of the Township’s Planning Commission; the remaining members shall be appointed in accordance with the requirements of the Michigan Zoning Enabling Act and may include one (1) member who is a member of the Township Board (provided that such member shall not serve as Chairperson), but neither that member nor any other member who is an elected officer of the Township may serve as Chairperson of the Zoning Board of Appeals. Up to two (2) alternates may be appointed to serve as voting members for the Board of Appeals when a regular member is unable to attend a meeting or when a regular member has a conflict of interest. No An employee, or contractor, of the Township may not serve as a member of the Zoning Board of Appeals (except to the extent that a member of the Township Board is considered to be an “employee” of the Township).

C. Conduct of Business. The Zoning Board of Appeals shall conduct meetings in accordance with the requirements of the Michigan Open Meetings Act and the Michigan Zoning Enabling Act, and shall not conduct business unless a majority of the regular members are present. Where an alternate

member has been appointed, they shall continue to serve on that matter until a final decision is made, and shall have the same voting rights as a regular member.

69.20-30 TERM OF OFFICE

The term of each member shall be three (3) years (except for those members appointed based on their membership on the Planning Commission and/or Township Board, which term is limited to their service thereon). Vacancies shall be filled for the remainder of the unexpired term. and until a successor has been appointed and qualified, which s~~Successors~~ must be appointed not more than one (1) month after the term of the preceding member has expired.expiration of the preceding term. Initial appointment of terms Staggered terms shall include staggering be affected by so that one (1) or more of the first appointed members shall serverserving for less than three (3) years. Members from the Township Board and from the Planning Commission shall have terms limited to their respective other official terms or to such lesser period determined by resolution of the Township Board.

69.30-40 CONFLICT OF INTEREST

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

69.40-50 VARIANCE and Appeals.

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

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

1. gGrant a variance from the Township's Zoning Ordinanceforegoing where there are practical difficulties in the way ofwhich inhibit-carrying-out strict compliance with the foregoing or where,

in the opinion of ~~said~~ the Zoning Board of Appeals, the spirit of the foregoing provisions is still observed, public safety, health, and welfare secured, and substantial justice thereby accomplished.

2. Attach conditions and limitations ~~In when~~ granting a variance, ~~the Zoning Board of Appeals is hereby further given the right and authority to attach conditions and limitations~~ as deemed necessary to further the public health, safety, and general welfare of the Township, ~~(e.g., such as time limits or to require the conveyance or dedication to the public of a 66-foot wide right-of-way for ingress or egress to and from interior land having otherwise insufficient or inadequate public access for normal, proper and logical development)~~ as a condition to the granting of any variance as herein provided and to further the public health, safety, and general welfare.

3. Grant nonuse variances relating to the construction, structural changes, or alteration of Buildings or Structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in the ordinance.

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

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

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

Where circumstances beyond the control of the applicant result in a failure to implement the granted nonuse variance, or the attached conditions, prior to the expiration of a one (1) year period

from the original approval date, the applicant may request a onetime extension. An extension request must: (a) be received by the Planning Department at least thirty (30) days prior to the original expiration date of the nonuse variance, and (b) be requested in writing. Such onetime extension, if granted, shall not exceed twelve (12) calendar months from the original expiration date.

69.60 Right to Appeal Zoning Board of Appeals Decision.

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



August 18, 2022

Mtg Date: August 25, 2022

To: Planning Commission

From: Iris Lubbert, AICP, Planning Director

Subject: Amendments to Article 55 Signs and Billboards and Amendments to Article 2 Construction of Language and Definitions

Objective:

The Planning Director will introduce the proposed amendments to Article 55 and Article 2 to the Planning Commission at their regular August 25th meeting. The Planning Commission is asked to review and provide feedback on the proposed changes; and if deemed appropriate give staff permission to set a date for public hearing.

Background:

Updating the regulations within Article 55, Signs and Billboards, to be fully compliant with Federal and State regulations/protections has been on the ordinance update “to - do list” for several years. Oshtemo’s Legal Department, with collaboration from the Planning Director, have drafted amendments to Article 55 that address this need. As this Article was being updated, staff found it prudent to review it in its entirety; additional amendments that provide clarification are suggested.

To ensure that Article 55 is user friendly and fully enforceable, a number of updates to Article 2, Construction of Language and Definitions, are also proposed. A few additional proposed changes clarifying ‘problematic’ definitions are included; this includes updating the definition for a corner lot.

Attachments: Proposed amendments to Article 55 and Article 2

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ZONING ORDINANCE ARTICLE 55

55 – SIGNS AND BILLBOARDS

Ord 221 in 1983; Ord 254 in 1989; Ord. 271 in 1991; Ord. 287 in 1993 (not sure of section); Ord 293 in 1993; Ord 392 in 2000; Ord 469 in 2006; Ord 472 in 2006; Ord 522 in 2011; Ord 524 in 2011; Ord 526 in 2011; Ord 540 in 2013; Ord 550 in 2013; Ord 571 in 2016 (Amended by ord. no. 616; adopted November 12th, 2019, effective November 21st, 2019)

55.10 STATEMENT OF PURPOSE

The intent of this Article is to regulate the type, number, physical dimensions, erection, placement and Maintenance of ~~signs~~ Signs in the Township. The purpose of the limitations, regulations, and standards established herein is to:

- A. Promote the public peace, health, and safety of residents and visitors;
- B. Protect the natural beauty and distinctive character of Oshtemo Charter Township;
- ~~C. Protect commercial districts from visual chaos and clutter;~~
- ~~D. Provide an environment which fosters growth and development of business;~~
- ~~E. Protect property values;~~
- ~~F.C. Maintain sightlines, reduce obstructions, F and eliminate~~ distractions which are hazardous to motorists and pedestrians;
- ~~G. Protect the public's ability to identify establishments and premises;~~
- ~~H.D. Protect~~ Ensure the public's ~~interest in ability to locate~~ public buildings, streets, roads, and highways, parks, and other and open spaces establishments and premises by reduce visual chaos and clutter; and
- ~~I.E. Balance the individual rights of property owners to communicate their message(s) with the public's right to be free of unreasonable distractions and aesthetic intrusions~~ legitimate governmental regulatory interests of public safety, health, and welfare which necessitate the regulation of Signs within the Township.

55.20 SCOPE

Except as otherwise expressly provided herein, this Article shall not relate to building design; ~~nor~~ shall the Article regulate official traffic or ~~government signs~~ Government Signs (see, Ordinance 566, 259.000); the content of ~~signs~~ Signs; scoreboards at athletic fields; gravestones; barber poles (under three (3) feet in height); religious symbols; commemorative plaques; ~~the display of street numbers or names~~; Flags (see, Article 57.140); or any display structure or construction not defined herein as a ~~sign~~ Sign.

The provisions contained in Sections 55.70 through ~~55.90~~ 55.100 herein shall not apply to properties located within the VC, Village Commercial District.

55.30 GENERAL PROVISIONS

It shall be unlawful for any person to erect, place, or establish a sign Sign in Oshtemo Charter Township except in accordance with the provisions of this Article.

Commented [EW1]: So, we had an Ord. Amend to 76 "signs and billboards" (Ord 221 in 1983; Ord 254 in 1989; Ord. 271 in 1991; Ord. 287 in 1993 (not sure of section); Ord 293 in 1993; Ord 392 in 2000; Ord 469 in 2006; Ord 472 in 2006; Ord 522 in 2011; Ord 524 in 2011; Ord 526 in 2011; Ord 540 in 2013; Ord 550 in 2013; Ord 571 in 2016)- this is now Ord 55. How did we get there? And what about the history?

Ord. 616 was a minor revision to remove flag/flagpoles (missed the definition, I guess), etc.- it certainly did not change this section from 76 to 55...

55.40 DEFINITIONS

For the purpose of this Article the following words or phrases are defined as follows:

A-Frame Sign, (or Sandwich Board Sign) - An incidental sign designed to be portable and stand on its own in an "A" or tent shape that provides information at a pedestrian scale to customers as they enter or pass the entry to the business.

Abandoned Sign - A sign which no longer identifies or advertises a currently operating business, lessee, service, owner, product, or activity, and/or for which no legal owner can be found (e.g., a sign which identifies a business, service or activity which has discontinued or relocated from the location where the sign is placed).

Commented [EW2]: Combined with "Obsolete Sign"

Advertising Display Area - The advertising display surface refers to the sign face (containing the copy area) encompassed within any regular geometric figure which would enclose all or part of the sign. The structural supports for a sign (e.g., whether they be columns, pylons, or a building, or a part thereof), shall not be included in the advertising display area.

Animated Sign - A sign which uses movement or change of lighting to depict action or to create a special effect or scene. (Compare with "Flashing Sign").

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

Commented [EW3]: Moved to General 2.20 definitions.

Awning/Canopy Sign - A sign with letters, numerals or other drawings painted on, printed on, or attached to flat against the surface of an awning/canopy.

Balloon Sign - A temporary sign filled with air or gas that is larger than seventeen inches (17"). Only one (1) balloon sign may be tied to an item with a display height not greater than five feet (5') above the pole (not include utility or light poles) or building to which it is attached. An air or gas filled sign, excluding 17 inch or smaller latex balloons where only one may be tied to an item with a display height not greater than five feet above that to which said balloon is attached which may not include utility or light poles.

Banner or Banner Sign - A sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentation applied to paper, plastic, or fabric of any kind. (Compare with Error! Hyperlink reference not valid.).

Bench Sign - A sign located on any part of the surface of a bench or seat visible from an adjacent property or right-of-way.

Billboard - A off-premises sign which advertises an establishment, service, merchandise, use, entertainment, activity, product or message which is not conducted, sold, produced, manufactured or furnished upon the lot, building site or parcel where the sign is located.

Building Identification Sign - An on-premises sign which identifies a building by its recognized name, not including a product or service.

Changeable Copy Sign - A sign upon which a display or message can be changed by physical replacement or electronic change of the display or message. The definitions below, (a) through (d), are used in conjunction with electronically changeable copy signs:

1. **Dissolve** - A mode of message transition on an electronically ~~Changeable Copy Sign~~ ~~changeable copy sign~~ accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.
2. **Fade** - A mode of message transition on an electronically ~~Changeable Copy Sign~~ ~~changeable copy sign~~ accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.
3. **Flash** - A mode of message transition on an electronically ~~Changeable Copy Sign~~ ~~changeable copy sign~~ accomplished by varying the light intensity, where the message instantly and repeatedly reduces or increases intensity.
4. **Scroll** - A mode of message transition on an electronically ~~Changeable Copy Sign~~ ~~changeable copy sign~~ accomplished by the movement of a message.

Clearance (of a Sign) - The smallest vertical distance between the ~~Street~~ ~~Grade~~ of ~~the~~ ~~an~~ adjacent street or street curb and the lowest point of any ~~sign~~ ~~Sign~~, including framework and embellishments, extending over that grade.

Commercial Center Identification Sign - A ~~sign~~ ~~Sign~~ identifying or recognizing a Commercial Center.

Commercial Sign - Any ~~sign~~ ~~Copywording, logo, or other representation~~ that, directly or indirectly, names, advertises, or calls attention to a business, ~~establishment~~, product, service, or other commercial activity (~~including, but not limited to, the following: an Incidental Sign, Human Sign, Seasonal Agricultural Sign, Real Estate Sign, etc.~~).

~~Community Event Sign - A sign advertising or announcing a special community-wide event or activity conducted or sponsored by, or on behalf of a unit of local government, a charitable organization, or a not for profit corporation.~~

Construction Sign - An ~~On-Premises, Temporary, non-Illuminated Sign~~ ~~unilluminated, sign~~ which displays the name(s) ~~or names~~ of principal contractors, architects, and lending institutions and/or others responsible for the construction on the site where the ~~sign~~ ~~Sign~~ is placed. May include information similar to a ~~Residential D~~ ~~evelopment~~ ~~s~~ ~~Sign~~.

Copy - The ~~letters, numerals, characters, wording, illustrations, ornamentation, or other drawings~~ ~~on that are painted on, printed on, or attached flat against the~~ ~~a~~ ~~sign~~ ~~surface~~ ~~Face~~, and including ~~both in either~~ permanent or removable ~~forms~~ ~~letter form~~.

Residential Development Sign - An ~~On-Premises, Temporary, non-Illuminated~~ ~~s~~ ~~Sign~~ advertising a subdivision, condominium, apartment development, or manufactured housing community in the process of being developed on the site where the ~~s~~ ~~Sign~~ is placed; ~~definition-~~ ~~A residential development sign~~ does not include a ~~s~~ ~~Subdivision~~ ~~i~~ ~~dentification~~ ~~s~~ ~~Sign~~.

Directional Sign - An ~~On-Premises~~ ~~s~~ ~~Sign~~ providing ~~on-site~~ directions for vehicular or pedestrian circulation into, within or out of a development, ~~which does not. Said sign shall not contain advertising~~ display ~~copy~~ ~~Copy~~ (other than the names of on-site establishments) and ~~is~~ only for purposes of indicating directions ~~thereto~~. Directional signs shall be located on the lot, building site or parcel where the sign(s) is located.

Commented [EW4]: "Special Event Sign" and "Community Event Sign are now "Temporary On-Premises Event Signs"

Revised to remove the restriction info and refer only to Section 55.90 re: Temp Signs

Commented [EW5]: if we use this more complete definition of "Copy" we can replace some of this duplicated text with "Copy" in the Definitions of: **Banner, Awning/Canopy Sign**

~~Directory Sign - A non-electric On-Premises sSign which displays the name(s), address(es), occupation(s), and/or location(s) of an occupant, a group of occupants, or the use of a building.~~

Electronic Billboard - A bBillboard, or portion thereof, that can be electronically changed by remote or automatic means, or that appears to change or have movement caused by any method other than manually removing and replacing the bBillboard or its components, whether the apparent movement or change is in the display, the bBillboard's structure, or any other component of the bBillboard. This includes any video-display, revolving, fFlashing Signs, or animated Animated Signsdisplays, and display that incorporates rotating or swinging panels, intermittent illumination or the illusion of such illumination, light emitting diodes (LEDs) manipulated through digital input, "digital ink," or any other method or technology that allows the bBillboard's Sign fFace to present a series of images.

Face of Sign Sign Face or Face of Sign - The area of a sign-Sign on which the eopy-Copy or Advertising Display Areadisplay is placed.

~~Feather Flag Sign -- means Also known as a Banner Flag Sign or a Swooper Sign, this is a vertically oriented banner-Banner attached to a single pole allowing the fabric to hang loose at one (1) or two (2) of the four (4) corners (also known as a Banner Flag Sign or Swooper Sign).~~

Festoons - A string of ribbons, tinsel, flags, pennants, or pinwheels.

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

Flashing Sign - A sign-Sign which contains an intermittent or sequential flashing light source used to attract attention. This does not include Changeable Copy Signschangeable copy signs, animated Animated signsSigns, as defined in this Article, or signs-Signs which through reflection or other means, create an illusion of flashing of intermittent light. (Compare with "Animated Sign" and "Changeable Copy Sign").

Freestanding Sign - A sign-Sign structurally separated from a building.

Government Sign - A public Ssign erected and maintained by Oshtemo Charter Township, the county, state, or federal government for official purposes (see, Ordinance 566, 259.000).

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

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

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

Ground Mounted Sign - A sign-Sign which extends from the ground or that has a support placing the bottom thereof less than three feet (3') from the ground. (Compare with "Pole Sign").

Height (of a Freestanding Sign or Flag Pole) - The vertical distance measured from the highest point of the sign-Sign, or flag pole, including any decorative embellishments, to the Street grade Grade of the adjacent street or to the grade-Finished Grade beneath the sSign or flag pole. (Compare with "Clearance").

A. Where the Nnatural eGrade adjacent to a sSign support structure is lower than the street-Street gradeGrade, sSign height shall be measured from the street-Street eGrade.

Commented [EW6]: This has been combined with **Nameplate:** A non-electric on-premises Sign giving only the name, address and/or occupation of an occupant or group of occupants?

and **Nameplate** will be deleted.

Commented [EW7]: Moved definition to Section 2.20

Commented [EW8]: Moved to 2.20 General Def section.

B. Where the ~~Natural Grade~~ ~~natural grade~~ adjacent to a ~~S~~sign support structure is higher than the ~~Street Grade~~ ~~street grade~~, ~~S~~sign height shall be measured from the ~~Natural Grade~~ ~~natural grade~~ adjacent to the ~~s~~Sign support structure. In no event shall the highest point of a ~~p~~ole ~~s~~Sign exceed a height of ~~twenty~~20 feet (20') above ~~Street Grade~~ ~~street grade~~ (see ~~ground-mounted sign options~~).

Height (of a Wall Sign) - The vertical distance measured from the highest point of the ~~sign~~Sign to the ~~f~~inished ~~G~~rade beneath the ~~s~~Sign.

Human Sign - ~~A~~ refers to a ~~s~~Sign carried or displayed by a person for advertising or directional purposes, a person wearing clothing containing an advertising message, or a person wearing a costume for advertising purposes.

Illuminated Sign - A ~~sign~~Sign with an artificial light source incorporated internally or externally for the purpose of illuminating the ~~sign~~Sign.

Incidental Sign - ~~An on-premises sign~~Sign, emblem, or decal ~~providing information regarding consumers on the premises of the goods, facilities, or services available at that location. Incidental Sign does not included any~~ ~~No s~~ Sign ~~with for which~~ the primary purpose ~~is to of~~ attract new consumers to the business from offsite ~~shall be considered incidental, nor does it include any Off-Premises Sign, or Sign which is readable. No sign with a commercial message legible from a position off the lot, building site, or parcel on which the sSign is located shall be considered incidental.~~

Maintenance - The cleaning, painting, repair, or replacement of defective parts of a ~~S~~sign in a manner that does not alter the basic ~~copy~~Copy, design, or structure of the ~~sign~~Sign.

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

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

Marquee Sign - A ~~s~~Sign attached to or supported by a ~~m~~Marquee structure.

~~Nameplate~~ - ~~A nonelectric on premises sign giving only the name, address and/or occupation of an occupant or group of occupants.~~

Commented [EW9]: See note on **Directory Sign**.

Non-Commercial Sign - A ~~sign~~Sign not advertising ~~an~~ ~~business~~, establishment, product, good, ~~commercial activity~~ or, service (including, but not limited to, the following: ~~-(Compare with "Political Sign", Government Sign, Residential Development Sign, Directional Sign, Subdivision Identification Sign, Building Identification Sign, etc.)~~)

~~Obsolete Sign~~ - ~~A sign which identifies a business, service or activity which has discontinued or relocated from the location where said sign is placed.~~

Commented [EW10]: Combined with "Abandoned Sign" to reduce duplicate definitions.

Off-Premises Sign - Another word for a ~~billboard~~Billboard.

On-Premises Sign - A ~~sign~~Sign which pertains to the use of the premises on which it is located.

Painted Wall Sign - A ~~sign~~Sign which is applied with paint or similar substance on the face of a wall.

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

Commented [EW11]: Moved to General 2.20 definitions.

Pennant - Any lightweight plastic, fabric, or other material ~~(,with or without~~either or not containing a message of any kind ~~Copy)~~, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permanent Sign - A ~~sign~~ Sign which is permanently affixed on or in the ground or to a building and meets the requirements of a structure under the Building Code.

Pole Sign (or Pylon Sign) - A ~~sign~~ Sign with all parts of the display ~~sign~~ Sign area ~~Area~~ at a height of eight feet (8') or more, excluding the necessary supports, uprights or braces. (Compare with "Ground Mounted Sign.")

Political Sign - A ~~Non-Commercial S~~ sign relating to a candidate for public office, ballot initiative, or a position on an issue. ~~(Compare with "Non-commercial Sign.")~~

Portable Sign - A reusable and movable ~~sign~~ Sign not permanently affixed in the ground, or to a structure or building ~~(e.g., an A-Frame Sign, On-Premises Temporary Event Sign, Incidental Sign, Feather Flag Sign, Balloon Sign, Banner, etc.)~~.

Real Estate Sign - ~~An On-Premises~~ sign ~~Sign~~ advertising the real estate upon which the ~~sign~~ Sign is located for the purpose of offering the property for sale, lease, or rent.

Roof Sign - A ~~sign~~ Sign attached, applied, painted, erected, or constructed wholly upon or over the roof of a building and supported on the roof structure.

Rotating Sign - A ~~sign~~ Sign in which the ~~sign~~ Sign itself, or any portion of the ~~sign~~ Sign, moves in a revolving or similar manner. Such motion does not refer to methods of changing ~~copy~~ Copy.

Seasonal Agricultural Sign - An ~~On-Premises~~ Temporary ~~Sign~~ Sign advertising seasonal agricultural crops or other agricultural products ~~not exceeding a height of five (5) feet and with a maximum display area of 32 square feet.~~

~~**Seasonal Agricultural Directional Sign** - A sign directing traffic to a functioning farm located within the Township, where said farm is not located on an arterial road as reflected within the Master Land Use Plan, identifying an agricultural commodity or product available for purchase that was grown and/or processed at the farm.~~

Sign - A device, structure, painting, fixture, or placard using color, graphics, symbols, manicured landscaping, and/or written ~~copy~~ Copy designed specifically for the purpose of advertising or identifying any event, establishment, product, good, service; providing directional information; or displaying or depicting other information.

Sign Area - The area shall be measured by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem, lighting or other display, together with any frame or other material or other color forming an integral part of the display or used to differentiate it from the background against which it is placed. Where a ~~Sign~~ Sign consists solely of individual letters painted or mounted on a wall, any blank area which is more than ten ~~percent~~ (10%) of the ~~Sign a~~ Area ~~of the sign~~ as otherwise computed shall be disregarded.

Where a ~~sign~~ Sign has two (2) or more faces, the area of all faces shall be included in determining the ~~Sign A~~ area ~~of a sign~~, except that where two (2) faces are placed back-to-back and are at no point more than two (2) feet from one another, the ~~Sign a~~ Area ~~of the sign~~ shall be deemed to be only the area of one (1) face, or if faces are of different sizes, the area of the larger face.

Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising ~~copy~~ Copy or colors, patterns, logos that are a trademark, or otherwise reasonably recognizable identification for the establishment, event, and/or sign-Sign owner subject to the above provisions.

The necessary supports or uprights on which the sign-Sign is placed may not exceed thirty30 percent (30%) of the permitted square footage of the sign-Sign, excluding those portions of the support structure below ~~street~~-Street gradeGrade.

Sign Face Change - A change of only the sign-Sign ~~f~~Face contained within a permanent rigid frame where the change does not alter the existing sign-Sign ~~a~~Area.

Snipe Sign—A sign that is placed in the ground or attached to a utility pole, tree, fence, or any other object improperly located along, adjacent, or within a public or private road right of way or drive, which usually advertises a use, service, or product not located on the same site as the sign. (Compare with Banner Sign or Real Estate Sign). ~~Flags that do not contain any advertising copy placed on light or utility poles shall not be considered snipe signs for purposes of this Article.~~

Sign Permit- refers to a permit issued by the Township (in compliance with Section 55.120 and 55.130 of this Article) for the installation, use, and/or Face Change of a Sign within the Township to a Sign owner in exchange for a permit fee and agreement to comply with the conditions of this Article.

Special Event Sign—A banner, portable sign, feather flag sign, or balloon sign, not exceeding a height of five feet if located on the ground, 12 feet if a feather flag sign, and a mounting height of 20 if located on a building wall, or a balloon sign not exceeding a height of 20 feet when fully inflated, depicting a special event, such as a Grand Opening, Going out of Business sale, semi-annual sale at a commercial establishment or a special event at a permitted nonresidential use in the residential zoning districts. Balloon signs shall be securely anchored to and placed directly upon the ground and fully inflated at all times. Ground mounted banners shall not be attached to trees or other plant materials at any time.

Subdivision Identification Sign - A ~~P~~permanent, On-Premises, sign-Sign identifying an industrial, commercial, or residential development.

Temporary Sign - refers to a Sign which is an On-Premises or Off-Premises Sign that is not constructed or intended for long term use and is not permanently attached to a building or other structure (e.g., Political Sign, Event Signs, Seasonal Agricultural Signs, Real Estate Signs, Portable Signs, Construction Sign, Residential Development Sign, Banner Signs, Balloon Signs, Feather Flag Signs, etc.). Temporary Signs must comply with the requirements of Section 55.100 of this Article. ~~A sign that is not constructed or intended for long term use and is not permanently attached to a building or other structure.~~

Temporary On-Premises Event Sign- means any Sign advertising, or announcing, an event or activity that will take place at a particular time, place, and location (e.g., business opening, garage sale, party, open house, concert, etc.), which is located On-Premises of the site, parcel, or lot for which the Sign contains advertising, event, or other informational Copy. Such Signs shall comply with Section 55.100 of this Article.

Temporary Off-Premises Directional Signs- means an Off-Premises Sign which a Temporary Sign that is not located on the site, parcel, or lot; such Signs may only direct, or provide directions, to an event with its physical location within the Township and must comply with the requirements of Section 55.100 of this Article.

Tenant Space Width - The horizontal distance between the side walls of a tenant space measured parallel, to and immediately adjacent, to the abutting wall upon which a ~~sign~~ Sign will be placed. For the purposes of determining permitted ~~wall sign~~ Sign area Area for a Wall Sign, ~~tenant~~ Tenant ~~space~~ Space width Width shall only include space completely enclosed within the building.

Under-Canopy Sign - A ~~sign~~ Sign suspended beneath a canopy, ceiling, roof, or marquee.

Vehicle Sign - A ~~sign~~ Sign painted on, incorporated in, or attached directly to any mode of transportation, including but not limited to automobiles, trucks, boats, busses, airplanes, and trailers.

Wall Sign - A ~~sign~~ Sign (including, but not limited to, painted, individual letter, and cabinet signs), which ~~are~~ is attached parallel to to the wall of a building. A Wall Sign may be affixed flat against the wall of a building, or may project therefrom, not more than ~~and extending not more than fifteen~~ 15 inches (15') from the wall of a building. Signs projecting over a walkway or path shall be at least eleven feet (11') above the Finished Grade. May include a ~~window~~ Window sign Sign exceeding ~~twenty-five~~ 25 percent (25%) of the ~~w~~ Window ~~a~~ Area. If a ~~wall~~ Wall sign Sign is attached to a building façade, the portion of the façade outside of the extreme limits of the writing, representation, emblem, lighting or other display, together with any frame or other material or other color forming an integral part of the display shall be disregarded when calculating ~~sign~~ Sign area Area provided that area of the façade is not illuminated by the ~~sign~~ Sign or other light fixtures.

Window Area - An individual pane of glass or a contiguous area of glass separated only by nonstructural elements of dissimilar (non-glass) material.

Window Sign - A ~~sign~~ Sign placed inside or upon a ~~window~~ Window Area and facing the outside which is intended to be seen from the right-of-way or the outdoors.

55.50 SIGNS PROHIBITED SIGNS

The following types of ~~signs~~ Signs are prohibited in all zoning districts:

- A. ~~Abandoned signs~~ Abandoned Signs.
- B. ~~Animated signs~~ Animated Signs.
- C. ~~Balloon signs~~ Balloon Signs, except as expressly permitted by this Article.
- D. ~~Banner signs~~ Banner Signs, except as expressly permitted by this Article.
- E. ~~Bench~~ Signs.
- F. ~~Feather flag~~ Flag Signs, except as expressly permitted by this Article.
- G. Festoons.
- H. ~~Human signs~~ Human Signs.
- ~~I. Obsolete Signs.~~
- ~~J. Pennants.~~
- ~~K. J. Portable signs~~ Portable Signs, except as expressly permitted by this Article.
- ~~L. K. Roof Signs.~~

~~M.L. Rotating signs~~ Rotating Signs.

~~N.M. Signs imitating or resembling official traffic or~~ government signs Government Signs or signals.

~~O. Snipe signs.~~

~~P.N. Temporary On-Premises Event Sign,~~ except as expressly permitted by this Article.

~~Q.O. Vehicle signs~~ Vehicle Signs not used during the normal course of business which are parked or located for the primary purpose of displaying the advertising ~~copy~~ Copy.

55.60 SIGNS PERMITTED IN ALL ZONING DISTRICTS | REQUIRED SIGN SETBACKS FOR ALL ZONING DISTRICTS

No Sign may be located within the public right-of-way, or be placed in a location where it causes a hazard to vehicular or pedestrian traffic by depriving the driver or pedestrian of a clear and unobstructed view of approaching, intersecting, or merging traffic. A Sign shall not project into the public right-of-way of any adjacent Street. Signs projecting over public property shall be at least eleven feet (11') above the Finished Grade. ~~Required Sign Signs~~ Setbacks (for all Sign Signs and Structures supporting said Signs) Sign shall be as follows:

Commented [EW12]: Moved from 55.170 (now deleted).

~~A. No Sign shall be placed in a location where it causes a hazard to vehicular or pedestrian traffic by depriving the driver or pedestrian of a clear and unobstructed view of approaching, intersecting, or merging traffic. No Sign may be located within the public right of way.~~

~~B.A. Residential Development Signs, Building Identification Sign Signs, and Subdivision Identification Sign Signs~~ may only be placed in boulevard median strips if approved by the Kalamazoo County Road Road Commission of Kalamazoo County and/or the Township as part of an approved Site Plan.

~~C.B. Signs~~ All Signs, with a height greater than four (4) feet, shall be setback a minimum of ten feet (10') from any public right-of-way line and the greater of ten feet (10') or the height of the Sign Sign, from all other ~~property lines~~ Property Lines, except as follows:

- ~~1. Temporary Off-Premises Directional Sign Signs, real estate signs Real Estate Sign Signs per section 55.150C., special event signs and community event signs and Temporary Off-Premises Event Signs~~ may be located adjacent to a property line out of the right-of-way.
- ~~2. Subdivision Identification Sign Signs~~ shall be located a minimum of twenty-five feet (25') from the pavement of the adjacent roadway(s) and ~~in any event,~~ no closer than five feet (5') from any ~~lot~~ Lot line(s). ~~When located in agricultural and/or residential use districts, Subdivision Identification Signs may be located at the front property line but no closer than five feet (5') to any other property line(s).~~
- ~~3. Subdivision Identification signs, in agricultural and residential zoning districts, may be located at the front property line but no closer than five feet to any other property line(s).~~
- ~~4.3.~~ Signs lawfully existing as of January 1, 2000 on ~~parcels~~ Parcels, ~~lots~~ Lots or ~~building sites~~ Building Sites with frontage on West Main Street between US-131 and Drake Road may remain as located.
- ~~5.4.~~ Seasonal Agricultural Sign Signs may be located adjacent to the lot line and within the right-of-way so long as they do not interfere with the clear vision area for traffic.

C. Properties in commercial use districts permitted to have more than one Ground Mounted Signs (pursuant to Section 55.80) ~~Where a property is permitted to have more than one Freestanding Sign under Section 55.80, must maintain a the distance not less than feet one hundred and fifty (150')~~ ~~between such Ground Mounted Sign(s) Freestanding Signs shall not be less than 150 feet~~

Commented [EW13]: Formerly Section 55.160

D. Wall Signs shall measure their height from the first-floor elevation of the building, and may not extend beyond the windowsills of the floor above, or the top of the wall, to which it is attached. Wall Signs shall not project beyond the ends of the wall to which it is attached.

Commented [EW14]: Moved from 55.170 (now deleted)

The following signs are allowed in all zones:

~~Incidental signs.~~

~~Noncommercial signs not to exceed 16 square feet in sign area and a height of five feet. Noncommercial signs may be placed only on private property and only with the permission of the property owner.~~

~~Political signs may be placed only on private property and only with the permission of the property owner. Signs relating to an election or referendum shall be removed five days following such election or referendum.~~

~~Banners, seasonal and decorative in nature and theme that do not advertise a product, service or business and which pertain to holidays and/or community wide or governmental events. Feather flag signs shall not be permitted to be used for this purpose.~~

55.70 AGRICULTURAL AND RESIDENTIAL LAND USES USE DISTRICTS

A. In all agricultural and residential use districts, the requirements of Schedule A shall govern the use, Sign Area, type, height, and number of Signs permitted, in addition to the requirements elsewhere in this Ordinance.

SCHEDULE A - Agricultural and Residential Land Use Districts					
Use	Sign Type	Maximum Sign Area	Maximum sign height	Sign purpose Permit Required	Maximum number of Signs
Education education, religious, cemeteries Cemeteries, public buildings buildings, public parks and other nonresidential uses in an agricultural or residential district (other than Offices or Financial services Institutions)	a) Ground Mounted Sign OR wall sign Wall Sign	30 sq.ft.s.f.	5 feet	identification Yes-	1 per principal use
		30 sq.ft.30 s.f.	20 sq.ft.s.f.		
	b) d Directional Sign	2 sq.ft.s.f.	3 feet	directional Yes	1 per curb cut
Residential residential developments	a) Ground Mounted Sign OR ground sign	30 sq.ft. (see footnote 1)	5 feet	identification Yes	1 per street Street entrance

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SCHEDULE A - Agricultural and Residential Land Use Districts

	b) Directional Sign directional	2 sq.ft.s.f.	3 feet		2 per development
Apartment-apartment developments and mobile home parks Mobile Home Park	a) Ground Mounted Sign ground sign	30 sq.ft.s.f. (see footnote ¹)	5 feet	identification and/or informational Yes	1 per street Street entrance
	b) Directional Sign directional	2 sq.ft.	3 feet	directional Yes	2 per development
Home Occupations, Family Child Day Care Homes, and Foster Family Care Home uses in a residence Private Home		None		Yes-	None
Off-premises signs prohibited	-	None	-	None	-
Functioning-functioning farms and Farm Markets	a) Seasonal Agricultural Directional Sign (see footnote²)	6 sq.ft.s.f.	4 feet	Yes directional business and identification	12
	b) Ground Mounted Sign ground sign (see footnote³)	30-32 sq.ft.s.f. ⁴	5 feet		4 ⁴
Nonresidential uses in an agricultural or residential use district (other than the R-3, Residence District)	a) Ground Mounted Sign ground sign	30 sq.ft.s.f.	5 feet	Yes identification - directional	1 per principal use
	b) Wall Sign	30 sq.ft.s.f.	20 sq.ft.s.f.		
	c) Directional Sign directional	2 sq.ft.s.f.	3 feet		1 per curb cut

NOTES:

- Where allowed, ~~Sign~~ ~~Face~~ may be used in conjunction with a wall, ~~Fence~~, or other architectural entrance feature, provided the ~~Structure~~ to which the ~~Sign~~ ~~Face~~ is attached does not exceed a height of six feet (6').
- In no case shall a functioning farm or ~~Farm Markets farm market~~ be permitted to have a ~~Seasonal Agricultural Directional Signs~~, in any quantity, for more than ~~ninety (90)~~ days per calendar year; ~~Such signs~~ may only be erected as long as ~~the identified~~ commodities or products ~~identified~~ are available for purchase. ~~A Sign Permit is required.~~
- Applies to functioning farms and ~~Farm Markets farm markets~~ in an agricultural or residential district. Functioning farms and ~~Farm Markets farm markets~~ in commercial districts shall be allowed ~~signs~~ with a maximum ~~sign area~~ ~~Sign Area~~ and maximum height as permitted in Section 55.80, Schedule B, with the exception that they are permitted up to four (4) ~~signs~~ totaling the maximum ~~sign area~~ ~~Area~~ allowed. ~~Ground Mounted Sign~~ ~~Ground signs~~ for farms and ~~Farm Markets~~ are not required to be ~~permanent signs~~ ~~Permenant Signs~~.
- Functioning farms and ~~Farm Markets~~ may install up to four (4) signs with combined ~~sign area~~ ~~Areas~~ totaling no more than the maximum ~~Advertising Display Area~~ ~~display area~~ allowed for a single ~~sign~~ (30-32 ~~sq. are~~ ~~feet~~).
- ~~5.~~ The vertical distance of a Sign measured from the elevation of the adjacent finished grade to the highest point of the Sign.

B. All Agricultural and Residential uses districts shall also be permitted the following:
 One (1) Seasonal Agricultural Sign, not to exceed a sign area of 32 square feet, except as expressly permitted herein, shall be permitted for up to 90 calendar days per year per principal use for functioning farms and farm markets. A sign permit must be obtained prior to displaying a Seasonal Agricultural Sign.

Commented [EW15]: Deleted as now incorporated in Schedule A table and definitions.

Temporary Signs in accordance with the provisions of Section 55.100 of this Article.

55.80 COMMERCIAL AND OFFICE LAND USES DISTRICTS

A. In all commercial and office uses districts the requirements of Schedule B shall govern Sign use, Sign Area, type, height, and numbers of Signs permitted, in addition to requirements elsewhere in this Ordinance.

SCHEDULE B - Commercial and Office Land Use Districts					
Use	Sign Type	Maximum Sign Area	Maximum Height	Sign Permit Required Sign Purpose	Maximum No. of Signs
Individual commercial establishments, including hotels (with out restaurants) (not located within a multi-tenant commercial center)	a) wall sign Wall Sign	1 sq.ft.s.f. for each foot in length or height (whichever is greater) of the wall to which it is affixed ¹ (see footnote 1)	30 feet	Yes business or identification	4 per building ³ (see footnote 3)
	b) Pole Sign OR Ground Mounted Sign ground sign	60 sq.ft.s.f.	20 feet	- Yes	1 Pole Sign or ground mounted sign Ground Mounted Sign ^{2,4} (see footnotes 2 and 4)
		80 sq.ft.s.f.	10 feet		
	c) Window Signs and displays	25% of window area Window Area			Yes
Multi-tenant commercial center, (including hotels with restaurants)	b) Pole Sign	60 sq.ft.s.f. ⁵	20 feet	Yes commercial center and/or individual	1 Pole Sign or Ground Mounted Sign ^{2,4} pole or 1 ground

SCHEDULE B - Commercial and Office Land Use Districts					
Use	Sign Type	Maximum Sign Area	Maximum Height	Sign Permit Required/Sign Purpose	Maximum No. of Signs
	OR a) pole sign OR ground sign Ground Mounted Sign b) W all s ign OR e anopy/ aw ning/ g Awning/ Canopy Sign	80 sq.ft.s.f. ⁵	10 feet	tenant identification	sign (see footnotes 2 and 4)
		80 sq.ft.s.f.	30 feet	Y es identification of commercial center	1 per building wall not to exceed 4 per building
		32 sq.ft.s.f.	12 feet	-	
Commercial tenants within a multi-tenant Commercial Center ^{4,5} (also see below)	a) w all s ign	1 sq.ft.s.f. per linear foot of tenant space width not to exceed a s ign length of more than 2/3 the subject t enant s pace w idth.	30 feet	Y es business or identification	1 per exterior wall of the tenant premises, maximum of 2 (must be located upon premises of tenant)
	b) n ameplate t e o n- Premises Directory Sign	6 sq.ft.s.f.	underside of building overhang	Y es identification	1 per tenant
	c) W indow s igns and displays	25% of total w indow a rea			
	Individual pole Signs and ground mounted signs prohibited				
Auto service stations and filling stations Filling Stations	a) Pole Sign	60 sq.ft.s.f.	20 feet	Y es identification	1 Pole Sign or Ground Mounted Sign ² + pole or 1 ground

Commented [EW16]: Now called On-Premises Directory Sign.

SCHEDULE B - Commercial and Office Land Use Districts

Use	Sign Type	Maximum Sign Area	Maximum Height ¹	Sign Permit Required ² by Purpose	Maximum No. of Signs
	OR Ground Mounted Sign) pole sign OR ground sign				sign (see footnote 2)
	b) Wall Sign	80 sq.ft.s.f. 1 s.f. sq.ft. for each foot in length or height (whichever is greater) of the wall to which it is affixed ¹ (see footnote 1)	10 feet 25 feet	Yes business or identification	4 per building ³ (see footnote 3)
	c) Window Sign window signs and displays	25% of Window Area		Yes	
Automobile-automobile sales	a) Pole Sign OR Ground Mounted Sign) pole sign OR Ground Mounted Sign ground sign	60 sq.ft.s.f.	20 feet	Yes identification	1 Pole Sign or Ground Mounted Sign ground sign for new car dealership, and/or 1 Pole Sign or Ground Mounted Sign ground sign for used car sales and/or 1 Pole Sign or Ground Mounted Sign ground sign for automotive service. Maximum of two (2) Signs .
		80 sq.ft.s.f.	10 feet		

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SCHEDULE B - Commercial and Office Land Use Districts					
Use	Sign Type	Maximum Sign Area	Maximum Height ¹	Sign Permit Required ² by Sign Purpose	Maximum No. of Signs
	b) w Wall s Sign	1 sq.ft.s.f. for each foot in length or height (whichever is greater) of the wall to which it is affixed ¹ -(see footnote 1)	25 feet	Yes identification	4 per building ³ (see footnote 3)
	c) w indow s igns w indow s ign and displays	25% of window area		Yes	
Buildings within an o ffice e Complex (as defined below)	a) w all s ign s ign	25 sq.ft.s.f.	20 feet	Yes identification for offices within building identification	1 per tenant
	OR	50 sq.ft.s.f.	20 feet		1 per building
	b) G round M ounted S ign g round s ign pole signs prohibited	40 sq.ft.s.f.	5 feet	Yes	1 per building at site of building
	Pole Signs are prohibited				
Buildings containing one or more o ffices which are under separate business management and not located within an o ffice e Complex (as defined below)	a) W all S ign	25 sq.ft.s.f.	20 feet	Yes identification for individual offices within building	1 per tenant
	OR	50 sq.ft.s.f.	20 feet		1 per building
	b) G round M ounted	60 sq.ft.s.f.	8 feet	Yes identification	1 per building

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SCHEDULE B - Commercial and Office Land Use Districts					
Use	Sign Type	Maximum Sign Area	Maximum Height	Sign Permit Required/Sign Purpose	Maximum No. of Signs
	Sign pole signs prohibited				
	<u>Pole Signs are prohibited</u>				
Office C omplex (lot, parcel or building sites containing 2 or more office buildings)	<u>Ground Mounted Sign</u> OR <u>Permanent Sign ground sign</u>	60 <u>sq.ft.s.f.</u>	8 feet	<u>Yes</u> <u>identification of complex and/or individual buildings therein</u>	1 <u>Sign</u> per <u>street</u> entrance not to exceed more than one (1) per 2,600 lineal feet of continuous road frontage along the same public street
Off-premises signs prohibited, including billboard sign	-	None	-	-	None
Nonresidential uses in the R-3, Residence District (other than offices <u>Offices</u> or financial <u>Financial Institutions</u> services)	a) w Wall <u>s</u> Sign	50 <u>sq.ft.s.f.</u>	20 feet	<u>Yes</u> <u>identification</u>	1 per wall, maximum of 2 per building
	b) <u>Ground Mounted Sign</u> OR <u>Permanent Sign ground sign</u>	60 <u>sq.ft.s.f.</u>	8 feet	<u>Yes</u> <u>identification</u>	1 per building
	<u>Pole Signs are prohibited</u> pole signs prohibited				
NOTES:					
1. Wall length shall be measured in a straight line from the two farthest points on the subject side of the B uilding regardless of any protrusions between said points which shall not be considered a separate wall(s).					
2. Lots, P arcel <u>s</u> , and b uilding <u>s</u> ites with frontage on more than one (1) s Street may have one (1) <u>s</u> Sign on each <u>s</u> Street frontage with one (1) <u>s</u> Sign permitted a maximum <u>sign-area</u> <u>Sign Area</u> of sixty 60 square feet (60 sq.ft.) and any additional <u>S</u> igns limited to thirty 30 square feet (30 sq.ft.) each.					
3. More than one (1) w Wall <u>s</u> Sign may be placed upon the same wall provided the combined square footage does not exceed the maximum <u>Advertising Display Area</u> display area permitted for that wall and/or the maximum number allowed for the b uilding, <u>Lot, Parcel, or Building Site</u> .					
4. Individual commercial establishments and multi-tenant <u>e</u> Commercial <u>e</u> Centers with four hundred 400 feet (400') or more of frontage shall be allowed one (1) additional <u>S</u> ign (<u>Ground Mounted Sign</u> <u>ground</u>					

SCHEDULE B - Commercial and Office Land Use Districts					
Use	Sign Type	Maximum Sign Area	Maximum Height	Sign Permit Required by Purpose	Maximum No. of Signs
<p>sign, Permanent Sign, or Pole Sign). Additional Sign(s) shall not have a Sign Area, or height, greater than what is permitted in Schedule B.</p> <p>4.5. The vertical distance of a Sign measured from the elevation of the adjacent Finished Grade to the highest point of the Sign.</p> <p>5.6. Multi-tenant Commercial Centers shall be permitted one (1) additional eight square feet (8 sq.ft.) of Advertising Display Area display area for each tenant over the first two (2). Total Sign Area shall not exceed fifty percent (50%) of the permitted Sign Area.</p>					

- B. All Commercial-commercial and Office use districts shall also be permitted the following:
- One (1) Directory Wall Sign per building, not to exceed twenty square feet (20sq.ft.) in total Sign Area.
 - Directional Signs up to two square feet (2 sq.ft.) in Sign Area and four feet (4') in height. Each Lot, Building Site, Parcel, Commercial Center, or development shall not have more than one (1) On-Premises Directional Sign per street entrance.
 - Temporary Signs in accordance with the provisions of Section 55.100 of this Article.

55.80 INDUSTRIAL LAND USE DISTRICTS

A. In all industrial use districts the requirements of Schedule C shall govern sign Sign use, Sign Area, type, height, and numbers of Signs permitted, in addition to requirements elsewhere in this Ordinance.

SCHEDULE C - Industrial Land Use Districts					
Use	Sign Type	Maximum Sign Area	Maximum Height	Sign Permit Required by Purpose	Maximum No. of Signs
Individual industrial buildings (outside an Industrial Park or Industrial-Office Development) (as described below)	a) Wall Sign	25 sq.ft.s.f.	20 feet	individual tenant identification	1 per tenant space
	OR Wall Sign wall sign	50 sq.ft.s.f.	20 feet	Yes building identification	1 per building
	b) Ground Mounted Sign	60 sq.ft.s.f.	8 feet	identification of building and/or individual tenants	1 per building

Commented [EW17]: Should these be defined terms/added to 2.20?

SCHEDULE C - Industrial Land Use Districts					
Use	Sign Type	Maximum Sign Area	Maximum Height	Sign Permit Required Sign Purpose	Maximum No. of Signs
	Permanent Sign ground sign				
Individual buildings within an Industrial Park or Industrial-Office Development in industrial park or industrial-office development (as described below)	a) Wall Sign wall sign,	25 sq.ft.s.f.	20 feet	individual tenant identification building identification	1 per tenant space
	OR Wall Sign wall sign	50 sq.ft.s.f.	20 feet	Yes	1 per building
	b) Ground Mounted Sign OR Permanent Sign ground sign	40 sq.ft.s.f.	5 feet	building or tenant identification Yes	1 per building ^{*2}
Industrial Parks and Industrial-Office Developments	Ground Mounted Sign OR Permanent Sign ground sign	60 sq.ft.s.f.	8 feet	identification of industrial park Yes	1 sign Sign per street entrance not to exceed more than one (1) per 2,600 lineal feet of continuous road frontage along the same public street Street.
1. The vertical distance of a Sign measured from the elevation of the adjacent finished grade to the highest point of the Sign.					
*2. Sign must be located on same Lot, building site Building Site or parcel Parcel as the building Building/tenant it identifies.					

- B. All ~~Industrial~~ industrial use ~~districts~~ shall also be permitted the following:
1. One (1) ~~On-Premises Directory Sign~~ directory wall sign per ~~building~~ Building, not to exceed ~~20~~ twenty square feet (20 sq.ft.) in total ~~sign area~~ Sign Area.
 2. ~~Directional~~ Signs up to two square feet (2 sq.ft.) in ~~Sign~~ Area and a height of four feet (4'). Each ~~Lot,~~ ~~Building~~ Site, ~~Parcel,~~ or development shall not have more than one (1) ~~Directional~~ Sign per ~~street~~ entrance.
 3. ~~Temporary Signs in accordance with the provisions of Section 55.100 of this Article.~~

55.100 TEMPORARY SIGNS

Throughout the Township, the requirements of Schedule D shall govern the use, ~~Sign a~~Area, type, height, and number of ~~temporary signs~~Temporary Signs, in addition to the requirements elsewhere in this Ordinance. (See ~~also~~—Section 55.40 Definitions for descriptions of each ~~Sign of the sign_~~types below.)

SCHEDULE D -- Temporary Signs		
Sign Type	Standard	Requirement
Construction Sign	Number	One (1) per street frontage
	Area	Maximum 32 square feet
	Height ^L	Maximum 5 feet
	Duration	30 days prior to beginning construction to 30 days following issuance of certificate of occupancy but not more than two (2) years from beginning of construction
	Permit	Required
Real Estate Sign	Number	One (1) per lot, building site, or parcel
	Area	Maximum 6 square feet (residential) Maximum 24 square feet (non-residential)
	Height ^L	Maximum 5 feet
	Other	Must be non-illuminated Illuminated Signs are prohibited
	Permit	Not required
Residential Development Sign	Number	One (1) per subdivision, condominium, apartment, or manufactured housing development Mobile Home Park on the site where it is being developed.
	Area	Maximum 32 square feet
	Height ^L	Maximum 5 feet
	Duration	Not to exceed 2 years from the date the development opens for sales or rentals
	Permit	Required
Community Event Sign	Number	One sign per event per lot, building site, or parcel
	Area	Maximum 16 square feet
	Height	Maximum 5 feet
	Duration	No more than 2 weeks prior to 1 week following event
	Location	May not be located in Right of Way and must have property owner's permission
	Permit	Not required
Temporary On-Premises Special Event Sign	Number	One per l ot, b uilding s ite, p arcel, or tenant in a multi-tenant commercial center Commercial Center during each six (6)-month period identified below
	Area	Maximum 32 square feet

Commented [EW18]: Since we removed "Community Event Signs" this has been consolidated with "Special Event Signs" into the new "Temporary On-Premises Event Sign" which covers both.

Commented [EW19]: This was in the definition previously. The Planning Commission needs to review this and determine how this will be reconciled/incorporated here:

An Event Sign may be a Banner (and not attached to trees or other plant materials at any time), Portable Sign, Feather Flag Sign (no more than twelve feet (12') in height), or Balloon Sign (when securely placed upon, and anchored to the ground; fully inflated at all times; and not exceeding a height of twenty feet (20') when fully inflated), which does not exceed a height of five feet (5') if located on the ground, or a mounting height of twenty feet (20') if located on a building wall and as permitted within the zoning district in which it is erected.

Or, these limitations could be placed under separate categories in this table, as Balloon Signs and Feather Flag Signs are not otherwise addressed- and could have applications beyond an event.

SCHEDULE D -- Temporary Signs		
Sign Type	Standard	Requirement
<u>A-frame Sign or Portable Sign</u>	Height ^L	Maximum 5 feet if for Ground Mounted Signs; on-ground Maximum 20 feet for Wall Signs if located on a building Building wall and/or if a balloon sign Signs; Maximum 12 feet for a Feather Flag Signs
	Duration	1 Sign for a Maximum 14 days from January 1 to June 30 1 Sign for a maximum Maximum-14 days from July 1 to December 31
	Permit	Required, unless equal to or less than 3 square feet
	Other	At a multi-tenant commercial center, only one (1) such s Sign may be on display at a time
	Number	One (1) per L ot, B uilding s Site, P arcel, or business within a multi-tenant commercial center
	Area	Maximum 6 square feet
	Height ^L	Maximum 42 inches 5 feet
	Duration	May be on display during day but must be stored indoors overnight when business is not in operation
	Location	Must be within 10 ten feet (10') of customer the entry door to business it serves without disturbing pedestrian or emergency access. A minimum of 5 five feet (5') clearance shall be provided for pedestrian passage.
	Permit	Not required
<u>Commercial Banner Signs</u>	Number	One per business One (1) per Lot, Building Site, Parcel, or business within a Commercial Center
	Area	Maximum 32 square feet
	Height ^L	Maximum of Eight feet8, feet maximum
	Duration	During construction or maintenance period (not to exceed 12 months)Not to exceed thirty (30) days.
	Location	A maximum mounting height of twenty feet (20') if located on a Building wall; Ground Mounted outside of the right-of-way. Shall not be attached to utility or light poles, trees, bushes, or other plant materials at any time. Must be located On-Premises.
	Permit	Not Required
<u>Temporary Off-Premises Directional Signs</u>	<u>Number</u>	Four (4); not more than one (1) sign at four (4) separate intersections within the Township
	<u>Area</u>	Maximum 4 square feet
	<u>Height^L</u>	Maximum 4 feet
	<u>Duration</u>	Not more than fourteen (14) days from the date of erection
	<u>Location</u>	Ground Mounted outside of the right-of-way
	<u>Permit</u>	Not required
Feather Flag Signs	<u>Number</u>	Two (2) per Lot, Building Site, or Parcel

Commented [EW20]:

Commented [EW21]: Link definitions

SCHEDULE D -- Temporary Signs		
Sign Type	Standard	Requirement
	<u>Area</u>	<u>Maximum of 30 square feet</u>
	<u>Height¹</u>	<u>Maximum of 12 feet</u>
	<u>Duration</u>	<u>2 Signs for a maximum 14 days from January 1 to June 30</u>
		<u>2 Signs for a maximum 14 days from July 1 to December 31</u>
	<u>Location</u>	<u>Must be Ground Mounted outside of the right-of-way and located On-Premises</u>
	<u>Permit</u>	<u>Required</u>
<u>Balloon Signs (17" or smaller)</u>	<u>Number</u>	<u>One (1) per Lot, Building Site, Parcel, or business within a Commercial Center</u>
	<u>Size</u>	<u>Maximum of 17 inches (17")</u>
	<u>Height</u>	<u>Not greater than five feet (5') above that to which the Balloon Sign is attached</u>
	<u>Duration</u>	<u>Not to exceed thirty (30) days (must remain fully inflated at all times)</u>
	<u>Location</u>	<u>Must be outside of the right-of-way and located On-Premises. Balloon signs may not be attached to utility or light poles and shall not be attached to trees, bushes, or other plant materials at any time.</u>
	<u>Permit</u>	<u>Not required</u>
<u>Balloon Signs (larger than 17")</u>	<u>Number</u>	<u>One (1) per Lot, Building Site, or Parcel</u>
	<u>Size</u>	<u>Greater than 17 inches (17")</u>
	<u>Height¹</u>	<u>Maximum of 20 feet² when fully inflated</u>
	<u>Duration</u>	<u>The duration of an approved temporary outdoor event application under Section 49.260 and/or Section 48.120 (must remain fully inflated at all times)</u>
	<u>Location</u>	<u>Must be securely anchored, placed directly upon the ground Must be outside of the right-of-way and located On-Premises.</u>
	<u>Permit</u>	<u>Required (approved as part of a temporary outdoor event application under Section 49.260 and/or Section 48.120)</u>
1. The vertical distance of a Sign measured from the elevation of the adjacent Finished Grade to the highest point of the Sign.		

55.110 BILLBOARDS PERMANENT OFF-PREMISES SIGNS- BILLBOARDS

Due to size and spacing requirements of this section of the Ordinance, most if not all Billboards in the Township are nonconforming, and no additional Billboards can be constructed beyond the eleven (11) currently located in the Township without additional changes to the Ordinance.

- A. Billboards may be located on a Lot, building site Building Site, or parcel Parcel within an area 150 one hundred and fifty feet (150') in width on either side of the right-of-way of U.S. Highway 131 zoned "C", Local Business District or lower. Such billboard Billboard(s) shall meet all other

the ~~building~~ Building and ~~setback~~ Setback requirements of this ~~Article~~ Ordinance for ~~signs~~ Signs except for, and in addition to, the following requirements:

1. No more than one ~~(1) billboard~~ Billboard may be located per linear mile of highway; ~~the linear mile includes~~ regardless of the fact that such billboard ~~Billboards may be~~ located on a different side of the subject highway, or in another jurisdiction, and shall be based only on distance from a Billboard to than any other ~~billboard~~ Billboard. No ~~billboard~~ Billboard shall be located within ~~seven hundred and fifty~~ 750-feet ~~(750')~~ of a residential zone and/or an existing residence.
 2. The total ~~Sign~~ surface ~~Area~~ of any ~~billboard~~ Billboard facing one direction shall not exceed ~~three hundred~~ 300 square feet ~~(300 sq.ft.)~~ and a height of ~~20~~ twenty feet ~~(20')~~.
 3. Billboards may be illuminated, however, the lighting fixtures used to illuminate a ~~billboard~~ Billboard shall be mounted on the top of the ~~structure~~ Structure and directed down so that no light rays are emitted by the installed fixture at angles above the ~~billboard's~~ Billboard's highest horizontal plane or onto any adjacent lot, building, site, or parcel.
 4. In no event shall any ~~billboard~~ Billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
 5. All ~~Billboards~~ Billboards, and all appurtenances thereto, shall be kept in good repair and in a proper state of preservation with all display surfaces neatly painted or posted at all times.
 6. All ~~billboards~~ Billboards shall be oriented with the longest side parallel to the ground.
 7. Doubled-stacked ~~billboards~~ Billboards are prohibited.
- B. Electronic Billboards. Findings. It is recognized that Billboards with changeable or continuous, dynamic content are more distracting and less comprehensible than static images as they require more attention for longer periods of time to comprehend the intended message. Studies show that there is a direct correlation between dynamic, electronic displays on ~~billboards~~ Billboards and the distraction of drivers, which can lead to traffic accidents. Drivers can be distracted by a changing message, by waiting for the next change to occur on a ~~sign~~ Sign, and by messages that do not tell the full story in one look.

Drivers are more distracted by special effects used to change the message of a billboard, by messages on a sign that are too small to be clearly seen, or that contain more than a simple easily read message.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages on ~~billboards~~ Billboards. Except as prohibited by state or federal law, ~~billboard~~ Billboard owners should have the opportunity to use these technologies with certain, reasonable restrictions.

The restrictions are intended to minimize potential driver distraction and to minimize proliferation near residential areas where ~~billboards~~ Billboards with dynamic, electronic displays can adversely impact residential character.

It is also recognized that ~~billboards~~ Billboards do not need to serve the same way-finding function as do ~~On-Premises Signs~~ Signs allowed under Article 55, Signs and Billboards. Further, ~~billboards~~ Billboards are allowed only within certain zoning districts. Billboards are in themselves distracting and their removal serves public safety. A single Electronic Billboard ~~electronic display~~ can serve the function otherwise performed by multiple traditional ~~billboards~~ Billboards. Thus, ~~billboard~~ Billboard owners ought to be encouraged to use Electronic Billboard ~~electronic displays~~ to consolidate such activities in appropriate locations while

removing traditional ~~B~~illboards that currently do not conform to ~~Ordinance~~-ordinance standards.

The standards within this section are therefore intended to provide incentives for the voluntary and uncompensated removal of ~~billboards~~-Billboards in certain settings. Their removal results in an overall advancement of one or more of the goals set forth in this chapter that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate ~~billboards~~-Billboards that would otherwise remain distributed throughout the Township.

Electronic displays should therefore be allowed on ~~billboards~~-Billboards but with significant and reasonable controls to minimize their proliferation and potential threats to public safety.

1. Display Regulations. An ~~e~~Electronic ~~b~~Billboard shall not contain any visible moving parts, revolving parts, or mechanical movement of any description or other apparent visible movement except for electronic displays subject to the following requirements and standards:
 - a. Except as otherwise stated herein, ~~electronic~~-Electronic ~~billboards~~-Billboards are subject to the same requirements as traditional ~~billboards~~-Billboards as provided for in Section ~~55.110~~55.100(-A) of this Ordinance, including size, height, separation, and location restrictions.
 - b. The images and messages displayed must be static or still images. Such images and messages shall be permitted to fill the entire ~~sign area~~Sign Area. Animation, video streaming, moving images, or other pictures and graphics displayed in a progression of frames that give the illusion of motion, or moving objects, shall be prohibited. Under no circumstances shall any message or display appear to flash, undulate, pulse, move, portray flashes of light or blinking lights, or otherwise appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or make other comparable or hypnotic movements.
 - c. An ~~electronic~~-Electronic ~~billboard~~-Billboard may not allow the display or message to change more frequently than once every eight (8) seconds, with a transition period of one (1) second or less.
 - d. The transition from one static image or message to another on an ~~electronic~~-Electronic ~~billboard~~-Billboard shall be instantaneous without any delay or special effects accomplished by varying the light intensity or pattern, where the first message gradually reduces intensity or appears to dissipate and lose legibility simultaneously with the gradual increase in intensity, appearance and legibility of the second message, such as, but not limited to: flashing; blinking; spinning; revolving; shaking; zooming; fading; dissolving; scrolling; dropping; traveling; chasing; exploding; or similar effects that have the appearance of movement, animation, changing in size, or being revealed incrementally rather than all at once.
 - e. ~~An e~~Electronic ~~b~~Billboards must have installed an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this ~~article~~Article.
 - f. Sequential messaging as part of an ~~electronic~~-Electronic ~~billboard~~-Billboard shall be prohibited. The images and messages displayed shall be complete in themselves without continuation in content to the next image or message or to any other ~~billboard~~Billboard.

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- g. Every line of ~~Ceopy and graphics~~ on an ~~e~~Electronic ~~b~~Billboard must be at least ~~12~~twelve inches (12") in height.
- h. Electronic ~~billboards~~-Billboards shall be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the ~~Electronic b~~Billboard owner must immediately stop the electronic display when notified by the Township that it is not complying with the standards of this ~~S~~ection. Prior to issuing any necessary permits (as required by Section 55.110 of this Article) for an ~~electronic~~-Electronic billboard/Billboard, the applicant shall submit to the Township written verification from the manufacturer that the ~~electronic~~-Electronic billboard/Billboard is so designed and equipped.
- i. The owner of the ~~electronic~~-Electronic billboard/Billboard shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning natural disasters, road emergencies, weather emergencies, or defense situations. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

2. Brightness.

The maximum brightness levels for ~~electronic~~-Electronic billboards/Billboards shall not exceed ~~three tenths 0.3 (0.3 three tenths)~~ foot-candles over ambient light levels measured within ~~one hundred and fifty~~150 feet (150') of the source, consistent with the terms of this ~~section~~Section. The measurement shall be taken at ground level perpendicular to the surface of the screen. Certification must be provided to the Township demonstrating that the ~~sign~~-Sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the Township, in its reasonable discretion, and it shall be the responsibility of the ~~Electronic Billboard~~sign owner ~~in order~~ to ensure that the specified brightness levels are maintained at all times.

Brightness of ~~Electronic Billboard digital signs~~ shall be measured as follows:

1. At least ~~thirty~~ (30) minutes following sunset, a foot candle meter shall be used by the person doing the inspection to obtain an ambient light reading for the location— ~~while the Electronic Billboard~~This is done while the ~~sign~~ is off or displaying ~~a black eopyscreen/display~~. The reading shall be made with the meter aimed directly at the ~~Sign area~~Face at the pre-set location.
2. The ~~Electronic Billboard sign~~ shall then be turned on to ~~a full white eopy screen/display~~ to take another reading with the meter at the same location.
3. If the difference between the readings is ~~three tenths (0.3)~~ foot-candles or less, the brightness is properly adjusted.

~~C.~~ Incentives for Billboard Removal. Billboards do not need to serve the same wayfinding function as do ~~e~~On-~~p~~remises signs. Further, due to size and spacing requirements of this section of the Ordinance, most if not all ~~billboards~~-Billboards in the Township are nonconforming, and no additional ~~billboards~~-Billboards can be constructed beyond the ~~eleven~~ (11) currently located in the Township without additional changes to the Ordinance. Finally, ~~billboards~~-Billboards are in themselves distracting and their removal serves public safety. The Township is extremely limited in its ability to cause the removal of these signs. This clause is intended to provide incentives for the voluntary and uncompensated removal of ~~billboards~~-Billboards in certain settings. This

removal results in an overall advancement of one or more goals set forth in this section, including reducing the degree of nonconformity, that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate ~~outdoor-outdoor~~ advertising services that would otherwise remain distributed throughout the Township.

A person may obtain a ~~S~~sign ~~p~~Permit from the Township to replace an existing nonconforming ~~billboard-Billboard~~ with an ~~electronic-Electronic billboard-Billboard~~ in the same location, at the same or reduced height and at the same or reduced ~~Sign Area~~, ~~if the requirements stated below are satisfied~~. Otherwise, such ~~signs~~~~Electronic Billboards~~ would be required to conform to all of the standards of this Section as a new ~~s~~Sign. ~~Sign Permits may be issued if the requirements stated below are satisfied~~.

- a. The applicant shall agree in writing to permanently remove, prior to the issuance of any necessary permits for the installation of an ~~electronic-Electronic b~~Billboard, at least two ~~(2)~~ other nonconforming ~~b~~Billboards within the Township owned or leased by the applicant, each of which must satisfy the criteria of subparagraphs b. through d., below. (Each individual ~~billboard-Billboard~~ face shall be considered a separate ~~billboard~~Billboard, and the ~~B~~billboard proposed to be replaced by the new ~~electronic Electronic billboard-Billboard~~ face may be considered one ~~(1)~~ of the two ~~(2)~~ nonconforming ~~b~~Billboards to be removed.) Unless being replaced by an ~~electronic Electronic Billboard~~ unit, removal shall include the complete removal of the structure and foundation supporting each ~~billboard~~Billboard. The Zoning Administrator shall verify that the ~~billboards-Billboards~~ to be removed are nonconforming and that the nonconforming ~~b~~Billboards have been removed prior to issuing any necessary permits for an ~~e~~Electronic ~~b~~Billboard. The applicant shall also agree in writing that it is removing the nonconforming ~~b~~Billboards voluntarily and that it has no right to compensation for the removed ~~b~~Billboards under any law. When executed, the applicant shall record said agreement with the Kalamazoo County Registrar of Deeds.
- b. The Township has not previously issued a ~~S~~sign ~~p~~Permit for an ~~electronic-Electronic billboard-Billboard~~ based on the removal of the particular nonconforming ~~billboards~~ Billboards relied upon in this permit application.
- c. Each removed ~~billboard-Billboard~~ shall have a ~~Sign Area~~~~copy and graphic area~~ equal to or greater than the ~~Sign a~~Area ~~of the copy and graphic area~~ for which the ~~E~~electronic ~~b~~Billboard permit is sought.
- d. If ~~any b~~Billboard to be removed ~~required a State of Michigan permit, is one for which a permit is required by the State of Michigan~~, the applicant shall: ~~(i)~~ surrender its permit to the ~~State-state~~ upon removal of the ~~billboard~~Billboard, and ~~(ii-)~~ ~~Proof shall be submitted proof~~ to the Township ~~that the of the State-state permit has been surrendered prior to-before~~ any necessary ~~Township~~ permits for an ~~electronic-Electronic billboard~~ Billboard will being issued ~~by the Township~~.

55.120 PERMITS REQUIRED AND CONDITIONS

Unless otherwise provided by this Article, all ~~S~~signs shall require permits and payment of ~~permit~~ fees ~~(-This shall-including~~ face changes for ~~s~~Signs ~~and~~ ~~billboards~~s. No ~~s~~Sign otherwise permitted

under this Article shall be installed, or utilized, until and unless a permit has been issued by the Township. No permit is required for the ~~maintenance~~-Maintenance of a ~~sign already permitted and otherwise permissible under this Article~~.

A permit issued pursuant to this Section becomes null and void if work is not commenced within one hundred and eighty (180) days of issuance. If work authorized by the permit is suspended or abandoned for more than one hundred and eighty (180) days, the permit must be renewed with an additional payment of one-half (1/2) of the original permitting fee (as provided ~~on~~-by the current fee schedule adopted by resolution of the Township Board and on file at the Township Hall).

55.130 SIGNS NOT REQUIRING PERMITS

The following types of ~~signs~~-Signs are exempted from permit requirements but must be in conformance with all other requirements of this Article:

~~A. Construction signs of six square feet or less.~~

~~B.A. On-premise directional signs~~Directional Signs of two square feet (2 sq.ft.) or less.

~~C. Seasonal decorations.~~

~~D. Non-Commercial Signs, including political signs, and community event signs, subject only to place manner restrictions; such Non-Commercial Signs shall not exceed sixteen feet (16 sq.ft.) and a maximum height of five feet (5') Natural Grade. Non-Commercial Signs shall only be placed on private property with the property owner's permission.~~

~~B.B. Government Signs, or notices, or any sign~~ relating to an emergency.

~~C. Real estate signs~~Temporary Off-Premises Directional Signs.

~~B.D. Temporary On-Premises Signs~~ equal to or less than three square feet (3 sq. ft.)

~~E. Incidental signs~~Incidental Signs, provided such ~~signs~~-Signs do not occupy more than six square feet (6 sq.ft.) of ~~advertising display area~~Sign Area.

~~F. Temporary Off-Premises Signs as permitted under Section 55.100 of this Article.~~

Seasonal decorations are not considered Signs for the purposes of this Ordinance.

55.140 MAINTENANCE

All ~~signs~~-Signs shall be properly maintained. Exposed surfaces shall be clean and painted, ~~(if paint is required), and all Copy shall be legible;~~ ~~Defective~~, or damaged, parts shall be replaced.

55.150 LIGHTING

Unless otherwise specified by this Section, all ~~signs~~-Signs may be Illuminated Signs.

A. No ~~sign~~ regulated by this Section may utilize:

1. An exposed incandescent lamp^{1*} with an external reflector and without a screen or comparable diffusion device.
2. Any exposed incandescent lamp^{1*} in excess of ~~460~~one hundred and sixty watts (160w) unless a screen or shield is installed so that no light rays are emitted by the installed fixture beyond the ~~advertising display area~~ Advertising Display Area.
3. Any revolving beacon light.

Commented [EW23]: "Directional Sign" definition now includes "An On-Premises Sign..."

Commented [EW24]: "Non-Commercial Sign" definition now includes/refers to: Political Sign, Government Sign, Residential Development Sign, Directional Sign, Subdivision Identification Sign, etc.

- 4. Lights that could be confused with, or construed as, traffic control devices.
- 5. Direct or reflected light that could create a traffic hazard to operators of motor vehicles.

~~(*For the purpose of this Section, quartz lamps shall not be considered an incandescent light source.)*~~

- B. Metal halide lighting, fluorescent lighting and quartz lighting may be used for ~~outdoor-outdoor~~ advertising signs but shall be installed in enclosed luminaries.
- C. Glass tubes filled with ~~Neon-neon~~, ~~Argon-argon~~ or ~~Krypton-krypton~~ may be used provided they do not flash intermittently or create a visual effect of movement.
- D. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the ~~Ssign-structure~~ whenever practical or mounted so that no light rays are emitted by the installed fixture at angles above the ~~sSign's~~ highest horizontal plane or in any event beyond the ~~Adverting Display Area~~ ~~advertising display area~~.
- E. Unless the premises is open for business, ~~the operating of~~ lighting fixtures on, or in, ~~sSigns~~, (with the exception of time and temperature displays), ~~is prohibited~~ ~~shall not be operated (i.e., turned on)~~ from 9 p.m. to sunrise when light from said sign can shine into any window of a residence within ~~five hundred~~ ~~500~~ feet (~~500'~~) or from midnight (~~12 a.m.~~) to sunrise when the ~~Lot~~, ~~building site~~ ~~Building Site~~, or ~~parcel~~ ~~Parcel~~ upon which it is located abuts a residential zoning district.
- F. No ~~sSign~~ may be illuminated by flashing, rotating, oscillating or intermittent lighting.
- G. Electronically ~~changeable copy signs~~ ~~Changeable Copy Signs~~, (with the exception of ~~Electronic Billboards~~ ~~as provided in this Article (see Section 55.140-B)~~), may change message no more than once every six (6) seconds and shall not use transitions that ~~dD~~ ~~dissolve~~, ~~fF~~ ~~fade~~, ~~fF~~ ~~flash~~, and/or ~~sS~~ ~~Scroll~~.
- H. Signs utilizing electronically ~~Changeable Copy Sign~~ ~~changeable copy sign~~ may not be so bright as to be objectionable or inappropriate for the surroundings.
- I. Up to ~~35-thirty-five~~ percent (~~35%~~) of the permitted ~~Ssign #Area~~ of an allowable ~~sSign~~ may be dedicated to ~~Changeable Copy Sign~~ ~~changeable copy~~ or to electronically display the current time and/or temperature. This percentage shall be increased to ~~50-fifty~~ percent (~~50%~~) for ~~filling stations~~ solely for the purpose of displaying fuel prices within the additional ~~Sign #Area~~ provided. ~~This limit shall not apply to eE~~ ~~Electronic bBillboards~~.
- J. Lighting requirements for Billboards and Electronic Billboards are addressed in Section 55.110.

1. For the purpose of this Section, quartz lamps shall not be considered an incandescent light source.

55.160 REQUIRED SIGN SETBACKS FOR ALL ZONING DISTRICTS

Required sign setbacks for all signs and structures supporting said sign shall be as follows:

- D. ~~No sign shall be placed in a location where it causes a hazard to vehicular or pedestrian traffic by depriving the driver or pedestrian of a clear and unobstructed view of approaching, intersecting or merging traffic. No sign may be located within the public right of way.~~
- E. ~~Development/Building Identification signs and Subdivision Identification signs may be placed in boulevard median strips if approved by the Kalamazoo County Road Commission and/or the Township as part of an approved Site Plan.~~

- F. ~~All signs shall be setback a minimum of ten feet from any public right-of-way line and ten feet or the height of the sign, whichever is greater, from all other property lines, except as follows:~~
1. ~~Directional signs, real estate signs per Section 55.150.C, special event signs and community event signs may be located adjacent to a property line out of the right-of-way.~~
 2. ~~Subdivision Identification signs shall be located a minimum of 25 feet from the pavement of the adjacent roadway(s) and in any event, no closer than five feet to any lot line(s).~~
 3. ~~Subdivision Identification signs, in agricultural and residential zoning districts, may be located at the front property line but no closer than five feet to any other property line(s).~~
 4. ~~Signs lawfully existing as of January 1, 2000 on parcels, lots or building sites with frontage on West Main Street between US 131 and Drake Road may remain as located.~~
 5. ~~Seasonal Agricultural Directional Signs may be located adjacent to the lot line and within the right-of-way so long as they do not interfere with the clear vision area for traffic.~~
- G. ~~Where a property is permitted to have more than one freestanding sign under Section 55.80, the distance between such freestanding signs shall not be less than 150 feet.~~

Commented [EW25]: Now 55.060

55.170 SIGN HEIGHT AND OVERHANG

~~Wall sign Walls signs may be affixed flat against the wall of a building or may project therefrom not more than 15 inches. Signs projecting over a walkway or path shall be at least 11 feet above the finished grade height shall be measured from the first floor elevation of the building.~~

~~A wall sign shall not extend beyond the window sills of the floor above or the top of the wall to which it is attached.~~

~~A wall sign shall not project beyond the ends of the wall to which it is attached.~~

~~Walls signs may be affixed flat against the wall of a building or may project therefrom not more than 15 inches. Signs projecting over a walkway or path shall be at least 11 feet above the finished grade.~~

~~A sign shall not project into the public right-of-way of any adjacent street. Signs projecting over public property shall be at least 11 feet above the finished grade.~~

Commented [EW26]: Moved into the definition of "Wall Sign" and/or added to 55.60 re: set-backs.

55.180-160 LANDSCAPING

The base treatment for a ~~freestanding sign~~, Permanent Signs that are ~~freestanding~~ shall be landscaped and maintained. ~~Such landscaping and~~ may be placed in stone, masonry, ~~or~~ treated wood bases, containers, ~~or~~ in the ground ~~to achieve a pleasant aesthetic arrangement.~~

55.190 DEVIATIONS

~~In obtaining a permit, the applicant may apply to the Township for a deviation from certain requirements of this Article. A deviation may be granted by the Zoning Board of Appeals where the literal application of the Article would create a hardship for the sign user and the following criteria are met:~~

- A. ~~The granting of the requested deviation would not be materially detrimental to the property owners in the vicinity.~~
- B. ~~The hardship created by a literal interpretation of the Article is due to conditions unique to that lot, building site or parcel and does not apply generally to other properties in the Township.~~

~~C. The granting of the deviation would not be contrary to the general purposes of this Article or set an adverse precedent.~~

~~In granting a deviation, the Zoning Board of Appeals may attach additional requirements necessary to carry out the spirit and purpose of this Article in the public interest.~~

55.200 RE-SUBMISSION OF APPLICATION FOR A DEVIATION REQUEST

~~A. No application for a deviation from the provisions of this Article shall be submitted to the Township or be formally considered by the Township where such application has been previously denied or turned down by the Township unless the Township determines that either one year has passed since the prior application was denied or the new application or project is substantially changed from the prior one. In determining whether substantial changes have occurred, the Zoning Board of Appeals shall consider:~~

- ~~1. Whether the application has been substantially modified from the earlier one;~~
- ~~2. Whether external conditions or circumstances have changed significantly so as to warrant a reconsideration of the application;~~
- ~~3. Whether new and material evidence has been discovered which would justify a reconsideration of the application or project and the failure to present such evidence at the first consideration was not the fault of the applicant.~~

Commented [EW27]: Removed; covered by variance requests.

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ZONING ORDINANCE

ARTICLE 2

2 – CONSTRUCTION OF LANGUAGE AND DEFINITIONS

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

2.20 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

cost to its lodgers.

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

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

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

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

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

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

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

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

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

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

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

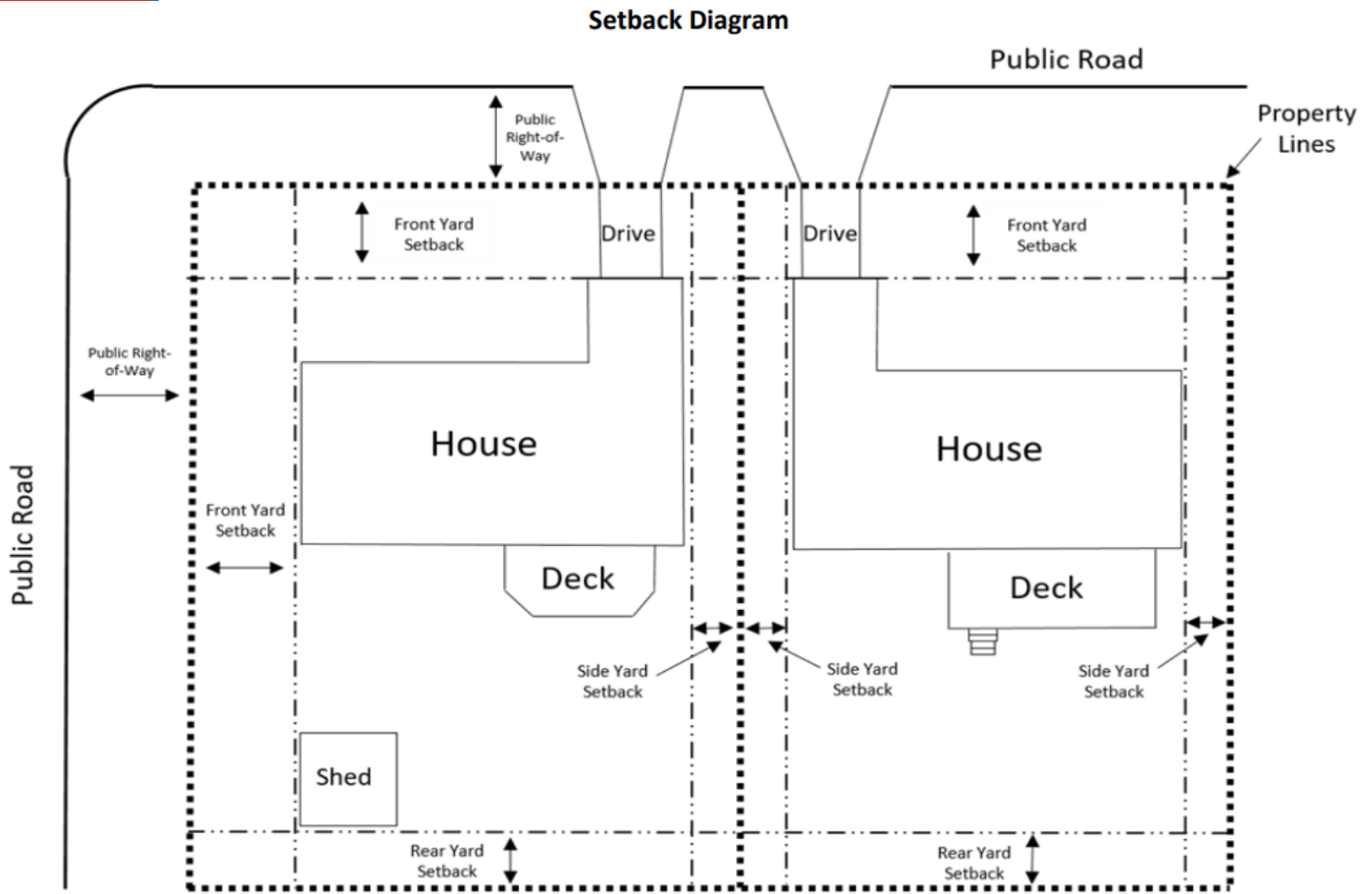
Common elements - The portions of a condominium project other than the condominium units.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

Essential services - The term "essential services" means the erection, construction, alteration, or maintenance by public utilities or township departments or commissions of underground or overhead gas, electrical, steam or water transmissions or distribution systems, collections, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, telephone exchange and/or repeater buildings, electric substations and substation buildings, gas regulator stations and regulator buildings and other similar equipment and accessories in connection therewith (but not including any buildings EXCEPT THOSE EXPRESSLY REFERRED TO HEREIN) reasonably necessary for the furnishing of adequate service by such public utilities or township departments or commissions or for the public health or safety or general welfare.

Family.

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

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

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

This definition shall not include any of the following:

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

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

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

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

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

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

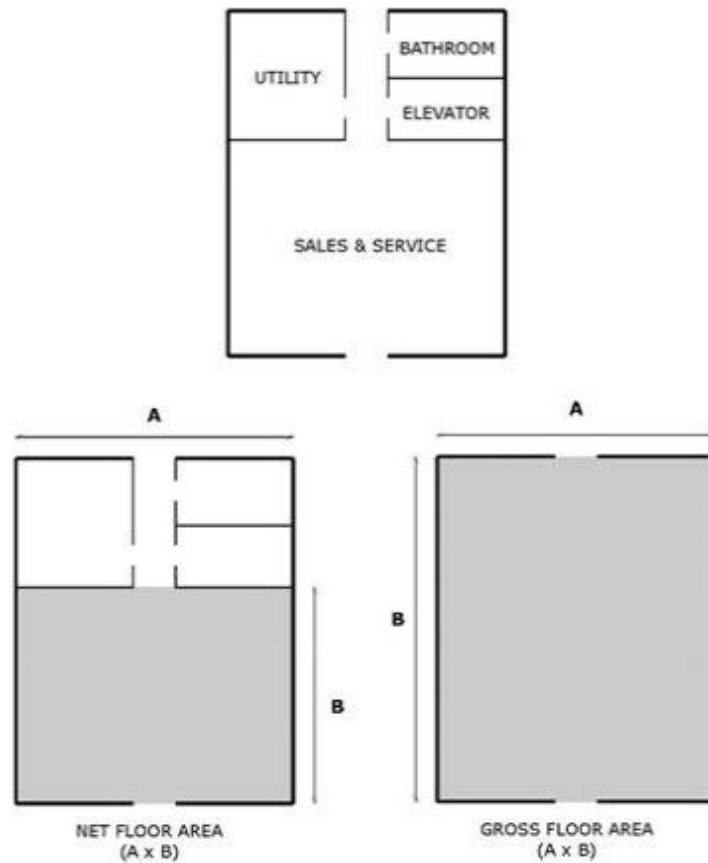
Financial ~~i~~nstitution -- A Building or portion of a Building~~n~~area primarily devoted to the provision of financial and/or banking services to customers or clients. Typical uses include (e.g., banks, credit unions, savings banks, savings and loan associations, lending establishments, and investment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

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

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

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

FLOOR AREA



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

Foster Family Home - ~~The Private Home of an individual licensed by the A private home of a State of Michigan (pursuant to 1973 Public Act 116) certified to provide twenty-four (24) hour certified care giver that allows for one (1), but not more than four (4), minor children who are placed away from their parent, legal guardian, or legal custodian in foster care on a 24-hour basis. Shall not be signed.~~

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

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

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

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

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

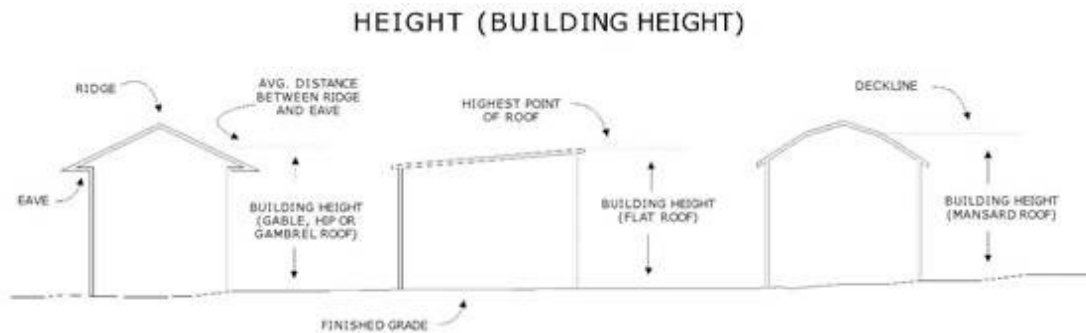
Group day-Child eCare hHome - A ~~p~~Private ~~h~~Home that is properly registered, or licensed, under 1973 Public Act 116, as amended, in which more than six (6) but not more than twelve (12) minor children (or fourteen (14) children with increased capacity as defined and permitted by Public Act 106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

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

Hazardous substance.

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

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



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

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

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

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

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

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

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

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

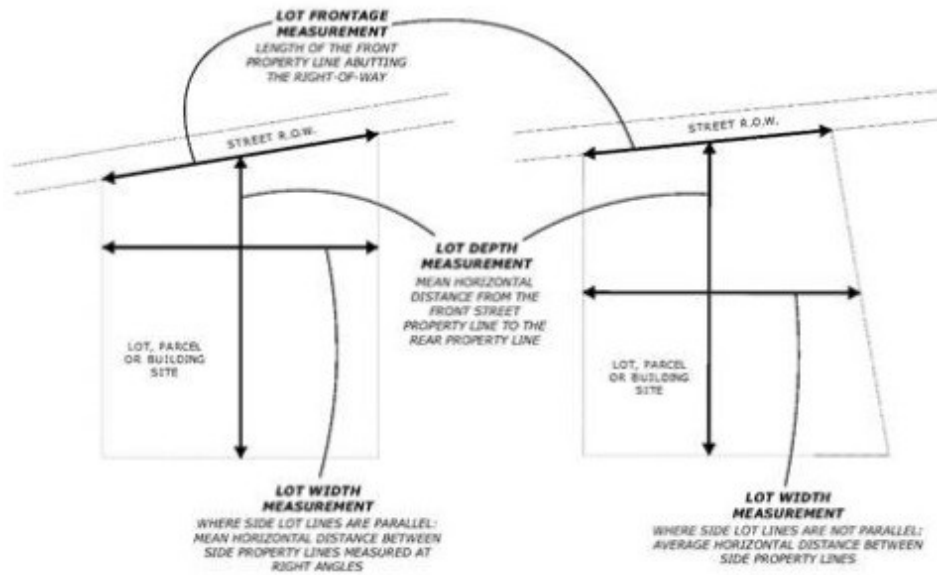
part which is in the public right-of-way.

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

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

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

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



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

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

Medical use of marihuana – The following definitions shall apply:

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

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

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

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

Mobile Home Park - A parcel or tract of land ~~under the control of a person~~ upon which three (3) or more ~~m~~Mobile homes are located on a continual non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any ~~building~~Building, ~~structure~~Structure, enclosure, ~~street~~Street, equipment, or facility used or intended for use incident to the occupancy of a ~~mobile~~Mobile Home and which is not intended for use as a temporary trailer park.

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

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

Motel – See “Hotel”

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

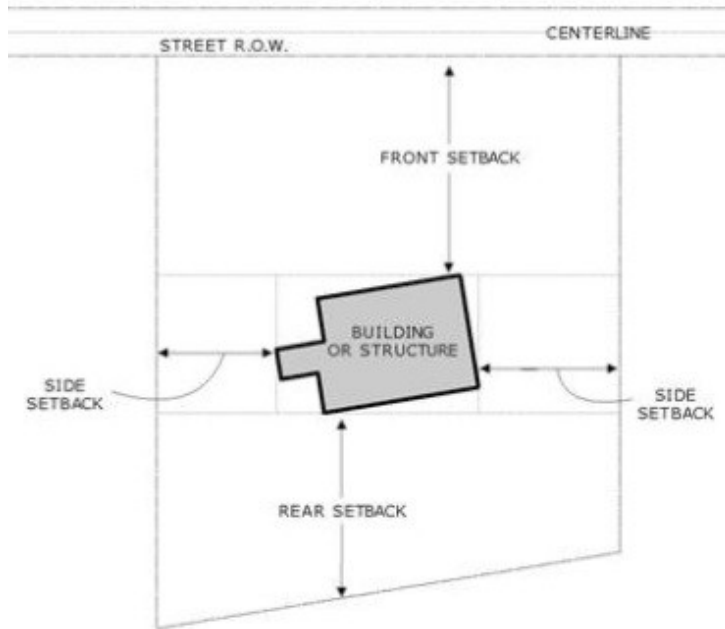
School - An educational institution that is properly registered or licensed with the State.

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

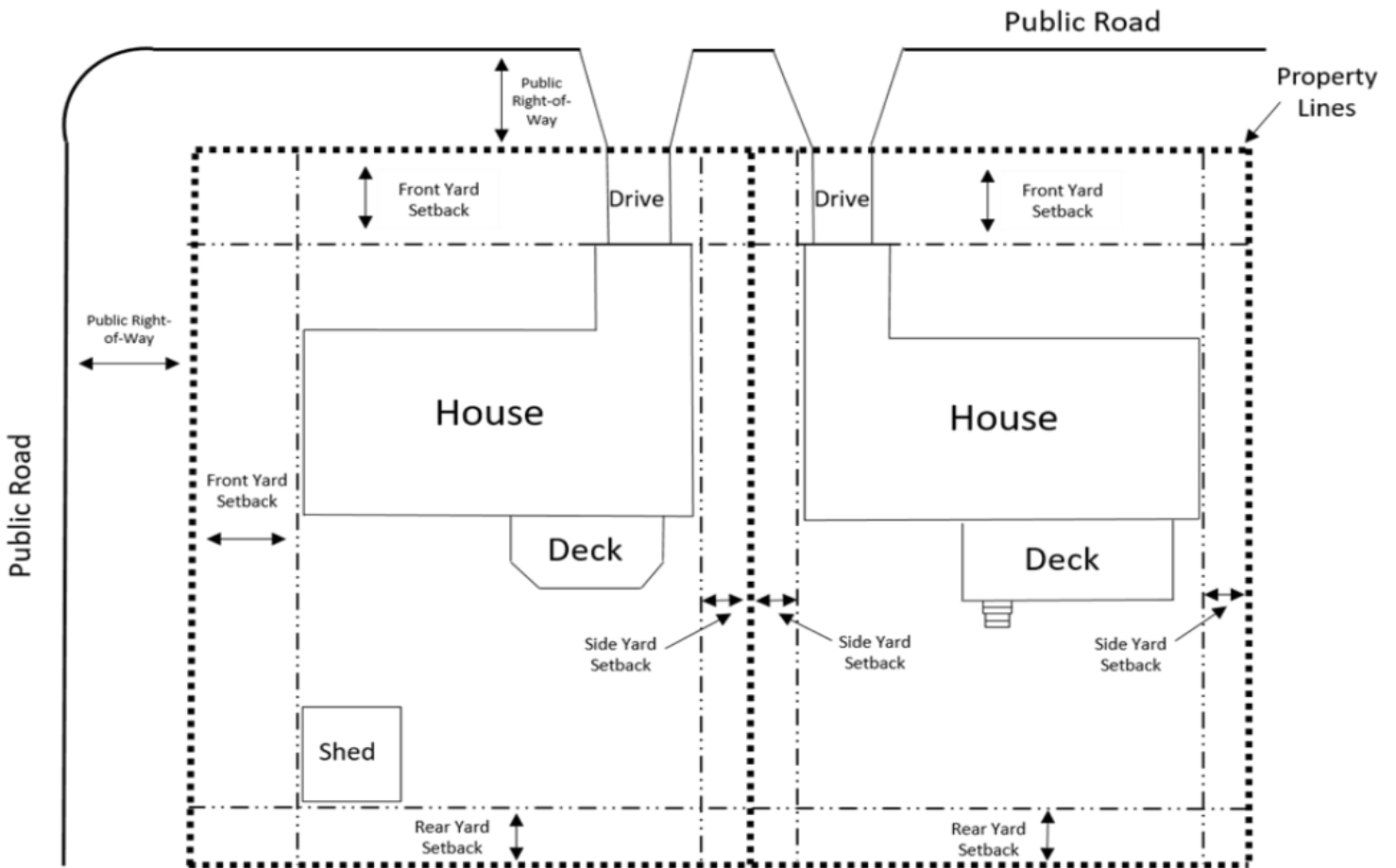
Sediment - Solid particulate matter, mineral or organic, that has been deposited in water, is in suspension in water, is being transported, or has been removed from its site of origin by soil erosion.

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

SETBACKS



Setback Diagram



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

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

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

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

Soil erosion control measures.

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

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

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

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

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

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

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

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

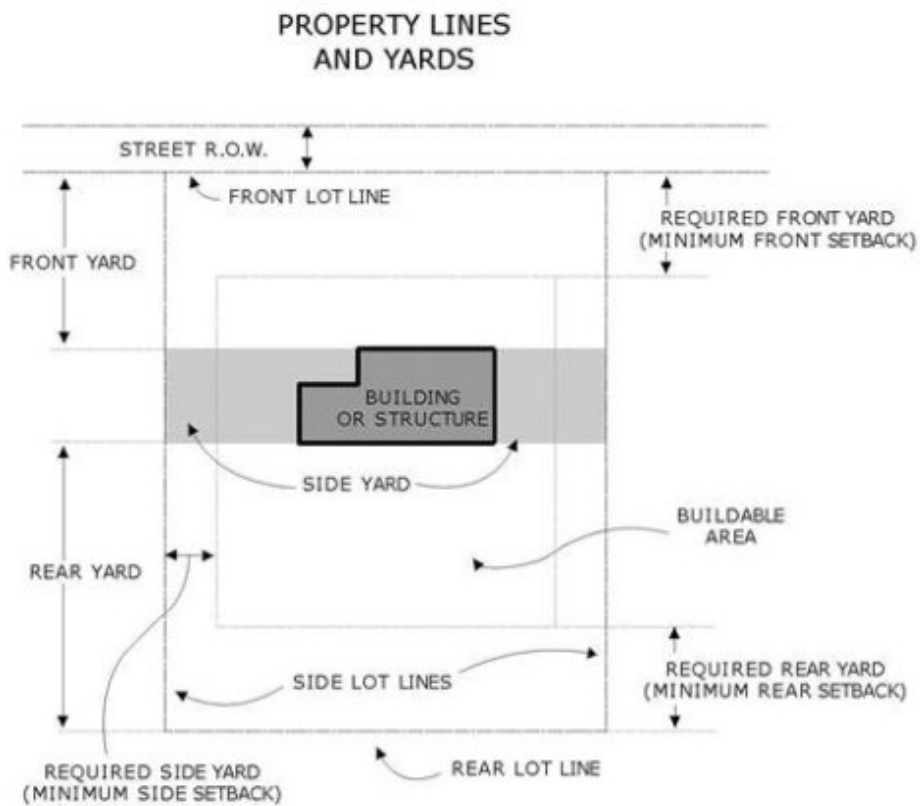
Wine tasting room - An off-site facility operated by a licensed winery other than the winery premises for the purpose of offering free samples of the wine it manufactures to customers as well as selling wine and goods to customers for consumption off premises only. Such a facility shall be properly licensed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

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

Wooded area - An area of land dominated by trees.

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

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



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August 18, 2022

Mtg Date: August 25, 2022
To: Planning Commission
From: Iris Lubbert, AICP, Planning Director
Subject: Work Session: Implementation of the 2019 Village Theme Development Plan - Amendments to Article 19 and Article 34 (continued)

Objective:

The Planning Director introduced this ordinance amendment work at the July 28th Planning Commission meeting. The Planning Commission will continue to work through the proposed changes at their August 25th meeting.

Background:

In 2019 the Township adopted the 2019 Village Theme Development Plan as an update to the original 2006 Oshtemo Township Village Theme Development Plan. This 2019 Update represents a critical review of the original Village Theme Development Plan and seeks to consider and accomplish the following:

1. Gather citizen and stakeholder opinions to confirm the preferred vision for the village and evaluate the effectiveness of the Plan.
2. Investigate the perception that development within the village has been limited, in comparison to development elsewhere in the Township and region, since the original adoption of the Plan.
3. Review changing conditions that may impact development within the village, such as economic trends, demographic/lifestyle preferences, traffic/recent road improvements, and pedestrian connectivity efforts.
4. Recognizing that the local road network is under the jurisdiction of the County, consider the impact that County street design policies have on the existing and planned character of development within the village.
5. Evaluate and outline necessary changes to currently adopted zoning regulations to ensure that such regulations facilitate development which contributes to the desired mixed-use character of the village.

The 2019 Village Theme Development Plan can be found on the Township website: <https://www.oshtemo.org/files/assets/public/planning/documents/village-theme-development-plan-2019-update.pdf> . The 2019 Village Theme Development Plan recommends a number of changes to the ordinances that regulate the Village Theme Development Area: specifically Article 19 VC: VILLAGE COMMERCIAL DISTRICT and Article 34 VILLAGE FORM-BASED CODE OVERLAY ZONE.

To assist in implementing the 2019 Village Theme Development Plan the Downtown Development Authority (DDA) hired a consultant to work with a DDA subcommittee and Oshtemo’s Planning staff to draft

amendments to Articles 19 and 34. After multiple reviews the DDA board felt the text was ready to submit to the Planning Commission to consider. A “big picture” summary of the amendments is provided below:

1. New and/or revised definitions for the various building types allowed (storefront mixed-use building, townhouse building, etc.) have been prepared to provide clarity. A new building type – single-use building – has been defined and specific design requirements for single-use buildings have been established.
2. The current Regulating Plan Map in Article 34 will be replaced by the updated Regulating Plan Map from the 2019 Village Theme Development Plan.
3. Added flexibility is provided to the Planning Commission to allow for “modifications” to certain development requirements without the need to secure a variance from the Zoning Board of Appeals.
4. New build-to-line standards are proposed, including the potential for the Planning Commission to allow front yard parking (one row only). Criteria for the Planning Commission to use when considering whether to allow front yard parking has been established.
5. The proposed amendments would allow limited residential use within the ground floor of mixed-use buildings.
6. A new density bonus scheme has been established giving the Planning Commission the authority to grant density bonuses for projects that achieve certain public benefits.
7. Greater flexibility has been established with regard to street walls, including an allowance for natural materials as a substitute for street walls in certain circumstances.
8. Amendments are proposed to largely eliminate the existing street type standards, given that the Township does not have jurisdiction for design of public streets within the DDA. The street type standards would only apply to private street design.
9. Amendments are proposed to allow drive-through windows within the side yard. For corner lots, amendments are proposed to allow drive-through windows within the side yard fronting a collector or local street.
10. Amendments to Article 19, VC Village Commercial District. This is the “underlying” zoning district for the Stadium Drive and 9th Street business district. Because development requirements within the underlying zoning are superseded by those found in the Village Form-Based Code Overlay, amendments to Article 19 are proposed to eliminate redundant and/or conflicting development requirements. All that is proposed to remain in Article 19 are the use allowances (permitted and special uses).