



**PLANNING COMMISSION
MEETING AGENDA
THURSDAY September 4, 2025 6:00 PM**

Location: Kalamazoo Charter Township Hall, 1720 Riverview Drive, Kalamazoo, MI 49004
AGENDA:

1. Call to order, roll call, recognition of visitors
2. Approval of the minutes of prior PC meetings
 - a. August 7, 2025
3. Approval of Agenda
4. Correspondence
 - a. Training by MSU Extension September 11th from 5-6:30pm
 - b. Letters to gravel mine operators
 - c. Ordinance Enforcement Officer Report (if any)
5. Old Business
 - a. None
6. New Business
 - a. TEXT Amendment to Article 3 Nonconformities
7. Public Comment
8. Report of Board Representative—Lisa Mackie
9. Report of ZBA Representative—Fred Nagler
10. Township Staff/Planner/Attorney reports and requests
 - a. Planning Consultant
 - i. Discussion of Zoning Ordinance amendments
 - ii. Discussion of proposed overlay for small lots
 - b. Township Attorney
11. Adjournment
12. Next meeting is scheduled for October 2, 2025

The public is welcome to attend this meeting. Please contact the Planning & Zoning Department if you have any questions regarding the proposed agenda, at (269) 381-8080.

Kalamazoo Charter Township Planning Commission
Minutes of Regular Meeting of August 7, 2025

A regular meeting of the Kalamazoo Planning Commission was conducted on August 7, 2025 commencing at 6:00 p.m. at the Township Hall

Present were:

Fred Nagler, Chairperson

Warren Cook

Chris Mihelich

Lisa Mackie

Bill Chapman

Denise Hartsough

Michael Seals (Arrived 6:30 PM)

Also, present were Township Planning Consultant Hillary Taylor; Township Fire Chief Jairus Baird; Township Attorney Roxanne Seeber and no additional members of the audience.

ROLL CALL AND RECOGNITION OF VISITORS

The Chairman called the meeting to order and called the roll.

Mackie moved, supported by Cook to excuse Seals. The motion passed unanimously.

MINUTES OF JULY 10, 2025 PLANNING COMMISSION MEETING

Hartsough noted a typographical error as to one of the dates on Page 1. She moved adoption of the minutes with the correction. Mihelich seconded the motion and it passed unanimously.

APPROVAL OF AGENDA FOR AUGUST 7, 2025 PLANNING COMMISSION MEETING

A proposed agenda had been submitted to the members in their packets. Cook moved, supported by Mackie to approve the agenda as submitted. The motion passed unanimously.

PUBLIC COMMENT/GUEST SPEAKER

None.

SCHEDULED PUBLIC HEARINGS

None.

NEW BUSINESS—Kalamazoo Township Eastwood Fire Station Site Plan Review for 2409 Texel.

The next item on the agenda was consideration of a proposed site plan for the Eastwood Fire Station at 2409 Texel Drive within the Township. Taylor reported that the address had been changed from Gull Road to Texel Drive because there is an entrance driveway proposed around the back of the building on Texel Drive. She stated that the parcel is 3.7 acres in size and up until earlier in the day, had contained a church, which had been freshly demolished. The proposed building was 18,346 square feet in area. It is located in the R-1 residential district zoning classification. She stated that all setbacks were met. Her analysis showed that 61 parking spaces would be needed; however, only 44 were planned. Michael Anderson's parking calculations on behalf of the applicant, based on the drawing and the ordinance concluded that only 14 parking spaces were needed. Taylor was comfortable that the lower number of necessary spaces would be satisfactory if "usable floor area" and maximum on-shift staffing level of 6 was utilized as the standard for determining the number of parking spaces needed. Taylor stated that both the Township

1 Engineer and the Fire Marshal had reviewed the application. Cook inquired as to whether the number
2 of spaces was calculated by considering the availability of the building for use of the public. Taylor referred
3 to the schedule for off street parking and loading. She felt that the primary use of the fire station was for
4 fire department staff and equipment. Baird stated that there was a training room planned which would
5 not really be generally accessible to the public except possibly during elections. He referenced the
6 planned bays for apparatus parking, indicating that a full semi-truck could fit in one if a significant amount
7 of loading/unloading was to be undertaken. He did not anticipate great loading needs, as most of the
8 supplies were just carried over from the township hall.

9
10 Taylor referenced the proposed landscaping plan indicating that there was a good amount of existing
11 vegetation on the site. Evergreens were planned one for every 140 lineal feet along the Gull Road side,
12 and the standard requiring a shrub every 40 feet would also be met. No photometric plan had been
13 provided. Baird indicated that he had one forthcoming and that it would establish that all lighting would
14 be directed downward and not allowed to bleed outside of the site. Taylor stated that no signage was
15 being requested. Administrative approval for any signage would be considered at a later date. Taylor
16 stated that all of the other standards were met with the only remaining concern being the sidewalks. In
17 response to an inquiry from Cook, Baird indicated that the site was to be geothermally heated. Nagler
18 and Seeber briefly outlined the township's Wellhead Protection Ordinance. Nagler recalled that the site
19 was one of those areas that identified as needing the most scrutiny by the Wellhead Protection
20 Administrator. Seeber stated that Engineer Mike Schwartz had been named the Wellhead Protection
21 Administrator. She would get the ordinance over to the Chief and Moored.

22
23 Taylor referenced the July 23, 2025 memorandum from Fire Marshal Kowalski. He had identified 4 items--
24 --the Fire Department Connections must be shown on the drawing and requires physical identification on
25 the site; a fire hydrant was within 100 feet; and the proposed power gate requires a Knox Box. Taylor
26 stated that a sidewalk was planned on the Gull Road side of the property and leading up to the building.
27 Chief Baird referenced two sheets of the drawing with different sidewalk plans for the property on each.
28 One of the sheets showed a sidewalk on Texel as well as the one on Gull Road. Taylor read the sidewalk
29 regulations for new buildings from Section 2.18A of the ordinance. She advised that the Planning
30 Commission could consider options; however, she felt that this was a new or redeveloped parcel which
31 required sidewalks on both Gull Road and on Texel. She further indicated that the dumpster enclosure
32 details were not available but could be reviewed by the Zoning Administrator.

33
34 Chief Baird stated that he understood the requirements espoused by the Fire Marshal and that the
35 required changes to the drawing would be made, as well as the required FDC identification. He supported
36 the lower parking space number requirement because of the proposed use of the building. He referred
37 to cut sheet C200. Page 2 showed required sidewalks on three road sides of the building—north on Gull
38 Road and west and south on Texel Drive. It appeared to him that if these sidewalks were required, they
39 would not meet up to any other sidewalk. One of the proposed sidewalks dead ends into a residential
40 address. The Township was willing to put in sidewalks if the adjoining ones were ever developed, but he
41 was unsure that they were necessary all around the building at this point. The west side of the property
42 contained mature trees that they wished to retain. They would also serve as a good noise barrier for the
43 adjoining residential properties on the west side.

44
45 Baird stated that the damaged portions of the existing Gull Road sidewalk would be repaired or replaced.
46 Chapman inquired about the number of fire stations that the Township owned and whether they were
47 staffed or unstaffed. He commented that this new station must be the largest one. Baird confirmed that
48 there are presently three fire stations in the Township: Eastwood, Northwood, and Lakewood. Lakewood

1 is unstaffed. They had outgrown the Eastwood Station a long time ago and it would be replaced by this
2 new Eastwood station. Chapman inquired about the large apparatus bays. Baird stated that at the
3 Westwood station, there are two apparatus bays that are basically pull through, meaning that they are
4 accessed on one side of the bay and can exit from the other side of the bay. At the Eastwood station, the
5 site is so cramped that the apparatus has to back into the bays. Chapman inquired as to whether
6 additional employees were planned. Baird stated that he hoped that the 6-planned bunks would be used
7 for round-the-clock staffing; however, there was no immediate plan to hire more firefighters.

8
9 Chapman inquired as to whether a community room was planned. Baird reiterated that the training room
10 was the largest proposed room in the building. It could fit perhaps 30 people. Mackie voiced concern
11 about parking and the historic use of the Eastwood Fire Station as a polling place. The group discussed
12 the number of voters that may be present at the station at any one time and whether parking would be a
13 problem. Taylor stated that Article 2, section 2.18 allowed the Planning Commission to modify the
14 sidewalk requirements. There was no special provision for properties on corner lots, she said. Mackie
15 suggested that more parking spaces should be designated on site in order to accommodate the use of the
16 property as a voting precinct. Chapman was assured that the property and parking spaces would be
17 compliant with the Americans with Disabilities Act. Mihelich suggested that parking lines may need to
18 be redrawn as it appeared that there was enough paved area for more spaces.

19
20 Mihelich inquired as to whether modern fire stations included community rooms. Seeber stated that by
21 and large new fire stations were considered a single-use building for fire department purpose only. Baird
22 and Nagler agreed. Baird pointed out some of the amenities of the proposed building, showing the 3-
23 story hose tower allowing the hoses to dry inside. The rest of the building was one story.

24
25 Nagler felt that most of the issues had been addressed with the exception of the sidewalks. Mihelich
26 recalled that the Planning Commission required the autism center on Gull Road to place sidewalks on the
27 east side of H avenue. He felt that the residential areas to the west of the fire department property as
28 well as on the southern side should have sidewalks for pedestrian routes. Significant discussion on the
29 issue of sidewalks followed. There are silver maple trees along one street and they have terrible roots
30 that will ruin sidewalks. The Township does not want to build sidewalks that these trees will ruin. It
31 wanted to keep the trees. Mihelich suggested most of the on-site noise generated would be from the
32 north side of the property where fire apparatus would be coming and going. Mike Seals arrived at 6:30.
33 In response to an inquiry from Cook, Nagler stated that asphalt was not a suitable replacement for
34 concrete.

35
36 Hartsough was not in favor of waiting to install sidewalks. She felt that the Township should be setting
37 the example of adhering to the ordinance. Nagler agreed that tree roots cause significant problems. He
38 was also in favor of the canopy. Nagler was in favor of perhaps allowing sidewalks to be placed away
39 from the street trees and not butted up close to the street and the curb where they would be ruined.
40 Hartsough felt that installing the sidewalks on the west and south side would alleviate foot traffic from
41 the busier Gull Road. Mackie was in favor of waiting on the sidewalks until there was a determination
42 as to what overflow parking needs would be required for the building's use as a voting precinct. Nagler
43 stated that the Planning Commission had been diligent about making applicants put in sidewalks. Not
44 requiring the Township to do so would be hypocrisy. Michlich agreed. If the property was not owned by
45 the Township, the sidewalks would be required. Baird stated that the Township was working through the
46 driveway permitting with MDOT at the present time.

47 Mihelich inquired about the dumpster enclosure and its location. Baird pointed out the general location
48 of the dumpster, indicating that it was several hundred feet from residentially used parcels. Seals was

1 unconcerned about dumpster smell. Taylor inquired as to whether the township could go to the ZBA if
2 sidewalks were required. Seeber indicated that she would need to check the ordinance, but that may be
3 an option. There was no further discussion.

4
5 Cook moved, to approve the proposed site plan for the Eastwood Fire Station at 2409 Texel Drive
6 contingent upon:

7 Submission of a photometric plan and dumpster enclosure details for review and approval by the
8 Zoning Administrator; and

9 The establishment of sidewalks along the west and south sides of the property abutting Texel
10 Drive; allowance is made to move the sidewalks further onto the inside of the property in order to allow
11 the preservation of street trees and overhead canopy in both places; and

12 Repair or replacement of Gull Road sidewalks that need it; and

13 Modification to the site plan to show the location of the FDC and dumpster; and

14 FDC signage on FDC connections; and

15 Submission of required details to the wellhead protection administrator; and adherence to
16 requirements of the Wellhead Protection Ordinance.

17
18 Hartsough seconded the motion and it passed unanimously. In response to an inquiry from
19 Taylor, Nagler stated that the applicant could go to the ZBA on the sidewalk issue if desired but he would
20 not be allowed to vote as a ZBA member on the same issue he voted on as a planning commission member.

21 **REPORT OF THE TOWNSHIP BOARD MEMBER**

22 Mackie reported on the IFT granted to Kalsec at the July 28, 2025 Township Board meeting. She voiced
23 appreciation for the Eastwood Fire Station presentation that had been made by Chief Baird and
24 Superintendent Moored during the Township Board's August 11, 2025 work session.

25 **REPORT OF THE ZBA MEMBER.**

26 Nagler stated that there was no meeting.

27
28 **PC COMMENTS.** Cook gave kudos to the staff for thoroughness and effort regarding the presentations
29 at the meeting. Hartsough voiced confusion as to the amount of information that had been presented at
30 the July 2025 planning commission meeting. She appreciated the minutes that were presented which
31 helped a lot in her understanding of what was being proposed. The overwhelming amount of information
32 was such that it was difficult to get a handle on everything that was going on. Nagler stated that she was
33 not alone in this feeling. Taylor reported that there were a lot of carry-over items in that meeting. She
34 had reduced the chart proposal to something that could be considered over a number of meetings, which
35 would be presented later in the meeting.

36
37
38 Seals indicated that he was late to the meeting because his truck wouldn't start. Mihelich stated that the
39 packets were way too lengthy. Smaller and more concise packets would be better in his opinion. He
40 appreciated the hand delivery of the packet to the planning commission members by the Fire Marshal.

41 **DISCUSSION OF THE BY-LAWS**

42 Taylor provided the new draft bylaws for consideration by the planning commission. She stated that
43 Seeber had revised them as proposed by the planning commission at the prior meeting and changed a
44 couple of things, which were identified on the attorney's memorandum attached. Seeber indicated that
45 the agenda format was not required to be in the planning commission bylaws, so she had removed it. She

1 was suggesting a more streamlined agenda which was more in line what had been done in the past. She
2 had addressed the chairman's concerns about the capital improvement plan and budget by referencing
3 the superintendent's roll in these two activities. The group appreciated the changes.

4
5 Cook moved, supported by Seals to adopt the planning commission bylaws and allow Michelich as
6 secretary to sign the same. The motion passed unanimously.

8 **REPORT FROM PLANNING CONSULTANT**

9 • *Training.*

10 Taylor presented a sample training opportunity by MSU extension that would be taking place in
11 St. Joseph County. She suggested that the Planning Commission should consider bringing the same group
12 into the Kalamazoo Township Planning Commission. The Township, she said, would cover the costs. She
13 indicated that the training would last between 2 and 2.5 hours. The group discussed what days and times
14 would best suit their schedules. The members were generally satisfied with a weekday from 5 to 7 p.m.
15 during one of the first three weeks in October. Taylor stated that the members could email her suggested
16 dates which she could then coordinate with the presenter and respond as to availability.

18 • *CIP.*

19 Taylor was in hopes that Moored would be able to attend the September meeting for CIP
20 presentation.

22 • *Matrix/Chart.*

23 Taylor introduced the continuing issue regarding the proposed chart. She had proposed a
24 schedule in which the planning commission could consider one or two of the overall areas in each month.
25 There is a good amount of funding for some of this work and she was following the direction of the
26 township staff in terms of getting these items done. She suggested that the planning commission should
27 evaluate what is already in the ordinance and then determine whether the proposals for "new" matters
28 were worth adding into a grid and therefore, into the ordinance. She had broken it into topics to be
29 covered at several consecutive planning commission meetings all the way to December.

30
31 Taylor indicated that she had proposed a review of the agricultural portion of the proposed chart for this
32 meeting and moved into it as the next topic. Taylor indicated that the only animals defined in the
33 ordinance at this time were the keeping of chickens. Many members of the group recalled being involved
34 in the chicken ordinance text amendments. Cook recalled that a permit is required. Seals stated that
35 chickens are not be allowed to run freely. Taylor stated that roosters were not allowed. For its part, the
36 members of the planning commission agreed that the keeping of chickens provisions need not be changed
37 and that, if the matrix was to be used, chickens as provided in the ordinance should be included in
38 "agricultural uses."

39
40 Taylor introduced the other concepts relative to "agriculture". Hartsough expressed her understanding
41 that the existing ordinance provisions were shown, and that the additions were what Taylor thought ought
42 to be included.

43
44 Taylor referred the group to the packet in which she had provided three parts for consideration. First
45 there is the proposed matrix. Secondly, she had prepared and submitted a memorandum regarding the
46 chart and thirdly, there was a set of definitions contained in the current ordinance.

47 She recalled that Hartsough had been interested in greenhouses. There was general consensus and
48 recollection by the members that 1---there is little to no actual agricultural land in the township; 2---that

1 greenhouses are lawfully nonconforming (and therefore subject to nonconforming rules) in RM-1 and RM-
2 2; 3---that there is no reason to keep the greenhouses as lawfully nonconforming, meaning that they
3 should be made a permitted or special use in the districts in which they were located. Taylor cautioned
4 against this, indicating that a person may want a greenhouse in their yard. Seeber felt that a greenhouse
5 on private property or in a neighborhood was not what this section sought to regulate. Rather, she stated
6 that these would be considered accessory uses/accessory structures to the principal use.

7
8 The group discussed available land mass in the RM-1 and RM-2 zoning districts and determined that the
9 potential for a new commercial greenhouse in RM-1 or RM-2 was highly limited. When considering adding
10 greenhouses as a special land use or a permitted use in RM-1 and RM-2, Mihelich reminded the group
11 that a special use required planning commission oversight, a site plan and payment of application and
12 escrow fees. Mackie read an AI-generated memo explaining the pros and cons of permitted and special
13 land use designation. Seeber suggested that the planning commission be guided by the intensity of the
14 use and the impact on neighboring property owners, which will typically dictate whether a special use
15 requiring notice to property owners within 300 feet was warranted. The group directed that
16 greenhouses should be retained as a permitted use in C-1 and C-2 and should be a special use in RM-1
17 and RM-2. Taylor noted this directive.

18
19 Next Taylor took up the question of horticulture or “truck farming” which shows in the ordinance as a
20 permitted use in the R-2 district and reads as follows:

21
22 14. Horticultural or truck farming, together with the right to operate a roadside stand on the
23 premises, where goods produced on the premises may be sold at wholesale or retail. Outdoor
24 display of goods and produce shall not exceed 200 sq. ft. in area. Produce not grown on the
25 premises may be sold provided such sales is clearly incidental to the sale of produce grown on the
26 premises.

27
28 Taylor stated that “horticulture or truck farming” was not defined elsewhere in the ordinance. Her
29 concern revolved around the “roadside stand” which was referred to herein. She pointed out that a
30 roadside stand is a permitted use in R-1 and a special use in C-1 and C-2.

31
32 Article 1 of the Zoning Ordinance defines roadside stand as “a temporary structure or use operated for
33 the purpose of seasonally selling agricultural products, a portion of which are raised or produced on the
34 same premises by the proprietor of the stand. A roadside stand shall not include small operations
35 consisting of a portable table that are operated intermittently”. Mihelich was not opposed to selling or
36 giving away fruits and vegetables that may have been grown on site because access to food is important.
37 Seeber stated there is a “farm market” GAAMP that would likely override any definition here; and which
38 addresses things like parking and size limitations. She cautioned that the “roadside stand” language in
39 the ordinance was kind of a cross between a “farm market” that could occur on private property on which
40 the items or most of them were grown and a “farm stand” or “roadside stand” which she felt was more
41 often an accessory to a principal use. Taylor stated that she had spoken with Assessor Becker about this
42 section. He felt that the term “truck farming” was really a holdover from an older time in which a farmer
43 would perhaps sell things on site or bring them to the city to sell.

44
45 Hartsough inquired as to whether there was anyone in the township doing anything more than selling
46 garden items, such as flowers from a little table out front? Chapman recalled the community garden on

1 the east side of town. Nagler differentiated this as it was really the availability of the portion of land that
2 a person could use to grow food for themselves or to give to other people. There was not a retail/farm
3 stand or table component to it. Hartsough suggested removing "horticulture or truck farming" from
4 section 12 of the zoning ordinance; that the group should request a little more work on the definition of
5 farm market versus roadside stand; and to include Seeber's thoughts that a certain low level of onsite
6 sales would be considered an accessory use. Seeber indicated that the larger and more defined a
7 proposed use gets, the less it looks like an accessory use. The farm market GAAMP, she said, regulates
8 things like size and safety for parking and the like. Further, unless a farm building has obtained a building
9 permit retail sales cannot take place inside. While it may look like an "open air" business of some sort, the
10 farm market GAAMP would override zoning for more involved uses. On the one hand, she was unsure as
11 to whether there was anything of such a large of scale going on in the township. On the other hand,
12 even if it was, the property owner would probably have right to farm act protection and GAAMPS
13 coverage. She suggested that the roadside stand definition needed work, or that it could be removed
14 completely in favor of consideration that there is not a need to regulate an accessory use, and that a farm
15 market is regulated by the GAAMPS.

16
17 Seeber stated that the township should also have an "open air" sales provision or a "temporary use"
18 provision that could be used to address longer term but similar uses such as fireworks stands, Christmas
19 tree sales, and pumpkin sales. There was some discussion about regulation of people selling corn or
20 things out of a truck on another's property, such as at a gas station. Seeber opined that the temporary
21 nature of this type of use, particularly with respect to fresh farm products, made writing an ordinance
22 provision extremely difficult, not to mention hard to enforce when a person that may be considered to be
23 "in violation" can have already driven the truck to another location. She was not in favor of trying to
24 address produce sales from trucks in the zoning ordinance. There is already a Hawkers and Peddlers
25 license requirement for such things and the township does not use it because of the temporary nature of
26 much of these uses. Taylor indicated that she would remove horticulture and farm market from the
27 permitted uses in Article 12. At Mihelich's suggestion, the issue of "roadside side" definition would be
28 saved for another day.

29 30 **PLANNER'S REPORT ON ECONOMIC DEVELOPMENT**

31 • *Small Lots.*

32 Taylor stated that getting a map was expensive. She had provided the planning commission with an 11"
33 x 17" listing of vacant parcels. Most of them have access to water and sewer. Some vacant parcels have
34 a PRE. The goal of the township, as she understood it, was to make these vacant parcels available for
35 residential development to increase the tax rolls of the Township. There are 342 vacant parcels. She
36 had been asked how to make small parcels attractive for development and this was the concept that had
37 been decided upon. Seeber inquired as to whether any of these parcels were in plats, which would make
38 them buildable as nonconforming parcels pre-existing the zoning ordinance. Taylor stated that it wasn't
39 really the nonconformity that was the problem, it was the perception that there's a small parcel which
40 isn't worth building on. The minimum lot size in the residential districts is 20,000 square feet.

41
42 Mihelich voiced concern that the township's administration was not uniform in considering the
43 nonconforming lot provisions. He had identified a vacant parcel in Eastwood in a residential zoning district
44 that he was told cannot be built on. Taylor inquired as to whether the planning commission had any
45 continued interest in discussing this concept or if it wanted something to say "yes" or "no" to. Hartsough

1 approved of the concept and felt that the information on the July 28 memo was satisfactory upon which
2 to move forward. Taylor indicated that some of the dimensions had been increased. Taylor stated that
3 she had spoken with the fire marshal about the separation distance between structures. Seeber inquired
4 as to where the list was and whether any of the planning commissioners knew whether there were
5 congregated areas or zoning districts in which many of these vacant lots were located? What was being
6 proposed, as she understood it, would create a situation that would allow a small lot in an industrial
7 district to be used for a dwelling. She inquired as to whether this was the desire of the planning
8 commission. Taylor stated that she did not have a list of zoning districts in which many of the parcels
9 were located. Seeber suggested that members of the planning commission and herself could recognize
10 the street names, at least, as in residential, commercial or industrial areas. Nagler considered that the
11 goal was to allow for houses smaller than that required in the zoning district so that a variance would not
12 be required. Seeber asked Taylor to provide her with the list and the most recent proposal for township
13 wide overlay district, as she had come admittedly late to the game.

14
15 • *Discussion On Rezoning Of 32 Nonconforming Parcels.*

16 Taylor introduced the concept of rezoning 32 parcels with dwellings on them that were affected by an
17 inability to obtain a mortgage. She thought that the planning commission had considered amending the
18 nonconforming use section to allow for the continuation of these types of uses. Seeber indicated that she
19 had heard from the owner of the house on Foster. He has been waiting since January for action of some
20 sort. She had noticed the matter for public hearing in September when the request was too late to get it
21 in the paper before the noticing deadline for August. She indicated that she would write up a text
22 amendment that would carve out existing dwellings in industrial zones and that she had also noticed the
23 Foster Ave for rezoning, in case the amendment was not going to move on to the board.

24
25 • *Marijuana*

26 Taylor reported on 2609 N. Burdick saying that she did detect any odors from the outside, which was the
27 limit of her review. Mihelich inquired about the dumpster which had been left open a number of times.
28 It was supposed to be moved. Taylor stated that the Fire Marshal needed to inspect the building.
29 Mihelich asked that the occupants of the adjacent fire station be consulted as to the dumpster situation
30 before approval was made.

31
32 • *Gravel pits*

33 Taylor indicated that she had sent letters to the 7 operators and that she was getting good response.

34
35 • *Enforcement report*

36 Taylor reported on a 1701 Olmstead which had a building permit posted on it and was under remodeling.

37
38 Mihelich inquired about the property on E. Mosel east of the fire station which was basically a semi-trailer
39 parking lot. He asked Taylor to check on complaints about gravel and dust. Perhaps some treatment to
40 the driveway was needed. Seals stated that the property was the former Green Bay Packaging. The
41 property had been used for semi-truck parking for a long time. Taylor did not know whether there was a
42 site plan on file. Seals suggested that the approach should be paved and the driveway regraded so that
43 gravel didn't keep getting dropped onto the street.

44
45 • *Next meeting September 4, 2025*

46
47 Taylor reported that there were no new applications received for noticing by the deadline.
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ADJOURNMENT

Respectfully Submitted,

The Kalamazoo Township Planning Commission took the following actions at its meeting of August 7, 2025:

1. Approved site plan for new Eastwood Fire Station at 2409 Texel, with conditions.
2. Continued discussion on chart/matrix addition to zoning ordinances, small lots and non-conformities.

ARTICLE 3.00 **Nonconformities**

Style Definition: Heading 3: Indent: Left: 0.06", No bullets or numbering

Section 3.01 Intent

Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this Ordinance or a subsequent amendment, but which were lawfully established prior to the time of adoption of the Ordinance or amendment. Such nonconformities are not compatible with the current or intended use of land in the district in which they are located. Therefore, it is the intent of this Ordinance to permit such nonconformities to continue under certain conditions, but to discourage their expansion, enlargement, or extension. Accordingly, the purpose of this section is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue and in the cases of residential homes in commercial and industrial zones, to be rebuilt if destroyed by-

The following table summarizes the nonconforming regulations contained in this Article:

Summary of Nonconformity Regulations

<u>Issue</u>	<u>Requirements</u>
Period of non-use before nonconformity must cease	<i>Nonconforming use of open land:</i> 180 days <i>Nonconforming use of structure or building:</i> 12 months
Establishment of new conforming use	Nonconforming use must cease
Change in ownership	No effect on nonconformity
Nonconforming single family use	May be enlarged, subject to conditions (see 3.03.J)
Substitution of one nonconformity for another	Permitted under certain conditions (see 3.03.K and 3.05)
Nonconforming contiguous lots under same ownership	Must be combined if vacant
Expansion of nonconforming use within building	Permitted subject to conditions
Expansion of nonconforming use beyond existing building	Not permitted
Enlargement of nonconforming structure	Not permitted
Maintenance; structural repairs	Generally permitted (see 3.05.C)
Renovation; modernization	Maximum value: 50% of assessed value
Rebuilding after catastrophe	Permitted if damage is less than 50% of pre-catastrophe fair market value (except as permitted in 3.03.J) <u>3.05 Z. Single family dwelling in I-1 or I-2 Zoning Districts allowed to rebuild on same footprint in case of catastrophe regardless of percentage of damage</u>

Section 3.02 Definitions

For the purposes of this article, the following words and phrases shall have the meaning ascribed to them:

Effective Date

Whenever this article refers to the "effective date," the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendments created a nonconforming situation.

Nonconforming Building or Nonconforming Structure

A building, structure, or portion thereof that does not meet the limitations on building size, location on a lot, or other regulations for the district in which such building or structure is located.

Nonconforming Lot

A lot existing at the effective date of this Ordinance, or amendments thereto, that does not meet the minimum area or dimensional requirements of the district in which the lot is located.

Nonconforming Sign

A sign that on the effective date of this Ordinance does not conform to one or more regulations set forth in the Ordinance.

Nonconforming Use

A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.

Structural Nonconformity

A nonconformity that exists when the height, size, or minimum floor space of a structure, or the relationship between an existing building and other buildings or lot lines, does not conform to the standards of the district in which the property is located. Also sometimes referred to as a *Dimensional Nonconformity*.

Section 3.03 General Requirements

The following regulations shall apply to all nonconforming uses, structures, and lots:

Continuation of Nonconforming Uses and Structures

Any lawful nonconforming use existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered to be in violation of this Ordinance, provided that (unless otherwise noted in this Article) the use shall not be enlarged or extended to occupy a greater area of land, nor moved in whole or in part to another portion of the lot.

Any lawful building or structure existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered in violation of this Ordinance, provided that (unless otherwise noted in this Article) the building or structure involved shall not be structurally altered, enlarged, or moved unless such modifications conform to the provisions of this Ordinance for the district in which it is located.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

Buildings Under Construction

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has begun preparatory to rebuilding, such work shall be deemed to be actual construction, provided that such work shall be diligently carried on until completion of the building involved.

Discontinuation of Nonconforming Uses**1. Nonconforming Uses of a Structure**

When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for twelve (12) consecutive months without a present intention to reinstate the nonconforming use, the structure (or structure and land in combination) shall not thereafter be used except in conformance with the provisions of the district in which it is located.

2. Nonconforming Uses of Open Land

If any nonconforming use of open land ceases for any reason for a period of more than one hundred eighty (180) days, any subsequent use of such land shall conform to the provisions set forth of the district in which it is located.

3. Seasonal Uses

In applying this sub-section to seasonal uses, the time during the off-season shall not be counted.

Purchase or Condemnation

In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, Kalamazoo Township may acquire, by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses pursuant to Section 208(3) of Public Act 110 of 2006, as amended.

Recording of Nonconforming Uses and Structures

The Township shall be responsible for maintaining records of nonconforming uses and structures as accurately as is feasible, and for determining legal nonconforming uses and structures in existence on the effective date of this Ordinance. Failure on the part of a property owner to provide the Township with necessary information to determine legal nonconforming status may result in denial of required or requested permits.

Establishment of a Conforming Use or Structure

In the event that a nonconforming principal use or structure is superseded by a conforming principal use or structure on a site, the nonconforming use or structure shall be immediately and permanently removed.

Change of Tenancy or Ownership

In the event there is a change in tenancy, ownership, or management, an existing nonconforming use or structure shall be allowed to continue provided there is no change in the nature or character of such nonconformity.

Variances

Any use for which a variance has been granted as provided in this Ordinance shall not be deemed a nonconformity.

Unlawful Nonconformities

No building, structure, or use shall be permitted to continue in existence if it was unlawful at the time it was established.

Nonconforming Single-Family Uses

- 4. Notwithstanding the limitations outlined in this article, any structure used for single family residential purposes and maintained as a nonconforming use may be replaced with a similar structure or of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements.**

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- 5. See Section 3.05 D.3. for rebuilding authority for nonconforming single-family dwellings in I-1 and I-2 Zoning Districts.**

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Substitution

A nonconforming use may be changed to another nonconforming use upon approval of the Zoning Board of Appeals provided that no structural alterations are required to accommodate the new nonconforming use, and that the proposed use is equally or more appropriate in the district than the existing nonconformity. In permitting such a change, the Zoning Board of Appeals may require conditions to accomplish the purposes of this Ordinance.

Change of Location

Should a nonconforming structure be moved to another parcel or to another location on the same parcel for any reason

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whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

M. Medical Marijuana Facilities

1. No marijuana facility operating or purporting to operate prior to March 1, 2018, shall be deemed to have been a legally existing use nor shall the operation of such marijuana facility be deemed a legal nonconforming use under this ordinance.
2. A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment thereto.

Section 3.04 Nonconforming Lots of Record

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance or amendment thereto:

Use of Nonconforming Lots

Any nonconforming lot shall be used only for a use permitted in the district in which it is located. Notwithstanding limitations imposed by other provisions of this Ordinance, a permitted use may be erected on any single lot of record in existence at the effective date of adoption or amendment thereto. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, provided that the lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health, safety, and welfare.

Variance from Area and Bulk Requirements

If the use of nonconforming lot requires a variance from the area or bulk requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals.

Nonconforming Lots Under the Same Ownership

~~1-6.~~ If two or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in this Ordinance. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by an existing home.

~~2-7.~~ Any lot laid out in an approved plat or existing as an unplatted parcel which was lawful in size at the time it was created and which fails to comply with the minimum size requirements of a subsequent Kalamazoo Township Zoning Ordinance or a subsequent Kalamazoo Township Subdivision Control Ordinance, may be used for the uses permitted in the zoning district in which it is located, provided all setback requirements are complied with.

Combination of Nonconforming Lots

The Township Assessor may permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements established by this Ordinance, provided that the combination of lots reduces the degree of nonconformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area and setback requirements of this Ordinance.

Section 3.05 Modification to Nonconforming Uses or Structures

No nonconforming use or structure shall be enlarged, extended, or structurally altered, nor shall any nonconformity be changed to a different nonconformity which increases the intensity of use or nonconformity, except as permitted in this Section.

Applicability

The following regulations shall apply to any nonconforming use or structure, including:

- 4-8. Nonconforming uses of open land.
- 2-9. Nonconforming use of buildings designed for a conforming use.
- 3-10. Nonconforming use of buildings specifically designed for the type of use that occupies them but not suitable for a conforming use.
- 4-11. Buildings designed and used for a conforming use but not in conformance with area and bulk, parking, loading, or landscaping requirements.
- 5-12. Nonconforming structures, such as fences and signs.

Enlargement, Extension, or Alteration

4-13. Increase in Nonconformity Prohibited

Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of any nonconformity. For example, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

- a. An increase in the total amount of space devoted to a nonconforming use, or
- b. Greater nonconformity with respect to dimensional restrictions, such as setback requirements, height limitations, density requirements, or other requirements in the district in which the property is located.

2-14. Permitted Extension

Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building. No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land, nor shall any such use be moved in whole or in part to any portion of the lot or parcel than was occupied on the effective date of this Ordinance or amendment thereto.

3-15. Alterations that Decrease Nonconformity

Any nonconforming structure or any structure or portion thereof containing a nonconforming use, may be altered if such alteration serves to decrease the nonconforming nature of the structure or use.

4-16. Variance to Area and Bulk Requirements

If a proposed alteration is deemed reasonable by the Zoning Board of Appeals by virtue of the fact that it would decrease the nonconforming nature of a structure or use, but such alteration requires a variance from the area or bulk requirements, then such alteration shall be permitted only if a variance is granted by the Zoning Board of Appeals.

Repairs, Improvements, and Modernization

4-17. Required Repairs

Repairs or maintenance deemed necessary by the Building Official to keep a nonconforming building structurally safe and sound are permitted. However, if a non-conforming structure or a structure containing a nonconforming use becomes physically unsafe and/or unlawful due to lack of maintenance and repairs and is declared as such by the Building Official, it shall not thereafter be restored, repaired, or rebuilt except in full conformity with the regulations in the district in which it is located.

2-18. Additional Permitted Improvements

Additional repairs, improvements, or modernization of nonconforming structures, beyond what is required to maintain the safety and soundness of the structure, shall be permitted provided such repairs or improvements do not exceed fifty percent (50%) of the assessed value of the structure during any period of twelve (12) consecutive months. Any such repairs, improvements, and modernization shall not result in enlargement of the cubic content of the nonconforming structure. The provisions in this paragraph shall apply to all structures except as otherwise provided in this Article for single-family residential uses and for reconstruction of structures damaged by fire or other catastrophe.

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Damage by 3.06 Non-conforming structures affected by natural disaster Fire or Other Catastrophe

1. Scope.

This section 3.06 refers to those situations in which a non-conforming structure is damaged by flood, tornado, earthquake, hailstorm, wildfire, and/or high levels of precipitation or any other natural disaster over which the owner has no control, often referred to as "acts of God". It also applies to fires that are not intentionally set by the owner/occupant of the property solely for the purpose of demolition or partial demolition of a nonconforming structure. For purposes of this section, such occurrences shall be collectively called "catastrophe" and such damages shall be referred to herein as "catastrophic damages".

2. Catastrophic damage to part or portion of nonconforming structures in all residential, commercial and mobile home park zoning districts.

a. **Damage in excess of 50%.** Except as provided in Section 3. of this subsection, aAny nonconforming structure or structure housing a nonconforming use in the R-1, R-2, RM-1, RM-2, RM-3, MHP, C-1 or C-2, zoning districts that is damaged by fire, flood, or other catastrophe as defined herein in excess of fifty percent (50%) of the structure's pre-catastrophe fair market value (as determined by the Township Assessor) shall not be rebuilt, repaired, or reconstructed except in complete conformity with the provisions of this Ordinance.

b. **Damage of less than 50%.** Any nonconforming structure or structure housing a nonconforming use in any zoning district that is damaged by catastrophe, fire, flood, or other catastrophe by less than or equal to fifty percent (50%) of the structure's pre-catastrophe fair market value (as determined by the Township Assessor) may be restored to its pre-catastrophe status, provided that restoration is completed within a period of twelve (12) months from the date of such fire, flood, or other catastrophe. Restoration of structures located in the floodplain shall comply with Section 2.07(E).

3. Special Provision for full reconstruction of nonconforming Single-family dwellings in I-1 or I-2.

a. **Findings.** It is recognized that the township's zoning of certain parcels containing single-family dwellings to I-1 and I-2 were made nonconforming, a problem that is more prevalent in the present day because the owners of those single-family dwellings wish to sell or transfer them after several years (in some cases decades) of nonconforming use. While one of the goals of zoning is the eventual elimination of nonconforming uses, it is apparent that lots containing single family dwellings in the I-1 and I-2 are not attractive to permitted or special land uses; nor to adjoining industrial or other nonpermitted uses. Difficulty in obtaining financing as well as the length of the nonconformity, together with the general lack of interest in them by industrial uses places owners, many of which are long-term residents, at a disadvantage. This section is intended to cure that problem.

b. In cases of catastrophe as defined in this section, non-conforming single-family dwellings in the I-1 and I-2 District Zoning Classifications are not subject to Section 1. a. (this section, above) and may be repaired and/or rebuilt regardless of the amount of damage thereto. A non-conforming single-family dwelling in either the I-1 or I-2 District Zoning Classification does not lose its non-conforming status in the case of catastrophe and may be repaired, reconstructed or rebuilt to its non-conforming status regardless of the percentage of damage suffered by said single-family dwelling.

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4. Proposals to rebuild, repair, reconstruct, or restore require nonconforming structure under this section shall be submitted to the Township Zoning Administrator and Building Official for approvals (if required) and permits. appropriate Township Building Department approvals and permits.

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Kalamazoo Charter Township
1720 Riverview Drive
Kalamazoo, MI 49007-4686
Telephone: (269) 381-8080
www.kalamazootownship.org

To: Planning Commission Members

Re: Discussion of the proposed changes to the land use matrix

Date: July 22, 2025

Greetings!

After the last meeting on July 10, 2025 staff went back to the proposed changes to the land use matrix and reformatted the document to include the articles where the land uses can be found, and whether or not the land use has a definition in Article 1. Hopefully these will be a helpful additions. The land use matrix was first given to you at the May 1st meeting as homework for the June 5th meeting. In the July 10th meeting staff presented you with a memo proposing changes to the land use matrix. In the meeting it became apparent that more time to review the proposed changes will be necessary. Staff proposes the following review schedule to allow for careful and thoughtful review of the proposed changes to the land use matrix in smaller sections.

August 7 – review and decide on agricultural uses

September 4 – review and decide on care and social assistance uses

October 2 – review and decide on commercial uses

November 6 – review and decide on institutional and recreational uses

December 4 – review and decide on residential and utilities uses

The proposed changes to the land use matrix are recommendations from staff to bring the existing document, adopted in 2016, into better compliance with State laws, current planning practices, the MSHDA housing grant and developments within the business community. The Zoning Ordinance is a working document and the careful, measured assessment by the Planning Commission is warranted to provide the best possible public service to the community. Please let me know if you have any questions. I can be reached at 269-381-8080 or at planner@ktwp.org. Thank you for your service to Kalamazoo Township.

Regards,

A handwritten signature in blue ink that reads 'Hillary Taylor'.

Hillary Taylor, Zoning Administrator



Kalamazoo Charter Township
1720 Riverview Drive
Kalamazoo, MI 49007-4686
Telephone: (269) 381-8080
www.kalamazootownship.org

August 20, 2025

To: Planning Commission Members

From: Hillary Taylor, Kalamazoo Township Zoning Administrator
Ethan Walthorn, Assistant Planner

Subject: Amendments to the Land Use Matrix to Match State Regulations

Dear Planning Commissioners,

As identified by the Township's Legal Counsel, the current regulations for care and social assistance uses may be out of compliance with state regulations. Specifically, the Township requires Special Land Uses for care facilities that are required to be permitted by right. Legal Counsel provided the following insight into the regulations of the Michigan Zoning Enabling Act (MZEA):

1. 125.3206 (1) *Except as provided in subsection (2), each of the following is a residential use of property for the purposes of zoning and a permitted use in all residential zones and is not subject to a special use or conditional use permit or procedure different from those required for other dwellings of similar density in the same zone:*
 - a. **A state licensed residential facility.**
 - b. **A facility in use as described in section 3(4)(k) of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703.**
 - c. A qualified residential treatment program that provides services for 10 or fewer individuals.
2. Subsection (1) does not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

The main relevant points are bolded above. The definition for State-Licensed Residential Facilities listed in Section 125.3102 of the MZEA states:

(u) "State licensed residential facility" means a structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer individuals under 24-hour supervision or care.

Additionally, Section 3.4.K of the Adult Foster Care Facility Licensing Act lists the following definitions:

4. *"Adult foster care facility" means a home or facility that provides foster care to adults. Subject to section 26a(1), adult foster care facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.*
 - k. A private residence with the capacity to receive at least 1 but not more than 4 adults who all receive benefits from a community mental health services program if the local community health services program monitors the services being delivered in the residential setting.

Due to the above definitions coinciding with many of the uses permitted in Kalamazoo Township through Special Land Use, the Township's Legal Counsel advises to amend the Zoning Ordinance to permit these

uses by right in all residential districts. An amended copy of the Township's Land Use Matrix will be provided with this memorandum to the Planning Commission at the upcoming September 4th meeting.

If you have questions, you may contact me at 269-381-8080 ext. 128 or by emailing planner@ktwp.org.

Sincerely,



Hillary Taylor,
Kalamazoo Township Zoning Administrator



Ethan Walthorn,
Assistant Planner

ARTICLE 1.00**Rules of Construction and Definitions*****Section 1.01 Short Title***

This Ordinance shall be known as the “Zoning Ordinance of the Charter Township of Kalamazoo.” Within the following text, it may be referred to as the “Ordinance” or the “Zoning Ordinance.”

Section 1.02 Rules of Construction

The following rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. Words used in the present tense shall include the future, unless the context clearly indicates the contrary.
- C. Words used in the singular number shall include the plural; and words used in the plural shall include the singular, unless the context clearly indicates the contrary.
- D. Terms referred to in the masculine gender include the feminine and neuter.
- E. The word **shall** is always mandatory and not discretionary; the word **may** is permissive and discretionary.
- F. The word **build** includes the words **erect** and **construct**.
- G. The word **building** includes the word **structure**. A **building** or **structure** includes any part thereof.
- H. The words **include** or **including** shall mean **including but not limited to**.
- I. The phrase **such as** shall mean **such as but not limited to**.
- J. The phrase **used for** includes **arranged for, designed for, intended for, occupied for, and maintained for**.
- K. The word **person** includes an individual, firm, association, organization, public or private corporation, partnership or co-partnership, limited liability company, incorporated or unincorporated association, trust, or any other entity recognizable as a person under the laws of the State of Michigan.
- L. 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 **either/or**, the conjunction shall be interpreted as follows:
 - 1. **And** indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. **Or** indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
 - 3. **Either/or** indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- M. All measurements shall be to the nearest integer, unless otherwise specified herein.
- N. Unless otherwise stated, the word **day** shall mean a calendar day; **month** shall mean any consecutive period of 30 calendar days; and **year** shall mean any consecutive period of 365 calendar days.
- O. Unless the context clearly indicates the contrary, where an illustration accompanies any item within this Ordinance, the written text shall have precedence over said illustration.

P. The term **residential districts** includes the R-1, R-2, RM-1, RM-2, RM-3, and MHP districts, unless otherwise noted.

Section 1.03 Definitions

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. Words or terms not herein defined shall have the meaning customarily assigned to them.

A

Accessory Use, Accessory Building, or Accessory Structure: A use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and located on the same zoning lot (unless otherwise specifically permitted) as the principal use to which it is related.

Adult Foster Care Facility: See *State-licensed residential facility*.

Adult Regulated Uses: As used in this Ordinance, the following definitions shall apply to adult regulated uses:

- A. **Adult Book or Supply Store:** An establishment having ten percent or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to **specified sexual activities** or **specified anatomical areas**, or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the general public, but only to one or more classes of the public, excluding any minor by reason of age.
- B. **Group "A" Cabaret:** An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees.
- C. **Adult Motion Picture Theater or Adult Live Stage Performing Theater:** An enclosed building with a capacity of twenty-five (25) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to **specified sexual activities** or **specified anatomical areas** for observation by patrons therein. Such an establishment is customarily not open to the general public, but only to one or more classes of the public, excluding any minor by reason of age.
- D. **Adult Model Studio:** Any place where models who display **specified anatomical areas** are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any bona fide art school or similar educational setting.
- E. **Adult Motel:** A motel wherein visual displays, graphic materials, or activities are presented which depict, describe, or relate to **specified sexual activities** or **specified anatomical areas**.
- F. **Adult Motion Picture Arcade:** Any place where motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe, or relate to **specified sexual activities** or **specified anatomical areas**.
- G. **Massage Parlor or Massage Establishment:** A place where manipulated massage or manipulated exercises are practiced for pay upon the human body by anyone using mechanical therapeutic, or bathing devices or techniques, other than the following: a duly licensed physician, osteopath, or chiropractor; a registered or practical nurse operating under a physician's directions; or, registered physical or occupational therapists or speech pathologists who treat patients referred by a licensed physician and operate only under such physician's direction. A massage establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths. Massage establishments, as defined herein, shall not include properly-licensed **hospitals, medical clinics, or nursing homes**, or beauty salons or barber shops in which massages are administered only to the scalp, the face, the neck or the shoulders.
- H. **Adult Outdoor Motion Picture Theater:** A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to **specified sexual activities** or **specified anatomical areas** for observation by patrons of the theater. Such establishment is customarily not open to the general public, but only to one or more classes of the public, excluding any minor by reason of age.

I. Specified Anatomical Areas: Portions of the human body defined as follows:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola, and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

J. Specified Sexual Activities: The explicit display of one or more of the following:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse, or sodomy.
3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

Alley: A dedicated public vehicular way usually between or behind buildings, which affords a secondary means of access to abutting property but is not intended for general traffic circulation.

Alterations: Any change, addition or modification to a structure or type of occupancy, or any change in the structural members of a building, such as walls or partitions, columns, or beams or girders, or any change which may be referred to herein as **altered** or **reconstructed**.

Anaerobic Composting: The decomposition of organic matter in an environment with little or no oxygen present.

Animal Hospital: See *Clinic, Veterinary*.

Apartment: See *Dwelling, Multiple-Family*.

Arcade: Any establishment which provides on its premises three or more machines which may be operated or used as a game, contest or for amusement of any description, not including devices used solely for playing music.

Assisted Living Facility: See *Dependent Living (for Seniors)*.

Attached Wireless Communications Facilities: **Wireless communication facilities** that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A **wireless communication support structure** proposed to be newly established is not included in this definition.

Auction:

Auction – An establishment operated for compensation and profit as a public or private market where items are offered for sale through competitive bidding. An auction can be operated on-line or on-site.

An **auction house** is a type of auction that is enclosed. The term “auction house” shall not include flea markets and yard sales.

Permanent Auction – A live or on-line auction that is intended to reoccur over an indefinite period of time. A permanent auction may be single purpose (e. g., an agricultural auction, a vehicle auction) or it may exist for the sale of a variety of goods.

- a. **Permanent Agricultural Auction** – A type of permanent auction that exists for the purpose of auctioning livestock and/or agricultural implements.
- b. **Permanent Vehicle Auction** – A type of permanent auction that is designed and licensed to accommodate the auctioning of five (5) or more vehicles on a regular basis.
- c. **Permanent General Purpose Auction** – A type of permanent auction that exists for the sale of a variety of goods, which may include agricultural implements and vehicles on an occasional basis.

Temporary Auction – An auction that occurs once only, not to exceed three (3) contiguous days.

- a. **Temporary Real Estate Auction** – An auction held for the sole purpose of offering a particular parcel of property for sale.
- b. **Temporary General Auction** – An auction event that is held once only to facilitate the sale of unwanted goods. An estate auction is an example of a Temporary General Auction.

Automobile: Unless specifically indicated otherwise, 'automobile' shall mean any vehicle including by way of example, cars, trucks, vans, motorcycles, and the like.

Automobile Filling Station: A place used for the retail sale and dispensing of fuel or lubricants together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. 'Automobile filling stations' may also incorporate a convenience store operation as an accessory use, provided it is clearly incidental to the filling station use, but no auto repairs shall be permitted.

Automobile Repair: Major or minor repair of automobiles, defined as follows:

- A. Minor Repair: Engine tune-ups and servicing of brakes, air conditioning exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.
- B. Major Repair: Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rustproofing; and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing the automobiles on the premises overnight.

Automobile Repair Garage: An enclosed building where **minor** or **major automobile repair** services may be carried out.

Automobile Service Station: A place where gasoline or other vehicle engine fuel, kerosene, motor oil and lubricants, and grease are sold directly to the public on the premises for the purposes of operation of motor vehicles; including the sale of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass) and the servicing of and **minor repair** of motor vehicles.

Automobile Dealership or **Vehicle Dealership:** A building or premises used primarily for the sale of new and used automobiles and other motor vehicles.

Automobile Wash or **Car Wash Establishment:** A commercial establishment contained within a building or premises or portion thereof where automobiles are washed.

B

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Basement: That portion of a building which is partially or totally below grade, but is so located that the vertical distance from the average grade to the floor below is greater than the vertical distance from the average grade to the ceiling. This definition shall not apply to **earth- sheltered homes**. A 'basement' shall not be counted as a **story** (see illustration on p. 1-24).

Bed-And-Breakfast Establishment: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provisions for a morning meal for overnight guests only.

Bedroom: A room designed or used in whole or part for sleeping purposes.

Berm: See **Landscaping**.

Block: The property bounded by a street or by a combination of streets and public lands, rights-of-way, rivers or streams, boundary lines of the Township, or any other barrier to the continuity of development.

Boarding House: A building, other than a **hotel**, where for compensation or by prearrangement for definite periods of time, lodging or lodging and meals are provided for five (5) or more persons. A **rooming house** shall be deemed a 'boarding house' for the purposes of this Ordinance.

Brewpub: An eating or drinking establishment that includes the brewing of beer or ale as an accessory use for sale on the same premises of not more than five thousand (5,000) barrels per year. (A barrel is equivalent to thirty-one (31) U. S. gallons.)

Buildable Area: The area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

Buildable Area, Net: The net buildable area is that portion of a site that is not encumbered by regulated wetlands (except as specifically noted), steep slopes, road rights-of-way, easements, structures or lots, or other existing or proposed features that would prevent construction of a building or use of the site for a use permitted in the district in which the site is located.

Building: Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, or property or materials of any kind. A building shall not include such structures as signs, fences, or smokestacks, but shall include structures such as storage tanks, grain elevators, coal bunkers, or similar structures.

- A. Building, Permanent: A **building** which is permanently affixed to the ground with footings or a foundation and/or is permitted to exist for an indefinite period of time exceeding six (6) months.
- B. Building, Temporary: A **building** which is not permanently affixed to the ground and is permitted to exist for a specific reason for a specific period of time, such as during a construction project.

Building, Accessory: See *Accessory use, building, or structure*.

Building Department. At the time of adoption of this Ordinance, the role of Building Department is being served by the Kalamazoo Area Building Authority (KABA).

Building, Principal: A **permanent building** or, where the context so indicates, a group of permanent buildings (such as a school or office campus) which are built, used, designed or intended for the shelter or enclosure of the **principal use** of the parcel.

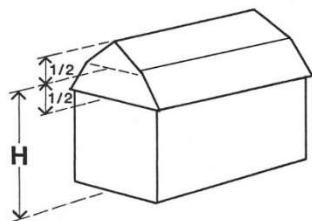
Building Envelope: See *Buildable area*.

Building Height: The vertical distance measured from the established grade to:

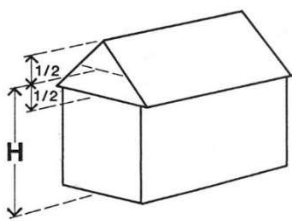
- (1) The highest point of the coping of a flat roof;
- (2) The deck line of a mansard roof; or,
- (3) The average height between the eaves and the ridge for a gable, hip, studio (shed), or gambrel roof; or
- (4) Seventy-five percent of the height of an A-frame.

Building Height

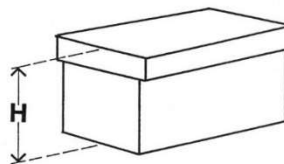
H = Height of building



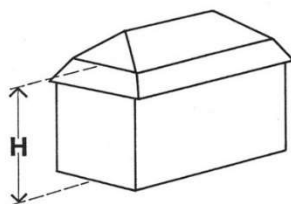
Gambrel Roof



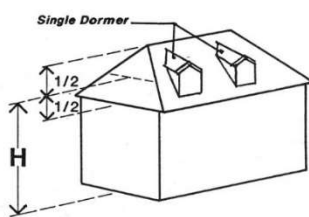
Gable Roof



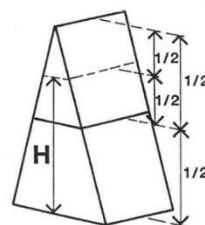
Flat Roof



Mansard Roof

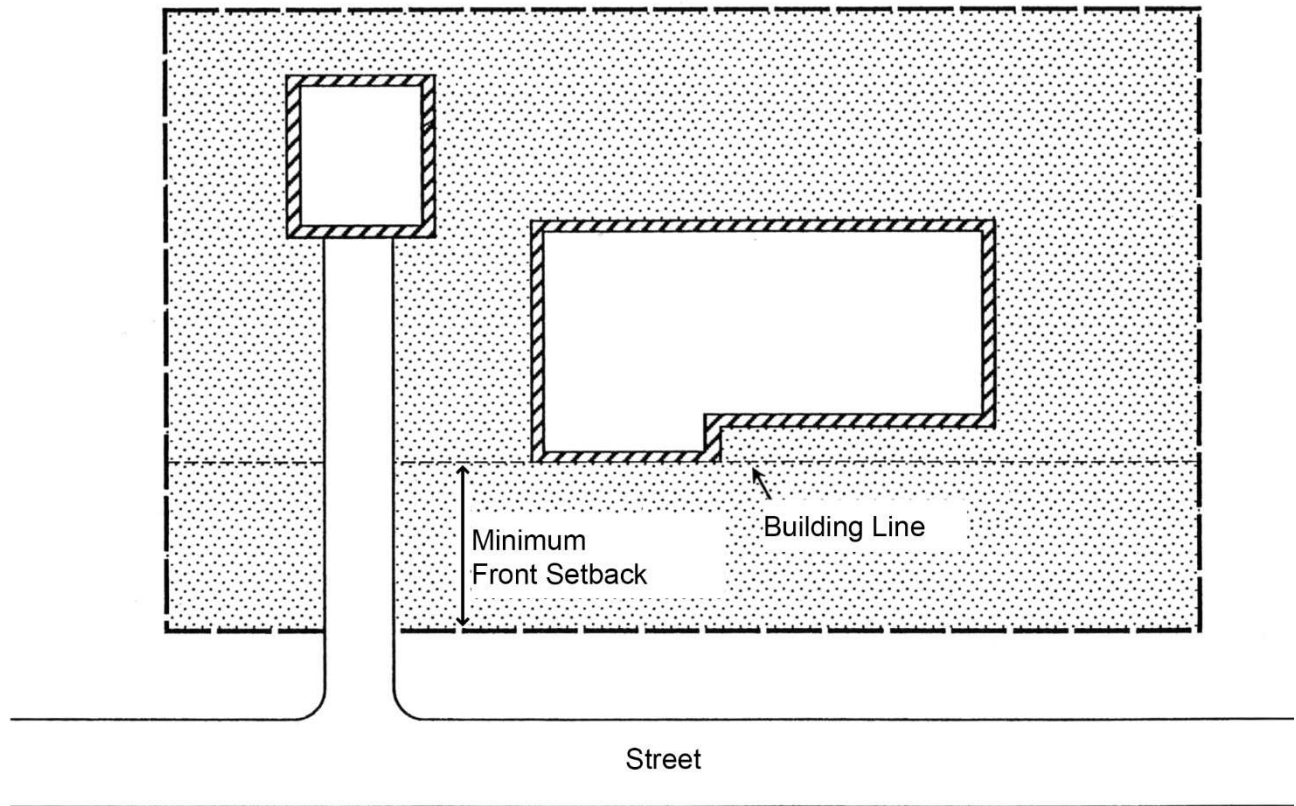


Hip Roof



"A"-Frame

Building Line



Building Line: A line parallel to the front lot line at the minimum required front setback line.

Building Official: The officer or other authority designated by the Township Board to administer and enforce the Building Code.

Bulk: The term used to indicate the size and setbacks of buildings and structures and the location of same with respect to one another, including standards for the height and area of buildings; the location of exterior walls in relation to lot lines, streets, and other buildings; gross floor area of buildings in relation to lot area; open space; and, the amount of lot area required for each dwelling unit.

C

Caretaker Living Quarters: An accessory dwelling on a non-residential premises, occupied by the person who oversees the non-residential operation 24 hours per day, and his or her family.

Carport, Private: A shelter which has a roof with or without open sides with capacity for not more than three motor vehicles for storage only. Unless otherwise specifically set forth herein, the same regulations as apply to garages shall apply to carports.

Cemetery: Land used for the burial of the dead, including columbariums, crematories, and mausoleums.

Child Care Center or Day Care Center: A facility, other than a private residence, receiving more than twelve (12) preschool or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two (2) consecutive weeks regardless of the number of hours of care per day. The facility is generally described as a

child care center. "Child Care Center" or "Day Care Center" does not include instruction solely for religious purposes conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

Church: See *Religious institution*.

Clinic, Medical: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A 'medical clinic' may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

Clinic, Veterinary: An institution that is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A 'veterinary clinic' may include customary pens or cages for the overnight boarding of animals and such related facilities as laboratories, testing services, and offices.

Club or Fraternal Organization: An organization of persons for special purposes or for the promulgation of sports, arts, science, agriculture, literature, politics, or similar activities, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. Also, the facilities owned or used by such an organization.

Colocation. The location by two or more wireless communication providers of **wireless communication facilities** on a common structure, tower, or building, with the intent to reduce the total number of structures required to support wireless communication antennas in the Township.

College or University: A school of higher learning, consisting of a building or buildings and other facilities for teaching and research, and that grants associate's, bachelor's, master's and doctorate degrees.

Commercial Radio Tower: A tower used to transmit or receive electromagnetic waves, where such activity is undertaken for the purpose of generating income.

Commercial Use: The use of property for retail sales or similar businesses where goods or services are sold or provided directly to the consumer. As used in this Ordinance, 'commercial use' shall not include industrial, manufacturing, or wholesale businesses.

Commercial Vehicles and Equipment: All vehicles and equipment constructed or used for transportation of goods, wares, materials, merchandise, and/or all other vehicles and equipment designed and used for drawing other vehicles or used in construction or landscaping, including dump truck, **stake truck**, tank truck, flatbed truck, step van, panel truck, wrecker, car hauler, **truck tractor**, construction and landscaping vehicles and equipment, sprayers, excavating equipment, logging vehicle, bulldozer, backhoe, front loader, bus, hearse, ambulance, or limousine. The determination whether other vehicles or equipment not specifically listed satisfy the definition of 'commercial vehicles and equipment' shall be made on a case by case basis by the Township Planning Commission.

Composting: The biological decomposition of organic material under specifically created conditions that are maintained and controlled by a person or entity for the purpose of generating usable by-products from the waste materials.

Composting Facility: A site where composting occurs as part of a private business, non-profit organization, or government service including, but not limited to, a site where compostable materials are received, processed, or stored for use in the composting process.

Concrete Plant: An industrial facility where cement, water, and other products are mixed to produce concrete for delivery to a job site.

Condominium: A condominium is a system of separate ownership of individual units in multi-unit projects. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners. For the purposes of this Ordinance, condominium terms shall be defined as follows:

A. Condominium Act: Shall mean Public Act 59 of 1978, as amended.

- B. Condominium Lot: That portion of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback requirements and other requirements set forth in the Schedule of Regulations (Section 25.02).
- C. Condominium Subdivision Plan: Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.
- D. Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project. A condominium unit is not a lot or condominium lot as those terms are used in this Ordinance.
- E. Common Elements: Portions of the condominium project other than the condominium units.
- F. Detached Condominium: A condominium project of detached units designed to be similar in appearance to a conventional single family subdivision, except that limited common areas are not arranged in such a manner as to create clearly defined condominium lots.
- G. General Common Elements: Common elements other than the limited common elements, intended for the common use of all co-owners.
- H. Limited Common Elements: Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- I. Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.
- J. Site Condominium Project: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

Contractor's Yard: A site on which a building or construction contractor stores equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction. A contractor's yard may include outdoor or indoor storage, or a combination of both.

Convalescent Home: See *Nursing Home*.

Convenience Store: Any retail establishment offering for sale convenience goods, such as pre-packaged food items, tobacco, periodicals, limited grocery items, and other household goods.

Co-Op (Cooperative) Housing: A multiple-unit dwelling owned by a corporation that leases its units to stockholders on a proprietary lease arrangement.

Curb Cut: The entrance to or exit from a property provided for vehicular traffic to or from a public or private road or highway.

D

Deck: A raised platform, commonly constructed of wood, which is typically attached to a house and used for outdoor leisure activities.

Density (Residential): The number of dwelling units per acre of land.

- A. Gross Density: The number of units per acre of total land being developed.
- B. Net Density: The number of units per acre of land not encumbered by regulated wetlands (except as specifically noted), steep slopes, road rights-of-way, easements, structures, lots, or other existing or proposed features that would prevent construction of a building or use of the site for a residential dwelling.

Dependent Living (for Seniors): A multiple-family housing form with central dining facilities provided as a basic service to each dwelling unit. Each dwelling unit may or may not contain cooking facilities, but must contain sanitary facilities. One

type of dependent living facility is 'assisted living', which is a special combination of dependent housing, with personalized supportive services, and health care designed to meet the needs of those who need help with activities of daily living. Services provided in 'assisted living' residences may include:

- Three meals per day served in a common dining area
- Housekeeping services
- Transportation
- Assistance with eating, bathing, dressing, toileting, and/or walking
- Emergency call systems for each unit
- Health promotion and exercise programs
- Medication management
- Personal laundry services
- Social and recreational activities.

Detention Basin: A structure or facility, natural or artificial, which stores stormwater on a temporary basis and releases it at a controlled rate. A detention basin may drain completely after a storm event, or it may be a body of water with a fixed minimum and maximum water elevation between runoff events. See also **Retention Basin**.

Development: The construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

Distilleries, Small: A small distillery is an establishment licensed by the State of Michigan to manufacture spirits, not to exceed 60,000 gallons annually of all brands combined.

Distribution Center: A use which typically involves both warehouse and office/administration functions, where short and/or long term storage takes place in connection with the distribution operations of a wholesale or retail supply business.

District, Zoning: A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established.

Donation Bin: A donation bin is a closed container, typically constructed of metal, in which clothing, shoes, books, and/or other goods are placed by the public to be donated to charitable organizations or for recycling in other ways.

Drive-In: A business establishment so designed that its operation involves providing service to patrons while they are in their car, rather than within a building or structure.

Driveway: A private lane, designed primarily for use by vehicles, which connects a house, garage, or other buildings with the road.

Dwelling: Any building, or part thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by a single **family**. In no case shall a detached or attached garage, travel trailer, motor home, **automobile**, tent, or other structure or vehicle not defined as a **recreational vehicle** be considered a 'dwelling'. In the case of a building occupied in part as a dwelling unit ("mixed occupancy"), the part so occupied shall be deemed a dwelling unit for the purposes of this Ordinance.

Dwelling, Accessory Apartment: A dwelling unit that is accessory to and contained within a principal single-family dwelling, and which is occupied by either persons related to the occupant of the principal residence by blood, marriage, or legal adoption; domestic servants; or gratuitous guests. An 'accessory apartment' commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

Dwelling, Manufactured: A building or portion of a building designed for long-term residential use and characterized by all of the following:

- (1) The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended; *and*
- (2) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; *and*
- (3) The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

Dwelling, Mobile Home: A type of manufactured housing that is transportable in one or more sections, that is built upon a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes plumbing, heating, air-conditioning, and electrical systems contained in the structure. **Recreational vehicles** as regulated herein shall not be considered 'mobile homes' for the purposes of this Ordinance.

Dwelling, Multiple-Family: A building designed for and occupied by three or more **families** living independently, with separate housekeeping, cooking, and bathroom facilities for each. Examples of multiple-family dwellings include:

- A. Apartment: An attached **dwelling unit** with party walls contained in a building with other apartment units which are typically accessed from a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments may also be known as garden apartments or flats.
- B. Efficiency Unit: A type of **apartment** consisting of one principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

Dwelling, One-Family or Single-Family: A detached residential **dwelling** designed for and used or held ready for use by one **family** only.

Dwelling, Two-Family or Duplex: A detached building designed exclusively for and occupied by two **families** living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each.

Dwelling Unit: One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by a single **family** for living, cooking, and sleeping purposes.

Dwelling Unit, Single-Family Attached or Townhouse: An attached dwelling unit with party walls, designed as part of a series of three or more dwellings, each with its own front door which opens to the outdoors at ground level; its own basement; and typically, its own utility connections and front and rear yards. Townhouses are sometimes known as "row houses".

E

Easement: A right, created by an express or implied agreement, of one owner of land to make lawful and beneficial use of the land of another. A public easement is any easement enjoyed by the public in general, e.g., the right of passage of the public over the surface of streets, alleys, highways, etc.

Engineer, Township: The Township Engineer is the person or firm designated by the Township Board to advise the Township administration, Township Board, and Planning Commission on drainage, grading, paving, storm water management and control utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or an employee of the Township.

Enforcement Official: The Enforcement Official is the person or persons designated by the Township as being responsible for enforcing and administering requirements of this Zoning Ordinance. Throughout this Ordinance the Enforcement Official may be referred to as the Building Official, Township Planner, Public Safety Official, or their agents. Such titles do not necessarily refer to a specific individual, but generally the office or department most commonly associated with the administration of the regulation being referenced.

Erected: Any physical change on a site, including construction, reconstruction, or alteration of buildings or structures thereon. Excavation, fill, drainage, and the like shall be considered part of 'erection.'

Essential Services: The term "*Essential Services*" means the erection, construction, alteration or maintenance by public utilities or Kalamazoo Township departments or commissions, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, telephone exchange and/or repeater buildings, electric substations and substation buildings, gas regulator stations and regulator buildings and other similar equipment and accessories in connection therewith (but not including any buildings *except those expressly referred to herein*), reasonably necessary for the furnishing of adequate service by such public utilities or Kalamazoo Township departments or commissions or for the public health or safety or general welfare. This definition does not include towers or other buildings or structures intended specifically to service commercial wireless telecommunications such as cellular, personal communications services, specialized mobilized radio, enhanced

specialized mobile radio, paging and similar services. This definition also does not include sales or business offices and commercial buildings or activities.

Excavation: The removal or movement of soil, sand, stone, gravel, or fill dirt, except for common household gardening, farming, and general ground care.

Exception: An exclusion from the normal Zoning Ordinance rules and regulations for the purposes of permitting particular uses or structures which are considered essential or appropriate in certain locations or under certain conditions. A **variance** is not required for uses or structures which are permitted because of an exception.

F

Family: This term shall mean "traditional family" or "functional family" as defined below:

- a. Traditional family—an individual or group of two or more persons related by blood, marriage or adoption, together with foster children and domestic household employees of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single domestic housekeeping unit in a dwelling.
- b. Functional family—a collective number of individuals domiciled together in one dwelling whose relationship is of a permanent and distinct domestic character, with a demonstrable and recognizable bond characteristic of a cohesive unit, and who are in fact cooking and living as a single nonprofit housekeeping unit.

A "functional family" shall not include any of the following:

- (1) any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization, which is not a recognized religious order.
- (2) any group of individuals whose domestic relationship is transitory, temporary, or resort/seasonal in nature or character.
- (3) any group of individuals whose association is essentially for convenience or economics, or for the limited duration of their education, training or a similar determinate period of time.

Any person or group of persons seeking the rights and privileges of a "family" as defined in subparagraph a or b above in any administrative, judicial, or quasi-judicial proceeding, whether as the proponent or by way of defense, shall have the burden of proving that their domestic relationship satisfies the criteria in either subparagraph a or b above.

Family Day Care Home: See *State-licensed residential facility*.

Fence: An artificially constructed barrier of wood, wire, metal or any other manufactured material or combination of materials, used to prevent or control entrance, confine within, or mark a boundary.

Farmer's Market: A farmers market, as distinguished from a farm market, is a location established in accordance with Township ordinances and operated in compliance with Public Act 92 of 2000, where farmers may transport and sell to the public fruits, vegetables and other agricultural products. Farmers market vendors may operate intermittently but for state licensing purposes are considered permanent operations. Vendors selling crafts are commonly found at farmers markets.

Fill, Filling: The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

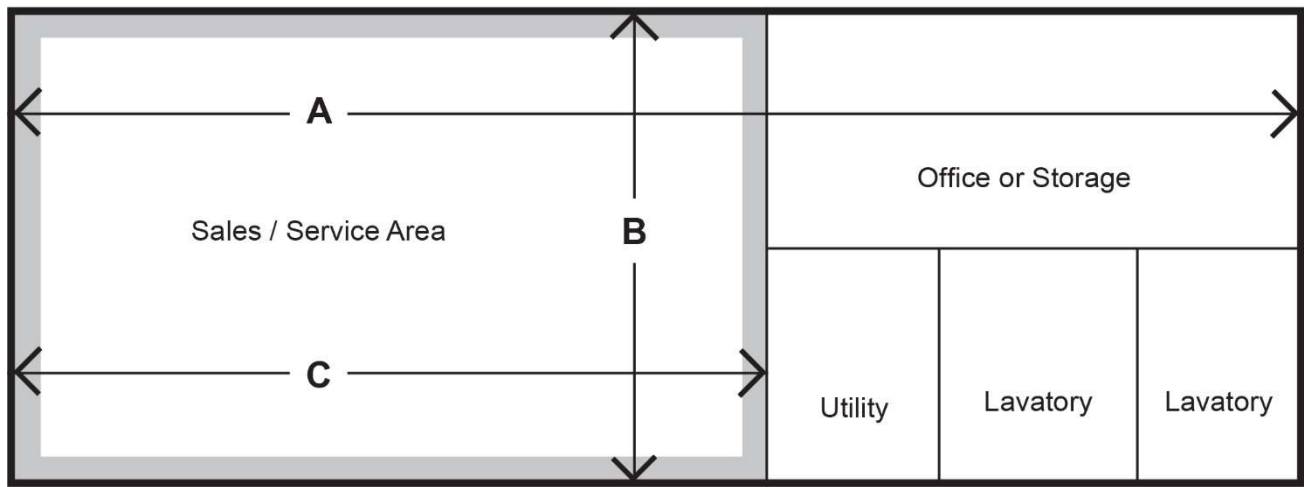
Flag Lot: See *Lot, Flag*.

Floodplain: Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels.

Floodway: The channel of a **river** or other watercourse and the adjacent lands that must be reserved in order to discharge floodwaters without cumulatively increasing the water surface elevation more than one foot.

Floor Area, Gross: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Floor Area Terminology



Gross Floor Area = $A \times B$

Usable Floor Area = $B \times C$

Floor Area, Net: See *Floor Area, Usable Residential*, and *Floor Area, Usable Nonresidential*.

Floor Area, Usable Residential: The gross floor area minus areas in basements, unfinished attics, attached garages, and enclosed or unenclosed porches.

Floor Area, Usable Nonresidential: The sum of the horizontal areas of each floor, measured from the interior faces of the exterior walls, including all areas used for, intended to be used for, and accessible for the sale of merchandise, provision of services, or service to patrons, clients or customers. Floor area which is used for or intended to be used for the storage or processing of merchandise, or for utilities shall be excluded from the computations of Usable Nonresidential Floor Area (see illustration).

Foster Family Home or Foster Family Group Home: See *State-licensed residential facility*.

Fraternal Organization: See *Club*.

G

Garage, Private: An accessory building for parking or storage of motor vehicles owned and used by the occupants of the building to which it is accessory. Private garages shall not have public repair facilities. A private garage may be either attached to or detached from the principal structure.

Garage, Public: See *Automobile Repair Garage*.

Gas Station: See *Automobile Filling Station* and *Automobile Service Station*.

Grade: The term 'grade' shall mean the ground elevation established for the purpose of regulating the number of stories or height of a building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Greenbelt: See *Landscaping*.

Group Day Care Home: See *State-licensed residential facility*.

Grower means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marijuana for sale to a processor or provisioning center.

“**Grower, Class A**” means a medical marijuana grower authorized to grow not more than 500 Marijuana plants.

“**Grower, Class B**” means a medical marijuana grower authorized to grow not more than 1,000 marijuana plants.

“**Grower, Class C**” means a medical marijuana grower authorized to grow not more than 1,500 marijuana plants.

H

Hazardous Uses: Any activity which is or may become injurious to public health, safety, or welfare or the environment. Hazardous uses include but are not limited to all uses which involve the storage, sale, manufacture, or processing of materials which are dangerous or combustible and are likely to burn immediately, and from which either poisonous fumes or explosions are to be anticipated in the event of fire. These uses include all high hazard uses listed the State Building Code, as amended.

Health or Exercise Club or Spa: A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary and usual recreational activities that occur in an entirely enclosed building. Such uses are operated for profit or not-for-profit, and can be open only to bona fide members and guests of the organization or open to the public for a fee. Such uses may also include massage services, saunas, locker rooms, showers, or personal services.

Height of Building: See *Building Height*.

Highway: See *Road, Principal Arterial*.

Home-based Business: A commercial use of greater intensity than a home occupation and that is undertaken by the resident occupants of the dwelling unit, plus not more than one full-time equivalent non-resident employee or independent contractor. A 'home-based business' must be clearly secondary to the use of the dwelling unit for residential purposes.

Home for the Aged: A facility, other than an adult foster care facility, hotel, hospital, nursing home, or other state-licensed residential facility that provides room, board, and supervised personal care to 21 or more unrelated, non-transient individuals 60 years of age or older.

Home Occupation: An occupation or profession undertaken entirely within a dwelling unit by one or more resident occupants of that dwelling unit. A 'home occupation' must be clearly secondary to the use of the dwelling unit for residential purposes.

Hospital: An institution that is licensed by the Michigan Department of Health to provide in-patient and out-patient medical and surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.

Hospitality Facility: A residential facility, typically associated with a hospital or other medical institution, for the purposes of housing patients' families.

Hospital, Veterinary: See *Clinic, Veterinary*.

Hotel: A building occupied as a more or less temporary abiding place for individuals who are lodged, with or without meals, in rooms consisting of a minimum of one bedroom and a bath, occupied for hire, and which typically provides hotel services such as maid service, the furnishing and laundering of linens, telephone and desk service, the use of furniture, a dining room and meeting rooms.

I

Impervious Surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Independent Living (for Seniors): An independent living setting for senior adults who lead an independent lifestyle that requires minimal or no extra assistance. Although minimal or no extra assistance may be required, some independent facilities may provide hospitality or supportive services, including meals served in a common dining area, transportation, and social and recreational activities.

Indoor Recreation Center: An establishment that provides indoor exercise facilities and indoor court sports facilities, and which may include spectator seating in conjunction with the sports facilities. A bowling establishment shall be considered a type of indoor recreation center.

Industry, General: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light: A use engaged in the manufacture, predominantly from previously prepared material of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Ingress and Egress: As used in this Ordinance, 'ingress and egress' generally is used in reference to a driveway which allows vehicles to enter or leave a parcel of property, or to a sidewalk which allows pedestrians to enter or leave a parcel of property, a building, or another location.

J

Junk Yard or Salvage Yard: An area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to: **junk**, scrap iron, metals, paper, rags, tires, bottles and automobiles. A 'junkyard' includes automobile wrecking yards and includes any open area of more than 200 square feet for the storage, keeping, or abandonment of **junk**.

K

Kennel, Boarding: Any lot or premises where three or more dogs or cats over six months of age are boarded and/or trained for compensation.

Kennel, Breeding: Any lot or premises where three or more dogs or cats are owned, kept, or harbored for the purpose of breeding for commercial gain.

Kennel, Non-Commercial: Any lot or premises, where more than three dogs or cats are owned or kept for the personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

L

Landscaping: The treatment of the ground surface with live plant materials such as, but not limited to, **grass, ground cover, trees, shrubs, vines**, and other live plant material. In addition, a landscape design may include decorative non-living materials, such as wood chips, crushed stone, boulders, or **mulch**. Structural features such as fountains, pools, statues, and benches shall also be considered a part of 'landscaping,' but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping-related terms are defined as follows:

- A. **Berm:** A continuous, raised earthen mound, with flattened top and sloped sides, capable of supporting live plant materials.
- B. **Caliper:** The trunk diameter of a nursery tree in inches, measured twelve (12) inches above grade.
- C. **Diameter at breast height (d.b.h.):** The trunk diameter of a mature tree in inches measured four and one-half (4 ½) feet above grade. Where a mature tree is on a slope, the 4 ½ foot measurement shall be made on the uphill side of the tree. On multi-stem trees, the largest diameter stem shall be measured.
- D. **Grass:** Any of a family of plants with narrow leaves normally grown as permanent lawns in Kalamazoo County, Michigan.
- E. **Greenbelt:** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this Ordinance.
- F. **Ground Cover:** Low-growing plants that form a dense, extensive growth after one complete growing season and which tend to prevent weeds and soil erosion.
- G. **Hedge:** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.
- H. **Hydro-seeding:** A method of planting grass where a mixture of seed, water, and mulch is mechanically sprayed over the surface of the ground.
- I. **Interior Parking Lot Landscaping:** A landscaped area located in the interior of a parking lot and with the objectives of improving pedestrian and vehicular traffic safety, guiding traffic movement, and enhancing the appearance of the parking lot.
- J. **Mulch:** A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, and/or aid plant growth.
- K. **Nurse Grass:** Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.
- L. **Screen or Screening:** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of non-living material, such material shall be compatible with materials used in construction of the main building.
- M. **Shrub:** A self-supporting, deciduous or evergreen, woody plant normally branched near the base, bushy, and less than 15 feet in height.
- N. **Sod:** An area of grass-covered surface soil held together by matted roots.
- O. **Tree:** A self-supporting, deciduous or evergreen woody plant with a well-defined central trunk or stem which normally grows to a mature height of 15 feet or more in Kalamazoo County, Michigan.
 - 1. **Deciduous Tree:** A variety of tree that has foliage that is shed at the end of the growing season.
 - 2. **Evergreen Tree:** A variety of tree that has foliage that persists and remains green throughout the year.
 - 3. **Ornamental Tree:** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of 25 feet or less.
 - 4. **Shade Tree:** For the purposes of this Ordinance, a shade tree is a deciduous tree which has a mature crown spread of 25 feet or greater in Kalamazoo County, Michigan, and has a trunk with at least five feet of clear stem at maturity.

P. Vine: A plant with a flexible stem supported by climbing, twining, or creeping along a surface, and which may require physical support to reach maturity.

Landscaping Contractor's Operation: A business engaged in the practice of improving building sites or other grounds by contouring the land; planting flowers, shrubs, and trees; and lawn mowing. A 'landscaping contractor's operation' typically consists of equipment, tools, vehicles, and materials used in or associated with such a business.

Live-Work Unit: A building space that combines a person's workspace with his/her living quarters, with the workspace on the ground floor facing the street.

Licensee means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act., MCL 333.27101 et seq.

Loading Space, Off-Street: An off-street space which is safely and conveniently located on the same lot as the building or buildings being served, for the temporary parking of delivery vehicles while loading and unloading merchandise and materials.

Lot: A tract of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A 'lot' may or may not be specifically designated as such on public records.

Lot Area, Net: The total horizontal area within the **lot lines** of a **lot**, exclusive of any abutting public road rights-of-way or private road easements, or the area of any **lake**. The 'net lot area' shall be used in determining compliance with Minimum Lot Area standards.

Lot Area, Gross: The **net lot area** plus one-half (1/2) of the area of any public right-of-way area or private road easement immediately adjacent to or abutting the lot.

Lot, Contiguous: Lots adjoining each other.

Lot, Corner: A **lot** abutting on and at the intersection of two or more streets, provided that the streets intersect at an angle of not more than 135 degrees.

- (1) Where a lot is on a curve, if the tangents through the extreme point of the street lines of such lot make an interior angle of not more than 135 degrees, it shall be considered a corner lot. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above (see illustration). A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner.
- (2) For the purposes of this definition, the 'street lot line' shall be the line separating the lot from the street or road right-of-way.

Lot Coverage: The part or percent of a **lot** that is occupied by buildings and structures.

Lot Depth: The horizontal distance between the **front lot line** and **rear lot line**, measured along the median between the **side lot lines**.

Lot, Double Frontage (or Through Lot): A **lot**, other than a **corner lot**, having frontage on two streets. In the case of a row of double frontage lots, one street shall be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

Lot, Flag: A **lot** located behind other parcels or lots fronting on a public road, but which has a narrow extension providing access to the public road. For the purposes of this Ordinance, the extension, which provides access to the buildable portion of the lot, shall comply with the lot width standards for the district in which the lot is located.

Lot, Interior: Any lot, other than a **corner lot**, with only one lot line fronting on a street.

Lot Lines: The lines bounding a **lot** as follows:

- A. Front Lot Line: The line separating said lot from the public or private road right-of-way. In the case of a corner lot or double frontage lot, the 'front lot line' shall be that line that separates said lot from the right-of-way for the road which

is designated as the front on the plat, or which is designated as the front on the site plan review application or request for a building permit, subject to approval by the Planning Commission or Building Official. On a flag lot, the 'front lot line' shall be the interior lot line most parallel to and nearest the street from which access is obtained.

- B. **Rear Lot Line:** Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, 10 feet in length, lying farthest from the front lot line and wholly within the lot.
- C. **Side Lot Line:** Any lot line other than the front or rear lot lines. A side lot line separating a lot from a road right-of-way is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Kalamazoo County Register of Deeds and Township Treasurer, or a lot or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor registered and licensed in the State of Michigan and is recorded with the Kalamazoo County Register of Deeds and Township Treasurer.

Lot Width: The straight line distance between the **side lot lines**, measured at the two points where the minimum front yard setback line intersects the side lot lines (*see illustration*).

Lot Split or Lot Consolidation: The dividing or uniting of lots by virtue of changes in the deeds in the office of the Kalamazoo County Register of Deeds and the Township Treasurer.

M

Main Access Drive: Any private street designed to provide access from a public street or road to a mobile home park, apartment or condominium complex, or other private property development.

Marijuana or "marihuana" means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act (MMMA), MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27101 et seq.

"Marijuana facility" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

Marginal Access Road: See *Service drive*.

Massage Therapist: A person trained in manipulation of the soft tissues of the body by rubbing, stroking, kneading, etc., for therapeutic or healing purposes.

Master Plan: A document prepared under the guidance of and adopted by the Planning Commission, consisting of graphic and written materials which indicate the general location for streets, parks, schools, public buildings and all physical development of the Township.

Mezzanine: An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the floor area of the story in which the level or levels are located.

Microbrewery: A brewery that produces less than thirty thousand (30,000) barrels of beer or ale per year, as allowed by state law. (A barrel is equivalent to thirty-one (31) U. S. gallons.)

Mini-Warehouse: A building or group of buildings, each of which contains several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Mini-warehouses are typically contained within a fenced, controlled-access compound. Also known as self-storage businesses.

Mixed Use: In the context of this Ordinance, mixed use refers to zoning districts in which a mixture of different types of land uses are permitted. For example, the RM-2 district is considered a mixed use district because it permits a combination of residential and commercial land uses.

Mobile Home: See *Dwelling, Mobile Home*.

Mobile Home Park: A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, subject to conditions set forth in the Mobile Home Commission Rules and Michigan Public Act 96 of 1987, as amended.

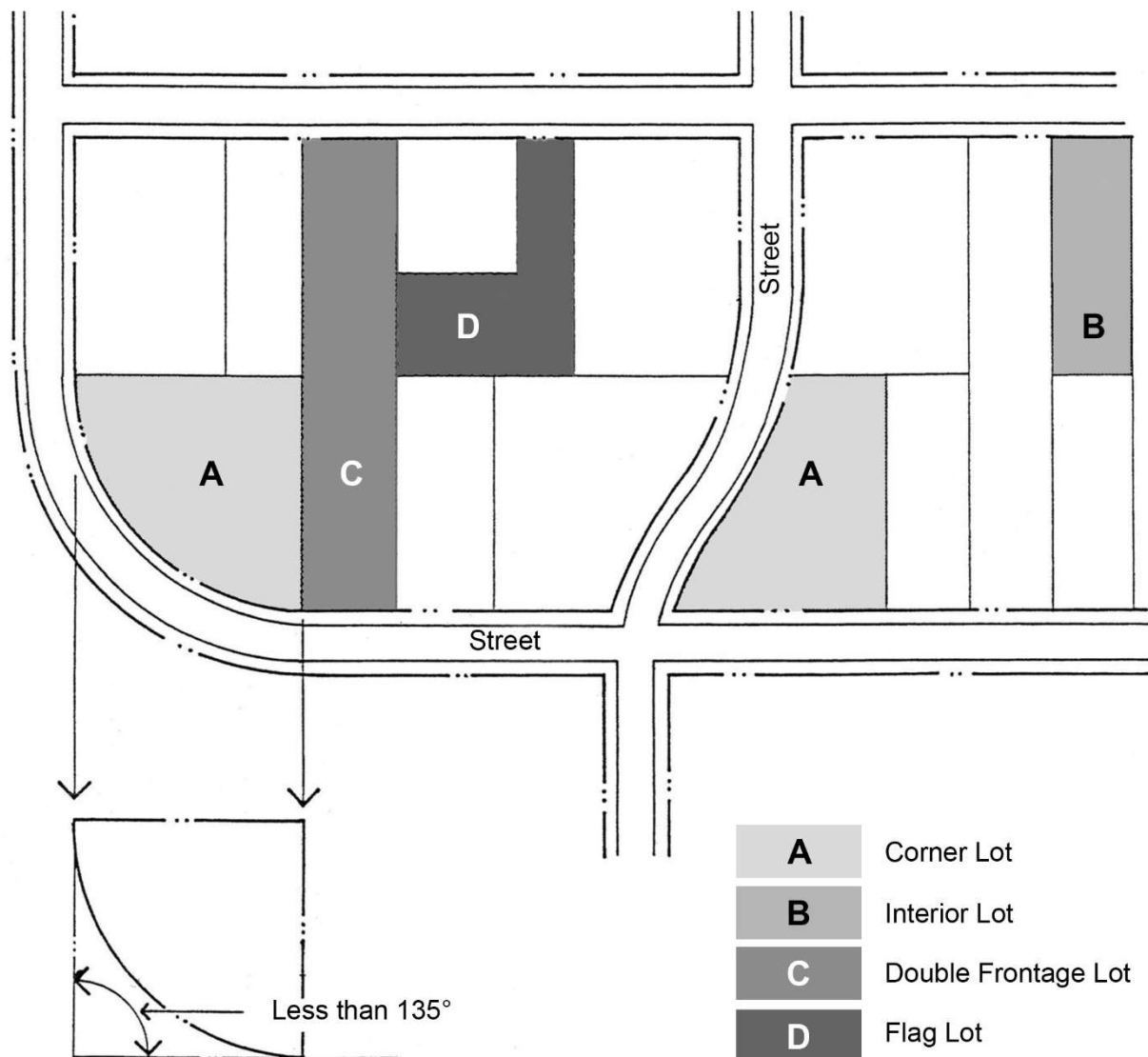
Mobile Home Site or Lot: An area within a mobile home park which is designated for the exclusive use of a specific mobile home.

Mortuary or Funeral Home: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held.

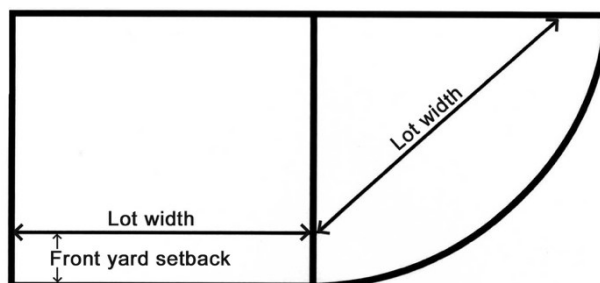
Motel: A building or group of buildings occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of a bedroom and bath, occupied for hire, in which provision is not usually made for cooking within the rooms, and which provides customary motel services such as maid service, linen service, telephone and/or desk service, and the use of furniture. Motels typically provide exterior entrances and on-site parking for each unit. A motel may also include conference room or banquet facilities, an attached dining room, and/or an unattached standard restaurant.

Municipality: Charter Township of Kalamazoo, Kalamazoo County, Michigan.

Corner, Interior & Double Frontage Lots



Lot Width



N

Natural Area: A land area or water body which is generally not occupied by structures, roads, or other artificial elements and which contains floral, faunal, geologic or other similar features having scenic, educational, or scientific value to residents. An area may be considered 'natural' even though excavation, filling, or other similar activity may have previously occurred.

Natural Resources: Natural resources shall include land, soils, **wetlands, floodplains**, surface and ground water, topography, trees and other types of vegetative cover, subsurface strata, geologic formations, animal life, and naturally occurring substances and living organisms that can be useful to people. Natural resources are of two types: renewable (e.g., plants and trees) and nonrenewable (e.g., mineral resources). Natural resources may also be referred to as 'natural features' in this Ordinance.

Nonconformity: Any structure, lot, or use of any lot, land or structure, which does not conform at the time of adoption of this Ordinance or any amendment thereto, to the regulations for the district in which it is located (see also definitions in Section 3.02).

Nuisance: Any offensive, annoying, or disturbing practice or object, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. 'Nuisance' commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

Nursery, Day Nursery, or Nursery School: See *Child Care Center*.

Nursery, Plant Material: A space, building, and/or structure, or combination thereof, where live trees, shrubs, and other plants used for gardening and landscaping are propagated, stored, and/or offered for sale on the premises, but not including any space, building or structure used principally for the sale of fruits, vegetables, or Christmas trees.

Nursing Home: A facility that provides organized nursing care and medical treatment to two or more unrelated individuals suffering or recovering from illness, injury, or infirmity. 'Nursing home' does not include a **hospital**, a veterans' facility, a correctional facility, a hospice, or a hospice residence.

O

Occupancy, Change of: A discontinuance of an existing use and the substitution of a use of a different kind or class, or, the expansion of a use.

Occupied: Used in any way at the time in question.

Office: A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases (accounting, filing, recording, communication and/or stenographic) equipment for current use in the office business and personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties.

Oil or Gas Processing Plant: A facility designed for separating, metering, holding and marketing of oil and gas production, including sweetening plants designed for the removal of sulfur compounds from natural gas, but not including oil refineries.

Open Air Business: Any **commercial use** that is conducted primarily out-of-doors. Unless otherwise specified herein, open air business shall include:

- (1) Retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
- (2) **Roadside stands** for the sale of agricultural products.
- (3) Various outdoor recreation uses, including but not limited to: tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.
- (4) Outdoor display and sale of garages, swimming pools, playground equipment, and uses.

Open Space: Any **parcel** or area of land or water that is generally free of structures and that is set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of

land adjoining or neighboring such open space. 'Open space' may be required for recreation, resource protection, aesthetics, or other purposes.

- A. Open Space, Usable: **Open space** that is accessible to a majority of residents in a development for recreation or leisure activities. Examples of 'usable open space' include, but are not limited to, open fields and woodlands. Swamps or marshes are not generally considered usable open space, except as specifically exempted elsewhere in this Ordinance.

Outdoor Production means growing marijuana in an expanse of open or cleared ground or in a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting, including but not limited to electrical lighting sources.

Storage: The keeping, in an unroofed area, of any goods, **junk**, material merchandise or vehicles in the same place for more than 24 hours.

Outdoor Wood-Fired Boiler: A wood-fired boiler, stove, or furnace that is not located within a building intended for habitation by humans or domestic animals.

Outlot: A parcel of land which is designated as an 'outlot' on the recorded plat, and which is usually not intended to be used for the same purposes as other lots in the plat.

P

Parcel: A continuous area, tract, or acreage of land that has not been subdivided according to the provisions of the Subdivision Control Act and that has frontage on a public or private street.

Parking Lot, Off-Street: An area on private property that provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three vehicles.

Parking Space: An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, and which is fully accessible for such purposes.

Perc Test or **Percolation Test**: A test designed to determine the ability of ground to absorb water, and used to determine the suitability of a soil for drainage or for the use of a septic system.

Performance Guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications of the development.

Personal Fitness Center: A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors. As defined herein, "personal fitness center" shall not include court sports facilities or spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

Pervious Surface: A surface that permits full or partial absorption of storm water.

Pet: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

Planned Unit Development: A planning or construction project involving the use of special zoning requirements and review procedures which are intended to provide design and regulatory flexibility, so as to encourage innovation in land use planning and design and thereby achieve a higher quality of development than might otherwise be possible.

Planner, Township: The Township Planner is the person or firm designated by the Township Board and Planning Commission to advise the Township administration, Township Board, Planning Commission, and Zoning Board of Appeals on planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township.

Planning Commission: The Planning Commission of the Charter Township of Kalamazoo.

Plat, Subdivision: The division of a tract of land for the purpose of sale, lease or building development, in accordance with Subdivision Control Act, Michigan Public Act 288 of 1967, as amended, or any successor thereto, and subdivision control regulations as may be adopted by the Township.

Plot Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and all salient features required to adequately evaluate whether the approvals sought by an applicant are in compliance with this Ordinance.

Primary Caregiver: A person who is at least 21 years old, has agreed to assist with a patient's medical use of marijuana, has never been convicted of a felony involving illegal drugs, and is licensed under the Michigan Medical Marijuana Act.

Principal Use: See *Use, Principal*.

Private Street or Private Road: See *Road*.

Processor means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marijuana or creates a marijuana-infused product for sale and transfer in packaged form to a provisioning center.

Property Line: The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from adjacent parcels. See also *Lot line*.

Provisioning center means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marijuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marijuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.

Public Safety Official: Public Safety Official refers generally to the departments or persons who perform police, fire fighting, and other public safety functions for the Township.

Public Utility: Any persons, firm, corporation, municipal department, or board, duly authorized to furnish under federal, state, or local regulations a service which is of public consequence and need. The principal distinctive characteristics of a public utility are that: (1) because of the nature of its business, it has characteristics of a natural monopoly, and (2) it provides a service to an indefinite public (or portion of the public) which has a legal right to demand and receive its services.

Q

Qualifying Patient: A person who has been diagnosed by a physician as having a debilitating medical condition for the purposes of receiving medical marijuana, pursuant to the Michigan Medical Marijuana Act.

R

Real Property: Includes the surface, whatever is attached to the surface (such as buildings or trees), whatever is beneath the surface (such as minerals), and the area above the surface, i.e., the sky.

Reception Antenna: An apparatus installed out-of-doors which is capable of receiving communications for radio and/or television purposes, including satellite reception antennas, but excluding such facilities that have been preempted from Township regulation by applicable state or federal laws or regulations.

Recognizable and Substantial Benefit: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include: long-term protection or preservation of **natural resources** and **natural features**, historical features, or architectural features; or, elimination of or reduction in the degree of nonconformity in a nonconforming use or structure.

Recreation Land: Any public or privately owned lot or land that is utilized for recreation activities such as, but not limited to, camping, swimming, picnicking, hiking, nature trails, boating, and fishing.

Recreational Facilities: Playgrounds, parks, picnic areas, golf courses, ball fields, camps, swimming pools, nature preserves or any other type of community space or equipment that is designed to provide the user with the opportunity to relax, engage in athletic activity, or engage in other leisure pursuits.

Recreational Vehicle: A class of vehicle which shall include the following:

- A. Travel Trailer: A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.
- B. Pickup Camper: A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- C. Motor Home: A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
- D. Folding Tent Trailer: A folding structure, mounted on wheels and designed for travel and vacation use.
- E. Boats, Boat Trailers: Boats, floats, rafts, canoes, etc., plus the normal equipment used to transport them on the highway.
- F. Other Recreational Equipment: Snowmobiles, all terrain or special terrain vehicles, utility trailers, etc., plus the normal equipment to transport them on the highway.

Recycling Center: A facility at which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products.

Recycling Collection Station: A facility for the collection and temporary storage of recoverable resources, prior to shipment to a recycling center for processing.

Religious Institution: Any structure primarily and regularly used for religious assembly and/or activity. Accessory uses and structures commonly associated with religious institutions include, but are not necessarily limited to parsonages, convents, and similar living arrangements; assembly halls; kitchens, food pantries, and similar food preparation facilities; classrooms; gyms; and, playgrounds.

Registered Primary Caregiver means a primary caregiver who has been issued a current registry card under the MMMA.

Registered Qualifying Patient means a qualifying patient who has been issued a current registry identification card under the MMMA.

Registry Identification Card means that term as defined in Section 3 of the MMMA.

Restaurant: Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

- A. Restaurant, Carry-Out: A restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises. Carry-out restaurants include, by way of example, cafes, delis, and coffee shops.
- B. Restaurant, Drive-In: A restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- C. Restaurant, Drive-Through: A restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.
- D. Restaurant, Fast-Food: A restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.

E. Restaurant, Standard: A restaurant whose method of operation involves either:

1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or
2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

F. Bar/Lounge: A type of restaurant operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

Retention Basin: A wet or dry stormwater holding area, either natural or artificial, which has no outlet other than an emergency spillway.

Right-of-Way: The strip of land over which an easement exists to allow facilities such as streets, roads, highways, and power lines to be built.

Road or Street: Any public or private thoroughfare or **right-of-way**, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel whether designated as a thoroughfare, road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. Various types of roads are defined as follows:

A. Private Road or Street: Any **road or street** that is privately maintained and has not been accepted for maintenance by the Road Commission of Kalamazoo County, the State of Michigan or the federal government, but is subject to approval by the Township. The inclusion of this definition is not intended to indicate that private roads or streets are permitted in Kalamazoo Township.

B. Public Road or Street: Any **road or street** or portion thereof which has been dedicated to and accepted for maintenance by the Road Commission of Kalamazoo County, State of Michigan or the federal government. For the purposes of funding, public roads are classified as either **County Primary Roads** or **County Local Roads**, pursuant to Michigan Public Act 51 of 1951, as amended. The **County Primary Roads** are those selected by the board of county road commissioners and certified to the Michigan Department of Transportation as being of greatest general importance to the county. All roads not included in the **County Primary** system shall constitute and be the **County Local Road** system.

The National Functional Classification (NFC) is a system of classifying all streets, roads, and highways according to their function, which was developed by the Federal Highway Administration (FHWA). The NFC contains the following categories:

1. **Principal Arterials** generally carry long-distance, through-travel movements. They also provide access to important traffic generators, such as airports or regional shopping centers. Examples of principal arterials are interstates and other freeways, state routes between large cities, and important surface streets in large cities.
2. **Minor Arterials** are similar in function to principal arterials, except they carry trips of shorter distance and to lesser traffic generators. Examples of minor arterials are state routes between smaller cities, surface streets of medium important in large cities, and important surface streets in smaller communities.
3. **Collectors** provide more access to property than do arterials. Collectors also funnel traffic from residential or rural areas to arterials. Examples of collector roads are various connecting streets in large and small communities.
4. **Local roads** primarily provide access to property. Examples of local roads are residential streets and lightly traveled county roads. A cul-de-sac is a local road that terminates in a vehicular turnaround.

Roadside Stand: A temporary structure or use operated for the purpose of seasonally selling agricultural products, a portion of which are raised or produced on the same premises by the proprietor of the stand. A roadside stand shall not include small operations consisting of a portable table that are operated intermittently.

Room: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2 or 3 bedroom units and

including a den, library, or other extra room shall count such extra room as a bedroom for the purpose of computing density.

Rooming House: See *Boarding House*.

S

Safety Compliance Facility means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

Salon, Full-Service: A personal service establishment offering a variety of health and beauty services including hair, nails, make-up, massage, and other related services.

Secure transporter means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

Semi-Trailer: a trailer, which may or may not be enclosed, having wheels generally only at the rear and supported in front by a truck tractor or towing vehicle.

Senior Housing: Any multiple-unit housing development intended for adults aged 55 or older. 'Senior housing' does not include an **adult foster care facility, home for the aged, hospital, hotel, nursing home, or other state-licensed residential facility.**

- A. Senior apartments: A **senior housing** development with self-contained living units intended for adults who are able to care for themselves.
- B. Senior congregate housing: A **senior housing** development that may provide supportive services such as meals, housekeeping, social activities, and/or transportation, but not **adult foster care** or continuous medical or nursing care.

Service Drive: A road that is generally parallel to and adjacent to an arterial road or street and that is designed to provide access to abutting properties so that these properties are separated from the through traffic on the arterial road or street and so that the flow of traffic on the arterial road is not impeded by direct driveway access from a large number of abutting properties.

Service Truck: A pick-up truck or van that is used in conjunction with a repair or maintenance business, such as a plumbing, electrical, or carpentry business.

Setback: The horizontal distance between the front, side or rear lot line and the nearest part of a structure on a lot. The 'minimum required setback' is the minimum distance between a front, side or rear lot line and the nearest part of a structure in order to conform to the required yard setback provisions of this Ordinance (see **Yard**).

Sign: Any device, structure, fixture, or placard which uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs which are visible from any public street, sidewalk alley, park, or public property, but not signs which are primarily directed at persons within the premises upon which the sign is located. Various types of signs and sign-related terms are defined in Article 7.00 of this Ordinance.

Slope, Steep: A slope with a moderate or high erosion hazard (often 7% or greater) as defined in the Michigan Soil Erosion and Sedimentation Control Guidebook. Percent slope shall be computed by dividing the change in elevation by the horizontal distance, times 100.

Solar Panels: Solar panels are flat panels that use arrays of photo voltaic cells to convert sunlight into electricity.

Special Event: An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a non-profit Kalamazoo Township community group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special Housing: Communities which have large campus type land uses, such as colleges, universities, teaching hospitals, or other types of training facilities, often need to provide for unique types of housing to accommodate people who use these types of institutions. Unlike dormitories, apartments, lodging houses, bed and breakfast facilities, townhouses, or single family dwellings, special housing exhibits the following characteristics:

1. Either detached structures resembling large single family homes or townhouses;
2. Three (3) or more bedrooms, each with its own bath (or, in some cases, a shared bath)
3. Common cooking, dining, and lounging areas.
4. Greater need for off-street parking than single family housing.

Given its unique characteristic and likely affects on neighborhood environments, special housing is most appropriately subject to a set of approval criteria that address these anticipated affects. It also must be in a zoning district that will help support it.

Special Land Use/Special Use: Special land uses are uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as a permitted use in a particular zoning district or districts. After due consideration of the impact of each such proposed use upon the neighboring land and of the public need for the particular use at the proposed location, such special land uses may be permitted following review and approval subject to the terms of this Ordinance.

Special Use Permit: See *Special Land Use/Special Use*.

Spirits: Any beverage that contains alcohol obtained by distillation, mixed with potable water or other substances, or both, in solution, including wine containing an alcoholic content of more than 21% by volume, except for sacramental wine and mixed spirit drink.

Stable, Private: An enclosed building intended for the keeping of not more than two (2) horses for the noncommercial use of the residents of the principal residential use on the site.

Stable, Public: An enclosed building intended for the keeping of more than two (2) in which any such animals are kept for

Stake Truck: A truck having a platform with stakes inserted along the outside edges to retain the load.

State-licensed Residential Facility: Any structure constructed for residential purposes and licensed by the State of Michigan pursuant to Michigan Public Act 116 of 1973 (the Child Care Licensing Act) or Michigan Public Act 218 of 1979 (the Adult Foster Care Facility Licensing Act), including **adult foster care facilities, foster family homes, foster family group homes, family day care homes, and group day care homes.**

A. Adult foster care: The provision of supervision, personal care, and protection, in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation.

- (1) *Adult foster care facility:* A residential structure that is licensed to provide **adult foster care**, but not continuous nursing care, for unrelated adults over the age of 17. An 'adult foster care facility' does not include any of the following: a licensed child caring institution, children's camp, **foster family home**, or **foster family group home**; an alcohol or substance abuse rehabilitation center; a residential facility for persons released from or assigned to adult correctional institutions; a maternity home; a **hotel** or rooming house that does not provide or offer to provide foster care; or a veterans' facility.
- (2) *Adult foster care family home:* A **private home** with the approved capacity to receive not more than six adults to be provided with **adult foster care**.
- (3) *Adult foster care small group home:* An **adult foster care facility** with the approved capacity to receive not more than 12 adults.
- (4) *Adult foster care large group home:* An **adult foster care facility** with the approved capacity to receive at least 13 but not more than 20 adults.
- (5) *Adult foster care congregate facility:* An **adult foster care facility** with the approved capacity to receive more than 20 adults.

B. Child day care: The care and supervision for periods of less than 24 hours a day of minor children, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

- (1) *Family day care home:* A **private home** in which one but not more than six children are received for **child day care**, including a home in which care is given to an unrelated minor child for more than four weeks during a

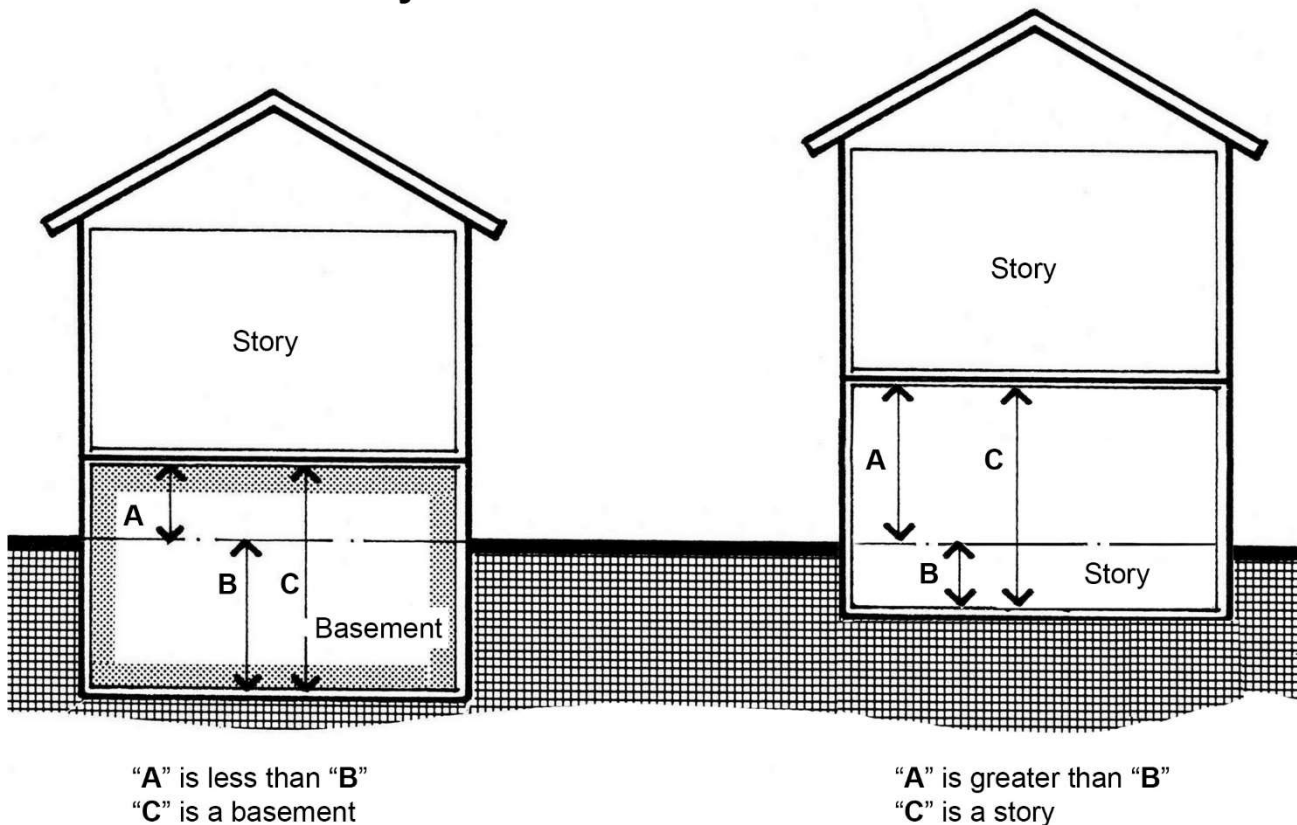
calendar year.

- (2) **Group day care home:** A **private home** in which more than six but not more than 12 minor children are received for **child day care**, including a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.
- C. **Child foster care:** The care and supervision for 24 hours a day, for four or more days a week, and for two or more consecutive weeks, of minor children who are not related to an adult member of the household by blood or marriage, are not placed in the household under the Michigan adoption code, and are unattended by a parent or legal guardian.
- (1) **Foster family home:** A **private home** in which one but not more than four children are provided with **child foster care**.
- (2) **Foster family group home:** A **private home** in which more than four but not more than six children are provided with **child foster care**.
- D. **Private home:** For the limited purpose of defining a **state-licensed residential facility**, a 'private home' means a private residence in which the facility licensee or registrant permanently resides as a member of the household.

State Operating License means a license that is issued under Act 281 that allows the licensee to operate as one of the following, specified in the license: a grower, processor, securer transporter, provisioning center or safety compliance facility.

Statewide Monitoring System means the Internet-based, statewide database established and maintained by the State Department of Licensing and Regulatory Affairs under the Michigan Marijuana Tracking Act, Act 282 of the Public Acts of Michigan of 2016, as amended, for the purpose of enabling authorized parties and agencies to confirm or verify relevant information with respect to medical marijuana uses authorized by Act 281.

Basement and Story



Story: That portion of a building, other than a **basement** or **mezzanine** as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it.

- A. A mezzanine shall be deemed a full story when it covers more than one-third of the area of the story underneath, or, if the vertical distance from the floor next below the mezzanine to the floor above it is 24 feet or more.
- B. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is less than the vertical distance from the average grade to the ceiling.

Story, Half: The uppermost **story** lying under a pitched roof, the usable floor area of which does not exceed two-thirds of the floor area of the uppermost full story. The usable floor area of a half story shall be at least 160 square feet with a minimum clear height of seven feet, six inches.

Street: See **Road**.

Street Lot Line: A dividing line between the street and a lot, also known as the right-of-way line.

Structural Alteration: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, signs, and public roads.

Subdivision Plat: See **Plat, Subdivision**.

Swimming Pool: Any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. On a single-family parcel a swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

T

Temporary Use or Building: A use or building permitted to exist for a limited period of time under conditions and procedures as provided for in this Ordinance.

Thoroughfare: See **Road**.

Township: The Charter Township of Kalamazoo, Kalamazoo County, Michigan.

Township Board: The Supervisor, Clerk, Treasurer, and Trustees of the Charter Township of Kalamazoo, Kalamazoo County, Michigan.

Toxic or Hazardous Waste: Waste or a combination of waste and other deposited, stored or disposed material (including but not limited to solid, liquid, semisolid, or contained gaseous material) which because of its quantity, concentration, or physical chemical or infectious characteristics may (if improperly treated, deposited, stored, transported, disposed or otherwise managed) cause or significantly contribute to the following conditions:

- (1) an increase in mortality, or
- (2) an increase in serious irreversible illness, or
- (3) serious incapacitating, but reversible illness, or
- (4) substantial present or potential hazard to human health or the environment.

Trailer: A vehicle without motive power that is designed to be drawn by a motor vehicle and used for carrying property or persons.

Transition Zone: A transition zone generally refers to a zoning district, an arrangement of lots or land uses, a landscaped area, or similar means of providing a buffer between land uses or districts.

Truck Terminal: A structure to which goods, except raw or unprocessed agricultural products, natural mineral or other resources, are delivered for immediate distribution or to be amalgamated or divided for delivery in larger or smaller units to other points, or for distribution, amalgamation, or division involving transfer to other modes of transportation.

U

Underlying Zoning: The zoning classification and regulations applicable to the property immediately preceding the approval of an application to designate a parcel as a Planned Unit Development.

Use: The purpose for which land, lots, or buildings thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

- A. Use, Accessory: See **Accessory Use, Building, or Structure**.
- B. Use, Permitted: A use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.
- C. Use, Principal: The main use of land and buildings and the main purpose for which land and buildings exist.
- D. Use, Special Land: See **Special Land Use**.

Usable Marijuana means the dried leaves, flowers, plant resin or extract of the marijuana plant, but does not include the seeds, stalks and roots of the plant.

Utility: A service provider, which may be a company or a governmental agency, which provides such services as electric power, natural gas, sanitary sewers, water, telephone, etc.

Utility Trailer: A small trailer that is designed to be pulled by an automobile, van, or pick-up truck.

V

Variance: A modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when strict enforcement of the Zoning Ordinance would cause practical difficulties owing to circumstances unique to the individual property on which the variance is granted.

Veterinary Hospital: See **Clinic, Veterinary**.

W

Wall, Obscuring: A structure of definite height and location to serve as an opaque screen in carrying out the requirements of this Ordinance.

Warehouse: A building used primarily for storage of goods and materials. See also **Distribution Center**.

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, and which is commonly referred to as a bog, swamp, or marsh. A wetland is further characterized by the presence of hydric soils and prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions. A wetland that exhibits these characteristics may be dry on the surface during part or all of the year)

Wetland Buffer: A strip of land surrounding a wetland that provides protection for the wetland from inadvertent and secondary impacts. A wetland buffer may also protect wildlife habitat, prevent erosion, provide nutrient filtration and serve other functions associated with a wetland. The wetland buffer shall encompass all land within 40 feet of the edge of the wetland. (added 1/12/2010)

Wholesale Sales: The sales of goods generally in large quantities and primarily to customers engaged in the business of reselling the goods.

Wind Energy System: A system for the conversion of wind energy into electricity. A common type of wind energy system includes a turbine, blades, tower, as well as related electrical equipment, although other technology may be used to convert wind energy into electricity.

- A. Anemometer Tower: A tower containing instrumentation designed to provide present moment wind data in support of an existing or future wind energy system.
- B. On-site Wind Energy System: A wind energy system designed and built to provide electrical power to the owner at that site.
- C. Utility Grid Wind Energy System: A wind energy system designed and built to provide electricity to the electric utility grid.

Wireless Communication Facility. All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Wireless Communication Support Structures. Structures erected or modified to support wireless communication antennas, including but not limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

Y

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this Ordinance. The 'minimum required setback' is the minimum depth of a front, rear or side yard necessary to conform to the required yard setback provisions of this ordinance (see illustrations).

- A. Yard, Front: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building. Unless otherwise specified, on corner lots and through lots there shall be maintained a front yard along each street frontage.
- B. Yard, Rear: An open space extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest line of the principal building. On corner lots, the rear yard may be opposite either street frontage, but there shall only be one rear yard.
- C. Yard, Side: An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point on the principal building.
- D. Yard, Interior Side: A **side yard** that abuts an adjacent lot (in contrast to a 'street side yard', which abuts a street or road right-of-way).

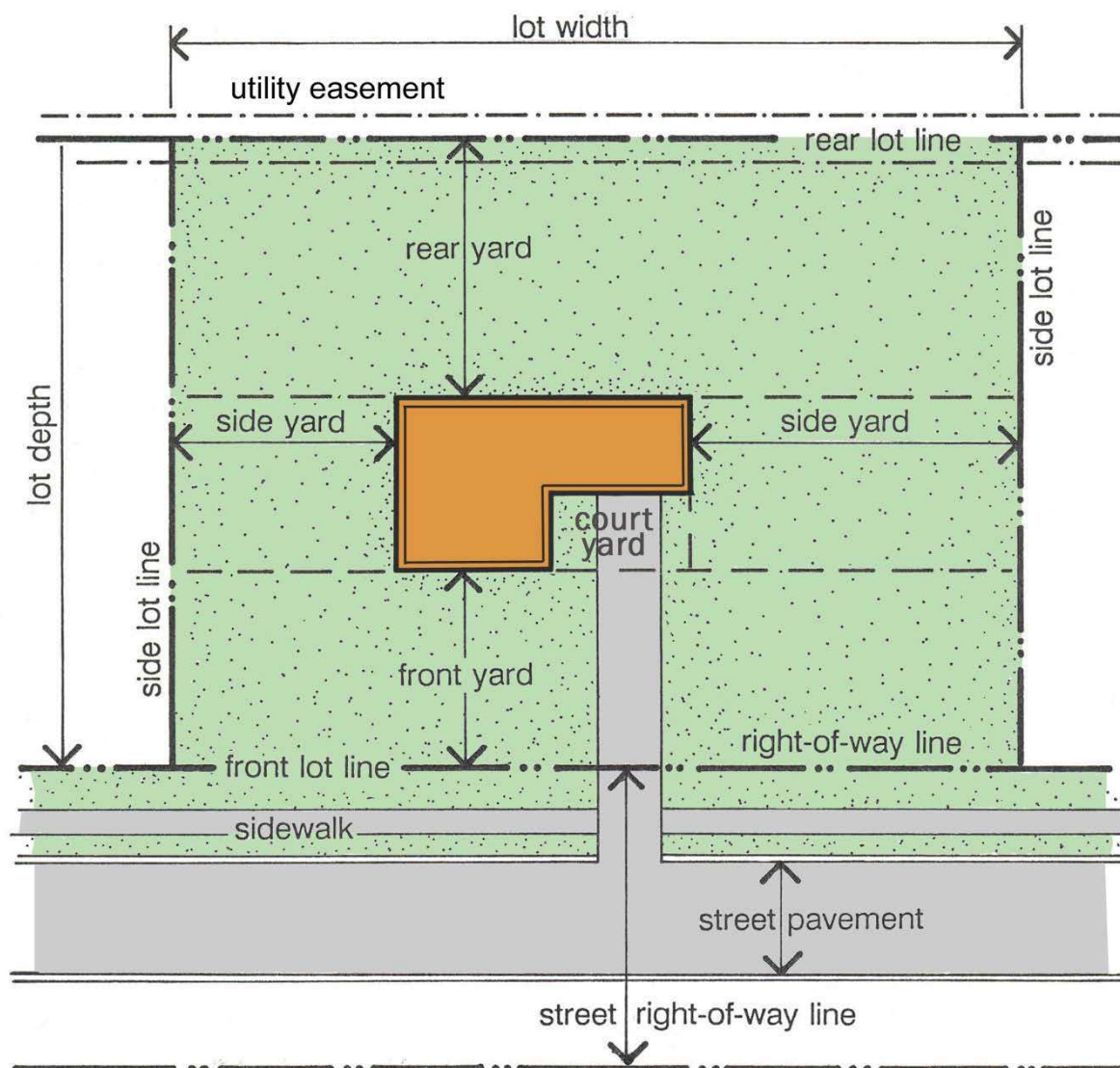
Yard Clippings: Leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings, less than 4 feet in length and 2 inches in diameter, that can be converted to compost humus. Yard clippings do not include stumps, agricultural wastes, animal waste, roots, sewage sludge, or garbage. "Yard clippings" is defined in Section 324.11506 (7) of Public Act 212 of 2007, as amended.

Z

Zoning Administrator: The Zoning Administrator is the person or persons designated by the Township Board to administer the Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, maintaining the minutes of the Planning Commission, sending notices of public hearings, and similar work. The duties of the Zoning Administrator may be filled by people holding other positions, such as the Building Official, Planning Commission Secretary, or Township Planner.

Zoning Board of Appeals: The Zoning Board of Appeals for the Charter Township of Kalamazoo, as authorized by Michigan Public Act 110 of 2006, as amended.

Yard Terms



Permitted Use Table											Regulations Section Number	Permitted in Zoning District	Definition?
Use	Zoning District												
Agriculture	R-1	R-2	RM-1	RM-2	RM-3	MHP	C-1	C-2	I-1	I-2			
Keeping of Chickens	P	P	P	P	P						2.1	NONE	NO
Greenhouses	S	S					P	P			8.02.YY	17.02	NO
Care and Social Assistance	R-1	R-2	RM-1	RM-2	RM-3	MHP	C-1	C-2	I-1	I-2			
Adult day care				S	S		S				NEW	NONE	NO
State-Licensed Residential Facility													YES
Adult foster care family home	P	P	P	P	P	P					NONE	NONE	NO
Adult foster care small group home	P	P	P	P	P						NONE	11.02, 12.02, 13.02, 14.02, 15.02	NO
Adult foster care large group home	P	P	P	P	P			S			NONE	11.02, 12.02, 13.02, 14.02, 15.02, 18.02	NO
Child Care Center or Day Care Center/Nursery School							P	P			NONE	17.02	YES
Family day care home	P	P	P	P	P						NONE	11.02, 12.02, 13.02, 14.02, 15.02	YES
Group day care home	P	P	P	P	P		P	P			8.02.T	11.02, 12.02, 13.02, 14.02, 15.02	YES
Child foster care family home	P	P	P	P	P						NONE	NONE	YES
Child foster care family group home	P	P	P	P	P						NONE	NONE	YES
Child foster care private home	P	P	P	P	P	P					NEW	NONE	NO
Assisted Living Home/Nursing Home			P	P	S						NEW	NONE	NO
Counseling, medical and psychological treatment facilities		S	S	S			P	P			8.02.L	12.02	NO
Hospital		S		S			S	P			8.02.V	12.02, 14.02, 15.02, 18.02	YES
Hospitality Facility				P							NONE	14.02	YES
Medical and Dental Offices		S		P	S		S				NONE	14.02	NO
Residential Human Care and Treatment Facility (for ex: a homeless shelter or halfway house) unless otherwise exempt by law			S	S	S		S				NEW	NONE	NO
Transitional Housing			S	S	S		S				NEW	NONE	NO
Urgent Care Facility							S	S	P	P	NONE	19.02, 20.02	NO
Commercial	R-1	R-2	RM-1	RM-2	RM-3	MHP	C-1	C-2	I-1	I-2			
Arcade								S			8.02.LL	18.02	YES
Art Studio				P			P	P			NONE	18.02	NO
Bait House (Fishing)							P	P			NONE	17.02	NO
Bank or other Financial Institution				P			P	P			NONE	14.02, 17.02	NO
Barber Shops/Beauty Shops				P			P	P			NONE	14.02, 17.02	NO
Boarding Kennels								P	S		8.02.X	18.02, 19.02	YES
Breeding Kennels								P	S		8.02.X	18.02, 19.02	YES
Brewpub							P	P	P	P	8.02.H	17.02	YES
Microbrewery and small distilleries							S	S			8.02.H	17.02, 18.02	YES
Contractor Yard								S	P	P	NEW	NONE	NO
Crematorium								P	S		8.02.I	18.02	NO
Dry Cleaning, Retail Establishment							P	P			NEW	NONE	NO
Farmers Markets							P	P			8.02.NN	17.02	YES
Fitness Center/Exercise Club				S			P	P			NONE	17.02	YES
Funeral Home and Mortuary				P			S	P			8.02.O	17.02, 18.02	YES

Hotels and motels				S				S				8.02.CC	14.02, 18.02	YES
Laundry/Dry-Cleaning								P	P			NONE	17.02	NO
Liquor Store				S				S	S			8.02.ZZ	14.02	NO
Marijuana														
Provisioning Center								S	S	S	S	8.02.VV	17.02, 18.02, 19.02, 20.02	YES
Adult Use Retailer									S	S		8.02.WW	17.02, 18.02, 19.02, 20.02	YES
Grower										S		8.02.VV	19.02, 20.02	YES
Processor										S		8.02.VV	19.02, 20.02	YES
Transporter										S		8.02.VV	19.02, 20.02	YES
Testing Facility										S		8.02.WW	19.02, 20.02	YES
Microbusiness										S		8.02.WW	19.02, 20.02	YES
Professional/Corporate Office				P				P	P	S	S	NONE	14.02, 17.02, 18.02, 20.02	NO
Trade Office, Showroom, or Workshop								P	P			NEW	NONE	NO
Roadside Stand	P	P						P	P			8.02.NN	12.02, 17.02	YES
Pet Shop and Pet Grooming								P	P			8.02.KK	17.02	NO
Photography Studios								P	P			NONE	14.02, 17.02	NO
Print Shop/Newspaper Office									P	P	P	NONE	18.02	NO
Recreational Vehicle Storage										S	S	4.01.F	18.02, 19.02, 20.02	YES
Restaurant														YES
Standard				S				P	P			NONE	14.02, 17.02, 18.02	YES
Drive-Through								S	P			8.02.N	18.02	YES
Bar/Lounge								S	P			NONE	17.02, 18.02	YES
Retail Store								P	P			NONE	14.02, 17.02	NO
Retail Store (except packaged liquor) Under 5,000 sq.ft.				P								NONE	14.02	NO
Retail Store with Outdoor Storage								S	S			NEW	NONE	NO
Self-Storage Warehouse										P	P	8.02.AA	19.02, 20.02	YES
Adult Regulated Uses									S		S	8.02.A	18.02, 20.02	YES
Spa/Salon				S				P	P			NONE	14.02	YES
Tattoo Parlor/Body Piercing Studio				S					P			8.02.PP	14.02, 18.02	NO
Theater, Movie/Stage								S	P			8.02.EE	17.02, 18.02	NO
Vehicle Dealership								S	S	S	S	8.02.D	18.02	YES
Automobile Filling Stations (Gas Stations)								S	S	S		8.02.E	17.02, 18.02, 19.02	YES
Vehicle Impoundment Lots										S	S	8.02.RR	19.02, 20.02	NO
Vehicle Repair								S	S	S	P	NONE	17.02, 18.02, 19.02	NO
Vehicle Storage Facility									S	S		NONE	NONE	NO
Automobile Wash									S			8.02.F	18.02	YES
Veterinary Clinics									P			8.02.SS	18.02	YES
Industrial and Manufacturing	R-1	R-2	RM-1	RM-2	RM-3	MHP	C-1	C-2	I-1	I-2				
Beverage Bottling										P	P	NONE	NONE	NO
Building Materials Storage and Sales										P	P	NONE	18.02, 19.02, 20.02	NO
Chemical Manufacturing										S	S	NONE	19.02, 20.02	NO
Cold Storage/Freezer										S	P	NONE	19.02, 20.02	NO
Composting											S	8.02.J	20.02	YES
Concrete Plant											S	8.02.K	20.02	YES
Concrete/Gravel Production											S	8.02.K	NONE	NO

Data Processing and Computer Centers							P	P	S	S	NONE	17.02, 20.02	NO
Dry Cleaning Plant									P	P	NONE	17.02, 19.02, 20.02	NO
Eletronic Equipment manufacturing											NONE	19.02, 20.02	NO
Fabricated Metal Product Manufacturing, including tool and die shops									P	P	NONE	19.02, 20.02	NO
Food Processing									P	P	NONE	19.02, 20.02	NO
Freight Yard/Terminal									S	S	8.02.DD, 8.02.AAA	19.02, 20.02	NO
Fuel and Petroleum Storage										S	NEW	NONE	NO
Glass, clay and stone product manufacturing									P	P	NONE	19.02, 20.02	NO
Industrial, machinery and equipment manufacturing									P	P	NONE	19.02, 20.02	NO
Laboratories and Research Facilities								S	P	P	NONE	19.02, 20.02	NO
Leather product manufacturing									P	P	NONE	19.02, 20.02	NO
Lumber Mill									S	S	NONE	19.02, 20.02	NO
Lumber Yard								S	S	S	NONE	18.02, 19.02	NO
Manufacturing, compounding, assembling, packaging, or treatment of previously prepared materials									P	P	NONE	19.02, 20.02	NO
Metal plating, buffing and polishing									S	S	NONE	19.02, 20.02	NO
Mineral and Soil Extraction									S	S	8.02.S	19.02, 20.02	NO
Motor freight warehousing									S	S	8.02.DD	19.02, 20.02	NO
Primary metals industries									S	S	NONE	19.02, 20.02	NO
Printing and publishing									P	P	NONE	19.02, 20.02	NO
Recycling Facility								S	S	S	NONE	20.02	YES
Recycling Facility (metal)										S	8.02.Z	20.02	NO
Rubber and plastic products									P	P	NONE	19.02, 20.02	NO
Salvage Yard									S	S	8.02.W	19.02, 20.02	YES
Self-Storage Warehouse								S	P	P	8.02.AA	19.02, 20.02	YES
Textile Mills									P	P	NONE	19.02, 20.02	NO
Tractor/Trucking Facility (including storage and repair)									S	S	8.02.DD	19.02, 20.02	NO
Vehicles and Transportation Equipment Manufacturing											NONE	19.02, 20.02	NO
Warehousing and Wholesale									P	P	NONE	19.02, 20.02	NO
Wood and Furniture Product manufacturing									P	P	NONE	19.02, 20.02	NO
Institutional	R-1	R-2	RM-1	RM-2	RM-3	MHP	C-1	C-2	I-1	I-2			
Club/Fraternal Organization				S			S				8.02.Q, 8.02.U	14.02, 17.02, 18.02	YES
Conference center, assembly hall or place of worship											NEW	NONE	NO
under 4,000 square feet	S	S	S	S	S		P	P					
over 4,000 square feet				S	S		S	S					
Correctional Facility/Prison										S	NONE	20.02	NO
Governmental Operation and Facilities		S	S	S			S	P	P	P	NEW	NONE	NO
Institution of Higher Education				S				P			NONE	NONE	NO
Instruction of Performing Arts and related uses				P				P			NONE	14.02	NO
Municipal Buildings and Uses	P	P	P	P	P		P	P	P		NONE	11.02, 12.02, 13.02, 14.02, 17.02	NO
Municipal Storage Facilites								S			NONE	18.02	NO

Primary/Secondary Schools											NONE	11.02, 13.02, 14.02, 15.02, 18.02	NO
Non-Public	P	P	P	P	P								
Public	P	P	P	P	P								
Public Transit Station								P			NONE	18.02	NO
Public Transit Stop	P	P	P	P	P	P	P	P	P	P	NEW	NONE	NO
Recreational	R-1	R-2	RM-1	RM-2	RM-3	MHP	C-1	C-2	I-1	I-2			
Campground											8.02.LL	NONE	NO
Cemetery	S	S	S								8.02.I	11.02, 12.02, 13.02	YES
Golf Course	S	S									8.02.Q	11.02, 12.02, 18.02	NO
Outdoor Event											8.02.JJ	NONE	YES
Under 30 people	P	P	P	P	P	P	P	P	P	P			
Over 30 people	S	S	S	S	S	S	S	S	S	S			
Preserve/Conservation Area											NONE	NONE	NO
Private, not-for-profit Recreational Facilities within Subdivisions or Condominiums	S	S	S	S							NONE	11.02, 12.02, 13.02, 14.02	NO
Proving Grounds										S	NONE	20.02	NO
Public Parks and Trails	P	P	P	P	P	P	P	P	P	P	NONE	19.02	NO
Outdoor Gun Range											NONE	NONE	NO
Public Recreational Facility											NONE	11.02, 12.02, 13.02, 14.02, 15.02	YES
Indoor	S	S	S	S	S	S	S	S	S	S			
Outdoor	S	S	S	S	S	S	S	S	S	S			
Stables	S	S	S	S							NONE	NONE	YES
Residential	R-1	R-2	RM-1	RM-2	RM-3	MHP	C-1	C-2	I-1	I-2			
Bed and Breakfast	S	S	S	S							8.02.G	11.02, 12.02, 13.02, 14.02	NO
Dwelling Units													
Accessory Apartments	S	S									8.03.A	11.02, 12.02	YES
Single-Unit	P	P	P	P	P						8.03.B	11.02, 12.02, 13.02, 14.02, 15.02	YES
Duplex		P	P	P	P						8.03.B	12.02, 13.02, 14.02, 15.02	YES
Triplex		P	P	P	P						NEW	NONE	NO
Quadplex		P	P	P	P						NEW	NONE	NO
Multiple-family (including Senior Housing)			P	P	P						8.03.B	12.02, 13.02, 14.02, 15.02	YES
Garage or Yard Sale	P	P	P	P							8.02.P	11.02, 12.02, 13.02, 14.02	NO
Home-Based Business	S	S	S	S	S						2.08	11.02, 12.02, 13.02, 14.02, 15.02	YES
Home Occupation	P	P	P	P	P						2.08	11.02, 12.02, 13.02, 14.02, 15.02	YES
Live-Work Unit				P			P	P			NONE	NONE	YES
Mobile Home Park						P					Article 16	Article 16	YES
On-site managers's apartment not to exceed 500 sq. ft.									S	P	NONE	19.02, 20.02	NO
Private Subdivision Park	P	P	P	P	P						NONE	11.02, 12.02, 13.02, 14.02, 15.02	NO
PUD allowed any permitted use in R-1, R-2, RM-1, RM-2, RM-3, C-1, C-2, I-1, and I-2 Districts	P	P	P	P	P	P	P	P	P	P	Article 21	NONE	NO
Special Housing					S						8.03.F	15.02	YES
Utilities	R-1	R-2	RM-1	RM-2	RM-3	MHP	C-1	C-2	I-1	I-2			
Battery Energy Storage System (BESS)									S	S	NEW	NONE	NO
Electric power and heat generating plants									S	S	NONE	19.02, 20.02	NO

Essential Services	P	P	P	P	P	P	P	P	P	P	2.05.A	11.02, 12.02, 13.02, 14.02, 15.02, 16.02,	YES
Gas and Electric service and storage											NONE	19.02, 20.02	NO
Septic Service Establishment											NONE	19.02, 20.02	NO
Solar Energy System											8.02.TT	NONE	NO
Over 50 kw			S	S	S		S	S	S	S			
Under 50 kw	P	P	P	P	P	P	P	P	P	P			
Utility Structures and Substations							S	S	S	S	8.02.QQ	19.02, 20.02	NO
Water and Sewer Disposal									P	P	NONE	NONE	NO
Wind Energy Conversion Systems											8.02.TT	NONE	NO
Over 65 feet		S	S	S	S	S	S	S	S	S			
Under 65 feet		P	P	P	P	P	P	P	P	P	2.03.D		
Wireless Communication Facilities											8.02.UU	17.02, 18.02, 19.02, 20.02	YES
On monopoles							P	P	S	S			
On towers other than monopoles							S	S	S	S			



Kalamazoo Charter Township
1720 Riverview Drive
Kalamazoo, MI 49007-4686
Telephone: (269) 381-8080
www.kalamazootownship.org

July 28, 2025

To: Planning Commission Members
From: Hillary Taylor, Zoning Administrator
Subject: Discussion of a Small Lot Text Amendment to allow an Overlay Zoning District

Dear Planning Commissioner,

Staff has been working with the Township Assessor to identify vacant lots that can be marketed and developed within Kalamazoo Township. The Assessor has identified 342 vacant lots that are relatively buildable (topography etc.) with access to water and sewer. Some of these lots do not currently conform to the zoning district where they are located. These lots either are smaller than the required minimum area, or width, or depth. The current zoning for R-1 and R-2 is as follows:

District	Minimum area	Minimum width	Stories	Bldg height in Feet	Front	Side	Rear	Minimum usable floor area per unit (sq. ft.)	Maximum coverage of lot by all buildings (%)
R-1, Single Family	20,000	100v	2½	30	25g	5g	35g	960	25%
R-2, Single & Two-Family	13,200e	80e,v	2½	30	25g	5e,g,	35g	750e	25%

e. Minimum Requirements for Two-Family Dwellings. Two-family dwellings in the R-2 district shall comply with the following requirements: Minimum Lot Area: 20,000 sq. ft. Minimum Lot Width: 120 ft. Minimum Floor Area, each unit: 650 sq. ft. Minimum Side Yard Setback: 10 ft.

g. Minimum Setbacks for Non-Residential Uses. Permitted non-residential uses shall comply with the setback requirements for specific uses in Article 8.00. Where setback requirements are not specified in Article 8.00, permitted non-residential uses shall comply with the minimum setback requirements set forth in the Schedule of Regulations, except that the side yard shall not be less than twenty (20) feet.

v. Lot Depth and Proportions. The minimum lot depth of single-family lots shall be 120 feet. Lot depths of newly created lots shall be no greater than three times the lot width. The township

may permit lot splits that vary from these proportions where such action would reduce existing nonconformance with these requirements.

Due to the limitations of the R-1 and R-2 zoning districts and the evaluation of the 342 vacant lots staff is recommending a draft of a new Zoning Overlay District for the Planning Commission's consideration. This overlay would cover the entire Township and would allow development of smaller lots. Staff has provided the Fire Marshal with time to review the proposed overlay for compliance with the Fire Code. The recommendations from the Fire Marshal are attached. Please see the attached sample site plan.

If you have questions, you may contact me at 269-381-8080 ext. 128 or by emailing planner@ktwp.org

Regards,

A handwritten signature in black ink, appearing to read "H. Taylor". The signature is fluid and cursive, with the first name "Hillary" and last name "Taylor" clearly distinguishable.

Hillary Taylor
Zoning Administrator

DRAFT OVERLAY ORDINANCE

ARTICLE 22.00

RFS, Residential Flexible Standards Overlay District

Section 22.01 Statement of Purpose

The purpose of the Residential Flexible Standards (RFS) Overlay District is to create appropriate property development standards to encourage new home construction and additions and renovations of existing homes on smaller sized lots, those 5,000 square feet or less or those having an asymmetrical shape, throughout Kalamazoo Township.

The Residential Flexible Standards (RFS) Overlay District is intended to promote the following: 1) Consistency with the City's Master Plan; 2) Development that can be conveniently, efficiently, and economically served by existing and planned utilities and services; 3) Design flexibility for smaller lots that results in added housing units than could be achieved using conventional district regulations; 4) Preservation of neighborhood character; and 5) A mix of attractive and functional residential developments that are compatible with surrounding development. Furthermore, the RFS standards as established for this district, would apply specifically to lots meeting the criteria established in Section 22.02 and would supersede the development standards of the underlying zoning district in which each specific lot is located.

Section 22.02 Applicability: The property development standards within Section 22.03 below apply to all residentially zoned districts throughout Kalamazoo Township, having the following specific size requirements listed below:

- 1) Existing lots having a size of 7,000 square feet or less.
- 2) Lots having 50 feet of width or less.
- 3) Lots having 100 feet of depth or less.
- 4) Lots having an asymmetric shape with varying opposing lot lines of more than 10 feet of differential and are no larger than 9,000 square feet.

Section 22.03 Development Standards:

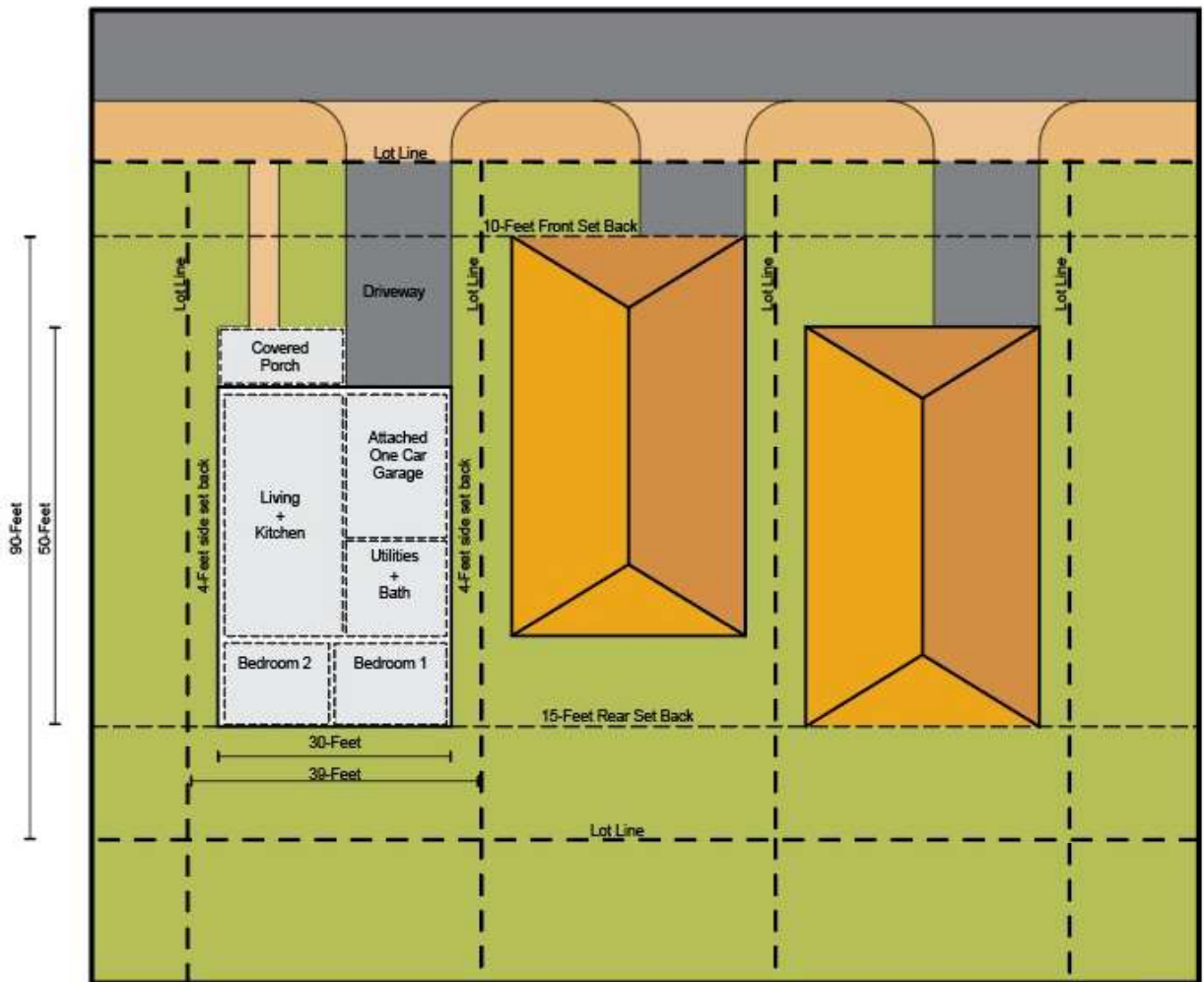
Side Yard Setbacks: For all qualifying lots, a minimum of 5 feet to any defined side yard, if all Building and Fire Code requirements are met including, but not limited to, minimum spacing between structures and incorporation of fire rated walls and windows, when necessary.

Rear Yard Setbacks: 20 feet or the average distance of the existing setbacks of directly adjacent structures, whichever is less.

Front Yard Setbacks: 10 feet or the average distance of the existing setbacks of directly adjacent structures, whichever is less.

Lot Coverage: Maximum of 60%.

Parking: There shall be no less than at least one (1) dedicated parking space per home that is built on a lot meeting the requirements of Section 22.02. Further, each dedicate parking space shall be designed and constructed to meet the provisions of Section 4.01 B. 1. and 2.



Sample Site Plan

CHAPTER 6: ADJOINING OR CONTIGUOUS PROPERTY

In accordance with [MCL 211.7dd\(c\)](#), a "Principal Residence" includes all of an owner's unoccupied property classified as residential or timber-cutover that is adjoining or contiguous to the dwelling subject to ad valorem taxes and that is owned and occupied by the owner. The statute does not define the terms "adjoining" or "contiguous". However, according to Black's Law Dictionary Deluxe 9th ed. (West Publishing Co.) "adjoining" means, "touching; sharing a common boundary" and "contiguous" means, "touching at a point or along a boundary".

As a result, in order to qualify for a principal residence exemption on an adjoining or contiguous parcel, the subject parcel must be: (1) owned by an owner as defined by [MCL 211.7dd\(a\)](#); (2) unoccupied; (3) adjoining or contiguous (i.e. touch or share a common boundary) with the parcel containing the property owner's principal residence; (4) classified as residential or timber-cutover; and (5) claimed by the owner of the property by filing an affidavit with the local tax collecting unit in which the property is located.

See [Chapter 2](#) to learn more about ownership requirements and see [Chapter 5](#) to learn more about claim requirements.

PROPERTY CLASSIFICATION REQUIREMENT

111. What types of property classifications are there?

[MCL 211.34c](#) defines there are six real property classifications which are the following:

1. Residential
2. Agricultural
3. Commercial
4. Industrial
5. Developmental
6. Timber Cut-over

112. What property classification is required for an adjoining or contiguous property to be eligible for the principal residence exemption.

[MCL 211.7dd\(c\)](#) requires that the property must be classified as **residential** or **timber-cutover** to qualify for a principal residence exemption on adjoining or contiguous property. If the property is classified as Agricultural, Commercial, Industrial or Developmental, the property is not eligible for the principal residence exemption.

Small lots

From Todd Kowalski <tckowalski@ktpw.org>

Date Fri 8/22/2025 1:25 PM

To Planner <planner@ktpw.org>

Minimum separation distances are determined by the type of construction and the height of the building. For combustible construction, types four and five, the minimum distance is 15 feet for one story buildings and 25 feet for 2 -4 story buildings. For non-combustible and fire resistance construction types 1, 2 and three, the minimum is 10 feet for one story buildings and 15 feet for 2 - 4 story buildings. These distances are measured from the closest points of the buildings, including projections like eaves and balconies.

This is derived from NFPA 5000 as well as a reference to chapter 7 of the international building code which would be a KABA consult.

Please feel free to contact me with any questions.

Todd Kowalski
Fire Marshal

1720 Riverview Drive
Kalamazoo, Michigan 49004

Office: 269-381-8080
Direct: 269-888-2171
Fax: 269-381-3550

RE: 222 E Mosel driveway permit

From Permits <permits@kalamazoocountyroads.com>

Date Thu 8/21/2025 3:48 PM

To Planner <planner@ktwp.org>; Permits <permits@kalamazoocountyroads.com>

[THIS IS AN EXTERNAL MESSAGE]

Hi Hillary,

Yes, they did receive a permit for this work. We were getting complaints as well. This should take care of the issues (I hope 😊).

Brian Franklin, Permit Agent

Road Commission of Kalamazoo County

4400 26th Street South

Kalamazoo, MI 49048

Phone: (269) 381-3171

Fax: (269) 381-1760

www.kalamazoocountyroads.com

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From: Planner <planner@ktwp.org>
Sent: Thursday, August 21, 2025 3:47 PM
To: Permits <permits@kalamazoocountyroads.com>
Subject: re: 222 E Mosel driveway permit

Hi Brian,

I just left you a message. I have had an inquiry about the property addressed as 222 E. Mosel. There have been several complaints that this property is tracking gravel and dirt onto Mosel. I believe I saw that the apron may be paved the other day. I wanted to check in with you to see if they have a driveway permit so that I can report back to my Planning Commission on September 4th. Please let me know if you have any questions. Thank you.

Regards,

*Hillary Taylor
Kalamazoo Township Planning & Zoning
269-381-8080 ext. 128
1720 Riverview Drive, Kalamazoo MI 49004*