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**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

**Work Session
Thursday, March 22, 2018
6:00 p.m.
AGENDA**

1. Call to Order
2. Public Comment on Non-Agenda Items
3. Zoning Ordinance Re-Organization
 - a. Agriculture and Residential Districts
 - b. Conditional and Special Land Uses
4. Any Other Business
5. Adjournment

**Regular Meeting
Thursday, March 22, 2018
7:00 p.m.
AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: March 8, 2018
6. **PUBLIC HEARING: Zoning Ordinance Amendments**
Consideration of draft Zoning Ordinance amendment to include new Section 61.000 Residential Condominium Development Standards.
7. Old Business
8. Any Other Business
 - a. Continuation of Work Session Discussion – Residential Districts
9. Planning Commissioner Comments
10. Adjournment

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

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

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

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

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

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

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

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

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

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

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

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

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

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



March 15, 2018

Mtg Date: March 22, 20189
To: Planning Commission
From: Julie Johnston, AICP
Subject: Residential Districts

The attached documents provide the recommended changes to the Agricultural and Residential Districts of the Zoning Ordinance. The first two documents are the districts themselves. One provides the district information as it is currently found in the Township's Zoning Ordinance. This document has ~~strike-through~~ language, with some new **red** language. However, because there was so much recommended new language, staff thought the review would be easier to manage under the new ordinance format, so the second document is provided showing only **new** language.

In addition to the actual zoning districts, the conditional and special land uses have been provided. Again, two documents are included: one which shows all of the ~~strike-through~~ language and one which shows only the **new** text. Under the Special Land Uses, there are two uses that have not yet been developed. These are agribusinesses and wind energy systems. Staff hopes to have these ready for the next work session in April. In addition, setbacks, density, area requirements, and frontage will need to be reviewed in April.

Thank You.

19.000 - AGRICULTURAL DISTRICT

19.100 - Statement of Purpose.

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

19.200 – Permitted Uses.

19.201 Farm operations as defined in the Michigan Right to Farm Act when conducted in conformance with the generally-accepted agricultural and management practices adopted by the Michigan Commission of Agriculture.

~~19.202 One dwelling may be established for each 200 feet of continuous public road frontage and three acres of land. (Moved to Schedule of Regulations)~~

~~19.203 Farm labor housing in compliance with the Michigan Health Code, as amended, when occupied by employees of the farm operation and their families. All such structures shall be setback a minimum of 100 feet from all property lines. (Moved to Conditional Land Uses)~~

~~19.204 Truck gardens, greenhouses, nurseries located on unplatted parcels. (Moved to Agri-business)~~

19.205 Houses of worship.

~~19.206 Veterinarian clinics. (Moved to Special Land Uses)~~

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

19.208 Essential services, excluding buildings and regulator stations

~~19.209 Home occupations subject to Section 78.900. (Moved to Conditional Land Uses)~~

19.210 Family day care home.

~~19.211 Temporary outdoor events subject to the following conditions and limitations: (Moved to Conditional Land Uses)~~

- ~~(a) Use is incidental to principal use of the property and all events shall not last more than one day.~~
- ~~(b) A site plan shall be submitted for administrative review indicating the following:
 - ~~(1) Traffic lanes and on-site parking.~~
 - ~~(2) Fire lanes and emergency vehicle turning areas.~~
 - ~~(3) Restrooms provided (in building or portable facilities).~~~~

~~(4) Placement of vehicles, trailers, and all other equipment is away from adjoining residentially used properties and complies with all applicable setbacks.~~

~~(5) All activity takes place on subject property.~~

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

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

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

19.400 - Special exception uses.

19.401 Buildings and regulator stations for essential services.

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

~~(a) Outside play area is appropriately fenced for the safety of the children.~~

~~(b) The residential character of the property shall be preserved and maintained. Any building must be compatible in size, height, external design, landscaping, and surrounding open space as other residential building in area.~~

~~(c) Operation may not exceed 16 hours of operation during a 24-hour period.~~

~~(d) No signs are permitted.~~

~~(e) One parking space, in accordance with Section 68, shall be provided for each non-resident employee working on site at any one time.~~

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

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

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

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

~~(a) Residency. The dwelling unit in which the bed and breakfast inn is located shall be the principal residence of the real property owner and operator, and the real property owner and operator shall live on the premises when the bed and breakfast operation is active.~~

~~(b) Rooms. The number of rooms available for guests shall be limited to six.~~

~~(c) Occupancy. Occupancy shall be of a transient nature for periods not to exceed 14 consecutive days in duration in any one month by any particular guest. A guest registry shall be maintained and could be subject to inspection by the Township upon request.~~

~~(d) Character. Residences used for bed and breakfast inns shall be suitable in character for the use proposed and shall not be cause for a change in character of the neighborhood.~~

~~(e) Meals. Meals or other services provided on the premises shall only be available to residents, employees, and overnight guests of the establishment.~~

- ~~(f) Licenses. Proof of application for state and county licenses shall be submitted. Required licenses shall be obtained prior to commencement of the use.~~
- ~~(g) Sign. A non-animated sign not exceeding six square feet in area may be provided. Such sign may be provided as a ground sign or a wall sign. The location of the sign shall be approved by the Planning Commission at the time of site plan review. If illuminated the sign shall satisfy the requirements of Section 76.410 of the Township Zoning Ordinance.~~
- ~~(h) Parking. Parking shall be provided in accordance with the requirements in Section 68.
 - ~~(1) One off-street parking space shall be provided for each lodging room and two off-street spaces shall be provided for the owner. Required spaces may be provided in an enclosed structure.~~
 - ~~(2) No parking shall be permitted in the front yard.~~
 - ~~(3) Parking spaces shall be screened from the road and adjacent properties in accordance with the requirements of Section 75.140.~~
 - ~~(4) Parking spaces shall be configured so as not to disturb the residential appearance of the neighborhood. The Planning Commission may require additional landscape buffering to preserve neighborhood appearance.~~~~
- ~~(i) Refuse storage. Exterior refuse storage facilities beyond what might normally be expected for a detached single family dwelling shall be screened from view in accordance with the standards in Section 75.160. Landscape screening may be substituted for the fence or wall required in said section provided it will provide similar, opaque, all season screening.~~
- ~~(j) Annual review. Special use permits shall be subject to annual review with on-site inspections. The review shall be conducted administratively unless significant changes or problems warrant Planning Commission review. Annual approval must be received from local fire and building inspectors for adequate exits, smoke alarms, and general fire prevention and health department code adherence, which may be subject to an inspection fee in accordance with the Township Fee Schedule.~~
- ~~(k) Impact. Bed and Breakfast Inns shall comply with the provisions of the Township Anti-Noise and Public Nuisance Ordinance (Part 214 of the General Code of Ordinances) and shall produce no offensive noise, traffic, glare, vibration, smoke, electrical interference, dust, odors, or heat that would be detrimental to the character of the neighborhood. Any glare, vibration, smoke, electrical interference, dust, odors, or heat detectable beyond the property lines shall constitute a violation of the terms of this provision. Any such violations shall be enforceable under the terms of the Anti-Noise and Public Nuisance Ordinance and/or Zoning Ordinance as applicable.~~

20.000 - RURAL RESIDENTIAL DISTRICT

20.100 - Statement of Purpose.

This district is intended to protect the quality of the overall environment of Oshtemo Township while satisfying the desire for a semi-rural **residential** lifestyle within areas which are not considered suitable for agricultural uses ~~due to soil limitations or land fragmentation, but which are also not suitable for~~ **or** traditional residential subdivisions as a result of **soil limitation, land fragmentation**, utility system limitations, street capacity, or topography or other natural features. Use of nontraditional land development options, such as the Open Space Community provisions of **Article 38** ~~Section 60.500 or Open Space Preservation Residential Development Option of Section 51~~ to conserve open space, fallow land, wooded areas, and wetlands, is encouraged.

20.200 - Permitted Uses.

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

20.202 ~~Libraries.~~ **(Moved to Special Land Uses)**

20.203 ~~Fire stations and other Township buildings.~~ **(Moved to Special Land Uses)**

20.204 ~~Cemeteries, excluding crematories.~~ **(Moved to Conditional Land Uses)**

20.206 Houses of worship.

~~20.207 Nonprofit educational, noncommercial recreational and noncommercial business centers, including but not limited to the following accessory uses for the benefit of the participants and directly relating to such centers: classrooms, libraries, lecture halls, eating facilities, overnight accommodations, conference center facilities, facilities for the production and documentation of audio visual presentations, satellite communication accommodations, custodial living, and maintenance facilities, office and recreational accessory uses, subject to the following conditions and limitations:~~ **(Moved to Special Land Uses)**

- ~~(a) Buildings shall not be constructed to a height exceeding 40 feet. Buildings and structures shall be set back 200 feet from the front right of way line of adjoining streets. Buildings and structures shall be set back 40 feet from the rear or side property line. Outdoor storage areas shall be screened from view of adjoining residentially developed or zoned land.~~
- ~~(b) Such facilities must be located upon one of the designated highways listed in Section 64.100 of the zoning ordinance.~~
- ~~(c) Any entrance to the facility must be developed with a traffic deceleration lane. The Zoning Board of Appeals shall have authority to grant a variance from this requirement where in its opinion the deceleration lane would not substantially improve the traffic safety because of the particular characteristics of the facility, the road upon which the entrance is located, or the volume of traffic upon the road.~~
- ~~(d) Not less than 75 percent of the site must be maintained as open space unencumbered by buildings, structures, paved roads, sidewalks, or parking areas.~~

- ~~(e) The facility shall be designed so as to limit the number of participants to not exceed ten per acre.~~
- ~~(f) Adequate off-street parking must be constructed to insure sufficient parking space to meet the reasonably foreseeable demands upon the facility but not exceeding one parking space for each person the facility is designed to serve and shall be effectively screened from adjoining residentially developed or zoned land.~~
- ~~(g) During site plan review, the Zoning Board of Appeals shall consider whether more than one vehicular entrance road is necessary for public safety and fire protection.~~

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

20.209 Home occupations subject to Section 78.900. **(Moved to Conditional Land Uses)**

20.210 Essential services, excluding buildings and regulator stations.

20.211 Family day care home.

20.212 ~~Temporary outdoor events, subject to the following conditions and limitations:~~ **(Moved to Conditional Land Uses)**

- ~~(a) Use is incidental to principal use of the property and all events shall not last more than one day.~~
- ~~(b) A site plan shall be submitted for administrative review indicating the following:

 - ~~(1) Traffic lanes and on-site parking.~~
 - ~~(2) Fire lanes and emergency vehicle turning areas.~~
 - ~~(3) Restrooms provided (in building or portable facilities).~~
 - ~~(4) Placement of vehicles, trailers, and all other equipment is away from adjoining residentially used properties and complies with all applicable setbacks.~~
 - ~~(5) All activity takes place on subject property.~~~~
- ~~(c) The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.~~
- ~~(d) All signs directed off-site must receive a temporary sign permit and comply with all applicable sign ordinances.~~
- ~~(e) Property owner must approve and acknowledge the use of the property for the event.~~

20.400 - Special exception uses.

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

- ~~(a) The principal uses shall be an outdoor activity compatible with the other principal uses permitted in the particular zoning classification.~~
- ~~(b) Concession stands, pro-shops, clubhouses, equipment repair facilities, and other incidental commercial type uses shall be permitted provided they are located so as to minimize any adverse effects upon adjoining residential property owners and are~~

~~operated for the purpose of serving patrons of the principal use and not the adjoining community or transient motorists.~~

- ~~(c) No overnight accommodations other than a single family dwelling for the owner or manager of the facility shall be allowed unless expressly approved by the Planning Commission in granting a special exception use permit hereunder.~~
- ~~(d) Adequate public restrooms and other facilities shall be constructed and properly maintained, commensurate with the anticipated popularity of the particular use involved.~~
- ~~(e) Rubbish disposal shall be handled in such a manner as will avoid any littering upon adjoining properties and will minimize any adverse effects from noise, odor or dust to adjoining properties.~~
- ~~(f) Off street parking shall be required on the site located in areas which will minimize any adverse effects upon adjoining property owners and shall be sufficient to satisfy peak periods of use and in compliance with the provisions of Section 68.000.~~
- ~~(g) Fencing may be required by the Planning Commission where deemed necessary to prevent trespass onto adjoining residences or residentially zoned property.~~
- ~~(h) The placement of any trails, roads, runs, obstacle courses or similar roadways or pathways shall be in such locations as to minimize any adverse effects of noise, traffic or dust upon adjoining residents and shall, where the Planning Commission deems necessary to dissipate noise emanating therefrom, be screened.~~
- ~~(i) Equipment storage buildings and other such buildings of a commercial nature shall be screened from adjoining residential properties.~~
- ~~(j) The Planning Commission shall have the right and authority to impose additional restrictions and conditions as may be necessary for the protection of the health, safety and welfare of any resident on adjoining property and to insure that any noise, odors, traffic or other activities incident thereto have a minimum impact upon the general area in which the same is located.~~
- ~~(k) The application for a special exception use permit must contain a plan for insuring adequate supervision of a recreation area and all activities therein.~~

20.402 ~~Use of existing buildings formerly utilized in the daily operation of a farm (on or before March 12, 2003) on a parcel that is no longer operated as a functioning farm, as defined in the Michigan Right to Farm Act, for a landscaping contractor business or large item storage subject to a finding by the Building Official that said building is suitable for the proposed use. No outdoor storage of equipment or items such as snow plows, lawn mowers, trailers or boats may occur unless expressly approved during the special exception use and site plan review process. (REMOVE??)~~

20.403 ~~Public and~~ Private schools.

20.404 Veterinarian clinics, ~~general.~~

20.405 Kennels, in unplatted areas, for the breeding, raising and/or boarding of dogs or cats.

20.407 ~~Shooting ranges and~~ Private ~~noncommercial~~ clubs and lodges operating in connection therewith. (Moved shooting ranges to industrial district)

20.408 Buildings and regulator stations for essential services.

- 20.409 Group day care home ~~subject to the conditions and limitations set forth in Section 19.402.~~
- 20.410 Temporary outdoor events ~~meeting all the conditions and limitations of Section 20.212 except 20.212(a).~~
- 20.411 Bed and Breakfast Inns ~~subject to the conditions and limitations set forth in Section 19.406.~~

21.000 - "R-1" RESIDENCE DISTRICT CLASSIFICATION

21.100 - Statement of Purpose.

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

21.200 – Permitted Uses.

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

21.202 Essential services, excluding buildings and regulator stations.

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

21.205 ~~Home occupations subject to Section 78.900.~~ **(Moved to Conditional Land Uses)**

21.206 Family day care home.

21.207 ~~Temporary outdoor events, subject to the following conditions and limitations:~~ **(Moved to Conditional Land Uses)**

- ~~(a) Use is incidental to principal use of the property and all events shall not last more than one day.~~
- ~~(b) A site plan shall be submitted for administrative review indicating the following:~~
 - ~~(1) Traffic lanes and on-site parking.~~
 - ~~(2) Fire lanes and emergency vehicle turning areas.~~
 - ~~(3) Restrooms provided (in building or portable facilities).~~
 - ~~(4) Placement of vehicles, trailers, and all other equipment is away from adjoining residentially used properties and complies with all applicable setbacks.~~
 - ~~(5) All activity takes place on subject property.~~
- ~~(c) The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.~~
- ~~(d) All signs directed off-site must receive a temporary sign permit and comply with all applicable sign ordinances.~~
- ~~(e) Property owner must approve and acknowledge the use of the property for the event.~~

21.400 - Special exception uses.

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

21.403 Buildings and regulator stations for essential services.

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

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

22.000 - "R-2" RESIDENCE DISTRICT CLASSIFICATION

22.100 - Statement of Purpose.

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

22.200 - Permitted Uses.

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

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

22.203 ~~Libraries.~~ (Moved to Special Uses)

22.204 ~~Fire stations.~~ (Moved to Special Uses)

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

22.208 Houses of worship.

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

22.211 Family day care home.

22.400 - Special exception uses.

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

22.402 Buildings and regulator stations for essential services.

22.403 ~~Public and~~ Private schools.

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

22.405 Temporary outdoor events ~~meeting all the conditions and limitations of Section 21.207 except 21.207(a).~~ lasting more than three days.

23.000 - "R-3" RESIDENCE DISTRICT CLASSIFICATION

23.100 - Statement of Purpose.

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

23.200 - Permitted Uses.

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

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

- (a) Any such building must remain compatible in size, height, external design, landscaping and surrounding open space as other residential buildings in the area adjacent and nearest to the proposed use within a radius not to exceed one-half mile.
- (b) Any interior or exterior lighting shall be of a subdued character with the source not visible from the perimeters of the property and shall be reduced in intensity or eliminated during non-business hours.
- (c) Required off street parking and driveways shall be maintained upon the premises, appropriately landscaped and situated in locations least objectionable to adjacent premises, not closer than ten feet to such adjacent premises nor within the required front setback areas.
- (d) Landscaping shall be established in accordance with Section 75 between such premises and any adjacent premises utilized for single family or two family purposes or, if vacant, zoned for such purposes.
- (e) Access to and from the premises by motor vehicles shall be designed to accommodate forward movement in each case and no vehicles shall be permitted to back into the abutting private or public street.

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

23.204 Family day care home.

23.400 - Special exception uses.

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

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

23.402 Buildings and regulator stations for essential services.

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

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

- ~~(a) No such building shall be more than 25 feet in height.~~
- ~~(b) No such building shall be larger than 10,000 square feet in area.~~
- ~~(c) The total area of all such buildings shall not occupy more than 30 percent of the ground area of the lot, parcel or building site on which they are located.~~
- ~~(d) No retail activity shall be carried on nor stock of goods maintained for sale upon the premises.~~
- ~~(e) The minimum setback distance between any building and any rear or interior side property line shall be 20 feet or the height of the abutting side of the building at its highest point as measured from the grade of the property line, which ever is greater and shall be subject to Section 64.700 where applicable.~~
- ~~(f) Required off-street parking shall be maintained upon the premises but shall be prohibited in the required front and side setback areas set forth in Section 64.000.~~
- ~~(g) Access to and from the premises by motor vehicles shall be designed to accommodate forward movement in each case and no vehicles shall be permitted to back into the abutting private or public street.~~
- ~~(h) Any outdoor lighting shall be subdued in character and shall be reduced in intensity or eliminated during non-business hours. All such lighting shall comply with Sections 78.700 through 78.730.~~
- ~~(i) Landscaping shall be provided in accordance with Section 75.000.~~
- ~~(j) The Planning Commission shall have the right and authority to impose additional restrictions and conditions as may be necessary for the protection of the health, safety, and welfare of adjoining property owners and to insure that any noise, odors, traffic, or other incidental activities incident thereto have a minimum impact upon the neighborhood in which the same is located, including but not limited to hours of operation.~~

23.405 Veterinary **clinic, small animal** clinics with no outside facilities or runs subject to the conditions and limitations set forth in Section 23.404.

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

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

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

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

23.410—Beauty parlors or barber shops. **(Eliminate?)**

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

24.000 - "R-4" RESIDENCE DISTRICT CLASSIFICATION

24.100 - Statement of Purpose.

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

24.200 - Permitted Uses.

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

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

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

24.204 — Funeral homes. (Eliminate?)

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

- (a) ~~Dwelling unit density for any portion of a multiple family dwelling site located within 200 feet of property in an "AG", "RR", "R-1" or "R-2" zoning classification shall be limited to a maximum unit density of six units per acre. In addition, to the extent that parking areas, community buildings or open space recreational areas are located within said 200 foot area, such facilities shall be so situated and designed as to, in the judgement of the Zoning Board of Appeals at the time of site plan review, minimize adverse effects therefrom to owners and occupants of the properties located in the higher zoning classification.~~
- (b) ~~Dwelling unit density for any portion of a multiple family dwelling site located more than 200 feet from property in an "AG", "RR", "R-1" or "R-2" Zoning Classification shall be limited to a maximum unit density of eight units per acre.~~
- (c) ~~All two-way interior drives within a multiple family dwelling development shall be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 21 feet exclusive of any area used for parking. All one-way interior drives within a multiple family development shall also be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 13 feet exclusive of any area used for parking. When an interior drive would service as a connecting link between different land ownerships or different public roads, either currently or within the foreseeable future, it shall, regardless of whether it is a public or private road, be constructed in accordance with the public road specifications of the Kalamazoo County Road Commission and be located upon a reserved right-of-way of not less than 66 feet in width.~~
- (d) ~~Sidewalks. Sidewalks shall be provided on both sides of any access drive leading into a multi-family development from a public street.~~
- (e) ~~Access streets. A multiple family development shall be furnished with a minimum of two access streets connecting the same to a public highway or highways unless the~~

~~Zoning Board of Appeals grants a variance from such requirements where, in the opinion of said Board, the additional access or accesses would not improve traffic safety because of the peculiar characteristics of the proposed development. A stop sign shall be provided at every intersection of an access street with a public highway.~~

~~(f) Utilities. Public water, sanitary sewer and storm drainage facilities shall be provided as part of the site development. All electric and telephone transmission wires shall be placed underground.~~

~~(g) Open space requirements.~~

~~1. All multiple-family dwellings shall be established on a lot, parcel, or building site in such a manner that there is at least one contiguous area of open space suitable for recreational purposes and equal to not less than five percent of the total area of the lot, parcel, or building site on which the multiple family dwelling is located. The Zoning Board of Appeals shall have the authority to grant variances from this requirement to accommodate alternative open space arrangements consistent with the purpose of this provision.~~

~~2. Subject to Section 66.400.~~

~~(h) The minimum separation between buildings shall be 40 feet (except buildings accessory thereto). Separation shall be measured in the same manner as a building setback.~~

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

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

24.209 Family day care home.

24.400 - Special exception uses.

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

24.402 Buildings and regulator stations for essential services.

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

24.404 Public and Private schools.

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

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

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

25.000 - "R-5" RESIDENCE DISTRICT CLASSIFICATION

25.100 - Statement of Purpose.

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

25.200 - Permissible Permitted Land Uses.

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

- ~~(a) Mobile home subdivisions shall be established in full compliance with the provisions of the Township Subdivision Control Ordinance.~~
- ~~(b) All mobile homes, single or two family dwellings in a mobile home condominium project shall have a minimum living area of 750 square feet for a one and two bedroom unit plus 150 square feet of additional living area for each additional bedroom beyond two. Dwellings shall be exempt from the provisions of Section 66.125 subparagraph (b).~~
- ~~(c) No mobile home in a mobile home subdivision shall have exposed wheels, towing mechanism, undercarriage or chassis.~~
- ~~(d) Each mobile home in a mobile home subdivision shall be installed pursuant to the manufacturer's setup instructions and the rules and regulations of the Michigan Mobile Home Commission and shall be secured to the premises by an anchoring system or device also complying with the rules and regulations of the Michigan Mobile Home Commission. In addition, the area between the grade elevation of the lot and the mobile home shall either have a wall of the same perimeter dimensions of the mobile home and constructed of such materials and type as required in the Township Building Code for single family dwellings or shall instead have skirting of the same perimeter dimensions of the mobile home, which skirting shall be in compliance with the standards set forth in Rule 604 of the Michigan Mobile Home Code promulgated by the Michigan Mobile Home Commission.~~
- ~~(e) All mobile homes and single or two family dwellings in a mobile home subdivision shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.~~
- ~~(f) All mobile homes and single or two family dwellings in a mobile home subdivision shall contain permanently attached steps connected to exterior door areas or to porches connected to said door area where a difference in elevation requires the same.~~
- ~~(g) Each mobile home in a mobile home subdivision shall be constructed in compliance with the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended.~~

~~(h) No more than one mobile home or single or two-family dwelling shall be placed upon an individual lot.~~

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

25.203—Mobile home condominium projects and accessory buildings and uses subject to the following conditions and limitations: **(Moved to Conditional Land Uses)**

- ~~(a) Mobile home condominium projects shall be established in full conformance with the Condominium Act, Act No. 59 of the Public Acts of 1978, as amended.~~
- ~~(b) All mobile home condominium projects and single or two-family dwellings in a mobile home subdivision shall have a minimum living area of 750 square feet for a one and two bedroom unit plus 150 square feet of additional living area for each additional bedroom beyond two. Dwellings shall be exempt from the provisions of Section 66.125 subparagraph (b).~~
- ~~(c) No mobile home in a mobile home condominium project shall have exposed wheels, towing mechanism, undercarriage or chassis.~~
- ~~(d) Each mobile home in a mobile home condominium project shall be installed pursuant to the manufacturer's setup instructions and the rules and regulations of the Michigan Mobile Home Commission and shall be secured to the premises by an anchoring system or device also complying with the rules and regulations of the Michigan Mobile Home Commission. In addition, the area between the grade elevation of the building site and the mobile home shall either have a wall of the same perimeter dimensions of the mobile home and constructed of such materials and type as required in the Township Building Code for single-family dwellings or shall instead have skirting of the same perimeter dimensions of the mobile home, which skirting shall be in compliance with the standards set forth in Rule 604 of the Michigan Mobile Home Code promulgated by the Michigan Mobile Home Commission.~~
- ~~(e) All mobile homes and single or two-family dwellings in a mobile home condominium project shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.~~
- ~~(f) All mobile homes and single or two-family dwellings in a mobile home condominium project shall contain permanently attached steps connected to exterior door areas or to porches connected to said door area where a difference in elevation requires the same.~~
- ~~(g) Each mobile home in a mobile home condominium project shall be constructed in compliance with the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended.~~
- ~~(h) No more than one mobile home or single or two-family dwelling shall be placed upon an individual building site.~~

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

25.205 Family day care home.

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

- ~~(a) Use is incidental to principal use of the property and all events shall not last more than one day.~~
- ~~(b) A site plan shall be submitted for administrative review indicating the following:
 - ~~(1) Traffic lanes and on-site parking.~~
 - ~~(2) Fire lanes and emergency vehicle turning areas.~~
 - ~~(3) Restrooms provided (in building or portable facilities).~~
 - ~~(4) Placement of vehicles, trailers, and all other equipment is away from adjoining residentially used properties and complies with all applicable setbacks.~~
 - ~~(5) All activity takes place on subject property.~~~~
- ~~(c) The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.~~
- ~~(d) All signs directed off-site must receive a temporary sign permit and comply with all applicable sign ordinances.~~
- ~~(e) Property owner must approve and acknowledge the use of the property for the event.~~

25.400 - Special exception uses.

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

- ~~(a) All mobile home parks shall comply with the requirements imposed by Michigan Public Act 419 of 1976 and any and all amendments thereto and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health, except as said Act and regulations may be modified by the provisions herein.~~
- ~~(b) Mobile home parks shall have no less than 200 feet of frontage on a dedicated public road. Every mobile home park must have a minimum of two access streets connecting said park to a public highway or highways unless the Zoning Board of Appeals grants a variance from such requirements where, in the opinion of said Board, the additional access or accesses would not improve traffic safety because of the peculiar characteristics of the proposed development.~~
- ~~(c) Mobile home parks shall not be less than 15 acres in size.~~
- ~~(d) Landscaping in accordance with Section 75 – Landscaping shall be provided.~~
- ~~(e) All two-way interior drives within a mobile home park shall be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 21 feet exclusive of any area used for parking. All one-way interior drives within a mobile home park shall also be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 13 feet exclusive of any area used for parking. When an interior drive would serve as a connecting link between different land ownerships or different public roads, either currently or within the foreseeable future, it shall, regardless of whether it is a public or private road, be constructed in accordance with the public road specifications of the Kalamazoo County Road~~

~~Commission and be located upon a reserved right-of-way of not less than 66 feet in width.~~

- ~~(f) Two paved off-street (or drive) parking spaces for each mobile home site shall be provided; in addition, regional paved off-street (or drive) parking spaces shall be provided sufficient for the parking of one vehicle for every three mobile home sites. On-street (or drive) parking shall be prohibited. Notwithstanding the foregoing, the within provisions shall not be deemed to prohibit paved parking bays contiguous to interior drives, so long as said paved parking bays do not intrude upon the minimum interior drive, driving surface widths prescribed above and meet the relevant standards for parking bays promulgated by the Michigan Mobile Home Commission pursuant to Michigan Public Act 419 of 1976, as amended.~~
- ~~(g) Each mobile home site shall be well drained and be provided with a permanent foundation providing adequate footing such as concrete piers, concrete ribbons (at least 24 inches in width) or a concrete slab base.~~
- ~~(h) All utilities, including Cable TV, installed in the mobile home park must be installed underground.~~
- ~~(i) Fire hydrants must be installed and the placement and size thereof shall be determined by the developer subject to the approval of the Township Fire Department.~~
- ~~(j) Each mobile home park shall be developed with sites of not less than 5,500 square feet per mobile home unit. This 5,500 square feet for any one site may be reduced up to 20 percent provided that the minimum individual site is not less than 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least 75 percent of the land saved shall be dedicated as open space, but in no case shall the open space requirement be less than that required under Rule 125.1946 of the Michigan Administrative Code.~~
- ~~(k) Every mobile home park must be connected to a municipal sanitary sewer system and a municipal public water system under such arrangements and contracts as can be agreed upon between the developer and the Township Board prior to the approval of the mobile home park plans by the Planning Commission.~~
- ~~(l) Only one single family mobile home shall be allowed per mobile home site.~~
- ~~(m) Every mobile home park must provide at least a 12 foot wide deceleration lane into every entrance to the mobile home park abutting a public road. The Planning Commission shall have authority to grant a deviation from this requirement when it determines in its sole discretion that, because of factors such as the low level and/or rate of speed of traffic on the abutting public road, the deceleration lane would serve no useful practical purpose in protecting the safety of persons entering the mobile home park or traveling upon the public road abutting the mobile home park entrance.~~
- ~~(n) Preliminary Plan.~~
 - ~~(1) Preliminary plans for all new mobile home parks or expansion of existing mobile home parks must be submitted to and approved by the Planning Commission as being in compliance with the terms of this Ordinance and all applicable state statutes and regulations promulgated thereunder before construction may commence. Application for preliminary plan approval shall be made by (1) filing seven copies of the preliminary plan with the Township Clerk, and (2) paying a preliminary plan review fee as determined by resolution of the Township Board~~

~~based upon the cost of processing the review and as shall be on file with the Township Clerk for public information.~~

- ~~(2) The preliminary plan must consist of, but shall not be limited to, the following:
 - ~~(aa) The name and address of the applicant.~~
 - ~~(bb) The legal description of the subject parcel of land.~~
 - ~~(cc) The area of the subject parcel of land.~~
 - ~~(dd) The present zoning classification of the subject parcel.~~
 - ~~(ee) A plan drawn to scale indicating all of the following:
 - ~~(i.) The number and size of individual mobile home sites and the location of streets.~~
 - ~~(ii.) The location and method of sewage treatment and disposal and appropriate support data necessary to show the adequacy of same.~~
 - ~~(iii.) The source and location of the water supply and fire hydrants.~~
 - ~~(iv.) The location of access to public roads.~~
 - ~~(v.) The drainage provisions.~~
 - ~~(vi.) Site features including all structures, outdoor recreational facilities, walkways, parking and street frontage.~~
 - ~~(vii.) The location, size and design of all signs to be placed upon the site.~~
 - ~~(viii.) The location and general description of all screening and landscaping to be retained or established on the site.~~~~~~
- ~~(3) Property which is the subject of preliminary plan approval must be developed in strict compliance with the approved preliminary plan and any amendments thereto which have received the approval of the Planning Commission.~~
- ~~(4) A proposed amendment, modification or alteration to a previously approved preliminary plan shall be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed.~~
- ~~(5) The Township Planning Commission shall have the right and authority to require the applicant to file with the Township Building Department at the time of Township approval of a preliminary plan for a new mobile home park or for expansion of an existing mobile home park, a performance surety bond, bank letter of credit or cash bond in such amounts as may be determined by said Board necessary to insure the development of the site in accordance with the approved preliminary plans therefor. Such bond or bank letter of credit, if required, shall continue for the duration of the construction and development of the site and until all conditions are complied with and shall be in a face amount which is a reasonable percentage of the estimated total costs of the particular construction and site development. If a performance bond is required, the amount of the performance bond shall be set at a minimum of 100 percent of the cost of the unfinished work. The bond shall be for the purpose of securing the health, safety and welfare of the residents of the Township and adjacent residents and property owners. Said Board shall provide for the rebate of any cash bond filed in this connection in reasonable proportion to the ratio of the work completed on the improvements for which the bond was required provided the amount remaining on deposit still provides reasonable security for the completion of the unfinished improvements germane to the deposit.~~

~~(e) Mobile Home Parks – electronic copies of plans. Following final approval by the Planning Commission and before a Certificate of Occupancy may be issued, the applicant shall furnish the Township hard copies on both paper and Mylar and a digital copy of the final approved site plan and as-built drawings of public water and sewer mains, prepared to scale. Digital copies shall be provided in AutoCAD (.dwg) or (.dxf) format. Digital copies may be submitted on 3 ½" disk or CD.~~

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

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

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

25.404 Temporary outdoor events **lasting more than three days.** ~~meeting all the conditions and limitations of Section 25.206 except 25.206(a).~~

ARTICLE 4
AGRICULTURAL DISTRICT

4.10 STATEMENT OF PURPOSE

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

4.20 PERMITTED LAND USES

- A Farm operations as defined in the Michigan Right to Farm Act when conducted in conformance with the generally-accepted agricultural and management practices adopted by the Michigan Commission of Agriculture.
- B Dwellings, single family.
- C Places of worship.
- D Essential services, excluding buildings and regulator stations.
- E Family day care homes.
- F Accessory buildings for uses customarily incidental to the primary permitted use.

4.30 CONDITIONAL LAND USES

Due to the nature of the following uses, additional regulations have been developed to ensure compatibility and mitigate impacts on adjacent properties. The procedures and standards for approval can be found under Article 43: Conditional Land Uses.

- A Farm labor housing.
- B Home occupations.
- C Temporary outdoor events not lasting more than three days.
- D Accessory buildings for uses customarily incidental to the primary conditional use.

4.40 SPECIAL LAND USES

Due to the unique characteristics of the following land uses and their likely impacts on neighboring properties, additional deliberation is needed by the Planning Commission. Special land uses are considered to be more intense compared to other uses permitted within the district. The procedures and standards for approval can be found under Article 44: Special Land Uses.

- A Public buildings for governmental purpose.
- B Buildings and regulator stations for essential services.
- C Group day care homes.
- D Riding stables, including boarding.
- E Kennels, pet day care.
- F Temporary outdoor events lasting more than three days.
- G Bed and Breakfast Inns.
- H Veterinarian clinics, general.
- I Agribusinesses.
- J Solar energy systems.
- K Wind energy systems.
- L Accessory buildings for uses customarily incidental to the primary special use.

ARTICLE 5
RURAL RESIDENTIAL DISTRICT

5.10 STATEMENT OF PURPOSE

This district is intended to protect the quality of the overall environment of Oshtemo Township while satisfying the desire for a semi-rural residential lifestyle within areas which are not considered suitable for agricultural uses or traditional residential subdivisions as a result of soil limitation, land fragmentation, utility system limitations, street capacity, or topography or other natural features. Use of nontraditional land development options, such as the Open Space Community provisions of Article 38 to conserve open space, fallow land, wooded areas, and wetlands, is encouraged.

5.20 PERMITTED LAND USES

- A Dwellings, single family.
- B Places of worship.
- C Essential services, excluding buildings and regulator stations.
- D Family day care homes.
- E Accessory buildings for uses customarily incidental to the primary permitted use.

5.30 CONDITIONAL LAND USES

Due to the nature of the following uses, additional regulations have been developed to ensure compatibility and mitigate impacts on adjacent properties. The procedures and standards for approval can be found under Article 43: Conditional Land Uses.

- A Cemeteries.
- B Home occupations.
- C Temporary outdoor events not lasting more than three days.
- D Accessory buildings for uses customarily incidental to the primary conditional use.

5.40 SPECIAL LAND USES

Due to the unique characteristics of the following land uses and their likely impacts on neighboring properties, additional deliberation is needed by the Planning Commission. Special land uses are considered to be more intense compared to other uses permitted within the district. The procedures and standards for approval can be found under Article 44: Special Land Uses.

- A Nonprofit educational, noncommercial recreational and noncommercial business centers.

- B Golf courses, parks, and other **passive** outdoor recreational areas.
- C Private schools.
- D Veterinarian clinics, **general**.
- E Kennels, **pet day care**.
- F Riding stables, with boarding.**
- G Private **noncommercial** clubs and lodges.
- H Public buildings for governmental purpose.**
- I Buildings and regulator stations for essential services.
- J Group day care homes.
- K Bed and Breakfast Inns.
- L Agri-businesses.**
- M Solar energy systems.**
- N Wind energy systems.**
- O Temporary outdoor events **lasting more than three days**.
- P Accessory buildings for uses customarily incidental to the primary special use.**

ARTICLE 6
R-1 RESIDENCE DISTRICT

6.10 STATEMENT OF PURPOSE

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

6.20 PERMITTED LAND USES

- A Dwelling, single family.
- B Places of worship.
- C Essential services, excluding buildings and regulator stations.
- D Family day care homes.
- E Accessory buildings for uses customarily incidental to the primary permitted use.

6.30 CONDITIONAL LAND USES

Due to the nature of the following uses, additional regulations have been developed to ensure compatibility and mitigate impacts on adjacent properties. The procedures and standards for approval can be found under Article 43: Conditional Land Uses.

- A Home occupations.
- B Temporary outdoor events not lasting more than three days.
- C Accessory buildings for uses customarily incidental to the primary conditional use.

6.40 SPECIAL LAND USES

Due to the unique characteristics of the following land uses and their likely impacts on neighboring properties, additional deliberation is needed by the Planning Commission. Special land uses are considered to be more intense compared to other uses permitted within the district. The procedures and standards for approval can be found under Article 44: Special Land Uses.

- A Public buildings for governmental purpose.
- B Buildings and regulator stations for essential services.
- C Group day care homes.

D Temporary outdoor events lasting more than three days.

E Accessory buildings for uses customarily incidental to the primary special use.

ARTICLE 7
R-2 RESIDENCE DISTRICT

7.10 STATEMENT OF PURPOSE

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

7.20 PERMITTED LAND USES

- A Dwellings, single family.
- B Places of worship.
- C Essential services, excluding buildings and regulator stations.
- D Family day care homes.
- E Accessory buildings for uses customarily incidental to the primary permitted use.

7.30 CONDITIONAL LAND USES

Due to the nature of the following uses, additional regulations have been developed to ensure compatibility and mitigate impacts on adjacent properties. The procedures and standards for approval can be found under Article 43: Conditional Land Uses.

- A Dwellings, two family.
- B Cemeteries.
- C Home occupations.
- D Temporary outdoor events not lasting more than three days.
- E Accessory buildings for uses customarily incidental to the primary conditional use.

7.40 SPECIAL LAND USES

Due to the unique characteristics of the following land uses and their likely impacts on neighboring properties, additional deliberation is needed by the Planning Commission. Special land uses are considered to be more intense compared to other uses permitted within the district. The procedures and standards for approval can be found under Article 44: Special Land Uses.

- A Golf courses, parks, and other passive outdoor recreational areas.
- B Public buildings for governmental purpose.

- C Buildings and regulator stations for essential services.
- D Private schools.
- E Group day care homes.
- F Temporary outdoor events lasting more than three days.
- G Accessory buildings for uses customarily incidental to the primary special use.

ARTICLE 8
R-3 RESIDENCE DISTRICT

8.10 STATEMENT OF PURPOSE

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

8.20 PERMITTED LAND USES

- A Dwellings, single family.
- B Places of worship.
- C Essential services, excluding buildings and regulator stations.
- D Family day care homes.
- E Accessory buildings for uses customarily incidental to the primary permitted use.

8.30 CONDITIONAL LAND USES

Due to the nature of the following uses, additional regulations have been developed to ensure compatibility and mitigate impacts on adjacent properties. The procedures and standards for approval can be found under Article 43: Conditional Land Uses.

- A Dwellings, two family.
- B Dwellings, three or four family.
- C Home occupations.
- D Conversion of a residence for office uses.
- E Temporary outdoor events not lasting more than three days.
- F Accessory buildings for uses customarily incidental to the primary conditional use.

8.40 SPECIAL LAND USES

Due to the unique characteristics of the following land uses and their likely impacts on neighboring properties, additional deliberation is needed by the Planning Commission. Special land uses are considered to be more intense compared to other uses permitted within the district. The procedures and standards for approval can be found under Article 44: Special Land Uses.

- A Buildings and regulator stations for essential services.

- B Golf courses, parks, and other **passive** outdoor recreational areas.
- C Office buildings.
- D Veterinary clinics, **small animal**.
- E Private schools.
- F Private **noncommercial** clubs and lodges.
- G Child care centers.
- H Group day care homes.
- I **Public buildings for governmental purpose.**
- J Temporary outdoor events **lasting more than three days.**
- K **Accessory buildings for uses customarily incidental to the primary special use.**

8.50 DEVELOPMENT STANDARDS

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

- A No building shall be more than **25** feet in height.
- B No building shall be larger than 10,000 square feet in area.
- C The total area of all buildings shall not occupy more than 30 percent of the ground area of the lot, parcel or building site on which they are located.
- D No retail activity shall be carried on nor stock of goods maintained for sale upon the premises **unless specifically related and incidental to the primary use. Retail activity may only occupy 10 percent of the gross floor area.**
- E The minimum setback distance between any building and any rear or interior side property line shall be 20 feet or the height of the abutting side of the building at its highest point as measured from the grade of the property line, whichever is greater.
- F Required off-street parking shall be maintained upon the premises but shall be prohibited in the required front and side setback areas.
- G Access to and from the premises by motor vehicles shall be designed to accommodate forward movement in each case and no vehicles shall be permitted to back into the abutting private or public street.

- H Any outdoor lighting shall be **residential** in character and shall be reduced in intensity or eliminated during non-business hours.

- I The **reviewing body** shall have the right and authority to impose additional restrictions and conditions as may be necessary for the protection of the health, safety, and welfare of adjoining property owners and to ensure that any noise, odors, traffic, or other **adverse effects** have a minimum impact upon the neighborhood in which the same is located, including but not limited to hours of operation.

ARTICLE 9
R-4 RESIDENCE DISTRICT

9.10 STATEMENT OF PURPOSE

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

9.20 PERMITTED LAND USES

- A Dwelling, single family.
- B Places of worship.
- C Essential services, excluding buildings and regulator stations.
- D Family day care homes.
- E Accessory buildings for uses customarily incidental to the primary permitted use.

9.30 CONDITIONAL LAND USES

Due to the nature of the following uses, additional regulations have been developed to ensure compatibility and mitigate impacts on adjacent properties. The procedures and standards for approval can be found under Article 43: Conditional Land Uses.

- A Dwellings, two family.
- B Dwellings, three or four family.
- C Dwellings, multiple-family.
- D Nursing, convalescent, and assisted living facilities.
- E Home occupations.
- F Temporary outdoor events not lasting more than three days.
- G Accessory buildings for uses customarily incidental to the primary conditional use.

9.40 SPECIAL LAND USES

Due to the unique characteristics of the following land uses and their likely impacts on neighboring properties, additional deliberation is needed by the Planning Commission. Special land uses are considered to be more intense compared to other uses permitted within the district. The procedures and standards for approval can be found under Article 44: Special Land Uses.

- A Private noncommercial clubs, fraternities, sororities, and lodges.
- B Buildings and regulator stations for essential services.

- C Public buildings for governmental purpose.
- D Golf courses, parks, and other passive outdoor recreational areas.
- E Private schools.
- F Group day care homes.
- G Child care centers.
- H Temporary outdoor events lasting more than three days.
- I Accessory buildings for uses customarily incidental to the primary special use.

9.50 DEVELOPMENT STANDARDS

These development standards, along with any other applicable ordinance requirements, shall apply to all multiple family uses permitted within the R-4 District.

- A Rehabilitation and/or redevelopment of an existing multiple-family legal nonconforming use where the density exceeds the density limitations of Article 45 is permitted. This may not be construed as allowing an increase in density.
- B A dwelling unit may be occupied by more than one family, up to four unrelated individuals, but never more than two persons per bedroom.

ARTICLE 10
R-5 RESIDENCE DISTRICT

10.10 STATEMENT OF PURPOSE

This district classification is intended for the development of mobile **and manufactured** home communities. This district classification is designed to provide for such use under appropriate construction and development standards to promote the health, safety, and general welfare of the residents of such areas as well as the residents of adjoining premises. The area zoned for such purposes should be able to accommodate the increased traffic generated from such developments as well as the sanitary requirements of the same.

10.20 PERMITTED **LAND** USES

- A **Places** of worship.
- B Essential services, **excluding buildings and regulator stations**.
- C Family day care homes.
- D Accessory buildings for uses customarily incidental to the primary permitted use.

10.30 **CONDITIONAL LAND USES**

Due to the nature of the following uses, additional regulations have been developed to ensure compatibility and mitigate impacts on adjacent properties. The procedures and standards for approval can be found under Article 43: Conditional Land Uses.

- A Mobile/manufactured home subdivisions/site condominiums.**
- B Home occupations.**
- C Temporary outdoor events not lasting more than three days.**
- D Accessory buildings for uses customarily incidental to the primary conditional use.**

10.40 SPECIAL **LAND** USES

Due to the unique characteristics of the following land uses and their likely impacts on neighboring properties, additional deliberation is needed by the Planning Commission. Special land uses are considered to be more intense compared to other uses permitted within the district. The procedures and standards for approval can be found under Article 44: Special Land Uses.

- A Mobile/**manufactured** home parks.
- B Mobile/**manufactured** home sales.
- C Group day care homes.
- D Buildings and regulator stations for essential services.
- E Public buildings for governmental purpose.**

F Temporary outdoor events lasting more than three days.

G Accessory buildings for uses customarily incidental to the primary special use.

Conditional Uses – Residential Districts: Redlined Version

A Farm Labor Housing:

1. Shall comply with the Michigan Health Code, as amended.
2. Shall only be occupied by employees and their families of the farm operation.
3. All structures must be setback a minimum of 100 feet from all property lines.

B Home Occupations:

1. The occupation(s) conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes.
2. Shall be operated in their entirety within the dwelling and/or within an attached garage and not within any detached garage or accessory building located upon the premises.
3. Shall be conducted by the person or persons occupying the premises as their principal residence.
4. No nonresident on-premises employees are permitted.
5. The dwelling has no exterior evidence to indicate that the same is being utilized for any purpose other than that of a dwelling. ~~No signs are permitted.~~
6. Signs are prohibited.
7. The occupation(s) shall not utilize more than (a) 25% of the interior gross floor area of the premises; or (b) 500 square feet, whichever is less.
8. No goods are sold from the premises, which are not strictly incidental to the principal home occupation conducted therein. Retail sales events shall be regulated the same as garage, yard, and household sales under Article 52.
9. No occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by means of vibrations, noise, smoke, odor, dust, dirt, fumes, glare, heat, electrical disturbance, lighting, or the creation of vehicular traffic in excess of what is characteristic of the area. Vibrations, noise, smoke, odor, dust, dirt, fumes, glare, heat, electrical disturbance, or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted. The use and/or storage of hazardous materials in excess of quantities customary to a residential dwelling are not permitted.
10. Outdoor activity, storage, and/or display are prohibited
11. Use of a commercial vehicle is subject to ~~Section 68.150~~ Article 47.

12. The following shall not be deemed home occupations: medical or dental clinics or offices, child care facilities, barbershops and beauty salons (except barbershops and beauty salons limited to one operator), funeral homes, restaurants, veterinarian clinics or offices, kennels, riding stables, storage facilities, adult regulated uses, or any sale, resale, maintenance, repair, restoration or painting of automobiles, trucks, motorcycles, motorized recreational vehicles, and boats, and other occupations determined by the Planning Commission to be similar to the occupations listed in this subsection.

13. *Medical Marihuana.* A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d) and the requirements of [this] section, shall be allowed as a home occupation in the RR, Rural Residential District. Nothing in this section, or in any companion regulatory provision adopted in any other provision of the Township's general Ordinances are intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the General Rules. Also, since Federal law is not affected by that Act or the General Rules, nothing in this section, or in any companion regulatory provisions adopted in any other provision of the Township's general Ordinances are intended to grant, nor shall they be construed as granting immunity from criminal prosecution under Federal law. The Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:
 - a. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
 - b. No registered primary caregiver shall be located:
 - i. Within a one-thousand-foot radius from any school, child care or day care facility, to insure community compliance with Federal "Drug-Free School Zone" requirements.
 - ii. Within a one-thousand-foot radius of another primary caregiver's facility.
 - iii. Within a five-hundred-foot radius from any house of worship.
 - iv. Within a five-hundred-foot radius of a public park.
 - v. Measurements for purposes of this subsection shall be made from parcel/lot/building site unit boundary to parcel/lot/building site unit boundary.
 - c. Not more than one primary caregiver shall be permitted to service qualifying patients on a property.
 - d. Not more than five qualifying patients shall be assisted with the medical use of marihuana within any given calendar week, and all such assistance shall occur between the hours of 8:00 a.m. and 6:00 p.m.

- e. All medical marihuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient, as reviewed and approved by the Building Official and the Kalamazoo County Sheriff's Department.
 - f. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.
 - g. All medical marihuana shall be grown by the primary caregiver in the home from which the primary caregiver operates.
 - h. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 p.m. to 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.
 - i. That portion of the residential structure where energy usage and heat exceed typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Oshtemo Charter Township Fire Department to insure compliance with the Michigan Fire Protection Code.
 - j. Nothing in this Ordinance shall be deemed to allow dispensaries, compassion clubs or smoke houses which are strictly prohibited in all zoning districts.
 - k. All primary caregivers shall annually be registered, inspected and licensed by the Township in accordance with Ordinance No. 521.
14. ~~The Planning Commission may authorize as a special exception use, Home Occupations which depart from the criteria stated in Section 78.910, B, D, and/or F above; provided, however, that any Home Occupation so authorized shall meet the following conditions:~~ **Home occupations that cannot meet the criteria for a Conditional Land Use may request Special Land Use approval from the Planning Commission if the conditions established for a Special Land Use can be met.**
- ~~A. All other criteria stated in Section 78.910, shall be met.~~
 - ~~B. All applications for special exception use shall include a statement setting forth a detailed description of the proposed Home Occupation(s), its location, and purpose(s) for which the proposed or existing accessory building, if any, will be used.~~
 - ~~C. The number of nonresident employees working on-site cannot exceed one (1) at any one time.~~
 - ~~D. Operation of Home Occupations within a completely enclosed accessory building subject to site plan review and approval by the Planning Commission and the following limitations:~~

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

- ~~2. Use of an accessory building is limited to property containing a single or two-family dwelling.~~
- ~~3. All applications requiring site plan review shall include a drawing to scale of the subject property, containing the following information:

 - ~~a. A north arrow and graphic scale.~~
 - ~~b. All property lines and their dimensions.~~
 - ~~c. Building setbacks from property lines.~~
 - ~~d. Location and dimensions of all existing and proposed structures (including height of all proposed accessory buildings) on the subject property and any existing buildings on adjacent properties within 50 feet of the subject property boundaries.~~~~
- ~~4. No accessory building allowed pursuant to this subsection shall be used for a purpose other than that approved by the Planning Commission.~~
- ~~5. If the Planning Commission reviews the site plan for an accessory building, it is not subject to review by the Zoning Board of Appeals.~~

~~To ensure harmonious relationships and to minimize conflicts between adjacent uses, the Planning Commission shall consider the characteristics of the proposed Home Occupation(s) and/or accessory building in relation to the following: the purpose and intent of this Ordinance, size of property, size of dwelling, proposed location on the property, existing land uses in area, and future land uses as reflected in the Master Land Use Plan. The Planning Commission may attach requirements to such Home Occupation(s) and accessory building when it deems necessary to avoid or mitigate adverse impacts on surrounding properties which may include, but is not limited to, a reduction in the size of the building and increased setback requirements. **(MOVE TO SPECIAL LAND USE SECTION)**~~

C Temporary Outdoor Events **(3 days or less)**

- 1. Permitted on an individual property or to an individual vendor no more than once every quarter within a calendar year.**
2. Use is incidental to principal use of the property and all events shall not last more than one day.
- 3. All activity shall take place on the subject property.**
- 4. Restrooms shall be provided on site (in building or through portable facilities).**
5. A site plan shall be submitted for administrative review indicating the following:

- a. Traffic lanes and on-site parking.
 - b. Fire lanes and emergency vehicle turning areas.
 - c. **Location of restrooms provided (in building or portable facilities).**
 - d. Placement of vehicles, trailers, and all other equipment is away from adjoining residentially used properties and complies with all applicable setbacks.
 - e. **Location of fire hydrants.**
 - f. ~~All activity takes place on subject property.~~
6. The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.
 7. All signs ~~directed off-site~~ must receive a temporary sign permit and comply with all applicable sign ordinances.
 8. Property owner must approve and acknowledge the use of the property for the event.

D Cemeteries

1. Excludes crematories and any retail uses other than the sale of plots.
2. Minimum size shall be five acres for a human cemetery and two acres for a pet cemetery.
3. Any accessory buildings shall meet the setback requirements for the district in which the cemetery is located.
4. Mausoleums, storage vaults, chapels and similar uses must submit a site plan to the Township for approval.

E Two Family Dwellings

1. **Dwelling unit density shall be regulated by the underlying zoning district.**
2. **Building height shall be restricted to two-stories and no greater than 25 feet.**
3. **Public sanitary sewer facilities are required as part of the development.**

F Three or Four-Family Dwellings

- A. **Building height shall be restricted to two-stories and no greater than 25 feet.**

B. ~~Dwelling unit density is limited to a maximum of four dwelling units per acre~~ Dwelling unit density shall be regulated by the underlying zoning district.

C. Public sanitary sewer and water facilities are required as part of the development.

G Conversion of a Residence for Offices

A. Any such building must remain compatible in size, height, external design, landscaping and surrounding open space as other residential buildings in the area adjacent and nearest to the proposed use within a radius not to exceed one-half mile.

B. ~~Any interior or exterior lighting shall be of a subdued character with the source not visible from the perimeters of the property and shall be reduced in intensity or eliminated during non-business hours.~~ (Required in the Development Standards of R-3 District)

C. ~~Required off-street parking and driveways shall be maintained upon the premises, appropriately landscaped and situated in locations least objectionable to adjacent premises, not closer than ten feet to such adjacent premises nor within the required front setback areas.~~ (Required in the Development Standards of R-3 District)

D. ~~Landscaping shall be established in accordance with Section 75 between such premises and any adjacent premises utilized for single family or two family purposes or, if vacant, zoned for such purposes.~~ (Required in the Development Standards of R-3 District)

E. ~~Access to and from the premises by motor vehicles shall be designed to accommodate forward movement in each case and no vehicles shall be permitted to back into the abutting private or public street.~~ (Required in the Development Standards of R-3 District)

H Multiple Family Dwellings

1. Excludes hotels and motels.

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

3. Dwelling unit density for any portion of a multiple family dwelling sites located more than 200 feet from property in an adjacent to property zoned "AG", "RR", "R-1" or "R-2" Zoning Classification shall be limited to a maximum unit density of eight six units per acre. All other multiple family dwelling sites shall be limited to a maximum unit density of eight units per acre.

4. All two-way interior drives within a multiple family dwelling development shall be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 21 feet exclusive of any area used for parking. All one-way interior drives within a multiple-family development shall also be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 13 feet exclusive of any area used for parking.
5. When an interior drive would service as a connecting link between different land ownerships or different public roads, either currently or within the foreseeable future, it shall, regardless of whether it is a public or private road, be constructed in accordance with the public road specifications of the Kalamazoo County Road Commission and be located upon a reserved right-of-way of not less than 66 feet in width.
6. Sidewalks shall be provided on both sides of any access drive leading into a multi-family development from a public street.
7. Access streets. A multiple family development shall be furnished with **A** minimum of two access streets connecting the same **development** to a public **road is required**. ~~highway or highways unless the Zoning Board of Appeals grants a variance from such requirements where, **The reviewing body may grant one access point if** in the opinion of said Board, the additional access or accesses would not improve traffic safety because of the peculiar **particular** characteristics of the proposed development.~~
8. A stop sign shall be provided at every intersection of an access street with a public ~~highway~~ **road**.
9. Public water, sanitary sewer and storm drainage facilities shall be provided as part of the site development. All electric and telephone transmission wires shall be placed underground.
10. Open space requirements.
 - a. All multiple-family ~~dwellings~~ **developments** shall be established ~~on a lot, parcel, or building site~~ in such a manner that there is at least one contiguous area of open space suitable for recreational purposes ~~and equal to~~ not less than five percent of the total area of the **development** ~~lot, parcel, or building site on which the multiple family dwelling is located~~. The ~~Zoning Board of Appeals~~ **reviewing body** shall have the authority to ~~grant variances from~~ **approve an alternate approach to** this requirement ~~to accommodate alternative~~ **if a different** open space arrangements ~~consistent with the purpose of this provision~~ **ensures compliance with the spirit, purpose and intent of this ordinance**.
 - b. ~~Subject to Section 66.400.~~
11. The minimum separation between **multiple family** buildings shall be 40 feet (~~except buildings accessory thereto~~). Separation shall be measured in the same manner as a building setback.
12. A dwelling unit may be occupied by more than one family, up to four unrelated individuals, but never more than two persons per bedroom. **(In the development standards section)**

I Nursing, convalescent and assisted living facilities.

1. A minimum site size of three acres shall be required.
2. A minimum of 500 square feet of outdoor open space shall be required per dwelling unit or bed in the facility, whichever is greater. Common areas (exclusive of corridors, entrance vestibules, and hallways) that are incidental to and/or enhance the living facilities shall be a minimum of 50 square feet per dwelling unit or bed in the facility, whichever is greater.
3. The minimum separation between buildings shall be 30 feet.
4. All studio or efficiency units shall have a minimum floor area of 300 square feet, one-bedroom units shall have a minimum floor area of 400 square feet, and 2 or more-bedroom units shall have a minimum floor area of 550 square feet.
5. A drop off and pick-up area shall be provided separate from the parking area and circulation aisles.
6. Public sanitary sewer and water facilities are required as part of the development.

J Mobile Home Subdivisions/Site Condominiums

1. Mobile home subdivisions/**site condominiums** shall be established in full compliance with the provisions of the Township Subdivision/**Site Condominium Control Ordinance**.
2. All mobile homes, single- or two-family dwellings in a mobile home **subdivision or site condominium** project shall have a minimum living area of 750 square feet for a one and two-bedroom unit plus 150 square feet of additional living area for each ~~additional~~ bedroom beyond two. Dwellings shall be exempt from the provisions of **Section 66.125 subparagraph (b)**.
3. No mobile home in a mobile home subdivision/**site condominium** shall have exposed wheels, towing mechanism, undercarriage or chassis.
4. Each mobile home in a mobile home subdivision/**site condominium** shall be installed pursuant to the manufacturer's setup instructions and the rules and regulations of the Michigan Mobile Home Commission and shall be secured to the premises by an anchoring system or device also complying with the rules and regulations of the Michigan Mobile Home Commission. In addition, the area between the grade elevation of the lot and the mobile home shall either have a wall of the same perimeter dimensions of the mobile home and constructed of such materials and type as required in the Township Building Code for single-family dwellings or shall instead have skirting of the same perimeter dimensions of the mobile home, which skirting shall be in compliance with the standards set forth in Rule 604 of the Michigan Mobile Home Code promulgated by the Michigan Mobile Home Commission.
5. All mobile homes and single- or two-family dwellings in a mobile home subdivision/**site condominium** shall be connected to a public sewer and water supply or to such private facilities approved by the ~~local~~ **County** health department.

6. All mobile homes and single- or two-family dwellings in a mobile home subdivision/**site condominium** shall contain permanently attached steps connected to exterior door areas or to porches connected to said door area where a difference in elevation requires the same.
7. Each mobile home in a mobile home subdivision/**site condominium** shall be constructed in compliance with the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended.
8. No more than one mobile home or single- or two-family dwelling shall be placed upon an individual lot.

Conditional Uses – Residential Districts: Only new language

A Farm Labor Housing:

1. Shall comply with the Michigan Health Code, as amended.
2. Shall only be occupied by employees and their families of the farm operation.
3. All structures must be setback a minimum of 100 feet from all property lines.

B Home Occupations:

1. The occupation(s) conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes.
2. Shall be operated in their entirety within the dwelling and/or within an attached garage and not within any detached garage or accessory building located upon the premises.
3. Shall be conducted by the person or persons occupying the premises as their principal residence.
4. No nonresident on-premises employees are permitted.
5. The dwelling has no exterior evidence to indicate that the same is being utilized for any purpose other than a dwelling.
6. Signs are prohibited.
7. The occupation(s) shall not utilize more than (a) 25% of the interior gross floor area of the premises; or (b) 500 square feet, whichever is less.
8. No goods are sold from the premises, which are not strictly incidental to the principal home occupation conducted therein. Retail sales events shall be regulated the same as garage, yard, and household sales under Article 52.
9. No occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by means of vibrations, noise, smoke, odor, dust, dirt, fumes, glare, heat, electrical disturbance, lighting, or the creation of vehicular traffic in excess of what is characteristic of the area. Vibrations, noise, smoke, odor, dust, dirt, fumes, glare, heat, electrical disturbance, or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted. The use and/or storage of hazardous materials in excess of quantities customary to a residential dwelling are not permitted.
10. Outdoor activity, storage, and/or display are prohibited
11. Use of a commercial vehicle is subject to Article 47.

12. The following shall not be deemed home occupations: medical or dental clinics or offices, child care facilities, barbershops and beauty salons (except barbershops and beauty salons limited to one operator), funeral homes, restaurants, veterinarian clinics or offices, kennels, riding stables, storage facilities, adult regulated uses, or any sale, resale, maintenance, repair, restoration or painting of automobiles, trucks, motorcycles, motorized recreational vehicles, and boats, and other occupations determined by the Planning Commission to be similar to the occupations listed in this subsection.

13. *Medical Marihuana.* A registered primary caregiver, in compliance with the General Rules of the Michigan Department of Community Health, the Michigan Medical Marihuana Act, P.A. 2008, Initiated Law, MCL 333.26423(d) and the requirements of [this] section, shall be allowed as a home occupation in the RR, Rural Residential District. Nothing in this section, or in any companion regulatory provision adopted in any other provision of the Township's general Ordinances are intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the General Rules. Also, since Federal law is not affected by that Act or the General Rules, nothing in this section, or in any companion regulatory provisions adopted in any other provision of the Township's general Ordinances are intended to grant, nor shall they be construed as granting immunity from criminal prosecution under Federal law. The Michigan Medical Marihuana Act does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from Federal prosecution, or from having their property seized by Federal authorities under the Federal Controlled Substances Act. The following requirements for a registered primary caregiver shall apply:
 - a. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
 - b. No registered primary caregiver shall be located:
 - i. Within a one-thousand-foot radius from any school, child care or day care facility, to insure community compliance with Federal "Drug-Free School Zone" requirements.
 - ii. Within a one-thousand-foot radius of another primary caregiver's facility.
 - iii. Within a five-hundred-foot radius from any house of worship.
 - iv. Within a five-hundred-foot radius of a public park.
 - v. Measurements for purposes of this subsection shall be made from parcel/lot/building site unit boundary to parcel/lot/building site unit boundary.
 - c. Not more than one primary caregiver shall be permitted to service qualifying patients on a property.
 - d. Not more than five qualifying patients shall be assisted with the medical use of marihuana within any given calendar week, and all such assistance shall occur between the hours of 8:00 a.m. and 6:00 p.m.

- e. All medical marihuana shall be contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient, as reviewed and approved by the Building Official and the Kalamazoo County Sheriff's Department.
- f. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.
- g. All medical marihuana shall be grown by the primary caregiver in the home from which the primary caregiver operates.
- h. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 p.m. to 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.
- i. That portion of the residential structure where energy usage and heat exceed typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the Oshtemo Charter Township Fire Department to insure compliance with the Michigan Fire Protection Code.
- j. Nothing in this Ordinance shall be deemed to allow dispensaries, compassion clubs or smoke houses which are strictly prohibited in all zoning districts.
- k. All primary caregivers shall annually be registered, inspected and licensed by the Township in accordance with Ordinance No. 521.

14. Home occupations that cannot meet the criteria for a Conditional Land Use may request Special Land Use approval from the Planning Commission if the conditions established for a Special Land Use can be met.

C Temporary Outdoor Events (3 days or less)

- 1. Permitted on an individual property or to an individual vendor no more than once every quarter within a calendar year.
- 2. Use is incidental to principal use of the property.
- 3. All activity shall take place on the subject property.
- 4. Restrooms shall be provided on site (in building or through portable facilities).
- 5. A site plan shall be submitted for administrative review indicating the following:
 - a. Traffic lanes and on-site parking.

- b. Fire lanes and emergency vehicle turning areas.
- c. **Location of restrooms.**
- d. Placement of vehicles, trailers, and all other equipment is away from adjoining residentially used properties and complies with all applicable setbacks.
- e. **Location of fire hydrants.**

- 6. The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.
- 7. All signs must receive a temporary sign permit and comply with all applicable sign ordinances.
- 8. Property owner must approve and acknowledge the use of the property for the event.

D Cemeteries

- 1. Excludes crematories and any retail uses other than the sale of plots.
- 2. Minimum size shall be five acres for a human cemetery and two acres for a pet cemetery.
- 3. Any accessory buildings shall meet the setback requirements for the district in which the cemetery is located.
- 4. Mausoleums, storage vaults, chapels and similar uses must submit a site plan to the Township for approval.

E Two Family Dwellings

- 1. **Dwelling unit density shall be regulated by the underlying zoning district.**
- 2. **Building height shall be restricted to two-stories and no greater than 25 feet.**
- 3. **Public sanitary sewer facilities are required as part of the development.**

F Three or Four-Family Dwellings

- A. **Building height shall be restricted to two-stories and no greater than 25 feet.**
- B. **Dwelling unit density shall be regulated by the underlying zoning district.**
- C. Public sanitary sewer **and water** facilities are required as part of the development.

G Conversion of a Residence for Offices

- A. Any such building must remain compatible in size, height, external design, landscaping and surrounding open space as other residential buildings in the area adjacent and nearest to the proposed use within a radius not to exceed one-half mile.

H Multiple Family Dwellings

1. Excludes hotels and motels.
2. To the extent that parking areas, community buildings or open space recreational areas are located within 200-feet of property zoned AG, RR, R-1, or R-2, such facilities shall be situated and designed as to, in the judgement of the reviewing body at the time of site plan review, minimize adverse effects to owners and occupants of the adjacent properties.
3. Dwelling unit density for any multiple family dwelling sites located adjacent to property zoned "AG", "RR", "R-1" or "R-2" shall be limited to a maximum unit density of six units per acre. All other multiple family dwelling sites shall be limited to a maximum unit density of eight units per acre.
4. All two-way interior drives within a multiple family dwelling development shall be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 21 feet exclusive of any area used for parking. All one-way interior drives within a multiple-family development shall also be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 13 feet exclusive of any area used for parking.
5. When an interior drive would service as a connecting link between different land ownerships or different public roads, either currently or within the foreseeable future, it shall, regardless of whether it is a public or private road, be constructed in accordance with the public road specifications of the Kalamazoo County Road Commission and be located upon a reserved right-of-way of not less than 66 feet in width.
6. Sidewalks shall be provided on both sides of any access drive leading into a multi-family development from a public street.
7. A minimum of two access streets connecting the development to a public road is required. The reviewing body may grant one access point if the additional access would not improve traffic safety because of the particular characteristics of the proposed development.
8. A stop sign shall be provided at every intersection of an access street with a public road.
9. Public water, sanitary sewer and storm drainage facilities shall be provided as part of the site development. All electric and telephone transmission wires shall be placed underground.
10. Open space requirements.
 - a. All multiple-family developments shall be established in such a manner that there is at least one contiguous area of open space suitable for recreational purposes not less than five

percent of the total area of the **development**. The **reviewing body** shall have the authority to **approve an alternate approach to** this requirement **if a different** open space arrangement **ensures compliance with the spirit, purpose and intent of this ordinance**.

11. The minimum separation between **multiple family** buildings shall be 40 feet. Separation shall be measured in the same manner as a building setback.

I Nursing, convalescent and assisted living facilities.

1. **A minimum site size of three acres shall be required.**
2. **A minimum of 500 square feet of outdoor open space shall be required per dwelling unit or bed in the facility, whichever is greater. Common areas (exclusive of corridors, entrance vestibules, and hallways) that are incidental to and/or enhance the living facilities shall be a minimum of 50 square feet per dwelling unit or bed in the facility, whichever is greater.**
3. **The minimum separation between buildings shall be 30 feet.**
4. **All studio or efficiency units shall have a minimum floor area of 300 square feet, one-bedroom units shall have a minimum floor area of 400 square feet, and 2 or more-bedroom units shall have a minimum floor area of 550 square feet.**
5. **A drop off and pick-up area shall be provided separate from the parking area and circulation aisles.**
6. **Public sanitary sewer and water facilities are required as part of the development.**

J Mobile Home Subdivisions/Site Condominiums

1. Mobile home subdivisions/**site condominiums** shall be established in full compliance with the provisions of the Township Subdivision/**Site Condominium** Ordinance.
2. All mobile homes, single- or two-family dwellings in a mobile home **subdivision or site condominium** project shall have a minimum living area of 750 square feet for a one and two-bedroom unit plus 150 square feet of additional living area for each bedroom beyond two. Dwellings shall be exempt from the provisions of **Section 66.125 subparagraph (b)**.
3. No mobile home in a mobile home subdivision/**site condominium** shall have exposed wheels, towing mechanism, undercarriage or chassis.
4. Each mobile home in a mobile home subdivision/**site condominium** shall be installed pursuant to the manufacturer's setup instructions and the rules and regulations of the Michigan Mobile Home Commission and shall be secured to the premises by an anchoring system or device also complying with the rules and regulations of the Michigan Mobile Home Commission. In addition, the area between the grade elevation of the lot and the mobile home shall either have a wall of the same perimeter dimensions of the mobile home and constructed of such materials and type as required in the Township Building Code for single-family dwellings or shall instead have skirting of the same perimeter dimensions of the mobile home, which skirting shall be in compliance with the

standards set forth in Rule 604 of the Michigan Mobile Home Code promulgated by the Michigan Mobile Home Commission.

5. All mobile homes and single- or two-family dwellings in a mobile home subdivision/site condominium shall be connected to a public sewer and water supply or to such private facilities approved by the County health department.
6. All mobile homes and single- or two-family dwellings in a mobile home subdivision/site condominium shall contain permanently attached steps connected to exterior door areas or to porches connected to said door area where a difference in elevation requires the same.
7. Each mobile home in a mobile home subdivision/site condominium shall be constructed in compliance with the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended.
8. No more than one mobile home or single- or two-family dwelling shall be placed upon an individual lot.

Special Uses – Residential Districts: Redlined version

- A Buildings and regulator stations for essential services.
- B Group Day Care Homes
 1. Outside play area is appropriately fenced for the safety of the children.
 2. The residential character of the property shall be preserved and maintained. Any building must be compatible in size, height, external design, landscaping, and surrounding open space as other residential buildings in the area.
 3. Operation may not exceed 16 hours ~~of operation~~ during a 24-hour period.
 4. No signs are permitted.
 5. One parking space, ~~in accordance with Section 68,~~ shall be provided for each non-resident employee working on site at any one time.
- C Riding Stables
 1. Horse boarding, of a commercial nature, is permitted. The maximum number of horses allowed shall be regulated by Article 52, the requirements for the keeping of livestock.
 2. Shall only be permitted on unplatted parcels of land.
 3. Subject to the provisions of ~~Section 78.400 and 78.410~~ **Article 52, the requirements for the keeping of livestock.**
- D Temporary Outdoor Events **(lasting longer than 3 days)**
 - A. **Permitted on an individual property or to an individual vendor no more than once every quarter within a calendar year.**
 - B. Use is incidental to principal use of the property and all events shall not last more than one day.
 - C. **All activity shall take place on the subject property.**
 - D. **Restrooms shall be provided on site (in building or through portable facilities).**
 - E. A site plan shall be submitted for administrative review indicating the following:
 1. **Permitted on an individual property or to an individual vendor no more than once every quarter within a calendar year.**
 2. Use is incidental to principal use of the property ~~and all events shall not last more than one day.~~

3. All activity shall take place on the subject property.
4. Restrooms shall be provided on site (in building or through portable facilities).
5. A site plan shall be submitted for administrative review indicating the following:
 - a. Traffic lanes and on-site parking.
 - b. Fire lanes and emergency vehicle turning areas.
 - c. ~~Location of restrooms provided (in building or portable facilities).~~
 - d. Placement of vehicles, trailers, and all other equipment is away from adjoining residentially used properties and complies with all applicable setbacks.
 - e. Location of fire hydrants.
 - f. ~~All activity takes place on subject property.~~
6. The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.
7. All signs ~~directed off-site~~ must receive a temporary sign permit and comply with all applicable sign ordinances.
8. Property owner must approve and acknowledge the use of the property for the event.

E Bed and Breakfast Inns

1. Residency. The dwelling unit in which the bed and breakfast inn is located shall be the principal residence of the real property owner and operator, and the real property owner and operator shall live on the premises when the bed and breakfast operation is active.
2. Rooms. The number of rooms available for guests shall be limited to six.
3. Occupancy. Occupancy shall be of a transient nature for periods not to exceed 14 consecutive days in duration in any one month by any particular guest. A guest registry shall be maintained and could be subject to inspection by the Township upon request.
4. Character. Residences used for bed and breakfast inns shall be suitable in character for the use proposed and shall not be cause for a change in character of the neighborhood.
5. Meals. Meals or other services provided on the premises shall only be available to residents, employees, and overnight guests of the establishment.
6. Licenses. Proof of application for state and county licenses shall be submitted. Required licenses shall be obtained prior to commencement of the use.

7. Sign. A non-animated sign not exceeding six square feet in area may be provided. Such sign may be provided as a ground sign or a wall sign. The location of the sign shall be approved by the Planning Commission at the time of site plan review. **Internally illuminated signs are prohibited.** ~~If illuminated the sign shall satisfy the requirements of Section 76.410 of the Township Zoning Ordinance.~~
8. Parking. Parking shall be provided in accordance with the **below standards, as well as any additional requirements of** ~~requirements in Section 68 Article 47.~~
 - a. One off-street parking space shall be provided for each lodging room and two off-street spaces shall be provided for the owner. Required spaces may be provided in an enclosed structure.
 - b. No parking shall be permitted in the front yard.
 - c. Parking spaces shall be screened from the road and adjacent properties in accordance with the requirements of **Section 75.140.**
 - d. Parking spaces shall be configured so as not to disturb the residential appearance of the neighborhood. The Planning Commission may require additional landscape buffering to preserve neighborhood appearance.
9. Refuse storage. Exterior refuse storage facilities beyond what might normally be expected for a detached single family dwelling shall be screened from view in accordance with the standards in **Section 75.160.** Landscape screening may be substituted for the fence or wall required in said section provided it will provide similar, opaque, all-season screening.
10. Annual review. ~~Special use permits~~ **Bed and Breakfast Inns** shall be subject to annual review with on-site inspections. The review shall be conducted administratively unless significant changes or problems warrant Planning Commission review. Annual approval must be received from local fire and building inspectors for adequate exits, smoke alarms, and general fire prevention and health department code adherence, which may be subject to an inspection fee in accordance with the Township Fee Schedule.
- 11. Impact. Bed and Breakfast Inns shall comply with the provisions of the Township Anti-Noise and Public Nuisance Ordinance (Part 214 of the General Code of Ordinances) and shall produce no offensive noise, traffic, glare, vibration, smoke, electrical interference, dust, odors, or heat that would be detrimental to the character of the neighborhood. Any glare, vibration, smoke, electrical interference, dust, odors, or heat detectable beyond the property lines shall constitute a violation of the terms of this provision. Any such violations shall be enforceable under the terms of the Anti-Noise and Public Nuisance Ordinance and/or Zoning Ordinance as applicable. (Not sure this is needed)**

F Public Buildings for Governmental Purpose.

G Nonprofit Educational, Noncommercial Recreational and Noncommercial Business Centers

1. Accessory uses may include but are not limited to uses for the benefit of the participants and directly relating to such centers: classrooms, libraries, lecture halls, eating facilities, overnight accommodations, conference center facilities, facilities for the production and documentation of audio visual presentations, satellite communication accommodations, custodial living, and maintenance facilities, office and recreational accessory uses.
2. Buildings shall not be constructed to a height exceeding ~~40~~ 30 feet.
3. Buildings and structures shall be set back 200 feet from the front right-of-way line of adjoining streets. Buildings and structures shall be set back 40 feet from the rear or side property line.
4. Outdoor storage areas shall be screened from view of adjoining residentially developed or zoned land.
5. Such facilities must be located upon a county primary road, as classified by the Road Commission of Kalamazoo County. ~~one of the designated highways listed in Section 64.100 of the zoning ordinance.~~
6. ~~Any entrance to the facility must be developed with a traffic deceleration lane. The Zoning Board of Appeals shall have authority to grant a variance from this requirement where in its opinion the deceleration lane would not substantially improve the traffic safety because of the particular characteristics of the facility, the road upon which the entrance is located, or the volume of traffic upon the road.~~
7. Not less than 75 percent of the site must be maintained as open space unencumbered by buildings, structures, paved roads, sidewalks, or parking areas.
8. The facility shall be designed so as to limit the number of participants to not exceed ten per acre.
9. ~~Adequate off-street parking must be constructed to insure sufficient parking space to meet the reasonably foreseeable demands upon the facility but not exceeding one parking space for each person the facility is designed to serve and shall be effectively screened from adjoining residentially developed or zoned land.~~
10. During site plan review, the ~~Zoning Board of Appeals~~ Planning Commission shall consider whether more than one vehicular entrance road is necessary for public safety and fire protection.

H Golf Courses, Parks, and other Passive Outdoor Recreational Areas

1. ~~The principal uses shall be an outdoor activity compatible with the other principal uses permitted in the particular zoning classification.~~
2. Concession stands, pro-shops, clubhouses, equipment repair facilities, and other incidental commercial type uses shall be permitted provided they are located so as to minimize any adverse

effects upon adjoining residential property owners and are operated for the purpose of serving patrons of the principal use and not the adjoining community or transient motorists. **Such facilities shall be screened from adjacent residentially zoned or used property with landscaping, berms, and/or fences to be reviewed and approved by the Planning Commission.**

3. No overnight accommodations other than a single-family dwelling for the owner or manager of the facility shall be allowed unless expressly approved by the Planning Commission ~~in granting a special exception use permit hereunder.~~
4. Adequate public restrooms and other facilities shall be constructed and properly maintained, commensurate with the anticipated popularity of the particular use involved.
5. **Adequate** rubbish disposal shall be ~~handled~~ **provided throughout the facility** in such a manner as will avoid any littering upon adjoining properties and will minimize any adverse effects from noise, odor or dust to adjoining properties.
6. Off-street parking shall be required on the site located in areas which will minimize any adverse effects upon adjoining property owners and shall be sufficient to satisfy peak periods of use ~~and in compliance with the provisions of Section 68.000.~~
7. Fencing may be required by the Planning Commission where deemed necessary to prevent trespass onto adjoining residences or residentially zoned property.
8. The placement of any trails, roads, runs, obstacle courses or similar roadways or pathways shall be in such locations as to minimize any adverse effects of noise, traffic or dust upon adjoining residents and shall, where the Planning Commission deems necessary to dissipate noise ~~emanating therefrom~~, be screened **with landscaping, berms and/or fences.**
9. Equipment storage buildings and other such buildings of a commercial nature shall be screened from adjoining residential properties **with landscaping, berms, and/or fencing approved by the Planning Commission.**
10. The Planning Commission shall have the right and authority to impose additional restrictions and conditions as may be necessary for the protection of the health, safety and welfare of any ~~resident~~ ~~on~~ adjoining property and to ensure that any noise, odors, traffic or other activities incident thereto have a minimum impact upon the general area in which the same is located.
11. The application for ~~a special exception use permit~~ **special land use approval** must contain a plan for insuring adequate supervision of a recreation area and all activities therein.

I Private Schools.

1. **Primary access to the subject property shall be on a county primary road, as classified by the Road Commission of Kalamazoo County, or on a state trunk line under the jurisdiction of the Michigan Department of Transportation.**
2. **The minimum front yard setback for any principal or accessory building from a property line**

shall be fifty (50) feet, and the minimum side and rear setbacks shall be forty (40) feet unless a larger setback is required per Article 45.

3. Parking areas shall provide a minimum setback of 40 feet when adjacent to any residentially zoned or used property.
4. Private schools located completely within the Transitional Office, General Commercial or Village Core zoning districts may comply with the district setbacks except when property lines abut or face residentially zoned properties.
5. Parking areas shall not be located in any required setback areas.
6. Outdoor play areas shall not be permitted in the required front yard.
7. Buildings used for servicing or maintenance, such as heating plants, garages, and storage structures, shall be screened from residentially zoned or used properties with landscaping, berms, and/or fencing approved by the Planning Commission.

J Kennels, day care centers

1. Only permitted in unplatted areas.
2. Only the breeding, raising and/or boarding of dogs or cats is permitted.
3. The total number of animals for boarding or day care shall be determined as part of the Special Land Use approval.
4. Kennels shall be subject to the permit and operational requirements of any State and County agencies.
5. Pet grooming, including bathing, fur and nail trimming, brushing, flea and tick treatment, and similar services shall be permitted if specifically authorized by the Special Land Use approval.
6. The sale of pet and veterinary products shall be incidental to the kennel or day care facility, utilizing no more than 10 percent of the interior building space. No outdoor display or storage of products is permitted.
7. Buildings in which animals are kept, animal runs, and exercise areas shall be setback a minimum of 100 feet from any adjacent residentially zoned or used property.
8. Animal runs or other outdoor exercise areas shall not be located in the front yard.
9. An operations and maintenance plan shall be submitted with the Special Land Use application that addresses how noise will be lessened, waste handled, and days/hours of operation.

K Private Clubs and Lodges

1. Excludes those clubs and lodges where the chief activity is a service customarily carried on as a business.
2. Outdoor facilities and accessory uses and buildings associated with the private club or lodge such as swimming pools, tennis courts, maintenance buildings, etc. shall be located a minimum of 100 feet from any residentially zoned or used property.
3. Access to the site shall be on a county primary road, as classified by the Road Commission of Kalamazoo County, or a state trunk line under the jurisdiction of the Michigan Department of Transportation.

L Office Buildings

1. Special Land Use approval is only required for office buildings located within the R-3 Residence District.
2. New office development must remain compatible in size, height, external design, landscaping and surrounding open space as other residential buildings in the area adjacent and nearest to the proposed use within a radius not to exceed one-half mile.
3. All of the development standards of the R-3 Residence District shall apply.

M Veterinary Clinic, general

1. The sale of pet and veterinary products shall be incidental to the clinic, utilizing no more than 10 percent of the interior building space. No outdoor display or storage of products is permitted.
2. Buildings in which animals are kept, animal runs, and exercise areas shall be setback a minimum of 100 feet from any adjacent residentially zoned or used property.
3. Animal runs or other outdoor exercise areas shall not be located in the front yard.
4. All animals shall be kept in an enclosed structure, except for walking and outdoor exercise when accompanied by a clinic employee.
5. An operations and maintenance plan shall be submitted with the Special Land Use application that addresses how noise will be lessened, waste handled, and days/hours of operation.

N Solar Energy Systems

1. Solar energy systems that require special land use approval shall be defined as ground mounted systems that are larger than 500 square feet in area that may provide energy for on-site and/or off-site uses.
2. Shall only be permitted on unplatted properties.

3. Shall have a minimum setback of 30 feet from any residentially zoned or used property.
4. No system shall be located in the front yard.
5. Ground mounted solar energy collectors shall not exceed 16 feet in height as measured from ground level to the top of the solar collectors when oriented at maximum tilt.
6. The surface area of ground mounted solar collectors shall not exceed 65 percent of the total parcel size.
7. On-site power lines related to SES shall be buried except where necessary to connect to existing overhead transmission lines or where prohibited by natural features.
8. Decommissioning: At the time a Special Land Use application is filed, a decommissioning plan shall be submitted as follows:
 - a. Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for twelve (12) months, etc.)
 - b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and building foundations to a depth of three (3) feet below grade.
 - c. Restoration of property to the condition prior to development of the solar energy system.
 - d. The timeframe for completion of decommissioning activities.
 - e. Description of any agreement (e.g., lease) with the landowner regarding decommissioning.
 - f. Provisions for updating the decommissioning plan.
 - g. A statement signed by the owner or operator that they take full responsibility for reclaiming the site in accordance with the decommissioning plan and the Special Land Use approval upon cessation of use.
 - h. The Planning Commission may mandate that the owner or operator provide a financial guarantee to cover the costs of decommissioning the site.
 - i. The decommissioning plan shall be recorded with the Kalamazoo County Register of Deeds.
 - j. The Township shall conduct a final inspection to confirm that the solar energy system has been decommissioned consistent with the provisions of the decommissioning plan.

O **Veterinary Clinic, Small Animal**

1. Outside facilities or runs are prohibited
2. The sale of pet and veterinary products shall be incidental to the clinic, utilizing no more than 10 percent of the interior building space. No outdoor display or storage of products is permitted.

3. Buildings in which animals are kept and any outdoor exercise areas shall be setback a minimum of 30 feet from any adjacent residentially zoned or used property.
4. All animals shall be kept in an enclosed structure, except for walking and outdoor exercise when accompanied by a clinic employee.
5. An operations and maintenance plan shall be submitted with the Special Land Use application that addresses how noise will be lessened, waste handled, and days/hours of operation.

P Child Care Centers

1. Shall be located on parcels, lots, or building sites served by public sanitary sewer and water service.
2. There shall be a contiguous open space of a minimum of five thousand (5,000) square feet provided on the subject parcel. The open space shall not be located within a required front yard. This requirement may be waived by the Zoning Administrator if public open space is available within five hundred (500) feet of the subject parcel.
3. The Child Care Center shall be properly licensed by the State of Michigan, which shall be submitted as part of the Special Land Use application.
4. The Planning Commission may impose greater setbacks than the minimum specified in those instances where the Child Care Center would be located adjacent to single family dwellings or within a single family neighborhood.

Q Mobile/manufactured home parks

1. Shall include ~~and~~ accessory buildings and uses incidental to the primary residential use of the park, including residences for the mobile home park owner ~~and his family~~ or manager, ~~subject to the following conditions and limitations:~~
2. All mobile home parks shall comply with the requirements imposed by Michigan Public Act 419 of 1976 and any and all amendments thereto and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health, except as said Act and regulations may be modified by the provisions herein.
3. Mobile home parks shall have no less than 200 feet of frontage on a dedicated public road. Every mobile home park must have a minimum of two access streets connecting said park to a public highway or highways unless the Zoning Board of Appeals grants a variance from such requirements where, in the opinion of said Board, the additional access or accesses would not improve traffic safety because of the peculiar characteristics of the proposed development.
4. Mobile home parks shall not be less than 15 acres in size.
5. Landscaping in accordance with Section 75 - Landscaping shall be provided.

6. All two-way interior drives within a mobile home park shall be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 21 feet exclusive of any area used for parking. All one-way interior drives within a mobile home park shall also be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 13 feet exclusive of any area used for parking. When an interior drive would serve as a connecting link between different land ownerships or different public roads, either currently or within the foreseeable future, it shall, regardless of whether it is a public or private road, be constructed in accordance with the public road specifications of the Kalamazoo County Road Commission and be located upon a reserved right-of-way of not less than 66 feet in width.
7. Two paved off-street (or drive) parking spaces for each mobile home site shall be provided; in addition, regional paved off-street (or drive) parking spaces shall be provided sufficient for the parking of one vehicle for every three mobile home sites. On-street (or drive) parking shall be prohibited. Notwithstanding the foregoing, the within provisions shall not be deemed to prohibit paved parking bays contiguous to interior drives, so long as said paved parking bays do not intrude upon the minimum interior drive, driving surface widths prescribed above and meet the relevant standards for parking bays promulgated by the Michigan Mobile Home Commission pursuant to Michigan Public Act 419 of 1976, as amended.
8. Each mobile home site shall be well-drained and be provided with a permanent foundation providing adequate footing such as concrete piers, concrete ribbons (at least 24 inches in width) or a concrete slab base.
9. All utilities, including Cable TV, installed in the mobile home park must be installed underground.
10. Fire hydrants must be installed and the placement and size thereof shall be determined by the developer subject to the approval of the Township Fire Department.
11. Each mobile home park shall be developed with sites of not less than 5,500 square feet per mobile home unit. This 5,500 square feet for any one site may be reduced up to 20 percent provided that the minimum individual site is not less than 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least 75 percent of the land saved shall be dedicated as open space, but in no case shall the open space requirement be less than that required under Rule 125.1946 of the Michigan Administrative Code.
12. Every mobile home park must be connected to a municipal sanitary sewer system and a municipal public water system under such arrangements and contracts as can be agreed upon between the developer and the Township Board prior to the approval of the mobile home park plans by the Planning Commission.
13. Only one single-family mobile home shall be allowed per mobile home site.
14. Every mobile home park must provide at least a 12-foot wide deceleration lane into every entrance to the mobile home park abutting a public road. The Planning Commission shall have authority to grant a deviation from this requirement when it determines in its sole discretion that, because of factors such as the low level and/or rate of speed of traffic on the abutting public road, the deceleration lane would serve no useful practical purpose in protecting the safety of persons

entering the mobile home park or traveling upon the public road abutting the mobile home park entrance.

15. Preliminary Plan.

- a. Preliminary plans for all new mobile home parks or expansion of existing mobile home parks must be submitted to and approved by the Planning Commission as being in compliance with the terms of this Ordinance and all applicable state statutes and regulations promulgated thereunder before construction may commence. Application for preliminary plan approval shall be made by (1) filing seven copies of the preliminary plan with the Township Clerk, and (2) paying a preliminary plan review fee as determined by resolution of the Township Board based upon the cost of processing the review and as shall be on file with the Township Clerk for public information.
- b. The preliminary plan must consist of, but shall not be limited to, the following:
 - i. The name and address of the applicant.
 - ii. The legal description of the subject parcel of land.
 - iii. The area of the subject parcel of land.
 - iv. The present zoning classification of the subject parcel.
 - v. A plan drawn to scale indicating all of the following:
 - 1) The number and size of individual mobile home sites and the location of streets.
 - 2) The location and method of sewage treatment and disposal and appropriate support data necessary to show the adequacy of same.
 - 3) The source and location of the water supply and fire hydrants.
 - 4) The location of access to public roads.
 - 5) The drainage provisions.
 - 6) Site features including all structures, outdoor recreational facilities, walkways, parking and street frontage.
 - 7) The location, size and design of all signs to be placed upon the site.
 - 8) The location and general description of all screening and landscaping to be retained or established on the site.
- c. Property which is the subject of preliminary plan approval must be developed in strict compliance with the approved preliminary plan and any amendments thereto which have received the approval of the Planning Commission.
- d. A proposed amendment, modification or alteration to a previously approved preliminary plan shall be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed.
- e. The Township Planning Commission shall have the right and authority to require the applicant to file with the Township Building Department at the time of Township approval of a preliminary plan for a new mobile home park or for expansion of an existing mobile home park, a performance surety bond, bank letter of credit or cash bond in such amounts as may be determined by said Board necessary to insure the development of the site in accordance with the approved preliminary plans therefor. Such bond or bank letter of credit, if required,

shall continue for the duration of the construction and development of the site and until all conditions are complied with and shall be in a face amount which is a reasonable percentage of the estimated total costs of the particular construction and site development. If a performance bond is required, the amount of the performance bond shall be set at a minimum of 100 percent of the cost of the unfinished work. The bond shall be for the purpose of securing the health, safety and welfare of the residents of the Township and adjacent residents and property owners. Said Board shall provide for the rebate of any cash bond filed in this connection in reasonable proportion to the ratio of the work completed on the improvements for which the bond was required provided the amount remaining on deposit still provides reasonable security for the completion of the unfinished improvements germane to the deposit.

16. Mobile Home Parks - electronic copies of plans. Following final approval by the Planning Commission and before a Certificate of Occupancy may be issued, the applicant shall furnish the Township hard copies on both paper and Mylar and a digital copy of the final approved site plan and as-built drawings of public water and sewer mains, prepared to scale. Digital copies shall be provided in AutoCAD (.dwg) or (.dxf) format. Digital copies may be submitted on 3 ½" disk or CD.

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

R Mobile/~~manufactured~~ Home Sales

- A. Limited to mobile/~~manufactured~~ home sites in the mobile/~~manufactured~~ home park or to an inconspicuous ~~limited~~ area ~~limited to the size of one park lot therein~~ designated for the display of different types of mobile homes.
- B. ~~Sales shall be limited to those~~ which are permitted to be occupied within the mobile home park.

S Home Occupations

1. ~~The Planning Commission may authorize as a special exception use,~~ Home Occupations which depart from the criteria stated ~~under Conditional Land Uses may be approved as a Special Land Use in Section 78.910, B, D, and/or F above;~~ provided, ~~however,~~ that any Home Occupation ~~so authorized~~ shall meet the following conditions:
 - a. The occupation(s) conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes.

- b. If operated in an accessory building, the following shall apply:

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

- c. Use of an accessory building is limited to property containing a single or two-family dwelling.
- d. No accessory building allowed pursuant to this subsection shall be used for a purpose other than that approved by the Planning Commission
- e. Shall be conducted by the person or persons occupying the premises as their principal residence.
- f. The number of nonresident employees working on-site cannot exceed one (1) at any one time.
- g. The dwelling has no exterior evidence to indicate that the same is being utilized for any purpose other than that of a dwelling. No signs are permitted.
- h. No goods are sold from the premises which are not strictly incidental to the principal home occupation conducted therein.
- i. No occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by means of vibrations, noise, smoke, odor, dust, dirt, fumes, glare, heat, electrical disturbance, lighting, or the creation of vehicular traffic in excess of what is characteristic of the area. Vibrations, noise, smoke, odor, dust, dirt, fumes, glare, heat, electrical disturbance, or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted. The use and/or storage of hazardous materials in excess of quantities customary to a residential dwelling are not permitted.
- j. Outdoor activity, storage, and/or display are prohibited
- k. Use of a commercial vehicle is subject to **Section 68.150**.
- l. The following shall not be deemed home occupations: medical or dental clinics or offices, child care facilities, barbershops and beauty salons (except barbershops and beauty salons limited to one operator), funeral homes, restaurants, veterinarian clinics or offices, kennels, riding stables, storage facilities, adult regulated uses, or any sale, resale, maintenance, repair,

restoration or painting of automobiles, trucks, motorcycles, motorized recreational vehicles, and boats, and other occupations determined by the Planning Commission to be similar to the occupations listed in this subsection.

2. All applications ~~for special exception use~~ shall include a statement setting forth a detailed description of the proposed Home Occupation, its location, and purpose for which the proposed or existing accessory building, if any, will be used.
3. ~~All applications requiring~~ Site plan review shall include a drawing to scale of the subject property, containing the following information:
 - a. A north arrow and graphic scale.
 - b. All property lines and their dimensions.
 - c. Building setbacks from property lines.
 - d. Location and dimensions of all existing and proposed structures (including height of all proposed accessory buildings) on the subject property and any existing buildings on adjacent properties within 50 feet of the subject property boundaries.
4. To ensure harmonious relationships and to minimize conflicts between adjacent uses, the Planning Commission shall consider the characteristics of the proposed Home Occupation(s) and/or accessory building in relation to the following: the purpose and intent of this Ordinance, size of property, size of dwelling, proposed location on the property, existing land uses in area, and future land uses as reflected in the Master Land Use Plan. The Planning Commission may attach requirements to such Home Occupation(s) and accessory building when it deems necessary to avoid or mitigate adverse impacts on surrounding properties which may include, but is not limited to, a reduction in the size of the building and increased setback requirements.

Special Uses – Residential Districts: Only new language

- A Buildings and regulator stations for essential services.
- B Group Day Care Homes
 - 1. Outside play area is appropriately fenced for the safety of the children.
 - 2. The residential character of the property shall be preserved and maintained. Any building must be compatible in size, height, external design, landscaping, and surrounding open space as other residential buildings in the area.
 - 3. Operation may not exceed 16 hours during a 24-hour period.
 - 4. No signs are permitted.
 - 5. One parking space shall be provided for each non-resident employee working on site at any one time.
- C Riding Stables
 - 1. Horse boarding, of a commercial nature, is permitted. The maximum number of horses allowed shall be regulated by Article 52, the requirements for the keeping of livestock.
 - 2. Shall only be permitted on unplatted parcels of land.
 - 3. Subject to the provisions of Article 52, the requirements for the keeping of livestock.
- D Temporary Outdoor Events (lasting longer than 3 days)
 - A. Permitted on an individual property or to an individual vendor no more than once every quarter within a calendar year.
 - B. Use is incidental to principal use of the property and all events shall not last more than one day.
 - C. All activity shall take place on the subject property.
 - D. Restrooms shall be provided on site (in building or through portable facilities).
 - E. A site plan shall be submitted for administrative review indicating the following:
 - 1. Permitted on an individual property or to an individual vendor no more than once every quarter within a calendar year.
 - 2. Use is incidental to principal use of the property.
 - 3. All activity shall take place on the subject property.

4. Restrooms shall be provided on site (in building or through portable facilities).
5. A site plan shall be submitted for administrative review indicating the following:
 - a. Traffic lanes and on-site parking.
 - b. Fire lanes and emergency vehicle turning areas.
 - c. Location of restrooms.
 - d. Placement of vehicles, trailers, and all other equipment is away from adjoining residentially used properties and complies with all applicable setbacks.
 - e. Location of fire hydrants.
6. The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.
7. All signs must receive a temporary sign permit and comply with all applicable sign ordinances.
8. Property owner must approve and acknowledge the use of the property for the event.

E Bed and Breakfast Inns

1. Residency. The dwelling unit in which the bed and breakfast inn is located shall be the principal residence of the real property owner and operator, and the real property owner and operator shall live on the premises when the bed and breakfast operation is active.
2. Rooms. The number of rooms available for guests shall be limited to six.
3. Occupancy. Occupancy shall be of a transient nature for periods not to exceed 14 consecutive days in duration in any one month by any particular guest. A guest registry shall be maintained and could be subject to inspection by the Township upon request.
4. Character. Residences used for bed and breakfast inns shall be suitable in character for the use proposed and shall not be cause for a change in character of the neighborhood.
5. Meals. Meals or other services provided on the premises shall only be available to residents, employees, and overnight guests of the establishment.
6. Licenses. Proof of application for state and county licenses shall be submitted. Required licenses shall be obtained prior to commencement of the use.
7. Sign. A non-animated sign not exceeding six square feet in area may be provided. Such sign may be provided as a ground sign or a wall sign. The location of the sign shall be approved by the Planning Commission at the time of site plan review. Internally illuminated signs are prohibited.

8. Parking. Parking shall be provided in accordance with the below standards, as well as any additional requirements of Article 47.
 - a. One off-street parking space shall be provided for each lodging room and two off-street spaces shall be provided for the owner. Required spaces may be provided in an enclosed structure.
 - b. No parking shall be permitted in the front yard.
 - c. Parking spaces shall be screened from the road and adjacent properties in accordance with the requirements of Section 75.140.
 - d. Parking spaces shall be configured so as not to disturb the residential appearance of the neighborhood. The Planning Commission may require additional landscape buffering to preserve neighborhood appearance.
9. Refuse storage. Exterior refuse storage facilities beyond what might normally be expected for a detached single family dwelling shall be screened from view in accordance with the standards in Section 75.160. Landscape screening may be substituted for the fence or wall required in said section provided it will provide similar, opaque, all-season screening.
10. Annual review. Bed and Breakfast Inns shall be subject to annual review with on-site inspections. The review shall be conducted administratively unless significant changes or problems warrant Planning Commission review. Annual approval must be received from local fire and building inspectors for adequate exits, smoke alarms, and general fire prevention and health department code adherence, which may be subject to an inspection fee in accordance with the Township Fee Schedule.

F Public Buildings for Governmental Purpose.

G Nonprofit Educational, Noncommercial Recreational and Noncommercial Business Centers

1. Accessory uses may include but are not limited to uses for the benefit of the participants and directly relating to such centers: classrooms, libraries, lecture halls, eating facilities, overnight accommodations, conference center facilities, facilities for the production and documentation of audio visual presentations, satellite communication accommodations, custodial living, and maintenance facilities, office and recreational accessory uses.
2. Buildings shall not be constructed to a height exceeding 30 feet.
3. Buildings and structures shall be set back 200 feet from the front right-of-way line of adjoining streets. Buildings and structures shall be set back 40 feet from the rear or side property line.
4. Outdoor storage areas shall be screened from view of adjoining residentially developed or zoned land.
5. Such facilities must be located upon a county primary road, as classified by the Road Commission of Kalamazoo County.

6. Not less than 75 percent of the site must be maintained as open space unencumbered by buildings, structures, paved roads, sidewalks, or parking areas.
7. The facility shall be designed so as to limit the number of participants to not exceed ten per acre.
8. During site plan review, the **Planning Commission** shall consider whether more than one vehicular entrance road is necessary for public safety and fire protection.

H Golf Courses, Parks, and **other Passive** Outdoor Recreational Areas

1. Concession stands, pro-shops, clubhouses, equipment repair facilities, and other incidental commercial type uses shall be permitted provided they are located so as to minimize any adverse effects upon adjoining residential property owners and are operated for the purpose of serving patrons of the principal use and not the adjoining community or transient motorists. **Such facilities shall be screened from adjacent residentially zoned or used property with landscaping, berms, and/or fences to be reviewed and approved by the Planning Commission.**
2. No overnight accommodations other than a single-family dwelling for the owner or manager of the facility shall be allowed unless expressly approved by the Planning Commission.
3. Adequate public restrooms and other facilities shall be constructed and properly maintained, commensurate with the anticipated popularity of the particular use involved.
4. **Adequate** rubbish disposal shall be **provided throughout the facility** in such a manner as will avoid any littering upon adjoining properties and will minimize any adverse effects from noise, odor or dust to adjoining properties.
5. Off-street parking shall be required on the site located in areas which will minimize any adverse effects upon adjoining property owners and shall be sufficient to satisfy peak periods of use.
6. Fencing may be required by the Planning Commission where deemed necessary to prevent trespass onto adjoining residences or residentially zoned property.
7. The placement of any trails, roads, runs, obstacle courses or similar roadways or pathways shall be in such locations as to minimize any adverse effects of noise, traffic or dust upon adjoining residents and shall, where the Planning Commission deems necessary to dissipate noise be screened **with landscaping, berms and/or fences.**
8. Equipment storage buildings and other such buildings of a commercial nature shall be screened from adjoining residential properties **with landscaping, berms, and/or fencing approved by the Planning Commission.**
9. The Planning Commission shall have the right and authority to impose additional restrictions and conditions as may be necessary for the protection of the health, safety and welfare of any adjoining property and to ensure that any noise, odors, traffic or other activities incident thereto have a minimum impact upon the general area in which the same is located.

10. The application for **special land use approval** must contain a plan for insuring adequate supervision of a recreation area and all activities therein.

I Private Schools.

1. Primary access to the subject property shall be on a county primary road, as classified by the Road Commission of Kalamazoo County, or on a state trunk line under the jurisdiction of the Michigan Department of Transportation.
2. The minimum front yard setback for any principal or accessory building from a property line shall be fifty (50) feet, and the minimum side and rear setbacks shall be forty (40) feet unless a larger setback is required per Article 45.
3. Parking areas shall provide a minimum setback of 40 feet when adjacent to any residentially zoned or used property.
4. Private schools located completely within the Transitional Office, General Commercial or Village Core zoning districts may comply with the district setbacks except when property lines abut or face residentially zoned properties.
5. Parking areas shall not be located in any required setback areas.
6. Outdoor play areas shall not be permitted in the required front yard.
7. Buildings used for servicing or maintenance, such as heating plants, garages, and storage structures, shall be screened from residentially zoned or used properties with landscaping, berms, and/or fencing approved by the Planning Commission.

J Kennels, day care centers

1. Only permitted in unplatted areas.
2. **Only** the breeding, raising and/or boarding of dogs or cats is permitted.
3. The total number of animals for boarding or day care shall be determined as part of the Special Land Use approval.
4. Kennels shall be subject to the permit and operational requirements of any State and County agencies.
5. Pet grooming, including bathing, fur and nail trimming, brushing, flea and tick treatment, and similar services shall be permitted if specifically authorized by the Special Land Use approval.
6. The sale of pet and veterinary products shall be incidental to the kennel or day care facility, utilizing no more than 10 percent of the interior building space. No outdoor display or storage of products is permitted.

7. Buildings in which animals are kept, animal runs, and exercise areas shall be setback a minimum of 100 feet from any adjacent residentially zoned or used property.
8. Animal runs or other outdoor exercise areas shall not be located in the front yard.
9. An operations and maintenance plan shall be submitted with the Special Land Use application that addresses how noise will be lessened, waste handled, and days/hours of operation.

K Private Clubs and Lodges

1. Excludes those clubs and lodges where the chief activity is a service customarily carried on as a business.
2. Outdoor facilities and accessory uses and buildings associated with the private club or lodge such as swimming pools, tennis courts, maintenance buildings, etc. shall be located a minimum of 100 feet from any residentially zoned or used property.
3. Access to the site shall be on a county primary road, as classified by the Road Commission of Kalamazoo County, or a state trunk line under the jurisdiction of the Michigan Department of Transportation.

L Office Buildings

1. Special Land Use approval is only required for office buildings located within the R-3 Residence District.
2. New office development must remain compatible in size, height, external design, landscaping and surrounding open space as other residential buildings in the area adjacent and nearest to the proposed use within a radius not to exceed one-half mile.
3. All of the development standards of the R-3 Residence District shall apply.

M Veterinary Clinic, general

1. The sale of pet and veterinary products shall be incidental to the clinic, utilizing no more than 10 percent of the interior building space. No outdoor display or storage of products is permitted.
2. Buildings in which animals are kept, animal runs, and exercise areas shall be setback a minimum of 100 feet from any adjacent residentially zoned or used property.
3. Animal runs or other outdoor exercise areas shall not be located in the front yard.
4. All animals shall be kept in an enclosed structure, except for walking and outdoor exercise when accompanied by a clinic employee.
5. An operations and maintenance plan shall be submitted with the Special Land Use application that addresses how noise will be lessened, waste handled, and days/hours of operation.

N Solar Energy Systems

1. Solar energy systems that require special land use approval shall be defined as ground mounted systems that are larger than 500 square feet in area that may provide energy for on-site and/or off-site uses.
2. Shall only be permitted on unplatted properties.
3. Shall have a minimum setback of 30 feet from any residentially zoned or used property.
4. No system shall be located in the front yard.
5. Ground mounted solar energy collectors shall not exceed 16 feet in height as measured from ground level to the top of the solar collectors when oriented at maximum tilt.
6. The surface area of ground mounted solar collectors shall not exceed 65 percent of the total parcel size.
7. On-site power lines related to SES shall be buried except where necessary to connect to existing overhead transmission lines or where prohibited by natural features.
8. Decommissioning: At the time a Special Land Use application is filed, a decommissioning plan shall be submitted as follows:
 - a. Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no power production for twelve (12) months, etc.)
 - b. Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and building foundations to a depth of three (3) feet below grade.
 - c. Restoration of property to the condition prior to development of the solar energy system.
 - d. The timeframe for completion of decommissioning activities.
 - e. Description of any agreement (e.g., lease) with the landowner regarding decommissioning.
 - f. Provisions for updating the decommissioning plan.
 - g. A statement signed by the owner or operator that they take full responsibility for reclaiming the site in accordance with the decommissioning plan and the Special Land Use approval upon cessation of use.
 - h. The Planning Commission may mandate that the owner or operator provide a financial guarantee to cover the costs of decommissioning the site.
 - i. The decommissioning plan shall be recorded with the Kalamazoo County Register of Deeds.

- j. The Township shall conduct a final inspection to confirm that the solar energy system has been decommissioned consistent with the provisions of the decommissioning plan.

O Veterinary Clinic, Small Animal

1. Outside facilities or runs are prohibited
2. The sale of pet and veterinary products shall be incidental to the clinic, utilizing no more than 10 percent of the interior building space. No outdoor display or storage of products is permitted.
3. Buildings in which animals are kept and any outdoor exercise areas shall be setback a minimum of 30 feet from any adjacent residentially zoned or used property.
4. All animals shall be kept in an enclosed structure, except for walking and outdoor exercise when accompanied by a clinic employee.
5. An operations and maintenance plan shall be submitted with the Special Land Use application that addresses how noise will be lessened, waste handled, and days/hours of operation.

P Child Care Centers

1. Shall be located on parcels, lots, or building sites served by public sanitary sewer and water service.
2. There shall be a contiguous open space of a minimum of five thousand (5,000) square feet provided on the subject parcel. The open space shall not be located within a required front yard. This requirement may be waived by the Zoning Administrator if public open space is available within five hundred (500) feet of the subject parcel.
3. The Child Care Center shall be properly licensed by the State of Michigan, which shall be submitted as part of the Special Land Use application.
4. The Planning Commission may impose greater setbacks than the minimum specified in those instances where the Child Care Center would be located adjacent to single family dwellings or within a single family neighborhood.

Q Mobile/manufactured home parks

1. Shall include accessory buildings and uses incidental to the primary residential use of the park, including residences for the mobile home park owner or manager.
2. All mobile home parks shall comply with the requirements imposed by Michigan Public Act 419 of 1976 and any and all amendments thereto and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health, except as said Act and regulations may be modified by the provisions herein.
3. Mobile home parks shall have no less than 200 feet of frontage on a dedicated public road. Every mobile home park must have a minimum of two access streets connecting said park to a public

highway or highways unless the Zoning Board of Appeals grants a variance from such requirements where, in the opinion of said Board, the additional access or accesses would not improve traffic safety because of the peculiar characteristics of the proposed development.

4. Mobile home parks shall not be less than 15 acres in size.
5. Landscaping in accordance with Section 75 - Landscaping shall be provided.
6. All two-way interior drives within a mobile home park shall be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 21 feet exclusive of any area used for parking. All one-way interior drives within a mobile home park shall also be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 13 feet exclusive of any area used for parking. When an interior drive would serve as a connecting link between different land ownerships or different public roads, either currently or within the foreseeable future, it shall, regardless of whether it is a public or private road, be constructed in accordance with the public road specifications of the Kalamazoo County Road Commission and be located upon a reserved right-of-way of not less than 66 feet in width.
7. Two paved off-street (or drive) parking spaces for each mobile home site shall be provided; in addition, regional paved off-street (or drive) parking spaces shall be provided sufficient for the parking of one vehicle for every three mobile home sites. On-street (or drive) parking shall be prohibited. Notwithstanding the foregoing, the within provisions shall not be deemed to prohibit paved parking bays contiguous to interior drives, so long as said paved parking bays do not intrude upon the minimum interior drive, driving surface widths prescribed above and meet the relevant standards for parking bays promulgated by the Michigan Mobile Home Commission pursuant to Michigan Public Act 419 of 1976, as amended.
8. Each mobile home site shall be well-drained and be provided with a permanent foundation providing adequate footing such as concrete piers, concrete ribbons (at least 24 inches in width) or a concrete slab base.
9. All utilities, including Cable TV, installed in the mobile home park must be installed underground.
10. Fire hydrants must be installed and the placement and size thereof shall be determined by the developer subject to the approval of the Township Fire Department.
11. Each mobile home park shall be developed with sites of not less than 5,500 square feet per mobile home unit. This 5,500 square feet for any one site may be reduced up to 20 percent provided that the minimum individual site is not less than 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least 75 percent of the land saved shall be dedicated as open space, but in no case shall the open space requirement be less than that required under Rule 125.1946 of the Michigan Administrative Code.
12. Every mobile home park must be connected to a municipal sanitary sewer system and a municipal public water system under such arrangements and contracts as can be agreed upon between the developer and the Township Board prior to the approval of the mobile home park plans by the Planning Commission.

13. Only one single-family mobile home shall be allowed per mobile home site.
14. Every mobile home park must provide at least a 12-foot wide deceleration lane into every entrance to the mobile home park abutting a public road. The Planning Commission shall have authority to grant a deviation from this requirement when it determines in its sole discretion that, because of factors such as the low level and/or rate of speed of traffic on the abutting public road, the deceleration lane would serve no useful practical purpose in protecting the safety of persons entering the mobile home park or traveling upon the public road abutting the mobile home park entrance.
15. Preliminary Plan.
 - a. Preliminary plans for all new mobile home parks or expansion of existing mobile home parks must be submitted to and approved by the Planning Commission as being in compliance with the terms of this Ordinance and all applicable state statutes and regulations promulgated thereunder before construction may commence. Application for preliminary plan approval shall be made by (1) filing seven copies of the preliminary plan with the Township Clerk, and (2) paying a preliminary plan review fee as determined by resolution of the Township Board based upon the cost of processing the review and as shall be on file with the Township Clerk for public information.
 - b. The preliminary plan must consist of, but shall not be limited to, the following:
 - i. The name and address of the applicant.
 - ii. The legal description of the subject parcel of land.
 - iii. The area of the subject parcel of land.
 - iv. The present zoning classification of the subject parcel.
 - v. A plan drawn to scale indicating all of the following:
 - 1) The number and size of individual mobile home sites and the location of streets.
 - 2) The location and method of sewage treatment and disposal and appropriate support data necessary to show the adequacy of same.
 - 3) The source and location of the water supply and fire hydrants.
 - 4) The location of access to public roads.
 - 5) The drainage provisions.
 - 6) Site features including all structures, outdoor recreational facilities, walkways, parking and street frontage.
 - 7) The location, size and design of all signs to be placed upon the site.
 - 8) The location and general description of all screening and landscaping to be retained or established on the site.
 - c. Property which is the subject of preliminary plan approval must be developed in strict compliance with the approved preliminary plan and any amendments thereto which have received the approval of the Planning Commission.
 - d. A proposed amendment, modification or alteration to a previously approved preliminary plan shall be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed.

e. The Township Planning Commission shall have the right and authority to require the applicant to file with the Township Building Department at the time of Township approval of a preliminary plan for a new mobile home park or for expansion of an existing mobile home park, a performance surety bond, bank letter of credit or cash bond in such amounts as may be determined by said Board necessary to insure the development of the site in accordance with the approved preliminary plans therefor. Such bond or bank letter of credit, if required, shall continue for the duration of the construction and development of the site and until all conditions are complied with and shall be in a face amount which is a reasonable percentage of the estimated total costs of the particular construction and site development. If a performance bond is required, the amount of the performance bond shall be set at a minimum of 100 percent of the cost of the unfinished work. The bond shall be for the purpose of securing the health, safety and welfare of the residents of the Township and adjacent residents and property owners. Said Board shall provide for the rebate of any cash bond filed in this connection in reasonable proportion to the ratio of the work completed on the improvements for which the bond was required provided the amount remaining on deposit still provides reasonable security for the completion of the unfinished improvements germane to the deposit.

16. Mobile Home Parks - electronic copies of plans. Following final approval by the Planning Commission and before a Certificate of Occupancy may be issued, the applicant shall furnish the Township hard copies on both paper and Mylar and a digital copy of the final approved site plan and as-built drawings of public water and sewer mains, prepared to scale. Digital copies shall be provided in AutoCAD (.dwg) or (.dxf) format. Digital copies may be submitted on 3 ½" disk or CD.

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

R Mobile/**manufactured** Home Sales

- A. Limited to mobile/**manufactured** home sites in the mobile/**manufactured** home park or to an inconspicuous area **limited to the size of one park lot** designated for the display of different types of mobile homes.
- B. **Sales shall be limited to those** which are permitted to be occupied within the mobile home park.

S Home Occupations

- 1. Home Occupations which depart from the criteria stated **under Conditional Land Uses may be approved as a Special Land Use** provided that any Home Occupation shall meet the following conditions:
 - a. The occupation(s) conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes.

- b. If operated in an accessory building, the following shall apply:

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

- c. Use of an accessory building is limited to property containing a single or two-family dwelling.
- d. No accessory building allowed pursuant to this subsection shall be used for a purpose other than that approved by the Planning Commission
- e. Shall be conducted by the person or persons occupying the premises as their principal residence.
- f. The number of nonresident employees working on-site cannot exceed one (1) at any one time.
- g. The dwelling has no exterior evidence to indicate that the same is being utilized for any purpose other than that of a dwelling. No signs are permitted.
- h. No goods are sold from the premises which are not strictly incidental to the principal home occupation conducted therein.
- i. No occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by means of vibrations, noise, smoke, odor, dust, dirt, fumes, glare, heat, electrical disturbance, lighting, or the creation of vehicular traffic in excess of what is characteristic of the area. Vibrations, noise, smoke, odor, dust, dirt, fumes, glare, heat, electrical disturbance, or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted. The use and/or storage of hazardous materials in excess of quantities customary to a residential dwelling are not permitted.
- j. Outdoor activity, storage, and/or display are prohibited

- k. Use of a commercial vehicle is subject to [Section 68.150](#).
 - l. The following shall not be deemed home occupations: medical or dental clinics or offices, child care facilities, barbershops and beauty salons (except barbershops and beauty salons limited to one operator), funeral homes, restaurants, veterinarian clinics or offices, kennels, riding stables, storage facilities, adult regulated uses, or any sale, resale, maintenance, repair, restoration or painting of automobiles, trucks, motorcycles, motorized recreational vehicles, and boats, and other occupations determined by the Planning Commission to be similar to the occupations listed in this subsection.
2. All applications shall include a statement setting forth a detailed description of the proposed Home Occupation, its location, and purpose for which the proposed or existing accessory building, if any, will be used.
 3. Site plan review shall include a drawing to scale of the subject property, containing the following information:
 - a. A north arrow and graphic scale.
 - b. All property lines and their dimensions.
 - c. Building setbacks from property lines.
 - d. Location and dimensions of all existing and proposed structures (including height of all proposed accessory buildings) on the subject property and any existing buildings on adjacent properties within 50 feet of the subject property boundaries.
 4. To ensure harmonious relationships and to minimize conflicts between adjacent uses, the Planning Commission shall consider the characteristics of the proposed Home Occupation(s) and/or accessory building in relation to the following: the purpose and intent of this Ordinance, size of property, size of dwelling, proposed location on the property, existing land uses in area, and future land uses as reflected in the Master Land Use Plan. The Planning Commission may attach requirements to such Home Occupation(s) and accessory building when it deems necessary to avoid or mitigate adverse impacts on surrounding properties which may include, but is not limited to, a reduction in the size of the building and increased setback requirements.

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD MARCH 8, 2018

Agenda

PUBLIC HEARING: D & R SPORTS CENTER – SPRING OPEN HOUSE
CONSIDERATION OF AN APPLICATION FROM D & R SPORTS CENTER FOR A SPECIAL EXCEPTION USE TO ALLOW AN OUTDOOR EVENT PER SECTIONS 30.400 AND 60.000 OF THE TOWNSHIP ZONING ORDINANCE, TO COMMENCE MARCH 29 AND END APRIL 1, 2018, WITH THE SPRING OPEN HOUSE BEING HELD MARCH 30 AND 31, 2018, LOCATED AT 8178 WEST MAIN STREET, WITHIN THE C:LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-16-280-012.

PUBLIC HEARING: OSHTEMO ROTARY CLUB – OSHTEMO ROTARY FAMILY FESTIVAL
CONSIDERATION OF AN APPLICATION FROM THE OSHTEMO ROTARY CLUB FOR A SPECIAL EXCEPTION USE TO ALLOW AN OUTDOOR EVENT PER SECTIONS 30.400 AND 60.000 OF THE TOWNSHIP ZONING ORDINANCE, TO COMMENCE MAY 21 AND END MAY 30, 2018, WITH THE FAMILY FESTIVAL BEING HELD MAY 24 THROUGH MAY 28, 2018, LOCATED AT 5030 WEST MAIN STREET, WITHIN C:LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-13-280-051.

ANY OTHER BUSINESS

a. DRIVE AISLE WIDTHS

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, March 8, 2018, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

ALL MEMBERS PRESENT: Cheri Bell, Chairperson
 Fred Antosz
 Ollie Chambers
 Dusty Farmer, Secretary
 Micki Maxwell
 Mary Smith
 Bruce VanderWeele, Vice Chairperson:

Also present were Julie Johnston, Planning Director, James Porter, Township Attorney and Martha Coash, Meeting Transcriptionist. Two others were in attendance.

Call to Order and Pledge of Allegiance

Chairperson Bell called the meeting to order at approximately 7:00 p.m. The “Pledge of Allegiance” was recited.

Agenda

Chairperson Bell noted two items to be added to the agenda under “Old Business,” Village Theme Development Plan Update and Master Plan Update. She asked for a motion to approve the agenda with these additions.

Ms. Farmer made a motion to approve the agenda as amended. Mr. VanderWeele supported the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

Chairperson Bell asked whether anyone in the audience cared to comment regarding non-agenda items. Hearing none, she moved to the next agenda item.

APPROVAL OF THE MINUTES OF THE MEETINGS OF FEBRUARY 22, 2018 (WORK SESSION) AND FEBRUARY 22, 2018 (REGULAR SESSION.)

Chairperson Bell asked if there were any additions, deletions or corrections to either the Minutes of the Work Session of February 22, 2018 or the Regular Meeting of February 22, 2018. Hearing none, she asked for a motion.

Ms. Maxwell made a motion to approve the minutes of the Work Session of February 22 and the Regular Meeting of February 22, 2018 as presented. Ms. Farmer supported the motion. The motion was approved unanimously.

PUBLIC HEARING: D & R SPORTS CENTER – SPRING OPEN HOUSE CONSIDERATION OF AN APPLICATION FROM D & R SPORTS CENTER FOR A SPECIAL EXCEPTION USE TO ALLOW AN OUTDOOR EVENT PER SECTIONS 30.400 AND 60.000 OF THE TOWNSHIP ZONING ORDINANCE, TO COMMENCE MARCH 29 AND END APRIL 1, 2018, WITH THE SPRING OPEN HOUSE BEING HELD MARCH 30 AND 31, 2018, LOCATED AT 8178 WEST MAIN STREET, WITHIN THE C:LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-16-280-012.

Chairperson Bell asked Ms. Johnston to present the Staff report regarding the application from D & R.

Ms. Johnston reported the applicant, owner of D & R Sports, was requesting a special exception use and general site layout approval for an outdoor event, which occurs annually in the spring. The applicant has been holding this event for a number of years with no concerns from the Fire Marshal, however Planning Staff noted the event was never approved by the Planning Commission. The application provided this

year was to ensure that all outdoor events are treated consistently. The property is zoned C: Local Business District, which requires Planning Commission approval for outdoor events lasting longer than one day in duration.

The Spring Open House will include vendors, educational seminars, and concessions and will be held on Friday, March 30th and Saturday, March 31st. To allow time for set-up and tear-down, Staff recommended considering extending the requested time period to March 29th through April 1st.

The applicant provided a general layout plan which shows the locations of the vendors, concessions, overflow parking, and temporary restroom facilities. Per the site plan, all drive aisles will remain clear for emergency vehicles to internally access the site. The Fire Marshal reviewed the site plan and was satisfied with emergency access. All other ordinance requirements have been met.

Staff recommended the Planning Commission condition the event on signage directing participants to overflow parking located to the north of the main buildings on site. For concerns of safety, it is important to keep participants from parking along West Main Street if it is unclear where additional parking can be found onsite.

Ms. Johnston noted Planning Department Staff is satisfied the project meets all Special Exception Use requirements and recommended the Planning Commission grant approval subject to the following conditions:

1. The final layout of the site be inspected and approved by the Fire Marshal prior to the commencement of the event.
2. Signage be placed on the property directing traffic to the overflow parking found to the north of the existing retail buildings and as shown on the site plan.

In addition, if approved, she requested that subsequent D & R Sports Spring Open House events held by the applicant at this address be administratively approved, provided the proposed layout for any future event does not deviate significantly from the request being presented at this time. She noted this is consistent with how other outdoor events have been handled.

Chairperson Bell thanked Ms. Johnston for her report and asked whether Commissioners had questions.

In response to a question from Ms. Smith regarding parking along M-43 during this event, Ms. Johnston said D & R personnel would direct attendees to onsite overflow parking and noted overflow parking signage could be required.

Ms. Bell asked for clarification regarding the history of the event and what changes would bring a request back before the Board if administrative approval is given as suggested for future events.

Ms. Johnston said the event was approved by the Planning Commission years ago, but was “lost in the shuffle” at some point although the Fire Marshal did an inspection every year. In future years, the request would come back to the Board if the event were substantially larger in consideration of public safety. She said there have been no problems in the past, the event has effectively remained the same for many years and she anticipated no issues in the future.

Chairperson Bell asked the applicant if he wished to speak.

Mr. Randy VanDam, owner of D & R Sports Center, 8178 West Main Street, said the event has been held consecutively for 25 years, that he could not remember the official initial application and that he called the Fire Marshal to come for an inspection every year. He noted expansion at the back of the building will significantly increase the parking capacity this year and that there will be parking assistance from employees during the event. He added it is not unusual for people to park along M-43, that there have not been any issues in 25 years, but that D & R does not condone parking there. Attendants will be discourage from parking on the shoulder, but that staff does not tell them they have to move.

He confirmed for Commissioners that the dates requested include set up and tear down time; one small tent and portable toilets will be picked up on the Monday after the event. The actual event will take place for two days only, on March 30 and 31.

Chairperson Bell determined there were no public comments and moved to Board Deliberations.

Ms. Johnston suggested extending the date to April 3 to allow time for the tent and portable facilities to be picked up within the approved dates.

There was further discussion of public safety regarding extensive parking along M-43, but acknowledgment that the Township does not have authority over a state highway. It was agreed a condition regarding provision of signage out front to alert attendees of additional parking at the rear of the building should be included in the motion for approval.

Mr. VanderWeele made a motion to approve the application from D &R Sports Center as requested, including the two conditions from Staff, with prominent signage directing attendees to overflow parking, extension of the approved dates from March 29 through April 3rd, and allowing administrative approval for future Spring Open Houses as long as they remain essentially the same. Mr. Chambers supported the motion. The motion was approved unanimously.

PUBLIC HEARING: OSHTEMO ROTARY CLUB – OSHTEMO ROTARY FAMILY FESTIVAL
CONSIDERATION OF AN APPLICATION FROM THE OSHTEMO ROTARY CLUB FOR A SPECIAL EXCEPTION USE TO ALLOW AN OUTDOOR EVENT PER SECTIONS 30.400 AND 60.000 OF THE TOWNSHIP ZONING ORDINANCE, TO COMMENCE MAY 21 AND END MAY 30, 2018, WITH THE FAMILY FESTIVAL BEING HELD MAY 24 THROUGH MAY 28, 2018, LOCATED AT 5030 WEST MAIN STREET, WITHIN C:LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-13-280-051.

Chairperson Bell moved to the next item on the agenda and asked Ms. Johnston to present the Staff report.

Ms. Johnston said the applicant, Rotary Club of Oshtemo, was requesting a special exception use and general site layout approval for an outdoor carnival event called Oshtemo Rotary Family Festival. This is the second year for this event, first approved by the Planning Commission in April of 2017. The community festival fundraiser will be a midway of rides, concessions, and games that will last from Thursday, May 24th through Monday, May 28th, essentially the Memorial Day weekend. The full requested time period, May 21 through May 30, allows for set up and tear down.

Due to the overwhelming success of the Family Festival in 2017, she said the Rotary Club would like to expand the size of the event, allowing Skerbeck Entertainment Group to set up more rides and midway attractions. The location of the festival would be in the generally unused parking lot north of the Maple Hill Mall complex. The Rotary Club received permission from the property owner to hold the Family Festival at this location. The property is zoned C: Local Business District, which requires Planning Commission approval for outdoor events lasting longer than one day in duration.

Ms. Johnston said the applicant provided a general layout plan showing the locations of the rides, games, and concessions. Staff requested a revised layout map showing where the Skerbeck employees would be housed during the duration of the event and the location of fire hydrants in the vicinity.

The midway lanes will be a minimum of 25 feet in width per Skerbeck Entertainment Group to allow for set-up and tear down as well as emergency vehicles to internally access the site. The Fire Marshal was satisfied with lane width and indicated that vehicle drives lanes surround the parking lot allowing for emergency access. All other ordinance requirements have been met.

Planning Department staff was satisfied the project meets Special Exception Use requirements and recommended the Planning Commission grant approval for the Oshtemo Rotary Family Festival, subject to the following conditions:

1. A revised layout plan indicating where the Skerbeck employees will be housed during the duration of the event, to be submitted by March 30, 2018.

2. A revised layout plan showing the location of fire hydrants and restroom facilities, to be submitted by March 30, 2018.
3. The site and carnival ride final layout are to be inspected and approved by the Fire Marshal prior to the commencement of the event.
4. Applications shall be required for all appropriate trade permits and inspections will be required from the Southwest Michigan Building Authority, as applicable, prior to the commencement of the event.

Ms. Johnston suggested subsequent Oshtemo Rotary Family Festivals held by the applicant at this address be administratively approved, provided the proposed layout for any future event does not deviate significantly from the request being presented at this time. This is consistent with how other outdoor events have been handled.

Chairperson Bell asked if there were questions from Commissioners.

Mr. VanderWeeled wondered if safety review is done for the amusement rides.

Attorney Porter explained the Fire Marshal checks to be sure the equipment has been certified by the state but said a condition could be added to the motion that the Fire Marshal will verify proof the equipment has been certified by the state.

The Chair asked whether the applicant wished to speak.

Mr. Geoff Moffat, President Elect of the Rotary Club of Oshtemo, residing at 26401 27 ½ Street, Gobles MI, explained Rotary events raise funds that are given back to the community. He noted they plan to donate \$10,000 per year for five years to Drake Farmstead Park. He indicated both Skerbeck and the mall owners were very pleased with last year's event. There were no operational issues and both traffic flow and parking worked well. He stated the Staff conditions were acceptable and will be taken care of by the end of the month. Hours of operation will be the same as last year. Rotary has a three-year contract with Skerbeck that will be reviewed each year.

No members of the public were in attendance; the Chair moved to Board Deliberations.

Ms. Smith said although she was hesitant about approving this event last year, it turned out wonderfully – it was clean, safe and the property was left as it was found. She was wholeheartedly in favor of approving the application again this year.

Chairperson Bell asked that the motion include the requirement for the hours of operation to be the same as last year.

Mr. VanderWeele made a motion to approve the application from the Oshtemo Rotary as requested, including the four conditions from staff and two additional

conditions: 5) the Fire Marshal will review the state certificate for equipment safety and 6) the open hours will be the same as in 2017. In addition, future events will be approved through a Staff review process as long as the event remains essentially the same. Ms. Farmer supported the motion. The motion was approved unanimously.

OLD BUSINESS

a. VILLAGE THEME

Ms. Johnston reported the sub-committee reviewed the draft plan and decided to move the plan forward with a joint meeting of the Township Board, Planning Commission and Downtown Development Authority. The joint meeting is scheduled for 7:00 p.m. on March 27; it is hoped as many will attend as possible. The plan will be presented, direction sought on moving forward, and any concerns or changes to the ordinance solicited. An updated plan will be distributed within the week.

b. MASTER PLAN UPDATE

Ms. Johnston said the Master Plan Update public hearing will be on the agenda of the March 13 Township Board meeting with the hope that it will receive final approval.

She said a request had been made to look at what land in the Township has zoned and future land use planned as commercial and mixed use. Based on the 21,749 acres of developable land in the Township, commercially zoned property is approximately 4.2 percent. She looked for standards for comparison, but development percentage depends on the type of community being considered. Some examples found showed commercial percentages between 4 and 6 percent in other communities.

ANY OTHER BUSINESS

a. DRIVE AISLE WIDTHS

Chairperson Bell moved to the next item on the agenda and asked Ms. Johnston for her presentation.

Ms. Johnston said based on the Planning Commission discussion of circulation aisles at the February 22, 2018 meeting, Staff developed the below recommendation. Staff would also endorse a minor change to *Pavement* within the Ordinance to ensure that the required paved surface of both parking lots and circulation aisles are addressed. The suggested wording:

- C. *Circulation Aisle Width.* Aisles for the general vehicular circulation of the public shall be 24 feet wide for two-way traffic and 20 feet wide for one-way traffic. The reviewing body may grant reduced widths for circulation aisles not intended for general public use. For example, drives dedicated to accessing loading bays or refuse containers. The reviewing body will consider the overall circulation of the site, access to public rights-of-way, public safety, and other site consideration which may impact general circulation.**

- D. *Pavement.* All off-street parking facilities **and site circulation**, including private drives thereto, shall be constructed of materials which will have a paved surface resistant to erosion. Use of permeable materials, similar to a paved surface, is encouraged.

There was discussion of further possible aisle width changes to ensure safety, access and location for what fire department vehicles really need, clear wording for future Planning Commission interpretation and discretion.

The consensus was C. Circulation Aisle Width wording be changed as follows:

- C. ***Circulation Aisle Width.*** Aisles for the general vehicular circulation of the public shall be 24 feet wide for two-way traffic and 20 feet wide for one-way traffic. The reviewing body may, upon request, grant reduced widths for circulation aisles. For example, drives dedicated to accessing loading bays or refuse containers. The reviewing body will consider the overall circulation of the site, access to public rights-of-way, public safety, and other site consideration which may impact general circulation.

It was also agreed that Ms. Johnston would address fire lane language in the Site Plan Review section to make language clearer and to address the Commission's desire to reduce pavement as prudent in the Ordinance.

The changes to these two items will be made and brought back to the Commission at the same time for public hearing and approval.

PLANNING COMMISSIONER COMMENTS

Chairperson Bell reminded Commissioners of the 6:00 p.m. work session prior to the regular meeting of March 22 and to bring a brown bag dinner if desired.

ADJOURNMENT

Hearing no further comments, Chairperson Bell adjourned Planning Commission meeting at approximately 8:32 p.m.

Minutes prepared:
March 10, 2018

Minutes approved:
_____, 2018



March 15, 2018

Mtg Date: March 22, 2018
To: Planning Commission
From: Julie Johnston, AICP
Subject: Residential Condominium Ordinance

The public hearing is planned for this ordinance at the March 22nd meeting. From the Planning Commission's last review, staff included specific language related to density requirements within the permitted Zoning Districts. This is the only new language since the previous review by the Planning Commission on February 22nd.

Currently, there are no standards for the development of an attached condominium product outside of a planned unit development in the Township's Zoning Ordinance. Staff does not believe it was the intent of the Zoning Ordinance to preclude this type of development outside of a PUD or platted subdivision or site condominium. This is especially true since the R-2 District allows two-family dwellings by right and the R-3 District allows three and four-family as a special exception use. In addition, the Condominium Act, Public Act 59 of 1978 establishes this type of development as a legitimate option for both developers and homeowners.

Utilizing language from the existing development standards for apartments and site condominiums, this new ordinance requires any attached condominium development to request approval through the special exception use process so a public hearing with the Planning Commission would be required.

At this time, staff advocates the Planning Commission forward a recommendation of approval for the Residential Condominium Development Standards ordinance to the Township Board.

DRAFT

61.000 Residential Condominium Development Standards

61.100: Purpose

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

61.200: Zoning Districts

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

61.300: Development Requirements

1. **Density.** The overall density of a condominium development shall be as follows:
 - a. R-2 District – 4 dwelling units per acre
 - b. R-3 District – 4 dwelling units per acre
 - c. R-4 District – 6 dwelling units per acre

In the event the development lies in more than one zoning classification, the number of dwelling units shall be computed for each zoning classification separately.
2. **Units per Building.** A two-unit building shall be permitted in the R-2 District. Up to a four-unit building shall be permitted in the R-3 and R-4 Districts.
3. **Height.** No unit shall be taller than two stories or 25 feet in height.
4. **Interior Transportation Network.**
 - a. The condominium development and all associated units shall be serviced by an interior transportation network, which can consist of public roads, private streets or private drives. No use within the condominium shall front or gain direct access from an off-site road network.
 - b. Public roads must meet all of the requirements of the Road Commission of Kalamazoo County.
 - c. If the interior transportation network is private streets, they shall be built in conformance to the standards and requirements of Section 60.800 of the Zoning Ordinance.
 - d. Private drives must be two-way with a minimum surface width of 24 feet exclusive of any area used for parking. All drives shall be paved with asphalt or other hard surface material.
 - e. For condominium developments with 50 or more units, at least two primary points of ingress or egress must be provided.
 - f. When an interior drive would service as a connecting link between different land ownerships or different public roads, either currently or within the foreseeable future, it shall, regardless of

whether it is a public or private road, be constructed in accordance with the public road specifications of the Road Commission of Kalamazoo County and be located upon a reserved right-of-way of not less than 66 feet in width.

- g. A 50-foot half-width shall be required for all primary street rights-of-way abutting a condominium project.

5. Nonmotorized Transportation.

- a. Sidewalks. Sidewalks shall be provided on both sides of any transportation network within the condominium development.
- b. Nonmotorized facilities. If the Township has planned a nonmotorized trail/path through an approved nonmotorized plan, the condominium development must include their portion of the trail/path within the development.

6. Open Space.

- a. At least 10 percent of the total condominium project must be dedicated as common open space.
- b. Dedicated common open space shall be easily accessible to residents of the condominium, including both visual accessibility from the residential units as well as pedestrian linkages through sidewalks and/or trails.
- c. Any structures which are accessory to the community open space may be provided in accordance with the approved site plan. These accessory structures, such as gazebos, pool house, play equipment, etc., shall not exceed, in the aggregate, one percent of the dedicated common open space.
- d. Dedicated common open space shall be under common ownership or control, through the homeowner's association of the condominium. Sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions shall be provided to the Township.
- e. Dedicated common open space shall be set aside through an irrevocable conveyance, approved by the Planning Commission, that assures protection from development, except as outlined in the approved site plan. Such conveyance may be a recorded deed restriction, covenants, or conservation easement and shall provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the open space ownership.

7. Utilities. Public water and sanitary sewer shall be provided as part of the development. All private utilities shall be placed underground.

61.400: Approval process.

1. Special exception use. An application for a condominium project shall be made in accordance to the procedures for a Special Exception Use set for in Section 60.200 and the requirements outlined herein.
2. Optional pre-application review. An informational pre-application review is encouraged and may be scheduled with the Planning Department. The pre-application review may either be with Township staff or the Planning Commission per the applicants request.
3. Site plan review. A site plan, per the requirements of Section 82.000 shall be submitted for Planning Commission review.
4. The following information shall also be provided as part of the special exception use application:
 - a. The legal documents for any easement, deed restrictions, reservations, etc. proposed within the project.
 - b. The master deed and by-laws for the condominium project.
5. Approval of the site plan and condominium documents by the Planning Commission shall be required as a condition to the right to construct, expand or convert a condominium project. No permits for erosion control, building construction, grading, or installation of public water or sanitary sewer facilities shall be issued for property in a condominium development until a final site plan has been approved by the Township Planning Commission and is in effect.