

CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN

**NOTICE OF ORDINANCE ADOPTION**

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

PLEASE TAKE NOTICE that on the 12<sup>th</sup> day of February, 2019, at a regular meeting of the Township Board of the Charter Township of Oshtemo, Kalamazoo County, Michigan, the Township Board of said Township amended the Oshtemo Charter Zoning Ordinance, by recodifying the Township Zoning Ordinance and simultaneously amending the Zoning Ordinance, to read, in summary, as follows:

SECTION I. RECODIFICATION OF THE TOWNSHIP'S ZONING ORDINANCE. The complete recodification of the Township's Zoning Ordinance reorganizing the Zoning Ordinance into the following ten sections:

- |                                      |   |
|--------------------------------------|---|
| 1. Introduction and Use of Language. | 6. Schedule of Regulations.                       |
| 2. Zoning Districts.                 | 7. General Requirements.                          |
| 3. Overlay Zones.                    | 8. Non-Conforming Uses.                           |
| 4. Special Development Options.      | 9. Review and Approval;<br>Procedures and Bodies. |
| 5. Use Requirements.                 | 10. Enforcement.                                  |

SECTION II. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 5, SECTION 5.40, SUBSECTION A. Article 5, Section 5.40, Subsection A to delete "motorized vehicle roadways" in the special exception uses allowed in the Rural Residential District.

SECTION III. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 20, SECTION 20.20, SUBSECTIONS D AND F. Article 20, Section 20.20, Subsections D AND F of the BRP Business and Research Park District, to delete the references to "drive-through service" in Subsection D and "drive through windows" in Subsection F as special uses permitted elsewhere.

SECTION IV. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 20, SECTION 20.40. Article 20, Section 20.40 of the BRP Business and Research Park District, by the addition of Subsection G to add "drive through service and/or windows" as a special use.

SECTION V. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 27, SECTION 27.20. Article 27, Section 27.20, Subsection H of the I-1 Industrial District, Manufacturing/Serving to delete the reference to "sale of new material" under wholesale or retail lumber yards.

SECTION VI. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 49, SECTION 49.70. Article 49, Section 49.70 under Requirements for Special Uses, to delete the reference to "motorized vehicular roadways."

SECTION VII. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 65, SECTIONS 65.20 AND 65.30. Article 65, Sections 65.20 Applicability and 65.30 Review Criteria of special uses to add language outlining the standards and requirements to apply for all special uses and the review criteria therefor.

SECTION VIII. EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

PLEASE TAKE FURTHER NOTICE that the full text of the proposed Ordinance has been posted in the Office of the Township Clerk and on the Township's Website.

PLEASE TAKE FURTHER NOTICE that this Ordinance will take effect February 21, 2019. A copy of this Ordinance may be purchased or inspected at the office of the Township Clerk at any time during regular business hours of regular business days at the following stated address.

DUSTY FARMER, CLERK  
OSHTEMO CHARTER TOWNSHIP  
7275 West Main Street  
Kalamazoo, MI 49009  
Telephone: (269) 375-4260

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. 607

Adopted: February 12, 2019

Effective: February 21, 2019

OSHTEMO CHARTER TOWNSHIP ORDINANCE

This Ordinance completely recodifies the Oshtemo Charter Township Zoning Ordinance, and amends simultaneously Article 5, Section 5.40 Subsection A; Article 20, Section 20.20, Subsections D and F; Article 20, Section 20.40 by adding Subsection G; Article 27, Section 27.20, Subsection H; Article 49, Section 49.70 and Article 65, Sections 65.20 and 65.30 by adding language outlining the standards and requirements to apply for all special uses and review criteria therefor. The Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO

KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION I. RECODIFICATION OF THE TOWNSHIP'S ZONING ORDINANCE.

The complete recodification of the Township's Zoning Ordinance

reorganizing the Zoning Ordinance into the following ten sections:

- |    |                                   |     |  |
|----|-----------------------------------|-----|--|
| 1. | Introduction and Use of Language. | 6.  | Schedule of Regulations.                       |
| 2. | Zoning Districts.                 | 7.  | General Requirements.                          |
| 3. | Overlay Zones.                    | 8.  | Non-Conforming Uses.                           |
| 4. | Special Development Options.      | 9.  | Review and Approval;<br>Procedures and Bodies. |
| 5. | Use Requirements.                 | 10. | Enforcement.                                   |

SECTION II. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 5,

SECTION 5.40, SUBSECTION A. Article 5 Rural Residential District,

Section 5.40 Special Uses, Subsection A is hereby amended to delete

motorized vehicle roadways, to read as follows:

**5.40 SPECIAL USES**

- A. Golf courses, parks, and outdoor recreational areas.

SECTION III. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 20, SECTION 20.20, SUBSECTIONS D AND F. Article 20 BRP Business and Research Park, Section 20.20 Permitted Uses, Subsections D and F are hereby amended to delete references to drive-through service in Subsection D and drive through windows in Subsection F, to read as follows:

**20.20 PERMITTED USES**

- D. Banks, credit unions, and similar financial institutions.
- F. Retail and/or service establishments, including restaurants and fitness clubs, are permitted provided that such uses shall not be permitted as a principal use of a building and shall have at least one customer entrance off an interior hallway or atrium.

SECTION IV. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 20, SECTION 20.40, Article 20 BRP Business and Research Park, Section 20.40 Special Uses, is hereby amended by the addition of Subsection G to add drive through service and/or windows to read as follows:

**20.40 SPECIAL USES**

- G. Drive through service and/or windows.

SECTION V. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 27, SECTION 27.20, Article 27 I-1 Industrial District, Manufacturing /Servicing, Section 27.20 Permitted Uses, Subsection H is hereby amended to delete reference to sale of new material to read as follows:

**27.20 PERMITTED USES**

- H. Wholesale and retail lumber yards.

SECTION VI. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 49, SECTION 49.70, Article 49 Requirements for Special Uses, Section 49.70 titled Golf Courses, Parks, Motorized Vehicular Roadways, and Outdoor Recreational Areas, is amended to delete the reference to motorized vehicular roadways, to read as follows:

**49.70 GOLF COURSES, PARKS, AND OUTDOOR RECREATIONAL AREAS**

SECTION VII. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 65, SECTIONS 65.20 AND 65.30, Article 65 Special Uses, Section 65.20 Applicability and Section 65.30 Review are amended to add language outlining the standards and requirements to apply for all special uses and the review criteria thereof, to read as follows:

**65.20 APPLICABILITY**

The standards and requirements of this Article apply to all Special Uses outlined in Article 49.

**65.30 REVIEW CRITERIA**

The Planning Commission shall only approve an application for a Special Use that meets the following standards.

- A. Master Plan/Zoning Ordinance. The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including District in which the use is located.
- B. Site Plan review. The Site Plan Review Criteria of Section 64.80.
- C. Impacts.
  - 1. The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.
  - 2. Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.
  - 3. The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, or visual clutter.
- D. Environment. The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate the site design elements, particularly where the natural features assist in preserving the general character of the area.

- E. Public facilities. Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.
- F. Specific use requirements. The Special Use development requirements of Article 49.

SECTION VIII. EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, Clerk  
OSHTEMO CHARTER TOWNSHIP