

**TOWNSHIP OF KOCHVILLE  
COUNTY OF SAGINAW  
ORDINANCE NO. 16-05**

**AN ORDINANCE TO REVISE CERTAIN SECTIONS OF CHAPTER 155  
OF THE KOCHVILLE TOWNSHIP ZONING ORDINANCE**

***The Township of Kochville hereby ordains:***

**Chapter 155: ZONING**

Section

**Supplementary Use Regulations**

- 155.020 Granting permits
- 155.021 Temporary use permits
- 155.022 Prior building permits
- 155.023 Access to a street
- 155.024 Rear dwelling prohibited
- 155.025 Lots along railroad rights-of-way or property
- 155.026 Use of structure for temporary dwelling
- 155.027 Manufactured home dwellings development standards
- 155.028 Attached housing residential development standards
- 155.029 Required water supply and sanitary sewage facilities
- 155.030 One dwelling per lot
- 155.031 Fences, walls and screens
- 155.032 Inoperative or dismantled cars, trucks or buses
- 155.033 Automobile sales, new and used
- 155.034 Space used once
- 155.035 Use exceptions
- 155.036 Storage of recreational equipment
- 155.037 Heavy vehicles and equipment
- 155.038 Dangerous animals
- 155.039 Storm water management
- 155.040 Garage sales

### **§155.003 - ACCESSORY BUILDINGS**

(A) *Required yards.*

(1) *Front yard.* No accessory building (attached or detached) shall project into any front yard.

(2) *Rear yard.* No accessory building, including attached or detached garages shall be closer than five feet to the rear lot line.

(3) *Side yard.* No accessory building, including garages, shall be erected closer to any side lot line than the permitted distance within that district for principal buildings except if accessory to a single-family residence. In cases where an accessory building is located ten feet or more from the rear of the principal single-family residential building, then the accessory building shall be no closer than eight feet from the side lot line.

(4) *Corner lot.* No accessory building shall be closer to the side lot line than the side yard setbacks of the principal building on the lot. Where the rear line of a corner lot coincides with the sideline of an adjoining lot in a residential district, an accessory building shall not be closer than eight feet to common lot line.

(B) *Garage entrance.* In no case shall the entrance to a garage be less than 25 feet from a street right-of-way line.

(C) *Detached accessory buildings.* In any R or B district, detached accessory buildings shall comply with the following regulations:

- (1) They shall not be used in any part for dwelling purposes;
- (2) They shall not be more than one story or 20 feet in building height; and
- (3) They shall not occupy more than 30% of the required rear yard area.

### **§ SECTION 155.005 - DEFINITIONS**

**DWELLING, MULTIPLE FAMILY.** A dwelling or group of dwellings on one lot, containing separate living units for three or more families, having separate or joint entrances, and including apartments, group homes, and condominiums.

**DRIVE-IN.** A business establishment so developed that its retail or service character is dependent on serving patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive-in service. **DRIVE-IN** is also interpreted to include "fast food" operations, which serve food in disposable containers, and to include restaurants with drive-through facilities.

**FAMILY.**

A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

- (a) any number of people related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship;
- (b) four unrelated people;
- (c) two unrelated people and any children related to either of them; or
- (d) not more than six persons who are: 1) residing in a State-Licensed Residential Facility per provisions set forth in the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), or 2) "handicapped" as defined in the Fair Housing Act.

This definition does not include persons currently illegally using or addicted to a controlled substance. Family does not include any society, club, fraternity, sorority, association, lodge combine, federation, coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; any group of individuals who are in a group living arrangement as a result of criminal offenses.

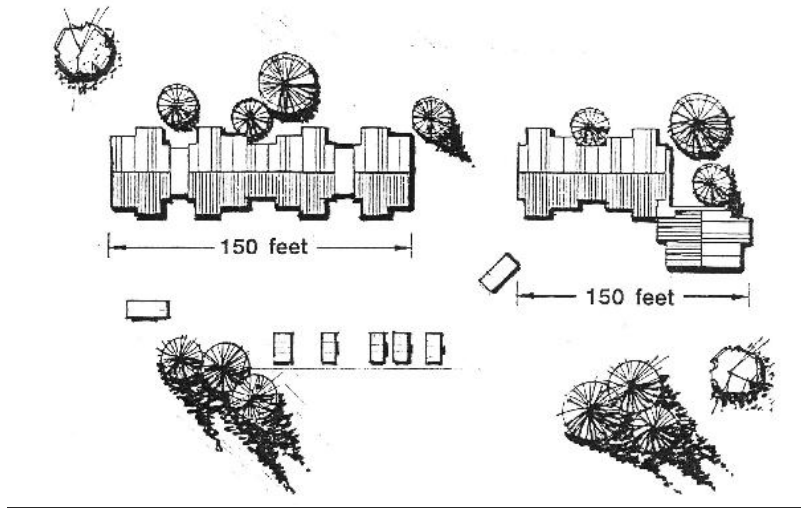
**TOWNHOUSE.** Single-family attached unit in structures housing three or more dwelling units, contiguous to each other only by the sharing of one common bearing wall; such structures are to be of the townhouse type as contrasted to multiple-family dwelling apartment structures. No single structure shall contain in excess of eight dwelling units and each dwelling unit shall have separate and individual front and rear entrances.

**§ 155.028 - ATTACHED HOUSING RESIDENTIAL DEVELOPMENT STANDARDS .**

The following site development standards shall apply to attached housing developments, including two-family dwellings, townhome development, and multiple-family dwellings, in all zoning districts in which they are uses permitted by right or by special use permit:

**1. Building Length**

Attached housing buildings shall not exceed one hundred and fifty (150) feet in overall length, measured along the front line of connecting units, inclusive of any architectural features which are attached to or connect the parts of the building together (see illustration), except that the Planning Commission may approve longer building lengths where the design incorporates attached garages that are off-set from the front façade of a structure and provide a unique style of architectural design.



Horizontal facades longer than 36 feet shall be articulated into smaller units of the residential scale. At least two of the following methods shall be included (see illustration):

- A. Distinctive roof and wall forms or elements.
- B. Changes in materials or patterns.
- C. Windows (shape, pattern, trims and/or details)
- D. Color differentiation.
- E. Recesses, offsets, cantilevers.
- F. Architectural features (bay or bow windows, chimneys, lower roofs and awnings)



Buildings shall include modulation along the building facades. Special attention shall be given to building faces viewed from the street. Flat blank walls are discouraged.

**2. Building Spacing**

The minimum distance between any two (2) buildings shall be based on the following tables:

<u>Relationship Between Buildings</u>	<u>Minimum Distance Between Buildings</u>
<u>Front to Front</u>	<u>70 ft.</u>
<u>Front to Rear</u>	<u>70 ft.</u>
<u>Rear to Rear</u>	<u>70 ft.</u>
<u>Side to Side</u>	<u>30 ft.</u>
<u>Front to Side</u>	<u>50 ft.</u>
<u>Rear to Side</u>	<u>50 ft.</u>

**3. Street Address**

The address of each dwelling unit must be clearly posted so that the unit can be readily identified from the roadway or adjacent parking area.

**4. Access and Circulation**

Multiple family developments shall comply with the following requirements for access and circulation (see illustration):

- a. Access to Roads  
 Developments in the R-2, R-3, B-1 and B-2 districts shall have direct access to a collector road or major thoroughfare; however, alternate means of access may be permitted by the Planning Commission upon finding that, due to special circumstances, substantial improvements in traffic safety could be achieved by reducing the number of driveways. Furthermore, an alternate means of access shall be permitted only if one or more of the following conditions exists:
  - 1) The property directly across the street from the development under consideration is zoned for multiple family or non-residential use, or
  - 2) The property directly across the street is developed with permanent uses other than single family residences, or
  - 3) The proposed development is in an area which, based on study by the Planning Commission, will eventually be used for purposes other than single family use.
  
- b. Emergency Access  
 All dwelling units, including those under construction, shall be readily accessible by fire and emergency vehicles from a paved public street, paved private access road, or other approved paved area. Private roads or driveways dedicated as fire lanes shall be posted with signs indicating "Fire Lane, No Parking." To facilitate emergency vehicle access, the following guidelines shall be complied with:

1) All roadways shall be paved and bi-directional, allowing for both ingress and egress. A boulevard may be utilized to provide bi-directional traffic movement, provided that the median strip is a minimum of twenty-five (25) feet in width, and the width of each paved moving lane in each direction is at least fifteen (15) feet.

2) Streets with no outlet shall be terminated with an approved method as determined by the Fire Department, a cul-de-sac, designed in accordance with standards established and periodically updated by the Township Engineer and kept on file in the Community Development Building Department. Such streets with no outlet shall not exceed one hundred fifty (150) feet without Fire Department approval.

3) Gatehouses and/or barricades at entrances to private roadways shall be designed so as not to impede fire and emergency vehicle access and must comply with the International Fire Code adopted at the time of site plan submittal.

c. Street Dimensions

On-site streets and drives shall comply with the standards in Section 155.086, Parking Area and Circulation Design Requirements.

**5. Sidewalks**

Sidewalks shall be provided within the development, located no less than five (5) feet from and parallel to access drives. Such sidewalks shall provide convenient access to community buildings and between parking areas and dwelling units. Bicycle paths shall be provided along the collector road or thoroughfare on which the development fronts.

**6. Parking**

In addition to the requirements set forth in Sections 155.080 to 155.089, attached housing developments shall comply with the following requirements:

a. Location

Required parking shall be located in parking lots or individual driveways, and not in streets or access drives. Parking lots and access drives shall not be located closer than twenty-five (25) feet to a wall of any residential structure which contains windows or doors, nor closer than ten (10) feet to a wall of any residential structure which does not contain openings.

b. Distance from Dwelling Units

Parking shall be located within one hundred and fifty (150) feet of the dwelling units the parking is intended to serve, measured along the sidewalk leading to the parking lot.

c. Parking for Community Buildings

Parking shall be provided for community buildings as specified in Section 155.082, Off-Street Parking Requirements.

**7. Lighting**

All parking areas, building entrances, sidewalks, and ramps shall be illuminated to ensure the security of property and the safety of persons using such areas, in accordance with the requirements set forth in Section 155.089, Lighting.

**8. Landscaping**

Multiple family developments shall be landscaped in accordance with Section 155.087, Landscaping.

**9. Open Space**

Open space shall be provided in any multiple family development containing eight (8) or more units. The open space shall comply with the following requirements:

a. Size

Total open space required shall be based on the number and size of units, as indicated in the following chart, provided that each development shall contain a minimum of ten thousand (10,000) square feet of open space.

<u>Type of Unit</u>	<u>Open Space Required per Unit</u>
<u>Efficiency unit</u>	<u>170 sq. ft. per unit</u>
<u>1 bedroom unit</u>	<u>250 sq. ft. per unit</u>
<u>2 bedrooms or more</u>	<u>350 sq. ft. per unit</u>

b. Location

Open space shall be located conveniently in relation to the majority of dwelling units intended to be served. Swamp areas, marshy areas, and similar limited-use areas shall not be included in the required open space.

c. Use of Open Space

Uses permitted within the required open space include picnic and sitting areas, playground and park space, play equipment, tennis courts, shuffleboard courts, and similar outdoor recreation facilities.

d. Phasing

Open space improvements shall be completed in proportion to the number of units constructed in each phase.

**10. Garages**

Garages shall be permitted for each unit, in accordance with the provisions for accessory buildings in Section 155.003, Accessory Buildings.

**CG-1 Conservation-Greenbelt (Open Land and Floodways)**

**§ 155.121 USES PERMITTED BY RIGHT.**

The following are the principal permitted uses by right within a CG-1 district subject to the cited conditions imposed for each use as well as the restrictions of dimensional requirements of §155.123 and also subject to DNR and DEQ approval.

***No proposed changes to 155.121 (A) through (D)***

- (E) State licensed residential facilities which provide resident service for six or fewer persons, such as family day care homes, adult foster care family homes, foster family homes, or foster family group homes, subject to the regulations in Section 206(3) of Public Act 110 of 2006, as amended.
- (F) Conservation development, in accordance with standards in §§ 155.405 through 155.417;
- (G) Open space residential development, as outlined by the Zoning Enabling Act, being M.C.L.A. § 125.3506, subject to the requirements in § 155.416;
- (H) Golf courses, country clubs, subject to the uses, prohibitions, site location principles and development requirements set out under § 155.309;
- (I) Golf driving ranges, subject to the site-development requirements set out under § 155.309; and
- (J) Customary accessory uses to any of the permitted uses in the CG-1 district.

## **A-1 General Agriculture (Food and Fiber, as well as Related Activities)**

### **§ 155.136 - USES PERMITTED BY RIGHT.**

Following are the principal permitted uses by right within the A-1 district:

- (A) Single-family dwelling structures;
- (B) State licensed residential facilities which provide resident service for six or fewer persons, such as family day care homes, adult foster care family homes, foster family homes, or foster family group homes, subject to the regulations in Section 206(3) of Public Act 110 of 2006, as amended.
- (C) Conservation development, in accordance with standards in § 155.405 through § 155.417;
- (D) Open space residential development, as outlined by the Zoning Enabling Act, being M.C.L.A. §125.3506, subject to the requirements in § 155.416;
- (E) General farming and forestry including field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries and similar agricultural enterprises;
- (F) Specialized farming including the raising and keeping of small animals and livestock;
- (G) A minimum of five acres is required for the raising and keeping livestock such as, but not limited to, horses, cows, pigs, sheep and goats. Up to two animals may be kept on five acres and one additional animal may be kept for each additional two acres up to a maximum of ten acres. This division (F) should not be construed to limit operations on larger parcels;
- (H) Public and private conservation areas and structures for the conservation of water, soil, open space, forest or wildlife resources;



- (I) Grain and seed elevators and sales; cold storage for cooperative and/or wholesale agricultural products; and similar enterprises when directly related to agriculture; and provided, the use does not create harmful or nuisance conditions for adjacent areas and uses therein;
- (J) Customary accessory uses to any of the permitted uses listed in the A-1 district and as defined in the definitions;
- (K) Cemeteries, public or private, subject to the conditions specified for R-1 districts;
- (L) Roadside stands selling products grown by the owner of the property upon which the stand is located; provided that, the contiguous space for the parking of customer's vehicles is furnished off the public right-of-way at the ratio of one parking space for each 15 square feet of roadside stand floor area; and
- (M) Private airplane landing strips, subject to the following conditions:

***No proposed changes to standards currently found at 155.136 (L) (1) through (3).***

### **R-1A Residential (Low Density Transitional)**

#### **§ 155.151 - USES PERMITTED BY RIGHT.**

The following are the principal permitted uses by right within an R-1A district:

- (A) Single-family dwelling structures not to exceed one single-family dwelling per lot;
- (B) State licensed residential facilities which provide resident service for six or fewer persons, such as family day care homes, adult foster care family homes, foster family homes, or foster family group homes, subject to the regulations in Section 206(3) of Public Act 110 of 2006, as amended.
- (C) Conservation development, in accordance with standards in §§ 155.405 through 155.417;
- (D) Open space residential development, as outlined by the Zoning Enabling Act, being M.C.L.A. § 125.3506, subject to the requirements in § 155.416;
- (E) Public parks, public playgrounds, public recreational grounds and grounds for games and sports, except those carried on as a business;
- (F) Religious institutions;
- (G) Single-family dwelling when associated with a religious institution;
- (H) Customary accessory uses to any of the permitted uses listed in the district;
- (I) Customary home occupations; and

- (J) Customary agricultural operations including general farming, truck farming, fruit orchards, nursery, greenhouses, roadside stands and described in § 155.136 and usual farm buildings, but subject to the following restrictions.

***No changes to standards currently found at 155.151 (I) (1) through (4)***

## **R-1 Residential (One Family Low Density)**

### **§ 155.166 - USES PERMITTED BY RIGHT.**

The following are the principal permitted uses by right within an R-1 district:

- (A) Single-family dwelling structures not to exceed one single-family dwelling per lot;
- (B) State licensed residential facilities which provide resident service for six or fewer persons, such as family day care homes, adult foster care family homes, foster family homes, or foster family group homes, subject to the regulations in Section 206(3) of Public Act 110 of 2006, as amended.
- (C) Conservation development, in accordance with standards in §§ 155.405 through 155.417;
- (D) Open space residential development, as outlined by the Zoning Enabling Act, being M.C.L.A. § 125.3506, subject to the requirements in § 155.416;
- (E) Public parks, public playgrounds, public recreational grounds and grounds for games and sports, except those carried on as a business;
- (F) Religious institutions;
- (G) Single-family dwelling when associated with a religious institution;
- (H) Customary accessory uses to any of the permitted uses listed in the district; and
- (I) Customary home occupations.

## **R-2 Residential (Two Family Medium Density)**

### **§ 155.181 - USES PERMITTED BY RIGHT.**

The following are the principal permitted uses by right within an R-2 district:

- (A) Single-family dwelling structures not to exceed one single-family dwelling per lot;
- (B) State licensed residential facilities which provide resident service for six or fewer persons, such as family day care homes, adult foster care family homes, foster family homes, or foster family group homes, subject to the regulations in Section 206(3) of Public Act 110 of 2006, as amended.

- (C) Conservation development, in accordance with standards in §§ 155.405 through 155.417;
- (D) Public parks, public playgrounds, public recreational grounds and grounds for games and sports, except those carried on as a business;
- (E) Religious institutions;
- (F) Single-family dwelling when associated with a religious institution;
- (G) Customary accessory uses to any of the permitted uses listed in the district; and
- (H) Customary home occupations.
- (I) Two-family dwellings.

**§ 155.183 - DIMENSIONAL REQUIREMENTS.**

*No proposed change to 155.183 (A).*

(B) *Minimum yard requirements.*

*No proposed changes to 155.183 (B) (1) through (4).*

*Deleted (5) Allow for zero lot line.*

**R-3 Residential (multiple family - intensive)**

**§ 155.195 - PURPOSE AND INTENT.**

- (A) This district is intended primarily for multiple-family residential uses together with certain institutional and other compatible uses under specified conditions.
- (B) It is the express purpose of these regulations to provide multiple-family dwellings, ranging from moderate to higher density character where adequate public and private services and facilities are available to accommodate higher population concentrations. The following are minimum criteria for R-3 development sites.
  - (1) Sites must have access to a principal arterial, minor arterial or collector street as to avoid adverse traffic impacts in surrounding low-density residential areas.
  - (2) Sites must be served by essential public facilities and services, such as water and sewer facilities, drainage structures, refuse disposal, police, fire protection and schools.
- (C) *Deleted*

**§ 155.196 - USES PERMITTED BY RIGHT.**

The following are the principal uses permitted by right within an R-3 district when they are connected to a public sanitary sewer. Without this service connection, no development of the land shall be permitted:

- (A) Conservation development, in accordance with standards in §155.405 through § 155.417;
- (B) Public parks, public playgrounds, public recreational grounds and grounds for games and sports, except those carried on as a business;
- (C) Religious institutions;
- (D) Single-family dwelling when associated with a religious institution;
- (E) Single-family dwelling structures not to exceed one single-family dwelling per lot;
- (F) Single-family dwelling structures in the townhome style, not to exceed a density factor of eight units per acre;
- (G) State licensed residential facilities which provide resident service for six or fewer persons, such as family day care homes, adult foster care family homes, foster family homes, or foster family group homes, subject to the regulations in Section 206(3) of Public Act 110 of 2006, as amended.
- (H) Customary home occupations;
- (I) Two-family dwellings.
- (J) Day nurseries;
- (K) Housing for religious personnel associated with a religious or educational institution;
- (L) Institutional uses, including education, social institutions, public buildings and service installations;
- (M) Customary accessory uses to any permitted use listed above.

**§ 155.197 - USES PERMITTED BY SPECIAL USE PERMIT.**

The following uses of land and buildings may be permitted in the R-3 districts by the application for issuance of a special use permit when all the provisional requirements specified in this chapter together with all applicable standards cited in §§ 155.305 through 155.317 are met:

- (A) Funeral homes and mortuaries;
- (B) Boarding and rooming houses;
- (C) Manufactured housing community, in accordance with development standards in §155.027;
- (D) Planned residential unit development;
- (E) Institutions for human care;
- (F) Wireless communication facilities; and
- (G) Multiple-family dwellings, in accordance with development standards in §155.028.

**§ 155.198 - DIMENSIONAL REQUIREMENTS.**

*No proposed change 155.198 (A) through (C) and (E).*

- (D) *Maximum building heights.* Two and one-half stories or 35 feet; however, further provided that, within 150 feet of any R-1 districts no building shall exceed a height of two stories or 30 feet.

**B-1 Commercial (Neighborhood Business)**

**§ 155.230 - PURPOSE AND INTENT.**

- (A) The B-1 district is designed and intended to meet the day to day convenience shopping and service needs of persons residing in adjacent residential areas.
- (B) It is the purpose of this district to accommodate commercial activities primarily offering goods or services which are required by a family at intervals of a week or less and at the same time protect adjacent residential areas from the adverse efforts of uncontrolled or unlimited commercial activity which can result in blighting influences upon residential uses. This district is intended to accommodate permitted uses typically in proximity to major shopping facilities and/or in compatible relationship with the major arterial street system and surrounding land uses.
- (C) The nature of modern office use development provides greater compatibility for integration into a community structure; therefore, this district has been established for the purpose of encouraging office and related use development, but excluding general commercial activity with the exception of retail relating directly to the needs of employees in the office business district.
- (D) All new development located in properties zoned Commercial B-1 after March 1, 2013 must have public water and sanitary sewer available, as detailed in the current, applicable water and sanitary sewer ordinances, and be connected to the services.

**§ 155.231 - USES PERMITTED BY RIGHT.**

The following are the principal uses permitted by right within a B-1 district. All the uses must be conducted wholly within a permanent, fully enclosed building.

*No proposed changes to 155.231 (A) through (K).*

- (L) Retail sales in an enclosed building. The maximum gross square feet a business may occupy is 2,000 square feet. A maximum of five separate businesses may be located in one building with gross area of 10,000 square feet;
- (M) Churches, temples, synagogues and customary accessory uses; and
- (N) Service establishments, including printing, publishing, photographic reproduction, blue-printing and related trades or arts.

**§ 155.232 - USES PERMITTED BY SPECIAL USE PERMIT.**

The following uses of land and buildings may be permitted in the B-1 districts by the application for issuance of a special use permit when all the provisional requirements specified in this chapter together with all applicable standards cited in §§ 155.305 through 155.319 are met.

- (A) Restaurants, clubs and other eating or drinking establishments which provide food or drink provided that, the establishments shall not be drive-in facilities;
- (B) Single-family dwelling structures in the townhome style, not to exceed a density factor of eight units per acre;
- (C) Multiple-family residential;
- (D) Housing for religious personnel attached to a religious institution or school;
- (E) Planned unit development, only upon Planning Commission determination that the uses are similar enough to be compatible with each other and in harmony with the character of the existing and adjacent principal uses;
- (F) Golf driving ranges;
- (G) Public utility transformer stations;
- (H) Public buildings;
- (I) Mini-storage; and
- (J) Animal protection shelter, as defined in § 155.005(B).

**§ 155.233 - DIMENSIONAL REQUIREMENTS.**

***No proposed changes to 155.233 (A) and (B).***

- (C) *Minimum floor area per dwelling unit.* Multiple family dwellings shall have a minimum floor area per dwelling unit in accord with the following schedule:

<u>Structure</u>	<u>Area per Unit</u>
<u>0 bedrooms</u>	<u>600 sq. ft.</u>
<u>1 bedroom</u>	<u>850 sq. ft.</u>
<u>2 bedrooms</u>	<u>1,050 sq. ft.</u>
<u>3 bedrooms</u>	<u>1,350 sq. ft.</u>
<u>4 bedrooms or more</u>	<u>1,500 sq. ft.</u>

- (D) *Maximum building height.* Three stories or 40 feet.

(E) *Maximum lot coverage.* A maximum of 35% of the lot may be covered by all buildings. If shared parking is employed, density may be increased at the following rate:

<u>No shared parking</u>	<u>35% maximum lot coverage</u>
<u>10% shared parking</u>	<u>45% maximum lot coverage</u>
<u>25% shared parking</u>	<u>55% maximum lot coverage</u>
<u>50% shared parking</u>	<u>65% maximum lot coverage</u>

### **B-2 Commercial (Community and Regional Retail)**

#### **§ 155.245 PURPOSE AND INTENT.**

- (A) The B-2 business district is designed and intended to meet the needs of a larger consumer population than is served by the B-1 district.
- (B) It is the purpose of this district to accommodate general retail shopping and merchandising activities together with limited wholesale uses and business and personnel services. The regulations herein set forth further are to promote safe and convenient commercial clusters appropriate to community needs and to avoid undue congestion, traffic conflicts and future blighting influences. Under appropriate conditions, medium density apartment developments are also allowed.
- (C) All new development zoned Commercial B-2 after March 1, 2013 must have public water and sanitary sewer available, as detailed in the current, applicable water and sanitary sewer ordinances, and be connected to the services.

#### **§ 155.246 - USES PERMITTED BY RIGHT.**

The following uses are the principal uses permitted by right within a B-2 district.

- (A) All uses permitted by right within the B-1 district, subject to all restrictions hereafter cited;
- (B) Any retail business whose principal activity is the sale of merchandise in an enclosed building including outdoor seasonal sales for a period of 90 days and by permit only;
- (C) Assembly buildings including auditoriums, social clubs, fraternal organizations;
- (D) Public buildings;
- (E) Service establishments, including printing, publishing, photographic reproduction, blue-printing and related trades or arts;
- (F) Indoor commercial recreation facilities such as indoor theaters, bowling alleys, indoor skating rinks or similar uses;

- (G) Restaurants, restaurants with drive-through facilities, clubs and other drinking establishments to include restaurants with drive-thru facilities;
- (H) Motel and hotel;
- (I) Open air business uses such as retail sales of plant materials, sale of lawn furniture, playground equipment and garden supplies;
- (J) Veterinary hospitals and clinics;
- (K) Servicing and repair of motor vehicles, trailers and boats when contained within a wholly enclosed building;
- (L) Self service storage/mini-storage; and
- (M) Billboards, as defined in Ch. 153 of this code of ordinances.

**§ 155.247 - USES PERMITTED BY SPECIAL USE PERMIT.**

The following uses of land and buildings may be permitted in the B-2 districts by the application for issuance of a special use permit when all the provisional requirements specified in this chapter together with all applicable standards cited in § 155.305 through §155.319 are met.

- (A) Building supply and equipment establishments selling retail;
- (B) Multiple-family residential;
- (C) Wireless communication facilities;
- (D) Automobile service and repair station;
- (E) Automobile car wash, subject to the site development standards required for gasoline service stations;
- (F) Planned unit development, only upon Planning Commission determination that the uses are similar enough to be compatible with each other and in harmony with the character of the existing and adjacent principal uses;
- (G) Service installations and public utilities;
- (H) Wholesale business;
- (I) Outdoor commercial recreation;
- (J) Automobile show room and sales;
- (K) Wholesale, jobbing, and distributing business; and
- (L) Outdoor sales space for exclusive sale of automobiles, trucks, manufactured homes, travel trailers and recreational vehicles.



**§ 155.248 - DIMENSIONAL REQUIREMENTS.**

***No proposed changes to 155.248 (A) through (B).***

- (C) *Minimum floor area per dwelling unit.* Multiple family dwellings shall have a minimum floor area per dwelling unit in accord with the following schedule:

<u>Structure</u>	<u>Area per Unit</u>
<u>0 bedrooms</u>	<u>600 sq. ft.</u>
<u>1 bedroom</u>	<u>850 sq. ft.</u>
<u>2 bedrooms</u>	<u>1,050 sq. ft.</u>
<u>3 bedrooms</u>	<u>1,350 sq. ft.</u>
<u>4 bedrooms or more</u>	<u>1,500 sq. ft.</u>

- (D) *Maximum building height.* The maximum building height shall be three stories or 40 feet.
- (E) *Lot coverage.* A maximum of 35% of the lot may be covered by all buildings. If shared parking is employed, density may be increased at the following rate:

No shared parking	35% maximum lot coverage
10% shared parking	45% maximum lot coverage
25% shared parking	55% maximum lot coverage
50% shared parking	65% maximum lot coverage

**SECTION 155.311 “Planned Residential Unit Development”**

It is the purpose of this section to encourage more imaginative and livable housing environments within the residential districts, as noted, through a planned reduction, or averaging, of the individual lot area requirements for each zone district; providing, the overall density requirements for each district remains the same. The averaging or reduction of lot area requirements shall only be permitted when a land owner, or group of owners acting jointly, can plan and develop a tract of land as one complex land use unit, rather than an aggregation of individual buildings located on separate, unrelated lots. Under these conditions, a special use permit may be issued for the construction and occupancy of a planned residential unit development providing the standards, procedures and requirements set forth in this section can be complied with.

***No proposed change to 155.311 (A).***

- (B) *Applicability.* The provisions of this section, 155.311 Planned Residential Unit Development, shall take precedence when in conflict with other articles of the Zoning Ordinance.
- (C) *Qualifying conditions.* Any application for a special use permit shall meet the following conditions to qualify for consideration as planned residential unit development.
- (1) All planned residential unit developments shall be under the control of the one owner or group of owners and shall be capable of being planned and developed as one integral unit.
  - (2) Public water and sewer facilities, if not existing at time of development, shall be provided as part of the site development.
  - (3) The development shall be a minimum of six acres.
  - (4) The proposed planned unit residential development shall meet all of the general standards outlined herein.
- (D) *Uses that may be permitted.* The following uses of land and structures may be permitted within planned residential unit development, subject to the district dimensional requirements as listed within each zoning district:
- (1) Conservation-Greenbelt: single-family detached residential development;
  - (2) A-1: single-family detached residential development;
  - (3) R-1A: single-family detached residential development;
  - (4) R-1: single-family detached residential development;
  - (5) R-2: single-family detached and two-family dwellings;
  - (6) R-3: single-family detached, single-family in the townhouse style, and two-family dwellings;  
and
  - (7) Recreation and open space, (in any R district); provided that, only the following land uses may be set aside as common land for open space or recreational use under the provisions of the section. Historic building sites, or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when the areas have natural features worthy of scenic preservation.
- (E) *Lot variation and development regulations.* The lot area for planned unit residential developments may be averaged or reduced from those sizes required by the applicable zoning district within which the development is located by compliance with the following requirements.

- (1) The acreage of the site, computed from the legal description of the parcel being developed shall be used for all calculations related to density and open space. The gross acreage shall be used. No factors for rights-of-way or easements will be considered. The perimeter setbacks and building heights shall meet the requirements of the zoning district in which the parcel is located.
- (2) Minimum size of the development shall be six acres.

(F) *Open space requirements.*

- (1) There shall be a minimum of 10% open space. There is no maximum amount of open space that may be set aside as open space.
- (2) All open space, tree cover, recreational area, scenic vista or other authorized open land areas shall be either:
  - (a) Set aside as common land for the sole benefit, use and enjoyment of present and future lot or home owners within the development. Open space land shall be owned by the land owner or owners or a home owners association or other similar non-profit organization so that the fee simple title shall be vested in tract lot owners as tenants in common; provided that, suitable arrangements have been made for the maintenance of the land and any buildings thereon; and, provided further that, a copy of the open space easement for the land be conveyed to the legislative body to assure that open space land remain open;
  - (b) Dedicated to the general public as parkland for the use of the general public. Open space land shall be dedicated to the general public for parks or recreational purposes by the tract owner or owners; provided that, the location and extent of the land conforms to the development plan; and, provided further that, access to and the characteristics of the land is such that it will be readily available to and desirable for public use, development and maintenance;
  - (c) The Planning Commission shall determine whether (F)(2)(b) or (F)(2)(c) is most appropriate. In the case where the land is to be dedicated as a public park, such as division (F)(2)(b) above, the Planning Commission shall forward to the legislative body the park proposal and plan for approval; and
  - (d) It is the intent of this section that the owners or developers of the planned unit residential development shall not be compelled or required to improve the natural condition of the open space lands.

- (G) *Street development requirements.* Street standards and specifications adopted by the County Road Commission and all applicable local standards shall be complied with for all street improvements.

## **SECTION 155.313 “Planned Unit Development”**

It is the purpose of this section to promote more imaginative and flexible developments of various uses that will encourage open space preservation, open space amenities, landscaping and are pedestrian-friendly.

(A) *Objectives.*

- (1) To encourage economic development by offering developers greater flexibility in the design and location of uses;
- (2) To encourage the provision of common open space in the development of planned unit development properties;
- (3) To encourage developers in the use of a more creative and imaginative approach to development; and
- (4) To encourage user-friendly and pedestrian-friendly developments.

- (B) *Applicability.* The provisions of this section, 155.313 Planned Unit Development, shall take precedence when in conflict with other articles of the Zoning Ordinance.

(C) *Qualifying conditions.*

(1) In applying for a special use permit as a planned unit development, applicants should keep in mind that the approval of the development, in terms of layout, design, uses and all other related site improvements runs with the property itself and not the property owner. This means that any transfer of property will require the new owner(s) to meet the provisions of the development as approved by the township. Modifications or transfer must follow the requirements as set forth in this section.

(2) To qualify for consideration as a planned unit development, the following conditions shall be met.

(a) The proposed development shall be designed within a unified architectural treatment as provided for in division (F) below.

(b) Minimum lot size shall be three acres and shall contain at least three individual uses.

(c) The lot shall front at least one street classified as an arterial or principal collector and be provided with adequate ingress and egress, including provision of service land running the length of the property abutting the arterial or collector.

(d) The lot or lots shall be zoned B-1, B-2, B-3 or a combination of these three districts. When located upon a principal arterial road or along a state highway, the lot or lots may be a combination of A-1 and one or more of the following: B-1, B-2 and B-3. A planned unit development is not permitted in an area only zoned for agriculture or in areas shown in the township's adopted future land use plan as agriculture only.

(e) Public water and sewer facilities shall be available or shall be provided as part of the site development.

(D) *Permitted uses.* All cumulative uses as permitted by right and as permitted by special use permit in the B-1, B-2 and B-3 districts may be granted approval under the planned unit development special use permit, excluding adult uses as defined within this chapter; provided, the uses and structures are complementary to each other, do not cause undue overcrowding and comply with the other provisions of this section.

(E) *Lot variation and development requirements.*

***No proposed changes to standards currently found at 155.313 (D) (1) through (5).***

(6) Planned unit developments with attached housing, including two-family dwellings, townhome development, and multiple-family dwellings, shall be developed in accordance with Section 155.028, Attached Housing Residential Development Standards. Planned unit developments including a building or buildings with residential dwellings on a floor or floors above a commercial or office use shall be exempt from the Section 155.028 standards.

(F) *Architectural and site design guidelines.*

(1) A unified architectural and site design theme should be incorporated into each development.

(2) The appearance of a "sea of asphalt" parking lot in the front of the development shall be avoided. Both perimeter and interior parking lot trees shall be provided for shade and visual relief while maintaining view corridors to the storefront areas.

(3) A portion of the total building area should be located at the street perimeter with substantial landscaping that reinforces and strengthens the streetscape and helps screen off-street parking area.

***No proposed changes to standards currently found at 155.313 (E) (4) through (10).***

(G) *Amending or transferring ownership.*

(1) Prior to a transfer of ownership or a change in use, the property owner(s) of the development must contact the township in writing to declare their intent and initiate an administrative review process.

(2) Administrative review process shall include, but not be limited, to the following.

(a) During and after the establishment of the planned unit development, the owner(s) or proponents of the development shall strictly adhere to conditions, schedules and development requirements recommended by the Planning Commission. The owner(s) or proponents must submit any proposed modifications to the approved plan that specifically affects established densities, uses, an increase or reduction in size and scope of the project, modifications affecting publicly dedicated open spaces, rights-of-way or easements, and alterations to the approved overall plan, including architectural design changes.

(b) Any of these modifications shall require submission of a site plan application to the township describing the proposed changes. All proposed changes shall follow the same process as the original site plan review and approval process.

**SECTION 155.343 STANDARDS FOR THE TOWN OVERLAY DISTRICT.**

*No proposed changes to 155.343 (A) through (C).*

(D) Site Layout.

*No proposed changes to 155.343 (D) (1) through (3).*

~~Deleted - (4) *Multiple-family residential and civic buildings (a) and (b).*~~

**SECTION 155.344 STANDARDS FOR THE GOWN OVERLAY DISTRICT.**

*No proposed changes to 155.344 (A) through (C).*

(D) Site Layout.

*No proposed changes to 155.344 (D) (1) through (3).*

~~Deleted - (4) *Multiple-family residential and civic buildings (a) and (b).*~~

*Kochville Township, MI  
Ordinance 16-05  
Multiple-Family Residential Ordinance Amendments*

All other sections, phrases, and text within Chapter 155 of the Kochville Township Zoning Ordinance remain in full force and effect and are only amended to the extent of the aforementioned text revisions.

Effective Date. This ordinance shall take effect 30 days after publication and a copy of the ordinance is available for public use and inspection at the office of the Township Clerk.

This ordinance known as Ordinance 16-05, being the amendments to Chapter 155, of the Kochville Township Zoning Ordinance, is hereby declared to have been adopted by the Kochville Township Board, County of Saginaw, State of Michigan, at a regular meeting held on the 16<sup>th</sup> Day of May, 2016, and ordered to be given publication in a manner prescribed by law.

Motion by \_\_\_\_\_ and seconded by \_\_\_\_\_ to adopt Ordinance 16-03.

YEAS:

NAYS:

ABSTAINS:

ABSENT:

\_\_\_\_\_  
Jim Loiacano, Supervisor  
Kochville Township

\_\_\_\_\_  
Kevin Machata, Clerk  
Kochville Township

**CERTIFICATION**

State of Michigan, County of Saginaw:

I, the undersigned Township Clerk for the Township of Kochville, Saginaw County, Michigan, certify that the above Ordinance No. 16-05, adopted by the Township Board of Trustees of the Township on the 16<sup>th</sup> Day of May, 2016, was recorded in full in the Minutes of Township Board of Trustees on said date. It was signed by the Supervisor and the Clerk of the Township.

Dated:

\_\_\_\_\_  
Kevin Machata, Kochville Township Clerk

Date of Publication:

Newspaper: Township View