

**SCHOOLCRAFT TOWNSHIP  
KALAMAZOO COUNTY, MICHIGAN**

**SCHOOLCRAFT TOWNSHIP ZONING ORDINANCE**

**Ordinance No. 137, as amended**

**(Current through Ordinance No. 275, November 2018)**

## **INTRODUCTION AND USER GUIDE**

This Introduction and User Guide is intended to provide a general orientation to the format and organization of the Zoning Ordinance to make the document easier to understand and use. Like every municipal zoning ordinance, this Zoning Ordinance regulates the development and use of land by dividing the Township into “zoning districts”, sometimes commonly referred to as “zones”. This Zoning Ordinance establishes 12 such zoning districts as noted in Section 3.1, and as shown on the Zoning Map.

This Zoning Ordinance is based on what is sometimes called a “permissive” zoning concept; that is, land in each zoning district can be used only for the land uses and activities that are specifically designated in the Zoning Ordinance as permissible in that district. The permissible land uses within each zoning district are further divided into either “permitted uses” or “special land uses”. A use listed as a “permitted use” in a zoning district is recognized as being harmonious with other such uses within the same district, and therefore generally requires no prior land use approval. A “special land use” is recognized as requiring prior land use approval, pursuant to a public hearing and approval standards specified in the Zoning Ordinance, to make sure the particular location proposed for the land use will not adversely impact other property, or the general health, safety and welfare of the community. Articles 6-17 of this Zoning Ordinance indicate the permitted uses and special land uses for each of the zoning districts.

Article 20 specifies other requirements applicable in each zoning district, such as the minimum “lot” requirements for buildable property, and “setback” and other location requirements for buildings and other structures in each zoning district.

Some provisions of the Zoning Ordinance are intended to generally apply throughout the Township, such as the “General Provisions” in Article 4. Other articles of this Ordinance regulate specific matters that may also apply in one or more zoning districts, or throughout the Township, as indicated to be applicable. Such provisions of the Zoning Ordinance include the following articles and subject matters:

- Article 22---Accessory Buildings/Structures and Accessory Uses
- Article 25---Signs and Outdoor Advertising Structures
- Article 26---Parking and Loading Spaces

So, to determine whether property can be used for a particular land use or activity, and what regulations may apply to that property/land use, a person using this Zoning Ordinance will generally go through the following steps:

- ❖ Step 1: find the property on the official Zoning Map and determine the “zoning district” in which the property is located.



- ❖ Step 2: make sure the property meets the minimum “lot” requirements for that zoning district, and is therefore “buildable” pursuant to the Schedule in Article 20; or is otherwise a legal buildable “nonconforming lot” pursuant to Section 27.8 (Article 27 also includes special provisions pertaining to “nonconforming” uses and building/structures lawfully established before the enactment of this Ordinance in 1992).
- ❖ Step 3: refer to the proper article covering that zoning district from Articles 6-17; and determine whether the intended land use is listed in that article as either a “permitted use” or a “special land use”.
- ❖ Step 4a: if the intended land use is listed as a “permitted use” in the zoning district in which the property is located, check Section 24.2 to see whether that use is subject to a “site plan review” requirement. If so, other provisions of Article 24 will apply.
- ❖ Step 4b: if the intended land use is listed as a “special land use” in the zoning district in which the property is located, review Article 23 for information about applying for special land use approval and the “standards” that must be shown to be complied with before the Planning Commission can grant such approval, after a public hearing. Section 23.3 specifies what are sometimes called the general standards that apply to all special land uses; but Section 23.7 includes additional specific standards that are required of certain special land uses. Note: the “site plan review” requirements of Section 24.4 apply to all special land uses.
- ❖ Step 5: for every permitted use or special land use check whether additional regulations are applicable from either Article 4 “General Provisions” or other articles dealing with specific subjects, such as the articles listed above in the bullet points.

User hint: many words and terms used in this Zoning Ordinance are given a specific definition in Section 2.2. It is therefore important to refer to Section 2.2 to determine whether a particular word or term has a specific definition for purposes of this Ordinance. Any word or term not specifically defined in this Ordinance is defined in accordance with its most applicable customary or common meaning (see Section 2.1).

Finally, other parts of this Zoning Ordinance address what may be called “administrative” matters, including the following articles/sections on the indicated subjects:

- Article 28---Zoning Board of Appeals
- Article 29---Administration and Enforcement of Zoning Ordinance
- Section 29.4---Violations and Sanctions
- Article 30---Text Amendments/Rezoning Procedures

These articles are not generally relevant to determining how a particular land use is regulated by the Zoning Ordinance, but may apply in certain circumstances. For example, a potential applicant for a “variance” should review Article 28 addressing the limited authority of the Zoning Board of Appeals to grant variance relief, and otherwise covering the authority and functions of that board.

Disclaimer: this Introduction and User Guide is intended to provide a general orientation to the format and organization of the Zoning Ordinance. Many zoning questions can be answered upon simple reference to the appropriate parts of this Zoning Ordinance; but some questions will require knowledgeable assistance from someone such as the Zoning Administrator, and sometimes from legal counsel with special expertise in zoning matters. In short, although this Introduction and User Guide is not intended to substitute for knowledgeable assistance to address a particular zoning question or issue where required, it will hopefully make this Zoning Ordinance easier to understand and use.

## TABLE OF CONTENTS

ARTICLE NUMBER	ARTICLE TITLE	PAGE
ARTICLE 1	SHORT TITLE, PURPOSE AND SCOPE	1-1
Section 1.1	Short Title	1-1
Section 1.2	Purpose	1-1
Section 1.3	Scope	1-1
ARTICLE 2	RULES OF TEXT INTERPRETATION; DEFINITIONS OF TERMS	2-1
Section 2.1	Rules of Text Interpretation	2-1
Section 2.2	Definitions of Terms	2-2
ARTICLE 3	CLASSIFICATION AND USE DISTRICTS	3-1
Section 3.1	Zoning Districts	3-1
Section 3.2	Zoning Map and Use District Boundaries	3-1
Section 3.3	Areas Not Included Within A District	3-2
Section 3.4	Permissive Zoning Concept	3-2
Section 3.5	Permitted Uses	3-2
Section 3.6	Special Land Uses	3-2
ARTICLE 4	GENERAL PROVISIONS	4-1
Section 4.1	Zoning Affects All Structures and Land and the Use Thereof	4-1
Section 4.2	Building Permits and Construction Codes	4-1
Section 4.3	Zoning Compliance Permits	4-1
Section 4.4	Dwelling Standards	4-1
Section 4.5	Used Dwelling	4-3
Section 4.6	Basement Dwelling	4-3
Section 4.7	Principal Use/Principal Building	4-3
Section 4.8	Required Lot, Yard, Area or Space	4-3
Section 4.9	Traffic Visibility and Clearance	4-4
Section 4.10	Walls and Fences	4-4
Section 4.11	Screening and Fencing	4-4
Section 4.12	Height Exceptions	4-4
Section 4.13	Temporary Land Uses and Permits	4-5

<b>ARTICLE NUMBER</b>	<b>ARTICLE TITLE</b>	<b>PAGE</b>
Section 4.14	Junk/Refuse	4-7
Section 4.15	Swimming Pools	4-7
Section 4.16	Control of Heat, Glare, Fumes, Dust, Noise, Vibration and Odors	4-7
Section 4.17	Lighting Limitations	4-7
Section 4.18	Garage Sale/Yard Sale Regulations	4-8
Section 4.19	Removal of Unused Building Foundations and Restoration of Lot Grade	4-8
Section 4.20	Earth Removal	4-8
Section 4.21	Fill Regulations	4-9
Section 4.22	Stock Farming and Other Livestock Uses	4-11
Section 4.23	Wind Energy Structures	4-11
Section 4.24	Accessory Solar Energy System	4-14
Section 4.25	Roadside Stand and Farm Market Regulations	4-15
<b>ARTICLE 5</b>	<b>WATERFRONT PRESERVATION AND ENVIRONMENTAL PROTECTION OVERLAY</b>	<b>5-1</b>
Section 5.1	Purpose and Scope	5-1
Section 5.2	Greenbelt Preservation	5-1
Section 5.3	Channelization	5-1
Section 5.4	Waterfront Setbacks	5-1
Section 5.5	Waterfront Lot Access and Use Regulations	5-2
Section 5.6	Boathouses and Dock Regulations	5-3
<b>ARTICLE 6</b>	<b>AG-1 EXCLUSIVE AGRICULTURE DISTRICT</b>	<b>6-1</b>
Section 6.1	Statement of Purpose and Description of District	6-1
Section 6.2	Permitted Uses	6-1
Section 6.3	Special Land Uses	6-3
Section 6.4	Density, Area, Height, Bulk and Placement Requirements	6-3
Section 6.5	Off-Street Parking Requirements	6-3
Section 6.6	Site Plan Review	6-3

<b>ARTICLE NUMBER</b>	<b>ARTICLE TITLE</b>	<b>PAGE</b>
<b>ARTICLE 7</b>	<b>AG-2 GENERAL AGRICULTURE DISTRICT</b>	<b>7-1</b>
Section 7.1	Statement of Purpose and Description of District	7-1
Section 7.2	Permitted Uses	7-1
Section 7.3	Special Land Uses	7-3
Section 7.4	Density, Area, Height, Bulk and Placement Requirements	7-4
Section 7.5	Off-Street Parking Requirements	7-4
Section 7.6	Site Plan Review	7-4
<b>ARTICLE 8</b>	<b>RR RURAL RESIDENTIAL DISTRICT</b>	<b>8-1</b>
Section 8.1	Statement of Purpose and Description of District	8-1
Section 8.2	Permitted Uses	8-1
Section 8.3	Special Land Uses	8-2
Section 8.4	Density, Area, Height, Bulk and Placement Requirements	8-2
Section 8.5	Off-Street Parking Requirements	8-2
Section 8.6	Site Plan Review	8-2
<b>ARTICLE 9</b>	<b>R-1 MEDIUM DENSITY RESIDENTIAL DISTRICT</b>	<b>9-1</b>
Section 9.1	Statement of Purpose and Description of District	9-1
Section 9.2	Permitted Uses	9-1
Section 9.3	Special Land Uses	9-1
Section 9.4	Density, Area, Height, Bulk and Placement Requirements	9-2
Section 9.5	Off-Street Parking Requirements	9-2
Section 9.6	Site Plan Review	9-2
<b>ARTICLE 10</b>	<b>R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT</b>	<b>10-1</b>
Section 10.1	Statement of Purpose and Description of District	10-1
Section 10.2	Permitted Uses	10-1

<b>ARTICLE NUMBER</b>	<b>ARTICLE TITLE</b>	<b>PAGE</b>
Section 10.3	Special Land Uses	10-1
Section 10.4	Density, Area, Height, Bulk and Placement Requirements	10-2
Section 10.5	Off-Street Parking Requirements	10-2
Section 10.6	Site Plan Review	10-2
<b>ARTICLE 11</b>	<b>R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT</b>	<b>11-1</b>
Section 11.1	Statement of Purpose and Description of District	11-1
Section 11.2	Permitted Uses	11-1
Section 11.3	Special Land Uses	11-2
Section 11.4	Density, Area, Height, Bulk and Placement Requirements	11-2
Section 11.5	Off-Street Parking Requirements	11-2
Section 11.6	Site Plan Review	11-2
<b>ARTICLE 12</b>	<b>R-4 MANUFACTURED HOUSING COMMUNITY RESIDENTIAL DISTRICT</b>	<b>12-1</b>
Section 12.1	Statement of Purpose and Description of District	12-1
Section 12.2	Permitted Uses	12-1
Section 12.3	Special Land Uses	12-1
Section 12.4	Density, Area, Height, Bulk and Placement Requirements	12-2
Section 12.5	Off-Street Parking Requirements	12-2
Section 12.6	Site Plan Review	12-2
<b>ARTICLE 13</b>	<b>C/R CAMPGROUND AND RECREATION DISTRICT</b>	<b>13-1</b>
Section 13.1	Statement of Purpose and Description of District	13-1
Section 13.2	Permitted Uses	13-1
Section 13.3	Special Land Uses	13-1
Section 13.4	Density, Area, Height, Bulk and Placement Requirements	13-1
Section 13.5	Off-Street Parking Requirements	13-1

<b>ARTICLE NUMBER</b>	<b>ARTICLE TITLE</b>	<b>PAGE</b>
Section 13.6	Site Plan Review	13-1
<b>ARTICLE 14</b>	<b>P/RU PUBLIC/RECREATIONAL USE DISTRICT</b>	<b>14-1</b>
Section 14.1	Statement of Purpose and Description of District	14-1
Section 14.2	Permitted Uses	14-1
Section 14.3	Special Land Uses	14-1
Section 14.4	Density, Area, Height, Bulk and Placement Requirements	14-1
Section 14.5	Off-Street Parking Requirements	14-1
Section 14.6	Site Plan Review	14-1
<b>ARTICLE 15</b>	<b>LC LOCAL COMMERCIAL DISTRICT</b>	<b>15-1</b>
Section 15.1	Statement of Purpose and Description of District	15-1
Section 15.2	Permitted Uses	15-1
Section 15.3	Special Land Uses	15-2
Section 15.4	Density, Area, Height, Bulk and Placement Requirements	15-2
Section 15.5	Off-Street Parking Requirements	15-2
Section 15.6	Site Plan Review	15-2
<b>ARTICLE 16</b>	<b>LI LOCAL INDUSTRIAL DISTRICT</b>	<b>16-1</b>
Section 16.1	Statement of Purpose and Description of District	16-1
Section 16.2	Permitted Uses	16-1
Section 16.3	Special Land Uses	16-1
Section 16.4	Density, Area, Height, Bulk and Placement Requirements	16-2
Section 16.5	Off-Street Parking Requirements	16-2
Section 16.6	Site Plan Review	16-2
<b>ARTICLE 17</b>	<b>US 131 CORRIDOR BUSINESS DISTRICT</b>	<b>17-1</b>
Section 17.1	Statement of Purpose and Description of District	17-1
Section 17.2	Permitted Uses	17-1



<b>ARTICLE NUMBER</b>	<b>ARTICLE TITLE</b>	<b>PAGE</b>
Section 17.3	Special Land Use	17-3
Section 17.4	Density, Area, Height, Bulk and Placement Requirements	17-3
Section 17.5	Off-Street Parking Requirements	17-3
Section 17.6	Site Plan Review	17-3
Section 17.7	Access Management Requirements	17-3
<b>ARTICLE 18</b>	Private Roads	18-1
<b>ARTICLE 19</b>	Reserved for Potential Use	19-1
<b>ARTICLE 20</b>	<b>SCHEDULE OF LOT, YARD, AND AREA REQUIREMENTS</b>	20-1
	*Footnotes to Article 20	20-5
<b>ARTICLE 21</b>	<b>OPEN SPACE PRESERVATION/ CLUSTERING DEVELOPMENTS</b>	21-1
Section 21.1	Open Space Preservation/Clustering Development Option	21-1
Section 21.2	Land Qualified for This Development Option	21-1
Section 21.3	Review Procedures	21-1
<b>ARTICLE 22</b>	<b>ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES</b>	22-1
Section 22.1	General Requirements for Accessory Buildings/Structures and Accessory Uses	22-1
Section 22.2	Keeping of Chickens and Ducks	22-4
<b>ARTICLE 23</b>	<b>SPECIAL LAND USES</b>	23-1
Section 23.1	Explanation of Special Land Uses	23-1
Section 23.2	Special Land Use Procedure	23-1
Section 23.3	Standard for Special Land Use Approval	23-4
Section 23.4	Conditions Imposed Upon Approved Special Land Uses	23-4
Section 23.5	Compliance With Approval	23-6
Section 23.6	Revocation of Special Land Use Approval	23-6
Section 23.7	Specific Standard Required of Particular Special Land Uses	23-7



<b>ARTICLE NUMBER</b>	<b>ARTICLE TITLE</b>	<b>PAGE</b>
<b>ARTICLE 24</b>	<b>SITE PLAN REVIEW</b>	<b>24-1</b>
Section 24.1	Purpose	24-1
Section 24.2	Uses Subject to Site Plan Review	24-1
Section 24.3	Preliminary Site Plan Review	24-1
Section 24.4	Final Site Plan Application Content	24-2
Section 24.5	Final Site Plan Submittal and Review Schedule Procedures	24-4
Section 24.6	Final Site Plan Review and Approval/Approval Conditions	24-4
Section 24.7	Modifications	24-6
Section 24.8	Conformity to Approved Site Plan/Amendments of Approved Site Plan	24-6
Section 24.9	Fees	24-6
Section 24.10	Revocation	24-6
Section 24.11	Term of Approval	24-7
Section 24.12	Administrative Site Plan Review	24-7
<b>ARTICLE 25</b>	<b>SIGN REGULATIONS</b>	<b>25-1</b>
Section 25.1	Purpose and Intent	25-1
Section 25.2	Definitions	25-1
Section 25.3	Signs Allowed/Prohibited	25-3
Section 25.4	Signs in the AG Agricultural Districts	25-3
Section 25.5	Signs in the RR Rural Residential District	25-3
Section 25.6	Signs in the R-1 Medium Density Residential District, and the R-2 Medium Density Residential District	25-4
Section 25.7	Signs in the R-3 Medium Density Residential District	25-4
Section 25.8	Signs in the R-4 Manufactured Housing Community Residential District	25-5
Section 25.9	Signs in the C/R Campground and Recreation District	25-5
Section 25.10	Signs in the P/RU Public Recreational Use District	25-5

<b>ARTICLE NUMBER</b>	<b>ARTICLE TITLE</b>	<b>PAGE</b>
Section 25.11	Signs in the LC Local Commercial District	25-6
Section 25.12	Signs in the LI Local Industrial District	25-7
Section 25.13	Signs in the US 131 Corridor District	25-7
Section 25.14	Signs Allowed in All Zoning Districts	25-9
Section 25.15	General Provisions and Requirements	25-11
<b>ARTICLE 26</b>	<b>PARKING AND LOADING SPACES</b>	<b>26-1</b>
Section 26.1	General Off-Street Parking Requirements	26-1
Section 26.2	Parking Space Size and Access	26-1
Section 26.3	Building Additions/Other Changes	26-1
Section 26.4	Multiple and Joint Use	26-1
Section 26.5	Prohibited Design	26-1
Section 26.6	Parking Spaces for Uses Not Specified	26-1
Section 26.7	Fractional Spaces	26-2
Section 26.8	Requirements for Parking in Agricultural and Residential Districts	26-2
Section 26.9	Requirements for Parking in Public/Recreational Use District	26-2
Section 26.10	Requirements for Parking in Commercial and Industrial Districts	26-2
Section 26.11	Table of Off-Street Parking Requirements	26-4
Section 26.12	Parking Variation	26-8
<b>ARTICLE 27</b>	<b>NONCONFORMING USES, BUILDINGS/STRUCTURES AND LOTS</b>	<b>7-1</b>
Section 27.1	Scope of Regulations	27-1
Section 27.2	Continuance of Nonconforming Uses and Buildings/Structures	27-1
Section 27.3	Expansion of Nonconforming Use or Building/Structure	27-1
Section 27.4	Repair, Maintenance and Restoration of Nonconforming Use or Building/Structure	27-1
Section 27.5	Change of Nonconforming Use	27-2
Section 27.6	Discontinuation and Reestablishment of Nonconforming Uses and	27-2

<b>ARTICLE NUMBER</b>	<b>ARTICLE TITLE</b>	<b>PAGE</b>
	Buildings/Structures	
Section 27.7	Nonconformity Due to Rezoning or Text Amendment	27-2
Section 27.8	Building Upon Nonconforming Lots	27-2
<b>ARTICLE 28</b>	<b>ZONING BOARD OF APPEALS</b>	<b>28-1</b>
Section 28.1	Creation	28-1
Section 28.2	Members	28-1
Section 28.3	Terms	28-1
Section 28.4	Jurisdiction and Powers	28-1
Section 28.5	Officers	28-2
Section 28.6	Meetings/Rules of Procedure	28-2
Section 28.7	Appeals	28-2
Section 28.8	Applications	28-3
Section 28.9	Variance Standards and Conditions	28-4
Section 28.10	Land Use Variance	28-5
Section 28.11	Public Hearings	28-5
Section 28.12	Decisions	28-6
Section 28.13	Time Limit	28-6
Section 28.14	Vote Necessary for Decision	28-6
Section 28.15	Minutes and Records	28-6
Section 28.16	Limitation of Board Action	28-6
<b>ARTICLE 29</b>	<b>ADMINISTRATION AND ENFORCEMENT OF ZONING ORDINANCE</b>	<b>29-1</b>
Section 29.1	Zoning Administration and Enforcement	29-1
Section 29.2	Zoning Administrator	29-1
Section 29.3	Zoning Administrator Duties	29-1
Section 29.4	Violation and Sanctions	29-2
Section 29.5	Nuisance Per Se	29-3
Section 29.6	Authority to Commence Legal Action	29-3
Section 29.7	Application Fees	29-3

<b>ARTICLE NUMBER</b>	<b>ARTICLE TITLE</b>	<b>PAGE</b>
<b>ARTICLE 30</b>	<b>TEXT AMENDMENT/REZONING PROCEDURES</b>	<b>30-1</b>
Section 30.1	Initiation of Amendments	30-1
Section 30.2	Amendment Application Procedure	30-1
Section 30.3	Amendment Procedure	30-2
<b>ARTICLE 31</b>	<b>MISCELLANEOUS PROVISIONS</b>	<b>31-1</b>
Section 31.1	Severability	31-1
Section 31.2	Repeal	31-1
Section 31.3	Effective Date	31-1
Section 31.4	Administrative Liability	31-1
<b>NOMENCLATURE DIAGRAMS</b>		
<b>PLANNING COMMISSION BYLAWS</b>		

**SCHOOLCRAFT TOWNSHIP ZONING ORDINANCE**

**ORDINANCE NO. 137**

**ADOPTED: May 12, 1992**

**EFFECTIVE: May 20, 1992**

An ordinance to establish zoning districts for the portions of the Township of Schoolcraft located outside the Village of Vicksburg and the Village of Schoolcraft pursuant to Act 110 of the Public Acts of 2006 (the Michigan Zoning Enabling Act), as amended, and any other applicable laws; to set forth regulations and minimum standards for the use and protection of lands and structures within each district; to establish provisions for the administration, enforcement and amendment of this ordinance; to establish a Zoning Board of Appeals; and to prescribe sanctions for violations.

**THE TOWNSHIP OF SCHOOLCRAFT,**

**KALAMAZOO COUNTY, MICHIGAN,**

**ORDAINS:**

**ARTICLE 1**

**SHORT TITLE, PURPOSE AND SCOPE**

- 1.1 **SHORT TITLE:** This ordinance shall be known as the Schoolcraft Township Zoning Ordinance.
- 1.2 **PURPOSE:** The zoning districts established by this ordinance and the regulations specified for each such district, and otherwise, have been developed based on guidance provided by the Schoolcraft Township Master Plan. This ordinance is intended to regulate the use of land and structures for the purposes authorized by the Michigan Zoning Enabling Act and pursuant to the guiding principles, goals, and policies of the Master Plan.
- 1.3 **SCOPE:** It is not intended by this ordinance to repeal, abrogate, annul or interfere with existing provisions of other laws or ordinances except those specifically or impliedly repealed by this ordinance, or with any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto. Where this ordinance imposes a greater restriction than is imposed or required by such rules, regulations or private restrictions, the provisions of this ordinance shall control.

## ARTICLE 2

### RULES OF TEXT INTERPRETATION; DEFINITIONS OF TERMS

- 2.1 RULES OF TEXT INTERPRETATION: The following rules of interpretation apply to the text of this ordinance:
1. The particular shall control the general.
  2. In the case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
  3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
  4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
  5. A "building" or "structure" includes any part thereof.
  6. The phrases "used for" includes "arranged for", "designed for", "intended for", "maintained for", and "occupied for", and are all intended to be synonymous phrases.
  7. The word "person" includes an individual, corporation, partnership, incorporated association, trust, joint venture, or any other entity of any kind, or a combination thereof.
  8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and" or "or", the conjunction shall be interpreted as follows:
    - a. "And" indicates that all the connected items, conditions, provisions or events shall apply; and,
    - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
  9. The word "he" shall mean he or she.
  10. The provisions of this ordinance are intended to impose the minimum requirements adopted to promote the public health, safety, and general welfare, and shall be interpreted and applied accordingly.

11. Any word or term not specifically defined in Section 2.2 or elsewhere in this ordinance shall be considered to be defined in accordance with its most applicable customary or common meaning.
12. Any reference in this ordinance to a specific law is intended to also include any amendment of that law, and any subsequently enacted superseding law on the same subject matter.

2.2 DEFINITIONS OF TERMS: For the purpose of this ordinance the following terms and words are herein defined, and these definitions shall apply in the interpretation and enforcement of this Ordinance unless otherwise specifically stated:

- Access Lot: a type of waterfront lot providing for private or common (semi-private) access to a waterway for one or more access lot beneficiaries. An access lot includes the buffer strips required herein.
- Access Lot Beneficiary: the owners/occupants of an offshore lot or waterfront lot, and any other person with a right of access to a waterway and/or use of a waterway through a waterfront lot, in whole or in part, by fee ownership, easement, lease, license, gift, or any other written form of conveyance, dedication, permission, or access/use rights.
- Accessory Building or Structure: a subordinate building or structure, on the same premises with a main building, occupied or devoted to an accessory use. Where an accessory building or structure is attached to a main building, such accessory building or structure shall be considered part of the main building. This definition shall include satellite/cable television dish antennas and related apparatus, and conventional television antenna towers and related apparatus.
- Accessory Solar Energy System: one or more photovoltaic collector panels and/or other devices with a designed capacity to generate less than five kilowatts of electricity on the premises of a conforming use for the primary purpose of meeting or reducing the on-site energy needs of the principal use to which the system is accessory, and where no more than incidental excess electricity is transmitted to the electricity network of a public utility.
- Accessory Use: a use naturally and normally incidental and subordinate to a principal use on the same premises.
- Agricultural Districts (or Zones): any one or more of the following zoning districts established by this Ordinance: AG-1 Exclusive Agriculture District, AG-2 General Agriculture District, and any other existing or subsequently established zoning district which includes AG in its title code.



- Agricultural Production: the production for commercial purposes and sale for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and forage; by feeding or breeding or management and sale of, or the produce of livestock, poultry, furbearing animals, or honey bees; dairying and the sale of dairy products of animal husbandry or any combination thereof; or any other agricultural, horticultural or floricultural use such as fruits, plants, ornamental trees, timber, shrubs, nursery stock, and vegetables; including in each instance the right to sell at wholesale or retail from the premises any goods or products produced thereon.
- Alteration of Building: a change in the supporting members of a building, or an addition, diminution, change in use or conversion of a building, or the removal of a building from one location to another.
- Animal Unit (or Animals Per Animal Unit): for purposes of this Ordinance, the number of animals per animal unit shall be determined pursuant to the following equivalents (with the number of animals per 100 animal units in parentheses for reference purposes):

A.	Slaughter and Feeder Cattle:	1.00 (100)
B.	Mature Dairy Cattle:	1.42 (70)
C.	Horses:	2.00 (50)
D.	Swine (weighing over 55 lbs.):	0.40 (250)
E.	Sheep and Lambs	0.10 (1,000)
F.	Laying Hens or Broilers:	0.01 (10,000)
G.	Turkeys:	0.018 (5,500)

All other animal classes, types or sizes (eg. nursery pigs) not listed, but defined in the Michigan Right to Farm Act or described in Michigan Commission of Agriculture Policy, are to be calculated as one thousand pounds live weight equals one animal unit.

- Automotive Repair Garage: a garage, building or area where repairs of motor vehicles, boats, trailers, farm equipment or similar equipment are made for a fee, or other consideration, including body and paint work.
- Automotive Sales Area: an area used for the display, sale or rental, but not for the repair, of new or used motor vehicles, boats, trailers, farm equipment or similar equipment.
- Automotive Service Station: a building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for storage, minor repair, or servicing; but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust



proofing, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sales unrelated to service station use.

- Bar: a facility (whether free-standing or part of another land use, such as a hotel) which is devoted to the serving of alcoholic beverages for consumption by patrons on the premises and in which any serving of food is incidental to the consumption of such beverages.
- Basement: a portion of a building which is partially or wholly below grade; provided that where the vertical distance from the average finished grade to the ceiling is greater than one-half of the total height of the area, the area shall not be considered a basement.
- Bed & Breakfast Facility: a use which is subordinate to the principal use of a single family dwelling in which transient guests are provided a sleeping room and board in return for compensation for a period not to exceed seven days.
- Billboard: see "Sign" definitions.
- Biofuel: any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and that meets applicable quality standards, including, but not limited to, ethanol and biodiesel; but not including methane or any other fuel product from an anaerobic digester. For purposes of this term "ethanol" means a substance that meets the ASTM international standard in effect on July 19, 2011 as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.
- Boarding House or Rooming House: a dwelling having one kitchen and used for the purpose of providing meals and/or lodging for compensation to more than two persons other than members of the resident family occupying such dwelling, for a period exceeding seven days.
- Boathouse: a permanent structure constructed on the land or over the water for the purpose of providing shelter for one or more boats.
- Buffer strip: a portion of an access lot required to be established and preserved as a natural barrier between the remaining portion of the access lot and an adjacent lot.
- Building: an independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons, animals or property of any kind.

- Building Codes/Construction Codes: the building, mechanical, plumbing and electrical codes in effect in Schoolcraft Township.
- Building or Structure (Roof) Height: the vertical distance measured from the average grade at the building or structure foundation to the highest point of the building roof or structure.
- Building or Structure (Eave) Height: the vertical distance measured from the average grade at the building or structure foundation to the bottom of the eave.
- Building Line: the line adjacent to a building and parallel to the front lot line, formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjacent ground.
- Building, Main or Principal: a building in which is conducted the principal use of the lot upon which it is situated.
- Building Official/Inspector: the person or persons appointed by the Township Board or State to inspect buildings for conformance to the building codes, and to administer and enforce the building codes.
- Child (Family) Day Care Home: a private home properly registered or licensed under 1973 Public Act 116, as amended (MCL 722.111 et seq), in which one but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
- Child (Group) Day Care Home: a private home properly registered or licensed under 1973 Public Act 116, as amended, (MCL 722.111 et seq), in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. This term shall include a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
- Child Day Care Center or Child Care Center: a facility, other than a private residence, properly registered or licensed under 1973 Public Act 116, as amended (MCL 722.111 et seq), receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. A Child Day Care Center or Child Care Center includes a facility which provides care for not less than two consecutive weeks, regardless of the

number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child Day Care Center or Child Care Center shall not, however, include any of the following:

- (1) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12 month period.
  - (2) A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.
- Church: a building whose primary purpose is to provide a place where persons regularly assemble for religious worship which is maintained and controlled by a religious body organized to sustain public worship for a local congregation.
  - Contiguous: adjoining; actually touching at a point or common boundary line.
  - Contractor's Workshop: a place of business for contractors providing personal services directly to their clients in the electrical, plumbing, heating, painting, woodwork or similar occupations, where any production, assembly or fabrication of a product is by the owner and/or not to exceed two employees, and where there is no manufacturing, assembling or fabrication of products on a wholesale basis for other persons or businesses.
  - Deck: a structure consisting primarily of flooring which is raised above the ground level, and which may be constructed as part of the principal structure or building, as an accessory structure.
  - District: an area within which certain designated uses of land and buildings are allowed and all others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established. This term means the same thing as "zone", and "zoning district".
  - Dock: a platform, either permanent or portable, extending over a body of water, from which one can fish, swim, moor or board boats (but not including seasonable swimming rafts).

- Dwelling or Residence: a building, mobile home, or premanufactured or precut dwelling structure, designed and used for complete living accommodations; but in no case shall a recreational vehicle, automobile chassis, tent or portable building be considered as a dwelling. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this ordinance and shall comply with the provisions hereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling for purposes of complying with the area requirements in this ordinance.

This definition shall also include energy-saving earth sheltered homes which contain at least one exposed vertical exterior elevation not less than seven and one-half feet in height by 20 feet in width and without any accommodation for any dwelling units above ground, and which are either:

- (1) Constructed with a completely earth-covered roof having a structural roof system with a slope of not less than one-half inch of rise per foot of run; or,
- (2) Constructed with a roof which is not completely earth-covered having a slope with at least a five inch rise for each 12 inch of run.

All dwellings shall comply with the standards in Section 4.4 of this ordinance.

- Dwelling, Multiple-Family: a building containing three or more separate dwelling units designed for residential use.
- Dwelling, Single-Family: A detached building containing only one dwelling unit designed for residential use.
- Dwelling, Two-Family: A detached building containing two separate dwelling units designed for residential use.
- Dwelling Unit: A building or portion thereof arranged or designed to provide permanent living and cooking facilities for only one family.
- Earth Removal: removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay or similar materials, or combination thereof, except for common household gardening and general farm care.
- Essential Services: the erection, construction, alteration or maintenance by public utilities or public authorities, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wire mains, drains, sewers, pipes, conduits, cables, towers, emergency alarm boxes,

traffic signals, hydrants, and other similar equipment and accessories in connection therewith. This term is not intended to include any facilities or structures within the scope of the terms Public Utility Service Facilities or Wind Energy Structure, as defined herein.

- Family: one or more persons related by blood, marriage, or adoption, including those related as foster children or servants, occupying a dwelling unit and living as a single, nonprofit housekeeping unit; or, a collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit, but not including any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization which is not a recognized religious order, and also not including a group of individuals whose association is temporary and resort-seasonal in character or nature.
- Farm: any parcel of land lawfully used for the raising of agricultural products, livestock, poultry or dairy products for gain, and uses incidental thereto. Farm may include a dwelling and accessory farm structures within the property boundaries, and the storage of crops produced thereon or on other premises by the farm operator, as well as equipment used in farming operations.
- Farm Market: an area and/or permanent or temporary building/structure where transactions between a farm market operator and customers involving only farm products (fruit, vegetables, grains, or other farm produce) take place as a seasonal or year round operation, and where at least 50% of the products marketed for sale (as measured by retail space used to display products) are produced on and by a farm under the same ownership or control as the farm market. A farm product sold at a farm market may be unprocessed, or processed to convert it into a value-added product that is more marketable for direct sales (such as by washing, sorting, packaging, canning, drying, freezing, or otherwise preparing the product for sale). A farm market may include other activities and services directly related to the farm products sold at the farm market (such as a cider mill accessory to an apple producer's farm market), but shall not otherwise include indirectly related or unrelated activities and services to attract and entertain customers and/or facilitate retail trade transactions unless such activity or service is otherwise permissible in the zoning district at issue and has been granted all required zoning approvals. Note: this land use is allowed as a principal permitted use and is also permissible as an accessory use accessory to a dwelling or other applicable use in the Agricultural Districts, in each instance subject to the applicable regulations specified in Section 4.25.



- Farm Structure: any building or structure other than a dwelling, moved upon, maintained, used or built on a farm, which is customarily used on farms of that type for the pursuit of their agricultural activities.
- Filling: the depositing or dumping of any matter onto or into the ground, except residuals from common household gardening and general farm care.
- Floor Area (Gross): the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating 2 buildings. This definition shall include the basement floor area when more than 1/2 of the basement height is above the established curb level or finished lot grade, whichever is higher (see "Basement" definition), but shall not include any space devoted to off-street parking or loading, or areas of utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed), attached garages, or basements, except as indicated above.
- Foster Care (Large Group) Home: a private residence constructed and used for residential purposes that is licensed by the state pursuant to 1979 Public Act 218, as amended (*MCL 400.701 et. seq.*) or 1973 Public Act 116, as amended (*MCL 722.111 et. seq.*) which provides supervision, personal care and protection, in addition to room and board, for 7-13 adults and/or children for compensation, 24 hours a day, five or more days a week, for two or more consecutive weeks; except for persons released from or assigned to adult correctional institutions. This term shall also include, solely for purposes of this Ordinance, a private residence in which 7-13 adults are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian.
- Foster Care (Small Group) Home: a private residence constructed and used for residential purposes that is licensed by the state pursuant to 1979 Public Act 218, as amended (*MCL 400.701 et. seq.*) or 1973 Public Act 116, as amended (*MCL 722.111 et. seq.*) which provides supervision, personal care and protection, in addition to room and board, for 1-6 adults and/or children for compensation, 24 hours a day, five or more days a week, for two or more consecutive weeks; except for persons released from or assigned to adult correctional institutions. This term shall also include, solely for purposes of this Ordinance, a private residence in which 1-6 adults are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian.
- Front Line: see "Lot Line, Front" definition.
- Garage, Private: a building used primarily for the private, non-commercial storage of vehicles.

- Golf Course: a large area of land laid out for the game of golf, and may include a clubhouse/pro shop providing locker facilities and the sale of food/beverages and golf related merchandise.
- Grade: the level of the ground adjacent to the walls of a building, where the ground conditions are substantially level. For substantially unlevel ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.
- Health Department: the Kalamazoo County Health and Community Services Department, or comparable governmental agency.
- High Water Line: that elevation of a body of water where it borders the land, which is either officially recorded or reasonably identified as the established high water elevation.
- Home-Based Business: an occupation or business activity conducted as an accessory use to the principal residential use of the same premises, which has all of the following characteristics:
  - A. All aspects of the business activity conducted on the premises are conducted solely by the person or persons residing on the premises.
  - B. All aspects of the business activity on the premises take place within an enclosed building (the dwelling or an otherwise permissible garage or other accessory building) on the same premises as the dwelling.
  - C. The business activity on the premises is clearly incidental and secondary to the residential use of the premises.
  - D. All goods sold from the premises are either created on the premises or incidental to services sold on the premises.
  - E. Noise, smoke, odor, electrical disturbance, lighting, or other objectionable characteristics associated with the business activity are not discernible beyond the boundaries of the premises upon which the business activity is conducted.
  - F. There is no outdoor storage on the premises associated with the business activity; provided that where such storage is inherent in the otherwise permissible business activity, and by its nature cannot be reasonably accommodated within a building or structure, an outdoor storage area may be located to the rear of the building in which the business activity is conducted with screening sufficient

to effectively block all view of the storage area from adjoining properties and roads.

- G. There is no public display on the premises of articles offered for sale; and no other exterior evidence indicating the premises are being used for any non-residential purpose, except one nameplate sign not exceeding three square feet in area and containing only the name and occupation/business activity lawfully conducted on the premises.
- H. Off-street parking is provided on the premises sufficient to accommodate all customers of the business activity on the premises, in addition to the residents of the premises.

Note: neither this provision nor any other aspect of this definition is intended to be interpreted or administered so as to allow the residential premises to be used on a regular basis as an employee/contractor staging or parking area for an occupation or other business activity primarily conducted elsewhere.

- Horse Boarding or Riding Stable: a facility where fewer than 25 horses (50 animal units) are boarded for persons not residing on the premises and/or are rented and/or where horse riding lessons are given, including the indoor and outdoor facilities for same.
- Institutional or Public Use: churches, schools teaching academic subjects, public parks, cemeteries, libraries, and other public or semi-public uses, including governmental administration or service buildings.
- Junk: any motor vehicles, machinery, appliances, products, or merchandise with parts missing; and scrap metals or other scrap materials that are damaged, deteriorated, or otherwise in such a condition as to be practicably unusable for the purposes for which the product was manufactured or designed.
- Junk/Salvage Yard: any place where the storing, dismantling, wrecking, and disposition of junk is carried on, including automobile wrecking yards and salvage areas used for the storage, keeping or abandonment of junk and scrap materials. This term does not include uses established entirely within enclosed buildings in conformance with all other provisions of the Zoning Ordinance.
- Kenel: the housing or keeping of more than three dogs and/or cats on a lot or in a structure, for any purpose whatsoever, either permanently or temporarily, excluding not more than one litter per year of less than six months of age.



- Livestock: domestic animals raised or kept for any purpose, including but not limited to, cattle, sheep, hogs, horses, chickens, rabbits, ducks, goats, turkeys and geese, but excluding dogs and cats.
- Lot: a metes and bounds parcel of land or a lot in a plat (including a "unit" within a site condominium development) adjoining a dedicated public street or a private road, as defined in this Ordinance, and separated from other parcels by legal description, deed or subdivision plot.
- Lot Area: the total horizontal area within the boundary lines of a lot.
- Lot Depth: the average horizontal distance from the front lot line to the rear lot line.
- Lot Frontage/Width: the horizontal distance between the side lot lines, measured at both the front lot line (see definition of "Lot Line, Front") and the building line (see definition of "Building Line"). Notwithstanding the foregoing, the lot frontage/lot width of a waterfront lot shall be determined at both that portion of the property abutting the water, and that portion of the property abutting the right-of-way of a public street or a lawful private road (see definition of "private road" below).
- Lot Lines: any line dividing 1 lot from another or from the street right-of-way, and thus constituting property lines bounding a lot.
- Lot Line, Front: that portion of a lot or parcel of property abutting the right-of-way of a public street or a lawful private road (see definition of "private road" below). In the case of a corner or double frontage lot, the front lot line shall be that line separating the lot from that street which is designated as the front street in the plat and/or in the request for a building permit or zoning compliance permit.
- Lot Line, Rear: that lot boundary line which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than 10 feet long lying farthest from the front lot line and wholly within the lot. In any case, when this definition does not apply the Zoning Board of Appeals shall designate the rear lot line.
- Lot Line, Side: any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.
- Lot of Record: a lot of record is a lot the dimension and configuration of which are shown on a plat map recorded in the Office of the Register of Deeds for Kalamazoo County; or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a professional engineer or

land surveyor (so registered and licensed by the State of Michigan) and likewise so recorded with the county.

- Lot, Corner: a lot situated at the intersection of 2 or more streets.
- Lot, Double Frontage: a lot other than a corner lot having frontage on 2 more or less parallel streets.
- Lot, Lake: a lot having frontage directly upon a natural lake.
- Lot, Waterfront: any lot or parcel of land, whether or not improved, and whether or not platted, any portion of which:
  - A. abuts the shoreline of any waterway; or
  - B. abuts a promenade, walkway, or other property which itself abuts the shoreline of any waterway and which provides access and/or use rights to the waterway.
- Lot, Zoning: one or more contiguous lots or portions of lots in single ownership, where the grouping of such lots for zoning purposes is required or allowed by this ordinance; and in such circumstances the outside perimeter of the grouping constitutes the applicable front, rear, and side lot lines for purposes of this ordinance.
- Mini-Storage Facility: a facility with one or more completely self-enclosed buildings containing separate and individualized units rented or leased solely for the storage of non-commercial personal property.
- Mobile Home: a portable vehicular unit primarily designed for year-round dwelling purposes, built upon a chassis, equaling or exceeding 12 feet in width and 60 feet in length, and not motorized or self-propelled. Modular, prefab, pre-cut or sectional dwelling units which require being transported to the site separately in 2 or more sections, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport, and which are non-movable after erection, shall not be considered a mobile home, if same complies with the Township Building Code and the provisions of this ordinance.
- Mobile Home Park: a specifically designated parcel of land designed and developed to accommodate 3 or more mobile home sites for continual and non-recreational residential use.
- Mobile Home Site: a plot of ground within a mobile home park designed to accommodate and support 1 mobile home. It is not the same as a building lot.

- Motel: a building or group of attached or detached buildings containing guest rooms provided for transient occupancy only, including motor lodges and similar transient lodging facilities not otherwise within the scope of another term defined in this Ordinance (such as Bed & Breakfast Facility, Boarding House, etc.).
- Nightclub: a facility (whether free-standing or part of another land use, such as a motel) usually open only at night, serving alcoholic beverages and sometimes food for consumption by patrons on the premises, and providing music, entertainment, and/or a space for dancing by patrons.
- Non-Conforming Use: a use which lawfully occupied a building/structure or land at the effective date of this ordinance or amendments thereto, and that does not conform to the use regulations of this ordinance for the zoning district in which it is located.
- Non-Conforming Building/Structure: a building/ structure or portion thereof lawfully existing at the effective date of this ordinance or amendments thereto, and which does not conform to the provisions (e.g. set-backs, height, lot coverage, parking) of this ordinance in the zoning district in which it is located.
- Non-Conforming Lot of Record: a lot or parcel lawfully existing of record at the effective date of this ordinance and which does not conform to the provisions of this ordinance (i.e. area, width, etc.).
- Occupied: the word "occupied" includes the terms arranged, designed, built, altered, converted to, rented, leased, or intended to be inhabited, but not necessarily for dwelling purposes.
- Off-Road Vehicle: any motorized vehicle designed for cross-country travel on or over land, snow, ice, marsh, swamp land, or other natural terrain, except farm vehicles being used for farming activities.
- Offshore Lot: any lot or parcel of land, whether or not improved, and whether or not platted, any portion of which:
  - A. does not abut the shoreline of any waterway; and
  - B. does not abut a promenade, walkway, or other property which itself abuts the shoreline of any waterway and which provides access and/or use rights to the waterway.
- On-Farm Biofuel Production Facility (Type I): a facility designed and intended to be used to produce biofuel, and having all of the following characteristics:

- A. The facility is located on land used in the commercial production of farm products.
  - B. The facility has a designed annual production capacity of not more than 100,000 gallons of biofuel.
  - C. The facility is located at least 100 feet from the boundary of any contiguous property under different ownership.
  - D. The facility meets all otherwise applicable setback requirements.
  - E. At least 75% of the feedstock for the facility is produced on the farm where the facility is located, on an annual basis.
  - F. At least 75% of the biofuel or other product/byproduct of the facility is used on the farm where the facility is located, on an annual basis.
- On-Farm Biofuel Production Facility (Type II): a facility designed and intended to be used to produce biofuel, and having all of the following characteristics:
    - A. The facility is located on land used in the commercial production of farm products.
    - B. The facility has a designed annual production capacity of not more than 100,000 gallons of biofuel.
    - C. The facility is located at least 100 feet from the boundary of any contiguous property under different ownership.
    - D. The facility meets all otherwise applicable setback requirements.
    - E. Less than 75% of the feedstock for the facility is produced on the farm where the facility is located, on an annual basis.
    - F. Less than 75% of the biofuel or other product/byproduct of the facility is used on the farm where the facility is located, on an annual basis.
- On-Farm Biofuel Production Facility (Type III): a facility designed and intended to be used to produce biofuel, and having all of the following characteristics:
    - A. The facility is located on land used in the commercial production of farm products.
    - B. The facility has a designed annual production capacity of at least 100,000 gallons but not more than 500,000 gallons of biofuel.

- C. The facility is located at least 100 feet from the boundary of any contiguous property under different ownership.
- D. The facility meets all otherwise applicable setback requirements.
- Outdoor Market: an activity on non-residential property in which one or more persons offer or display primarily used personal property items/merchandise, or seasonal fresh fruit/vegetables, for sale or exchange to prospective buyers in an open air setting or otherwise outside of a fully enclosed structure, and where a fee is charged to sellers/vendors and/or prospective buyers for admission. This term is intended to include activities commonly known as flea markets, farmers markets, swap meets, and any other similar type of open air activity or event.
  - Parking Area, Off-Street: an area (not utilizing any portion of a public street right-of-way) providing vehicular parking spaces along with adequate drives and aisles.
  - Parking Space: that area required by this Ordinance for the parking or storage of one automobile or other motor vehicle.
  - Patio: a structure consisting of flooring at ground level.
  - Permitted Use: see Section 3.5 of this Ordinance.
  - Planning Commission: the Schoolcraft Township Planning Commission.
  - Principal Use: the main, primary or predominant use of a lot.
  - Private Road: a private right-of-way for vehicular access to abutting properties which is specifically designated in Section 27.8 of this Ordinance, or which has otherwise been lawfully established in accordance with this ordinance (including a private easement lawfully established under Section 23.7.17 or 23.7.18) and any other applicable ordinances of Schoolcraft Township, and any other applicable county or state laws, rules and regulations.
  - Public Utility: any person, firm, corporation, municipal department or board duly authorized under municipal or state regulation to furnish to the public either transportation, water, gas, electricity, telephone, telegraph, cable television, steam, or sewage disposal services.
  - Public Utility Service Facilities: gas or electric substations, regulator stations, including buildings accessory thereto, and other public utility service buildings or structures. This term is not intended to include any Wind Energy Structure as defined herein.



- Recreational Vehicle: a portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for temporary lodging. This term includes folding campers, truck-mounted campers, and motor homes, but does not include mobile homes.
- Recreational Vehicle Campground: a recreational oriented facility for the overnight or short term use of recreational vehicles and tents, and may include a year-round residence for the facility owner/operator; may also be known as a recreational vehicle park.
- Residential District (or Zone): any one or more of the following zoning districts established by this Ordinance: RR Rural Residential District, R-1 Medium Density Residential District, R-2 Medium Density Residential District, R-3 Medium Density Residential District, R-4 Manufactured Housing Community Residential District, and the C/R Campground and Recreation District.
- Roadside Stand: an area or temporary or permanent building or structure not exceeding 200 square feet in area designed and used by the residents of the property for the purpose of the display and sale of fresh/unprocessed (except washed) garden produce, fruit, grains, or other similar unprocessed cultivated food products actually grown on the premises upon which the roadside stand is located. Note: this land use is allowed as a principal permitted use in the Agricultural Districts, and is also permissible as an accessory use accessory to a dwelling or other applicable use in the Agricultural Districts and Residential Districts, in each instance subject to the applicable regulations specified in Section 4.25.
- Seasonal Mobile Home Park: a parcel or tract of land upon which three or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefore, and may include a year-round residence for the park owner/operator.
- Single Ownership: ownership of a lot where the owner does not own adjoining property; provided, the owner of any number of contiguous lots or portions of lots may be considered as the owner of a single "zoning lot" for the purpose of this ordinance as the owner so elects, or as may otherwise be lawfully required by this ordinance, and in such cases the outside perimeter of the group of lots shall constitute the front, rear and side lot lines thereof.
- Setback Line (Minimum): the line which pertains to and defines those minimum building/structure setback lines which are established parallel to the front, side and rear lot lines and within which setback areas no part of

a building or structure shall project or be located, except as otherwise provided for by this ordinance.

- Setback (Building or Structure): the minimum horizontal distance required to exist between a building or structure (including steps or porches), and the front, side or rear lot line. The required setback area is that area encompassed by the respective lot lines and setback lines.
- Sign: any structure or device using words, numerals, figures, designs or trademarks designed to inform or attract the attention of persons. Also see Article 25 of this Ordinance for additional definitions of related terms.
- Solar Energy Generating Facility: an array of inter-connected photovoltaic collector panels and/or other devices with a designed capacity to generate five or more kilowatts of electricity intended to be transmitted to the electricity network of a public utility and/or for the primary purpose of meeting or reducing on-site energy needs.
- Special Land Use: see Section 3.6 of this Ordinance.
- Street: a dedicated public right-of-way, other than an alley, over which the public has the right of vehicular access.
- Structure: anything except a building, constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including but not limited to decks, gazebos, swimming pools, fences, walls, and wireless communications support structures; provided, that conventional mailboxes, and residential swing sets and other child play structures situated on the ground but not constructed into the ground are not considered structures for purposes of this ordinance.
- Swimming Pool: any structure or container located above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing.
- Township Board: the Schoolcraft Township Board.
- Variance: a modification of the literal provisions of a dimensional requirement or other non-use requirement, as opposed to the use of the property, which the Zoning Board of Appeals has limited authority to grant, when there are "practical difficulties" preventing compliance with the strict letter of the ordinance arising from an exceptional or extraordinary condition of the individual property for which the variance relief is requested and the variance standards specified in this ordinance are otherwise met.

- Waterway: a natural or man-made lake, river, stream, channel, pond, or other natural or artificial watercourse.
- Wetland: land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life, as shown on the most recent U.S. Geological Survey Maps, or the Michigan Department of Natural Resources MIRIS map, or as otherwise determined pursuant to standards used by the Michigan Department of Natural Resources for making wetland determinations.
- Wind Energy Structure: an accessory structure using wind to generate electrical power intended to primarily serve the needs of the occupants of the premises on which the structure is located, rather than to generate power for a utility grid serving other premises.
- Wireless Communications Support Structure: means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-support lattice tower, guyed tower, water tower, utility pole, or building; provided that for purposes of this Ordinance this term shall not include any tower or other support structure under 50' in height that is owned and operated by a federally-licensed amateur radio station operator or that is used exclusively for receive-only antennas.

A tower or other structure within the scope of this definition shall not be considered to be either "Essential Services" or "Public Utility Service Facilities" for purposes of this Ordinance, as those terms are defined in Section 2.2 of this Ordinance.

See Section 23.7 for other related defined terms used in that section.

- Yard: a general term applied to the space on a lot, which contains a building or structure or group of buildings/structures, lying between the building/structure or group of buildings/structures and the nearest respective lot line facing each building/structure:
  - A. Front Yard: An open space extending across the full width of a lot between the front lot line and the building setback line. The depth of such yard shall be the shortest horizontal distance between the front lot line and the building setback line, measured at right angles.
  - B. Rear Yard: An open space extending across the full width of a lot between the rear lot line and the nearest line of a building, porch or projection thereof. The depth of such yard shall be the shortest horizontal distance between the rear lot line and the nearest point of the building, porch or projection thereof.



- C. Side Yard: An open space extending on each side of the lot from the required front yard to the required rear yard. The width of such yard shall be the shortest distance between the side lot lines and the nearest point of a building, porch or projection thereof.
- Yard, Required Side-Rear-Front: an open space of prescribed width or depth, adjacent to a lot line, on the same land with a building or structure or group of buildings/structures, lying in the area between the building/structure or group of buildings/structures and the nearest lot line, and which is unoccupied and unobstructed from the ground upward, except for plants, trees, shrubs, fences, and as otherwise provided herein.
  - Zoning Administrator: the person or persons appointed by the Township Board to administer and enforce this ordinance.
  - Zoning Board of Appeals: the Schoolcraft Township Zoning Board of Appeals.
  - Zoning Compliance Permit: an authorization issued by the Zoning Administrator indicating that the proposed use and location of a building or structure conforms with the pertinent provisions of this ordinance, including the setback and yard requirements.
  - Zoning Lot: see "Lot, Zoning" above.

## ARTICLE 3

### CLASSIFICATION AND USE DISTRICTS

3.1 ZONING DISTRICTS: For the purpose of this Ordinance, Schoolcraft Township is hereby divided into the following Zoning Districts:

AG-1	EXCLUSIVE AGRICULTURE DISTRICT
AG-2	GENERAL AGRICULTURE DISTRICT
RR	RURAL RESIDENTIAL DISTRICT
R-1	MEDIUM DENSITY RESIDENTIAL DISTRICT
R-2	MEDIUM DENSITY RESIDENTIAL DISTRICT
R-3	MEDIUM DENSITY RESIDENTIAL DISTRICT
R-4	MANUFACTURED HOUSING COMMUNITY RESIDENTIAL DISTRICT
C/R	CAMPGROUND AND RECREATION DISTRICT
P/RU	PUBLIC/RECREATIONAL USE DISTRICT
LC	LOCAL COMMERCIAL DISTRICT
LI	LOCAL INDUSTRIAL DISTRICT
US-131	US-131 CORRIDOR COMMERCIAL/INDUSTRIAL DISTRICT

3.2 ZONING MAP AND USE DISTRICT BOUNDARIES: The locations and boundaries of the zoning districts are hereby established as shown on the Zoning Map of Schoolcraft Township, which accompanies and is hereby made a part of this Ordinance, including such amendments of the Zoning Map as may be made from time to time. Where uncertainty exists as to the boundaries of zoning districts as shown on the Zoning Map, which is not clarified by measurements pursuant to the scale of the Zoning Map, the following rules of construction and interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.

4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds, and in the event of change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline and lake or stream bed.
  5. Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of two hundred (200) feet from the front lot line.
  6. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this ordinance or applicable amendment thereto.
- 3.3 AREAS NOT INCLUDED WITHIN A DISTRICT: In every case where land has not been clearly included within another district pursuant to the Zoning Map and the interpretive rules of this Article, such land shall be in the AG-2 General Agriculture District.
- 3.4 PERMISSIVE ZONING CONCEPT: Land uses are allowed in the various zoning districts by express specific designation in this Ordinance. Where a use is not so designated it is prohibited, unless construed by the Zoning Administrator or Zoning Board of Appeals to be sufficiently similar to a use expressly allowed. No land contained within any zoning district within Schoolcraft Township shall be used for any purpose other than those uses specifically allowed in the district in which the building or land is located, except as otherwise provided herein.
- 3.5 PERMITTED USES: A use listed as a "permitted use" in Article 6-Article 17 of this Ordinance is recognized as a use of land and buildings which is harmonious with other such uses which may lawfully exist within the same district (or is designated as a permitted use due to a statutory requirement). A permitted use is subject to the various applicable provisions of this Ordinance, but otherwise it is considered to be a lawful use not requiring special or extraordinary controls or conditions.
- 3.6 SPECIAL LAND USES: A use listed as a "special land use" in Article 6-Article 17 of this Ordinance is recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utilities needs, and other similar characteristics) as necessitating prior Planning Commission authorization and approval standards, and sometimes approval conditions, in order to safeguard the general health, safety and welfare of the community.

## ARTICLE 4

### GENERAL PROVISIONS

These general provisions shall apply to all zoning districts, unless specifically stated otherwise.

- 4.1 ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF: No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, removed, reconstructed, extended or altered, except in conformity with this Ordinance (and all other applicable ordinances, codes, laws and regulations).
- 4.2 BUILDING PERMITS AND CONSTRUCTION CODES: See the Schoolcraft Township Construction Code Ordinance and the therein referenced construction codes for regulations applicable to building permits, occupancy permits, and other regulations applicable to the construction and occupancy of buildings and other structures.
- 4.3 ZONING COMPLIANCE PERMITS: No building or structure, other than an accessory structure, which is hereafter constructed, enlarged, altered, moved or reconstructed shall be occupied or otherwise used, in whole or in part, until a zoning compliance permit has been issued by the Zoning Administrator, certifying that the location of the building or structure, and the intended use thereof, is in compliance with the provisions of this Ordinance. This zoning compliance permit requirement shall apply to a building or structure exempt from a building permit requirement pursuant to the Township Building Code.
- 4.4 DWELLING STANDARDS: A dwelling shall comply with the following standards:
1. It shall have a minimum gross floor area in accordance with the requirements of Article 20 for the applicable zoning district, and shall have a minimum floor to ceiling height of 7.5 feet.
  2. It shall have a minimum width or depth of 20 feet for 50% of the entire length of the dwelling.
  3. It shall be permanently attached to a solid foundation constructed on the site in accordance with the Township Building Code and having the same perimeter dimensions as the dwelling, which attachment shall also meet all building codes or other applicable state regulations. In the case of a mobile home, the mobile home shall be secured to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission pursuant to regulations promulgated under Act 96 of the Public Acts of 1987, as amended.
  4. No exposed wheels, towing mechanisms, undercarriage, or chassis shall be permitted, and all wheels shall be removed. Any space that may exist

between the foundation and the ground floor of the dwelling shall be fully enclosed by an extension of the foundation wall along the perimeter of the dwelling, said extension to be permanent and solid and constructed of poured concrete, concrete block, brick, or other non-metallic material which is aesthetically compatible with other dwellings in the area.

5. The dwelling shall be connected to a public sewer and water supply, or to private sewer and water facilities approved by the County Health Department.
6. The dwelling shall have not less than two exterior doors with the second one being in either the rear or side of the dwelling, and permanently attached steps shall be connected to exterior door areas or to porches connected to the door areas where a difference in elevation requires the same.
7. The dwelling and any additions thereto shall be aesthetically compatible in design and appearance with each other, and with other residences in the vicinity, with either a roof overhang of not less than 6" on all sides, or alternatively, with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling based upon the standards in this provision and the definition of "dwelling", as well as the character, design and appearance of residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
8. The dwelling shall contain a storage capability area in a basement located under the dwelling, in a usable attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling equal to at least 15% of the square footage of the dwelling or 150 square feet, whichever is less.
9. The dwelling and all additions or other areas shall comply with all pertinent building and fire codes. In the case of mobile homes, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to 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, promulgated at 24 CFR 3280, and in compliance with such amended standards as may from time to time be promulgated. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations allow

standards of construction which are less stringent than those imposed by this Ordinance or the Township construction codes, then, and only in that event, the less stringent federal or state standards or regulations shall apply.

The foregoing standards shall not apply to a mobile home located in a licensed mobile home park, except as indicated and to the extent allowed or required by law.

- 4.5 USED DWELLING: All the dwelling standards in Section 4.4 apply to a used dwelling which is to be installed in the Township. A certificate indicating the dwelling complies with those standards and all pertinent building and fire codes shall be submitted to the Zoning Administrator before the dwelling is installed. In the case of a mobile home or other pre-manufactured type of housing subject to construction and safety standards promulgated by the United States Department of Housing and Urban Development, the certificate must indicate that the dwelling meets the most recent applicable HUD standards. The required certificate shall be signed by a building inspector currently registered with the State of Michigan pursuant to 1986 Public Act 54.
- 4.6 BASEMENT DWELLING: The use of a basement of a partially built or planned building as a residence or dwelling unit is prohibited in all zones. The use of a basement in a completed building for sleeping quarters or a dwelling unit is prohibited except where direct access to the outside is provided in accordance with the Township Building Code. Further provided that where one wall is entirely above grade level of the yard adjacent to said wall and access or egress to the out-of-doors is provided through said wall, the structure is not a basement dwelling. It is not the intent of this ordinance to prevent the construction or occupancy of earth sheltered housing, provided that it meets building code requirements.
- 4.7 PRINCIPAL USE/PRINCIPAL BUILDING: No lot may contain more than 1 principal use or principal building; provided that groups of multiple-family dwelling buildings under single ownership shall be deemed a principal use collectively. In the site plan review process the Planning Commission may designate as a principal use collectively, and/or as principal buildings, groups of retail business buildings under single ownership, and groups of other buildings under single ownership integrally engaged in the primary commercial use or industrial use on the subject property.
- 4.8 REQUIRED LOT, YARD, AREA OR SPACE: All lots, yards, and other open spaces shall comply with the lot, yard and area requirements of the zoning district in which they are located (see Article 20), and are also subject to the following:
1. No lot, yard or other open space shall be divided, altered or reduced so as to make it less than the minimum required under this ordinance, and if



already less than the minimum required it shall not be further divided, altered or reduced.

2. No yard or other open space provided about any building for the purpose of complying with the requirements of this Ordinance shall be considered as a yard or open space for any other building.
3. Where two or more contiguous lots or portions of lots are in single ownership, and such lots/portions of lots do not individually comply with the minimum requirements for the district in which they are located, such lots/portions of lots shall be grouped together for zoning purposes sufficient to create a single conforming buildable "zoning lot" (or, as applicable, a single less nonconforming zoning lot).
4. Where two or more contiguous lots or portions of lots are in single ownership, but are not required by the preceding paragraph to be grouped together for zoning purposes, the owner of such lots/portions of lots may nevertheless choose to group such lots/portions of lots together to create a larger "zoning lot".

4.9 TRAFFIC VISIBILITY AND CLEARANCE: On any lot in any district no shrub, bush, non-deciduous tree, or other vegetative planting shall be planted or maintained within the right-of-way of a public or private street so as to cause an obstruction to or on the roadway, or to create a hazard to vehicular traffic visibility, by reason of the location, height, size, shape, or other characteristic of such planting in relation to the roadway and any driveway providing ingress to/egress from such roadway.

4.10 WALLS AND FENCES: See Section 22.1.5 of this ordinance.

4.11 SCREENING AND FENCING: Every commercial or industrial use occupying land immediately adjacent to a Residential District shall have a screening area separating the commercial or industrial use from the adjoining residential district. The screen shall be in the form of either a wall, berm, fence or evergreen planting, or combination of same, which is compact and maintained in good condition at all times. Such screening materials shall be at least six feet in height, except where the height of the screen would interfere with traffic safety, in which case it may be reduced to not less than three feet in height.

4.12 HEIGHT EXCEPTIONS: The height limitations of all zoning districts may be exceeded by the following structures: flag poles, chimneys, farm structures, non-commercial television and radio antennas, wireless communications support structures/wireless communications equipment (except as otherwise specifically regulated in this Ordinance), monuments, cupolas, belfries, steeples, spires or other ornamental projections, water towers, fire towers, and wind energy structures (except as otherwise specifically regulated in this Ordinance). In the zones where industrial uses are allowed, smokestacks, chimneys, cooling and

fire towers, parapet walls, elevator buildings and bulkheads, roof storage tanks, and roof structures for other necessary appurtenances for such uses are also permitted above the height limitations provided they are located at least the same distance as their height from any adjoining property lines.

#### 4.13 TEMPORARY LAND USES AND PERMITS:

1. Temporary Construction Site Office/Construction Yard. Upon application, the Zoning Administrator may issue a permit for a temporary office building or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of not more than six calendar months and shall be renewed by the Zoning Administrator for four additional successive periods of six calendar months or less at the same location if such construction work is being diligently pursued towards completion and such building or yard is still incidental and necessary to construction at the site where located. Debris shall be removed from the site within 15 days after the completion or abandonment of the construction work.
2. Temporary Subdivision Office. Upon application, the Zoning Administrator may issue a permit for a temporary office which is both incidental and necessary for the sale or rental of real property in a new subdivision or housing project. Each permit shall specify the location of the office and area and shall be valid for a period of not more than six calendar months and shall be renewed by the Zoning Administrator for four additional successive periods of six calendar months or less at the same location if such office is still incidental and necessary for the sale or rental of real property in a new subdivision or housing project.
3. Temporary Recreational Vehicle. A recreational vehicle or tent may be situated upon premises in an Agricultural District or Residential District and occupied for temporary recreational purposes, subject to the following conditions and limitations:
  - A. Not more than one recreational vehicle or tent is allowed per lot or parcel of land.
  - B. The occupancy of such a recreational vehicle or tent must be associated with recreational purposes or activities.
  - C. Such a recreational vehicle or tent may not be occupied for more than 30 days, calculated cumulatively, within any calendar year.
  - D. Such a recreational vehicle or tent may not be leased or rented to the occupants.
  - E. Such a recreational vehicle or tent must be situated and/or occupied in compliance with all applicable regulations of the local health department regarding drinking water and waste disposal.

- F. When not in use such a recreational vehicle or tent must be stored neatly in the rear yard or side yard or in an enclosed building on the property of the owner of the recreational vehicle or tent, or on contiguous property.
4. Temporary Second Dwelling. Notwithstanding Section 4.7 of this Ordinance generally prohibiting more than one principal use or single family dwelling on a lot, the Zoning Administrator may issue a temporary permit granting zoning approval for construction of a new permanent single family dwelling on a lot while occupancy of an existing single family dwelling on the same lot continues during construction, subject to the following requirements and conditions on the permit:
- A. The applicant for the permit shall be the deedholder of the subject property.
  - B. The subject property shall be a lawful conforming lot (platted or unplatted), or an otherwise buildable, lawful, nonconforming lot.
  - C. The applicant shall submit plans for and obtain all requisite construction permits for the new permanent dwelling contemporaneous with approval of the temporary second dwelling permit, or the temporary second dwelling permit shall be considered abandoned and void.
  - D. The existing dwelling shall be removed from the subject property and disposed of lawfully, and the dwelling site properly reclaimed, all within 30 days of issuance of a certificate of occupancy by the Building Official for the new permanent dwelling, or within one year from the issuance of the temporary second dwelling permit, whichever comes first.
  - E. The applicant shall provide a performance guaranty to the Township at the time of application for the temporary second dwelling permit to insure the removal of the existing dwelling as required herein. The performance guaranty shall be in the form of an irrevocable bank letter of credit, cash escrow, or performance bond, in the amount of at least the estimated costs to remove and lawfully dispose of the existing dwelling, and reclaim the site of such dwelling, as required herein. The Zoning Administrator shall determine the required amount of the performance guaranty based on a written bid for such removal/disposal/ reclamation work by a reputable company reasonably acceptable to the Zoning Administrator. The performance guaranty shall by its terms be valid for a period of time sufficient to enable the Township to implement the performance guaranty and use the proceeds to remedy any non-performance of the applicant with respect to removal and

disposal of the existing dwelling and reclamation of the existing dwelling site.

- F. By applying for and receiving a temporary second dwelling permit pursuant to this subsection the applicant agrees that in the event of applicant's failure to perform as required above the Township may implement the performance guaranty and, the Township and/or its agents/employees/contractors may enter the subject property to remedy all non-performance upon 30 days written notice to the applicant at the address of the subject property. In such circumstances the applicant also hereby acknowledges the applicant shall be personally liable for all expenses which the Township incurs in remedying applicant's non-performance, which are not covered by the performance guaranty, including actual legal fees, and consents to entry of a money judgment against applicant in a court of law for such expenses. The Township shall return to the applicant any surplus from the proceeds of an executed performance guaranty.
- G. The applicant shall not convey to another person or party any interest in the subject property during the duration of a temporary second dwelling permit issued pursuant to this subsection.
- H. Before issuing a temporary second dwelling permit under this subsection the Zoning Administrator shall require the applicant to execute an agreement by which the applicant accepts the permit requirements and conditions, which shall also be binding on the applicant's heirs and legatees.

4.14 JUNK/REFUSE: Nothing in this Ordinance shall be construed to allow the storage, collection or placing of discarded materials, inoperable or unlicensed motor vehicles (or parts thereof), or junk or refuse, for purposes of operating a junk, salvage or scrap yard, or for any other commercial purposes, without complying with applicable provisions of this Ordinance.

4.15 SWIMMING POOLS: A swimming pool shall be considered an accessory structure for the purpose of determining required yard spaces and maximum lot coverage. Also see Building Code for additional regulations applicable to location and maintenance of swimming pools.

4.16 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS: Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.

4.17 LIGHTING LIMITATIONS: The illumination of any buildings or uses of land shall be designed and operated so that the source of light shall not be directed upon



adjacent properties or streets. All exterior lighting fixtures associated with new construction, and replacement fixtures on existing construction, shall be designed and maintained in a downward-facing configuration.

4.18 GARAGE SALE/YARD SALE REGULATIONS: Garage sales, yard sales and similar activities may be held as an accessory use to a dwelling in any zoning district, subject to the following regulations:

1. Such sales shall be held not more than two times per year per lot.
2. Such sale shall not exceed three days in length.
3. Only normal household personal property and residential goods owned by a resident of the lot where the sale is occurring, or by a neighbor, may be sold.
4. Within 24 hours of the close of the sale all items not sold or being held for pickup shall be placed inside a fully enclosed building.
5. Within 24 hours of the close of the sale the owner of the lot where the sale was located shall collect and properly store or dispose of all signs or other advertising materials relating to the sale.

4.19 REMOVAL OF UNUSED BUILDING FOUNDATIONS AND RESTORATION OF LOT GRADE: In the event a dwelling or other type of building is destroyed or otherwise removed from its foundation, within three days the site shall be posted and fenced so as to preclude entry by unauthorized persons. Further, no more than 30 days after the destruction or removal of the building the building site shall be filled so as to restore the established grade; provided, however, that this latter requirement shall not apply if rebuilding operations have been projected or approved, and during the preconstruction period, which shall not exceed six months, the building site is fenced so as to preclude access by unauthorized persons; the lot is maintained free from the accumulation of rubbish and all unsafe or hazardous conditions which are unsightly or endanger the health or safety of the public; and provision is made to prevent damage from water runoff or otherwise to any adjoining property.

4.20 EARTH REMOVAL: Top soil, sand or other earth material may be removed from a lot for the purpose of erecting or constructing a building, rather than for the purpose of mining, without cubic yard limitation. Top soil, sand or other earth material may also be removed from a lot for the purpose of constructing a structure or pond on the lot, rather than for the purpose of mining, provided that not more than 2,000 cubic yards of material is removed. In addition, earth materials may be moved from one part of a lot to another part of the same lot, provided that not more than 2,000 cubic yards of material is involved, and further provided that such movement will not cause, or be likely to cause, sand blows, stagnant water pools, bogs, alteration of the groundwater table, or damage to adjoining properties. All other activities involving "earth removal" as defined in

this Ordinance, shall be allowed only where designated by this Ordinance in a particular zoning district, and pursuant to all applicable use and site plan approval requirements.

#### 4.21 FILL REGULATIONS:

1. Statement of Purpose. The purpose of the regulations in this part of the ordinance is to assure that filling activities on any property in the Township for building site preparation, or otherwise, comply with applicable state laws, utilize appropriate fill materials, and are undertaken and completed in such a manner as to reduce hazards to life and property, and generally protect the public health, safety and welfare. Nothing herein is intended to allow the establishment of a disposal area regulated by 1978 Public Act 641, as amended, or otherwise affect the provisions of that Act, which require certain waste materials to be disposed of in a solid waste disposal area constructed and licensed pursuant to that Act.
2. Regulations Applicable in all Zoning Districts. Only inert soil, sand, clay, gravel, stone, and other inert/non-organic material may be used as fill materials in any zoning district, subject to the following regulations:
  - A. State Wetland Permit Requirement. No filling activities shall take place in a wetland subject to regulation by the State without a permit first being obtained as required by applicable law.
  - B. State Soil Erosion and Sedimentation Permit Requirement. No filling activities which may result in or contribute to soil erosion or sedimentation of surface waters shall take place without a permit first being obtained from the appropriate state or county agency as required pursuant to applicable law.
  - C. Fill Material Content. Fill material shall have sufficient porous materials (such as soil, sand or gravel) to bed non-porous materials (such as rock, or pieces of concrete or brick).
  - D. Maximum Size of Non-porous Materials. Allowable non-porous materials (such as rock, or pieces of concrete or brick) shall be no greater in size than a standard concrete construction block. If larger pieces of material are encountered they shall be broken up to a conforming size or removed and lawfully disposed of.
  - E. Compaction of Fill Material. All fill material shall be compacted to at least a 90% density.
  - F. Leveling and Finishing of Filled Areas. Within 30 days or as soon thereafter as is practicable all filled areas shall be graded and leveled, completely covered with clean top soil at a depth of at least



six inches, and seeded with a grass or other appropriate form of vegetation sufficient to control erosion.

- G. Final Grade and Runoff Control. The final grade of all filled areas shall be such as to either contain precipitation run-off within the subject property, or restore a natural flow to abutting property or a public roadway or other public right-of-way.
  
- H. Fill Permit Requirement. Where the volume of fill associated with a particular filling activity or project will exceed 2,000 cubic yards of material, or where the Zoning Administrator determines that by reason of the nature of the subject property, the location of that property, or otherwise, a particular filling activity or project is likely to cause a substantial impact on adjoining or nearby properties which may not be temporary in duration, no filling activities shall take place without Planning Commission approval of the filling activities, as a special land use, in accordance with all applicable provisions of this Ordinance, including the following:
  - (1) Application for Fill Permit. An application for a Fill Permit shall be filed with the Township Clerk in accordance with Section 23.2 of this Ordinance and shall in addition include the following information:
    - a. Name and address of applicant.
    - b. Common address and legal description of property to be filled.
    - c. Owner of property to be filled.
    - d. Type(s) of fill material to be deposited.
    - e. Source(s) of fill material to be deposited.
    - f. Route(s) of travel from source(s) of fill material to subject property.
    - g. Volume of fill material requested to be permitted (in cubic yards).
    - h. Location of portion of subject property where filling activities will take place.
    - i. Final grade of filled area.

- j. The number and type of vehicles and equipment to be used in filling activities, including transporting, dumping and leveling fill materials.

The Planning Commission may require one or more of the above application items and other pertinent information to be supplied in the form of a site plan in accordance with Article 24 of this Ordinance.

(2) Fill Permit Review Criteria. The Planning Commission shall process and review a Fill Permit application in the same manner as a special land use request is processed and reviewed pursuant to law and applicable ordinance provisions. The Planning Commission shall approve, approve with conditions, or disapprove the application based on the general special land use approval standards in Section 23.3 of this Ordinance, and upon a finding that:

- a. The requested filling activities can be conducted in compliance with all applicable Township ordinance requirements; and
- b. All applicable state and/or county permits have been obtained; and
- c. The requested fill activities will not have a harmful affect on abutting or nearby properties, except to the extent that any such affects are unavoidably inherent in the filling process, but will be temporary in duration, lasting only so long as the filling activities are taking place.

4.22 STOCK FARMING AND OTHER LIVESTOCK USES: Except as specifically allowed in the various designated zoning districts, land uses involving the keeping or raising of livestock for any purpose are specifically prohibited as a permitted use, a special land use, or as an accessory use.

4.23 WIND ENERGY STRUCTURES: Any lot in any zoning district may have located thereon one wind energy structure, as defined in this Ordinance, as an accessory use to the residential or other conforming principal use of the premises, subject to compliance with all of the following requirements and regulations:

- 1. On-site Use. The wind energy structure shall be designed and intended to primarily serve the premises on which the structure is located.

2. Permissible Type.
  - A. A tower-mounted type of wind energy structure is permissible on any lot in any zoning district, subject to the applicable height limitation determined pursuant to subsection 3.A. herein.
  - B. A roof-mounted type of wind energy structure is permissible on any lot in any zoning district, subject to the applicable height limitation determined pursuant to subsection 3.B. herein.
  
3. Height.
  - A. The total height of a tower-mounted wind energy structure shall not exceed 120 feet, including the tip of the rotor blade at its highest point (measured from ground grade), or such lesser height as is necessary to comply with the setback/location requirements in subsection 4 herein. In addition, the rotor blade shall have a ground clearance of at least 20 feet when the blade tip is at its lowest point.
  - B. The total height of a roof-mounted wind energy structure shall not exceed 10 feet above the peak height of the roof on which the structure is located.
  
4. Setback/Location. The wind energy structure shall have a setback from all lot lines equal to at least the height of the structure, including the tip of the rotor blade in its highest position. Any part of an anchoring system for the wind energy structure, such as guy wire anchors, may be located within this required setback distance, but shall comply with all minimum setbacks for accessory structures in the pertinent zoning district as specified in Article 20 of this Ordinance. A tower-mounted wind energy structure and its anchoring system shall also be located in compliance with Section 22.1.5 (accessory structure location).
  
5. Noise and Other Potential Interferences. The wind energy structure shall not generate total noise exceeding 55 dB(A), or 35 dB at any octave frequency centered below 250 Hz, as measured at or beyond every boundary line of the subject premises; shall not produce any physical vibrations that are humanly perceptible at or beyond the lot boundaries; and shall not cause any electromagnetic interference at or beyond the lot boundaries.
  
6. Construction Codes. The wind energy structure and all anchoring systems shall comply with all applicable building and electrical code requirements.

7. Safety Standards. The wind energy structure shall be designed and operated so as to include all of the following in addition to such features as may be required by the codes referenced in the preceding paragraph:
  - A. an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over-speeding of the rotor blades.
  - B. underground electrical wiring connections, except where underground placement would violate an applicable code requirement, or is not feasible due to specific characteristics of the installation or the subject premises.
8. Visual Impact. All wind energy structure installations shall use measures to reduce the visual impact of the structure to the occupants of adjoining properties and the general public, including all of the following specific measures:
  - A. all components of the wind energy structure, including any above-ground anchoring system, shall be finished in a non-reflective and non-obtrusive neutral color, which shall be maintained throughout the life of the structure.
  - B. a wind energy structure shall not be illuminated or have lighting of any kind; except to the extent mandated by the Federal Aviation Administration or other applicable governmental authority, which shall be shielded to the extent possible to reduce glare and visibility from the ground.
  - C. the wind energy structure shall not display lettering, company insignia, advertising, or graphics of any kind on any part of the structure; except non-obtrusive lettering and/or insignia intended to identify the manufacturer in such a manner as to not be visible from any adjoining property or adjoining public right-of-way.
9. Maintenance and Removal. The wind energy structure and all related systems shall be properly maintained in accordance with the manufacturers recommendations and so as to be operable as designed. The structure shall be dismantled and removed if it is not being properly maintained or if its use for generating electricity has been abandoned.
10. Pre-installation Administrative Review and Zoning Compliance Permit. Before beginning any on-site work associated with the installation of a wind energy structure the owner of the premises shall submit to the Zoning Administrator sufficient documentation of compliance with all of the requirements of this Section, including any requirements incorporated by reference, and shall obtain a zoning compliance permit for the structure pursuant to Section 4.3 of this Ordinance.

- 4.24. ACCESSORY SOLAR ENERGY SYSTEM: Any lot in any zoning district may have located thereon an accessory solar energy system, as defined in this Ordinance, as an accessory use to the residential or other conforming principal use of the premises, subject to the regulations applicable to all accessory uses as specified in Section 22.1 of this Ordinance (subsections 7-10 and 13), and compliance with all of the following additional requirements:
1. On-site Use. The accessory solar energy system shall be designed and intended to primarily serve the premises on which the system is located.
  2. Permissible Type.
    - A. A ground-mounted type of accessory solar energy system is permissible on any lot in any zoning district, subject to the applicable height limitation determined pursuant to subsection 3.A. herein.
    - B. A building-mounted type of accessory solar energy system is permissible on any lot in any zoning district, subject to the applicable height limitation determined pursuant to subsection 3.B. herein.
  3. Height.
    - A. The total height of a ground-mounted accessory solar energy system shall not exceed the maximum building or structure (roof) height requirement for an accessory building/structure in the pertinent zoning district, as specified in Article 20 of this Ordinance (Schedule of Lot, Yard and Area Requirements).
    - B. The total height of a building-mounted accessory solar energy system shall not exceed 10 feet above the peak height of the roof on which the structure is located, or the applicable maximum building or structure (roof) height requirement in the pertinent zoning district, as specified in Article 20 of this Ordinance (Schedule of Lot, Yard and Area Requirements), whichever is less.
  4. Setback/Location. The accessory solar energy system shall comply with all minimum setbacks for accessory structures in the pertinent zoning district as specified in Article 20 of this Ordinance. A ground-mounted accessory solar energy system and its foundation system shall also be located in compliance with Section 22.1.5.A (accessory structure location).
  5. Construction Codes. The accessory solar energy system and all foundation elements shall comply with all applicable building and electrical code requirements, and any applicable federal/state regulations.

6. Off-Site Impacts. All accessory solar energy system installations (collector panels and other components) shall adhere to the following requirements to reduce the potential impact to the occupants of adjoining properties and the general public:
  - A. collector panels and other components of the system shall be designed and maintained with an anti-reflective coating.
  - B. collector panels, whether stationary or in a tracking array, shall be oriented to not direct glare onto any adjoining property or any public roadway.
  - C. the system shall otherwise be designed and operated so as to not produce glare sufficient to create private or public nuisance conditions.
  - D. the system shall not be illuminated or have lighting of any kind.
  - E. the system shall not display lettering, company insignia, advertising, or graphics of any kind on any part of the structure; except non-obtrusive lettering and/or insignia intended to identify the manufacturer in such a manner as to not be visible from any adjoining property or adjoining public right-of-way.
7. Maintenance and Removal. The accessory solar energy system shall be properly maintained in accordance with the manufacturer's recommendations and so as to be operable as designed. The system shall be dismantled and removed (including all foundation elements for a ground-mounted system) within 180 days after either being nonoperational or otherwise out-of-service for generating electricity for a continuous period of at least 180 days, or upon not being properly maintained for at least 30 days. Upon removal of a building-mounted system all structural support elements for the system shall be removed from the building. Upon removal of a ground-mounted system the site shall be appropriately reclaimed, stabilized, and revegetated.
8. Pre-installation Administrative Review and Zoning Compliance Permit. Before beginning any on-site work associated with the installation of an accessory solar energy system the owner of the premises shall submit to the Zoning Administrator sufficient documentation of compliance with all of the requirements of this Section, including any requirements incorporated by reference, and shall obtain a zoning compliance permit for the system pursuant to Section 4.3 of this Ordinance.

#### 4.25. ROADSIDE STAND AND FARM MARKET REGULATIONS.

1. Roadside Stand. One 'roadside stand', as defined in Section 2.2 of this Ordinance, is allowed on any lawful lot in an Agricultural District or a



Residential District as an accessory use accessory to a single family dwelling or other lawful principal use (and is also allowed as a principal permitted use in an Agricultural District), subject to the following requirements:

- A. If the roadside stand involves a permanent building or structure, such building/structure shall comply with all otherwise applicable setback requirements as specified in Article 20 of this Ordinance (Schedule of Lot, Yard and Area Requirements).
- B. If the roadside stand involves a temporary structure, or an area but no structure at all, such temporary structure/area shall not be situated within the lawful right-of-way of any public street, but shall not otherwise be subject to a front yard setback requirement. Any such temporary structure or area shall, however, be situated away from any adjoining lot line a distance equal to at least the minimum setback requirement that would apply to an accessory structure as specified in Article 20 of this Ordinance (Schedule of Lot, Yard and Area Requirements).
- C. Any such roadside stand which is an accessory use and/or includes an accessory building/structure shall comply with subsections 7-11 of Section 22.1., which are generally applicable to all accessory uses/buildings/structures.

2. Farm Market. One 'farm market', as defined in Section 2.2 of this Ordinance, is allowed on any lawful lot as a principal permitted use in an Agricultural District (and is also allowed as an accessory use accessory to a single family dwelling or other lawful principal use in an Agricultural District), subject to the following requirements:

- A. If the farm market involves a permanent building or structure, such building/structure shall comply with all otherwise applicable setback requirements as specified in Article 20 of this Ordinance (Schedule of Lot, Yard and Area Requirements).
- B. If the farm market involves a temporary structure, or an area but no structure at all, such temporary structure/area shall not be situated within the lawful right-of-way of any public street, but shall not otherwise be subject to a front yard setback requirement. Any such temporary structure or area shall, however, be situated away from any adjoining lot line a distance equal to at least the minimum setback requirement that would apply to an accessory structure as specified in Article 20 of this Ordinance (Schedule of Lot, Yard and Area Requirements).
- C. Any such farm market which is an accessory use and/or includes

an accessory building/structure shall comply with subsections 7-11 of Section 22.1., which are generally applicable to all accessory uses/buildings/structures.

- D. The farm market shall comply with all otherwise applicable parking requirements as specified in Article 26 of this Ordinance.

## ARTICLE 5

### WATERFRONT PRESERVATION AND ENVIRONMENTAL PROTECTION REQUIREMENTS

- 5.1 PURPOSE AND SCOPE: The Schoolcraft Township Master Plan recognizes the importance of areas adjacent to the lakes and streams in the Township to the character and identity of the Township. The Plan strives to protect those areas from excessive development and environmental degradation by a "Waterfront Preservation Overlay" designation that extends 500' from lakeshores and 200' from streams (as depicted on the Future Land Use Plan map). The provisions of this Article are therefore intended to apply within these designated "overlay" areas, and any area determined to be a wetland for purposes of Section 5.4.2., regardless of the underlying zoning district, in addition to all other applicable provisions of this Ordinance relating to the underlying zoning district.
- 5.2 GREENBELT PRESERVATION: In order to preserve water quality in rivers and streams and to prevent deterioration of these resources and their tributaries, no building permit for any construction, or authorization for any grading, lot or subdivision preparation involving lands and land uses abutting or adjoining rivers or streams, shall be granted until it is first determined that any removal of ground cover conforms to the Sedimentation and Erosion Control Regulations enforced by the County of Kalamazoo.
- 5.3 CHANNELIZATION: There shall be no new channelization on lake front properties which would increase the numbers of lake users and, therefore, substantially increase the dangers of polluting or degrading the water quality of the lake. Any alteration of any shoreline or stream shall conform to all rules and regulations of the Michigan Department of Natural Resources.
- 5.4 WATERFRONT SETBACK REQUIREMENTS: In addition to the generally applicable setback requirements specified in Article 20 of this Ordinance (Schedule of Lot, Yard and Area Requirements), or elsewhere in this ordinance, the following setback requirements shall apply to all waterfront lots:
1. Septic systems shall not be constructed within 100 feet of the high water line of any waterway or such greater distance as may be required by regulations enforced by the County or State.
  2. Dwellings and other principal uses or structures shall not be constructed within 50 feet of the high water line of any waterway, or within 50 feet of any area determined to be wetland.

3. Accessory uses and structures, other than docks, boat lifts, and swimming pools, shall not be located in the required 50 feet minimum setback area specified in this Ordinance for the principal structure.

5.5 WATERFRONT LOT ACCESS AND USE REGULATIONS: No waterfront lot in any zoning district shall be used as an access lot unless it complies with all the following regulations and conditions:

1. An access lot shall have a minimum frontage on the waterway and a minimum width corresponding to the minimum lot width for a lot in the zoning district in which the access lot is situated, pursuant to the requirements of this Ordinance, and the Schoolcraft Township Subdivision Development Ordinance, as may be applicable. Where the access lot is providing waterway access to more than one access lot beneficiary such access lot shall have at least an additional 50 feet of frontage on the waterway and an additional 50 feet of lot width for each additional access lot beneficiary. Waterway frontage shall be measured by a straight line which intersects each side line of the access lot at the high water line. Areas consisting, in whole or in part, of swamp, bog, marsh, or other type of wetland, shall not be counted towards the minimum waterway frontage required herein, except to the extent of the minimum required buffer strips.
2. An access lot shall have a minimum lot area corresponding with the minimum lot area for the zoning district in which the access lot is situated, pursuant to the requirements of this Ordinance, and the Schoolcraft Township Subdivision Development Ordinance, as may be applicable.
3. An access lot shall include a buffer strip on each side of the access lot, parallel with each side lot line. Each buffer strip shall have a minimum width for the entire depth of the access lot corresponding with the amount of minimum side yard setback required for a principal building in the zoning district in which the access lot is situated.
4. Required buffer strips shall provide a natural or created barrier between the remaining portion of an access lot and adjacent lots consisting of existing and/or transplanted additional trees and vegetation sufficient to effectively screen, at the time of planting and thereafter, the access lot from view by adjacent lots during all seasons of the year except when deciduous trees/vegetation have no foliage. Required buffer strips shall not be used for any motorized vehicular traffic or parking, or for storage purposes, or other development purpose of any kind.

5. No building or structure of any kind shall be constructed or erected upon an access lot.
6. An access lot shall not be used for boat launching purposes.
7. An access lot shall be allowed one dock; provided that where the access lot has sufficient minimum frontage on the waterway/minimum lot width and sufficient minimum lot area to theoretically create more than one buildable lot in accordance with the requirements of this Ordinance, and the Schoolcraft Township Subdivision Development Ordinance, as may be applicable, one additional dock shall be allowed for each such additional theoretical buildable lot. All docks shall be subject to the requirements in Section 5.6 of this Ordinance.
8. An access lot shall provide for off-street parking in accordance with the applicable requirements in Article 26 of this Ordinance.
9. An access lot created as part of a plat/subdivision development, condominium development, or other multi-lot residential development, shall be dedicated at the time of final approval and/or recording of the development for use solely by the owners/occupants of lots contained within the development, or a specified lesser number thereof, consistent with all applicable laws and ordinances, including the provisions of this section.

5.6 BOATHOUSE AND DOCK REGULATIONS:

1. Boat houses shall not be permitted to be placed over any waterway or within the minimum required front, side or rear yard area as defined in this Ordinance within any district.
2. Docks are permitted on any lake or other waterway subject to the following conditions and limitations:
  - A. No dock shall extend more than 80 feet from the shoreline into a lake except additional dock sections may be added only if it is necessary to reach a water depth not exceeding three feet. No dock shall extend from the shoreline of any waterway other than a lake within 10 feet of the center of the waterway, or 50 feet from the shoreline, whichever is less.

B. No portion of any dock shall be located within 10 feet of a property line as projected into a waterway. In addition, no dock shall be configured or located in such a manner as to unreasonably obstruct or interfere with riparian rights of lawful uses of the waterway. No portion of any boat lift, boat rack, swim raft, or similar structure, shall be located outside of the nearest property line as projected into a public waterway or otherwise located so as to cause an obstruction to navigation.



## ARTICLE 6

### AG-1 EXCLUSIVE AGRICULTURE DISTRICT

6.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT: This District is responsive to the goals and policies of the Schoolcraft Township Master Plan pertaining to preservation of the agricultural land base of the Township, and is derived from the “Agricultural Preservation” land use classification in the Plan. Unlike the AG-2 General Agriculture District, which may intentionally include large wooded areas and vacant lands, and other non-farmed lands providing rural character, this zoning district is specifically intended to support and protect those lands within the Agricultural Preservation designation on the Master Plan's Future Land Use Plan (Map 8) that are presently committed to agricultural production and/or have the greatest long term potential for active agricultural production. The areas included in this district will therefore generally have one or more of the following characteristics in a pervasive or substantial manner:

- amenable to production agriculture due to relatively large size parcel
- dominant prime farmland soils (or soils otherwise suitable for production based on crop selection and history)
- enrolled in the State’s “PA 116” farmland preservation program
- crop irrigation systems
- existing agricultural use
- lack of immediate proximity to either the Village of Vicksburg or the Village of Schoolcraft, or other areas of existing or planned development
- otherwise conducive to highly productive agricultural use
- contiguity with areas possessing one or more of the preceding characteristics

The regulations for this district are specifically designed and intended to substantially prevent the encroachment of non-agricultural uses, and therefore significantly restrict non-farm development, including new single-family dwellings. New housing developments such as subdivisions/plats (including expansion of existing subdivisions/plats) are not allowed in this district.

6.2 PERMITTED USES: The following uses are designated as permitted uses in the AG-1 Exclusive Agriculture District:

1. Agricultural production.

2. Single-family dwelling existing as of April 12, 2011.
3. New single-family dwelling, subject to review and approval by the Zoning Administrator to verify compliance with the following requirements:
  - A. The lot on which the dwelling is proposed to be located is a permissible new building lot complying with the following lot requirements, instead of the requirements for the District specified in Article 20:
    1. The lot shall have a lot area of at least one acre, but not more than three acres.
    2. The lot shall have a lot frontage of at least 200 feet on a public street or on a private easement with a width of at least 33 feet on a public street (which may be shared).
  - B. Only one such new building lot shall be created from a parent parcel/tract" existing as of April 12, 2011.
  - C. The lot on which the dwelling is proposed to be located is capable of being created as a separate lot of record pursuant to the Schoolcraft Township Land Division Ordinance and all other applicable laws and ordinances (and as an automatic condition on Zoning Administrator approval shall be actually created as a separate lot of record prior to issuance of any construction permit for the dwelling).
  - D. A new single-family dwelling on the land proposed as a separate building lot will not likely create any condition detrimental to existing agricultural production uses on any adjoining property, including the larger parent parcel/tract from which the building lot is proposed to be created, regardless of ownership.
  - E. The proposed new single-family dwelling, if constructed and occupied, will not adversely affect the land use policies of the Township relating to agricultural preservation.

\*As used above "parent parcel/tract" is intended to mean a parcel or two or more contiguous parcels owned by the same person or entity, or by two or more different entities where the same person or entity holds a majority or otherwise controlling interest in the property.

  4. Home-Based Business.
  5. Child (family) day care home, in a lawful single-family dwelling.
  6. Foster Care (Small Group) Home, in a lawful single-family dwelling.

7. Essential services.
8. Accessory uses, buildings and structures incidental to any use allowed in this district, in accordance with Article 22 of this Ordinance.
9. Signs, in accordance with Article 25 of this Ordinance.
10. On-Farm Biofuel Production Facility (Type I).
11. Roadside Stand.
12. Farm Market.
13. Horse boarding or riding stable

6.3 SPECIAL LAND USES: The following uses are designated as special land uses in the AG-1 Exclusive Agriculture District, subject to special land use approval and site plan approval in accordance with this Ordinance (see Section 23.7 for specific special land use approval standards):

1. New single-family dwelling on non-productive land.
2. Child (group) day care home, in a lawful single-family dwelling.
3. Bed & Breakfast facility, in a lawful single-family dwelling.
4. Private airstrip.
5. Public utility service facilities.
6. Wireless Communications Support Structure.
7. Kennel.
8. Foster Care (Large Group) Home, in a lawful single-family dwelling.
9. On-Farm Biofuel Production Facility (Type II or Type III).

6.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: In accordance with Article 20 of this Ordinance, except as otherwise specified herein.

6.5 OFF-STREET PARKING REQUIREMENTS: In accordance with Article 26 of this Ordinance.

6.6 SITE-PLAN REVIEW: In accordance with Article 24 of this Ordinance.

## ARTICLE 7

### AG-2 GENERAL AGRICULTURE DISTRICT

7.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT: This District is responsive to the goals and policies of the Schoolcraft Township Master Plan pertaining to preservation of the agricultural land base of the Township, and is derived from the "Agricultural Preservation" land use classification in the Plan. This District will therefore include some lands within the Agricultural Preservation designation on the Master Plan's Future Land Use Plan (Map 8) that are presently committed to agricultural production and/or that have some potential for active agricultural production. However, unlike the AG-1 Exclusive Agriculture District, this District may also intentionally include large wooded areas, vacant lands, non-farmed lands providing rural character, and lands presently committed to agricultural production but having some proximity to either the Village of Vicksburg or the Village of Schoolcraft, or other developed areas. It may also include areas presently involved with agricultural production, but isolated from other similar areas where agricultural production is dominant, and thus potentially less amenable to long-term preservation for agricultural uses. Notwithstanding the somewhat greater variety of land areas intended to be included in this District, as compared to the AG-1 District, the main focus of this District remains the preservation and encouragement of agricultural production, and other related rural-type activities generally associated with large parcels, as the principal land uses within the foreseeable future. The regulations for this District are therefore specifically designed and intended to substantially prevent the encroachment of housing developments and restrict other non-farm development, including new single-family dwellings. New housing developments such as subdivisions/plats (including expansion of existing subdivisions/plats) are not allowed in this district.

7.2 PERMITTED USES: The following uses are designated as permitted uses in the AG-2 General Agriculture District:

1. Agricultural Production.
2. Single-family dwelling existing as of April 12, 2011.
3. New single-family dwelling, subject to review and approval by the Zoning Administrator to verify compliance with the following requirements:
  - A. The lot on which the dwelling is proposed to be located is a permissible new building lot complying with the following lot requirements, instead of the requirements for the District specified in Article 20:
    1. The lot shall have a lot area of at least one acre, but not more than three acres.
    2. The lot shall have a lot frontage of at least 200 feet on a

public street or on a private easement with a width of at least 33 feet on a public street (which may be shared).

- B. Only one such new building lot shall be created from a parent parcel/tract\* existing as of April 12, 2011.
- C. The lot on which the dwelling is proposed to be located is capable of being created as a separate lot of record pursuant to the Schoolcraft Township Land Division Ordinance and all other applicable laws and ordinances (and as an automatic condition on Zoning Administrator approval shall be actually created as a separate lot of record prior to issuance of any construction permit for the dwelling).
- D. A new single-family dwelling on the land proposed as a separate building lot will not likely create any condition detrimental to existing agricultural production uses on any adjoining property, including the larger parent parcel/tract from which the building lot is proposed to be created, regardless of ownership.
- E. The proposed new single-family dwelling, if constructed and occupied, will not adversely affect the land use policies of the Township relating to agricultural preservation.

“As used above “parent parcel/tract” is intended to mean a parcel or two or more contiguous parcels owned by the same person or entity, or by two or more different entities where the same person or entity holds a majority or otherwise controlling interest in the property.

- 4. Home-Based Business.
- 5. Child (Family) Day Care Home, in a lawful single-family dwelling.
- 6. Foster Care (Small Group) Home, in a lawful single-family dwelling.
- 7. Essential services.
- 8. Signs, in accordance with Article 25 of this Ordinance.
- 9. Accessory Uses, Buildings and Structures incidental to any use allowed in this district, in accordance with Article 22 of this Ordinance; provided, however, that the raising or keeping of livestock for other than Agricultural Production, as defined in this Ordinance, is only allowed as an accessory use to an existing dwelling on the premises, and subject to all applicable provisions of this Ordinance, including the following density, setback, and other requirements:
  - A. The minimum lot area for the keeping of such livestock is five acres.

- B. No more than six animal units shall be allowed on the initial five acres.
- C. At least one additional acre shall be required for each additional animal unit up to a total of 40 animal units. There is no restriction on the number of animal units allowed on parcels larger than 40 acres.
- D. Barns or shelters for livestock shall be located at least 150 feet from all existing residences on adjacent properties.
- E. Pens for holding livestock, and paddocks and riding rings, shall be located at least 100 feet from all existing residences on adjacent properties.
- F. Pastures used for grazing livestock shall be located at least 25 feet from all existing residences on adjacent properties.
- G. Animal waste storage areas shall be located at least 150 feet from all existing residences on adjacent properties, and at least 75 feet from all adjoining property lines.

10. On-Farm Biofuel Production Facility (Type I).

11. Roadside Stand.

12. Farm Market.

13. Horse boarding or riding stable

7.3 SPECIAL LAND USES: The following uses are designated as special land uses in the AG-2 General Agriculture District, subject to special land use approval and site plan approval in accordance with this Ordinance (see Section 23.7 for specific special land use approval standards):

- 1. New single-family dwelling.
- 2. New single-family dwelling on non-productive land.
- 3. Institutional or Public Use.
- 4. Child (Group) Day Care Home, in a lawful single-family dwelling.
- 5. Bed & Breakfast Facility, in a lawful single-family dwelling.
- 6. Kennel.
- 7. Golf Course.
- 8. Private Airstrip.



9. Earth Removal.

10. Public Utility Service Facilities.

11. Wireless Communications Support Structure.

12. Foster Care (Large Group) Home, in a lawful single-family dwelling.

13. On-Farm Biofuel Production Facility (Type II or Type III).

7.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS: In accordance with Article 20 of this Ordinance, except as otherwise specified herein.

7.5 OFF-STREET PARKING REQUIREMENTS: In accordance with Article 26 of this Ordinance.

7.6 SITE PLAN REVIEW: In accordance with Article 24 of this Ordinance.

## ARTICLE 8

### RR RURAL RESIDENTIAL DISTRICT

- 8.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT. This District is responsive to the goals and policies of the Schoolcraft Township Master Plan pertaining to preservation of the rural atmosphere of the Township, and is derived from the "Rural Preservation" land use classification in the Plan. Areas within this classification may have some characteristics similar to areas within the Agricultural Preservation land use classification in the Plan, such as agricultural uses, large parcels, and open spaces, but are more likely to be either in the proximity of urbanizing residential development or have significant natural features that enhance the rural character of the Township valued by the residents. Such features may include lakes and other waterways, wetlands, wooded areas, and wildlife, as well as farms and other open spaces. The regulations for this district are therefore specifically designed and intended to allow only low density residential development, and limited other land uses, that protect the rural character of the area and the natural resource base on which that character is dependent, including the continued operation of already existing agricultural uses. Open space preservation/clustering development is allowed in this district as provided in Article 21 of this Ordinance.
- 8.2 PERMITTED USES. The following uses are designated as permitted uses in the RR Rural Residential District:
1. Single Family Dwelling.
  2. Child (Family) Day Care Home.
  3. Foster Care Facility.
  4. Home-Based Business.
  5. Essential Services.
  6. Accessory uses, buildings and structures incidental to any use allowed in this district, in accordance with Article 22 of this Ordinance; provided, however, that the raising or keeping of livestock is only allowed as an accessory use to an existing dwelling on the premises on a purely non-commercial basis, and subject to all applicable provisions of this Ordinance, including the following density, setback, and other requirements:
    - A. The minimum lot area for the keeping of such livestock is three acres.
    - B. No more than two animals shall be allowed on the initial three acres.
    - C. At least one additional acre shall be required for each additional animal, up to a maximum total of 25 animals.

- D. Barns or shelters for livestock shall be located at least 150 feet from all existing residences on adjacent properties.
- E. Pens for holding livestock, and paddocks and riding rings, shall be located at least 100 feet from all existing residences on adjacent properties.
- F. Pastures used for grazing livestock shall be located at least 25 feet from all existing residences on adjacent properties.
- G. Animal waste storage areas shall be located at least 150 feet from all existing residences on adjacent properties, and at least 75 feet from all adjoining property lines.

7. Signs, in accordance with Article 25 of this Ordinance.

8.3 SPECIAL LAND USES. The following uses are designated as special land uses in the RR Rural Residential District, subject to special land use approval and site plan approval in accordance with this Ordinance (see Section 23.7 for specific special land use approval standards):

- 1. Institutional or Public Use.
- 2. Golf Course.
- 3. Child (Group) Day Care Home.
- 4. Public Utility Service Facilities.
- 5. Bed & Breakfast Facility.
- 6. Child Day Care Center or Child Care Center.

8.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. In accordance with Article 20 of this Ordinance.

8.5 OFF-STREET PARKING REQUIREMENTS. In accordance with Article 26 of this Ordinance.

8.6 SITE PLAN REVIEW. In accordance with Article 24 of this Ordinance.

## ARTICLE 9

### R-1 MEDIUM DENSITY RESIDENTIAL DISTRICT

- 9.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT. This district is derived from the “Medium Density Residential” land use classification in the Schoolcraft Township Master Plan, and is intended for single-family dwellings on medium or larger size lots which do not require urban services such as municipal water supply or sanitary sewer facilities. This district is intended to allow suburban-style single-family development in certain outlying areas of the Township, as well as near the Village of Vicksburg and Village of Schoolcraft, and in some areas adjacent to lakes, where single-family residential development has occurred or is encouraged. Non-residential uses are essentially excluded from this district, or severely restricted, to avoid disrupting the single-family residential nature of the district. Development in areas of this district near lakes/streams/wetlands may be subject to certain “overlay” waterfront preservation and environmental protection requirements specified in Article 5 of this Ordinance.
- 9.2 PERMITTED USES. The following uses are designated as permitted uses in the R-1 Medium Density Residential District:
1. Single-Family Dwelling.
  2. Home-Based Business.
  3. Child (Family) Day Care Home.
  4. Foster Care (Small Group) Home.
  5. Essential Services.
  6. Signs, in accordance with Article 25 of this Ordinance.
  7. Accessory uses, buildings and structures incidental to any use allowed in this district, in accordance with Article 22 of this Ordinance; provided that the keeping or raising of livestock is not allowed as an accessory use, except such small animals, such as rabbits, as can be kept within the single-family dwelling unit itself on a purely non-commercial basis, and without causing any detriment to any adjoining property.
- 9.3 SPECIAL LAND USES. The following uses are designated as special land uses in the R-1 Medium Density Residential District, subject to special land use approval and site plan approval in accordance with this Ordinance (see Section 23.7 for specific special land use approval standards):
1. Institutional and Public Use.
  2. Child (Group) Day Care Home.

3. Foster Care (Large Group) Home.
4. Public Utility Service Facilities.
- 9.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. In accordance with Article 20 of this Ordinance.
- 9.5 OFF-STREET PARKING REQUIREMENTS. In accordance with Article 26 of this Ordinance.
- 9.6 SITE PLAN REVIEW. In accordance with Article 24 of this Ordinance.

## ARTICLE 10

### R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

- 10.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT. This district is derived from the “Medium Density Residential” land use classification in the Schoolcraft Township Master Plan, and is intended for single-family dwellings and two-family dwellings on medium size lots which do not require urban services such as municipal water supply or sanitary sewer facilities. The district is intended to allow a slightly more dense suburban/urban type of development than is allowed in the R-1 Residential District, generally in certain areas of the Township adjacent to the Villages of Vicksburg and Schoolcraft, or along certain roads where such development has occurred. As with the R-1 District, non-residential uses are essentially excluded from this district, or severely restricted, to avoid disrupting the residential nature of the district. Development in areas of this district near lakes/streams/wetlands may be subject to certain “overlay” waterfront preservation and environmental protection requirements specified in Article 5 of this Ordinance.
- 10.2 PERMITTED USES. The following uses are designated as permitted uses in the R-2 Medium Density Residential District:
1. Single-Family Dwelling.
  2. Two-Family Dwelling.
  3. Home-Based Business.
  4. Child (Family) Day Care Home.
  5. Foster Care (Small Group) Home.
  6. Essential Services.
  7. Signs, in accordance with Article 25 of this Ordinance.
  8. Accessory uses, buildings and structures incidental to any use allowed in this district, in accordance with Article 22 of this Ordinance; provided that the keeping or raising of livestock is not allowed as an accessory use, except such small animals, such as rabbits, as can be kept within a single-family dwelling unit itself on a purely non-commercial basis, and without causing any detriment to any adjoining property.
- 10.3 SPECIAL LAND USES. The following uses are designated as special land uses in the R-2 Medium Density Residential District, subject to special land use approval and site plan approval in accordance with this Ordinance (see Section 23.7 for specific special land use approval standards):
1. Institutional and Public Use.



2. Child (Group) Day Care Home.
  3. Foster Care (Large Group) Home.
  4. Public Utility Service Facilities.
- 10.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. In accordance with Article 20 of this Ordinance.
- 10.5 OFF-STREET PARKING REQUIREMENTS. In accordance with Article 26 of this Ordinance.
- 10.6 SITE PLAN REVIEW. In accordance with Article 24 of this Ordinance.

## ARTICLE 11

### R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

- 11.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT. This district is derived from the “Medium Density Residential” land use classification in the Schoolcraft Township Master Plan, and is intended for multiple family residential development, and the type of medium density two-family and single-family residential development allowed in the R-2 district, where such development has occurred or seems desirable to occur. Property situated in the R-3 district should be able to accommodate the increased traffic and other characteristics generated by such development, and will typically require municipal water and/or sanitary sewer service, or comparable private services. Limited areas of the Township are zoned R-3 because the municipal water and sewer services typically associated with this density of development are not generally available in the Township at this time, and also because the type of development contemplated by this district is readily available in both adjacent villages and in the City of Portage. As with the other Residential districts, non-residential uses are essentially excluded from this district, or severely restricted, to avoid disrupting the residential nature of the district. Development in areas of this district near lakes/streams/wetlands may be subject to certain “overlay” waterfront preservation and environmental protection requirements specified in Article 5 of this Ordinance.
- 11.2 PERMITTED USES. The following uses are designated as permitted uses in the R-3 Medium Density Residential District:
1. Single-Family Dwelling.
  2. Two-Family Dwelling.
  3. Multiple Family Dwellings.
  4. Home-Based Business.
  5. Child (Family) Day Care Home.
  6. Foster Care (Small Group) Home.
  7. Essential Services.
  8. Signs, in accordance with Article 25 of this Ordinance.
  9. Accessory uses, buildings and structures incidental to any use allowed in this district, in accordance with Article 22 of this Ordinance; provided that the keeping or raising of livestock is not allowed as an accessory use, except such small animals, such as rabbits, as can be kept within a single-family dwelling unit itself on a purely non-commercial basis, and without causing any detriment to any adjoining property.

- 11.3 SPECIAL LAND USES. The following uses are designated as special land uses in the R-3 Medium Density Residential District, subject to special land use approval and site plan approval in accordance with this Ordinance (see Section 23.7 for specific special land use approval standards):
1. Institutional and Public Use.
  2. Child (Group) Day Care Home.
  3. Foster Care (Large Group) Home.
  4. Public Utility Service Facilities.
  5. Private clubs, fraternities and lodges, excepting those whose principal activity is a service customarily carried on as a business.
  6. Boarding House or Rooming House.
- 11.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. In accordance with Article 20 of this Ordinance.
- 11.5 OFF-STREET PARKING REQUIREMENTS. In accordance with Article 26 of this Ordinance.
- 11.6 SITE PLAN REVIEW. In accordance with Article 24 of this Ordinance.

## ARTICLE 12

### R-4 MANUFACTURED HOUSING COMMUNITY RESIDENTIAL DISTRICT

- 12.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT. This District is derived from the Manufactured Housing Community land use classification in the Schoolcraft Township Master Plan, and is intended solely for existing manufactured home communities (commonly known as mobile home parks) and accessory uses therein. The area available for this type of development is limited due to the lack of municipal services generally required, and also because of the existing and future availability of manufactured housing community living options in other communities in the area. Development in areas of this district near lakes/streams/wetlands may be subject to certain “overlay” waterfront preservation and environmental protection requirements specified in Article 5 of this Ordinance.
- 12.2 PERMITTED USES. The following uses are designated as permitted uses in the R-4 Manufactured Housing Community Residential District:
1. Mobile Home Park; including a residence for the mobile home park owner or operator and family, but excluding any retail sales of mobile homes, unless the same are located upon a developed mobile home site, subject, however, to the following conditions and limitations:
    - A. All mobile home parks shall comply with the requirements imposed by Michigan Public Act 96 of 1987 and any and all amendments thereto and with any and all regulations promulgated thereunder by the State of Michigan.
    - B. Off-street parking areas shall be provided in accordance with Article 26 of this Ordinance.
  2. Accessory uses, buildings and structures incidental to a mobile home park, such as recreational buildings and facilities, laundry facilities, maintenance garage and storage facilities.
  3. Home-Based Business (within single-family dwelling in a mobile home park).
  4. Essential Services.
  5. Child (Family) Day Care Home (within single-family dwelling in a mobile home park).
  6. Foster Care (Small Group) Home (within single-family dwelling in a mobile home park).
  7. Signs, in accordance with Article 25 of this Ordinance.

- 12.3 SPECIAL LAND USES. The following uses are designated as special land uses in the R-4 Manufactured Housing Community Residential District, subject to special land use approval and site plan approval in accordance with this Ordinance (see Section 23.7 for specific special land use approval standards):
1. Public Utility Service Facilities.
- 12.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS. In accordance with Article 20 of this Ordinance.
- 12.5 OFF-STREET PARKING REQUIREMENTS. In accordance with Article 26 of this Ordinance.
- 12.6 SITE PLAN REVIEW. In accordance with Article 24 of this Ordinance.

## ARTICLE 13

### C/R CAMPGROUND AND RECREATION DISTRICT

- 13.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT. This District is intended primarily for seasonal lodging and recreational uses, such as facilities for the accommodation of camping in tents or recreational vehicles, seasonal mobile home parks, and related outdoor recreational areas, such as golf courses and parks. This District would therefore typically be situated in the vicinity of a lake or other natural recreational area. Development in areas of this district near lakes/streams/wetlands may be subject to certain “overlay” waterfront preservation and environmental protection requirements specified in Article 5 of this Ordinance.
- 13.2 PERMITTED USES. In the C/R Campground and Recreation District no building or premises shall be used, and no building shall be hereafter erected or altered, unless otherwise provided for in this Ordinance, except for one or more of the following uses:
1. Essential services.
  2. Signs, in accordance with Article 25 of this Ordinance.
  3. Accessory Uses, Buildings and Structures incidental to any use allowed in this district, in accordance with Article 22 of this Ordinance.
- 13.3 SPECIAL LAND USES. In the C/R Campground and Recreation District the premises and buildings therein may also be used for one or more of the following uses, subject to special land use approval and site plan approval in accordance with this Ordinance (see Section 23.7 for specific special land use approval standards):
1. Recreational Vehicle Campground.
  2. Seasonal Mobile Home Park.
  3. Golf Course.
  4. Public or private park, playground, and outdoor recreation area.
  5. Public Utility Service Facilities.
- 13.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. In accordance with Article 20 of this Ordinance.
- 13.5 OFF-STREET PARKING REQUIREMENTS. In accordance with Article 26 of this Ordinance.
- 13.6 SITE PLAN REVIEW. In accordance with Article 24 of this Ordinance.



## ARTICLE 14

### P/RU PUBLIC/RECREATIONAL USE DISTRICT

- 14.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT. This District is intended to implement the Public/Recreational Lands land use classification in the Schoolcraft Township Master Plan, and is therefore limited to publicly owned lands used for governmental facilities or public recreational purposes, and other institutional uses or uses involving public assembly.
- 14.2 PERMITTED USES. The following uses are designated as permitted uses in the P/RU Public/Recreational Use District:
1. Governmental administration or service buildings owned and operated by Schoolcraft Township.
  2. Public cemeteries owned and operated by Schoolcraft Township.
  3. Public parks and recreation areas owned and operated by Schoolcraft Township.
  4. Publicly owned game area.
  5. Essential Services.
  6. Accessory uses, buildings and structures incidental to any use allowed in this district, in accordance with Article 22 of this Ordinance.
  7. Signs, in accordance with Article 25 of this Ordinance.
- 14.3 SPECIAL LAND USES. The following uses are designated as special land uses in the P/RU Public/Recreational Use District, subject to special land use approval and site plan approval in accordance with this Ordinance (see Section 23.7 for specific special land use approval standards):
1. Any Institutional or Public Use not otherwise within the scope of a permitted use in Section 14.2; provided that churches and semi-public uses are not intended to be allowed in this public use zone.
  2. Public Utility Service Facilities.
- 14.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. In accordance with Article 20 of this Ordinance.
- 14.5 OFF-STREET PARKING. In accordance with Article 26 of this Ordinance.
- 14.6 SITE PLAN REVIEW. In accordance with Article 24 of this Ordinance.

## ARTICLE 15

### LC LOCAL COMMERCIAL DISTRICT

- 15.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT. This District is derived from the "Neighborhood Commercial" land use classification in the Schoolcraft Township Master Plan, and is primarily intended to accommodate small-scale locally-oriented businesses. This District is only applicable to the limited areas of the Township between the Villages of Vicksburg and Schoolcraft planned for this type of "neighborhood commercial" land use, and is therefore not intended to apply to the US 131 corridor. Because sites in this District are not served by municipal utilities, and may be adjacent to areas zoned and/or used for residential or agricultural purposes, development in this District should be managed through site development requirements and, where applicable, special land use approval standards. Such requirements and standards are appropriate to evaluate compatibility with other uses in the vicinity and also with the rural character of the area.
- 15.2 PERMITTED USES. The following uses are designated as permitted uses in the LC Local Commercial District:
1. Bank, savings and loan association.
  2. Barber and beauty shop.
  3. Child Day Care Center or Child Care Center.
  4. Essential Services.
  5. Institutional or Public Use, in accordance with Section 23.7 of this Ordinance.
  6. Laundry and dry cleaning pickup station.
  7. Music and dancing studio.
  8. Indoor athletic tutoring/training facility.
  9. Office, business and professional.
  10. Restaurant (excluding drive-in).
  11. Retail store for the sale of books, stationary, newspapers, clothing, drygoods, drugs, pharmaceuticals, groceries, foodstuffs, hardware, furniture, household appliances and furnishings, hobby supplies, sporting goods, photograph supplies, photograph studio, radio and television, services in connection therewith, shoes, shoe repair shops, varieties, antiques and gifts.

12. A retail use which is not specified in this Section but which is similar in nature and compatibility to a specified permitted use.
  13. Signs, in accordance with Article 25 of this Ordinance.
  14. Accessory uses, buildings and structures incidental to any use allowed in this district, in accordance with Article 22 of this Ordinance.
- 15.3 SPECIAL LAND USES. The following uses are designated as special land uses in the LC Local Commercial District, subject to special land use and site plan approval in accordance with this Ordinance (see Section 23.7 for specific special land use approval standards):
1. Automotive Repair Garage.
  2. Automotive Sales Area.
  3. Automotive Service Station.
  4. Car Wash (automated or manual).
  5. Public Utility Service Facilities.
- 15.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. In accordance with Article 20 of this Ordinance.
- 15.5 OFF-STREET PARKING REQUIREMENTS. In accordance with Article 26 of this Ordinance.
- 15.6 SITE PLAN REVIEW. In accordance with Article 24 of this Ordinance.

## ARTICLE 16

### LI LOCAL INDUSTRIAL DISTRICT

- 16.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT. This District is derived from the "Industrial" land use classification in the Schoolcraft Township Master Plan, and more specifically the aspect of that planning classification directed at providing continued support for existing industrial uses and other light industrial uses with proximity to a railroad line in the Portage Road/W Avenue area in land sections 22-23, and in land section 20 adjacent to the east side of the Village of Schoolcraft. This District is only applicable to those limited areas of the Township, and is therefore not intended to apply to the US 131 corridor. Because sites in this District are not served by municipal utilities, and may be adjacent to areas zoned and/or used for residential or agricultural purposes, this District is also not intended for new large-scale industrial developments, opportunities for which are available in the nearby cities or villages.
- 16.2 PERMITTED USES. The following uses are designated as permitted uses in the LI Local Industrial District:
1. Manufacturing, compounding, machining, assembling and processing which is of such a nature as to not create noise, vibration, odor, smoke, liquid waste, light, or other type of adverse impact to surrounding properties or the community in general.
  2. Office buildings and offices incidental to other uses allowed in this District.
  3. Essential Services.
  4. Institutional or Public Use, in accordance with Section 23.7 of this Ordinance.
  5. Warehousing (fully enclosed).
  6. Signs, in accordance with Article 25 of this Ordinance.
  7. Accessory uses, buildings and structures incidental to any use allowed in this district, in accordance with Article 22 of this Ordinance.
- 16.3 SPECIAL LAND USES. The following uses are designated as special land uses in the LI Local Industrial District, subject to special land use and site plan approval in accordance with this Ordinance (see Section 23.7 for specific special land use approval standards):
1. Bulk storage facility for grain and other agricultural commodities.
  2. Public Utility Service Facilities.
  3. Bulk liquid propane storage facility, designed and used for transferring liquid propane in bulk to distribution trucks, only.

- 16.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. In accordance with Article 20 of this Ordinance.
- 16.5 OFF-STREET PARKING REQUIREMENTS. In accordance with Article 26 of this Ordinance.
- 16.6 SITE PLAN REVIEW. In accordance with Article 24 of this Ordinance.

## ARTICLE 17

### US 131 CORRIDOR BUSINESS DISTRICT

17.1 STATEMENT OF PURPOSE AND DESCRIPTION OF DISTRICT. This District is derived from the "US 131 Corridor", "US 131 Overlay" and "Industrial" land use classifications in the Schoolcraft Township Master Plan. This District is only intended to apply to designated areas within the US 131 corridor, both north and south of the Village of Schoolcraft; but within those areas is intended to accommodate a variety of moderate-size commercial and industrial land uses seeking proximity to this high volume highway and/or rail access provided by the rail line parallel with US 131 at the easterly edge of the US 131 planning corridor. This District is generally not intended for large-scale commercial and industrial developments. Accordingly, the regulations for the District generally limit many types of land uses to a principal building "footprint" of 15,000 square feet, but those same types of land uses may be approvable with a larger "footprint" pursuant to special land use and site development standards to assure compatibility with other existing or future uses in the corridor and in the adjacent areas zoned and/or used for agricultural or residential purposes.

17.2 PERMITTED USES. The following uses are designated as permitted uses in the US 131 Corridor Business District, where the "footprint" of the use (ground area of principal building) does not exceed a total of 15,000 square feet:

1. Automotive Repair Garage.
2. Automotive Sales Area.
3. Bank, savings and loan association.
4. Barber and beauty shop.
5. Boat and boating equipment sales, service, and storage.
6. Car Wash (automated or manual).
7. Child Day Care Center or Child Care Center.
8. Commercial recreation enterprise (indoors or outdoors).
9. Construction equipment sales and service.
10. Contractor's equipment yard.
11. Contractor's workshop.
12. Essential Services.
13. Farm equipment sales and service.



14. Firearms range (indoors only).
15. Funeral establishment.
16. Greenhouse/nursery.
17. Institutional or Public Use, in accordance with Section 23.7 of this Ordinance.
18. Laundromat.
19. Laundry and dry cleaning pickup station.
20. Lumber and builder supply sales/storage yard.
21. Machine shop.
22. Manufacturing, compounding, assembling and processing which is of such a nature as to not create noise, vibration, odor, smoke, liquid waste, light, or other type of adverse impact to surrounding properties or the community in general.
23. Mobile home sales.
24. Motel.
25. Music and dancing studio.
26. Office buildings, and offices incidental to other uses allowed in this District.
27. Office, business and professional.
28. Outdoor market.
29. Private club, fraternal lodge, and similar meeting/social facility for not-for-profit civic or social organization.
30. Recreational vehicle/equipment sales and service.
31. Restaurant (with or without drive-in).
32. Retail store for the sale of books, stationary, newspapers, clothing, drygoods, drugs, pharmaceuticals, groceries, foodstuffs, hardware, furniture, household appliances and furnishings, hobby supplies, sporting goods, photograph supplies, photograph studio, radio and television, services in connection therewith, shoes, shoe repair shops, varieties, antiques and gifts.
33. A retail use which is not specified in this Section but which is similar in nature and compatibility to a specified permitted use.
34. The sale of new or rehabilitated vans, trucks, or sport utility vehicles at

property where new vans, trucks, or sport utility vehicles are converted or manufactured.

35. Signs, in accordance with Article 25 of this Ordinance.
36. Warehousing (fully enclosed).
37. Accessory uses, buildings and structures incidental to any use allowed in this district, in accordance with Article 22 of this Ordinance.

17.3 SPECIAL LAND USES. The following uses are designated as special land uses in the US 131 Corridor Business District, subject to special land use and site plan approval in accordance with this Ordinance (see Section 23.7 for specific special land use approval standards):

1. Animal hospital and/or kennel.
2. Automotive Service Station.
3. Bar, Nightclub Facility.
4. Wireless Communications Support Structure.
5. Mini-Storage Facility.
6. Public Utility Service Facilities.
7. Ready-mix concrete and/or asphalt plant.
8. Truck terminal, maintenance and service yard.
9. Any use specified in Section 17.2 where the "footprint" of the use (ground area of principal building) exceeds a total of 15,000 square feet.
10. Solar Energy Generating Facility.
11. Bulk liquid propane storage facility, designed and used for transferring liquid propane in bulk to distribution trucks, only.

17.4 DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. In accordance with Article 20 of this Ordinance.

17.5 OFF-STREET PARKING REQUIREMENTS. In accordance with Article 26 of this Ordinance.

17.6 SITE PLAN REVIEW. In accordance with Article 24 of this Ordinance.

17.7 ACCESS MANAGEMENT REQUIREMENTS. In addition to all requirements of this Ordinance applicable to this District, all development in this district is also subject to

the following access management requirements administered by the Planning Commission in the site plan review process.

1. The Planning Commission shall not approve a new direct point of access from a lot to US 131 in connection with new development or a new use on any lot, unless the Planning Commission makes a specific finding, based on evidence presented by the applicant, that one or both of the following circumstances exist:
  - A. Reasonable efforts to obtain access through use of an existing or proposed new shared driveway or service drive have been unsuccessful;
  - B. Use of an existing or proposed new shared driveway or service drive is not feasible due to the physical characteristics of the site, or existing development.
2. Where the Planning Commission determines a new single point of access is permissible pursuant to subsection 1, the new point of access shall be located on the lot in such a manner as to reasonably facilitate future shared access with an adjoining lot, unless the Planning Commission determines no such future shared access is feasible due to the physical characteristics of the site, or existing development.
3. The Planning Commission shall not approve a site plan with more than one new direct point of access from a lot to US 131, except in either of the following circumstances:
  - A. The Planning Commission may approve two one-way driveways, located near the opposite sides of the lot, where the lot has at least 300' of frontage on US 131.
  - B. The Planning Commission may approve more than one two-way driveway, where a traffic impact study prepared by a reputable professional demonstrates a specific need for more than one two-way driveway, the Michigan Department of Transportation has recommended more than one point of direct two-way access to the lot, and the Planning Commission determines the circumstances in either subsection 1.A. or 1.B. above exist.
4. Where a lot has frontage on both US 131 and an existing side street, any new point of direct access to the lot shall be from the side street only.
5. Any new point of access to US 131 shall be approved by the Michigan Department of Transportation and shall meet all applicable spacing and design specifications administered by the Michigan Department of Transportation.

## ARTICLE 18

### PRIVATE ROADS

18.1 PURPOSE OF THIS ORDINANCE: The Township recognizes that, as large tracts of land are divided, sold, transferred, and developed, private roads are being created to provide access to the newly divided properties. The Township determines that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, extension, relocation, and use of private roads. Private roads shall meet the requirements of this Ordinance.

18.2 DEFINITIONS: For the purposes of this Article, the following shall apply:

- As used in this Article, the term "road" also includes "street," "avenue," "drive," "place," "way," "lane," "boulevard," "court," "highway," or other thoroughfare, except an alley.
- "Public road": A public thoroughfare located within a public road right-of-way and dedicated to public use, which affords traffic circulation and provides access to abutting property.
- "Private road": A privately owned and maintained thoroughfare, located within a private road right-of-way easement, which is not a public road, which affords traffic circulation and provides access to abutting property. [amended 7/20/2015, effective 8/11/15]

- "Lot": A tract of land that can be legally described with certainty and is capable of being located by survey. This definition also includes "parcel" or "site condominium unit".
- "Safe and unimpeded route of travel": A road surface of adequate width to accommodate the safe, two-way passage of vehicles, and of sufficient construction to accommodate any fire, police, rescue, or other emergency vehicle.

18.3 SCOPE: These regulations shall be enforced to ensure that:

1. Private roads shall be designed and located to be consistent with the Master Plan and long-term development policies of Schoolcraft Township.
2. Private roads shall be designed with sufficient width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.
3. Private roads shall be constructed and maintained to be passable in all weather conditions and shall readily afford emergency access to the dwellings, buildings or other structures serviced by the private road.
4. Private roads shall be constructed of suitable materials to ensure minimal maintenance and safe passage.
5. Private roads shall be constructed to protect against or minimize soil erosion and prevent damage to lakes, streams, wetlands, and other significant natural features of the Township.

18.4 PERMIT REQUIRED: No Individual, association, corporation or entity, either public or private, shall construct or extend a private road, without first having obtained a permit from the Township.

18.5 LOTS WITH MULTIPLE FRONTAGE: A lot that has frontage on both a public road and a private road shall take its access from the private road if the lot has rights to the easement. However, the Township may approve access from the public road if the property does not have rights to

the easement or it can be shown that access to the public road provides a safer or more efficient means of access, and the access has been approved by the appropriate road jurisdiction.

- 18.6 JURISDICTION: Any proposed private road that intersects a public road or State trunk highway, permits from the appropriate agency shall be submitted. If the private road intersects an existing private road, written permission from the owners, private road association or other entity that owns the private road shall be submitted. However, in no case shall a private road serve more than twenty (20) lots.
- 18.7 LOT AREA, WIDTH AND SETBACK REQUIREMENTS: All setbacks required by this Ordinance shall be measured from the easement right-of-way line. Minimum lot area and lot width requirements shall exclude any private road easements. For corner lots which are bound on two sides by intersections of a public road, private road corner lotsetback requirements shall apply.
- 18.8 LAND DIVISIONS, SUBDIVISIONS AND SITE CONDOMINIUMS No land division, subdivision or site condominium that creates lots accessed by a private road, shall be approved or recorded unless and until the private means of access has been approved according to this Article.
- 18.9 LEGAL DOCUMENTATION REQUIREMENTS: Any application for a private road shall be accompanied by a private easement and maintenance agreement, in recordable form, that meets the following minimum standards:
1. The private easement and maintenance agreement shall require the property owner(s) served by the private road, to be responsible for the ownership and maintenance of the private road.
  2. The agreement shall contain the method for apportioning costs of construction, maintenance and repair of the private road among all of the benefitting property owners. The agreement shall also include provisions for a performance guarantee, if required.
  3. The agreement shall contain a detailed legal description of the private road.
  4. The agreement shall bind all of the benefitting lots and owners to the required maintenance of the private road, including all succeeding owners.

5. The agreement shall contain a clause stating that the applicant(s)/owner(s) of the private road, agree that by applying for or securing a permit to construct the private means of access that they shall indemnify and will hold the Township harmless from any and all claims for personal injury and, or property damage arising out of the use of the private road or of the failure to properly construct, maintain, use, repair, and replace the private road.
6. A Private easement and maintenance agreement for a private road shall contain provision to permit the Township Board to authorize the repair of any private road that is not being maintained adequately to permit safe and unimpeded route of travel by users and emergency vehicles, and to assess the cost of such repair, including the costs of engineering and administration, to the benefitting owners of the Agreement on an equitable basis. The decision to authorize repair of a private road shall be at the Township Board's sole discretion in accordance with its legislative powers.
7. The Township shall review the private easement and maintenance agreement for the private road, as submitted by the applicant, as part of the review and approval process to determine if Township requirements are met.
8. After final approval of the private road, the applicant shall record the private easement and maintenance agreement with the Kalamazoo County Register of Deeds. After recording the private easement and maintenance agreement, a copy of the recorded documents shall be submitted to the Township Clerk.

18.10 APPLICATION: All applications for a private road permit shall be on a form established by the Township and shall include any required fees, the required plans, the private easement and maintenance agreement and any other submittals as outlined below.

1. The Zoning Administrator shall determine the number of plan sets required to accompany the applications.
2. Application fees for the permits required hereunder shall be set by the Township Board from time to time by resolution. Additionally, the Township Board may require that the applicant(s) put sufficient funds in escrow to cover the costs of having the Township attorney, engineer, planner or other professional review the private road plans, specifications, and maintenance



agreements, and to do the necessary inspections. Any funds remaining in escrow after the project has been inspected and approved shall be returned to the applicant.

18.11 APPROVAL AUTHORITY:

1. Private road shall be reviewed by the Planning Commission, who shall make a recommendation to the Township Board, according to Section 18.20, below.
2. In making a recommendation and/or a decision, the Planning Commission and Township Board, as applicable, may impose such conditions necessary to ensure compliance with this Section and ensure protection of the public health, safety and welfare.

18.12 DESIGN REQUIREMENTS:

1. A private road, or any combination of interconnected private roads, shall not provide access to more than twenty (20) lots. Roads proposed to provide access to more than twenty (20) lots must be dedicated as a public road, meet the requirements for a public road and be accepted by the applicable road jurisdiction.
2. A private road with only one (1) access to a public road shall not exceed two thousand five hundred (2,500) feet in length, as measured along the centerline of the private road. Any private road exceeding this length shall provide for at least one (1) additional access to a public road.

3. The specifications for surface, surface width and base materials, longitudinal grade, drainage, method of construction, and signs shall conform to the Road Commission of Kalamazoo County standards for local paved or gravel roads, as applicable.
4. Right-of-way/easement width: All private roads constructed after the effective date of this Ordinance shall have a recorded permanent right-of-way and easement with a minimum width of sixty-six (66) feet. The right-of-way shall expressly permit public or private utilities to be installed within the right-of-way.
5. The private road shall terminate at a dead-end that is extendable into adjacent, undeveloped lots, designed to allow emergency or maintenance vehicles to turn around safely, or a cul-de-sac with a right-of-way radius that meets the road development standards of the Road Commission (124 feet in diameter). The Road Commission (if applicable) and the Fire Department shall review and comment on the design of an extendable dead-end.
6. Private roads shall have a clear height of fourteen (14) feet to assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.

18.13 APPLICATION: An application for a private road shall include the following:

1. Completed application form, provided by the Township, along with any fees and escrow established for review.
2. The required private easement and maintenance agreement.
3. A detailed written description of the development to be served by the private road, including a description of the private road association or other party to be responsible for the ownership, operation and maintenance of the private road.
4. Road construction plans drawn by an engineer registered in the State of Michigan.
5. A Survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private road.
6. The location of all public utilities, including, but not limited to, water, sewer, telephone, gas, electricity, and television cable to be located within the

private road right-of-way. Copies of the instruments describing and granting such easements shall be submitted with the application.

7. The location of any lakes, streams, wetlands and drains within one hundred (100) feet of the private road right-of-way.
8. The location of any other buildings and structures located within one hundred (100) feet of the private road right-of-way.
9. An approved soil Erosion and Sedimentation Permit.
10. A narrative (shown on the site plan or submitted separately) describing in general terms the overall description of the proposal and the proposed method of providing sanitary sewer, water services, storm sewers and surface water drainage facilities, as well as other public and private utilities, including details of structures, light fixtures, etc.
11. The Planning Commission may require that the plans be reviewed and commented upon the Kalamazoo County Drain Commissioner, Road Commission of Kalamazoo County, the fire Department or any other agency deemed affected by the proposed private road.
12. All private roads shall be named on the site plan and the name(s) shall be approved by the Kalamazoo Land Resource Centre. Road identification signs meeting the requirements of the Road Commission of Kalamazoo County shall be shown to be installed at intersections

18.14 APPROVAL PROCESS:

1. The Planning Commission shall review the application and plans and shall make a recommendation to the Township Board. In order to recommend approval, the Planning Commission must find that the proposed private road:
  - A. Meets the standards of the Zoning Ordinance.
  - B. Will be constructed to assure a safe and unimpeded route of travel for motor vehicles, pedestrians and emergency vehicles in all weather conditions.
  - C. Will be constructed so as to protect against or minimize soil erosion and prevent damage to lakes, streams, wetland and the natural environment of the Township.

2. On a case-by-case basis, the Planning Commission may waive certain review requirements, as site conditions warrant.
3. Upon receipt of the recommendation by the Planning Commission, the Township Board shall approve, approve with conditions, or deny the application. The record shall include the basis of the Township Board's decision.

18.15 AS-BUILT DRAWINGS: After approval, the applicant, at the applicant's expense, shall provide the Township with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private road has been completed in accordance with the requirements of the permit and the Road Commission.

18.16 INSPECTION REQUIRED: Upon completion of construction of the private road, the Township shall inspect the completed construction to determine if it complies with the approved plans, specifications, permits, and this Ordinance. A Certificate of Compliance shall be issued if all requirements are met.

18.17 FAILURE OF INSPECTION: If the completed private road does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall constitute a violation of this Ordinance.

18.18 MAINTENANCE REQUIRED: Private roads shall be maintained in a manner that complies with the provisions of this Section.

18.19 SAFE AND UNIMPEDED ROUTE ASSURED: All private roads shall be continuously maintained at the proper widths and be clear of brush or trees and branches to a height of fourteen (14) feet to assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.

18.20 RESPONSIBILITY: All costs for maintenance and repair of the private road, shall be the responsibility of the benefitting property owners or any property owners association.

18.21 NONCONFORMING USE MAY CONTINUE: A nonconforming private road, on the effective date of this Ordinance may continue and be maintained and used, even though it may not comply with the provisions of this Section. Any such private means of access shall be continuously maintained so as to provide a safe and

unimpeded route of travel for motor vehicle traffic, pedestrians, and emergency vehicles in all weather conditions.

- 18.22 EXTENSION: As of the date of this Ordinance, an existing private road that is nonconforming may not be extended to include additional lands and/or additional lots, unless the entire private means of access is upgraded to meet the requirements of this Section.
- 18.23 EXISTING VACANT LOTS: A structure may be constructed upon an existing vacant lot of record that takes its primary access from an existing nonconforming private road, provided that the structure and all other development thereon meets the requirements of this Ordinance.
- 18.24 INADEQUATE EASEMENT WIDTH: existing private roads that are nonconforming due to inadequate easement width may be improved without requiring the existing easement to be made conforming to the width requirements, provided that the pavement and any other improvements meet the requirements of this Section, and that the width of the easement is not further reduced.
- 18.25 PLANS FOR IMPROVEMENT-PROCESS: Plans to improve an existing nonconforming private road shall be reviewed and approved in the same manner as a new private road, and comply with the provisions of this Ordinance.

The following are the designated private roads referenced above:

- |    |                   |     |   |
|----|-------------------|-----|---|
| 1. | Pine View Lane    | 9.  | Rawson Lane   |
| 2. | Mission Drive     | 10. | Reed's Lane   |
| 3. | Morley Drive      | 11. | Baur (Bauer) Lane   |
| 4. | Fishing Pole Lane | 12. | Fisherman Lane  |
| 5. | Poplar Lane       | 13. | Hildebrand Drive  |
| 6. | East Kimble       | 14. | Gourdneck Lake Drive  |
| 7. | West Kimble       | 15. | Redd Oakes  |
| 8. | Railton Lane      | 16. | Hager Road  |
|    |                   | 17. | Rustic Lane   |
|    |                   | 18. | North Barton Lake Drive (southerly<br>of intersection with Barton Road) |

**ARTICLE 19 RESERVED FOR POTENTIAL FUTURE USE**



## **ARTICLE 20**

### **SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS**

No building/structure shall be erected, reconstructed, moved, altered, or enlarged, and no land or building shall be used, designed, built, or arranged, and no open space surrounding any building/structure shall be encroached upon or reduced in any manner, except in conformity with the lot, yard and area regulations hereinafter designated for the zoning district in which such building/structure or land or open space is located.

(See Schedules and footnotes for applicable regulations.)

**ARTICLE 20: SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS**

<u>Principal Building/Structure</u>	<u>AG-1</u>	<u>AG-2</u>	<u>RR</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4 9/</u>	<u>Reserved for Expansion</u>
<b>Min. Lot Frontage/Lot Width (Ft.) 5/</b>								
Single Family	See applicable text in Art. 6	See applicable text in Art. 7	200'	125'	100'	100'		
Two Family	--	--	--	--	125'	125'		
Multiple Family	--	--	--	--	--	125'		
<b>Min. Lot Area Per Dwelling Unit (Gross Acre or Sq. Ft.) 5/</b>								
Single Family	See applicable text in Art. 6	See applicable text in Art. 7	3 acres	20,000	20,000	20,000		
Two Family	--	--	--	--	10,000	10,000		
Multiple Family	--	--	--	--	--	10,000		
Min. Dwelling Structure Width	20'	20'	20'	20'	20'	20'		
Max. Dwelling Structure Width	100'	100'	100'	100'	100'	100'		
Max Building or Structure (Roof) Height (Ft.) 1/	35'	35'	35'	35'	35'	35'		
Max Building Cover (% of Lot)	25	25	25	25	25	25		
<b>Min. Gross Floor Area Per Dwelling Unit (Sq. Ft.)</b>								
Single Family	900	900	900	900	900	900		

**ARTICLE 20: SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS**

<u>Principal Building/Structure</u>	<u>AG-1</u>	<u>AG-2</u>	<u>RR</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4 9/</u>	<u>Reserved for Expansion</u>
Two Family	--	--	--	--	600	600		
Multiple Family	--	--	--	--	--	600		
Min. Front Yard Setback (Ft.) 2/, 3/, 8/	40'	40'	40'	40'	40'	40'		
Min. Side Yard Setback (Ft.) 2/, 4/, 8/	25'	25'	25'	10'	10'	10'		
Min. Rear Yard Setback (Ft.) 2/, 3/, 8/	25'	25'	25'	25'	25'	25'		
<u>Accessory Building/Structure</u>	<u>AG-1</u>	<u>AG-2</u>	<u>RR</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4 9/</u>	<u>Reserved for Expansion</u>
Min. Front Yard Setback (Ft.) 2/, 3/, 8/	40'	40'	40'	40'	40'	40'		
Min. Side Yard Setback (Ft.) 2/, 4/, 8/	25'	25'	25'	10'	10'	10'		
Min. Rear Yard Setback (Ft.) 2/, 3/, 8/	25'	25'	25'	10'	10'	10'		
Max. Building or Structure (Roof) Height (Ft.) 1/, 11/	--	--	30'	22'	22'	22'		

**ARTICLE 20: SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS**

<u>Accessory Building/Structure</u>	<u>AG-1</u>	<u>AG-2</u>	<u>RR</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u> <u>9/</u>	<u>Reserved for Expansion</u>
Max. Building or Structure (Eave) Height (Ft.) 1/	--	--	16'	16'	16'	16'		
Max. Building Coverage of Lot (% of Side Yards and Rear Yard) 6/, 7/, 10,	6/, 7/	6/, 7/	6/, 7/	5	5	5		
<u>Principal Building/Structure</u>	<u>C/R</u>		<u>P/RU</u>		<u>LC</u>		<u>LI</u>	<u>US 131</u>
Min. Lot Frontage/Lot Width (Ft.) 1/	330'		--		150'		200'	150'
Min. Lot Area (Sq. Ft.) 5/	10 acres		--		20,000		50,000	40,000
Max. Building or Structure (Roof) Height (Ft.) 1/	35'		35'		35'		35' 12/	35' 12/
Max Building Coverage (% of Lot)	25		25		--		--	--
Min. Front Yard Setback(Ft.)2/,3/,8/	40'		40'		40'		40'	40'

**ARTICLE 20: SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS**

<u>Principal Building/Structure</u>	<u>C/R</u>	<u>P/RU</u>	<u>LC</u>	<u>LI</u>	<u>US 131</u>
Min. Side Yard Setback (Ft.) 2/, 4/, 8/	10'	10'	10'	25'/50' 13/	15'
Min. Rear Yard Setback (Ft.) 2/, 3/, 8/	25'	25'	25'	25'/50' 13/	25'
<u>Accessory Buildings/Structures</u>					
Min. Front Yard Setback (Ft.) 2/, 3/, 8/	40'	40'	40'	40'	40'
Min. Side Yard Setback (Ft.) 2/, 4/, 8/	10'	10'	10'	25'/50' 13/	10'
Min. Rear Yard Setback (Ft.) 2/, 3/, 8/	25'	25'	25'	25'/50' 13/	25'
Max. Building or Structure (Roof) Height (Ft.) 1/, 11	20'	20'	20'	35' 12/	20' 12/
Max. Building or Structure (Eave) Height (Ft.) 1/	15'	15'	12'	15'	12'
Max. Building Coverage (% of Lot) 10/	5	5	--	--	--

**FOOTNOTES TO ARTICLE 20:**

**SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS**

- 1/ See Section 4/12 for exceptions to general height requirements.
- 2/ Notwithstanding any provision of this ordinance to the contrary, on property contiguous to the following roadways, all buildings or structures shall be at least 75' from the nearest right-of-way line: "U" Avenue, "VW" Avenue, "W" Avenue, "XY" Avenue, US 131, 20<sup>th</sup> Street (Portage Road), 24<sup>th</sup> Street (Silver Street), and Shaver Road.
- 3/ Buildings and structures on a double frontage lot shall comply with the minimum front yard setback requirement on each adjoining street.
- 4/ Buildings and structures on a corner lot shall comply with the minimum front yard setback requirement on each adjoining street.
- 5/ The specified requirements are applicable to development on unplatted land. See the Schoolcraft Township Subdivision Development Ordinance (Ordinance No. 208, as amended) for the requirements applicable to development of platted lots.
- 6/ Notwithstanding the designated percentages, unless specifically provided for otherwise in this Ordinance the total floor area of an accessory building located upon any lot in any of the Residential zoning districts (except the RR Rural Residential District), or any lot of less than three acres in area in any of the Agricultural Districts, shall not exceed the lesser of:

Unless specifically provided for otherwise in this Ordinance, the total floor area of an (1) accessory buildings located upon any lot in the R-1, R-2, R-3 zoning districts shall be determined based on lot size, as follows.

- a) For parcels up to 1 acre in area—a total of 1200 square feet
- b) For parcels of at least 2 acres in area—a total of 1800 square feet.
- c) For parcels of at least 3 acres in area—a total of 2400 square feet.
- d) All residential districts shall be allowed 5 accessory structures in addition to number of allowed accessory buildings.

Unless specifically provided for otherwise (except the RR Rural Residential District), or any lot of less than three acres in area in any of the Agricultural Districts, shall not exceed:

- e) For parcels of at least three acres in area but less than five acres in area —a total of 3000 square feet.

- f) For parcels of at least five acres in area but less than 10 acres in area—a total of 3600 square feet.
- g) For parcels of at least 10 acres in area but less than 20 acres in area—a total of 5400 square feet.
- h) For parcels of 20 acres for more in area—a total of 8400 square feet.
- i) For a lawful nonconforming lot of record (less than 3 acres in area and/or less than 200 feet of lot frontage/width)—1200 square feet, or the ground floor area of the principal structure on that lot or on any contiguous lot under common owner, whichever is less.

In addition to the preceding limits for accessory buildings, animal shelter accessory structures with not more than 3 enclosed sides shall be allowed in conjunction with livestock lawfully situated upon a lot in the Rural Residential District pursuant to Section 8.2, subsection 6, of this Ordinance; provided that no such shelter shall exceed 12 feet in height; and further provided that such shelter(s) shall not exceed a total of 150 square feet of area for each animal lawfully on the premises pursuant to the animal density requirements set forth in Section 8.2, subsection 6.A.C, of this Ordinance, with no single such structure to exceed 750 square feet in area in any event.

7/ The total floor area of an accessory building located on any lot of three acres or more in area in any of the Agricultural Districts shall be determined based on the size of the property in accordance with the following:

- a) For lots of at least three acres in area but less than five acres in area – 3000 square feet.
- b) For lots of at least five acres in area but less than ten acres in area – 3,600 square feet.
- c) For lots of at least ten acres in area but less than twenty acres in area – 5,400 square feet.
- d) For lots of at least twenty acres in area but less than forty acres in area – 8,400 square feet.
- e) For lots of more than forty acres in area – no limitation.

8/ See Section 5.4 for additional setback rules governing all waterfront lots (frontage on a lake, river, stream, pond or other natural or artificial watercourse).

9/ The lot, yard and area requirements for principal buildings/structures, accessory buildings/structures and private garages in a mobile home park are the applicable



requirements imposed by the Michigan Public Act 96 of 1987 and any and all amendments thereto, and the applicable regulations promulgated thereunder by the Michigan Mobile Home Commission or the Michigan Department of Public Health, which are hereby incorporated by reference.

The lot, yard and area requirements for any principal buildings/structures, accessory buildings/structures and private garages not situated in a mobile home park are the pertinent requirements set forth in this ordinance for the R-3 Medium Density Residential District, which are hereby incorporated by reference.

- 10/ Notwithstanding the generally applicable accessory building size (lot coverage) requirements specified in this Schedule, or elsewhere in this Ordinance, an accessory building in the rear yard (lake side) of a lake lot shall not exceed 100 square feet in size.
- 11/ Notwithstanding the generally applicable accessory building height requirements specified in this Schedule, or elsewhere in this Ordinance, an accessory building in the rear yard (lake side) of a lake lot shall not exceed 8'6" in roof height (peak).
- 12/ In this District, the Planning Commission may allow buildings and structures associated with industrial uses to exceed the specified building or structure height of maximum where the building/structure is proposed to have an additional 3' of setback beyond the required minimum front/side/rear yard setback for each additional 1' of building/structure height in excess of the specified maximum.
- 13/ In this District, the generally applicable minimum required side yard and rear yard setback is 25', but this minimum required setback is increased to 50' on any lot adjacent to a Residential District or a conforming residential use.

## ARTICLE 21

### OPEN SPACE PRESERVATION/CLUSTERING DEVELOPMENTS

21.1 OPEN SPACE PRESERVATION/CLUSTERING DEVELOPMENT OPTION: This Article provides the requirements applicable to an innovative type of residential development recognized by the Schoolcraft Township Master Plan and the Michigan Zoning Enabling Act. Pursuant to Section 506 of the Michigan Zoning Enabling Act (2006 Public Act 110), notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements in Article 20 of this Ordinance (Schedule of Lot, Yard and Area Requirements) land qualified for this development option may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than 50% of the land, pursuant to the provisions of this Article.

21.2 LAND QUALIFIED FOR THIS DEVELOPMENT OPTION: Land is subject to the open space preservation/clustering development option provided by this Article only if all of the following apply:

1. The land is located in the RR Rural Residential District, or is otherwise zoned for residential development at a density equivalent to 2 or fewer dwelling units per acre; or, the land is served by a public sewer system and is located in the R-1 Medium Density Residential District, the R-2 Medium Density Residential District, or the R-3 Medium Density Residential District, or is otherwise zoned at a density equivalent to 3 or fewer dwelling units per acre
2. Not less than 50% of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.

As used in this section the term "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. This term does not include a golf course; but may include a recreational trail, picnic area, children's play area, greenway, or linear park.

3. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension.
4. The development option provided pursuant to this section has not previously been exercised with respect to the subject property.

21.3 REVIEW PROCEDURES: A residential development proposed under this Article shall be submitted to the Planning Commission for review pursuant to the following procedures:

1. The applicant shall submit a hypothetical “standard” development plan showing the number of dwelling units/lots that could be developed on the subject property under existing ordinances, laws, and rules, if the applicant were to develop the subject property without exercising the open space preservation/clustering option under this Article of the Ordinance. The content of this hypothetical “standard” development plan shall meet the submission requirements for a tentative preliminary plat pursuant to Section 5.A.(1.-10.) of the Subdivision Development Ordinance (Ordinance No. 224, as amended).
2. The applicant shall submit a development plan for the proposed open space preservation/clustering development showing not more than the total number of dwelling units/lots that could otherwise be developed on the subject property pursuant to the hypothetical standard development plan. The content of this open space preservation/clustering development plan shall meet the submission requirements for a tentative preliminary plat pursuant to Section 5.A.(1.-10.) of the Subdivision Development Ordinance (Ordinance No. 224, as amended), and shall otherwise have sufficient information to enable the Planning Commission to determine whether the development complies with Section 506 of the Michigan Zoning Enabling Act and all other applicable laws and ordinances.
3. The Planning Commission shall review and approve an open space preservation/clustering development plan presented at the option of the landowner of the subject property upon determining:
  - A. The development complies with Section 506 of the Michigan Zoning Enabling Act, all other applicable ordinances, laws, and rules, including but not limited to:
    - (1) The provisions of the Zoning Ordinance that are not in conflict with and preempted by Section 506 of the Michigan Zoning Enabling Act (MCL 125.3506).
    - (2) The Land Division Act (MCL 560.101 et seq).
    - (3) The Subdivision Development Ordinance (Ordinance No. 224 as amended), the Land Division Ordinance (Ordinance No. 180, as amended), and any other ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.
    - (4) Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
    - (5) Rules for on-site sewage disposal for land not served by public sewers.

- B. The applicant has submitted (or is required to submit as a condition of approval) an executed document in recordable form ensuring that the land area designated on the development plan to remain in an “undeveloped state” (not less than 50% of the land area of the subject property) will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other sufficient legal means that runs with the land. A recorded copy of this document shall be filed with the Zoning Administrator before any on-site construction of the development is commenced.

## ARTICLE 22

### ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES

22.1 GENERAL REQUIREMENTS FOR ACCESSORY BUILDINGS/STRUCTURES AND ACCESSORY USES: The following regulations are applicable to accessory buildings/structures and accessory uses in all zoning districts throughout the Township, except as to those requirements that are stated to be applicable only in a specific zoning district or districts in conjunction with agricultural production.

1. In all zoning districts where single family dwellings or two family dwellings are allowed, on each lot of record there shall be no more than one principal structure, and one accessory building, one garage (attached or detached) and 5 accessory structures (see definition) per dwelling unit; subject to the following exceptions:
  - A. More than one accessory building/structure per parcel shall be allowed in the AG Agricultural Districts in conjunction with agricultural production.
  - B. Two accessory buildings/structures per parcel shall be allowed in the RR Rural Residential District (accessory to an existing dwelling).
2. In all the Residential Districts no accessory building or garage shall be constructed without a dwelling or other allowed principal structure being in existence, or being under simultaneous construction pursuant to a valid building permit.
3. A private garage, whether attached or detached, shall provide off-street parking space for not more than three passenger vehicles or light trucks per dwelling unit.
4. Accessory buildings shall be located only in the rear yard, except in the following circumstances:
  - A. In the AG Agricultural Districts permissible accessory buildings may be located in the front yard and/or side yards and/or rear yard, subject to compliance with all applicable setback requirements.
  - B. In the RR Rural Residential District, a permissible accessory building may be located in the front yard if the Zoning Administrator determines all of the following circumstances apply:
    - 1) The lot is a conforming lot with a lot area of at least three acres.
    - 2) The accessory building is set back from the front lot line a distance equal to at least twice the generally applicable minimum front yard setback requirement, and complies with all other applicable setback requirements.
    - 3) The accessory building is not located directly in front of the principal building, as viewed from the street, if the

principal building is visible from the street during any season of the year.

Note: the following subsection C. pertaining to the R-1 District may also apply to a nonconforming lot (with less than three acres of lot area) in the RR Rural Residential District (except subsection (1) is not applicable).

- C. In the R-1 Medium Density Residential District, a permissible accessory building may be located in the front yard if the Planning Commission determines pursuant to the special land use permit approval procedure specified in Section 23.2 of this Ordinance that all of the following standards have been met:
  - 1) The lot is a conforming lot with a lot area of at least three acres.
  - 2) The accessory building is set back from the front lot line a distance equal to at least twice the generally applicable minimum front yard setback requirement, and complies with all other applicable setback requirements.
  - 3) The accessory building is not located directly in front of the principal building, as viewed from the street, if the principal building is visible from the street during any season of the year.
  - 4) The standards and requirements applicable to all special land uses specified in Section 23.3 of this Ordinance.
- D. In any zoning district a permissible attached or detached private garage may be located in the side yard, if it complies with the setback requirements applicable to the principal structure.
- E. On a lake lot in any zoning district a permissible attached or detached private garage may be located in the front yard (street side).
- F. On a lake lot in any zoning district a permissible accessory building in the rear yard (lake side) is subject to the size and height requirements set forth in footnotes 10 and 11 of Article 20 of this Ordinance (Schedule of Lot, Yard and Area Requirements).
- 5. Accessory structures other than buildings shall be located only in the rear yard, except in the following circumstances:
  - A. In any zoning district, accessory structures may be located in the side yard if they comply with the setback requirements applicable to the principal structure (and see subsections B-E below for special rules pertaining to walls and fences).
  - B. Retaining walls are allowed in the front, side and rear yards in all districts; provided no part of such wall shall be located within any street right-of-

way, and shall not by reason of its material, or otherwise, create a hazard for vehicular traffic visibility.

- C. Non-retaining walls and privacy-type fencing and other substantially solid fences (more than 50% solid) not exceeding 6 feet in height are allowed in all districts, in the following locations:
    - 1) In the rear yard, without any required setback from the rear lot line; provided that on a waterfront lot such fencing shall comply with the 50' waterfront setback requirement pursuant to Section 5.4.3.
    - 2) In the side yards, without any required setback from the side lot lines.
    - 3) In the front yard; provided no part of such fencing shall be located within any required minimum front yard accessory structure setback area.
  - D. Split-rail fencing and other similar open-style fences (not more than 50% solid) not exceeding six feet in height are allowed in all districts in the same locations as privacy-type fencing pursuant to subsection C above (except the waterfront setback requirement shall not apply to such open-style fences); and are also allowed in the front yard, without any required setback from the front lot line, with a height not exceeding four feet and provided no part of such fencing is located within any street right-of-way, and shall not by reason of its material, or otherwise, create a hazard for vehicular traffic visibility.
  - E. Wire protective fencing without height limitation is allowed in the front, side and rear yards in all districts; provided no part of such fencing shall be located within any street right-of-way, and shall not by reason of its material, or otherwise, create a hazard for vehicular traffic visibility.
- 6. All accessory buildings and structures, including private garages, whether attached or detached, are subject to the lot, yard and area requirements specified in Article 20 of this Ordinance. However, notwithstanding the requirements specified in Article 20, in all zoning districts the size of a garage attached to a dwelling shall be no greater than 1,050 square feet, or the ground floor area of the dwelling, whichever is less.
  - 7. All accessory buildings/structures, and accessory uses, shall be located and maintained under the same ownership as the principal use.
  - 8. All accessory buildings/structures, and accessory uses, shall be located and maintained on the same lot as the principal use, or on a contiguous lot, which shall include a lot separated from the main lot by a street.
  - 9. All accessory buildings/structures, and accessory uses, shall be clearly incidental and subordinate to the principal use with which it is commonly associated.



10. All accessory buildings/structures, and accessory uses, shall be aesthetically compatible with the principal structure and use with which it is associated.
11. Accessory buildings/structures shall not include provisions for or be used for lodging or sleeping of human beings.
12. If an accessory use is carried on within the structure containing the principal use, the gross floor area utilized by the accessory use (except garages and off-street loading facilities) shall not be greater than:
  - A. For a single use dwelling, 20% of the gross floor area, or 300 square feet, whichever is less.
  - B. For any principal use other than a single unit dwelling, 10% of the gross floor area.
13. Accessory buildings/structures may be used only for purposes accessory to uses allowed in the zoning district in which it is located.

22.2 KEEPING OF CHICKENS AND DUCKS AS AN ACCESSORY USE: The purpose of this section is to provide standards and requirements for the keeping of chickens or ducks. Roosters are not permitted. It is intended to enable residents to keep up to six chickens or ducks on a non-commercial basis while limiting and mitigating any potential adverse impacts on surrounding properties and neighborhood. The keeping of up to six chickens or ducks that are utilized exclusively by the person(s) occupying a one-family dwelling within the R-1 and R-2 zoning districts as a locally grown food source for the consumption of eggs or meat is permitted as accessory to the residential use if all of the following are satisfied:

1. Chickens or ducks shall be kept within the coop and attached pen during non-daylight hours. During daylight hours, chickens or ducks may be allowed to roam outside of the coop and pen only within an area completely enclosed by a fence with a minimum height of four feet.
2. The accessory use coop and pen shall be designed to provide safe and healthy living conditions for chickens and ducks while minimizing adverse impacts on other residents and the neighborhood. The coop and pen shall meet the following additional requirements:
  - A. The coop and pen shall be located in the rear yard and shall be setback a minimum of ten feet from all property lines of adjacent property and be located a minimum of 30 feet from the nearest wall of any adjacent dwelling. Additionally, a coop and pen located on a waterway lot shall have a 50-foot waterway setback. Public streets and public easements shall not be considered adjacent property lines for purposes of this section.
  - B. The coop and pen shall be a maximum of six feet in height and shall not exceed a total of 80 square feet.

- C. The coop and pen may be movable only if the dimensional/setback restrictions contained in this section are satisfied.
  - D. A coop permanently attached to the ground shall be considered an accessory building.
  - E. A coop and pen not exceeding 80 square feet shall not be considered an accessory building.
3. All feed and other items associated with the keeping of chickens and ducks that are likely to attract or to become infested with or infected by rats, mice or other rodents shall be protected so as to prevent rats, mice or other rodents from gaining access or coming into contact with them.
  4. The accessory use shall comply with all provisions of the Township of Schoolcraft Code of Ordinances pertaining to noise, odors, dust, fumes, sanitation and health or other comparable nuisances to ensure the public health, safety and welfare.
  5. No person shall keep chickens or ducks without first securing a permit from the township on a form provided and without paying a permit fee as prescribed by the Schoolcraft Township board by resolution. The permit shall be issued by the zoning administrator. Such permit may be revoked by the zoning administrator if it is determined that any provision of this section is violated.
  6. Establishment of an accessory use and/or accessory building under this section shall not confer a vested right in the provisions contained herein or a right to continue such use. Further, a permit granted under this section is personal to the applicant occupying the dwelling and is not transferable.
  7. This section shall not regulate the keeping of chickens or ducks in those areas where a form of agriculture is a permitted principal use or special land use under other sections of this zoning code.
  8. All licensing required by the State of Michigan and Kalamazoo County, as well as all other statutes, ordinances and codes, shall be satisfied.
  9. No permit shall be issued by the zoning administrator without the written authorization from an owner of the property (if different from the applicant) consenting to the application on a form provided. Once authorization is obtained it shall continue for as long as the applicant is in possession of the property.

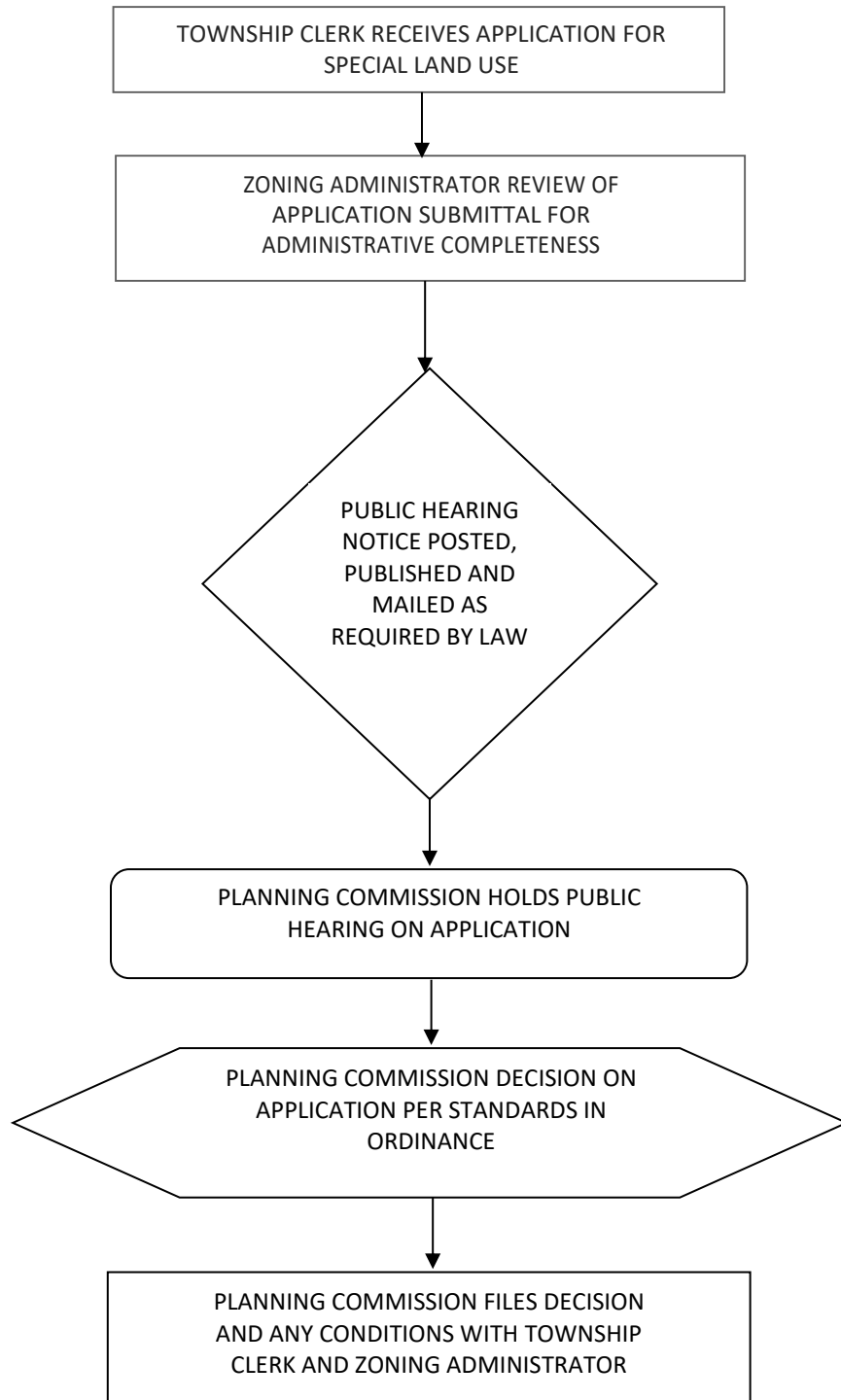
**ARTICLE 23**  
**SPECIAL LAND USES**

- 23.1 EXPLANATION OF SPECIAL LAND USES: In order to make this Ordinance a flexible zoning control and still afford protection of property values and facilitate orderly and compatible development of property within the Township, the Planning Commission is authorized to approve the establishment of certain uses designated as Special Land Uses within the various zoning classifications in the ordinance. Such special land uses have been selected because of the characteristics of the use which, in the particular zone and location involved, might cause the use to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto, without prior review pursuant to approval standards and in appropriate circumstances also approval conditions.
- 23.2 SPECIAL LAND USE PROCEDURE: All applications for special land use approval shall be submitted and processed under the following procedures:
1. The application shall be filed in triplicate with the Township Clerk, and shall include all of the following:
    - A. A completed application form, using the special land use application form prescribed by the Township.
    - B. A site plan substantially complying with the requirements for the content of a final site plan as specified in Section 24.4 of this ordinance.
    - C. All specifications, data, and other materials on which the applicant intends to rely to show all applicable standards for special land use approval are met.
    - D. Payment of the fee set by the Township Board for special land use applications.
  2. The Township Clerk shall promptly refer one copy of the application submittal to the Township Attorney, and one copy to the Zoning Administrator. The Zoning Administrator shall promptly review the submittal to determine whether it is administratively complete, and shall notify the applicant of any deficiencies in the content of the application submittal. An application shall not be processed for public hearing unless and until it is administratively complete as determined by the Zoning Administrator.
  3. When the Zoning Administrator has determined an application submittal to be administratively complete the Zoning Administrator shall notify the applicant of that determination, and request 11 copies of the complete application submittal. Upon receipt of such copies the Zoning Administrator shall promptly refer individual copies of the administratively complete application to the members of the Planning Commission, the Township Attorney, and to the Township Clerk to

be available for public examination.

4. The Planning Commission shall hold a public hearing on an administratively complete application. The Planning Commission shall review the application subsequent to the public hearing, at the same meeting or at a subsequent meeting, and may require the applicant to provide additional information about the proposed use relevant to any standard for special land use approval specified in this ordinance. The applicant has the burden of proving compliance with all special land use approval standards.
5. The Planning Commission shall approve a special land use application if the application is in compliance with all applicable standards, other applicable ordinances, state and federal statutes, and any conditions lawfully imposed under the Zoning Ordinance. The Planning Commission's decision shall be incorporated in a statement of findings and conclusions which specifies the basis for the decision and any conditions imposed. The decision of the Planning Commission on a special land use application is a final decision, subject to appeal to a court of competent jurisdiction as authorized by law. The Zoning Board of Appeals does not have jurisdiction to hear an appeal from any decision of the Planning Commission on a special land use application.
6. An approved special land use is subject to site plan review pursuant to Article 24 of this ordinance.

# FLOW DIAGRAM FOR SPECIAL LAND USE APPLICATIONS



23.3 STANDARDS FOR SPECIAL LAND USE APPROVAL: An application for special land use approval shall not be approved by the Planning Commission (with or without conditions) unless the Planning Commission finds from the evidence that all of the following standards and requirements are met:

1. The size, nature and character of the use will be compatible with the other uses and buildings and structures expressly permitted within the zoning district, especially where the location of the use is adjacent to or in the approximate area of residential dwellings;
2. The use will be compatible with the natural environment of the area;
3. The use will not adversely affect the capacities of public services and facilities, and will not cause unreasonable traffic congestion or otherwise specially burden the public roads and streets in the area;
4. The lot upon which the use is proposed is able to accommodate all off-street parking facilities required by this ordinance:
5. The use will not in any manner be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof, or to the general neighborhood;
6. The use will not adversely affect the public health, safety, and general welfare of the community;
7. The use will be in accordance with the character and adaptability of the land at issue;
8. The standards required in subsections 1-7 above for approval of any special land use can and will, in the Commission's judgment, be met at all times;
9. The standards specifically applicable to the particular use in Section 23.7 or elsewhere in this Ordinance can and will, in the Commission's judgment, be complied with at all times.

23.4 CONDITIONS IMPOSED UPON APPROVED SPECIAL LAND USES: The Planning Commission is authorized to impose conditions on the approval of a special land use, if the Planning Commission determines it has authority to approve the special land use application. Any conditions upon which approval is based shall be reasonable and necessary to insure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, or necessary to protect the natural environment and conserve natural resources and energy, or necessary to insure compatibility with adjacent uses of land, or necessary to promote the use of land in a socially and economically desirable manner. Any such conditions shall also meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic wellbeing of those who will use the land use or activity

under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

The Planning Commission shall have the right to impose a condition limiting the duration of a special land use only where the use is by its nature a temporary use, and may reserve the right of periodic review of compliance with the conditions and limitations imposed upon such use.

The Planning Commission is also authorized to require a performance guarantee as a condition on a special land use approval, as follows:

- A. To insure compliance with the zoning ordinance (and/or conditions imposed at the time of approval), the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Planning Commission, covering 100% of the estimated costs of improvements associated with a project for which the approval is sought, be deposited with the clerk of the township to insure faithful completion of the improvements.
- B. The Planning Commission shall by resolution request the Township Clerk to rebate said security deposit in reasonable proportion to the ratio of work completed on the required improvements as the work progresses. The amount of rebate shall be determined from time to time at regular or special meetings of the Planning Commission based upon evidence presented by the applicant and/or appropriate township officials demonstrating the ratio of work completed on the required improvements.
- C. If any improvements are not constructed within the time limit established as part of the approval or within any extension thereof, then the Planning Commission shall by resolution request the Township Board to take appropriate legal steps to insure completion using so much of the security deposit as is necessary for such purpose.
- D. As used herein, "improvements" means those features and actions associated with a project which are considered necessary by the Planning Commission to protect natural resources, or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. "Improvements" does not

include the entire project which is the subject of zoning approval.

23.5 COMPLIANCE WITH APPROVAL:

1. The site plan submitted with the special land use application, the specifications in the application, and all conditions imposed by the Planning Commission shall be recorded with the Township Clerk and Zoning Administrator, and shall be incorporated as a part of the special land use approval. An approved special land use which at any time fails to comply with the terms of the approval, or any provision of this Ordinance, shall cease to be a lawful use, and shall be subject to revocation in accordance with Section 23.6 of this Ordinance, in addition to the legal penalties and remedies generally applicable to any violation of this Ordinance.
2. Every special land use approval shall be subject to an automatically imposed approval condition pursuant to which the approval lapses if the approved use has not substantially begun within one year from the date of approval. Upon request of the applicant, filed prior to the lapse of special land use approval, the Planning Commission may save its prior approval from lapsing where the applicant shows good cause for the delay, and the Planning Commission finds there have been no changed conditions that would potentially affect the prior findings of the Planning Commission with respect to any standard for approval of the use.

23.6 REVOCAION OF SPECIAL LAND USE APPROVAL: All approved special land uses shall be subject to the following provisions, as a condition automatically imposed upon every such approved special land use:

1. Zoning Administrator Revocation Recommendation. The Zoning Administrator may recommend revocation of a special land use approval upon determining a probable violation of the terms and conditions of a special land use approval or related provisions of this Ordinance. The Zoning Administrator shall provide written notice of the revocation recommendation to the approval holder/property owner by personal delivery or regular mail, and also to the Township Clerk by personal delivery or regular mail.
2. Planning Commission Review of Revocation Recommendation. The Planning Commission shall review the Zoning Administrator's recommendation to revoke a special land use approval, and shall hold a public hearing thereon preceded by notice in accordance with statutory provisions governing special land use matters.
3. Revocation of Special Land Use Approval. After notice and public hearing as provided herein the Planning Commission may vote, by a majority of its membership, to revoke a special land use approval upon verifying the grounds for the Zoning Administrator's revocation recommendation by a preponderance of the evidence presented thereon at the hearing, and upon a further finding that the underlying violations have not been cured, and are not likely to be cured



within a reasonable period of time as established by the Planning Commission. Written notification of a Planning Commission determination to revoke a special land use approval shall be provided to the approval holder and property owner by personal delivery or regular mail.

4. Appeal of Revocation of Special Land Use Approval: Premises for which a special land use approval has been revoked by the Planning Commission shall be used only as otherwise allowed pursuant to the relevant sections of the Zoning Ordinance for the applicable use district. A determination of the Planning Commission revoking a special land use approval may be appealed to the circuit court as provided by law.

23.7 SPECIFIC STANDARDS REQUIRED OF PARTICULAR SPECIAL LAND USES: The following specific standards shall be required of the particular special land uses designated in this section, pursuant to Section 23.3.9 of this Ordinance, in addition to the standards specified in Section 23.3.1-8. The required standards for each such use are referred to in the following table and included in the subsequent applicable text for the corresponding item number.

<b>SPECIAL LAND USE</b>	<b>ZONING DISTRICT</b>	<b>ITEM NUMBER</b>
Bar, nightclub	US-131	15
Bed & breakfast facility	AG-1, AG-2, RR	1
Child day care center or child care center	RR	16
Child (group) day care home	AG-1, AG-2, RR, R-1, R-2, R-3	2
Foster care (large group) home	AG-1, AG-2, R-1, R-2, R-3	19
Earth removal	AG-2	4
Golf course	AG-2, RR, C/R	5
Institutional or public use	AG-2, RR, R-1, R-2, R-3, P/RU	7
Kennel	AG-1, AG-2	8
Mini-storage facility	US-131	9
On-farm biofuel production facility (Type II or Type III)	AG-1, AG-2	10
Private airstrip	AG-1, AG-2	11
Public utility service facilities	AG-1, AG-2, RR, R-1, R-2, R-3, R-4, C/R, P/RU, LC, LI, US-131	12

SPECIAL LAND USE	ZONING DISTRICT	ITEM NUMBER
Recreational vehicle campground	C/R	13
Seasonal mobile home park	C/R	14
New single-family dwelling on non-productive land	AG-1, AG-2	17
New single-family dwelling (in AG-2 District)	AG-2	18
Solar Energy Generating Facility	US-131	20
Wireless communications support structure	AG-1, AG-2, US-131	3

1. Bed & Breakfast Facility:

- A. All bed & breakfast facilities shall be subject to and comply with the characteristics of a "home-based business "as set forth in Section 2.2 (except the bed & breakfast facilities shall be in the dwelling itself, and not in a garage or accessory building).
- B. A dwelling in which a bed & breakfast facility is allowed shall be occupied by the owner of the premises as his/her principal residence.
- C. The maximum stay for patrons of a bed & breakfast facility shall be seven days.
- D. Sufficient off-street parking area shall be available on the premises so as to provide one parking space per sleeping room, not including spaces required for the permanent occupants of the premises.
- E. All bed & breakfast facilities shall have a smoke detector in proper working order in every sleeping room, and a fire extinguisher in proper working order on every floor of the dwelling.

2. Child (Group) Day Care Home:

- A. It shall be located at least 1,500 feet from any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
  - 1) Another state licensed group day care home;
  - 2) Another adult foster care small group home or large group

home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act(1979 Public Act 218, as amended -- MCL 400.701 et seq);

- 3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCL 333.6101 et seq);
- 4) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

- B. It shall have appropriate fencing enclosing all outdoor play areas, as determined by the Planning Commission. Such fencing shall be at least 54" high and non-climbable in design.
- C. It shall maintain the property consistent with (or better than) the visible characteristics of the neighborhood.
- D. It shall not exceed 16 hours of operation during a 24 hour period, operating only between 6:00 a.m. and 10:00 p.m.
- E. It shall meet all applicable sign regulations set forth in this ordinance.
- F. It shall meet all applicable off-street parking requirements set forth in this ordinance.

3. Wireless Communications Support Structure (including equipment compound and wireless communications equipment):

- A. Purpose: The purpose of this portion of the Zoning Ordinance is to establish standards for the siting of wireless communication support structures/equipment compounds and wireless communications equipment (for convenience sometimes referred to as "towers" or "communication towers" and "antennas") based on the following goals: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening,

and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) protect the public health and safety; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

B. Definitions: The following terms used in this portion of the Zoning Ordinance shall be defined as follows:

- 1) "Alternative tower structure" means man-made trees, clock towers, steeples, light poles and similar alternative-design mounting structures that camouflage or minimize the presence of antennas or towers.
- 2) "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, or other communication signals.
- 3) "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more wireless telephone switching offices, and/or long distance providers, or the public switched telephone network.
- 4) "Collocate" means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Colocation" has a corresponding meaning.
- 5) "Communication Tower" or "Tower" means the same thing as wireless communications support structure, except where the context of the usage of the term is clearly applicable to only a tower type of support structure.
- 6) "Equipment Compound" means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
- 7) "Height" means, when referring to a wireless communications support structure, the distance measured

from the finished grade to the highest point on the structure, including the base pad and any antenna.

- 8) "Wireless Communications Equipment" means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables; but does not include any wireless communications support structure, alternative tower structure, or other structure or device designed to support or capable of supporting wireless communications equipment.
- 9) "Wireless Communications Support Structure" (see definition in Section 2.2).

C. Information Required with Special Land Use Application.

- 1) In addition to any information required for special land use applications pursuant to Section 23.2 of the Zoning Ordinance, applicants for special land use approval for a communication tower/antenna shall submit the following information:
  - a) A scaled site plan clearly indicating the location, type and height of the proposed tower, specifications on all proposed antennas, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in subpart (d)(3), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Administrator or Planning Commission to be necessary to assess compliance with the standards for approval in this Ordinance.
  - b) Legal description and ownership of the parent parcel (and leased parcel, if applicable).
  - c) The setback distance between the proposed tower and the nearest dwelling unit, and the nearest property in a Residential zoning district.

- d) An inventory of existing towers, antennas, or sites approved for towers or antennas that are owned/used by the applicant or any affiliated entity within Kalamazoo County, or within any adjoining township/county within 1 mile of Schoolcraft Township. This inventory shall include the location, height, and design of each existing tower. The location of all such existing towers, and sites approved for towers or antennas, shall also be depicted on a single scaled map. The applicant shall also designate on this map the location of all existing towers not owned/used by the applicant or any affiliated entity located within Schoolcraft Township or within 1 mile of any boundary thereof, and indicate the owner/operator of such towers if known.
- e) A landscape plan showing fencing and specific landscape materials.
- f) Finished color and, if applicable, the method of camouflage and illumination.
- g) A description of compliance with all applicable federal, state and local laws.
- h) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- i) Identification of the entities providing the backhaul network for the tower(s) described in the application and other wireless sites owned or operated by the applicant or any affiliated entity in the Township.
- j) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- k) A description of the desirable characteristics justifying the suitability of the proposed location.
- l) Point of view renderings of how the proposed

tower will appear from the surrounding area.

- m) Any additional information requested by the Planning Commission relevant to compliance with any provision of this Ordinance pertaining to special land use application, review, or approval, including any lawful conditions imposed on approval. All information of an engineering nature, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

Note: Section 3514 of the Michigan Zoning Enabling Act, as amended by 2012 Public Act 143, requires a special land use application for this land use to be reviewed by the Zoning Administrator to determine whether it is administratively complete. The application shall be considered administratively complete 14 business days after receipt of the application, unless the Zoning Administrator determines the application is administratively complete within that 14 day period, or before expiration of that 14 day period notifies the applicant (in writing, or electronically) that the application is not administrative complete and specifies the information and/or application fee payment necessary to make the application administratively complete. The statute also requires the Planning Commission to approve or deny a special land use application for this land use not more than 90 days after the application is considered to be administratively complete.

D. Specific Standards for Approval of Special Land Use for Wireless Communication Support Structure: In addition to the generally applicable standards for approval of special land use applications pursuant to Section 23.3 of the Zoning Ordinance, the applicant for special land use approval of a wireless communications support structure, also sometimes referred to as a “tower”, shall present evidence demonstrating compliance with the following standards specific to this land use:

- 1) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology: The applicant shall demonstrate that no existing tower, other structure, or alternative technology that does not require the use of towers or structures, can accommodate the applicant’s proposed antenna, based on information submitted by the applicant showing any of the following:
  - a) No existing towers or structures are located within the geographic area which meet applicant’s engineering requirements.
  - b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

- c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - f) There are other limiting factors that render existing towers and structures unsuitable.
  - g) An alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/ receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- 2) Setbacks: The tower base must be set back a distance equal to 110% of the height of the tower from any adjoining lot line; provided that the Planning Commission is authorized to approve a lesser minimum setback in circumstances where the tower is designed, in the event of failure, to fold-over or otherwise collapse within a fall zone less than the total height of the tower. The Planning Commission determination as to the appropriate minimum required setback shall be based on the tower design and other pertinent circumstances of each individual application, and shall be made pursuant to the general standards for special land use approval in Section 23.3 of this Ordinance. Tower support apparatus, including guy lines and accessory buildings, must satisfy the minimum building/structure setback requirements for the applicable zoning district.



3) Separation:

- a) Separation from off-site uses/designated areas. The tower shall comply with the minimum separation requirements from off-site uses and designated areas as specified in Table 1, measured from the base of the tower to the lot line of the off-site uses and/or designated areas (straight line measurement):

Table 1

Off-Site Use/Designated Area	Separation Distance
Single-family, two-family or multiple-family residential uses	200 feet or 300% of height of tower, whichever is greater
Areas in any Residential zoning district	200 feet or 300% of height of tower, whichever is greater
Non-residentially zoned lands and non-residential uses	None; only setbacks apply

- b) Separation distances between towers. The tower shall comply with the minimum separation requirements from other towers as specified in Table 2, measured between the bases of the proposed tower and preexisting towers (straight line measurement).

Table 2

Existing Towers - Types

	Lattice	Guyed	Monopole 75 Ft in Height or Greater	Monopole Less Than 75 Ft in Height
Lattice	5000 ft.	5000 ft.	1500 ft.	750 ft.
Guyed	5000 ft.	5000 ft.	1500 ft.	750 ft.
Monopole 75 Ft in Height or Greater	1500 ft.	1500 ft.	1500 ft.	750 ft.
Monopole Less Than 75 Ft in Height	750 ft.	750 ft.	750 ft.	

- 4) Maximum Tower Height: The maximum tower height is 250 feet.
- 5) Colocation: The tower shall be designed and constructed (structurally, electrically, and in all other respects) to accommodate the applicant's antennas and compatible antennas for at least two other users, unless the Planning Commission determines pursuant to specific information submitted by the applicant that this multiple user requirement is not technically feasible for the site, or would result in a tower that fails to otherwise comply with all applicable special land use approval standards. Where a multiple user tower is proposed, or is otherwise required by the Planning Commission pursuant to this Ordinance, the applicant shall furnish a written agreement providing that the applicant shall not prevent or deny space on the tower for compatible antennas of other users, and shall make the tower available to share at a fair market rate as determined by customary industry standards.
- 6) Security fencing; safety: The equipment compound shall be enclosed by security fencing or other suitable enclosure not less than six feet in height, to be determined by the Planning Commission, sufficient to restrict access to authorized personnel only. The tower or other support structure shall be equipped with an appropriate anti-climbing device.
- 7) Landscaping and Site Maintenance: A six foot tall landscape screen is required to effectively screen the equipment compound from adjacent residential property, streets and public property, except in locations where the visual impact of the equipment compound would be minimal. The site shall be mowed or otherwise maintained in such a manner as to effectively control undesirable or noxious weeds.
- 8) Lighting: The tower shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for the tower. If lighting is required it shall be oriented inward so as to not project onto surrounding property or roadways, shall be designed to cause the least disturbance to surrounding properties,

and shall be designed to minimize bird collisions with the tower.

- 9) Signs: The use of any portion of a tower/antenna or equipment compound for signs other than warning or equipment information is prohibited.
- 10) Weather Resistance: The tower and all antennas located on the tower shall be designed, constructed and maintained so as to withstand all generally expected weather conditions in the area.
- 11) Non-Interference: The tower and all antennas located on the tower shall not interfere with any radio or television transmission or reception in the area.
- 12) Abandonment of Unused Towers or Portions of Towers. The applicant shall be required by deed, land contract, lease, or license agreement provisions to remove the tower or portion of tower and associated facilities upon cessation of the use of same. A tower or portion of tower that has no users for a continuous period of at least 1 year shall be considered abandoned, and shall be dismantled and removed from the premises within 90 days after receipt of notice of such abandonment to the owner of the subject premises.
- 13) Aesthetics. Towers and antennas shall meet the following requirements:
  - a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - b) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

Notwithstanding the foregoing, the Planning Commission may also require tower and guy wire devices designed to minimize bird-tower collisions.

- 14) Accessory Structures. The design of the buildings and

other accessory structures at or in an equipment compound shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them in with the surrounding environment. All such buildings/structures shall meet the minimum setback requirements of the underlying zoning district. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

15) Inspection and Maintenance. An approved tower/antenna shall be inspected at regular intervals, not less than once a year, and shall be serviced as frequently as may be necessary to maintain same in a safe and weather-withstanding condition. Reports of all inspections and maintenance shall be made available to the Township upon written request.

16) Minimum Lot and Yard Requirements. For purposes of determining whether a proposed tower site complies with zoning regulations for the applicable district, including minimum lot area, maximum lot coverage, and yard requirements, the dimensions of the entire lot shall control where a proposed tower site is created pursuant to a lease or license agreement encompassing less than the entire lot.

E. Installation of Antenna or Other Wireless Communications Equipment on Existing Tower or in Existing Equipment Compound. The following provisions govern the installation of antenna apparatus and other wireless communications equipment on an existing communication tower or other wireless communications support structure or within an equipment compound on the site of an existing communication tower:

1) Where the existing tower has been granted special land use and site plan approvals, no further zoning approvals are required if the Zoning Administrator determines the proposed wireless communications equipment and, where applicable, proposed associated accessory buildings/structures and proposed changes to the existing equipment compound, are in complete conformance with the underlying special land use approval and approved site plan for the tower with respect to the total approved number of antenna apparatus on the tower, the array of the antenna apparatus, and the number, size and location

of associated accessory buildings/structures.

- 2) Where the existing tower has been granted special land use and site plan approvals, or has not been granted such approvals but is determined by the Zoning Administrator to otherwise be in compliance with the Zoning Ordinance, no further zoning approvals are required if the Zoning Administrator further determines the proposed wireless communications equipment and where applicable, the proposed associated accessory buildings/structures and/or proposed changes to the existing equipment compound comply with all of the following (as applicable):
  - a) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
  - b) The existing wireless communications support structure/ existing equipment compound is itself in compliance with the zoning ordinance.
  - c) The wireless communications equipment will not increase the overall height of the existing support structure by the greater of 20 feet or 10% of its original height.
  - d) The wireless communications equipment will not increase the width of the existing support structure by more than the minimum necessary to permit collocation.
  - e) The wireless communications equipment will not increase the area of the existing equipment compound so as to be more than 2,500 square feet.
  - f) The proposed change(s) will comply with the terms and conditions of any previous final approval of the existing support structure/compound.

A proposed change that does not comply with (c), (d), (e), or (f), but which otherwise is compliant with sub-part (2), is subject to zoning approval pursuant to approval of an amended site plan by the Planning Commission in accordance with all applicable provisions of this Ordinance, but without further special land use approval.

- 3) Where a proposed installation of wireless communications equipment on an existing wireless communications support structure is not subject to either preceding subparts (1) or (2) of this subsection E, the installation shall be subject to special land use and site plan approvals in a zoning district where Wireless Communications Support Structure is designated as a special land use.

4. Earth Removal:

A. Location:

- 1) All such operations shall be located on a primary road, as defined by the County of Kalamazoo, for ingress and egress thereto, or, on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to approval of such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.
- 2) Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. All excavation operations shall be at least 150 feet from interior boundary lines of the property, and the Planning Commission may increase such setback if required to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operation, then the Planning Commission may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly effected to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the Commission and adequate lateral support is at all times maintained. However, notwithstanding the foregoing, all excavation operations shall be at least 400 feet from any dwelling, regardless of the zoning district in which such dwelling may be located.
- 3) All excavation operations shall be at least 50 feet from adjoining public rights-of-way except for lowering of land

adjoining the rights-of-way to the grade level of the rights-of-way. Excavation operations shall not be allowed where adequate lateral support for the maintenance of adjoining lands is not maintained.

- 4) A processing plant and its accessory structures shall be located at least 250 feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment. However, notwithstanding the foregoing, all excavation operations shall be at least 400 feet from any dwelling, regardless of the zoning district in which such dwelling may be located.
- 5) All excavation operations, processing plants, and accessory structures shall be at least 250 feet from the banks of any lake, stream, or other watercourse unless a lesser setback is approved, in writing, by the Michigan Water Resources Commission or such other State agency having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties. Where it appears that substantial sediment may be carried into any nearby watercourse, the Planning Commission may require, as a condition of approval, that the applicant construct an adequate sediment basin.
- 6) All private drives and private access routes serving excavation or processing operations shall be located at least 250 feet from any dwelling, regardless of the zoning district in which such dwelling may be located.

B. Sight Barriers:

- 1) Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
  - a) Earth berms constructed to a height of 6 feet above the mean elevation of the center line of the adjacent public highway or 6 feet above the

general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of 1 foot vertical to 3 feet horizontal and shall be planted with grass, trees or shrubs.

- b) Plantings or evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than 4 feet in height at the time of planting and which grow to not less than 6 feet in height at maturity and sufficiently spaced to provide effective sight barriers when 6 feet in height.
- c) Masonry walls or attractive solid fences made of uniform new materials, constructed to a height of not less than 6 feet and maintained in good repair.

C. Nuisance Abatement:

- 1) Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.
- 2) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution potentially injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
- 3) The operation shall be restricted to the hours of 7:00 a.m. until 7:00 p.m. and no operations shall be allowed on Sundays or legal holidays.
- 4) All dangerous excavations, pits, pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.

D. Environmental Protection.



- 1) Earth removal operations shall not create erosion problems, or alter the groundwater table of the area.
- 2) Earth removal operations shall not cause the creation of sand blows, stagnant water pools, or stagnant swampy areas.
- 3) Earth removal operations shall not cause a permanent adverse effect to the environment, the natural topography, or any natural resource, other than the earth materials involved.

E. Reclamation of Mined Areas:

- 1) Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one acre or more. Substantial completion of reclamation and rehabilitation shall be effected with one year of termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.
- 2) The following standards shall control reclamation and rehabilitation:
  - a) All excavation shall be either to a water-producing depth of not less than 5 feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-inflammable and non-combustible solids to insure:
    - i. that the excavated area shall not collect stagnant water and not permit the same to remain therein;
    - ii. that the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
  - b) The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation, at a slope which

shall not be steeper than 1 foot vertical to 3 feet horizontal.

- c) Top soil of a quality at least equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one-year period. Where used, top soil shall be applied to a minimum depth of 4 inches and sufficient to support vegetation.
- d) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface and to minimize erosion.
- e) Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.
- f) A performance bond or cash shall be furnished to the township clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$5,000 per acre proposed to be mined or excavated in the following 12-month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. Mined areas resulting in a water depth of 5 feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shore line thereof and to the extent of the shore line where the same has been sloped to a grade of not more than one foot vertical to three foot horizontal, for the purpose of this financial guarantee. The Zoning Administrator and/or

Planning Commission may review such financial guarantee annually, on or about the anniversary date of the excavation permit, for adjustment and compliance with the foregoing requirements. In no event shall such financial guarantee be less than \$5,000 in amount.

F. Submission of Operational and Reclamation Plans:

- 1) No earth removal, quarrying, gravel processing, mining, and related mineral extraction shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of the within Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall comply with the final site plan content requirements in Section 24.4 of this Ordinance, and shall also include the following:
  - a) A contour map of the tract of land involved in the operations, including dimensions of the same, access to abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.
  - b) The number of acres and the location of the same proposed to be operated upon within the following 12-month period after commencement of operations.
  - c) The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
  - d) The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
  - e) A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact

that the land will not be devastated and rendered unusable by the proposed mining activities.

G. Review and Approval Criteria:

- 1) Planning Commission review and approval of a special land use request and site plan review for an earth removal operation shall be in accordance with all applicable provisions of this Ordinance; and, recognizing the unique land use aspects of earth removal operations, shall also be based on a consideration of the following factors:
  - a) The most advantageous use of the land, resources and property.
  - b) The character of the area in question and its peculiar suitability, if any, for particular uses.
  - c) Conservation of property values, as well as natural resources and the general and appropriate trend and character of development in the subject area.
  - d) The protection and preservation of the general health, safety and welfare of the Township.
  - e) The scarcity or value of the minerals sought to be mined as compared with the effect of the proposed operations upon the adjacent community.
  - f) Whether or not the operations were previously in existence prior to the adoption of the text provisions of this Ordinance concerning the same and the extent and character of such previous operations.
  - g) In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary and within the scope of its authority under Section 23.4 of this ordinance. It may also limit the length of time the special land use approval is to be effective and may provide for a periodic review of the operations to ascertain compliance with the conditions and limitations imposed upon the same. The Planning Commission shall renew or extend a special land use approval where all standards and conditions are complied with, and may revoke or refuse to renew the same

where non-compliance exists, in accordance with this Ordinance. No revocation or failure to renew or extend a prior approval shall release the applicant from the duty of rehabilitation and reclamation of the mined or disturbed area. The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Planning Commission as may be established by the Township Board.

H. Liability Insurance:

All owners/operators of property involved in such earth removal operations shall be required to carry personal injury and property damage insurance while any unreclaimed or un-rehabilitated area exists, in the amount of not less than \$100,000 for each person or property injured or damaged and not less than \$300,000 for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions, or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

5. Golf Course:

- A. All tees, fairways and greens shall be located so as to be at least 50 feet from any adjacent residentially zoned property under separate ownership.
- B. All tees, fairways and greens shall be located so as to be at least 50 feet from any public street right-of-way.
- C. All tees, fairways and greens which are located within 150 feet from any property used for residential purposes under separate ownership, regardless of the zoning classification of such property, shall be adequately fenced to prevent trespassing upon said residential property.
- D. Clubhouses and other buildings shall be set back at least 500 feet from any adjacent residentially zoned land under different ownership, and shall be set back at least 80 feet from every street. Overnight accommodations shall not be provided for or permitted, except for a dwelling unit for the owner or manager of the facility complying with applicable provisions of this Ordinance and the Township construction codes.
- E. Adequate public rest rooms and other facilities shall be constructed and properly maintained upon the premises.

- F. Rubbish receptacles and disposal service shall be provided in such a manner as to adequately handle rubbish generated on the premises and avoid any nuisance or annoyance to adjoining property owners or the general public.
- G. Off-street parking and loading areas shall be provided as set forth in Article 26 of this Ordinance.
- H. Any sale of foodstuffs, beverages or merchandise shall be clearly incidental to the needs of the occupants and users of the golf course facilities while on the property.
- I. All night lighting shall be designed and arranged so that it does not produce a glare on adjoining premises and/or streets.
- J. No more than one advertising sign shall be allowed on the premises, as set forth in Article 25 of this Ordinance.
- K. No golf course shall be designed or arranged so as to require patrons, whether in a golf cart or on foot, to cross a street, except by use of a bridge or viaduct.

6. Institutional or Public Use:

- A. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare, or major thoroughfare, and all ingress and egress to and from the lot shall be directly from and on to said street or thoroughfare.
- B. The off-street parking area required by Article 26 of this Ordinance shall not be located within the required front yard setback area.
- C. For every foot of height by which the building, exclusive of spire, exceeds the maximum height limitation for the district, an additional foot of front, side and rear yard setback shall be provided beyond the minimum setback requirements.

7. Kennel:

- A. All kennel facilities, including animal run areas, shall be located at least 200 feet from all property lines. Each kennel facility shall provide sufficient square footage for each animal kept, boarded, bred or trained on the property, in accordance with applicable state laws, and the recommendations of the American Kennel Association. All kennel facilities shall have waste disposal systems adequate to handle all animal waste generated from the kennel facilities.
- B. Noise, odor, or other objectionable characteristics incident to the facility shall not be discernible beyond the boundaries of the premises upon

which the facility is conducted.

- C. All kennel facilities shall be designed, constructed, operated and maintained in such a manner as to provide humane and sanitary conditions for each animal kept, boarded, bred or trained upon the premises.

8. Mini-Storage Facility:

- A. The mini-storage facility shall not be open between 9:00 p.m. and 7:00 a.m.
- B. The premises shall be completely fenced and screened, with the design, height and type of such fencing and screening to be approved by the Planning Commission.
- C. The storage building(s) and its location on the premises shall be approved by the Planning Commission.
- D. A dwelling unit for an on-site manager and family is permissible, provided the dwelling unit contains at least six hundred square feet of floor area, and complies with all applicable provisions of this ordinance and the Township construction codes.

9. On-Farm Biofuel Production Facility (Type II or Type III):

- A. The facility has all of the characteristics for the term “On-Farm Biofuel Production Facility (Type II or Type III)” as defined in Section 2.2 of this Ordinance.
- B. The application for special land use approval included, in addition to the content required by any other provision of this Ordinance, all of the following:
  - 1) A description of the process to be used to produce biofuel.
  - 2) The number of gallons of biofuel anticipated to be produced annually, and the designed annual biofuel production capacity (in gallons) of the facility.
  - 3) An emergency access and fire protection plan that has been reviewed and approved by the Kalamazoo County Sheriff’s Department and the South Kalamazoo County Fire Authority.
  - 4) For an ethanol production facility that will produce more than 10,000 proof gallons (as defined in 27 Code of Federal Regulations 19.907) annually, completed United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau Forms 5000.29 (Environmental Information)

and 5000.30 (Supplemental Information on Water Quality Considerations Under 33 USC 1341(a)), or successor forms, required to implement regulations under the National Environmental Policy Act of 1969, 42 USC 4321 to 4347, and the Federal Water Pollution Control Act, 33 USC 1251 to 1387.

- 5) Information that demonstrates the biofuel production facility will comply with all of the special land use approval standards specified herein.
  - 6) Any additional information requested by the Planning Commission relevant to compliance with any provision of this ordinance pertaining to special land use application, review, or approval, including any lawful conditions imposed on approval.
- C. (required condition on approval) Before the facility begins operation, all buildings, facilities, and equipment used in the production or storage of biofuel shall comply with all applicable local, state and federal laws.
- D. (required condition on approval) Before the facility begins operation, the owner or operator of the biofuel production facility has provided the Township with proof that all necessary approvals have been obtained from the Michigan Department of Environmental Quality (or a successor agency) and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
- 1) Air pollution emissions.
  - 2) Transportation of biofuel or additional products resulting from biofuel production.
  - 3) Use or reuse of additional products resulting from biofuel production.
  - 4) Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
- E. (required condition on approval) Before the facility begins operation, the biofuel production facility includes sufficient storage for raw materials, fuel, and additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

Note: the Planning Commission is required to hold a hearing on an application for special land use approval of an On-Farm Biofuel Production Facility (Type II or Type III) not more than 60 days after a (complete) application is filed. MCL 125.3513(4).



10. Private Airstrip:

- A. All private airstrips shall be located so that the centerline of such airstrip is at least:
  - 1) 200 feet from the property line of the premises upon which the airstrip is located.
  - 2) 200 feet from all public roadways, railroad tracks or dwellings.
  - 3) 250 feet from any building or structure intended for the congregation of people.
- B. The ends of all private airstrips shall be located so that each end is at least:
  - 1) 250 feet from the property lines of the premises upon which the airstrip is located.
  - 2) 340 feet from any interstate highway, and 300 feet from any other public roadway.
  - 3) 500 feet from any railroad track.
  - 4) 500 feet from any structure intended for the congregation of people.
  - 5) 500 feet from any dwelling.

11. Public Utility Service Facilities:

- A. Public utility buildings shall, whenever practicable, have an exterior appearance similar to or aesthetically compatible with buildings in the immediate area.
- B. All substations, regulator stations and similar facilities shall be enclosed by fencing, or other suitable means of enclosure, not less than six feet in height as determined by the Planning Commission, so as to restrict access to authorized personnel only.
- C. All substations, regulator stations or similar facilities shall be designed, constructed and operated in accordance with all applicable federal, state and local laws, regulations and ordinances, including such laws and regulations of the Michigan Public Service Commission as may apply.
- D. All substations, regulator stations and similar facilities shall be inspected and approved by state-authorized inspectors prior to any operation of the facility.

12. Recreational Vehicle Campground:

All recreational vehicle campground facilities shall comply with the requirements imposed by Part 125 of the Michigan Public Health Code (MCL 333.12501 et seq), as may be amended, and with all administrative rules promulgated by the State of Michigan pertaining to the construction and/or operation of campground facilities. In addition, the following additional requirements shall apply to all recreational vehicle campground facilities, except to whatever extent such requirements may be in conflict with state law or administrative rules:

- A. An environmental assessment shall be submitted with the special land use application, assessing the impact of the proposed facility on wetlands, fish, wildlife, soil erosion, stormwater run-off, and existing trees and vegetation.
- B. All areas designated for camping shall be located at least 500 feet from the boundary line of all Residentially zoned or used land not owned by the applicant, and at least 250 feet from the high water line of all lakes, including connecting channels, and other navigable bodies of water.
- C. The application shall include the name/address/telephone number of a representative of the owner to be in charge of the campground facility. The owner's representative or a designee of same shall be present in the campground facility at all times the campground is occupied.
- D. Campsites shall not include decks, screened porches, or any other permanent or temporary structures for which a construction permit is required pursuant to the Schoolcraft Township State Construction Code Ordinance.
- E. The campground facility shall incorporate appropriate buffering devices, such as distance, topography, beaming, fencing and/or vegetative screening, sufficient to protect all adjoining residentially zoned or used property not owned by the applicant from unreasonable visual impacts, noise, and other detrimental impacts. The specific types and location of such devices shall be subject to review and approval by the Planning Commission.
- F. Fires shall not be allowed in any campground facility, except in picnic stoves and in such other equipment or spaces as may be designated by the campground management and approved by the Planning Commission for such purposes.
- G. Each user of the campground facility shall be limited to a maximum stay of 14 consecutive days/nights. After each stay, of not exceeding 14 consecutive days/nights, each overnight camper and the camper's recreational vehicle or tent shall vacate the campground facility premises for a minimum of 7 days/nights before being eligible for another overnight camping stay.

- H. Campground facilities that include frontage on lakes or other waterways shall reserve such frontage for availability and use by all users and visitors of the campground facility.
- I. The campground facility shall make electrical service with a 50 amp minimum available to all campsites, except rustic campsites.
- J. All sales of foodstuffs, beverages, or merchandise within the campground facility shall be clearly incidental to the needs of the users of the facility while on the premises.

13. Seasonal Mobile Home Park:

- A. All seasonal mobile home parks shall comply with the requirements applicable thereto imposed by Michigan Public Act 96 of 1987, (MCL 125.2301 et seq) and any and all amendments thereto, and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission or the Michigan Department of Public Health.

14. Bar, Nightclub:

- A. The property upon which the use is conducted shall have the applicable required minimum street frontage on Highway US 131 or on a county primary paved road pursuant to the official highway map of the Kalamazoo County Road Commission.
- B. The use shall have off-street parking facilities to satisfy peak parking needs on-site.
- C. The subject property shall be situated at least 500 feet from any Residential zoning district and the boundary line of any residentially used properties.
- D. The subject property shall be located at least 500 feet from the boundary line of any property used for church purposes, whether as a conforming use or a lawful nonconforming use.
- E. The subject property shall be located at least 500 feet from the boundary line of any property used for school purposes, whether as a conforming use or a lawful nonconforming use.
- F. The facility shall not include any activity or function that is not itself within the scope of a permitted use or approved special land use in the particular zoning district.

15. Child Day Care Center or Child Care Center:

- A. The premises shall be accessed by an all-weather primary road, as defined by the Kalamazoo County Road Commission for ingress or egress thereto.

- B. [The specific standards in Section 53.7 of this Ordinance for a Child (Group) Day Care Home are all hereby incorporated by reference; with the proviso that for purposes of this provision sub-part A.(1) therein shall read "Another state licensed day care facility of any type"].

16. New Single-Family Dwelling on Non-Productive Land (In AG-1 and AG-2 Districts):

- A. The lot on which the dwelling is proposed to be located is a legal nonconforming lot of less than 5 acres in area created before May 12, 1992; or, in the alternative, is a permissible new building lot complying with the following lot requirements, instead of the requirements for the District specified in Article 20:
  - 1) The lot shall have a lot area of at least 1 acre.
  - 2) The lot shall have a lot frontage of at least 200 feet on a public street or on a private easement with a width of at least 33 feet on a public street (which may be shared).
  - 3) The lot shall have a lot width of at least 200 feet.
  - 4) The lot can be created as a new building lot without exceeding the density limitation in the following table, based on the area of the existing parent parcel/tract\*:

<u>Sliding Scale Density Table</u>	
<u>Area of Existing Lot as of [date to be added]</u>	<u>Additional Building Lots</u>
40 acres or less	1
At least 40 acres but less than 80 acres	2
At least 80 acres but less than 160 acres	4
At least 160 acres but less than 320 acres	5
320 acres or more	6

\*As used above the area of the existing "parent parcel/tract" is intended to mean the area of a parcel or two or more contiguous parcels owned by the same person or entity, or by two or more different entities where the same person or entity holds a majority or otherwise controlling interest in the property.

- B. The lot on which the dwelling is proposed to be located is capable of being created as a separate lot of record pursuant to the Schoolcraft Township Land Division Ordinance and all other applicable laws and ordinances (and as an automatic condition on special land use approval shall be actually created as a separate lot of record prior to issuance of any construction permit for the dwelling).
- C. The lot on which the dwelling is proposed to be located shall be non-productive for agricultural production purposes due to one or more of the following conditions:
  - 1) At least 75% of the building lot (95% where building lot area is more than 10 acres) has one or more of the following naturally occurring characteristics:
    - a) Soils that are not considered "prime" for agricultural production, as determined by a registered engineer or other qualified professional pursuant to criteria for such a determination established by the Natural Resources Conservation Service of the United States Department of Agriculture.
    - b) Sloping exceeding a grade of 12%.
    - c) A ground water table that is consistently so high as to impede agricultural production.
    - d) Surface waters causing at least seasonal saturated

soils, annually.

- e) Mature wooded area or other thick natural vegetation.
- f) Dominant rocky soils or other specific identified soil conditions unsuitable for agricultural production, as determined by a registered engineer or other qualified professional pursuant to criteria for such a determination established by the Natural Resources Conservation Service of the United States Department of Agriculture.

2) The orientation of existing natural physical features.

- D. A single-family dwelling on the land proposed as a separate building lot will not likely create any condition detrimental to existing agricultural production uses on any adjoining property, including the larger parent parcel/tract from which the building lot is proposed to be created, regardless of ownership.
- E. The proposed single-family dwelling, if constructed and occupied, will not adversely affect the land use policies of the Township relating to agricultural preservation.

17. New Single-Family Dwelling (in AG-2 District):

- A. The new building lot shall have a lot area of at least 1 acre, but not more than 2 acres.
- B. The new building lot shall have a lot frontage of at least 200 feet on a public street or on a private easement with a width of at least 33 feet on a public street (which may be shared).
- C. The lot can be created as a new building lot without exceeding the density limitation in the following table, based on the area of the existing parent parcel/tract\*:

<u>Sliding Scale Density Table</u>	
<u>Area of Existing Lot as of [date to be added]</u>	<u>Additional Building Lots</u>
20 acres or less	1
At least 20 acres but less than 40 acres	2
At least 40 acres but less than 80 acres	4
At least 80 acres but less than 160 acres	5
At least 160 acres but less than 320 acres	6
320 acres or more	7

\*As used above the area of the existing "parent parcel/tract" is intended to mean the area of a parcel or two or more contiguous parcels owned by the same person or entity, or by two or more different entities where the same person or entities holds a majority or otherwise controlling interest in the property.

D. The new building lot shall be contiguous to one or more of the following:

- 1) an existing lot(s) within a subdivision or other multi-lot residential development.
- 2) the Village of Vicksburg, Village of Schoolcraft, or City of Portage.

18. Foster Care (Large Group) Home:

- A. It shall be located at least 1,500 feet from any of the following facilities (measured along a road, street or other thoroughfare open to use by the public as a matter of right for the purpose of vehicular traffic, excluding an alley):
- 1) Another state licensed group day care home;
  - 2) Another adult foster care small group home or large group home licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (1979 Public Act 218, as amended -- MCL 400.701 et seq);
  - 3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed by the State of Michigan under article 6 of the Michigan Public Health Code (1978 Public Act 368, as amended --- MCL 333.6101 et seq);
  - 4) A community correction center, resident home, halfway

house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

- B. It shall have appropriate fencing enclosing all outdoor play areas intended for children, as determined by the Planning Commission. Such fencing shall be at least 54" high and non-climbable in design.
- C. It shall maintain the property consistent with (or better than) the visible characteristics of the neighborhood.
- D. It shall meet all applicable sign regulations in this ordinance.
- E. It shall meet all applicable off-street parking requirements in this ordinance; and in addition shall provide a designated passenger loading/unloading area near a barrier-free entrance to the facility, and a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.
- F. A landscape buffer shall be provided along all property lines that abut a less intense land use and around the perimeters of all parking and loading/unloading areas visible from adjacent properties or streets.
- G. All exterior lighting of entryways, parking spaces, and loading/unloading areas shall be directed and/or hooded so as to not reflect onto adjacent properties or streets.

19. Solar Energy Generating Facility:

A. Permissible Type.

- 1) A ground-mounted type of facility is permissible, subject to the applicable height limitation determined pursuant to subsection B.1) herein.
- 2) A building-mounted type of facility is permissible, subject to the applicable height limitation determined pursuant to subsection B.2) herein.

B. Height.

- 1) The total height of a ground-mounted facility shall not exceed the maximum building or structure (roof) height requirement for, as applicable, a principal building/structure or an accessory building/structure in the US 131 District, as specified in Article 20 of this Ordinance (Schedule of Lot, Yard and Area Requirements).
- 2) The total height of a building-mounted facility shall not exceed the maximum principal building or structure (roof)



height requirement in the US 131 District, as specified in Article 20 of this Ordinance (Schedule of Lot, Yard and Area Requirements).

- C. Setback/Location. The facility shall comply with all minimum setbacks for principal buildings/structures in the US 131 District as specified in Article 20 of this Ordinance. Where the facility occupies land immediately adjacent to a Residential District, the facility shall also have a screening area separating the facility from the adjoining residential district, as required by Section 4.11 of this Ordinance or as otherwise determined by the Planning Commission to be appropriate pursuant to the standards for special land use approval specified in Section 23.3 of this Ordinance and/or the standards for site plan approval as specified in Section 24.6.2 of this Ordinance.
- D. Construction Codes. The facility and all foundation elements shall comply with all applicable building and electrical code requirements, and any applicable federal/state regulations. The manufacturer's engineer or another qualified engineer shall provide written certification that the design, installation (including foundations), and interconnection is compliant with the manufacturer and industry standards, all applicable local construction and electrical codes, and any applicable federal/state regulations.
- E. Off-Site Impacts. All facility installations (collector panels and other components) shall adhere to the following requirements to reduce the potential impact to the occupants of adjoining properties and the general public:
  - 1) collector panels and other components shall be designed and maintained with an anti-reflective coating.
  - 2) collector panels, whether stationary or in a tracking array, shall be oriented to not direct glare onto any adjoining property or any public roadway.
  - 3) the facility shall otherwise be designed and operated so as to not produce glare sufficient to create private or public nuisance conditions.
  - 4) the facility shall not be illuminated or have lighting of any kind, except as may be approved by the Planning Commission pursuant to the standards for special land use approval specified in Section 23.3 of this Ordinance and/or the standards for site plan approval as specified in Section 24.6.2 of this Ordinance.

- 5) the facility shall not display lettering, company insignia, advertising, or graphics of any kind on any part of the generating structures; except non-obtrusive lettering and/or insignia intended to identify the manufacturer in such a manner as to not be visible from any adjoining property or adjoining public right-of-way.
- F. Site Access/Security: The interconnection of the facility to the utility grid shall be secure from unauthorized access by security fencing or by locating it in a secure building. The applicant may propose and/or the Planning Commission may require fencing of the entire site, which shall be determined by the Planning Commission during the special land use or site plan review process on a site-specific basis; provided that any such fencing shall comply with applicable provisions of this Ordinance, including as specified in Section 22.1.5.C-E.
- G. Maintenance and Removal: The facility shall be properly maintained in accordance with the manufacturer's recommendations and so as to be operable as designed. The facility shall be dismantled and removed (including all foundation elements for a ground-mounted facility) within 180 days after either being nonoperational or otherwise out-of-service for generating electricity for a continuous period of at least 180 days, or upon not being properly maintained for at least 30 days. Upon removal of a building-mounted facility all structural support elements for the facility shall be removed from the building. Upon removal of a ground-mounted facility the site shall be appropriately reclaimed, stabilized, and revegetated.
- H. Pre-installation Administrative Review and Zoning Compliance: Before beginning any on-site work associated with the installation of a solar energy generating facility the owner of the premises shall submit to the Zoning Administrator sufficient documentation of compliance with all of the requirements of this Ordinance, including the special land use and site plan approvals granted by the Planning Commission.

## ARTICLE 24

### SITE PLAN REVIEW

- 24.1 PURPOSE: The intent of these Ordinance provisions is to provide for consultation and cooperation between the land developer and the Township Planning Commission in order that the developer may accomplish his objectives in the utilization of his land in accordance with the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and on existing and future land uses in the immediate area and vicinity.
- 24.2 USES SUBJECT TO SITE PLAN REVIEW: Except as provided in Section 24.12 of this ordinance with respect to the matters subject to administrative site plan review, as designated therein, the following uses shall not be conducted upon any land or in any building/structure, nor shall a building permit be issued for the construction of a building/structure associated with such uses, until a site plan has been submitted to, reviewed, and approved by the Planning Commission in accordance with the provisions of this ordinance pertaining to final site plans:
1. Special land uses.
  2. All office and commercial buildings and developments.
  3. Multiple family dwellings.
  4. Industrial buildings or developments.
  5. Mobile home parks.
  6. Multi-lot residential developments, including site condominium projects.
  7. Any other land use or activity subject to a site plan approval requirement pursuant to any provision of this ordinance.
- 24.3 PRELIMINARY SITE PLAN REVIEW: Preliminary sketches of site and development plans may be submitted to the Planning Commission. The purpose of this optional preliminary site plan opportunity is to allow discussion between the developer and the Planning Commission as to site, building, and general requirements; to allow the developer to become acquainted with the mandatory final site plan review process; and to investigate the feasibility of the project prior to extensive engineering plans being prepared for the final site plan review procedure. This preliminary site plan review opportunity is also especially advisable if the applicant intends to ask for a waiver of any of the final site plan content requirements imposed by Section 24.4 of this Ordinance, as only the Planning Commission has authority to waive such content requirements, in certain circumstances, as addressed at the end of Section 24.4. All preliminary site plan submittals shall include at least the following:

1. The name and address of applicant. If a corporation, the name and address of the officers thereof. If a partnership, the names and addresses of each partner.
2. Legal description of the property.
3. Drawings showing tentative plans.

24.4 FINAL SITE PLAN APPLICATION CONTENT: All final site plan review applications shall include, in addition to 1 and 2 above, all the following (except where an item of content is clearly only applicable to a specified type of land use, such as item 11):

1. The date, north arrow and scale [the scale shall be not less than one inch equals twenty feet for property under three acres and at least one inch equals one hundred feet for those three acres or more].
2. All lot and/or property lines are to be shown and dimensioned, including building setback lines.
3. The location and height of all existing and proposed structures on and within one hundred feet of the subject property.
4. The location and dimensions of all existing and proposed drives and aisles, sidewalks, curb openings, signs, exterior lighting, parking spaces, loading and unloading areas, outdoor display and storage areas, and recreation areas, etc.
5. The location of the pavement and right-of-way width of all abutting roads, streets or alleys.
6. The name and firm address of the professional individual responsible for the preparation of the site plan (including imprint of professional seal, if any).
7. The name and address of the property owner or petitioner.
8. The location of all rubbish receptacles and landscaping and the location, height and type of fences and walls.
9. The size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems, if available.
10. The location of all fire hydrants.
11. (for mobile home parks) The lot size, setbacks, trailer pads, patios, and complete park layout.
12. The location and dimensions of all existing and proposed interior and exterior areas and structures (including above or below ground storage tanks) to be used for the collection, storage, use, loading/unloading, recycling, or disposal

of any chemicals, fuels, flammable materials, contaminated stormwater or washwater, or hazardous materials.

13. The location of all existing and proposed floor drains.
14. The location and size of all existing and proposed exterior drains, drywells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport storm water, including the point of discharge for all associated drains and pipes.
15. A property survey by registered surveyor.
16. The existing and proposed contour shall be shown on all site plans [two foot intervals, minimum].
17. The location of all lakes, streams, wetlands, county drains, and other waterways abutting or within 100 feet of the subject property.
18. The front, side and rear elevations for all new buildings on the property. Also, with respect to site plans involving multiple-family dwellings, either floor plans for all such buildings or information which is otherwise sufficient to show compliance with the applicable minimum gross floor area per dwelling unit square footage requirement. (Complete floor plans are optional with respect to other types of developments subject to site plan review, but may be required by the Planning Commission where deemed necessary to properly evaluate compliance with the criteria for site plan approval.)
19. A description of the operation proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, land pollution, fire or safety hazards, or the emission of all potentially harmful or obnoxious matter or radiation.
20. Engineering and architectural plans for the treatment and disposal of sewage and industrial waste tailings and unusable by-products.
21. The proposed number of shifts to be worked and the maximum number of employees on each shift.
22. Any other information deemed necessary by the Township Planning Commission.

The Planning Commission may waive any of the above enumerated required items of content for a final site plan if the Commission determines the item of content either does not apply to the proposed use, or is otherwise unnecessary to evaluate the use for which approval is sought-pursuant to the site plan approval standards specified in Section 24.6 of this ordinance.

#### 24.5 FINAL SITE PLAN SUBMITTAL AND REVIEW SCHEDULING PROCEDURES:

1. The applicant shall file the site plan and all related information with the Zoning Administrator (or other designee of the Planning Commission), and pay any applicable fee. This filing shall be sufficiently in advance of the Planning Commission meeting at which the applicant would like to have the site plan reviewed as to allow the Zoning Administrator adequate time to review the filing and timely comply with subsections 2-4 below.
2. The Zoning Administrator (or other designee of the Planning Commission) shall initially review the site plan and all related information submitted by the applicant for "administrative completeness", and shall identify all concerns relating to the ordinance criteria for approval of the site plan.
3. A site plan which is determined by the Zoning Administrator (or other designee of the Planning Commission) to be administratively incomplete shall not be distributed to the Planning Commission or placed on the agenda of a Planning Commission meeting.
4. When the Zoning Administrator (or other designee of the Planning Commission) has determined a site plan to be administratively complete the applicant shall supply the Zoning Administrator with 9 copies of the administratively complete site plan and all related information (or such other number of copies as the Zoning Administrator may require). The Zoning Administrator shall distribute a copy of the site plan and all related information submitted by the applicant, and the Administrator's report on same, to each member of the Planning Commission no later than 5 days prior to the Planning Commission meeting at which the site plan is scheduled to be reviewed. The Zoning Administrator shall retain 1 copy of the administratively complete site plan and all related information submitted by the applicant, and shall file 1 copy of same with the Township office to be available for public examination.

#### 24.6 FINAL SITE PLAN REVIEW AND APPROVAL/APPROVAL CONDITIONS:

1. Prior to reviewing or acting on a site plan the Planning Commission may, in its discretion, request comments and recommendations on the site plan from the Township Planner, the Township Engineer, the Township Fire Chief/Fire Marshall, the Township Building Official, and such other parties as the Planning Commission may, in its discretion, determine to be advisable or necessary with respect to a particular site plan.
2. Standards for Final Site Plan Review:  
  
The Planning Commission shall review and approve a site plan, or approve a site plan with conditions, upon a finding that all of the following standards are met:

- A. The proposed use will not have a harmful effect on the surrounding neighborhood development. Fencing, walls and/or landscaping may be required as a screening device to minimize adverse affects upon surrounding development.
- B. There is a proper relationship between the major thoroughfares and proposed service drives, driveways and parking areas so as to insure the safety and convenience of pedestrian and vehicular traffic.
- C. The adverse effects resulting from the locations of buildings and accessory structures will be minimized to the occupants of adjacent properties.
- D. The proper development of roads, easements and utilities has been provided to protect the general health, safety and welfare of the citizens of the Township.
- E. The natural features of the landscape, such as ponds, streams, hills, wooded areas, etc. shall be retained where they afford a barrier or buffer between adjoining properties being put to different use.
- F. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
- G. All areas and structures where chemicals, fuels, flammable materials, contaminated stormwater or washwater, or hazardous materials are to be collected, stored, used, loaded/unloaded, recycled, generated or disposed of have been designed and located to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers and wetlands, except as may be specifically permitted by a state or federal governmental agency.
- H. All floor drains have been approved by the responsible governmental agency for connection to an on-site closed holding tank, or, where appropriate, to a septic system or public sewer system, or regulated through a State of Michigan groundwater discharge permit.
- I. The height and location of all portions of buildings and structures are accessible to available emergency personnel.
- J. The proposed development will comply with all applicable provisions of this ordinance, and other applicable ordinances, laws, rules, and regulations.

The Planning Commission shall not approve a site plan if any part of the site plan or the intended use or development of the subject property does not comply with all the preceding standards.

3. Site Plan Approval Conditions/Performance Guarantee:

The Planning Commission is authorized to impose conditions on the approval of a final site plan to the same extent it is authorized to impose conditions on the approval of a special land use, as prescribed in Section 23.4 of this ordinance; and may also require a performance guarantee as prescribed in that section.

24.7 MODIFICATIONS: The Planning Commission may approve a final site plan contingent upon the modification of the site plan as discussed with the applicant and as specified in the Planning Commission's approval action. In such circumstances the final site plan approval shall not be effective until a new original of the approved site plan, with the required modifications, has been filed with and verified by the Zoning Administrator. Notwithstanding the foregoing, the Planning Commission shall in no case approve a site plan subject to variance relief being granted by the Zoning Board of Appeals. If a proposed site plan cannot be approved without variance relief the Planning Commission shall disapprove the site plan; or, in the alternative, may table any substantive action on the site plan until the applicant has determined whether to apply to the Zoning Board of Appeals for the pertinent variance relief, and any such application has been decided by the Zoning Board of Appeals.

24.8 CONFORMITY TO APPROVED SITE PLAN/AMENDMENTS OF APPROVED SITE PLAN: Property which is the subject of site plan approval shall be developed in strict conformity with the final site plan for that property as approved by the Planning Commission, including any site plan modifications approved by the Planning Commission, and any conditions imposed on the site plan approval. Any proposed amendment to a final site plan approved by the Planning Commission shall be subject to review and approval pursuant to the same submittal and review procedures as would apply to a new final site plan, unless the proposed site plan amendment qualifies for consideration pursuant to the administrative site plan review process as specified in Section 24.12 of this ordinance.

24.9 FEES: Any application for site plan approval, or administrative site plan review, shall be accompanied by a fee as may be determined from time to time by the Township Board.

24.10 REVOCAION: Any site plan approval may be revoked when the construction of said development is not in conformance with the approved plans, in which case the Township Planning Commission shall give the applicant notice of intention to revoke such approval at least fifteen days prior to review by the Planning Commission. After conclusion of such review, the Planning Commission may revoke its approval



of the development if the Commission determines that a violation in fact exists and has not been remedied prior to such hearing.

24.11 TERM OF APPROVAL: A site plan approval shall be valid for a period of one year. One six-month time extension may be granted after complete review of the application by the Planning Commission. At the end of the six-month extension, if no building permit has been obtained and on-site development actually begun, the site plan approval becomes void, and the developer shall submit a new application for approval.

24.12 ADMINISTRATIVE SITE PLAN REVIEW: The following administrative site plan review (ASPR) process shall apply in the circumstances and to the extent specified in this section, as an alternate to the generally applicable final site plan review process specified in this Article.

1. Projects eligible for ASPR. A project is eligible for the ASPR process only with respect to any of the following changes to an existing development:
  - A. A reduction of the size of an existing building or structure.
  - B. An expansion of an existing building or structure, not exceeding 25% of the existing square footage, and not exceeding a cost of \$40,000.
  - C. The internal rearrangement of a parking lot and/or parking spaces, where the total number of parking spaces is neither increased nor decreased, and there is no alteration of the access location or design.
  - D. The relocation of an existing building or structure, where all setback and yard location requirements are met.
  - E. Other similar changes of a minor nature which the Zoning Administrator, upon consultation with the Planning Commission Chairperson, determines will not materially affect the character or intensity of use, vehicular or pedestrian circulation, drainage patterns, or the demand for public services; will not have any adverse affect on adjacent or nearby property or the use thereof; and will not have any adverse affect on the health, safety, or welfare of the general public.

The ASPR process shall not apply if any of the above-listed circumstances involve any of the following:

- A new building or structure.
- A new or altered access to the site.
- A change in use and/or a new use.

- A variance from any provision of the Zoning Ordinance is required; or the project fails to comply with any applicable provision of this Ordinance, or any other applicable ordinance regulation or law.
2. **ASPR Process.** The Zoning Administrator, after consultation with the Planning Commission Chairperson, may determine whether a proposed project is eligible for the ASPR process and may be granted site plan approval pursuant to that process. The Zoning Administrator shall refer to the Planning Commission for review and approval consideration pursuant to the preceding sections of this Article pertaining to final site plan review any proposed project for which the Planning Commission Chairperson has not recommended approval pursuant to the ASPR process. In addition, the Zoning Administrator shall have discretion to decline applying the ASPR process to an eligible project, and instead refer such project to the Planning Commission for review and approval consideration pursuant to the preceding sections of this Article pertaining to final site plan review.
  3. **Review and Approval Criteria.** The Zoning Administrator shall review and determine whether to approve a project eligible for the ASPR process pursuant to the criteria specified in Section 24.6, subsection 2 of this Ordinance and all other applicable provisions. The Zoning Administrator may require the applicant to submit such information pursuant to the final site plan application content requirements of Section 24.4 of this Ordinance as the Zoning Administrator deems necessary to properly review the project pursuant to the ASRP process.
  4. **Significance of Approval Pursuant to ASPR Process.** A project approved by the Zoning Administrator pursuant to the ASPR process shall be considered to have site plan approval, subject to sections 24.7-24.11 of this Ordinance.

## ARTICLE 25

### SIGN REGULATIONS

- 25.1 PURPOSE AND INTENT: The purpose of this Article is to regulate and limit the construction and reconstruction of various types of signs, including billboards, to protect the public health, safety, and general welfare. These regulations are therefore designed to restrict or prohibit signs which would, by reason of their size, location, construction or manner of display, endanger life or property, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise be inconsistent with other allowed land uses or contrary to the public welfare.
- 25.2 DEFINITIONS: For purposes of this Article, the following words and terms shall have the meanings hereinafter set forth in this Section.
1. Accessory Sign: A secondary sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.
  2. Area (Surface Area): The entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of one side of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area. If a sign is designed to have matter displayed on more than one side, and the surface area of all sides is not equal, the side with the greatest surface area shall be used to calculate the surface area of the sign for purposes of this Article.
  3. Billboard: Any outdoor sign, or portion thereof, including the wall of any building, advertising a business, service, product, activity, person, or event, which is not made, produced, assembled, stored, distributed, leased, sold, or conducted on the premises upon which the sign is located.
  4. Advertising Sign: Any sign, or portion thereof, including the wall of any building, advertising a business, service, product, activity, person, or event, which is made, produced, assembled, stored, distributed, leased, sold, or conducted on the premises upon which the sign is located.
  5. Identification Sign: A sign that only identifies the name and street address of the owner or resident of premises.
  6. Number (of Signs): Except as otherwise provided in this Article with respect to Billboards, for the purpose of determining the permitted number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without recognized relationship of

elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

7. Real Estate Sign: A sign advertising the sale, rental or leasing of the land or buildings upon which the sign is located, or buildings under construction and intended for sale, rental or leasing upon completion of construction.
8. On-Premises: This term refers to a sign whose message relates to a business, service, commodity, or profession lawfully being conducted, sold or offered on the premises upon which the sign is situated.
9. Off-Premises: This term refers to a sign whose message relates to a business, service, commodity, or profession lawfully being conducted, sold or offered on premises other than that upon which the sign is situated.
10. Illuminated (or Illumination): These terms refer to any artificial means of lighting, either directly or indirectly, any portion of a sign.
11. Election/Campaign Signs: Signs advertising candidates for any public office, or soliciting votes in support of or against any ballot proposition or issue, at any general, primary, special, school or other election. These types of signs shall, by their nature, also be considered "Temporary"; provided, however, that permanent Billboards advertising such political matters shall not constitute an Election/Campaign sign for purposes of this Article.
12. Free-Standing Sign: A sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.
13. Portable Sign: A type of free-standing sign not permanently anchored or secured to either a building or the ground, including a sign mounted on a moveable trailer or other conveyance.
14. Temporary Sign: A type of sign which may or may not have a structural frame, and which because of its function, such as advertising seasonal produce sales, holiday or civic events, political candidates or issues, or other short-term matters, is not intended or usually designed to be permanent.
15. Wall Sign: A sign which is attached directly to or painted upon a building wall or window.
16. Institutional Bulletin Board: A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center or similar institution, and the announcement of its institutional services or activities.
17. Subdivision Sign: A sign placed at the primary entrance to a subdivision or other similar type of housing development, containing information only about that development.

- 25.3 SIGNS ALLOWED/PROHIBITED: Signs are allowed to be located according to the zoning district in which they are situated in accordance with the provisions of this Article pertinent to the particular zoning district, in accordance with Section 25.14 governing signs allowed in all zoning districts, and further in accordance with the General Provisions section of this Article governing certain aspects of signs in all zoning districts. A sign not expressly allowed in a specific zoning district or generally allowed in all zoning districts pursuant to this Article is prohibited.
- 25.4 SIGNS IN THE AG AGRICULTURAL DISTRICTS: The following types of signs are allowed in the AG Agricultural Districts, provided that the height of any such allowed signs shall not exceed five feet above (1) the grade of the ground on which the sign sits or (2) the grade of the abutting roadway, whichever is greater; such signs, including all supporting members and overhangs, shall be set back a minimum of five feet from the adjoining street right-of-way line; and such signs shall be situated, with respect to side lot lines, so as to be placed within the middle 1/3 of the street frontage of the parcel upon which the sign is erected:
1. One non-illuminated Identification Sign per dwelling unit, not exceeding one square foot in area.
  2. One or more signs that serve only to identify the name of a farm, farm owner, types of crops, or types of livestock produced thereon, not exceeding an aggregate total of eight square feet for all such signs pertaining to the same farm or farm parcel.
  3. One on-premises Institutional Bulletin Board per Institutional or Public Use, not exceeding 32 square feet in area.
  4. One Temporary Sign per lot advertising for sale produce raised on the premises, not exceeding 32 square feet in area.
  5. One on-premises Advertising Sign per lot, not exceeding 32 square feet in area, relating to a conforming non-residential use on the premises (except as further limited by subsection 6 below).
  6. One non-illuminated nameplate sign not exceeding three square feet in area and containing only the name and occupation/business of a home-based business activity lawfully conducted on the premises.
- 25.5 SIGNS IN THE RR RURAL RESIDENTIAL DISTRICT: The following types of signs are allowed in the RR Rural Residential District, provided that the height of any such allowed signs shall not exceed five feet above (1) the grade of the ground on which the sign sits or (2) the grade of the abutting roadway, whichever is greater; such signs, including all supporting members and overhangs, shall be set back a minimum of five feet from the adjoining street right-of-way line; and such signs shall be situated, with respect to side lot lines, so as to be placed within the middle 1/3 of the street frontage of the parcel upon which the sign is erected:

1. Those signs allowed in the AG Agricultural Districts pursuant to Section 25.4 of this Ordinance.
2. Two on-premises Subdivision Signs, placed at the primary entrance to a subdivision, each not exceeding 16 square feet in area; or, in the alternative, one such sign not exceeding 32 square feet in area.

25.6 SIGNS IN THE R-1 MEDIUM DENSITY RESIDENTIAL DISTRICT, AND THE R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT: The following types of signs are allowed in the R-1 Medium Density Residential District, and the R-2 Medium Density Residential District, provided that the height of any such allowed signs shall not exceed five feet above (1) the grade of the ground on which the sign sits or (2) the grade of the abutting roadway, whichever is greater; such signs, including all supporting members and overhangs, shall be set back a minimum of five feet from the adjoining street right-of-way line; and such signs shall be situated, with respect to side lot lines, so as to be placed within the middle 1/3 of the street frontage of the parcel upon which the sign is erected:

1. One non-illuminated Identification Sign per dwelling unit, not exceeding one square foot in area.
2. One non-illuminated nameplate sign not exceeding three square feet in area and containing only the name and occupation/business of a home-based business activity lawfully conducted on the premises.
3. Two on-premises Subdivision Signs, placed at the primary entrance to a subdivision, each not exceeding 16 square feet in area; or, in the alternative, one such sign not exceeding 32 square feet in area.

25.7 SIGNS IN THE R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT: The following types of signs are allowed in the R-3 Medium Density Residential District, provided that the height of any such allowed signs shall not exceed five feet above (1) the grade of the ground on which the sign sits or (2) the grade of the abutting roadway, whichever is greater; such signs, including all supporting members and overhangs, shall be set back a minimum of five feet from the adjoining street right-of-way line; and such signs shall be situated, with respect to side lot lines, so as to be placed within the middle 1/3 of the street frontage of the parcel upon which the sign is erected:

1. Those signs allowed in the R-1 and R-2 Districts pursuant to Section 25.6 of this Ordinance, except as may be otherwise provided in this Section.
2. One on-premises Identification Sign per multiple family dwelling development, placed at the primary entrance to the development, and not exceeding 32 square feet in area.
3. One on-premises Advertising Sign per lot, not exceeding 32 square feet in area, relating to a conforming non-residential use on the premises, placed at the primary entrance to the use.

25.8 SIGNS IN THE R-4 MANUFACTURED HOUSING COMMUNITY RESIDENTIAL DISTRICT: The following types of signs are allowed in the R-4 Manufactured Housing Community Residential District, provided that the height of any such allowed signs shall not exceed five feet above (1) the grade of the ground on which the sign sits or (2) the grade of the abutting roadway, whichever is greater; such signs, including all supporting members and overhangs, shall be set back a minimum of five feet from the adjoining street right-of-way line; and such signs shall be situated, with respect to side lot lines, so as to be placed within the middle 1/3 of the street frontage of the parcel upon which the sign is erected:

1. One non-illuminated Identification Sign per dwelling unit, not exceeding one square foot in area.
2. One on-premises Institutional Bulletin Board per Institutional Public Use, not exceeding 32 square feet in area.
3. Two on-premises signs identifying or containing information only about the mobile home park, placed at the primary entrance to the mobile home park, and not exceeding 16 square feet in area; or, in the alternative, one such sign not exceeding 32 square feet in area.
4. One non-illuminated nameplate sign not exceeding three square feet in area and containing only the name and occupation/business of a home-based business activity lawfully conducted on the premises.

25.9 SIGNS IN THE C/R CAMPGROUND AND RECREATION DISTRICT: The following types of signs are allowed in the C/R Campground and Recreation District, provided that the height of any such allowed signs shall not exceed five feet above (1) the grade of the ground on which the sign sits or (2) the grade of the abutting roadway, whichever is greater; such signs, including all supporting members and overhangs, shall be set back a minimum of five feet from the adjoining street right-of-way line; and such signs shall be situated, with respect to side lot lines, so as to be placed within the middle 1/3 of the street frontage of the parcel upon which the sign is erected:

1. Two on-premises signs identifying or containing information only about a campground or seasonal mobile home park upon the premises, placed at the primary entrance to same, and not exceeding 16 square feet in area; or, in the alternative, one such sign not exceeding 32 square feet in area.
2. One on-premises Advertising Sign per lot, not exceeding 32 square feet in area, and relating to a conforming non-residential use on the premises, placed at the primary entrance to the use.

25.10 SIGNS IN THE P/RU PUBLIC/RECREATIONAL USE DISTRICT: The following types of signs are allowed in the P/RU Public/Recreational Use District:

1. One on-premises Institutional Bulletin Board per Institutional Public Use, not exceeding 32 square feet in area.

25.11 SIGNS IN THE LC LOCAL COMMERCIAL DISTRICT: The following types of signs are allowed in the LC Local Commercial District:

1. One on-premises Advertising Sign per lot, complying with the following requirements:
  - A. The total sign area shall not exceed 80 square feet; provided, however, that the maximum sign area shall be 125 square feet for conforming lots fronting on Portage Road.
  - B. The height of the sign shall not exceed 20 feet above (1) the grade of the ground on which the sign is situated or (2) the grade of the abutting roadway, whichever is higher.
  - C. The sign, including all supporting members and overhangs, shall be set back a minimum of five feet from the adjoining street right-of-way line.
  - D. The sign shall be situated, with respect to side lot lines, so as to be placed within the middle 1/3 of the street frontage of the parcel upon which the sign is erected; provided the Planning Commission may approve a different placement determined to be in accordance with the purpose and intent of this Ordinance and this Article, and all relevant criteria for site plan approval in Section 24.6 of this Ordinance.
2. In addition, not more than five accessory signs, including wall signs, are allowed for on-premises advertising, complying with the following requirements:
  - A. The combined area of all such accessory signs shall not exceed 100 square feet, or, in the case of wall signs, 15% of the total area of the wall to which the signs are attached, not to exceed 100 square feet; provided, however, in cases where a commercial building houses multiple business enterprises each of which exclusively occupies a distinct portion of the building accessed by a separate entrance, each such separate business enterprise shall be allowed wall signs covering not more than 15% of the total front wall space pertaining to such business entity, not to exceed 100 square feet.
  - B. All wall signs shall project no more than 18 inches from the wall, and shall be no less than eight feet above the abutting grade.
  - C. Free-standing or portable accessory signs (not wall signs) shall comply with the height, setback and placement requirements



applicable to the primary Advertising Sign allowed pursuant to subsection 1 of this section.

3. One secondary on-premises free standing Advertising Sign on the premises of an automobile sales agency for the sale of new and used cars fronting on Portage Road, with a total sign area not exceeding 80 square feet and otherwise complying with the height, setback and locational requirements specified in subsection 1.B.-D. of this Section.

25.12 SIGNS IN THE LI LOCAL INDUSTRIAL DISTRICT: The following types of signs are allowed in the LI Local Industrial District:

1. One on-premises Advertising Sign per lot, complying with the following requirements:
  - A. The total sign area shall not exceed 80 square feet; provided, however, that the maximum sign area shall be 125 square feet for conforming lots fronting on Portage Road.
  - B. The height of the sign shall not exceed 20 feet above (1) the existing/natural grade of the ground on which the sign is situated or (2) the grade of the abutting roadway, whichever is higher; provided, however, that the maximum height as determined herein shall be 30 feet for conforming lots fronting on Portage Road.
  - C. The sign, including all supporting members and overhangs, shall be set back a minimum of five feet from the adjoining street right-of-way line.
  - D. The sign shall be situated, with respect to side lot lines, so as to be placed within the middle 1/3 of the street frontage of the parcel upon which the sign is erected; provided the Planning Commission may approve a different placement determined to be in accordance with the purpose and intent of this Ordinance and this Article, and all relevant criteria for site plan approval in Section 24.6 of this Ordinance.

25.13 SIGNS IN THE US 131 CORRIDOR BUSINESS DISTRICT: The following types of signs are allowed in the US 131 Corridor Business District:

1. One on-premises Advertising Sign per lot, complying with the following requirements:
  - A. The total sign area shall not exceed 80 square feet; provided, however, that the maximum sign area shall be 125 square feet for conforming lots fronting on US 131.
  - B. The height of the sign shall not exceed 20 feet above (1) the

existing/natural grade of the ground on which the sign is situated or (2) the grade of the abutting roadway, whichever is higher; provided, however, that the maximum height as determined herein shall be 30 feet for conforming lots fronting on US 131.

- C. The sign, including all supporting members and overhangs, shall be set back a minimum of five feet from the adjoining street right-of-way line.
  - D. The sign shall be situated, with respect to side lot lines, so as to be placed within the middle 1/3 of the street frontage of the parcel upon which the sign is erected; provided the Planning Commission may approve a different placement determined to be in accordance with the purpose and intent of this Ordinance and this Article, and all relevant criteria for site plan approval in Section 24.6 of this Ordinance.
- 2. One secondary on-premises free standing Advertising Sign on the premises of an automobile sales agency for the sale of new and used cars fronting on US 131, with a total sign area not exceeding 80 square feet and otherwise complying with the height, setback and locational requirements specified in subsection 1.B.-D. of this Section.
  - 3. In addition, not more than five accessory signs, including wall signs, are allowed for on-premises advertising, pursuant to Section 25.11.2 of this Ordinance.
  - 4. Billboards shall be allowed on conforming lots fronting on US 131, in accordance with the following regulations:
    - A. Not more than three billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the same street or highway. The linear mile measurement shall not be limited to the boundaries of Schoolcraft Township where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) or stacked billboard faces (i.e., two parallel billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection B. below.

- B. No billboard shall be located within 1,000 feet of another billboard abutting either side of the same street or highway.
- C. No billboard shall be located within 200 feet of a residential zone and/or existing residence, church, or school. If the billboard is illuminated, this required distance shall instead be 300 feet.
- D. No billboard shall be located closer than 5 feet from a property line adjoining a public right-of-way or 3 feet from any interior boundary lines of the premises on which the billboard is located.
- E. The surface display area of any side of a billboard shall not exceed 300 sq. feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces shall not exceed 300 sq. feet.
- F. The height of a billboard shall not exceed 25 feet above (1) the grade of the ground on which the billboard sits or (2) the grade of the abutting roadway, whichever is higher.
- G. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
- H. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- I. A billboard established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended. In the event of a conflict between the applicable provisions of said Act and the applicable provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

25.14 SIGNS ALLOWED IN ALL ZONING DISTRICTS: The following types of signs shall be allowed in all zoning districts, subject to the lighting, maintenance and locational regulations in Section 25.15 of this Ordinance, and any other applicable laws:

- 1. Flags and insignia of any government, except when displayed in connection with commercial promotion.
- 2. Legal notices posted by any governmental body.

3. Identification, informational or directional signs, or other types of signs lawfully erected or required by any governmental body including, but not limited to, the State of Michigan, Kalamazoo County or Schoolcraft Township.
4. Governmental use signs erected by governmental bodies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, governmental buildings, or other public places.
5. Signs directing and guiding traffic and parking on private property, including private off-street parking areas open to the public, provided any such sign does not exceed four square feet in area, and is limited to traffic control functions, and bears no advertising matter.
6. Historic signs designating sites recognized by the State of Michigan as Centennial Farms or Historic Landmarks, provided any such sign does not exceed 16 square feet in area.
7. Signs posted to control or prohibit trespassing, hunting or fishing upon private property or public property.
8. Essential service signs designating utility lines, railroad lines, hazards, or precautions, properly erected and placed by a public or private utility company or railroad, or a governmental entity.
9. Headstones and monuments in public or lawfully established private cemeteries, and memorial signs or tablets which are either (1) cut into the face of a masonry surface, or (2) constructed of bronze or other incombustible materials and located flat on the face of a building.
10. Banners and similar devices erected by a governmental entity to advertise a public event or civic function sponsored by a governmental entity.
11. Temporary Election/Campaign signs.
12. One Real Estate Sign per lot, located on-premises only while the premises are actually on the market for sale, rent or lease, and not exceeding eight square feet in area; provided, however, that on a corner lot or lot with more than 330 feet of road frontage, more than one Real Estate Sign is allowed so long as the aggregate total of all such signs does not exceed eight square feet in area.
13. Temporary construction signs designating architects, engineers, or contractors in conjunction with construction work under construction, not exceeding one per project of no more than eight square feet for single family dwelling and two-family dwelling construction projects, and not exceeding 32 square feet in area for all other types of construction projects.
14. Signs or other special decorative displays used for holidays, public

demonstrations, or promotion of civic welfare or charitable purposes, only when authorized by the Zoning Administrator, based upon the following standards:

- A. The size, character and nature of the sign or display shall be compatible with the nature of the matter being promoted.
  - B. The duration or time period during which the sign or display will be utilized shall be reasonably related to the nature of the matter being promoted and the proper promotion of same. Arrangement shall be made for the prompt removal of the sign or display after the conclusion of the matter being promoted.
  - C. The sign or display shall not affect light or air circulation for lots which are either adjoining or in the surrounding neighborhood of the proposed sign or display.
  - D. The sign or display shall not constitute a traffic hazard.
  - E. The sign or display shall not have an adverse or detrimental impact on adjoining lots or the surrounding neighborhood.
15. One temporary auction or garage sale/yard sale sign located on the premises where such a sale is lawfully being conducted, only while the sale is in progress, and not exceeding 8 square feet in area.

25.15 GENERAL PROVISIONS AND REQUIREMENTS: The following provisions and requirements shall be applicable to all types of signs in all zoning districts, unless specifically stated to the contrary in this Article:

- 1. No free-standing Advertising Sign or Billboard shall be erected without a permit for same being first obtained from the Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this Ordinance and payment of the required fee. Fees for such permits shall be established from time to time by motion or resolution of the Township Board, with the amount of such fees being reasonably related to the costs to the Township of administering the portions of this Ordinance and any other ordinances applicable to such signs.
- 2. No sign shall be erected at any location where, by reason of position, size, shape or color, it may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device, or so as to interfere with, mislead or confuse vehicular or pedestrian traffic.
- 3. No rotating beam, beacon or flashing illumination shall be used in connection with any sign. Signs with an electronic or non-electronic changeable display are permissible, subject to the limitations in this section and all other applicable requirements in this Article.

4. Subject to the preceding restriction, signs may be illuminated unless prohibited by another Section of this Article applicable to a particular type of sign; where illumination is allowed, such illumination shall be concentrated on the surface of the sign, and the source of illumination shall be designed and located so as to avoid glare or reflection on to any portion of an adjacent street, the path of on-coming vehicles, or any adjacent premises.
5. All signs shall be designed and constructed in such a manner as to withstand all wind and other weather conditions normally expected to occur in the area. All signs shall be properly maintained and repaired so as to assure proper alignment of structure, continued structural soundness, and continued readability of message, and also so as to not become unsightly or dilapidated in appearance or function through disrepair or exposure to the elements.
6. Temporary signs shall be promptly removed from view of public roadways and adjoining properties when the event or matter to which they pertained has been concluded.
7. All lawful nonconforming signs and sign structures shall be subject to the regulations governing nonconforming uses and nonconforming structures set forth in Article 27 of this Ordinance.

## ARTICLE 26

### PARKING AND LOADING SPACES

- 26.1 GENERAL OFF-STREET PARKING REQUIREMENT. In all zoning districts, every property owner shall provide and maintain at all times sufficient off-street parking areas, and the necessary loading and unloading facilities associated thereto, for all the occupants, employees and patrons of all land uses on the property, in accordance with the provisions of this Article. No parking area or space, or loading/unloading facilities which exist at the time this Ordinance becomes effective, or which subsequently is provided for the purpose of complying with the provisions of this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.
- 26.2 PARKING SPACE SIZE AND ACCESS. Each off-street parking space required by this Article or otherwise provided shall be at least nine feet in width and 20 feet in depth, exclusive of access drives or aisles. Handicapped parking spaces shall be provided in accordance with state law. There shall be adequate provision for ingress and egress to all parking spaces.
- 26.3 BUILDING ADDITIONS/OTHER CHANGES. The parking area required by this Article for each land use shall be increased sufficiently to comply with the applicable requirements of this Article whenever an addition is made to an existing building or other changes occur that implicate additional parking space requirements pursuant to this ordinance.
- 26.4 MULTIPLE AND JOINT USE. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various individual uses, computed in accordance with this Article. Parking facilities for one use shall not be considered as providing the required parking facilities for any other use; provided, that requirements for the provisions of parking facilities with respect to two or more property uses of the same or different types may be satisfied by a common parking facility, cooperatively established and operated, which permanently allocates a number of spaces not less than the sum of the requisite number of spaces for each use as provided in this Article.
- 26.5 PROHIBITED DESIGN. All off-street parking areas that make it necessary for any vehicle to back out directly into a public street are prohibited; provided that this requirement shall not be applicable to parking areas on platted lots located in the R-1 Medium Density Residential District.
- 26.6 PARKING SPACES FOR USES NOT SPECIFIED. In the case of a use not specifically mentioned in this Article in the Table of Off-Street Parking Requirements, the applicable requirement for the number of off-street parking spaces shall be the requirement for a use which is so mentioned and which is most similar to the unspecified use, as determined by the Zoning Administrator.

26.7 FRACTIONAL SPACES. When the calculation of the required number of parking spaces pursuant to this Article results in a fractional space, any fraction up to and including one half shall be disregarded, and fractions over one half shall require one parking space.

26.8 REQUIREMENTS FOR PARKING IN AGRICULTURAL AND RESIDENTIAL ZONES. All uses and buildings on premises in the Agricultural Districts or any of the Residential Districts shall comply with the following:

1. The requirements in Sections 26.1 - 26.7 of this Article.
2. The applicable portion of the Table of Off-Street Parking Requirements in Section 26.11.
3. The parking of motor vehicles, except those used for agricultural production in conjunction with an allowed use on the premises, shall be limited to passenger vehicles, including vans and pickup trucks, motor homes, and not more than one commercial vehicle of the light delivery type not exceeding 8,500 pounds of gross vehicle weight (weight of vehicle and load capacity). The parking of any other type of commercial vehicle is prohibited in these zones.
4. All off-street parking spaces required pursuant to this Article shall be located on the same lot as the principal use.
5. All off-street parking spaces shall be at least 5 feet from any property line or street.

26.9 REQUIREMENTS FOR PARKING IN PUBLIC/RECREATIONAL USE ZONE. All uses and buildings on premises in the Public/Recreational Use District shall comply with the parking and loading requirements specified in Section 26.10, except where any provision therein is clearly not applicable in the context of the particular governmental/public use at issue, or would otherwise unreasonably prevent or impede the governmental/public use on the premises zoned for such purposes.

26.10 REQUIREMENTS FOR PARKING IN COMMERCIAL AND INDUSTRIAL ZONES. All uses and buildings on premises in LC Local Commercial District, the LI Local Industrial District, and the US 131 Corridor Business District, shall comply with the following:

1. The requirements of Sections 26.1 - 26.7 of this Article.
2. The applicable portion of the Table of Off-Street Parking Requirements in Section 26.11.
3. All off-street parking facilities required pursuant to this Article shall be



located on the same parcel as the principal use, or on a contiguous lot, which shall include a lot separated from the main lot by a street.

4. All off-street parking spaces shall be at least 10 feet from any property line or street; provided that a common parking facility serving two or more uses on adjoining lots shall not be subject to this setback requirement as to the common property line between such lots.
5. All off-street parking facilities shall be drained so as to prevent run-off on adjacent properties or public streets.
6. Off-street parking areas which adjoin premises situated in a Residential District shall be set back at least 30 feet from all property in that District, and shall be effectively screened by either a dense evergreen planting, fence, or retaining wall, not less than four feet or more than eight feet in height, as determined, with respect to type and height of screening, by the Planning Commission in the site plan review process.
7. Lighting of off-street parking areas shall be designed and arranged so as to reflect the light away from all adjacent residentially used lots, regardless of the zoning district in which such lots are situated.
8. Service or access drives shall be located at least 70 feet from a lot line abutting a residentially used lot, regardless of zoning classification, and at least 10 feet from all other lot lines; provided that a common service or access drive serving two or more uses on adjoining lots shall not be subject to this 10-foot setback requirement as to the common property line between such lots (and may straddle or overlap the common property line pursuant to applicable easements).
9. No ingress or egress to a parking area shall utilize any residential street, other than a side street with no residential lots facing upon it.
10. All off-street parking areas providing space for more than four vehicles shall be hard-surfaced with concrete, plant-mixed bituminous asphalt material, crushed asphalt, brick or concrete pavers set in aggregate base, or grass paver (or equivalent) and maintained in a usable dust-free condition; provided, in the site plan review process the Planning Commission may determine pursuant to the criteria in Section 24.6.2 of this Ordinance to allow some or all of the required off-street parking areas for an "outdoor market" to be gravel or grass-surfaced (but not dirt), and maintained in a dust-free condition.
11. All off-street parking areas providing space for more than four vehicles shall have the individual parking spaces marked on the surface of the parking area; provided, in the site plan review process the Planning Commission may determine pursuant to the criteria in Section 24.6.2 of this Ordinance to allow some or all of the required parking spaces for an "outdoor market" to be unmarked (except for any required barrier-free spaces).

12. Sufficient on-premises loading/unloading space shall be provided in such a manner as to avoid undue interference with public use of the streets or any access aisles for off-street parking areas. For any commercial or industrial use requiring more than four off-street parking spaces pursuant to this Article, the loading/unloading areas shall be conducted in side or rear areas of the building, and shall not in any manner utilize the required off-street parking spaces.
13. No parking area may be constructed, enlarged or altered until the site development plan has been approved by the Planning Commission in accordance with this Ordinance. No parking area shall be occupied or used as a parking area prior to the issuance of an Occupancy Permit for the use which the parking area is intended to serve.

**26.11 TABLE OF OFF-STREET PARKING REQUIREMENTS.** The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above, shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use; provided, however, that notwithstanding the following minimum parking space requirements designated for various land uses, every property owner shall provide and maintain at all times a sufficient number of off-street parking spaces and, where applicable, the necessary loading and unloading facilities associated therewith, for all the occupants, employees and patrons of the property. Thus, depending upon individual circumstances, a greater number of parking spaces may be required in order to comply with this overriding requirement.

<u>USE</u>	<u>NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE</u>
1. <u>Residential</u>	
A. Residential, One Family and Two Family	Three for each dwelling unit
B. Residential, Multiple Family	Two for each dwelling unit
C. Mobile Home Park	Two for each mobile home site and one for each employee
D. Boarding and Rooming House	One for each sleeping room
E. Day care home, family or group; foster care facility	One for each care attendant or employee not residing in the home or facility

2. <u>Institutional and Recreational</u>	
A. Church, Temple, Synagogue	One for each three seats based on maximum seating capacity in the main unit of worship
B. Hospital	One per 600 square feet of gross floor area
C. Sanitarium, Convent, Convalescent or Nursing Home, Children's Home	One per 600 feet of gross floor area
D. Elementary and Junior High School	One for each one teacher and administrator, in addition to the requirements of the auditorium/gym
E. Senior High School	One for each one teacher and administrator and one for each ten students, in addition to the requirements of the auditorium/gym
F. Private Club or Lodge	One for each three hall persons allowed within the maximum occupancy load as established by local, County or State fire, building or health codes
G. Private Golf Club, Swimming Pool Club, Tennis Club, or other similar uses	One for each two member families or individuals
H. Golf Course open to the general public, except miniature or Par 3 course	Ten for each one golf hole; one for each 100 square feet of the clubhouse/pro shop used by customers; and one for each one employee
I. Auditorium, Gymnasium, Indoor Theater, Stadium, Sports Arena or similar place of assembly	One for each three seats or six feet of bench space

3. <u>Business and Commercial</u>	
A. Automobile Service Station	Two for each lubrication stall, rack or pit; and one for each employee
B. Auto Wash	One for each one employee
C. Beauty Parlor or Barber Shop	Three spaces for each of the first two beauty or barber chairs, and one space for each additional chair
D. Child Day Care Center	One for each staff member; and one for each five children (or one for each ten children if adequate drop-off facilities are provided).
E. Drive-in Establishment	One for each 40 square feet of gross floor area, with a minimum of 25 parking spaces
F. Establishment for Sale and Consumption on the Premises of Beverages, Food or Refreshments	One for each 75 square feet of usable floor area, or one for each three person capacity as determined by state fire marshal regulations, whichever is greater; and one for each one employee
G. Furniture and Appliance Household Equipment, Repair Shop, Showroom for Plumber, Decorator, Electrician or Similar Trade, Shoe Repair and other similar uses	One for each 400 square feet of usable floor area
H. Laundromat and Coin Operated Dry Cleaner	One for each three washing machines
I. Miniature Golf Course	Three for each one hole, plus one for each employee
J. Mortuary Establishment	Three for each 100 square feet of gross floor area

K.	Motor Vehicle Sales and Service Establishments, Trailer and Boat Sales and Rental Showrooms	One for each 100 square feet of gross floor area of salesroom
L.	Outdoor Market	Four for each seller/vendor, plus one for each on-site employee of the property owner/hosting business
M.	Retail Store, except as otherwise specified herein	One for each 200 square feet of usable floor area

4.	<u>Offices</u>	
A.	Bank, Savings & Loan Office	One for each 100 square feet of gross floor area
B.	Business Office or Professional Office, except as indicated in the following item (c)	One for each 400 square feet of gross floor area
C.	Medical or Dental Clinic, Professional Offices of Doctor, Dentist or similar professions	One for each 200 square feet of gross floor area

5.	<u>Industrial</u>	
A.	Industrial or Research Establishment	One for each employee in the largest working shift plus adequate visitor parking. Space on-site shall also be provided for all construction workers during periods of plant construction
B.	Wholesale or Warehouse Establishment	One for each employee in the largest working shift plus adequate visitor parking, or one for every 2,000 square feet of gross floor area, whichever is greater

26.12 PARKING VARIATION: Where it can be determined the parking requirements of this Article would provide an excessive amount of parking area for the needs of a particular use, the Planning Commission may approve a site plan with lesser parking area if all the following conditions are present:

1. The maximum number of employees and visitors during any one eight-hour period can be demonstrated to be less than the parking space requirements this ordinance provides for.
2. An agreement to provide additional parking if an increase in employees or visitors shall occur at a future time is made part of this site plan and shall guarantee the availability of such area for future parking through a recorded deed restriction on the property, a copy of which shall be provided to the zoning administrator prior to commencing construction on the site.
3. Site plan approval of lesser requirements shall be valid only for the stated use. Any change in use shall require a new site plan review application.
4. Should the zoning administrator determine that additional parking is required, up to the amount otherwise required by this ordinance, such parking will be constructed within 6 months of written notification from the zoning administrator.
5. Notwithstanding the above conditions, a minimum of 50 percent of the otherwise required parking shall be required for all uses.

## ARTICLE 27

### NONCONFORMING USES, BUILDINGS/STRUCTURES AND LOTS

- 27.1 SCOPE OF REGULATIONS: This Article governs lawfully established nonconforming uses, buildings, structures, and lots, and nothing herein shall be interpreted as authorization for or approval of the initiation, continuance or reestablishment of an unlawful use, building/structure or lot.
- 27.2 CONTINUATION OF NONCONFORMING USES AND BUILDINGS/STRUCTURES: Except where specifically provided to the contrary, and subject to the provisions of this Article, a lawful use, building/structure or lot which is existing and lawful on the effective date of this ordinance, or in the case of an amendment of this ordinance then on the effective date of such amendment, may be continued even though such use, building/structure or lot does not conform with the provisions of this ordinance or applicable amendment thereof. A change in the ownership, tenancy or occupancy of a use, building/structure or lot shall not affect such continuation rights.
- 27.3 EXPANSION OF NONCONFORMING USE OR BUILDING/STRUCTURE: A nonconforming use or nonconforming building/structure shall not be expanded, extended, enlarged, or otherwise altered, unless such expansion, extension, enlargement or alteration is, by itself, in conformity with the provisions of this ordinance and does not aggravate the existing nonconforming condition; or, except as may be authorized by the Zoning Board of Appeals pursuant to Article 28 of this Ordinance and upon a showing that the requested expansion, extension, enlargement or alteration will not substantially extend the otherwise reasonably anticipated useful life of the nonconforming use or building/structure.
- 27.4 REPAIR, MAINTENANCE AND RESTORATION OF NONCONFORMING USE OR BUILDING/STRUCTURE: Such ordinary repairs and maintenance work as may be necessary to keep a nonconforming use or building/structure in sound condition, or as may be required to conform with law, may be made provided that no such work shall include structural alterations which are likely to extend the reasonably anticipated useful life of the building/structure. If a nonconforming building/structure is damaged or destroyed by fire, flood, wind, or other calamity to the extent of 50% or more of its fair market value at the time of such damage or destruction, said building/structure shall not be repaired or otherwise restored or reconstructed except in conformity with this ordinance. Where such damage or destruction is less than 50% of the fair market value of the building/structure at the time of such damage or destruction, the building/structure may be repaired or otherwise restored and reconstructed so as to be not more nonconforming than at the time of the damage or destruction. Any such reconstruction right shall be considered terminated by abandonment if reconstruction is not started within six months and completed within one year from the time of the damage or destruction. For purposes of this provision there shall be a rebuttable presumption that the "fair market value" of a building/structure is the same as the "true cash value" for that building/structure according to the most recent property tax

assessing records of the Township.

1. **Special Rule for Nonconforming Single Family Dwellings.** Notwithstanding the foregoing, a single family dwelling situated in a zoning district where a single family dwelling is an allowed use, which is damaged or destroyed to the extent of 50% or more of its fair market value at the time of damage or destruction may be reconstructed at the same location in such a manner as to comply with the minimum gross floor area requirement for a single family dwelling in the R-1 Medium Density Residential District. Any such reconstruction right shall be considered terminated by abandonment if reconstruction is not started within six months and completed within one year from the time of the damage or destruction.

27.5 **CHANGE OF NONCONFORMING USE:** A nonconforming use shall not be changed to any other nonconforming use except as may be authorized by the Zoning Board of Appeals pursuant to Article 28 of this Ordinance, and upon a finding that the proposed new use will substantially decrease the degree of nonconformity and be more compatible with adjacent uses than the prior nonconforming use.

27.6 **DISCONTINUATION AND REESTABLISHMENT OF NONCONFORMING USES AND BUILDINGS/STRUCTURES:**

1. **Reestablishment:** A nonconforming use shall not be reestablished after it has been changed to a conforming use. A nonconforming building/structure shall not be reestablished after it has been changed to a conforming building/structure.
2. **Discontinuation:** A nonconforming use or nonconforming building/structure shall not be reestablished after being discontinued, vacant, not conducted or abandoned without an intention to resume same. Such an intention shall be presumed after discontinuation, etc. for a period of one year.

27.7 **NONCONFORMITY DUE TO REZONING OR TEXT AMENDMENT:** The provisions of this Article shall also apply to uses, buildings/structures or lots which hereafter become nonconforming due to any rezoning or a change in the text provisions of this ordinance.

27.8 **BUILDING UPON NONCONFORMING LOTS:**

1. **Preexisting Platted Lots:** a platted lot of record created by an instrument recorded prior to May 20, 1992 shall be considered a buildable lot for a single family dwelling notwithstanding non-conformance with the minimum lot frontage/lot width and minimum lot area requirements set forth in the Schedule of Lot, Yard and Area Requirements of this Ordinance, if the lot conforms with the lot frontage/lot width and lot area requirements as originally established in such plat, and conforms with all other current requirements of this Ordinance.
2. **Preexisting Unplatted Lots:** A metes and bounds (unplatted) lot created before May 20, 1992 which does not conform with the minimum lot frontage/lot width and/or minimum lot area requirements set forth in the Schedule of Lot, Yard and



Area Requirements of this Ordinance shall be considered a buildable lot if:

- A. the lot is a lot of record created by an instrument recorded with the Kalamazoo County Register of Deeds before May 20, 1992, or was recognized as a separately established lot in the official records of the Township before July 18, 1975; and
- B. the lot conforms in all respects to the requirements of the Schoolcraft Township Zoning Ordinance in effect as of the date of such recording or recognition; and
- C. the lot complies with all other current requirements of this Ordinance.

Except as otherwise provided herein, a metes and bounds lot created prior to May 20, 1992 which does not conform with the current lot frontage/lot width, lot area, and all other current requirements of this Ordinance shall be buildable only pursuant to a variance approved by the Zoning Board of Appeals.

3. Special Rule for Parcels with Frontage on a Designated Private Road:

Notwithstanding the provisions of Subsections 1 and 2 herein, a lot with conforming or nonconforming lot frontage/lot width upon any one of the below-designated private roads and/or with conforming or nonconforming lot area shall be considered a buildable lot for a single family dwelling if:

- A. the lot was a lot of record created by an instrument recorded with the Kalamazoo County Register of Deeds before July 18, 1975, or was recognized as a separately established lot in the official records of the Township before July 18, 1975; and
- B. the lot otherwise conforms with the current requirements of this Ordinance.

In addition, a lot with frontage upon any one of the below-designated private roads with a right-of-way width of 66 feet or more shall be considered a buildable lot for a single family dwelling, regardless of when the lot was created, if the lot has the minimum lot frontage/lot width upon the private road as required for the zoning district in which the building site is situated, and the lot otherwise conforms with all other current requirements of this Ordinance.

The following are the designated private roads referenced above:

- |                      |  |
|----------------------|--|
| 1. Pine View Lane    | 9. Rawson Lane   |
| 2. Mission Drive     | 10. Reed's Lane  |
| 3. Morley Drive      | 11. Baur (Bauer) Lane  |
| 4. Fishing Pole Lane | 12. Fisherman Lane   |
| 5. Poplar Lane       | 13. Hildebrand Drive   |
| 6. East Kimble       | 14. Gourdneck Lake Drive   |
| 7. West Kimble       | 15. Redd Oakes   |
| 8. Railton Lane      | 16. Hager Road   |
|                      | 17. Rustic Lane  |
|                      | 18. North Barton Lake Drive<br>(southerly of intersection with<br>Barton Road) |

4. Combination of Lots under Single Ownership: Notwithstanding any of the foregoing, two or more undeveloped contiguous lots or portions of lots in single ownership on May 20, 1992 or at the date of building permit application shall be required to be considered as an undivided "zoning lot" to create a conforming or less nonconforming lot for purposes of this ordinance, regardless of when such lots were created.

## ARTICLE 28

### ZONING BOARD OF APPEALS

28.1 CREATION. There is hereby created a Zoning Board of Appeals, which shall perform its duties and exercise its powers and jurisdiction as provided by applicable laws and this ordinance.

28.2 MEMBERS. The Zoning Board of Appeals shall be appointed by the Township Board as prescribed by statute. The Zoning Board of Appeals shall consist of five regular members. One of the regular members shall be a member of the Planning Commission. The remaining regular members, and any alternate members, shall be selected from the electors of the Township residing outside of any Village. The membership of the Zoning Board of Appeals shall be representative of the population distribution and of the various interests present in the Township. A member of the Township Board may be a regular member of the Zoning Board of Appeals. An employee or contractor of the Township Board shall not serve as a member of the Zoning Board of Appeals.

The Township Board may appoint to the Zoning Board of Appeals not more than two alternate members for the same term as regular members. An alternate member may be called to sit as a regular member in the absence of a regular member if the regular member will be unable to attend one or more meetings. One alternate member shall also be a member of the Planning Commission, and shall be called to sit as a regular member only in the absence of the regular member of the Zoning Board of Appeals who is also a member of the Planning Commission. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Zoning Board of Appeals has the same voting rights as a regular member.

28.3 TERM. The term of each member shall be three years and until a successor has been appointed and qualified; such successor shall be appointed not more than one month after the expiration of the preceding term. Staggered terms shall be effected by one or more of the first appointed members serving for less than three years. Members from the Township Board and from the Planning Commission shall have terms limited to their respective other official terms or to such lesser period determined by resolution of the Township Board.

28.4 JURISDICTION AND POWERS. The Zoning Board of Appeals shall have all the powers and jurisdiction prescribed by applicable law, and by the provisions of this Ordinance, including the following:

1. Hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order,

requirement, decision or determination as in its opinion ought to be done, and to that end it shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit.

2. Act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the zoning map.
  3. Hear and decide, subject to Section 28.9, requests for a nonuse variance from dimensional requirements of the Zoning Ordinance, or from any other nonuse-related requirement in the Ordinance, if there are practical difficulties in the way of carrying out the strict letter of the requirement, so that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.
  4. Hear and decide requests to expand, extend, enlarge, or otherwise alter a lawful nonconforming use or nonconforming building/structure, as provided by Section 27.3.
  5. Hear and decide requests to change a nonconforming use to another nonconforming use, as provided by Section 27.5.
- 28.5 OFFICERS. The Zoning Board of Appeals shall designate one regular member as its Chairperson; provided a regular member who is also a member of the Township Board is not eligible to serve as Chairperson of the Zoning Board of Appeals. The Zoning Board of Appeals may designate such other officers as it deems expedient to the proper performance of its duties.
- 28.6 MEETINGS/RULES OF PROCEDURE. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as the Zoning Board of Appeals may determine for the efficient conduct of its business. The Zoning Board of Appeals shall not conduct business unless a majority of its regular members are present. All meetings shall be open to the public. The Zoning Board of Appeals may adopt rules of procedure consistent with applicable statutes and this ordinance.
- 28.7 APPEALS. Appeals to the Zoning Board of Appeals may be taken by any party aggrieved or affected by a decision or order of the Zoning Administrator or by an officer or agency of the Township. A notice of appeal specifying the grounds thereof shall be filed with the Zoning Board of Appeals within 30 days after the date of the action appealed. A copy of the notice shall promptly be served upon the officer or agency from whose decision or order the appeal is taken, who shall forthwith transmit to the Zoning Board of Appeals all records pertaining to the action appealed from. An appeal shall stay all proceedings, decisions or orders unless said officer certifies to the Zoning Board of Appeals that a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order issued by the Zoning Board of Appeals or by the circuit court.

28.8 APPLICATIONS. All appeals and applications for any matter within the jurisdiction of the Zoning Board of Appeals shall be submitted and processed under the following procedures:

1. The appeal or application shall be filed in triplicate with the Township Clerk, and shall include all of the following:
  - A. A completed appeal or application form, using the applicable form prescribed by the Township.
  - B. All materials on which the applicant intends to rely in support of the appeal or other application.
  - C. For any appeal or other application involving specific property, such as an application for variance relief, a site plan or diagram of the subject property showing, at a minimum, all of the following:
    - (1) The location of the subject property with respect to all abutting streets.
    - (2) The dimensions of the subject property.
    - (3) The location of all existing buildings and structures on the subject property, and on all adjoining properties.
    - (4) The location of all proposed buildings/structures on the subject property.
    - (5) The existing and proposed uses of the existing and proposed buildings/structures on the subject property.
    - (6) The existing and proposed setback of each building/structure which is the subject of the appeal or other application, measured in each instance to the street line and all pertinent lot lines.
  - D. Payment of the applicable fee as set by the Township Board.
2. The Township Clerk shall promptly refer one copy of the application submittal to the Township Attorney, and one copy to the Zoning Administrator. The Zoning Administrator shall promptly review the submittal to determine whether it is administratively complete, and shall notify the applicant of any deficiencies in the content of the application submittal. An application shall not be processed for public hearing or other consideration by the Zoning Board of Appeals unless and until it is administratively complete as determined by the Zoning Administrator. The Zoning Administrator shall

promptly refer an administratively complete appeal/application to the Zoning Board of Appeals.

## 28.9 VARIANCE STANDARDS AND CONDITIONS.

1. Standards: No variance in the provisions or requirements of this ordinance shall be authorized by the ZBA unless the ZBA finds from reasonable evidence that:
  - By reason of the exceptional narrowness, shallowness, or shape of the property in question, or by reason of exceptional topographic conditions or other extraordinary conditions of the property in question, there are practical difficulties preventing compliance with the strict letter of the Ordinance.
  - The exceptional or extraordinary conditions applying to the specific property do not apply generally to other properties that are subject to the requirement at issue.
  - The variance will not be of substantial detriment to adjoining property.
  - The variance will not materially impair the intent and purpose of this ordinance, or the public health, safety and welfare.
  - The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties that are subject to the requirement at issue.

In determining whether the standards for variance relief have been shown to be satisfied the ZBA shall be governed by the following additional legal principles:

- The circumstances or conditions submitted by the applicant to justify the variance relief must pertain to the property at issue, and not the personal circumstances of the applicant and/or other occupants or users of the property.
- The circumstances or conditions submitted by the applicant to justify the variance relief must not have been self-created by the applicant or some other person under the control of the applicant or for whose conduct the applicant is responsible.
- Increased costs associated with complying with the strict letter of the ordinance are not a basis for variance relief.
- Increased financial return if variance relief is granted is not a basis for variance relief.

- The ZBA may find the standards for relief from the strict letter of the ordinance have been shown to be satisfied, but not to the extent of the variance requested by the applicant, and in such circumstances the ZBA shall grant only such lesser variance relief as is necessary.
2. Conditions. The Zoning Board of Appeals may attach conditions or limitations upon a variance, where such are necessary to insure that public services and facilities affected by a requested variance and the associated land use or activity will be capable of accommodating increased service and facility loads caused by the variance and associated land use or activity, and to protect the natural environment and conserve natural resources and energy, and to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

Prior to attaching a condition or limitation to a variance, the Zoning Board of Appeals shall also specifically determine the following:

- A. That the condition or limitation is designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity associated with the variance under consideration, residents and land owners immediately adjacent to the land use or activity, and the community as a whole; and,
- B. That the condition or limitation is related to the valid exercise of the police power, and purposes which are effected by the proposed variance; and,
- C. That the condition or limitation is necessary to meet the intent and purpose of the zoning ordinance, is related to the standards established in the ordinance for the variance under consideration and associated land use or activity, and is necessary to insure compliance with those standards.

Any such conditions and limitations may impose greater or more restrictions and requirements than are included in this Ordinance generally, and may include the provision of reasonable financial security to guarantee performance. Violation of any such conditions or limitations shall be deemed a violation of this Ordinance.

- 28.10 LAND USE VARIANCE. The Zoning Board of Appeals shall not act on a request for a land use variance (for a use not allowed in a zone).
- 28.11 PUBLIC HEARINGS. Upon the filing of an administratively complete appeal or application on a matter over which the Zoning Board of Appeals has jurisdiction, the Zoning Board of Appeals shall hold a public hearing on such matter if required by law, preceded by notice as required by law.

28.12 DECISIONS. The Zoning Board of Appeals shall render its decision upon such application within 60 days after the hearing thereon and notify the applicant of its decision.

28.13 TIME LIMITS.

1. If a variance is granted or other action is authorized by the Zoning Board of Appeals the authorized action shall be deemed abandoned and withdrawn if it is not initiated within three months and completed within 12 months after the Zoning Board of Appeals decision. However, upon request of the applicant, filed no later than the applicable deadline, the Zoning Board of Appeals may renew the authorized action where the applicant shows good cause for the delay, and the Zoning Board of Appeals finds there have been no changed conditions that would potentially affect the prior findings of the Zoning Board of Appeals on which the authorized action was dependent.
2. No application for a variance or other relief which was denied in whole or in part shall be reheard by the Zoning Board of Appeals for a period of one year from the date of the denial, unless the Zoning Board of Appeals finds that grounds for such a rehearing exist on the basis of either newly discovered evidence or proof of changed conditions that were not known to the applicant or the Zoning Board of Appeals at the time of the previous hearing.

28.14 VOTE NECESSARY FOR DECISION. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to grant a variance or otherwise decide in favor of the applicant, or to reverse an order, requirement, decision, or determination of the Zoning Administrator.

28.15 MINUTES AND RECORDS. The secretary/recording secretary or other designee of the Zoning Board of Appeals shall keep minutes of its proceedings, which shall be filed with the Township Clerk and be a public record.

28.16 LIMITATION OF BOARD ACTION. Except as expressly authorized in this Article, the Zoning Board of Appeals shall not, through any decision, alter, vary or otherwise negate any provisions of this ordinance. If the Zoning Board of Appeals considers any specific provision of the Zoning Ordinance inappropriate it shall submit to the Planning Commission a request for review of the provision.



## ARTICLE 29

### ADMINISTRATION AND ENFORCEMENT OF ZONING ORDINANCE

- 29.1 ZONING ADMINISTRATION AND ENFORCEMENT. The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator (who may also be known as the Zoning Ordinance Enforcement Officer), and such other persons as the Township Board may designate.
- 29.2 ZONING ADMINISTRATOR. The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine.
- 29.3 ZONING ADMINISTRATOR DUTIES: The Zoning Administrator shall have the following duties and responsibilities:
1. Investigation of Violations. The Zoning Administrator shall investigate any alleged violation of the Zoning Ordinance coming to his or her attention. If a violation is found to exist, the Zoning Administrator shall proceed in accordance with policies established by the Township Board and as otherwise provided by law.
  2. Inspections. The Zoning Administrator shall make periodic inspections of property subject to an approved site plan and/or special land use permit approval to ascertain that the requirements of this Ordinance are being complied with during the construction/implementation of the approved development.
  3. Administrative Review of Site Plans. The Zoning Administrator shall review site plans and related materials as specified in Section 24.5 of this Ordinance.
  4. Issuance of Zoning Compliance Permits. The Zoning Administrator shall review and act on applications for zoning compliance permits pursuant to Section 4.3 of this Ordinance, and for such other permit matters as the Zoning Administrator may be assigned responsibility by this Ordinance.
  5. Coordination with Building Official: The Zoning Administrator shall promptly inform the Building Official of all issued and denied zoning compliance permits, and otherwise coordinate with the Building Official with respect to all permit applications reviewed by the Zoning Administrator under this Ordinance that may have implications for the responsibilities of the Building Official.
  6. Records. The Zoning Administrator shall keep records of all inspections, applications and permits issued, with a notation of all special conditions involved. The Zoning Administrator shall file and safely keep copies of all

plans, and a record of all fees submitted with applications. The same shall form a part of the records of the office and shall be readily available.

- 7. Other Duties. The Zoning Administrator shall perform such additional duties related to administration and enforcement of the Zoning Ordinance as are prescribed by law or as may from time to time be assigned by the Township Board.
- 8. Meeting Attendance. The Township Board may require the Zoning Administrator to attend meetings of the Township Board, Planning Commission, and Zoning Board of Appeals, and keep the members of same informed of matters pertaining to zoning.

29.4 VIOLATION AND SANCTIONS:

- 1. Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.
- 2. Any person responsible for a violation of this Ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.
- 3. Any violation of this Ordinance shall constitute a basis for injunctive relief to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- 4. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	<u>Minimum fine</u>
1 <sup>st</sup> offense	\$150.00
2 <sup>nd</sup> offense	\$325.00
3 <sup>rd</sup> or subsequent offense	\$500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

- 29.5 NUISANCE PER SE: Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, maintained or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.
- 29.6 AUTHORITY TO COMMENCE LEGAL ACTION: The Township Supervisor, the Zoning Administrator, and such other persons as the Township Board may properly designate, may institute such legal actions or proceedings as may be appropriate to prevent, enjoin, abate, remove or to sanction any violation of this Ordinance; provided that actions in the Circuit Court shall be authorized by the Township Board.
- 29.7 APPLICATION FEES: The Township Board is authorized to establish, by motion, fees for consideration of all applications for a permit or other approval by the Zoning Administrator, Planning Commission, Zoning Board of Appeals, or Township Board under this Ordinance or a related statute, including but not limited to: zoning compliance permit, special land use, site plan review, variance, ordinance interpretation, appeal of Zoning Administrator determination, rezoning of property, amendment of Zoning Ordinance text, or amendment of Master Plan (text or map). The fees may be established at different levels for matters being considered at a regular meeting and matters being considered at a special meeting; and may be established as a flat fee or based on all actual costs incurred by the Township with respect to processing and consideration of the matter, with specified deposit and escrow amounts. All such fees applicable to a particular application shall be paid to the Township Clerk in order for the application to be considered administratively complete and processed for consideration. Such fees may be changed by motion of the Township Board at any lawful meeting, and may take effect immediately or upon such later date as the Board may specify.

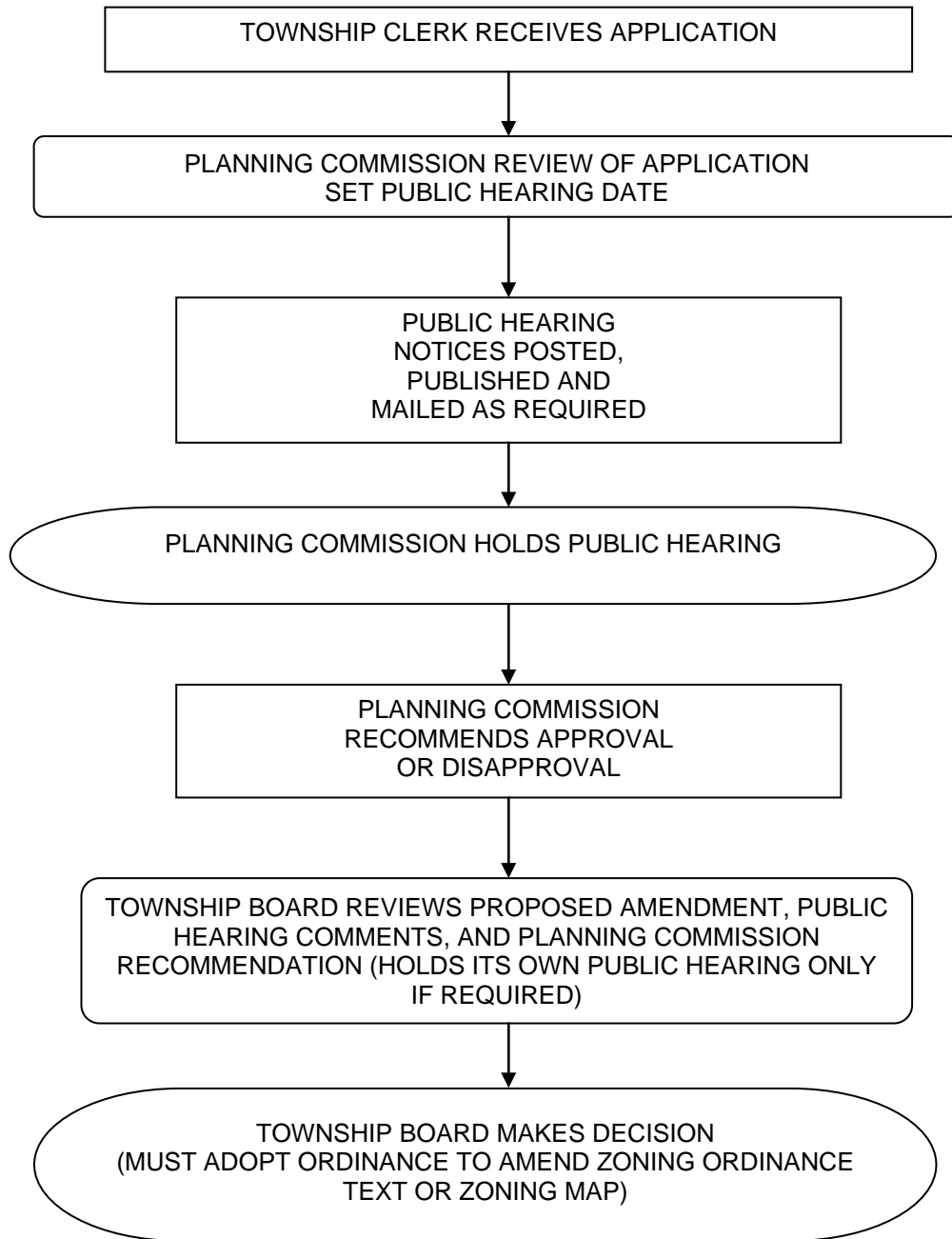
## ARTICLE 30

### TEXT AMENDMENT/REZONING PROCEDURES

- 30.1 INITIATION OF AMENDMENTS. Amendments to this Ordinance (text or rezoning) may be initiated by the Planning Commission or Township Board, or by any interested person by application.
- 30.2 AMENDMENT APPLICATION PROCEDURE. All amendments of this Ordinance initiated by application shall be in writing, signed and filed with the Township Clerk for presentation to the Planning Commission, and shall be accompanied by such amendment application fee as may be established by the Township Board. No action shall be taken on any amendment request until the fee is paid in full. Such applications shall include the following:
1. The applicant's name, address, and interest in the application, as well as the name, address and interest of every person having a legal or equitable interest in any land which is proposed to be rezoned.
  2. In the case of a rezoning application:
    - A. The legal description of the land proposed to be rezoned.
    - B. All existing street addresses within the property proposed to be rezoned.
    - C. The present and requested zoning classification of the property proposed to be rezoned.
    - D. The area of the land proposed to be rezoned, stated in square feet if less than one acre and in acres if one acre or more.
    - E. A fully dimensioned map showing the property proposed to be rezoned, including all public and private rights-of-way and easements bounding and intersecting same, and showing the zoning classification of all abutting lands.
  3. In the case of a text amendment application, the proposed text to be added and/or the existing text to be revised/deleted.
  4. The changed or changing conditions in a particular area or in the Township generally that make the proposed rezoning or text amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
  5. All other circumstances, factors, and reasons which the applicant offers in support of the proposed amendment.

30.3 AMENDMENT PROCEDURE. After initiation, amendments to this Ordinance shall be considered as provided in Public Act No. 110 of 2006, as may be amended, and any other applicable laws.

**FLOW DIAGRAM FOR AMENDMENTS OF ZONING  
ORDINANCE TEXT OR ZONING MAP (REZONING)**



## ARTICLE 31

### MISCELLANEOUS PROVISIONS

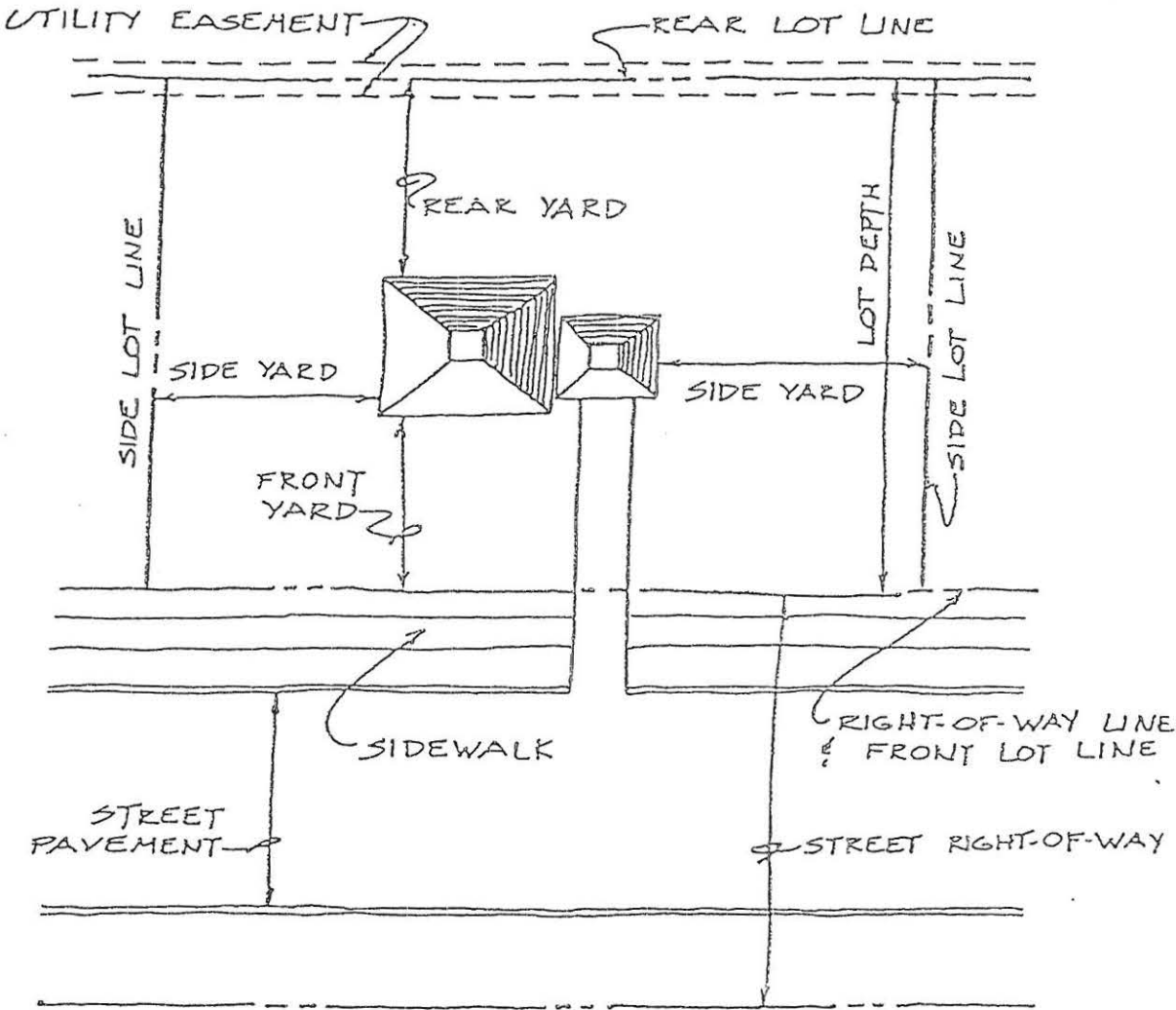
- 31.1 SEVERABILITY. This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.
- 31.2 REPEAL. This Ordinance shall be deemed an amendment to the existing Schoolcraft Township Zoning Ordinance which was effective April 1, 1951, as amended, and supersedes and replaces the text of the existing Schoolcraft Township Zoning Ordinance in its entirety. In addition, all other ordinances and parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed as of the effective date of this Ordinance.
- 31.3 EFFECTIVE DATE. This Ordinance was approved by the Township Board on May 12, 1992 and is ordered to take immediate effect upon publication as allowed by law.
- 31.4 ADMINISTRATIVE LIABILITY. No officer, agent, employee, or member of the Planning Commission, Township Board or Zoning Board of Appeals shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

## NOMENCLATURE DIAGRAMS

**Editorial Note:** The diagrams in this Appendix are intended to provide a visual illustration of some of the terms used in this Ordinance regarding lot terminology, yard requirements, structural terminology, and types of lots. Where any of these visual illustrations conflict with the text of this Ordinance, the text shall control.

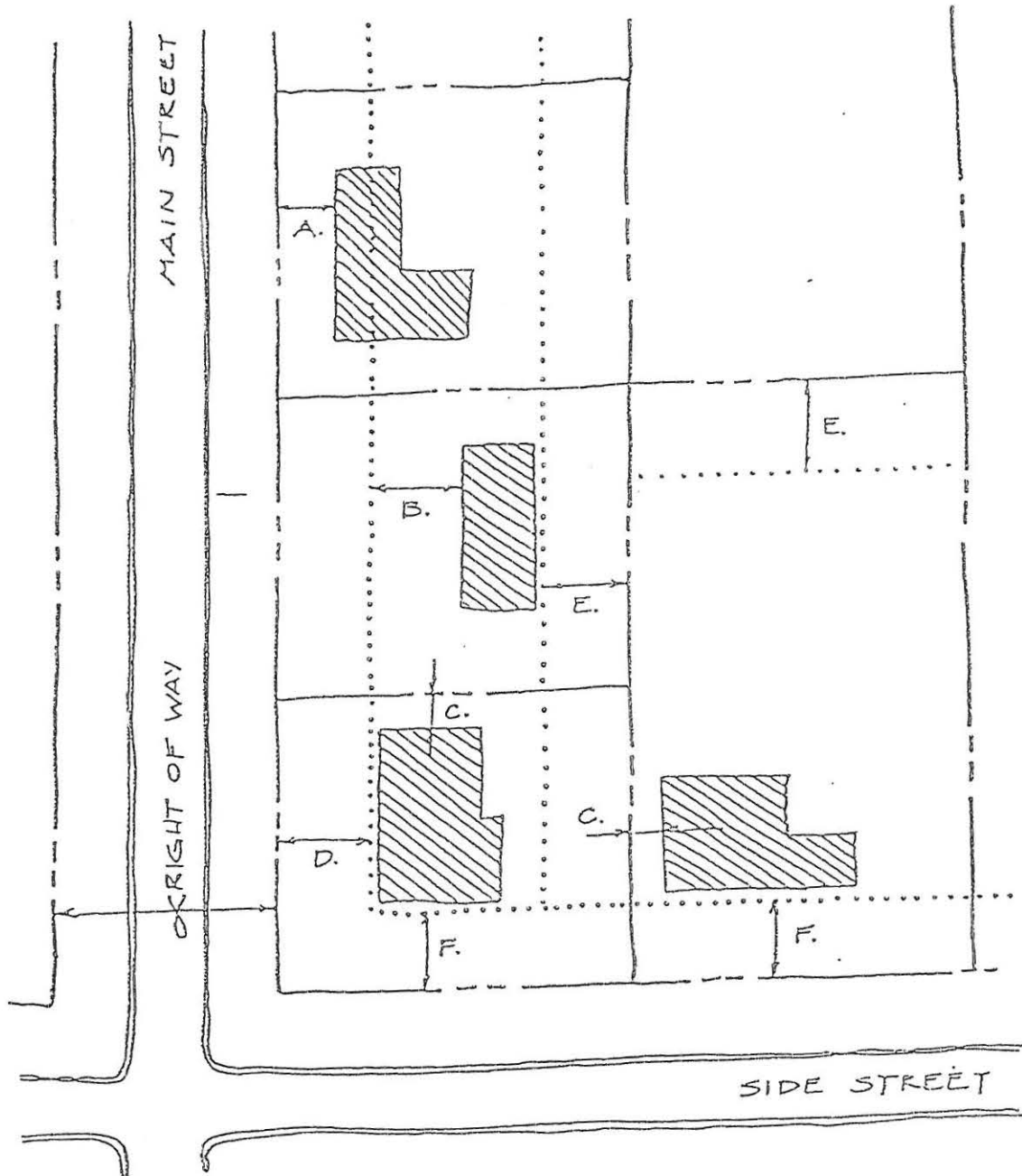


NOMENCLATURE DIAGRAMS



— LOT TERMINOLOGY —

NOMENCLATURE DIAGRAMS



- A. DEFICIENT FRONT YARD  
 B. FRONT YARD IN EXCESS OF  
 MINIMUM FRONT YARD REQ'D.  
 C. MINIMUM SIDE YARD REQ'D.  
 D. MINIMUM FRONT YARD REQ'D.  
 E. MINIMUM REAR YARD REQ'D.  
 F. MINIMUM YARD REQ'D ON  
 SIDE STREET WITH HOME  
 FRONTAGE.

YARD REQUIREMENTS

**TOWNSHIP OF SCHOOLCRAFT**  
**COUNTY OF KALAMAZOO, STATE OF MICHIGAN**  
**SCHOOLCRAFT TOWNSHIP ORDINANCE NO. 265**

**ADOPTED: OCTOBER 14, 2014**

**EFFECTIVE: NOVEMBER 20, 2014**

**PLAT AND CONDOMINIUM SUBDIVISION DEVELOPMENT ORDINANCE**

An Ordinance to regulate the subdivision of land into plats pursuant to the Michigan Land Division Act (1967 PA 288, as amended), and the development of land under the provisions of the Michigan Condominium Act (1978 PA 59, as amended); to provide a procedure for the review and approval of such plat and land condominium developments pursuant to uniform specified requirements; to regulate the division of lots in recorded plat/condominium projects; and to provide sanctions for violations of the Ordinance.

**THE TOWNSHIP OF SCHOOLCRAFT**  
**KALAMAZOO COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION 1**

**TITLE**

This Ordinance shall be known as the Schoolcraft Township Plat and Condominium Subdivision Development Ordinance.

**SECTION 2**

**PURPOSE AND ENABLING AUTHORITY**

The purpose of this Ordinance is to promote the public safety, health and general welfare by facilitating the orderly layout and development of land subdivided into plats pursuant to the Land Division Act of the State of Michigan (formerly Subdivision Control Act), 1967 Public Act 288, as amended, or into a condominium subdivision pursuant to the Condominium Act of the State of Michigan, 1978 Public Act 59, as amended, and further pursuant to 1945 Public Act 246, as amended, in areas of the Township where the subdivision of land into such developments is otherwise permissible pursuant to the Schoolcraft Township Zoning Ordinance. This Ordinance is intended to assure that each type of development project, where otherwise permissible, is treated in the same manner with respect to certain minimum standards and approval procedures.

### **SECTION 3**

#### **DEFINITIONS**

For purposes of this Ordinance certain terms and words used herein shall have the following meaning:

- A. "Act": the Land Division Act of the State of Michigan (formerly Subdivision Control Act), 1967 Public Act 288, as amended (MCL 560.101 et seq.), or the Condominium Act of the State of Michigan, 1978 Public Act 59, as amended (MCL 559.101 et seq.), as applicable in the context.
- B. "Applicant", "Owner", "Proprietor" and "Subdivider": intended to be synonymous terms referring to the person or entity holding an ownership interest in land proposed for plat/condominium project consideration.
- C. "Common Elements": the portions of a condominium project other than the condominium units.
- D. "Condominium Project": (see definition for Plat/Condominium Project).
- E. "Condominium Plan": (see definition for Plat/Condominium Plan).
- F. "Condominium Unit": that portion of a condominium project designed and intended for separate ownership and use, as described in the master deed of the project.
- G. "Health Department": the county health department, district health department, or Michigan Department of Public Health and/or Michigan Department of Environmental Quality, whichever has jurisdiction in the particular context. .
- H. "Limited Common Elements": the portion(s) of the common elements reserved in the master deed of a condominium project for the exclusive use of less than all the owners of condominium units in the project.
- I. "Lot": a parcel of land in a plat, or a land condominium unit in a condominium project, separated from other parcels/units by legal description or deed/master deed, and intended for separate ownership and use.
- J. "Master Deed": the legal document prepared and recorded pursuant to the Condominium Act within which are, or to which is attached as exhibits and incorporated by reference, the approved by-laws for the condominium project and the approved condominium subdivision plan for the project.

- K. "Plat": a development of land (also sometimes known as a subdivision) subject to the platting requirements of the Land Division Act (formerly Subdivision Control Act), 1967 Public Act 288, as amended.
- L. "Plat/Condominium Project": a land development project established pursuant to and in conformance with this Ordinance and either the Land Division Act or the Condominium Act.
- M. "Plat/Condominium Plan": the plan as required in this Ordinance for a plat or condominium project.
- N. "Surveyor": a professional surveyor licensed by the State of Michigan as provided by Section 102 of the Land Division Act.

Other words and phrases used in this Ordinance which are defined in the Condominium Act or the Land Division Act shall be understood to have the meaning of such word or phrase in said Act, unless such meaning is inconsistent with the use of such word or phrase in this Ordinance.

Any word or phrase not specifically defined in this Ordinance, or in either of said Acts, shall be defined in accordance with its customary or common meaning.

#### **SECTION 4**

##### **PLAT/CONDOMINIUM PLAN APPROVAL PROCESS (OVERVIEW)**

- A. **Required Procedural Steps:** This Ordinance provides for a proposed plat or condominium project to be reviewed by the Township Board through a mandatory 3-step process, as follows:
  - Step 1 --- preliminary plat/condominium plan submitted for tentative approval.
  - Step 2 --- preliminary plat/condominium plan submitted for final approval.
  - Step 3 --- final plat/condominium plan submitted for final approval.

The Township Board may, in its discretion, request an advisory recommendation from the Township Planning Commission at any of the mandatory steps of the process. The Township Board shall refer a proposed plat to the Planning Commission before final action thereon by the Township Board, as required by Section 12 of the Township Planning Act (MCL 125.332).

The Township Board or Planning Commission may, in its sole discretion, hold a public hearing on a proposed plat or condominium plan at any mandatory step(s) of the process. Notice of any such public hearing shall

be given by posting in the manner required by the Open Meetings Act and by such other means as the Township Board may determine.

- B. Optional Pre-Application Conference. A potential applicant for plat/condominium plan review may submit a generalized conceptual sketch of a potential plat/condominium project for non-binding review and comment by the Township Board. This optional step in the process is recommended to facilitate early contact between the owner/developer and the Township to generally discuss the conceptual layout of the development, compliance with the substantive requirements of this Ordinance and any other applicable Township ordinance, and the mandatory review process prescribed by this Ordinance. The Township Board may assign responsibility for this optional conference to the Planning Commission. There shall be no application fee for this optional conference.

This optional pre-application conference opportunity with the Township Board is intended to be available to a potential applicant for approval of a plat regardless of whether the proprietor of the proposed plat has submitted a written request to the chairperson of the county plat board requesting a preliminary review meeting to informally review the proprietor's concept plan for the preliminary plat, as provided by Section 111(3) of the Land Division Act as amended by 2004 Public Act 525 [MCL 560.111(3)].

- C. Compliance with Applicable Requirements of Zoning Ordinance. An applicant proposing a plat/condominium project utilizing an "open space preservation/clustering development" concept as authorized by the Zoning Ordinance shall comply with all procedural and substantive requirements of the Zoning Ordinance applicable to such developments, in addition to the requirements of this Ordinance. The Township may require an applicant to proceed through the zoning approval process and obtain the required zoning approvals for an open space preservation/clustering development, before initiating the plat/condominium plan approval process under this Ordinance; or may coordinate the zoning approval process with the plat/condominium plan approval process under this Ordinance.

## **SECTION 5**

### **TENTATIVE APPROVAL OF PRELIMINARY PLAT/CONDOMINIUM PLAN (STEP 1 APPROVAL)**

- A. Submission Requirements. The applicant for tentative approval of a preliminary plat or condominium project shall submit 10 copies of the proposed preliminary plat/condominium plan and all supporting materials to the Township Clerk, along with the required application fee. The

proposed preliminary plat/condominium shall be prepared by a land surveyor, and shall show at least the following:

1. A scale of not greater than 1 inch equals 200 feet, a north arrow, and a general vicinity map at a scale of 1 inch to 1,000 feet with the appropriate orientation to the proposed development showing section and quarter section lines and any general features located in the vicinity of the proposed development.
2. The topography of the area proposed to be developed with not more than four-foot contour intervals.
3. The location and layout of all streets, intended street names, the width and dimension of all street rights-of-way, and whether such streets are intended to be dedicated public streets within the jurisdiction of the Kalamazoo County Road Commission or maintained as private streets (if otherwise allowable).
4. The layout of all proposed lots, including the shape and dimensions of same.
5. The location of all man-made and natural features on and within 100 feet of the proposed plat/condominium project, including, but not limited to, topography, property lines of adjacent parcels, fence lines, curb cuts, streets, and any other especially significant features such as bodies of water and watercourses.
6. The location of all proposed and the nearest existing public water mains and sanitary/stormwater sewers, and indicate whether the proposed plat/condominium project will be served by public or private water and/or sewer facilities.
7. The general location and size of any flood plain and wetlands within or adjacent to the proposed plat/condominium project.
8. The location of stormwater drainage features, with arrows depicting the direction of flow, and indicating in general the methods proposed for stormwater disposal.
9. The minimum required and proposed building setback lines on all lots, indicating the distances from all adjacent street rights-of-way.
10. General site data, including the total acreage of the proposed plat/condominium project, and the planning and zoning classification(s) of the subject property pursuant to such Master Plan and Zoning Ordinance as may be in effect at the time the proposed preliminary plat/condominium plan is submitted for tentative approval. Note: pursuant to the Schoolcraft Township



Zoning Ordinance new housing developments such as subdivisions/plats (including expansion of existing subdivisions/plats) are not allowed in the AG-1 Exclusive Agriculture District or in the AG-2 General Agriculture District.

11. A title block which includes the following information:
  - a. The name of the proposed plat/condominium project.
  - b. The name, address and telephone number of each of the following: the applicant, the owner of the subject property, the applicant's land surveyor, and the applicant's engineer (where applicable).
  - c. The location and position of the proposed plat/condominium project, and an appropriate legal description of the subject property.
  - d. The date the proposed preliminary plat/condominium plan was prepared.
  - e. The seal of the surveyor who prepared the proposed preliminary plat/condominium plan.
12. If the applicant or owner of the subject property also owns or has a legal interest in the acquisition of adjoining land which may be developed in the future as a plat or condominium project, the applicant shall also submit a tentative conceptual plan showing the feasibility of the development of such adjoining land in relation to the proposed development of the subject property.

B. Application Fee. The application fee for this review step is an amount equal to the actual costs incurred by the Township with respect to review and consideration of the application by the Township and its consultants, payable by the applicant within 30 days after invoiced by the Township, but subject to the following applicant fee deposit to be paid when the application is submitted to the Township: \$1,000.00 for plats/condominiums with 10 or fewer lots; \$1,000.00 plus \$50.00 per lot in excess of 10 lots for plats/condominiums with more than 10 lots. Upon adoption of this Ordinance, the Township Board may change the amount of such application fee, prospectively, by motion or resolution.

C. Township Board Review Procedure. Upon receiving an administratively complete application for a preliminary plat/condominium plan submitted for tentative approval, the Township Clerk shall submit same to the Township Board for review and approval consideration, which shall occur within the following time period, as applicable, pursuant to the approval standards in subsection D below:



1. Within 60 days after it was submitted to the Clerk, if a preliminary review meeting with the county plat board was conducted as provided by Section 4.B. herein.
  2. Within 90 days after it was submitted to the Clerk, if a preliminary review meeting with the county plat board was not conducted as provided by Section 4.B. herein.
- D. Township Board Standards for Approval. The Township Board shall either tentatively approve and note its approval on the copy of the preliminary plat/condominium plan, or tentatively approve it subject to conditions and note its approval and conditions on a copy of the preliminary plat/condominium plan, or reject the preliminary plat/condominium plan and set forth in writing its reasons for same, based on compliance with all applicable laws, regulations and ordinances, including the following standards:
1. Streets: All streets within a proposed plat or condominium project shall be laid out and designed to permit the safe, efficient, and orderly movement of traffic; to meet the needs of present and expected future populations; to have a simple and logical pattern; to respect natural and topographical features so as to result in useable lots and reasonable grades for streets and intersecting driveways; and to promote an attractive streetscape. To accomplish these goals all streets within a plat or condominium project shall comply with the following design and layout requirements:
    - a. The streets shall be consistent with such street plan as may be adopted by the Township; or if such a plan does not exist, such street plan as may be adopted by the County.
    - b. The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the proposed plat/condominium project.
    - c. Where adjoining areas are not subdivided, the arrangement of streets in the proposed plat/condominium project shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjoining areas; provided, however, that minor streets within the plat/condominium project shall be so laid out that their use by through traffic will be discouraged.
    - d. Direct access to a county primary road shall be prohibited for all lots abutting such roads. Where the proposed subdivision or condominium project abuts or contains a county primary

road or major thoroughfare as designated by the county road commission or a county or township master plan, the Township Board may require marginal access streets approximately parallel to the right-of-way of the primary road or major thoroughfare and may require such other treatment as is deemed necessary for the adequate protection of residential properties and to afford separation of through and local traffic.

e. All streets within a proposed plat/condominium project shall be public streets intended to part of the dedicated public road system under the jurisdiction of the Kalamazoo County Road Commission, and shall be constructed in accordance with the specifications of the Kalamazoo County Road Commission for streets and plats; provided that private streets within a plat/condominium project may be permitted by the Township Board only in circumstances where new private streets are otherwise allowed in the Township pursuant to applicable ordinances, and if the Township Board finds that the proposed private streets within the plat/condominium will not adversely affect public health, safety or welfare. In any such circumstances where new private streets are otherwise allowed, and are permitted by the Township Board to be developed within a new plat/condominium project, such private streets shall comply with all of the foregoing layout, design, and construction requirements, and in addition the following requirements:

(1) Utility Easements. No private street shall be established unless an easement of sufficient width is provided within or adjoining the private street for all public utilities.

(2) Maintenance and Repair Agreement. No private street shall be established unless a maintenance and repair agreement in a form and with content approvable by the Township Board, and recordable with the County Register of Deeds, is supplied providing all of the following:

- Legal description(s) of all property enjoying a right to utilize the private street, i.e., "benefited properties";
- Legal description(s) of all rights-of-way and public utility easements;

- All parties having a responsibility for repair, maintenance and/or snow removal for the private street, i.e., "responsible parties";
  - A description of the respective responsibilities, monetary and otherwise, of such responsible party(ies) for repair, maintenance and/or snow removal;
  - The method by which decisions regarding repair, maintenance or snow removal are to be made by the responsible party(ies);
  - A provision indicating that the agreement runs with the land and is binding on all grantees, heirs or successors in interest as to the benefited and responsible party(ies);
  - Signatures of all persons having any interest in the property or properties on which the private street is located, benefited and responsible parties.
- f. All new streets shall be named as follows: streets with predominant north-south direction shall be named "Street"; streets with predominant east-west direction shall be named "Avenue"; meandering streets shall be named "Drive", "Lane", "Path", "Road", or "Trail", etc., and cul-de-sacs shall be named "Circle", "Court", "Way", or "Place", etc.
- g. Streets shall intersect at 90 degrees or as closely thereto as feasible, and in no case less than 80 degrees.
- h. Where the proposed continuation of a street at an intersection is not in alignment with the existing street, it shall not intersect such cross street closer than 175 feet from such opposite existing street, as measured from the centerline of said streets.
- i. Curvilinear street layout and design is encouraged to be used where the topography and the size of the project property makes such layout and design feasible.
- j. The maximum length allowed for residential blocks shall be 1,000 feet.

- k. All street rights-of-way within or abutting the proposed development shall be not less than 66 feet in width.
- l. Permanent and temporary dead-end streets and cul-de-sacs in excess of 660 feet in length shall be prohibited, unless the Township Board determines the topography of the area, rivers, streams, other natural conditions or the prior development of the area prevents a through street from being constructed.
- m. A plat/condominium project or extension of an existing plat/condominium project creating a total of 50 or more lots shall be developed so as to provide two or more access streets.

Note: The street design standards in this Ordinance are intended as minimum standards applicable to all public streets and permitted private streets within a plat/condominium project. All public streets shall also be subject to and comply with such additional or greater design standards applicable to streets in plats as may be adopted by the county road commission. All private streets shall comply with all applicable provisions of this Ordinance, and with any additional or greater design standards and requirements for a private road in the existing or any successor Zoning Ordinance regulating private road standards.

## 2. Lots/Outlots

- a. All lots within a plat/condominium project shall comply with the minimum lot frontage/width and lot area requirements as may be applicable to the subject property pursuant to the Zoning Ordinance/Zoning Map in effect at the time of submission of the preliminary plat/condominium plan for tentative approval.
- b. Corner lots and double frontage lots shall generally have additional frontage/width and/or area to facilitate compliance with the applicable minimum setback requirements on each adjoining street pursuant to the Zoning Ordinance.
- c. Outlots shall be of a size, extent, and location that will not impair the intent of the Act or any applicable ordinance regulations for land development.

## 3. General Provisions

- a. Privately-held reserve strips controlling access to streets shall be prohibited.

- b. Existing natural features which add value to residential development or that enhance the attractiveness of the community (such as streams, water courses, historic spots and similar irreplaceable assets) shall be preserved insofar as possible in the design and development of the plat/condominium project.
- c. Lands subject to flooding or otherwise determined by the Township Board to be uninhabitable pursuant to any applicable law shall not be proposed for residential, commercial or industrial development purposes. Such lands may be set aside for other purposes such as parks and/or open space.
- d. Street lighting shall be indicated where proposed by the applicant, or where required by the Township Board when the Board determines street lighting is desirable for public health, safety and welfare. Such street lighting shall be adequate to serve the proposed development given its size and layout.
- e. Pedestrian sidewalks/walkways and/or bicycle paths/lanes shall be indicated where proposed by the applicant, or where required by the Township Board when the Board determines any such features are desirable to reduce or eliminate potential vehicle-pedestrian-bicycle conflicts. Pedestrian sidewalks/walkways shall be located within the street right-of-way/easement, on one or both sides of the street, and approximately parallel with the roadway. Sidewalks/walkways shall be four feet in width, with a flared barrier-free ramp at street intersections, and shall otherwise conform to recognized design and construction specifications. Bicycle paths/lanes shall be located within the street right-of-way or other easement, and shall conform to recognized design and construction specifications.
- f. Land contiguous to a lake or other body of water shall not be used to provide riparian access to such body of water to any other property and/or the owners or occupants of such property except in accordance with Section 5.5 of the Zoning Ordinance or such other section of the existing or successor Zoning Ordinance as may regulate riparian access to parcels.

E. Effect and Duration of Tentative Approval of Preliminary Plat/Condominium Plan. Tentative approval of a preliminary plat/condominium plan confers approval of the lot sizes, lot orientation,

and street layout, and application of the then-current regulations, to facilitate preparation and submission of a preliminary plat/condominium plan for final approval as provided in the next section of this Ordinance. Tentative approval of a preliminary plat/condominium plan shall be valid for one year, subject to extension at the discretion of the Township Board upon request of the applicant prior to expiration of the one-year period.

## **SECTION 6**

### **FINAL APPROVAL OF PRELIMINARY PLAT/CONDOMINIUM PLAN (STEP 2 APPROVAL)**

- A. **Submission Requirements.** After a preliminary plat/condominium plan has been tentatively approved or approved subject to conditions by the County Road Commission, the County Drain Commissioner, and where applicable the Michigan Department of Transportation, the Michigan Department of Environmental Quality, and the Health Department, the applicant for final approval of a preliminary plat/condominium plan shall submit 10 copies of the tentatively approved preliminary plat/condominium plan and all supporting materials to the Township Clerk, including a list of all authorities required by statute to review the preliminary plat/condominium plan certifying that the list shows all such authorities, and the written approvals of the preliminary plat/condominium plan by such authorities, along with the required application fee. The proposed preliminary plat/condominium plan submitted for final approval shall be prepared by a land surveyor and, along with supporting materials, shall show at least the following:
1. All items required by the Act and by the Township Board pursuant to the tentative approval of the preliminary plat/condominium plan, and all items required pursuant to the tentative approval of the preliminary plat/condominium plan by other governmental agencies.
  2. Detailed working drawings showing grades, drainage structures, proposed utilities, and construction plans for streets, pedestrian sidewalks/walkways and bicycle paths/lanes, within and adjoining the plat/condominium project.
  3. Documentation of consultation with the governmental authorities responsible for all public utilities which will be servicing the plat/condominium project, including the manner of resolving any conflicts in location between public utility facilities and other improvements. To the extent private sewage disposal systems are proposed for any development in the project, a letter from the Health Department shall be provided stating that the proposed systems are acceptable and approvable. To the extent private water supply systems are proposed for the development, a letter



from the Health Department shall be provided stating that the proposed water supply systems are acceptable and approvable.

- B. Application Fee. The application fee for this review step is an amount equal to the actual costs incurred by the Township with respect to review and consideration of the application by the Township and its consultants, payable by the applicant within 30 days after invoiced by the Township, but subject to the following application fee deposit to be paid when the application is submitted to the Township: \$1,000.00 for plats/condominiums with 10 or fewer lots; \$1,000.00 plus \$50.00 per lot in excess of 10 lots for plats/condominiums with more than 10 lots. Upon adoption of this Ordinance, the Township Board may change the amount of such application fee, prospectively, by motion or resolution.
- C. Township Board Review Procedure. Upon receiving an administratively complete application for a preliminary plat/condominium plan submitted for final approval, the Township Clerk shall submit same to the Township Board for review and approval consideration, which shall occur within 20 days from the date of submission, pursuant to the approval standards in subsection D below.
- D. Township Board Standards for Approval. The Township Board shall approve a preliminary plat/condominium plan submitted for final approval if all conditions specified by the Board for tentative approval of the preliminary plat/condominium plan have been met, and the preliminary plat/condominium plan complies with all applicable laws, regulations and ordinances, including the following standards:
1. All street grades shall not exceed a 7 percent grade or be less than a 0.5 percent grade except upon special approval of the township engineer.
  2. All street grades in excess of 3 percent shall require installation of curb and gutter complying with county road commission standards for streets in plats.
  3. All street rights-of-way within or abutting the plat shall be constructed with not less than a six inch compacted gravel base at least 22 feet wide, covered with not less than two inches of bituminous aggregate pavement at least 20 feet wide.
  4. All street rights-of-way shall be graded to the full width thereof for proper drainage and prospective future widening and improving. Street grading shall be accomplished so as to establish a 0.5 foot higher elevation at the boundary of the right-of-way than at the crown of the traveled roadway. All trees or other obstructions within the right-of-way which interfere with the grading and/or drainage

shall be removed. The foregoing 0.5 foot elevation and tree and obstruction removal may be varied or adjusted by the Township Board upon recommendation of the township engineer where valuable trees or obstacles are involved and as long as drainage and safety will not be impaired.

5. Permanent dead-end streets shall be provided at the closed end with a turn-around having an outside improved roadway diameter of at least 100 feet as measured from the centerline of the gutter or back of curb, centered on a right-of-way diameter of at least 140 feet. Temporary dead-end streets shall be provided at the closed end with a turn-around constructed the full width of the right-of-way.

Note: The street construction standards in this ordinance are intended as minimum standards applicable to all public streets and permitted private streets within a plat/condominium development. All public streets shall also be subject to and comply with such additional or greater construction standards applicable to streets in plats as may be adopted by the county road commission. All private streets shall comply with all applicable provisions of this Ordinance, and with such additional or greater construction standards and requirements for a private road as may be specified in the Township Zoning Ordinance, or any other ordinance regulating private road standards.

6. All surface waters shall be adequately drained within each plat by a separate system of drainage structures or through the connection of such separate system to an adequate adjoining system. Where storm sewers are used, inlet basins shall not be spaced further apart than 300 feet except as may otherwise be approved by the Township Board, upon recommendation of the township engineer, only where other equivalent and sufficient drainage inlets are provided. Where such outlets are not thus available, such drainage structures may consist of leaching basins spaced so that water shall not be required to run on the surface of the road further than 250 feet to such basin, or spaced so as to afford equivalent and sufficient drainage. The Township Board shall determine what constitutes equivalent and sufficient drainage, upon the recommendation of the township engineer.
7. Connection to sanitary sewers and/or water mains may be required by the Township Board when the Board determines that sewers and/or water mains are reasonably available to the proposed development.
8. The proprietor shall make arrangements for all distribution lines for telephone, electric, television and other similar services distributed



by wire or cable to be placed underground entirely through a residential subdivided area. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as to not conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission or other governmental agency with jurisdiction. Private easements for underground utilities shall be shown on the preliminary plat/condominium plan.

9. Storm water disposal methods proposed for the development shall be adequate to insure each building site and roadway will not be flooded and that all necessary easements for storm sewers or open drains can feasibly be dedicated to the public for such purposes.
10. No lot, outlot, or other land within the development may be landlocked, or otherwise isolated from access to a public street or approved private street.
11. The proprietor shall make arrangements for and assume the costs of the assignment of a street number for each lot proposed to be included within the development.

- E. Effect and Duration of Final Approval of Preliminary Plat/Condominium Plan. Final approval of a preliminary plat/condominium plan confers a conditional right that the general terms and conditions under which preliminary plat/condominium plan approval was granted will not be changed, to facilitate submission of a final plat/condominium plan for approval as provided in the next section of this Ordinance. Final approval of a preliminary plat/condominium plan shall be valid for two years, subject to written extension at the discretion of the Township Board upon request of the applicant prior to expiration of the two-year period. The Clerk shall send written notice of any such extension to the other approving authorities.

## SECTION 7

### APPROVAL OF FINAL PLAT/CONDOMINIUM PLAN (STEP 3 APPROVAL)

- A. Submission Requirements. The applicant for approval of a final plat/condominium project shall submit 10 copies of the proposed final plat/condominium plan and all supporting materials to the Township Clerk, along with the required application fee, and the filing/recording fee and state plat review fee required by MCL 560.241. A final plat/condominium plan shall not be accepted for review after the date of expiration of the

preliminary plat/condominium plan approval. The proposed final plat/condominium plan shall be prepared by a land surveyor and, along with supporting materials, shall show at least the following:

1. A sworn certificate of the surveyor who made the plat/condominium plan stating all of the following on the final plat/condominium plan:
    - a. The copy is a true copy of the final plat/condominium plan.
    - b. The final plat/condominium plan is subject to the approval of each of the governmental officers and agencies whose approval is required, with a list of those officers and agencies.
    - c. The date of the certificate.
  2. All items required by the Township Board and other governmental agencies pursuant to the approval of the preliminary plat/condominium plan.
  3. An abstract of title or a title insurance policy showing the proprietor holds merchantable title to all land included within the plat/condominium project.
  4. Formal irrevocable offers of dedication of all public streets and other public facilities, in a form approved by the governmental agency with jurisdiction to accept the offers of dedication.
  5. Such other information as the Township Board may require to reasonably insure the completion of any unfinished public improvements.
- B. Application Fee. The application fee for this review step is an amount equal to the actual costs incurred by the Township with respect to review and consideration of the application by the Township and its consultants, payable by the applicant within 30 days after invoiced by the Township, but subject to the following application fee deposit to be paid when the application is submitted to the Township: \$200.00 for plats/condominiums with 10 or fewer lots; \$200.00 plus \$10.00 per lot in excess of 10 lots for plats/condominiums with more than 10 lots. Upon adoption of this Ordinance, the Township Board may change the amount of such application fee, prospectively, by motion or resolution.
- C. Township Board Review Procedure. Upon receiving an administratively complete application for a final plat/condominium plan the Township Clerk shall submit same to the Township Board for review and approval consideration at its next regular meeting, or at a special meeting called within 20 days after the date of receiving the administratively complete

final plat/condominium plan submission, pursuant to the approval standards in subsection D below.

The Township Board shall instruct the Township Clerk to record all Township Board proceedings on a final plat in the minutes of the meeting, which shall be open for inspection, and to send a copy of the minutes to the county plat board. If the Township Board approves the final plat, it shall instruct the Township Clerk to notify the proprietor of the Township Board's approval and to certify the Township Board's approval, showing the date of the Township Board's approval, the approval of the Health Department, when required, and the date of Health Department approval as shown on the approved preliminary plat. If the Township Board rejects the final plat, it shall instruct the Clerk to give the reasons in writing as set forth in the minutes of the meeting, and to return the unapproved final plat to the proprietor. Upon approval of a final plat the Township Clerk shall also send the filing/recording fee and state plat review fee with the final plat to the clerk of the county plat board.

D. Township Board Standards for Approval. The Township Board shall approve a final plat/condominium plan if it conforms to all of the applicable provisions of the Act and this Ordinance, including but not limited to the following requirements:

1. All monuments required to be placed in the subdivision have either been placed or a performance guarantee agreement has been executed pursuant to Section 8 of this Ordinance to insure the placement of same.
2. All roads, streets, bridges and culverts have been completed or a performance guarantee agreement has been executed pursuant to Section 8 of this Ordinance to insure the completion of same.
3. If the subdivision has any waterways or lagoons, etc., as addressed in Section 188 of the Act, all such waterways, etc. have been constructed or a performance guarantee agreement has been executed pursuant to Section 8 of this Ordinance to insure the construction of same.
4. If any flood plains lie within the proposed subdivision, such flood plains shall be restricted as provided by applicable state law and such restrictions shall be submitted to the Township Board for review and approval prior to recording and thereafter shall be recorded in the office of the register of deeds contemporaneously with the recording of the plat or master deed.
5. All utilities serving the plat or condominium project have either been installed and water and sanitary sewer mains have been stubbed to

the lot lines or a performance guarantee agreement has been executed pursuant to Section 8 of this Ordinance to insure the completion of same.

6. All underground utility installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. These easements shall be recorded on the final plat or master deed as private easements for public utilities or easements provided by separate instrument. Easements across lots or centered on rear or side lot lines provided for utilities shall be at least 12 feet wide (preferably one-half from each lot) except side lot easements three feet wide granted for street lighting drop-outs. These easements shall be direct and continuous from block to block.
7. All public improvements such as street lights, fire hydrants, sidewalks, parks, etc., which have been required by the Township Board, have been completed and installed or a performance guarantee agreement has been executed pursuant to Section 8 of this Ordinance to insure the completion of same.
8. The dedication of public streets and other public facilities has been executed by all required owners.

E. Effect of Approval of Final Plat/Condominium Plan.

Approval of a final plat or condominium plan by the Township Board, and by all other governmental officers and agencies whose approval is required, and the recording of the approved final plat or master deed as required by the Act, confers approval of the plat or condominium project to facilitate the construction thereof and the sale and development of lots therein in accordance with the approved final plat/condominium plan and all applicable laws, regulations and ordinances.

## SECTION 8

### COMPLETION OF PUBLIC IMPROVEMENTS

- A. Completion Required; Alternate Performance Guarantee Agreement. The construction of all public improvements shall be completed by the applicant and approved by the Township Board prior to final plat/condominium plan approval. In the alternative, as to those requirements which are over and beyond the requirements of any other approving agency or any agency responsible for the administration, operation and maintenance of the applicable public improvements, the Township Board may in its discretion require the applicant to guarantee completion of such required improvements as provided in this Section. In

such instances the Township and the applicant shall enter into a written agreement specifying in detail the nature of the required improvements, the time in which these improvements are to be completed, provisions for verifying and inspecting the construction of such improvements to determine their conformity to the approved plans and specifications, and the nature of the financial guarantee of performance which is to be provided for each improvement.

- B. Acceptable Types of Performance Guarantees. Where the Township Board agrees to accept performance guarantees for the completion of public improvements subsequent to final plat approval, the Township Board may require one or more of the following types of guarantees:
  - 1. Performance or surety bond.
  - 2. Cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit.
- C. Remuneration from Performance Guarantee Instrument. The performance guarantee agreement may provide for progressive remuneration from the applicable financial instruments upon certification by the Township Engineer that the specific required public improvement has been satisfactorily completed/installed.
- D. Penalty for Failure to Complete Improvements. If the applicant fails to complete a required public improvement within a period of time specified in the performance guarantee agreement the Township Board may, at its option, proceed to have the public improvement completed. In such event the Township shall be reimbursed for all costs associated with the completion of the improvement from the performance guarantee instrument provided for that improvement. The applicant shall be liable to the Township for any amount of such costs exceeding the funds available from the pertinent instrument.

## SECTION 9

### DEVELOPMENT REQUIRED TO CONFORM WITH APPROVED FINAL PLAT/CONDOMINIUM PLAN; AMENDMENT OF APPROVED FINAL PLAT/CONDOMINIUM PLAN

- A. Development Required to Conform With Approved Final Plat/Condominium Plan. All development of an approved plat/condominium project shall strictly conform to the final plat or condominium plan approved pursuant to this Ordinance.
- B. Amendment of Approved Final Plat/Condominium Plan. Any amendment to or modification of an approved final plat/condominium plan shall be



submitted for review and approval consideration pursuant to Sections 5-7 of this Ordinance, and as otherwise required by the Act.

## SECTION 10

### VARIANCE AUTHORITY AND PROCEDURE

- A. Variance Authority and Standards. The Township Board may grant variances from the design and approval requirements of this Ordinance when the Township Board determines that the following standards are satisfied in the circumstances of each specific case:
1. Strict compliance with the ordinance requirement would result in a practical difficulty or unnecessary hardship because of the particular physical surroundings, shape, or topographical conditions of the tract of property involved, as distinguished from a mere inconvenience or economic hardship.
  2. The variance may be granted without detriment to the public safety, health, or general welfare, or damage to other property.
  3. The ordinance requirement at issue is not applicable to the specific situation at issue; or, the purpose is applicable but may be served even if a variance is granted.
  4. The conditions upon which the request for variance is based are unique to the subject property and not applicable generally to property outside of the proposed plat/condominium project.
  5. Approval of a variance will not in any manner result in a violation of any ordinance, or any other requirement of law.
  6. The conditions providing support for the variance were not created by the applicant or the applicant's predecessors in title.
- B. Variance Application Procedures. A request for a variance from any requirement of this Ordinance shall be submitted in writing by the applicant no later than when the preliminary plat is submitted for tentative approval. The request shall state the grounds for the requested variance and all the facts relied upon in support thereof. The Township Board may, at its discretion, hold a public hearing on a variance application.
- C. Application Fee. The application fee for consideration of a variance application pursuant to this Section shall be the actual costs incurred by the Township with respect to review and consideration of the application by the Township and its consultants, payable by the applicant within 30 days after invoiced by the Township, but subject to an application fee

deposit of \$500.00 to be paid when the application is submitted to the Township.

## SECTION 11

### DIVISION OF LOTS IN APPROVED PLAT/CONDOMINIUM PROJECT

- A. Prohibited Actions. The following actions are prohibited:
1. The division or partitioning of a lot in a recorded plat/condominium project without prior approval of the Township Board as required by this Ordinance.
  2. The commencing of construction on, or the application for a building permit for such construction, on any portion of a lot in a plat/condominium project that was divided without prior approval of the Township Board as required by this Ordinance.
  3. The submission of any document for recording involving the division or partitioning of a lot in a recorded plat/condominium project without prior approval of such division or partitioning by the Township Board as required by this Ordinance.
- B. Lot Division Authority. After a plat/condominium project has been fully approved and recorded the Township Board may approve the partitioning or division of a lot therein in the following circumstances:
1. No Intent to Create Separate Buildable Lot. When the application states that the sole purpose of the requested division is to add land to adjoining existing lots or parcels and not to create a new separate buildable lot, the Township Board may approve the application if the requested division will not cause any remaining portion of the original lot which is developed or intended for development to violate any provision of this Ordinance, or the provisions of such Zoning Ordinance as may be in effect at the time of such application concerning minimum lot frontage/width, minimum lot area, and minimum setbacks.
  2. Intent to Create New Buildable Lot. In situations not within the scope of the preceding paragraph, the Township Board may approve the division of a lot into not more than 4 parts upon determining that the following criteria are satisfied:
    - a. all of the resulting lots comply with the applicable requirements of this Ordinance, and such Zoning Ordinance as may be in effect at the time of the application with respect to minimum lot frontage/width, minimum lot area, and minimum setbacks;

- b. the resulting lots will each have direct access to a street as required by this Ordinance;
  - c. the resulting lots will each have access to public and/or private utility services;
  - d. all such resulting lots conform in all respects to all applicable ordinances and the Land Division Act;
  - e. the proposed division will not cause an unreasonable detriment to any adjoining property;
  - f. the proposed division will not for any other reason be contrary to the public health, safety, or general welfare.
- C. Application Procedures. A request for lot division approval shall be initiated by filing an application with the Township Clerk setting forth the purpose of the proposed division. The application form shall be accompanied by a survey showing the original lot and all lots proposed to result from the requested division, including all dimensions thereof and the legal descriptions therefore. The Township Board may approve a lot division, deny a lot division, or approve a lot division with appropriate lawful conditions. The Township Board may, at its discretion, hold a public hearing on a lot division application.
- D. Application Fee. The fee for consideration of a lot division application pursuant to this section shall be the actual costs incurred by the Township with respect to review and consideration of the application by the Township and its consultants, payable by the applicant within 30 days after invoiced by the Township, but subject to an application fee deposit of \$100.00 to be paid when the application is submitted to the Township.

## **SECTION 12**

### **ENFORCEMENT AND SANCTIONS FOR VIOLATIONS**

- A. Enforcement. This Ordinance shall be enforced by Ordinance Enforcement Officers of the Township, and such other persons as the Township Board may designate; provided that enforcement actions in the Circuit Court shall be authorized by the Township Board.
- B. Violations. Any person or entity establishing or attempting to establish a plat or condominium project in Schoolcraft Township without first obtaining the approvals prescribed by the Ordinance and fully complying with all the requirements contained herein, or who otherwise violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any approval issued under the Ordinance, including any conditions imposed thereon, or who



causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, employee, or otherwise, shall be liable as a principal. Each day that a violation continues to exist shall constitute a separate violation.

- C. Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine of not less than \$500, along with costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the violation.
- D. Remedial Action. Any violation of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law and necessary to abate the violation and/or to restrain or prevent any violation.

### **SECTION 13**

#### **SEVERABILITY**

This Ordinance and its various parts are hereby declared to be severable. If any portion of this Ordinance is declared to be invalid such declaration shall not affect the validity of the remainder of the Ordinance.

### **SECTION 14**

#### **REPEAL/NONREPEAL**

This Ordinance is intended to repeal in its entirety Ordinance No. 224 (Subdivision Development Ordinance) adopted June 14, 2005, as amended by Ordinance No 251 adopted April 12, 2011. This Ordinance shall not be construed to repeal a provision of the Township Zoning Ordinance, or any ordinance regulating the division of land outside of platted subdivisions.

### **SECTION 15**

#### **EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days after publication as required by law.

Virginia Mongreig, Clerk  
Township of Schoolcraft

**TOWNSHIP OF SCHOOLCRAFT  
KALAMAZOO COUNTY, MICHIGAN  
ORDINANCE NO. 237**

**PLANNING COMMISSION ORDINANCE**

**ADOPTED: JANUARY 13, 2009**

**EFFECTIVE: MARCH 26, 2009**

An Ordinance to confirm and reestablish the Schoolcraft Township Planning Commission pursuant to the Michigan Planning Enabling Act, 2008 Public Act 33 (MCL 125.3801 et. seq.); and provide for the membership and powers of the Planning Commission and related matters.

**TOWNSHIP OF SCHOOLCRAFT  
KALAMAZOO COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION 1: ESTABLISHMENT**

The Schoolcraft Township Board hereby confirms and reestablishes by this ordinance under the Michigan Planning Enabling Act the Schoolcraft Township Planning Commission previously established by resolution under the former Township Planning Act.

**SECTION 2: MEMBERSHIP COMPOSITION AND VOTING RIGHTS**

- A. The Schoolcraft Township Planning Commission (herein sometimes referred to as the Planning Commission) shall have a total membership of 9 members, including one member who is also a member of the Township Board and referred to herein as the "ex-officio" member.
- B. The membership of the Planning Commission shall be representative of important segments of the Township, such as the economic, governmental, educational, and social development of the Township, in accordance with the major interests as they exist in the Township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. In addition, the membership of the Planning Commission shall be representative of the entire geography of the Township to the extent practicable.
- C. The Supervisor is not eligible for appointment as a member of the Planning Commission. An elected officer or employee of the Township is not eligible to be a member of the Planning Commission except for the required ex-officio member.
- D. Each member of the Planning Commission has the same voting rights, including the ex-officio member.

### **SECTION 3: MEMBER APPOINTMENTS, QUALIFICATIONS, AND TERMS**

A. The Township Supervisor shall appoint all members of the Planning Commission, subject to approval by a majority vote of the members of the Township Board elected and serving.

B. All Planning Commission members shall be qualified electors of the Township (U.S. citizen, at least 18 years old, resident of Michigan for a least 6 months, and resident of Schoolcraft Township for at least 30 days); except one member may be appointed who is not a qualified elector of the Township.

C. Members of the Planning Commission shall be appointed for three year terms, except for the ex-officio member whose term on the Planning Commission shall expire with his or her term on the Township Board. A Planning Commission member shall hold office until his or her successor is appointed. The terms of the members of the Planning Commission, other than the ex-officio member, shall be staggered such that as nearly as possible the terms of one-third of the Planning Commission members will expire each year.

D. A vacancy on the Planning Commission shall be created when a member no longer meets all of the legal qualifications for membership on the Planning Commission, a member resigns from the Planning Commission, or a member is removed from the Planning Commission by the Township Board. A vacancy on the Planning Commission shall be filled for the unexpired term in the same manner as an original appointment.

E. Upon adoption of this Ordinance the Township Board shall by resolution make such adjustments of the existing Planning Commission members and terms as may be necessary to effect compliance with the requirements of this Ordinance as to membership composition and staggered terms.

### **SECTION 4: REMOVAL**

The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing preceded by reasonable notice to the member and the public.

### **SECTION 5: POWERS AND DUTIES**

A. The Planning Commission shall have all the powers and duties provided for a township planning commission by the Michigan Planning Enabling Act, the Michigan Zoning Enabling Act, any other applicable laws, the Township Zoning Ordinance, and this Ordinance, including all of the following powers and duties which shall be exercised in accordance with all applicable legal requirements:

1. Adopt bylaws for the transaction of Planning Commission business.
2. Elect officers of the Planning Commission.

3. By resolution determine the time and place of not fewer than four regular meetings each year.
4. Make and recommend to the Township Board a Master Plan as a guide for development within the Township (public hearing required).
5. Review the Master Plan at least every five years after adoption and determine whether to commence the procedure to amend the Master Plan or adopt a new Master Plan.
6. Review and make recommendations to the Township Board on such amendments of the Master Plan as may come before the Planning Commission by individual application (public hearing required).
7. Consult with and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens, concerning the promotion or implementation of the adopted Master Plan.
8. Review and where considered appropriate comment on other community's proposed master plans submitted to the Planning Commission for that purpose.
9. Prepare and recommend Township Board action on proposed amendments of the existing Township Zoning Ordinance/map or a proposed new Township Zoning Ordinance/map (public hearing required).
10. Conduct all public hearings as required by law or ordinance.
11. Review and decide applications for special land use approval (public hearing required); and, where applicable, planned unit development approval.
12. Review and decide applications for site plan approval.
13. Review and make recommendations to the Township Board on the provisions of an ordinance governing the subdivision of land, or a proposed amendment thereof, as may be referred to the Planning Commission by the Township Board for such purpose.
14. Review and make recommendations to the Township Board on every proposed plat before the Township Board takes action on a proposed preliminary plat submitted for tentative approval; and similarly review and make recommendations to the Township Board on such other steps of the plat review process at the Township level as may be required by any applicable ordinance or as otherwise requested by the Township Board (public hearing required).
15. Review and approve or disapprove the location, character, and extent

of such proposed street, square, park, playground, public way, ground, other open space, or public building or other structure, proposed to be constructed in an area covered by the Township Master Plan, submitted to the Planning Commission by the Township Board or other body having jurisdiction over the authorization or financing of the project, pursuant to MCL 125.3861(1).

16. Make an annual report to the Township Board concerning Planning Commission operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development. Unless otherwise required by the Township Board, the Planning Commission shall be considered to have complied with this annual report requirement pursuant to the availability of the minutes of its meetings to the members of the Township Board.

B. The Planning Commission is hereby exempted from the requirement of MCL 125.3865(1) to prepare a capital improvements program for the Township; provided the Planning Commission may in its discretion recommend programs for public structures and improvements and for the financing thereof to the appropriate public officials pursuant to MCL 125.3867.

#### **SECTION 6: COMPENSATION**

Members of the Planning Commission, including the ex-officio member, may be compensated for their services as provided by Township Board resolution.

#### **SECTION 7: BYLAWS**

The Planning Commission shall adopt bylaws for the transaction of its business. The bylaws shall include provisions providing for the election of Planning Commission officers, and provisions defining and otherwise pertaining to conflict of interest. The bylaws may also include such other provisions for the transaction of Planning Commission business as the Planning Commission may deem advisable, and as authorized by law. Bylaws of the Planning Commission and any amendments of same shall be adopted by a majority vote of the entire membership of the Planning Commission. Planning Commission bylaws shall not be contrary to or supercede any applicable law, any Schoolcraft Township ordinance, or any township policy approved by the Township Board.

#### **SECTION 8: MEETINGS AND RECORDS**

A. The Planning Commission shall hold at least four regular meetings each year. The time and place of all regular meetings shall be determined by resolution of the Planning Commission. The Planning Commission may also hold special meetings as provided by the bylaws of the Planning Commission and applicable law.

B. All business of the Planning Commission shall be conducted at a public

meeting held in compliance with the Open Meetings Act of the State of Michigan (MCL 15.261 et. seq.) and such other laws as may be applicable. The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations, as required by law. A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom Of Information Act (MCL 15.231 et. seq.).

#### **SECTION 9: SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction such declaration shall not affect the remainder of the Ordinance, which shall continue in full force and effect.

#### **SECTION 10: REPEAL**

All prior resolutions or ordinances, or parts of same, establishing the Township Planning Commission or pertaining to the membership of the Planning Commission under the former Township Planning Act are hereby repealed upon the effective date of this Ordinance.

#### **SECTION 11: EFFECTIVE DATE**

This Ordinance shall take effect 63 days after publication of the Ordinance in a newspaper having general circulation in the Township.

Virginia Mongreig, Clerk  
Schoolcraft Township



**TOWNSHIP OF SCHOOLCRAFT  
COUNTY OF KALAMAZOO, STATE OF MICHIGAN**

**ORDINANCE NO. 262**

**ADOPTED: APRIL 8, 2014**

**EFFECTIVE: MAY 15, 2014**

**LAND DIVISION ORDINANCE**

An ordinance to regulate the division of parcels or tracts of land, enacted pursuant to Michigan Public Act 288 of 1967, as amended (Land Division Act), and Act 246 of 1945, as amended (Township Ordinance Act).

**TOWNSHIP OF SCHOOLCRAFT  
KALAMAZOO COUNTY, MICHIGAN,**

**ORDAINS:**

**SECTION 1**

**TITLE**

This ordinance shall be known and cited as the Schoolcraft Township Land Division Ordinance.

**SECTION 2**

**PURPOSE**

The purpose of this Ordinance is to carry out those provisions of the Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act) enacted by 1996 PA 591 and 1997 PA 87, and as subsequently amended (MCL 560.101 et seq) pertaining to the division of unplatted land; to prevent the creation of parcels of property which do not comply with applicable ordinances or the Act; to minimize potential boundary disputes; to maintain orderly development of the community; and to otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing requirements for prior review and approval of land divisions, combinations, and boundary line adjustments.

Note: the division of platted lots (lots in subdivisions) and the development of land into plats/subdivisions is regulated by the Schoolcraft Township Subdivision Development Ordinance (Ordinance No. 224, as amended), under provisions of the Land Division Act generally not applicable to the division of unplatted land as addressed in this Land Division Ordinance.

### SECTION 3

#### DEFINITIONS

For purposes of this Ordinance certain terms and words used herein shall have the following meaning:

- A. “accessible” or “accessibility” – means, in reference to a parcel, that the parcel meets one or both of the following requirements:
  - (1) the parcel has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the County Road Commission or, where applicable, the Michigan Department of Transportation, under Act No. 200 of the Public Acts of 1969 (MCL 247.321-247.329); or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.
  - (2) the parcel is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the County Road Commission or, where applicable, the Michigan Department of Transportation, under Act No. 200 of the Public Acts of 1969 (MCL 247.321-247.329); or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.
- B. “Administrator” or “Land Division Ordinance Administrator” – means the Township Assessor, or such other official as may be designated by the Township Board to administer the provisions of this Ordinance.
- C. “applicant” and “proprietor” – means a person, firm, association, partnership, corporation, or other entity of any kind, or combination of any of same, that holds a recorded or unrecorded ownership interest in land.
- D. “area” – means, with reference to the area of a parcel, the total horizontal area within the boundary lines of the parcel, including any portion of the parcel within a public street right-of-way.
- E. “boundary line adjustment” – means the splitting and intended transfer of land from one parcel to a contiguous parcel where the result moves the common boundary line between the contiguous parcels but does not create a new parcel.
- F. “buildable” – means, in reference to a parcel of land, that the parcel meets the requirements of this Ordinance and any other applicable ordinances and laws to be developed for a legally permissible use involving a building or other structure.



- G. "combine" or "combination" – means, in reference to property, the putting together (combining) of two or more existing parcels or lots into a lesser number of parcels than existed before being combined.
- H. "depth" – means, with reference to the depth of a parcel, the average horizontal distance from the front property line to the rear property line of the parcel.
- I. "development site" – means any parcel or lot on which exists a building, or which is intended for building development, other than any of the following:
- (1) agricultural use involving the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stocks; fruits; vegetables; Christmas trees; and other similar uses and activities.
  - (2) forestry use involving the planting, management, or harvesting of timber.
- J. "divided" or "division" – means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale, or lease of more than one year, or for the purpose of building development, that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the Land Division Act (MCL 560.108-109) and this Ordinance. "Divided" or "division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel (a "boundary line adjustment").
- K. "exempt split" or "exempt division" – means the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent.
- L. "40 acres or the equivalent" – means either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- M. "front property line" – means that portion of a parcel abutting the right-of-way of a public street (or the right-of-way of a lawful private road or easement, in the case of a lawfully created parcel abutting a lawfully established private road or easement).

- N. "Land Division Act" or "Act" – means the Land Division Act of the State of Michigan as cited in Section 2 of this Ordinance (*MCL 560.101 et. seq.*).
- O. "lot" – means a measured portion of a parcel or tract of land which is described and fixed in a recorded plat.
- P. "parcel" – means a contiguous area or acreage of land which can be described as provided for in the Land Division Act.
- Q. "rear property line" – means that boundary line of a parcel which is opposite and most distant from the front property line; provided that in the case of a parcel pointed at the rear, the rear property line shall be that assumed line parallel to the front property line not less than 10 feet long lying farthest from the front property line and wholly within the parcel.
- R. "side property lines" – means any parcel boundary line that is not the front property line or the rear property line.
- S. "tract" – means two or more parcels that share a common property line and are under the same ownership.
- T. "parent parcel" or "parent tract" – means a parcel or tract, respectively, lawfully in existence on March 31, 1997.
- U. "width" – means, with reference to a parcel, the horizontal distance between the side property lines measured at the front property line; or as otherwise specified by the definition of the term "lot, frontage/width" in the Schoolcraft Township Zoning Ordinance.

#### SECTION 4

#### PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS, COMBINATIONS, AND BOUNDARY LINE ADJUSTMENTS

- A. Land shall not be divided without the prior approval of the Administrator in accordance with Sections 5-7 this Ordinance and the Land Division Act; provided that the following shall be exempted from this requirement:
  - 1. A parcel proposed for subdivision through a recorded plat pursuant to the Land Division Act and any corresponding Township Subdivision Development Ordinance.
  - 2. A lot in a recorded plat proposed to be divided in accordance with the Land Division Act and any corresponding Township Subdivision Development Ordinance.
  - 3. An exempt split, where all resulting parcels are accessible, as defined in this Ordinance.

4. An exempt split or other partitioning or splitting of a parcel or tract that only results in parcels of 20 acres or more in size, where the parcel or tract is not accessible, and either of the following applies:
  - a. The parcel or tract was in existence on March 31, 1997.
  - b. The parcel or tract resulted from an exempt split or other partitioning or splitting under Section 109b of the Land Division Act (MCL 560.109b).
- B. Boundary line adjustments and combinations of land shall be subject to the prior approval of the Administrator in accordance with Section 9 of this Ordinance and the Act.

## SECTION 5

### APPLICATION FOR LAND DIVISION APPROVAL

An applicant for approval of a proposed land division shall file all of the following with the Administrator to constitute a complete application:

- A. A completed application form on such form as may be provided by the Township.
- B. Evidence of land title sufficient to establish that the parent parcel or parent tract which is the subject of the proposed division was lawfully in existence on March 31, 1997.
- C. An adequate and accurate legal description of each parcel proposed to result from the division.
- D. A tentative parcel map, drawn to an identified scale, showing all of the following with respect to each parcel proposed to result from the division:
  1. Dimensions.
  2. Area.
  3. Parcel boundary lines.
  4. Public utility easements.
  5. Accessibility.
  6. The location of all existing buildings and structures, and the distances from the building/structures to all existing and proposed parcel boundary lines.

If the Administrator determines any of the content required by D. 1-6 above is not adequately or accurately shown on the tentative parcel map, the Administrator may require the applicant to supplement the initial filing with an adequate and accurate tentative parcel map or with a survey prepared by a surveyor licensed by the State of Michigan, in the reasonable discretion of the Administrator.

- E. Such additional information as may be reasonably required by the Administrator to make a determination on the application pursuant to the requirements of this Ordinance and the Land Division Act; including, where applicable, information pertaining to a proposed transfer of division or development rights.
- F. The fee as may from time to time be established by motion of the Township Board for land division reviews pursuant to this Ordinance to cover the costs of review of the application and administration of this Ordinance and the Land Division Act.

## SECTION 6

### REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

- A. Within 45 days after the filing of a complete application, as provided in Section 5 of this Ordinance, the Administrator shall determine whether the proposed land division qualifies for approval pursuant to Section 7 of this Ordinance.
- B. The Administrator shall provide the applicant with written notice of the determination, by personal delivery or by regular first class mail at the address of the applicant on the application form.
- C. If an application is not approved the Administrator's notice of such determination to the applicant shall state the reasons for the disapproval.
- D. A notice of approval of a proposed land division resulting in a parcel of less than 1 acre in size shall include a statement that the Township and its officers and employees are not liable if a building permit is not issued for the parcel for the reason that the parcel does not have the applicable approvals of a water supply and sewage disposal required by law.

Note: the statement required by the preceding paragraph is required by Section 109a of the Act with a notice of approval of a proposed land division resulting in a parcel of less than 1 acre in size (*MCL 560.109a(2)*). Notwithstanding this statutory requirement to only include such a statement in a notice of approval of a proposed land division resulting in a parcel of less than 1 acre in size, the approval of any proposed land division as required by this Ordinance and by the Act shall not be interpreted as making any determination or representation with respect to the potential issuance

of a building permit for any resulting parcel, regardless of the size of such parcel.

- E. The Administrator shall consult with the Zoning Administrator as necessary to determine the potential implications under the Schoolcraft Township Zoning Ordinance of an application filed pursuant to this Ordinance, and shall not knowingly approve an application under this Ordinance that creates a violation of the Zoning Ordinance or this Ordinance.

## SECTION 7

### REQUIREMENTS FOR APPROVAL OF LAND DIVISIONS

- A. An application for a proposed land division shall be approved if all the following requirements are met:
  - 1. The applicant has filed a complete application pursuant to the requirements of Section 5 of this Ordinance.
  - 2. The total number of parcels proposed to be created does not exceed the number allowed pursuant to Section 108 of the Land Division Act (MCL 560.108) and otherwise complies with same.
  - 3. The width of each resulting parcel complies with the applicable minimum parcel (lot) width requirements of the Township Zoning Ordinance.
  - 4. The area of each resulting parcel complies with the applicable minimum parcel (lot) area requirements of the Township Zoning Ordinance.
  - 5. The depth of each resulting parcel is not more than four times its width; provided that this requirement does not apply to the remainder of a parent parcel or parent tract retained by the proprietor.
  - 6. Each resulting parcel that is a development site has adequate easements for public utilities from the parcel to existing public utility facilities.
  - 7. Each resulting parcel is accessible.
  - 8. The division does not isolate a cemetery so that it is not accessible.
  - 9. Each resulting parcel complies with all other applicable requirements of the Land Division Act.
- B. The Administrator shall disapprove an application for a proposed land division that does not meet all the requirements for approval in the above

Section 7.A of this Ordinance, or that will otherwise create or cause a violation of another ordinance or law, unless the application was submitted for approval of a division to create one or more parcels not intended to be buildable and the application is approvable pursuant to Section 7.C of this Ordinance.

- C. The Administrator shall approve an application for a proposed land division where the width and/or area and/or depth-to-width of each resulting parcel does not comply with Section 7.A.3, 4, or 5 of this Ordinance (the applicable minimum width/area/depth-to-width requirements) if all of the following requirements, circumstances and conditions are met:
1. The application includes the explicit statement of the applicant that “the requested land division is not intended to create a new separate buildable lot”.
  2. The Administrator determines all of the requirements for land division approval specified in Section 7.A of this Ordinance are met, other than Section 7.A.3 and/or 4 and/or 5.
  3. The Administrator determines, after consultation with the Zoning Administrator, that the requested division will not cause any remaining portion of the property associated with the proposed land division which is already developed, or intended for development and previously approved, to violate any provision of the Zoning Ordinance concerning minimum lot frontage/width, minimum lot area, minimum building/structure setbacks, or maximum lot coverage requirements in effect at the time of such application.
  4. The Administrator explicitly designates the resulting parcel(s) as “not buildable” in the approval determination on the application and in the assessing and zoning records of the Township.
  5. The approval determination is subject to the condition that before the approval becomes effective the applicant shall file with the Administrator a copy of a document (on a form either prepared or approved by the Township) as recorded with the Kalamazoo County Clerk/Register of Deeds explicitly and conspicuously identifying the parcel(s) as “not buildable” and “not a development site”, and “not subject to a request by the applicant or any successor owner to render the property buildable by variance relief granted by the Schoolcraft Township Zoning Board of Appeals”.
- D. A parcel designated as “not buildable” pursuant to this provision shall itself be subject to further division to create a parcel(s) intended for building development only to the extent all the following requirements are met:



1. The applicant has retained the right to make such division(s) or is otherwise the lawful transferee of such division rights under the Land Division Act.
2. Any resulting parcel created by such division and intended for development complies with the applicable minimum parcel (lot) width and area requirements of the Zoning Ordinance for a buildable lot, and can otherwise be lawfully developed under the Zoning Ordinance.
3. The division is otherwise approvable pursuant to this Ordinance and the Land Division Act.

### **SECTION 8**

#### **SIGNIFICANCE OF APPROVAL OF APPLICATION; APPEAL OF ADMINISTRATOR DETERMINATION; RETENTION OF RECORDS**

- A. The approval of an application for a land division is only a determination that the land division complies with the requirements of the Land Division Act, and is not a determination that the resulting parcels comply with other applicable ordinances or regulations pertaining to the use or development of the parcels.
- B. Any person aggrieved by the determination of the Administrator on an application for a land division may appeal the Administrator's determination to the Township Board by filing a written appeal with the Township Clerk not later than 21 days after the date notice of the Administrator's determination was mailed or personally delivered to the applicant. At least 7 days written notice of the date, time and place of the Township Board meeting at which the appeal will be considered shall be given to the applicant (and the appellant where other than the applicant) by personal delivery or regular first class mail directed to the address of the applicant/appellant as shown in the application/written appeal. The Township Board shall affirm or reverse the determination of the Administrator, in whole or in part, pursuant to the requirements for approval of land divisions in Section 7 of this Ordinance and in the Land Division Act, but shall in no event reverse the Administrator's determination unless and except to the extent that determination was clearly erroneous under all applicable provisions of this Ordinance and the Act. The decision of the Township Board on such an appeal shall be a final decision of the Township for purposes of such judicial review as may be provided by law.
- C. The Administrator shall maintain an official record of all land division applications and the determinations thereon, including any appeals.

## SECTION 9

### BOUNDARY LINE ADJUSTMENTS AND COMBINATIONS

- A. Land shall not be subject to a boundary line adjustment, or a combination, without the prior approval of the Administrator in accordance with this Section.
- B. An applicant for approval of a proposed boundary line adjustment, or a combination, shall file with the Administrator an application with all of the information required by Section 5 of this Ordinance for a proposed land division, as applicable to the proposed boundary line adjustment/combination.
- C. An application for a boundary line adjustment or combination shall be subject to the review requirements for a land division application as specified in Section 6 of this Ordinance.
- D. An application for a boundary line adjustment or combination shall be approved if all of the following requirements are met:
  - 1. The applicant has filed a complete application as required above.
  - 2. The proposed boundary line adjustment or combination will not violate any provision of the Act.
  - 3. The proposed boundary line adjustment or combination will not cause any existing parcel that is a conforming lot under the Schoolcraft Township Zoning Ordinance to become a nonconforming lot under that ordinance, and will not cause any existing nonconforming lot under that ordinance to become more nonconforming.
- E. Any person aggrieved by the determination of the Administrator on an application for a boundary line adjustment or combination may appeal the Administrator's determination to the Township Board as provided by Section 8 of this Ordinance with respect to an appeal of a land division application determination.

## SECTION 10

### ENFORCEMENT AND VIOLATIONS; SANCTIONS FOR VIOLATION; OTHER CONSEQUENCES OF NONCOMPLIANCE

- A. This ordinance shall be enforced by the Land Division Ordinance Administrator, and by such other person or persons as the Township Board may designate.



- B. Each of the following constitutes a violation of this Ordinance, including the aiding or abetting of any of same:
1. Including materially false information on any application submitted under this Ordinance.
  2. Executing a deed or other instrument of land conveyance involving a land division, boundary line adjustment, or combination, that is subject to an application and approval requirement under this Ordinance, before the approval of such application.
  3. Executing a deed or other instrument of land conveyance for any land division, boundary line adjustment, or combination, that is subject to an application and approval requirement under this Ordinance, for any property other than the property for which an application was approved under this Ordinance, or in any other manner contrary to any such approval.
  4. Failing to timely record with the Kalamazoo County Clerk/Register of Deeds any document required by this Ordinance (such as a document identifying a parcel as "not buildable" and "not a development site" as required by Section 7.C of this Ordinance).
  5. Any other action violating any provision of this Ordinance.
- C. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute, punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine
--- 1st offense	150.00
--- 2nd offense	300.00
--- 3 <sup>rd</sup> or subsequent offense	500.00

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction.

- D. Any violation of this Ordinance shall also constitute a basis for injunctive relief against the violator, restraining and prohibiting continuation of the violation, in addition to any other relief or sanction herein set forth or allowed by law.
- E. Any division or combination of land or boundary line adjustment created in noncompliance with this Ordinance shall not be recognized on the Township real property assessment and taxation records, and shall be subject to such other consequences as may be provided by law.

**SECTION 11**

**SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

**SECTION 12**

**REPEAL/NON-REPEAL**

Any existing Land Division Ordinance as may have been previously adopted by the Township Board is hereby repealed, including Ordinance No. 180 adopted October 14, 1997 (as amended by Ordinance No. 224 adopted December 8, 2009); but this Ordinance shall not be construed to repeal any provision of the Township Zoning Ordinance, Subdivision Development Ordinance, Construction Code Ordinance, or any other existing ordinance.

**SECTION 13**

**EFFECTIVE DATE**

This ordinance shall take effect 30 days after publication as required by law.

SCHOOLCRAFT TOWNSHIP CLERK

**TOWNSHIP OF SCHOOLCRAFT**  
**COUNTY OF KALAMAZOO, STATE OF MICHIGAN**  
**SCHOOLCRAFT TOWNSHIP ORDINANCE NO. 265**

**ADOPTED: OCTOBER 14, 2014**

**EFFECTIVE: NOVEMBER 20, 2014**

**PLAT AND CONDOMINIUM SUBDIVISION DEVELOPMENT ORDINANCE**

An Ordinance to regulate the subdivision of land into plats pursuant to the Michigan Land Division Act (1967 PA 288, as amended), and the development of land under the provisions of the Michigan Condominium Act (1978 PA 59, as amended); to provide a procedure for the review and approval of such plat and land condominium developments pursuant to uniform specified requirements; to regulate the division of lots in recorded plat/condominium projects; and to provide sanctions for violations of the Ordinance.

**THE TOWNSHIP OF SCHOOLCRAFT**  
**KALAMAZOO COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION 1**

**TITLE**

This Ordinance shall be known as the Schoolcraft Township Plat and Condominium Subdivision Development Ordinance.

**SECTION 2**

**PURPOSE AND ENABLING AUTHORITY**

The purpose of this Ordinance is to promote the public safety, health and general welfare by facilitating the orderly layout and development of land subdivided into plats pursuant to the Land Division Act of the State of Michigan (formerly Subdivision Control Act), 1967 Public Act 288, as amended, or into a condominium subdivision pursuant to the Condominium Act of the State of Michigan, 1978 Public Act 59, as amended, and further pursuant to 1945 Public Act 246, as amended, in areas of the Township where the subdivision of land into such developments is otherwise permissible pursuant to the Schoolcraft Township Zoning Ordinance. This Ordinance is intended to assure that each type of development project, where otherwise permissible, is treated in the same manner with respect to certain minimum standards and approval procedures.

### SECTION 3

#### DEFINITIONS

For purposes of this Ordinance certain terms and words used herein shall have the following meaning:

- A. "Act": the Land Division Act of the State of Michigan (formerly Subdivision Control Act), 1967 Public Act 288, as amended (MCL 560.101 et seq.), or the Condominium Act of the State of Michigan, 1978 Public Act 59, as amended (MCL 559.101 et seq.), as applicable in the context.
- B. "Applicant", "Owner", "Proprietor" and "Subdivider": intended to be synonymous terms referring to the person or entity holding an ownership interest in land proposed for plat/condominium project consideration.
- C. "Common Elements": the portions of a condominium project other than the condominium units.
- D. "Condominium Project": (see definition for Plat/Condominium Project).
- E. "Condominium Plan": (see definition for Plat/Condominium Plan).
- F. "Condominium Unit": that portion of a condominium project designed and intended for separate ownership and use, as described in the master deed of the project.
- G. "Health Department": the county health department, district health department, or Michigan Department of Public Health and/or Michigan Department of Environmental Quality, whichever has jurisdiction in the particular context. .
- H. "Limited Common Elements": the portion(s) of the common elements reserved in the master deed of a condominium project for the exclusive use of less than all the owners of condominium units in the project.
- I. "Lot": a parcel of land in a plat, or a land condominium unit in a condominium project, separated from other parcels/units by legal description or deed/master deed, and intended for separate ownership and use.
- J. "Master Deed": the legal document prepared and recorded pursuant to the Condominium Act within which are, or to which is attached as exhibits and incorporated by reference, the approved by-laws for the condominium project and the approved condominium subdivision plan for the project.

- K. "Plat": a development of land (also sometimes known as a subdivision) subject to the platting requirements of the Land Division Act (formerly Subdivision Control Act), 1967 Public Act 288, as amended.
- L. "Plat/Condominium Project": a land development project established pursuant to and in conformance with this Ordinance and either the Land Division Act or the Condominium Act.
- M. "Plat/Condominium Plan": the plan as required in this Ordinance for a plat or condominium project.
- N. "Surveyor": a professional surveyor licensed by the State of Michigan as provided by Section 102 of the Land Division Act.

Other words and phrases used in this Ordinance which are defined in the Condominium Act or the Land Division Act shall be understood to have the meaning of such word or phrase in said Act, unless such meaning is inconsistent with the use of such word or phrase in this Ordinance.

Any word or phrase not specifically defined in this Ordinance, or in either of said Acts, shall be defined in accordance with its customary or common meaning.

#### **SECTION 4**

##### **PLAT/CONDOMINIUM PLAN APPROVAL PROCESS (OVERVIEW)**

- A. Required Procedural Steps: This Ordinance provides for a proposed plat or condominium project to be reviewed by the Township Board through a mandatory 3-step process, as follows:
  - Step 1 --- preliminary plat/condominium plan submitted for tentative approval.
  - Step 2 --- preliminary plat/condominium plan submitted for final approval.
  - Step 3 --- final plat/condominium plan submitted for final approval.

The Township Board may, in its discretion, request an advisory recommendation from the Township Planning Commission at any of the mandatory steps of the process. The Township Board shall refer a proposed plat to the Planning Commission before final action thereon by the Township Board, as required by Section 12 of the Township Planning Act (MCL 125.332).

The Township Board or Planning Commission may, in its sole discretion, hold a public hearing on a proposed plat or condominium plan at any mandatory step(s) of the process. Notice of any such public hearing shall

be given by posting in the manner required by the Open Meetings Act and by such other means as the Township Board may determine.

- B. Optional Pre-Application Conference. A potential applicant for plat/condominium plan review may submit a generalized conceptual sketch of a potential plat/condominium project for non-binding review and comment by the Township Board. This optional step in the process is recommended to facilitate early contact between the owner/developer and the Township to generally discuss the conceptual layout of the development, compliance with the substantive requirements of this Ordinance and any other applicable Township ordinance, and the mandatory review process prescribed by this Ordinance. The Township Board may assign responsibility for this optional conference to the Planning Commission. There shall be no application fee for this optional conference.

This optional pre-application conference opportunity with the Township Board is intended to be available to a potential applicant for approval of a plat regardless of whether the proprietor of the proposed plat has submitted a written request to the chairperson of the county plat board requesting a preliminary review meeting to informally review the proprietor's concept plan for the preliminary plat, as provided by Section 111(3) of the Land Division Act as amended by 2004 Public Act 525 [MCL 560.111(3)].

- C. Compliance with Applicable Requirements of Zoning Ordinance. An applicant proposing a plat/condominium project utilizing an "open space preservation/clustering development" concept as authorized by the Zoning Ordinance shall comply with all procedural and substantive requirements of the Zoning Ordinance applicable to such developments, in addition to the requirements of this Ordinance. The Township may require an applicant to proceed through the zoning approval process and obtain the required zoning approvals for an open space preservation/clustering development, before initiating the plat/condominium plan approval process under this Ordinance; or may coordinate the zoning approval process with the plat/condominium plan approval process under this Ordinance.

## SECTION 5

### TENTATIVE APPROVAL OF PRELIMINARY PLAT/CONDOMINIUM PLAN (STEP 1 APPROVAL)

- A. Submission Requirements. The applicant for tentative approval of a preliminary plat or condominium project shall submit 10 copies of the proposed preliminary plat/condominium plan and all supporting materials to the Township Clerk, along with the required application fee. The



proposed preliminary plat/condominium shall be prepared by a land surveyor, and shall show at least the following:

1. A scale of not greater than 1 inch equals 200 feet, a north arrow, and a general vicinity map at a scale of 1 inch to 1,000 feet with the appropriate orientation to the proposed development showing section and quarter section lines and any general features located in the vicinity of the proposed development.
2. The topography of the area proposed to be developed with not more than four-foot contour intervals.
3. The location and layout of all streets, intended street names, the width and dimension of all street rights-of-way, and whether such streets are intended to be dedicated public streets within the jurisdiction of the Kalamazoo County Road Commission or maintained as private streets (if otherwise allowable).
4. The layout of all proposed lots, including the shape and dimensions of same.
5. The location of all man-made and natural features on and within 100 feet of the proposed plat/condominium project, including, but not limited to, topography, property lines of adjacent parcels, fence lines, curb cuts, streets, and any other especially significant features such as bodies of water and watercourses.
6. The location of all proposed and the nearest existing public water mains and sanitary/stormwater sewers, and indicate whether the proposed plat/condominium project will be served by public or private water and/or sewer facilities.
7. The general location and size of any flood plain and wetlands within or adjacent to the proposed plat/condominium project.
8. The location of stormwater drainage features, with arrows depicting the direction of flow, and indicating in general the methods proposed for stormwater disposal.
9. The minimum required and proposed building setback lines on all lots, indicating the distances from all adjacent street rights-of-way.
10. General site data, including the total acreage of the proposed plat/condominium project, and the planning and zoning classification(s) of the subject property pursuant to such Master Plan and Zoning Ordinance as may be in effect at the time the proposed preliminary plat/condominium plan is submitted for tentative approval. Note: pursuant to the Schoolcraft Township

Zoning Ordinance new housing developments such as subdivisions/plats (including expansion of existing subdivisions/plats) are not allowed in the AG-1 Exclusive Agriculture District or in the AG-2 General Agriculture District.

11. A title block which includes the following information:
  - a. The name of the proposed plat/condominium project.
  - b. The name, address and telephone number of each of the following: the applicant, the owner of the subject property, the applicant's land surveyor, and the applicant's engineer (where applicable).
  - c. The location and position of the proposed plat/condominium project, and an appropriate legal description of the subject property.
  - d. The date the proposed preliminary plat/condominium plan was prepared.
  - e. The seal of the surveyor who prepared the proposed preliminary plat/condominium plan.
12. If the applicant or owner of the subject property also owns or has a legal interest in the acquisition of adjoining land which may be developed in the future as a plat or condominium project, the applicant shall also submit a tentative conceptual plan showing the feasibility of the development of such adjoining land in relation to the proposed development of the subject property.

B. Application Fee. The application fee for this review step is an amount equal to the actual costs incurred by the Township with respect to review and consideration of the application by the Township and its consultants, payable by the applicant within 30 days after invoiced by the Township, but subject to the following applicant fee deposit to be paid when the application is submitted to the Township: \$1,000.00 for plats/condominiums with 10 or fewer lots; \$1,000.00 plus \$50.00 per lot in excess of 10 lots for plats/condominiums with more than 10 lots. Upon adoption of this Ordinance, the Township Board may change the amount of such application fee, prospectively, by motion or resolution.

C. Township Board Review Procedure. Upon receiving an administratively complete application for a preliminary plat/condominium plan submitted for tentative approval, the Township Clerk shall submit same to the Township Board for review and approval consideration, which shall occur within the following time period, as applicable, pursuant to the approval standards in subsection D below:



1. Within 60 days after it was submitted to the Clerk, if a preliminary review meeting with the county plat board was conducted as provided by Section 4.B. herein.
  2. Within 90 days after it was submitted to the Clerk, if a preliminary review meeting with the county plat board was not conducted as provided by Section 4.B. herein.
- D. Township Board Standards for Approval. The Township Board shall either tentatively approve and note its approval on the copy of the preliminary plat/condominium plan, or tentatively approve it subject to conditions and note its approval and conditions on a copy of the preliminary plat/condominium plan, or reject the preliminary plat/condominium plan and set forth in writing its reasons for same, based on compliance with all applicable laws, regulations and ordinances, including the following standards:
1. Streets: All streets within a proposed plat or condominium project shall be laid out and designed to permit the safe, efficient, and orderly movement of traffic; to meet the needs of present and expected future populations; to have a simple and logical pattern; to respect natural and topographical features so as to result in useable lots and reasonable grades for streets and intersecting driveways; and to promote an attractive streetscape. To accomplish these goals all streets within a plat or condominium project shall comply with the following design and layout requirements:
    - a. The streets shall be consistent with such street plan as may be adopted by the Township; or if such a plan does not exist, such street plan as may be adopted by the County.
    - b. The arrangement of streets shall provide for a continuation of existing streets from adjoining areas into the proposed plat/condominium project.
    - c. Where adjoining areas are not subdivided, the arrangement of streets in the proposed plat/condominium project shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjoining areas; provided, however, that minor streets within the plat/condominium project shall be so laid out that their use by through traffic will be discouraged.
    - d. Direct access to a county primary road shall be prohibited for all lots abutting such roads. Where the proposed subdivision or condominium project abuts or contains a county primary

road or major thoroughfare as designated by the county road commission or a county or township master plan, the Township Board may require marginal access streets approximately parallel to the right-of-way of the primary road or major thoroughfare and may require such other treatment as is deemed necessary for the adequate protection of residential properties and to afford separation of through and local traffic.

- e. All streets within a proposed plat/condominium project shall be public streets intended to part of the dedicated public road system under the jurisdiction of the Kalamazoo County Road Commission, and shall be constructed in accordance with the specifications of the Kalamazoo County Road Commission for streets and plats; provided that private streets within a plat/condominium project may be permitted by the Township Board only in circumstances where new private streets are otherwise allowed in the Township pursuant to applicable ordinances, and if the Township Board finds that the proposed private streets within the plat/condominium will not adversely affect public health, safety or welfare. In any such circumstances where new private streets are otherwise allowed, and are permitted by the Township Board to be developed within a new plat/condominium project, such private streets shall comply with all of the foregoing layout, design, and construction requirements, and in addition the following requirements:

- (1) Utility Easements. No private street shall be established unless an easement of sufficient width is provided within or adjoining the private street for all public utilities.
- (2) Maintenance and Repair Agreement. No private street shall be established unless a maintenance and repair agreement in a form and with content approvable by the Township Board, and recordable with the County Register of Deeds, is supplied providing all of the following:
  - Legal description(s) of all property enjoying a right to utilize the private street, i.e., "benefited properties";
  - Legal description(s) of all rights-of-way and public utility easements;

- All parties having a responsibility for repair, maintenance and/or snow removal for the private street, i.e., "responsible parties";
  - A description of the respective responsibilities, monetary and otherwise, of such responsible party(ies) for repair, maintenance and/or snow removal;
  - The method by which decisions regarding repair, maintenance or snow removal are to be made by the responsible party(ies);
  - A provision indicating that the agreement runs with the land and is binding on all grantees, heirs or successors in interest as to the benefited and responsible party(ies);
  - Signatures of all persons having any interest in the property or properties on which the private street is located, benefited and responsible parties.
- f. All new streets shall be named as follows: streets with predominant north-south direction shall be named "Street"; streets with predominant east-west direction shall be named "Avenue"; meandering streets shall be named "Drive", "Lane", "Path", "Road", or "Trail", etc., and cul-de-sacs shall be named "Circle", "Court", "Way", or "Place", etc.
- g. Streets shall intersect at 90 degrees or as closely thereto as feasible, and in no case less than 80 degrees.
- h. Where the proposed continuation of a street at an intersection is not in alignment with the existing street, it shall not intersect such cross street closer than 175 feet from such opposite existing street, as measured from the centerline of said streets.
- i. Curvilinear street layout and design is encouraged to be used where the topography and the size of the project property makes such layout and design feasible.
- j. The maximum length allowed for residential blocks shall be 1,000 feet.

- k. All street rights-of-way within or abutting the proposed development shall be not less than 66 feet in width.
- l. Permanent and temporary dead-end streets and cul-de-sacs in excess of 660 feet in length shall be prohibited, unless the Township Board determines the topography of the area, rivers, streams, other natural conditions or the prior development of the area prevents a through street from being constructed.
- m. A plat/condominium project or extension of an existing plat/condominium project creating a total of 50 or more lots shall be developed so as to provide two or more access streets.

Note: The street design standards in this Ordinance are intended as minimum standards applicable to all public streets and permitted private streets within a plat/condominium project. All public streets shall also be subject to and comply with such additional or greater design standards applicable to streets in plats as may be adopted by the county road commission. All private streets shall comply with all applicable provisions of this Ordinance, and with any additional or greater design standards and requirements for a private road in the existing or any successor Zoning Ordinance regulating private road standards.

## 2. Lots/Outlots

- a. All lots within a plat/condominium project shall comply with the minimum lot frontage/width and lot area requirements as may be applicable to the subject property pursuant to the Zoning Ordinance/Zoning Map in effect at the time of submission of the preliminary plat/condominium plan for tentative approval.
- b. Corner lots and double frontage lots shall generally have additional frontage/width and/or area to facilitate compliance with the applicable minimum setback requirements on each adjoining street pursuant to the Zoning Ordinance.
- c. Outlots shall be of a size, extent, and location that will not impair the intent of the Act or any applicable ordinance regulations for land development.

## 3. General Provisions

- a. Privately-held reserve strips controlling access to streets shall be prohibited.

- b. Existing natural features which add value to residential development or that enhance the attractiveness of the community (such as streams, water courses, historic spots and similar irreplaceable assets) shall be preserved insofar as possible in the design and development of the plat/condominium project.
- c. Lands subject to flooding or otherwise determined by the Township Board to be uninhabitable pursuant to any applicable law shall not be proposed for residential, commercial or industrial development purposes. Such lands may be set aside for other purposes such as parks and/or open space.
- d. Street lighting shall be indicated where proposed by the applicant, or where required by the Township Board when the Board determines street lighting is desirable for public health, safety and welfare. Such street lighting shall be adequate to serve the proposed development given its size and layout.
- e. Pedestrian sidewalks/walkways and/or bicycle paths/lanes shall be indicated where proposed by the applicant, or where required by the Township Board when the Board determines any such features are desirable to reduce or eliminate potential vehicle-pedestrian-bicycle conflicts. Pedestrian sidewalks/walkways shall be located within the street right-of-way/easement, on one or both sides of the street, and approximately parallel with the roadway. Sidewalks/walkways shall be four feet in width, with a flared barrier-free ramp at street intersections, and shall otherwise conform to recognized design and construction specifications. Bicycle paths/lanes shall be located within the street right-of-way or other easement, and shall conform to recognized design and construction specifications.
- f. Land contiguous to a lake or other body of water shall not be used to provide riparian access to such body of water to any other property and/or the owners or occupants of such property except in accordance with Section 5.5 of the Zoning Ordinance or such other section of the existing or successor Zoning Ordinance as may regulate riparian access to parcels.

E. Effect and Duration of Tentative Approval of Preliminary Plat/Condominium Plan. Tentative approval of a preliminary plat/condominium plan confers approval of the lot sizes, lot orientation,

and street layout, and application of the then-current regulations, to facilitate preparation and submission of a preliminary plat/condominium plan for final approval as provided in the next section of this Ordinance. Tentative approval of a preliminary plat/condominium plan shall be valid for one year, subject to extension at the discretion of the Township Board upon request of the applicant prior to expiration of the one-year period.

## **SECTION 6**

### **FINAL APPROVAL OF PRELIMINARY PLAT/CONDOMINIUM PLAN (STEP 2 APPROVAL)**

- A. Submission Requirements. After a preliminary plat/condominium plan has been tentatively approved or approved subject to conditions by the County Road Commission, the County Drain Commissioner, and where applicable the Michigan Department of Transportation, the Michigan Department of Environmental Quality, and the Health Department, the applicant for final approval of a preliminary plat/condominium plan shall submit 10 copies of the tentatively approved preliminary plat/condominium plan and all supporting materials to the Township Clerk, including a list of all authorities required by statute to review the preliminary plat/condominium plan certifying that the list shows all such authorities, and the written approvals of the preliminary plat/condominium plan by such authorities, along with the required application fee. The proposed preliminary plat/condominium plan submitted for final approval shall be prepared by a land surveyor and, along with supporting materials, shall show at least the following:
1. All items required by the Act and by the Township Board pursuant to the tentative approval of the preliminary plat/condominium plan, and all items required pursuant to the tentative approval of the preliminary plat/condominium plan by other governmental agencies.
  2. Detailed working drawings showing grades, drainage structures, proposed utilities, and construction plans for streets, pedestrian sidewalks/walkways and bicycle paths/lanes, within and adjoining the plat/condominium project.
  3. Documentation of consultation with the governmental authorities responsible for all public utilities which will be servicing the plat/condominium project, including the manner of resolving any conflicts in location between public utility facilities and other improvements. To the extent private sewage disposal systems are proposed for any development in the project, a letter from the Health Department shall be provided stating that the proposed systems are acceptable and approvable. To the extent private water supply systems are proposed for the development, a letter



from the Health Department shall be provided stating that the proposed water supply systems are acceptable and approvable.

- B. Application Fee. The application fee for this review step is an amount equal to the actual costs incurred by the Township with respect to review and consideration of the application by the Township and its consultants, payable by the applicant within 30 days after invoiced by the Township, but subject to the following application fee deposit to be paid when the application is submitted to the Township: \$1,000.00 for plats/condominiums with 10 or fewer lots; \$1,000.00 plus \$50.00 per lot in excess of 10 lots for plats/condominiums with more than 10 lots. Upon adoption of this Ordinance, the Township Board may change the amount of such application fee, prospectively, by motion or resolution.
- C. Township Board Review Procedure. Upon receiving an administratively complete application for a preliminary plat/condominium plan submitted for final approval, the Township Clerk shall submit same to the Township Board for review and approval consideration, which shall occur within 20 days from the date of submission, pursuant to the approval standards in subsection D below.
- D. Township Board Standards for Approval. The Township Board shall approve a preliminary plat/condominium plan submitted for final approval if all conditions specified by the Board for tentative approval of the preliminary plat/condominium plan have been met, and the preliminary plat/condominium plan complies with all applicable laws, regulations and ordinances, including the following standards:
  - 1. All street grades shall not exceed a 7 percent grade or be less than a 0.5 percent grade except upon special approval of the township engineer.
  - 2. All street grades in excess of 3 percent shall require installation of curb and gutter complying with county road commission standards for streets in plats.
  - 3. All street rights-of-way within or abutting the plat shall be constructed with not less than a six inch compacted gravel base at least 22 feet wide, covered with not less than two inches of bituminous aggregate pavement at least 20 feet wide.
  - 4. All street rights-of-way shall be graded to the full width thereof for proper drainage and prospective future widening and improving. Street grading shall be accomplished so as to establish a 0.5 foot higher elevation at the boundary of the right-of-way than at the crown of the traveled roadway. All trees or other obstructions within the right-of-way which interfere with the grading and/or drainage

shall be removed. The foregoing 0.5 foot elevation and tree and obstruction removal may be varied or adjusted by the Township Board upon recommendation of the township engineer where valuable trees or obstacles are involved and as long as drainage and safety will not be impaired.

5. Permanent dead-end streets shall be provided at the closed end with a turn-around having an outside improved roadway diameter of at least 100 feet as measured from the centerline of the gutter or back of curb, centered on a right-of-way diameter of at least 140 feet. Temporary dead-end streets shall be provided at the closed end with a turn-around constructed the full width of the right-of-way.

Note: The street construction standards in this ordinance are intended as minimum standards applicable to all public streets and permitted private streets within a plat/condominium development. All public streets shall also be subject to and comply with such additional or greater construction standards applicable to streets in plats as may be adopted by the county road commission. All private streets shall comply with all applicable provisions of this Ordinance, and with such additional or greater construction standards and requirements for a private road as may be specified in the Township Zoning Ordinance, or any other ordinance regulating private road standards.

6. All surface waters shall be adequately drained within each plat by a separate system of drainage structures or through the connection of such separate system to an adequate adjoining system. Where storm sewers are used, inlet basins shall not be spaced further apart than 300 feet except as may otherwise be approved by the Township Board, upon recommendation of the township engineer, only where other equivalent and sufficient drainage inlets are provided. Where such outlets are not thus available, such drainage structures may consist of leaching basins spaced so that water shall not be required to run on the surface of the road further than 250 feet to such basin, or spaced so as to afford equivalent and sufficient drainage. The Township Board shall determine what constitutes equivalent and sufficient drainage, upon the recommendation of the township engineer.
7. Connection to sanitary sewers and/or water mains may be required by the Township Board when the Board determines that sewers and/or water mains are reasonably available to the proposed development.
8. The proprietor shall make arrangements for all distribution lines for telephone, electric, television and other similar services distributed



by wire or cable to be placed underground entirely through a residential subdivided area. Such conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways. All such facilities placed in dedicated public ways shall be planned so as to not conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission or other governmental agency with jurisdiction. Private easements for underground utilities shall be shown on the preliminary plat/condominium plan.

9. Storm water disposal methods proposed for the development shall be adequate to insure each building site and roadway will not be flooded and that all necessary easements for storm sewers or open drains can feasibly be dedicated to the public for such purposes.
10. No lot, outlot, or other land within the development may be landlocked, or otherwise isolated from access to a public street or approved private street.
11. The proprietor shall make arrangements for and assume the costs of the assignment of a street number for each lot proposed to be included within the development.

- E. Effect and Duration of Final Approval of Preliminary Plat/Condominium Plan. Final approval of a preliminary plat/condominium plan confers a conditional right that the general terms and conditions under which preliminary plat/condominium plan approval was granted will not be changed, to facilitate submission of a final plat/condominium plan for approval as provided in the next section of this Ordinance. Final approval of a preliminary plat/condominium plan shall be valid for two years, subject to written extension at the discretion of the Township Board upon request of the applicant prior to expiration of the two-year period. The Clerk shall send written notice of any such extension to the other approving authorities.

## SECTION 7

### APPROVAL OF FINAL PLAT/CONDOMINIUM PLAN (STEP 3 APPROVAL)

- A. Submission Requirements. The applicant for approval of a final plat/condominium project shall submit 10 copies of the proposed final plat/condominium plan and all supporting materials to the Township Clerk, along with the required application fee, and the filing/recording fee and state plat review fee required by MCL 560.241. A final plat/condominium plan shall not be accepted for review after the date of expiration of the

preliminary plat/condominium plan approval. The proposed final plat/condominium plan shall be prepared by a land surveyor and, along with supporting materials, shall show at least the following:

1. A sworn certificate of the surveyor who made the plat/condominium plan stating all of the following on the final plat/condominium plan:
    - a. The copy is a true copy of the final plat/condominium plan.
    - b. The final plat/condominium plan is subject to the approval of each of the governmental officers and agencies whose approval is required, with a list of those officers and agencies.
    - c. The date of the certificate.
  2. All items required by the Township Board and other governmental agencies pursuant to the approval of the preliminary plat/condominium plan.
  3. An abstract of title or a title insurance policy showing the proprietor holds merchantable title to all land included within the plat/condominium project.
  4. Formal irrevocable offers of dedication of all public streets and other public facilities, in a form approved by the governmental agency with jurisdiction to accept the offers of dedication.
  5. Such other information as the Township Board may require to reasonably insure the completion of any unfinished public improvements.
- B. Application Fee. The application fee for this review step is an amount equal to the actual costs incurred by the Township with respect to review and consideration of the application by the Township and its consultants, payable by the applicant within 30 days after invoiced by the Township, but subject to the following application fee deposit to be paid when the application is submitted to the Township: \$200.00 for plats/condominiums with 10 or fewer lots; \$200.00 plus \$10.00 per lot in excess of 10 lots for plats/condominiums with more than 10 lots. Upon adoption of this Ordinance, the Township Board may change the amount of such application fee, prospectively, by motion or resolution.
- C. Township Board Review Procedure. Upon receiving an administratively complete application for a final plat/condominium plan the Township Clerk shall submit same to the Township Board for review and approval consideration at its next regular meeting, or at a special meeting called within 20 days after the date of receiving the administratively complete

final plat/condominium plan submission, pursuant to the approval standards in subsection D below.

The Township Board shall instruct the Township Clerk to record all Township Board proceedings on a final plat in the minutes of the meeting, which shall be open for inspection, and to send a copy of the minutes to the county plat board. If the Township Board approves the final plat, it shall instruct the Township Clerk to notify the proprietor of the Township Board's approval and to certify the Township Board's approval, showing the date of the Township Board's approval, the approval of the Health Department, when required, and the date of Health Department approval as shown on the approved preliminary plat. If the Township Board rejects the final plat, it shall instruct the Clerk to give the reasons in writing as set forth in the minutes of the meeting, and to return the unapproved final plat to the proprietor. Upon approval of a final plat the Township Clerk shall also send the filing/recording fee and state plat review fee with the final plat to the clerk of the county plat board.

D. Township Board Standards for Approval. The Township Board shall approve a final plat/condominium plan if it conforms to all of the applicable provisions of the Act and this Ordinance, including but not limited to the following requirements:

1. All monuments required to be placed in the subdivision have either been placed or a performance guarantee agreement has been executed pursuant to Section 8 of this Ordinance to insure the placement of same.
2. All roads, streets, bridges and culverts have been completed or a performance guarantee agreement has been executed pursuant to Section 8 of this Ordinance to insure the completion of same.
3. If the subdivision has any waterways or lagoons, etc., as addressed in Section 188 of the Act, all such waterways, etc. have been constructed or a performance guarantee agreement has been executed pursuant to Section 8 of this Ordinance to insure the construction of same.
4. If any flood plains lie within the proposed subdivision, such flood plains shall be restricted as provided by applicable state law and such restrictions shall be submitted to the Township Board for review and approval prior to recording and thereafter shall be recorded in the office of the register of deeds contemporaneously with the recording of the plat or master deed.
5. All utilities serving the plat or condominium project have either been installed and water and sanitary sewer mains have been stubbed to

the lot lines or a performance guarantee agreement has been executed pursuant to Section 8 of this Ordinance to insure the completion of same.

6. All underground utility installations, including lines for street lighting systems, which traverse privately owned property shall be protected by easements granted by the proprietor and approved by the public utility. These easements shall be recorded on the final plat or master deed as private easements for public utilities or easements provided by separate instrument. Easements across lots or centered on rear or side lot lines provided for utilities shall be at least 12 feet wide (preferably one-half from each lot) except side lot easements three feet wide granted for street lighting drop-outs. These easements shall be direct and continuous from block to block.
7. All public improvements such as street lights, fire hydrants, sidewalks, parks, etc., which have been required by the Township Board, have been completed and installed or a performance guarantee agreement has been executed pursuant to Section 8 of this Ordinance to insure the completion of same.
8. The dedication of public streets and other public facilities has been executed by all required owners.

E. Effect of Approval of Final Plat/Condominium Plan.

Approval of a final plat or condominium plan by the Township Board, and by all other governmental officers and agencies whose approval is required, and the recording of the approved final plat or master deed as required by the Act, confers approval of the plat or condominium project to facilitate the construction thereof and the sale and development of lots therein in accordance with the approved final plat/condominium plan and all applicable laws, regulations and ordinances.

## SECTION 8

### COMPLETION OF PUBLIC IMPROVEMENTS

- A. Completion Required; Alternate Performance Guarantee Agreement. The construction of all public improvements shall be completed by the applicant and approved by the Township Board prior to final plat/condominium plan approval. In the alternative, as to those requirements which are over and beyond the requirements of any other approving agency or any agency responsible for the administration, operation and maintenance of the applicable public improvements, the Township Board may in its discretion require the applicant to guarantee completion of such required improvements as provided in this Section. In

such instances the Township and the applicant shall enter into a written agreement specifying in detail the nature of the required improvements, the time in which these improvements are to be completed, provisions for verifying and inspecting the construction of such improvements to determine their conformity to the approved plans and specifications, and the nature of the financial guarantee of performance which is to be provided for each improvement.

- B. Acceptable Types of Performance Guarantees. Where the Township Board agrees to accept performance guarantees for the completion of public improvements subsequent to final plat approval, the Township Board may require one or more of the following types of guarantees:
1. Performance or surety bond.
  2. Cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit.
- C. Remuneration from Performance Guarantee Instrument. The performance guarantee agreement may provide for progressive remuneration from the applicable financial instruments upon certification by the Township Engineer that the specific required public improvement has been satisfactorily completed/installed.
- D. Penalty for Failure to Complete Improvements. If the applicant fails to complete a required public improvement within a period of time specified in the performance guarantee agreement the Township Board may, at its option, proceed to have the public improvement completed. In such event the Township shall be reimbursed for all costs associated with the completion of the improvement from the performance guarantee instrument provided for that improvement. The applicant shall be liable to the Township for any amount of such costs exceeding the funds available from the pertinent instrument.

## **SECTION 9**

### **DEVELOPMENT REQUIRED TO CONFORM WITH APPROVED FINAL PLAT/CONDOMINIUM PLAN; AMENDMENT OF APPROVED FINAL PLAT/CONDOMINIUM PLAN**

- A. Development Required to Conform With Approved Final Plat/Condominium Plan. All development of an approved plat/condominium project shall strictly conform to the final plat or condominium plan approved pursuant to this Ordinance.
- B. Amendment of Approved Final Plat/Condominium Plan. Any amendment to or modification of an approved final plat/condominium plan shall be



submitted for review and approval consideration pursuant to Sections 5-7 of this Ordinance, and as otherwise required by the Act.

## SECTION 10

### VARIANCE AUTHORITY AND PROCEDURE

- A. Variance Authority and Standards. The Township Board may grant variances from the design and approval requirements of this Ordinance when the Township Board determines that the following standards are satisfied in the circumstances of each specific case:
1. Strict compliance with the ordinance requirement would result in a practical difficulty or unnecessary hardship because of the particular physical surroundings, shape, or topographical conditions of the tract of property involved, as distinguished from a mere inconvenience or economic hardship.
  2. The variance may be granted without detriment to the public safety, health, or general welfare, or damage to other property.
  3. The ordinance requirement at issue is not applicable to the specific situation at issue; or, the purpose is applicable but may be served even if a variance is granted.
  4. The conditions upon which the request for variance is based are unique to the subject property and not applicable generally to property outside of the proposed plat/condominium project.
  5. Approval of a variance will not in any manner result in a violation of any ordinance, or any other requirement of law.
  6. The conditions providing support for the variance were not created by the applicant or the applicant's predecessors in title.
- B. Variance Application Procedures. A request for a variance from any requirement of this Ordinance shall be submitted in writing by the applicant no later than when the preliminary plat is submitted for tentative approval. The request shall state the grounds for the requested variance and all the facts relied upon in support thereof. The Township Board may, at its discretion, hold a public hearing on a variance application.
- C. Application Fee. The application fee for consideration of a variance application pursuant to this Section shall be the actual costs incurred by the Township with respect to review and consideration of the application by the Township and its consultants, payable by the applicant within 30 days after invoiced by the Township, but subject to an application fee

deposit of \$500.00 to be paid when the application is submitted to the Township.

## SECTION 11

### DIVISION OF LOTS IN APPROVED PLAT/CONDOMINIUM PROJECT

- A. Prohibited Actions. The following actions are prohibited:
1. The division or partitioning of a lot in a recorded plat/condominium project without prior approval of the Township Board as required by this Ordinance.
  2. The commencing of construction on, or the application for a building permit for such construction, on any portion of a lot in a plat/condominium project that was divided without prior approval of the Township Board as required by this Ordinance.
  3. The submission of any document for recording involving the division or partitioning of a lot in a recorded plat/condominium project without prior approval of such division or partitioning by the Township Board as required by this Ordinance.
- B. Lot Division Authority. After a plat/condominium project has been fully approved and recorded the Township Board may approve the partitioning or division of a lot therein in the following circumstances:
1. No Intent to Create Separate Buildable Lot. When the application states that the sole purpose of the requested division is to add land to adjoining existing lots or parcels and not to create a new separate buildable lot, the Township Board may approve the application if the requested division will not cause any remaining portion of the original lot which is developed or intended for development to violate any provision of this Ordinance, or the provisions of such Zoning Ordinance as may be in effect at the time of such application concerning minimum lot frontage/width, minimum lot area, and minimum setbacks.
  2. Intent to Create New Buildable Lot. In situations not within the scope of the preceding paragraph, the Township Board may approve the division of a lot into not more than 4 parts upon determining that the following criteria are satisfied:
    - a. all of the resulting lots comply with the applicable requirements of this Ordinance, and such Zoning Ordinance as may be in effect at the time of the application with respect to minimum lot frontage/width, minimum lot area, and minimum setbacks;

- b. the resulting lots will each have direct access to a street as required by this Ordinance;
  - c. the resulting lots will each have access to public and/or private utility services;
  - d. all such resulting lots conform in all respects to all applicable ordinances and the Land Division Act;
  - e. the proposed division will not cause an unreasonable detriment to any adjoining property;
  - f. the proposed division will not for any other reason be contrary to the public health, safety, or general welfare.
- C. Application Procedures. A request for lot division approval shall be initiated by filing an application with the Township Clerk setting forth the purpose of the proposed division. The application form shall be accompanied by a survey showing the original lot and all lots proposed to result from the requested division, including all dimensions thereof and the legal descriptions therefore. The Township Board may approve a lot division, deny a lot division, or approve a lot division with appropriate lawful conditions. The Township Board may, at its discretion, hold a public hearing on a lot division application.
- D. Application Fee. The fee for consideration of a lot division application pursuant to this section shall be the actual costs incurred by the Township with respect to review and consideration of the application by the Township and its consultants, payable by the applicant within 30 days after invoiced by the Township, but subject to an application fee deposit of \$100.00 to be paid when the application is submitted to the Township.

## SECTION 12

### ENFORCEMENT AND SANCTIONS FOR VIOLATIONS

- A. Enforcement. This Ordinance shall be enforced by Ordinance Enforcement Officers of the Township, and such other persons as the Township Board may designate; provided that enforcement actions in the Circuit Court shall be authorized by the Township Board.
- B. Violations. Any person or entity establishing or attempting to establish a plat or condominium project in Schoolcraft Township without first obtaining the approvals prescribed by the Ordinance and fully complying with all the requirements contained herein, or who otherwise violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any approval issued under the Ordinance, including any conditions imposed thereon, or who



causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance, whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, employee, or otherwise, shall be liable as a principal. Each day that a violation continues to exist shall constitute a separate violation.

- C. Municipal Civil Infraction. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine of not less than \$500, along with costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the violation.
- D. Remedial Action. Any violation of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law and necessary to abate the violation and/or to restrain or prevent any violation.

### **SECTION 13**

#### **SEVERABILITY**

This Ordinance and its various parts are hereby declared to be severable. If any portion of this Ordinance is declared to be invalid such declaration shall not affect the validity of the remainder of the Ordinance.

### **SECTION 14**

#### **REPEAL/NONREPEAL**

This Ordinance is intended to repeal in its entirety Ordinance No. 224 (Subdivision Development Ordinance) adopted June 14, 2005, as amended by Ordinance No 251 adopted April 12, 2011. This Ordinance shall not be construed to repeal a provision of the Township Zoning Ordinance, or any ordinance regulating the division of land outside of platted subdivisions.

### **SECTION 15**

#### **EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days after publication as required by law.

Virginia Mongreig, Clerk  
Township of Schoolcraft

**TOWNSHIP OF SCHOOLCRAFT  
COUNTY OF KALAMAZOO, STATE OF MICHIGAN  
SCHOOLCRAFT TOWNSHIP ORDINANCE NO. 270**

**ADOPTED: FEBRUARY 9, 2016**

**EFFECTIVE: MARCH 17, 2016**

**SCHOOLCRAFT TOWNSHIP NOISE DISTURBANCE AND PUBLIC NUISANCE  
ORDINANCE**

An ordinance adopted pursuant to *MCL 41.181* to protect the public health, safety, and general welfare of persons and property by regulating noise disturbances and public nuisances within the Township; to provide civil sanctions and remedies for violation of the ordinance; and to repeal Schoolcraft Township Ordinance No. 32 (Anti-Noise Ordinance) as amended by Ordinance No. 207, but preserve from repeal any non-conflicting ordinance or parts thereof which pertain to the same subject matter.

**THE TOWNSHIP OF SCHOOLCRAFT  
KALAMAZOO COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION 1**

**TITLE**

This ordinance shall be known and may be cited as the Schoolcraft Township Noise Disturbance and Public Nuisance Ordinance.

**SECTION 2**

**DECLARATION OF PURPOSE**

This ordinance is adopted to address the adverse health effects of environmental/community noise as determined by findings of such authorities as the World Health Organization and the United States Environmental Protection Agency, including the following specific effects: noise induced hearing impairment; interference with speech communication; disturbance of rest and sleep; psychophysiological, mental-health and performance effects; effects on residential behavior and annoyance; and interference with intended activities. This ordinance is also intended to address the potential adverse effects on property values presented by noise disturbances, and other sources of public nuisance, as regulated herein. The overriding purpose of this ordinance is therefore to prevent noise activities and other public nuisance activities which may jeopardize the health, safety, and general welfare of persons and property or degrade property values or the quality of life in Schoolcraft Township.

### SECTION 3

#### DEFINITIONS

For purposes of this ordinance the following terms shall have the specified meaning:

- A. "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting scale. The sound level so measured is designated dB(A).
- B. "Boundary line" means the actual or approximate imaginary line separating real properties under different ownership or occupancy.
- C. "dB(A)" means the sound pressure level in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, publication ANSI S1.4-1971, or the latest approved revision thereof.
- D. "Decibel" means a unit used to express the magnitude of sound pressure and sound intensity. The difference in decibels between two sound pressures is 20 times the common logarithm of their ratio. In sound pressure measurements, the sound pressure level of a given sound is defined to be 20 times the common logarithm of the ratio of that sound pressure to a reference pressure of  $2 \times 10^{-5}$ N/m<sup>2</sup> (Newtons per meter squared).
- E. "Motor vehicle" means any vehicle which is propelled or drawn on land or water by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, motorhomes, go-carts, motorcycles, motor-scooters, mini-bikes, boats or other watercraft, snowmobiles, and off-road vehicles.
- F. "Noise disturbance" means any activity or condition involving sound that creates an unreasonable disturbance to the peace, comfort, repose, or tranquility of any person, whether due to the level, frequency, intensity, pulsation, harmonic pure tone(s), duration, time of day/night, or other factor not herein specified but similarly sufficient at the point of reception to create an unreasonable disturbance.
- G. "Receiving property" means property on which the occupants and/or other persons perceive by aural and/or other sensory means sound or another activity or condition regulated by this ordinance emanating from other property under different ownership or occupancy or from a public right-of-way.
- H. "Off-road vehicle" means any motorcycle, snowmobile, all-terrain vehicle, or other motor-driven vehicle which is designed and intended primarily for

use off of public roadways, and/or which is in fact primarily used off of public roadways, and/or which is not licensed for regular use upon public roads as a motor vehicle.

- I. "Person" means any individual, corporation, or other entity of any kind.
- J. "Point of reception" means a place in a dwelling or other building on receiving property, or a place outside of a building on receiving property, at which an occupant of the receiving property perceives by aural and/or other sensory means sound or another activity or condition regulated by this ordinance emanating from other property under different ownership or occupancy or from a public right-of-way.
- K. "Public nuisance" means any activity or condition that injures, endangers, or creates an unreasonable disturbance to the public health, safety, and general welfare of persons or property, or that otherwise renders a reasonable person insecure in life or property, and shall include but not be limited to the following:
  - 1. Noise disturbance, as defined herein, and regulated in Section 4 of this ordinance.
  - 2. Any activity or condition causing heat, glare, lighting, fumes, odors, dust, smoke, or vibration discernible beyond the premises on which the source of same is located in such a manner as to create an unreasonable disturbance to the peace, comfort, repose, or tranquility of any person, whether due to the level, frequency, duration, time of day/night, or other factor not herein specified but similarly sufficient at the point of reception to create an unreasonable disturbance.
- L. "Public right-of-way" means any street, highway, sidewalk, trail, or similar place for vehicular or pedestrian public use.
- M. "Sound level" means the weighted sound pressure level obtained by the use of a sound level meter and frequency-weighting scale, such as A or C, as specified in the American National Standards Institute specifications for sound level meters (ANSI S1.4-1971), or the latest approved revision thereof. If the frequency weighting is not otherwise indicated, the A-weighting shall apply.
- N. "Unreasonable disturbance" means a noise disturbance or other public nuisance activity or condition that would adversely affect the health, safety, or general welfare of a reasonable person of ordinary sensibilities and ordinary sensitivity to noise or to other activities or conditions regulated by this ordinance, at the point of reception of such noise or other activity or condition regulated by this ordinance.

## SECTION 4

### NOISE DISTURBANCE AND OTHER PUBLIC NUISANCE REGULATIONS

- A. General regulation. No person shall cause, create, or allow to be caused or created on any premises in Schoolcraft Township any noise disturbance or other public nuisance.
- B. Specific noise disturbances. Noise from any of the following activities or conditions on public or private property which creates an unreasonable disturbance on any noise receiving property is hereby declared to be a noise disturbance and therefore a violation of this ordinance; provided, that the specification of the same is not to be construed to exclude other activities and conditions that are not specifically enumerated but which fall under Section 4.A above:
1. The playing of a radio, phonograph, musical instrument, or other sound-producing device.
  2. Yelling, shouting, hooting, or singing.
  3. The keeping of any animal, bird, or fowl.
  4. The use of construction, demolition, or excavation equipment between sundown and sunrise.
  5. The operation of any motor vehicle without a muffler or similar sound-reducing device manufactured for such vehicle, and in good working order.
  6. The operation of an off-road vehicle or other motor vehicle on any racetrack, practice track, proving ground, testing area, obstacle course, or other similar track/area of any kind.
  7. Music or other noise from in or on a moving or stationary motor vehicle.
- C. Specific other public nuisances. Each of the following activities and conditions is hereby declared to be a public nuisance and therefore a violation of this ordinance; provided, that the specification of the same is not to be construed to exclude other activities and conditions that are not specifically enumerated but which fall under Section 4.A above:
1. Exterior lighting that is designed and/or located and/or operated in such a manner as to direct the source of the light upon a public right-of-way or other real property under different ownership or occupancy.

2. Fumes or other odors of a noxious or otherwise overwhelming impact.
  3. Dust discernible by accumulation, or smoke penetrating a dwelling or other premises with windows and doors closed.
  4. Vibrations causing aural or visceral discomfort.
- D. Sound content disregarded. The regulations of this ordinance pertaining to noise disturbances are not intended to make a noise activity or condition a violation of this ordinance based solely on the message or other substantive content of the noise.

## SECTION 5

### EXCEPTIONS

- A. The regulations in Section 4 of this Ordinance shall not apply to noise or other conditions regulated by this ordinance caused by any of the following:
1. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
  2. Agricultural operations such as planting, harvesting and irrigation, providing the equipment being used is operating normally; and ordinary and customary livestock noises.
  3. Equipment used in commercial business operations conducted during regular business hours, providing the equipment being used is operating normally.
  4. Excavation or construction/repair of bridges, streets, highways, or other public property by or on behalf of the State of Michigan, County of Kalamazoo, or any municipal governmental body.
  5. Warning devices emitting sound for warning purposes as authorized by law.
  6. Noise generated by short-term outdoor recreational or holiday activities authorized by permit granted by the Township Board. In determining whether or not to grant any such permit, the Township Board shall consider the duration of the proposed activity, the level of noise likely to be generated by it, the times of day during which such noise is likely to be generated, and the nature of the area surrounding the site of the proposed activity. In granting any permit hereunder, the Township Board shall have the right to impose reasonable terms and conditions designed to minimize any adverse



impact of the proposed activity on the surrounding area or the general public.

7. Aircraft operating in accordance with applicable federal regulations.
8. Household generators operating as designed to generate electricity during a power outage.
9. Otherwise lawful fireworks displays on any national holiday or other day on which the Michigan Fireworks Safety Act (2011 Public Act 256) or any other applicable state law prohibits a local ordinance regulating such displays.
10. Essential public services, including rubbish collection, using customary vehicles/equipment operated and maintained in a reasonable manner.
11. Special events authorized by the Township Board or other applicable legal authority taking place on a national holiday or otherwise infrequent basis, such as parades, community festivals, and similar public or quasi-public temporary events.

## SECTION 6

### EVIDENCE OF VIOLATIONS BASED ON SOUND LEVEL

- A. Optional sound level evidence. Any violation of this ordinance involving a noise disturbance shall be provable with or without sound level evidence. However, measured sound levels in excess of the maximum decibel limits specified below (subsection D) shall constitute prima facie evidence and therefore a rebuttable presumption that the measured sound constitutes a noise disturbance in violation of this ordinance.
- B. Sound measurement device. For purposes of this section measurements of sound shall be made using an ANSI Type 1 or 2 sound measurement instrument, operated in A-weighted or C-weighted frequency, and otherwise in accordance with the manufacturer's instructions.
- C. Point of sound measurement. Sound level measurements shall be taken on the noise receiving property at one or more points of reception, which may be on a public right-of-way adjacent to the property from which the sound is emanating, and/or from private property adjoining or otherwise in the sound receiving vicinity of the property from which the sound is emanating, with prior consent from the owner or occupant of such private property. Sound level measurements may be taken from one or more points of reception on the outside of any buildings on the noise receiving property and/or from one or more points of reception inside a building on the noise receiving property, to measure the existence of a presumptive

noise disturbance on the outside or inside of a building on the noise receiving property, respectively.

- D. Noise limits. A sound level in excess of the following limits, measured as specified in this section, shall constitute prima facie/presumptive evidence that such noise creates an unreasonable disturbance:

Sound point of reception	Time	Decibels [dBA]**
Residentially occupied property, outdoors	6:00 a.m. to 8:00 p.m.	55
Residentially occupied property, outdoors	8:00 p.m. to 6:00 a.m.	50
Residentially occupied property, inside dwelling (windows closed)	6:00 a.m. to 8:00 p.m.	35
Residentially occupied property, inside dwelling (windows closed)	8:00 p.m. to 6:00 a.m.	30
Public/quasi-public building*, indoors	When in use	35
Public/quasi-public uses*, outdoors	When in use	85
Commercial/industrial building, indoors	6:00 a.m. to 8:00 p.m.	65
Commercial/industrial building, indoors	8:00 p.m. to 6:00 a.m.	55

\* Public and private school classrooms and offices, hospitals, and medical offices, churches and governmental buildings/uses.

\*\* Guidelines for Community Noise, World Health Organization, Geneva, 1999.

## SECTION 7

### VIOLATIONS AND ENFORCEMENT

- A. Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, consents to, or aids or abets any of same, shall be deemed to be responsible for a violation of this Ordinance.
- B. Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense, and is subject to an additional citation.
- C. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:



	Minimum Fine	Maximum Fine
1 <sup>st</sup> offense	\$150.00	-----
2 <sup>nd</sup> offense	\$325.00	-----
3 <sup>rd</sup> offense	\$500.00	-----

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

- D. Any violation of this Ordinance shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- E. This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of Schoolcraft Township or by such other person or persons as the Township Board may designate from time to time.

**SECTION 8**

**SEVERABILITY**

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such holding shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**SECTION 9**

**REPEAL/NON-REPEAL**

Schoolcraft Township Ordinance No. 32 (Anti-Noise Ordinance) adopted July 11, 1972, as amended by Ordinance No. 207, is hereby repealed in its entirety. This ordinance shall not be construed to repeal expressly or by implication any provision of the Schoolcraft Township Zoning Ordinance or the Schoolcraft Township Construction Codes, or any other non-conflicting provision of any other ordinance pertaining to the same subject matter.

**SECTION 10**

**EFFECTIVE DATE**

This Ordinance shall become effective 30 days after publication as required by law.

Virginia Mongreig, Clerk  
Schoolcraft Township

**OUTDOOR ASSEMBLY ORDINANCE**  
**SCHOOLCRAFT TOWNSHIP, MICHIGAN**  
**ord. no. 25(1) eff. Oct. 12, 1970**

An Ordinance to require the regulation, licensing and control of assemblages of large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police, transportation, utility and other public services regularly provided in the Township.

THE TOWNSHIP OF SCHOOLCRAFT, KALAMAZOO COUNTY, MICHIGAN, ORDAINS:

**Sec. 1.1 TITLE.**

This Ordinance shall be known as the Township Outdoor Assembly Ordinance.

**Sec. 1.2 PURPOSE.**

The purpose of this Ordinance is to require the regulation, licensing and control of assemblages of large numbers of people in excess of those normally drawing upon the health, sanitation, fire, police, transportation, utility and other public services regularly provided in the Township.

**Sec. 1.3 AUTHORITY.**

This Ordinance is enacted pursuant to the authority of Act 246 of Public Acts of 1945 as amended, which authorizes the township board to adopt ordinances, to secure the public health, safety and general welfare.

**Sec. 2. DEFINITIONS.**

- a. "Outdoor Assembly", hereinafter referred to as "assembly", means any event attended by more than 1,000 attendants, all

or any part of which includes a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, including, but not limited to musical festivals, rock festivals, peace festivals, kite flites, or similar gatherings, but does not mean:

1. An event which is conducted or sponsored by a governmental unit or agency on publicly owned land or property; or
  2. An event held entirely within the confines of a permanently enclosed and covered structure.
- b. **“Person”** means any natural person, partnership, corporation, association or organization.
  - c. **“Sponsor”** means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly.
  - d. **“Attendant”** means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.
  - e. **“Licensee”** means any person to whom a license is issued pursuant to this Ordinance.

**20.305 Sec. 3. LICENSE REQUIRED.**

A person shall not sponsor, operate, maintain, conduct or promote an outdoor assembly in the Township unless he shall have first made application for, and obtained, as hereinafter prescribed, a license for each such assembly.

**Sec. 4. APPLICATION FOR LICENSE; REQUIRED INFORMATION; FEE.**

Application for a license to conduct an outdoor assembly must be made in writing on such forms and in such manner as prescribed by the clerk of the Township and shall be made at least 60 days prior to date of the proposed assembly. Each application shall be accompanied by a nonrefundable fee of \$100.00 and shall include at least the following:

- a. The name, age, residence and mailing address of the person making the application. (Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the articles of incorporation shall be filed, and the names and addresses shall be provided of all shareholders having financial interest greater than \$500.00 ).
- b. A statement of the kind, character, and type of proposed assembly.
- c. The address, legal description and proof of ownership of the site at which the proposed assembly is to be conducted. Where ownership is not vested in the prospective licensee, he shall submit an affidavit from the owner indicating his consent to the use of the site for the proposed assembly.
- d. The date or dates and hours during which the proposed assembly is to be conducted.
- e. An estimate of the maximum number of attendants expected at the assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of the sequential numbering or other method which will be used for accounting purposes.

**Sec. 5. APPLICATION FOR LICENSE; ACCOMPANYING MATERIAL.**

Each application shall be accompanied by a detailed explanation, including drawings and diagrams where applicable, of the prospective licensee's plans to provide for the following:

- a. Police and fire protection.
- b. Food and water supply and facilities.
- c. Health and sanitation facilities.
- d. Medical facilities and services including emergency vehicles and equipment.
- e. Vehicle access and parking facilities.
- f. Camping and trailer facilities.
- g. Illumination facilities.
- h. Communications facilities.
- i. Noise control and abatement.
- j. Facilities for clean up and waste disposal.
- k. Insurance and bonding arrangements.

In addition, the application shall be accompanied by a map or maps of the overall site of the proposed assembly.

#### **Sec. 6. APPLICATION; REVIEW.**

On receipt by the clerk, copies of the application shall be forwarded to the chief law enforcement and health officers for the Township and the state fire marshal, and to such other appropriate public officials as the clerk deems necessary. Such officers and officials shall review and investigate matters relevant to the application and within 20 days of receipt thereof shall report their findings and recommendations to the township board.

#### **Sec. 7. TIME LIMIT FOR ACTING ON APPLICATION.**

Within 30 days of filing of the application, the township board shall issue, set conditions prerequisite to the issuance of, or deny, a license. The township board may require that adequate security or

insurance be provided before a license is issued. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, within 5 days of such action, notice thereof must be mailed to the applicant by certified mail, and, in the case of denial, the reasons therefor shall be stated in the notice.

#### **Sec. 8. DENIAL OF LICENSE.**

A license may be denied if:

1. The applicant fails to comply with any or all requirements of this Ordinance, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law; or,
2. The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document.

#### **Sec. 9. LICENSE TO BE POSTED; INFORMATION THEREON.**

A license shall specify the name and address of the licensee, the kind and location of the assembly, the maximum number of attendants permissible, the duration of the license and any other conditions imposed pursuant to this Ordinance. It shall be posted in a conspicuous place upon the premises of the assembly, and shall not be transferred to any other person or location.

#### **Sec. 10. MINIMUM CONDITIONS TO BE MET BY LICENSEE.**

In processing an application the township board shall, as a minimum, require the following:

- a. **SECURITY PERSONNEL.** The licensee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the assembly and for

the preservation of order and protection of property in and around the site of the assembly. No license shall be issued unless the township board in cooperation with the county sheriff and the Director of State Police is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly.

- b. **WATER FACILITIES.** The licensee shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water using facilities under conditions of peak demand. Such water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located, and approved in accordance with Act 294, Public Acts of 1965, and the rules and regulations adopted pursuant thereto, and in a manner approved by the Kalamazoo County Health Department.
  
- c. **RESTROOM FACILITIES.** The licensee shall provide separate enclosed flush-type water closets as defined in Act 266, Public Acts of 1929, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law. If such flush-type facilities are not available, the township board may permit the use of other facilities which are in compliance with Act 273, Public Acts of 1939, and the rules and regulations adopted pursuant thereto, and in a manner approved by the Kalamazoo County Health Department.

The licensee shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with Act 266 of the Public Acts of 1929, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. All lavatories shall be provided with hot and cold water and soap and paper towels.

The number and type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

<b>Facilities</b>	<b>Male</b>	<b>Female</b>
Toilets	1:300	1:200
Urinals	1:100	
Lavatories	1:200	1:200
Drinking Fountains		1:500
Taps or Faucets		1:500

Where the assembly is to continue for more than 12 hours, the licensee shall provide shower facilities, on the basis of the number of attendants, in the following manner:

Facilities	Male	Female
Shower Heads	1:100	1:100

All facilities shall be installed, connected, and maintained free from obstructions, leaks and defects and shall at all times be in operable condition as determined by the Kalamazoo County Health Department.

- d. **FOOD SERVICE.** If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of Act 269, Public Acts of 1968, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.
- If the assembly is distant from food service establishments open to the public, the licensee shall make such food services available on the premises as will adequately feed the attendants.
- e. **MEDICAL FACILITIES.** If the assembly is not readily and quickly accessible to adequate existing medical facilities, the licensee shall be required to provide such facilities on the premises of the assembly. The kind, location, staff strength, medical and other supplies and equipment of such facilities shall be as prescribed by the township board.
- f. **LIQUID WASTE DISPOSAL.** The licensee shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the Kalamazoo County Health Department. If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with Act 243, Public Acts of 1951, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, and, prior to issuance of any license, the licensee shall provide the township board with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement will assure proper, effective and frequent removal of liquid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.



- g. **SOLID WASTE DISPOSAL.** The licensee shall provide for solid waste storage on, and removal from, the premises. Storage shall be in approved, covered, fly tight and rodent proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any license, the licensee shall provide the township board with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will assure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

The licensee shall implement effective control measures to minimize the presence of rodents, flies, roaches and other vermin on the premises. Poisonous materials, such as insecticides or rodenticides shall not be used in any way so as to contaminate food, equipment or otherwise constitute a hazard to the public health. Solid waste containing food waste shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage or feeding of vermin.

- h. **PUBLIC BATHING BEACHES.** The licensee shall provide or make available or accessible public bathing beaches only in accordance with Act 218, Public Acts of 1967, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.
- i. **PUBLIC SWIMMING POOLS.** The licensee shall provide or make available public swimming pools only in accordance with Act 230, Public Acts of 1966, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.
- j. **ACCESS AND TRAFFIC CONTROL.** The licensee shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off of the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways or which is a highway maintained by the State of Michigan. Traffic lanes and other space shall be provided, designated and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles. Prior to the issuance of a license, the Director of the Department of State Police and the Director of the Department of State Highways must approve the licensee's plan for access and traffic control.

- k. **PARKING.** The licensee shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall he provide less than one automobile space for every four (4) attendants.
  
- l. **CAMPING AND TRAILER PARKING.** A licensee who permits attendants to remain on the premises between the hours of 2 a.m. and 6 a.m. shall provide for camping and trailer parking and facilities in accordance with Act 171, Public Acts of 1970, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law.
  
- m. **ILLUMINATION.** The licensee shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. The licensee's lighting plan shall be approved by the township board.
  
- n. **INSURANCE.** Before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less than \$300,000 and property damage insurance with a limit of not less than \$25,000 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to persons or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the clerk of the Township in writing at least 10 days before the expiration or cancellation of said insurance.
  
- o. **BONDING.** Before the issuance of a license the licensee shall obtain, from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in the amount of \$50,000 in a form to be approved by the township board which shall indemnify the Township, its agents, officers, and employees and the township board against any and all loss, injury or damage whatever arising out of or in any way connected with the assembly and which shall indemnify the owners of property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash, or other waste resultant from the assembly.

- p. **FIRE PROTECTION.** The licensee shall, at his own expense, take adequate steps as determined by the state fire marshall, to insure fire protection.
- q. **NOISE CONTROL.** Sound producing equipment, including but not limited to, public address systems, radios, phonographs, musical instruments and other recording devices, shall not be operated on the premises of the assembly so as to be unreasonably loud or raucous, or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of the Township.
- r. **FENCING.** The licensee shall erect a fence completely enclosing the site, of sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which all have sufficient gates properly located so as to provide ready and safe ingress and egress.
- s. **COMMUNICATIONS.** The licensee shall provide public telephone equipment for general use on the basis of at least one unit for each 1,000 attendants.
- t. **MISCELLANEOUS.** Prior to the issuance of a license, the township board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare and property of attendants or of citizens of the Township.

#### **Sec. 11. REVOCATION OF LICENSE.**

The township board may revoke a license whenever the licensee, his employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth herein or with any and all provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference.

#### **Sec. 12. VIOLATIONS.**

It shall be unlawful for a licensee, his employee, or agent, to knowingly:

- a. Advertise, promote or sell tickets to, conduct, or operate an assembly without first obtaining a license as herein provided.
- b. Conduct or operate an assembly in such a manner as to create a public or private nuisance.
- c. Conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment or amusement.
- d. Permit any person on the premises to cause or create a disturbance in, around, or near the assembly by obscene or disorderly conduct.
- e. Permit any person to unlawfully consume, sell, or possess, intoxicating liquor while on the premises.
- f. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other substances as defined in Act 343, Public Acts of 1952.

Any of the above enumerated violations is a separate offense, is a nuisance per se immediately enjoined in the circuit courts, and, is punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$100.00, or by both such fine and imprisonment.

It is further provided that any of the above violations is a sufficient basis for revocation of the license and for the immediate enjoining in the circuit court of the assembly.

### Sec. 13. SEVERABILITY.

If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end this Ordinance is declared to be severable.

**Sec. 14. EFFECTIVE DATE; REPEAL.**

This Ordinance shall be effective from and after October 12, 1970.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Adopted: September 8, 1970

Published: September 10, 1970

**TOWNSHIP OF SCHOOLCRAFT**  
**COUNTY OF KALAMAZOO, STATE OF MICHIGAN**  
**SCHOOLCRAFT TOWNSHIP ORDINANCE NO. 207**

**ADOPTED: SEPTEMBER 17, 2001**

**EFFECTIVE: SEPTEMBER 27, 2001/OCTOBER 27, 2001**

**ORDINANCE REPEALING ORDINANCE NOS. 56, AND 10(B);**  
**AMENDING ORDINANCE NOS. 113, 149, 150, 153, 154, AND 32**  
**WITH REGARD TO VIOLATIONS AND ENFORCEMENT**

An Ordinance to repeal Ordinance No. 56 (Refuse Bins) and Ordinance No. 10(B) (Waste Conservation); and to amend Ordinance Nos. 113, 149, 150, 153, 154 and 32 converting violations of said Ordinances to municipal civil infractions and otherwise amending said Ordinances with regard to violations and enforcement.

**THE TOWNSHIP OF SCHOOLCRAFT**  
**KALAMAZOO COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION 1**

**REPEAL OF ORDINANCE NO. 56 (REFUSE BINS ORDINANCE)**

Schoolcraft Township Ordinance No. 56 (Refuse Bins Ordinance) adopted January 10, 1978 is hereby repealed in its entirety.

**SECTION 2**

**REPEAL OF ORDINANCE NO. 10(B) (WATER CONSERVATION ORDINANCE)**

Schoolcraft Township Ordinance No. 10(B) (Water Conservation Ordinance) adopted February 12, 1963 is hereby repealed in its entirety.

### SECTION 3

#### AMENDMENT OF ORDINANCE NO. 113 (STATE CONSTRUCTION CODE ORDINANCE) WITH RESPECT TO VIOLATIONS AND ENFORCEMENT

Schoolcraft Township Ordinance No. 113 (State Construction Code Ordinance) adopted May 10, 1988 is hereby amended to revise the phrase "criminal penalties" in the preamble paragraph of said Ordinance to instead read "civil sanctions"; and Section V of said Ordinance is hereby amended to revise said section in its entirety to read as follows:

#### "VIOLATION OF ORDINANCE; SANCTIONS AND ENFORCEMENT

1. Any person or corporation, including an officer, director, or employee of a corporation, or a governmental official or agent charged with the responsibility of issuing permits or inspecting buildings or structures, who does any of the following commits a violation of this Ordinance:
  - (a) knowingly violates the State Construction Code Act [MCL 125.1501 et seq/MSA 5.2949(1) et seq] or any provision of the State Code promulgated thereunder and adopted herein, or a rule for the enforcement of said Act or Code.
  - (b) knowingly constructs or builds a structure or building in violation of a condition of a building permit.
  - (c) knowingly fails to comply with an order issued by an enforcing agency, a construction board of appeals, a board, or the State Construction Code Commission pursuant to the State Construction Code Act, including the failure to comply with a stop construction order validly issued by an enforcing agency.
  - (d) knowingly makes a false or misleading written statement, or knowingly omits required information or a statement in an inspection report, application, petition, request for approval, or appeal to an enforcing agency, a construction board of appeals, a board, or the State Construction Code Commission.
  - (e) knowingly refuses entry or access to an inspector lawfully authorized to inspect any premises, building, or structure pursuant to the State Construction Code Act.
  - (f) unreasonably interferes with an authorized inspection.

- (g) knowingly issues, fails to issue, causes to be issued, or assists in the issuance of a certificate, permit, or license in violation of the State Construction Code Act or a rule promulgated under said Act or other applicable laws.
  - (h) having a duty to report violations of the State Construction Code Act or a rule promulgated under the Act or other applicable laws, knowingly conceals a violation.
  - (i) in any other manner violates a provision of the Code adopted herein.
2. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
--- 1st offense	\$150.00	---
--- 2nd offense	325.00	---
--- 3rd or subsequent offense	500.00	---

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction.

- 3. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall also constitute a basis for such judgment, writ, or order necessary to enforce the Ordinance, in addition to any other relief or sanction allowed by law.
- 4. Each day that a violation exists shall constitute a separate offense, except as may be otherwise specified by Section 23 of the State Construction Code Act (MCL 125.1523/MSA 5.2949(23)).
- 5. This Ordinance shall be enforced by the Building Official and authorized Ordinance Enforcement Officers of Schoolcraft Township, and by such other person or persons as the Township Board may designate."



## SECTION 4

### AMENDMENT OF ORDINANCE NO. 149 (LITTER ORDINANCE) AND ORDINANCE NO. 150 (MOTOR VEHICLE STORAGE AND REPAIR ORDINANCE) AND ORDINANCE NO. 154 (WEED CONTROL ORDINANCE)

Schoolcraft Township Ordinance No. 149 (Litter Ordinance) adopted October 12, 1993, Schoolcraft Township Ordinance No. 150 (Motor Vehicle Storage and Repair Ordinance) adopted October 12, 1993, Schoolcraft Township Ordinance No. 154 (Weed Control Ordinance) adopted December 14, 1993, are each hereby amended to revise the words "criminal penalties" or "penalties" in the preamble paragraph or elsewhere in each of said Ordinances to instead read "civil sanctions" and "sanctions", respectively.

Section VI.A. of said Ordinance No. 149, Section VII.A. of said Ordinance No. 150, and Section VI.A. of said Ordinance No. 154, are also hereby amended to revise said provisions in their entirety to each read as follows:

#### "VIOLATIONS AND ENFORCEMENT

- a. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.

Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

- b. Any violation of this Ordinance shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- c. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
--- 1st offense	\$ 150.00	---
--- 2nd offense	\$ 325.00	---
--- 3rd or subsequent offense	\$ 500.00	---

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction."

## SECTION 5

### AMENDMENT OF ORDINANCE NO. 153 (DANGEROUS BUILDINGS ORDINANCE) AND ORDINANCE NO. 32 (ANTI-NOISE ORDINANCE) WITH RESPECT TO VIOLATIONS AND ENFORCEMENT

Schoolcraft Township Ordinance No. 153 (Dangerous Buildings Ordinance) adopted December 14, 1993, and Schoolcraft Township Ordinance No. 32 (Anti-Noise Ordinance) adopted July 11, 1972, are each hereby amended to revise the words "criminal penalties" or "penalties" in the preamble paragraph or elsewhere in each of said Ordinances to instead read "civil sanctions" and "sanctions", respectively.

Section VIII of said Ordinance No. 153, and Section 4 of said Ordinance No. 32, are also hereby amended to revise said provisions in their entirety to each read as follows:

#### "VIOLATIONS AND ENFORCEMENT"

- a. Any person or entity who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any order issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance.

Any person or entity responsible for a violation of this Ordinance, whether as an occupant, owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

- b. Any violation of this Ordinance is hereby declared to constitute a public nuisance, and shall constitute a basis for such judgment, writ or order necessary to compel compliance with the Ordinance and/or to restrain and

prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.

- c. A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
--- 1st offense	\$ 150.00	---
--- 2nd offense	\$ 325.00	---
--- 3rd or subsequent offense	\$ 500.00	---

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township has incurred in connection with the municipal civil infraction.

- d. This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of Schoolcraft Township, and by such other person or persons as the Township Board may designate."

## SECTION 6

### EFFECTIVE DATE/SAVINGS CLAUSE

This Ordinance shall take effect 30 days after publication as required by law, except Sections 1 and 2 herein which shall take effect upon publication; provided that any proceedings pending on the effective date of this Ordinance, including prosecutions for violations, shall not be precluded by this Ordinance and may be continued pursuant to the previous ordinance provisions.

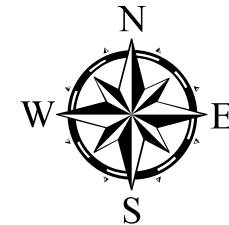
Donald Ulsh, Clerk  
Schoolcraft Township

CITY OF PORTAGE

# Schoolcraft Township

Kalamazoo County, Michigan

## Official Zoning Map



0 3,500 7,000 Ft

Scale: 1" = 3,500'

### LEGEND

- "AG-1" Exclusive Agriculture District
- "AG-2" General Agriculture District
- "RR" Rural Residential District
- "R-1" Medium Density Residential District
- "R-2" Medium Density Residential District
- "R-3" Medium Density Residential District
- "R-4" Manufactured Housing Community Residential District
- "C/R" Campground and Recreational District
- "P/RU" Public/Recreational Use District
- "LC" Local Commercial District
- "LI" Local Industrial District
- "US-131" US-131 Corridor Commercial/Industrial District

Current Through Ordinance Number: 281  
Effective: September 29, 2021

Printed: November 2021

PRAIRIE RONDE TOWNSHIP

BRADY TOWNSHIP

PARK TOWNSHIP ST. JOSEPH COUNTY