

ROSS TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN

NOTICE OF PLANNING COMMISSION MEETING AND PUBLIC HEARINGS

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE TOWNSHIP OF ROSS,
KALAMAZOO COUNTY, MICHIGAN, AND ALL OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Ross Township Planning Commission will hold a regular meeting and public hearings on April 24, 2023 at 6:00 p.m. at the Ross Township Hall located at 12086 M-89 within the Township of Ross, Kalamazoo County, Michigan that will include the following:

1. A public hearing and Planning Commission action on proposed text amendments to the Ross Township Zoning Ordinance regarding structures, viewshed protection, and lake lot/waterfront lots, including amendments to: the Section 2.2 definitions of "Building Accessory", "Deck", "Setback (Building or Structure)", "Setback Line (Minimum)", "Structure", "Structure Accessory", "Yard Side-Rear-Front (Minimum)"; Section 4.2 G; Section 5.2 G; Section 6.2 E; Section 7.2 F; Section 8.2.I; Section 9.2 E; Section 9.2 F; Section 10.2.L; Section 11.3.J; Section 12.2.H; Article 15 footnotes (pg 15-2); Article 15 footnotes (pg 15-4); Section 16.1; Section 16.2; Section 16.3; and Section 17.3.
2. A public hearing and Planning Commission action on the request of Courtney Jones for approval to construct a 6,000 square foot accessory building at 11271 Delmar, within Ross Township, in accordance with the special land use provisions in Section 18.4(A)(5)(b) and Section 18.4(D) of the Ross Township Zoning Ordinance. The proposed accessory building will contain a 480 square foot guest house and such guest house is only permitted as a special land use under Section 18.4(A)(5)(b) of the Zoning Ordinance. Additionally, the lot coverage created by the construction will be 20.71% where the maximum lot coverage is limited to 20% and such lot coverage is only allowed as a special land use under Section 18.4(D) of the Zoning Ordinance. The applicant is also requesting approval of a site plan for the proposed construction. The subject property is located in the R-1 Low Density Residential Zoning District and has the following parcel identification number for property tax purposes: 3904-18-160-095.
3. Such other and further matters as may properly come before the Planning Commission.

Written comments will be received concerning the above matters by the Ross Township Office Manager at the Ross Township Hall at any time during regular business hours on regular business days until and including the day of the meeting, and may further be submitted to the Planning Commission at the meeting.

The application for the special land use and site plan, the proposed text amendments, and the Ross Township Zoning Ordinance/Map/Land Use Plan may be examined by contacting the Ross Township Office Manager at the Township Hall during regular business hours on regular business days maintained by the Township offices from and after the publication of this Notice and until and including the day of the meeting, and further may be examined at the meeting.

All interested persons are invited to be present at the aforesaid time and place.

Ross Township will provide necessary reasonable auxiliary aids and services at the meeting to individuals with disabilities, such as signers for the hearing impaired and audiotapes of printed materials being considered, upon three day's advanced notice to the Township. Individuals with disabilities requiring auxiliary aids or services should contact the Township Office Manager.

Ross Township Planning Commission
By: Michael Moore, Chairperson

Mary Carol Wilkins
Ross Township Office Manager
12086 M-89
Richland, Michigan 49083
269-731-4888

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Subject: Structures/Viewshed Protection

Section 2.2 – Definitions of Terms – pg 2-2

Building, Accessory: a building subordinate to, and located on the same lot with, a ~~main~~ **principal** building, the use of which is clearly incidental to that of the ~~main~~ **principal** building or to the use of the land, and which is not attached to any part of a common wall or common roof to the ~~main~~ **principal** building.

Deck: a structure consisting primarily of flooring which is raised above the ground level, which may be constructed as part of the ~~principle~~ **principal** structure (or building), or may be constructed as an accessory structure.

Setback (Building or Structure): the minimum horizontal distance required to exist between a building or structure (including any portion of steps, porches, vestibules, patios raised above grade, or eaves) and the front, side or rear lot line. The required setback or yard area is that area encompassed by **between** the respective lot lines and the respective setback lines, and **within** which no part of a building or structure shall project or be located, except as otherwise provided for by this ordinance.

Setback Line (Minimum): the line which pertains to and defines ~~those minimum building/structure setback lines~~ **the minimal horizontal distance required to exist between a building or structure and a lot line**, and which ~~are~~ is established parallel to the front, side and rear lot lines, and ~~within which setback areas no part of a building or structure shall project or be located, except as otherwise provided for by this ordinance.~~

Structure: anything constructed, assembled or erected, the use of which requires location on ~~or in~~ the ground or attachment to something having location on or in the ground, ~~and shall include tanks, towers, advertising devices, bins, tents, lunch wagons, trailers, dining cars, camp cars or similar structures on wheels or other supports used for business or living purposes.~~ The word “structure” shall not apply to fences, **posts, poles, public utilities, or landscaping objects less than 5 feet in height and 50 square feet in area.** ~~or wires and their supporting poles or frames of electrical or telephone utilities, or to service utilities entirely below the ground.~~

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Structure, Accessory: a structure subordinate to, and located on the same lot with, ~~the principle~~ a **principal** building or structure, the use of which is clearly incidental to that of the principal building, structure or use of the land.

Yard, Side-Rear-Front (Minimum): an open space of a required minimum width or depth, adjacent to a lot ~~or property~~ line, on the same land with a building or ~~group of buildings~~ **structure**, and lying in the area between the building or ~~group of buildings~~ **structure** and the nearest lot line, ~~and which is unoccupied and unobstructed from the ground upward, except for plants, trees, shrubs, fences, and as otherwise provided herein.~~ The ~~depth/width~~ **width/depth** of such yard shall be measured at the shortest horizontal distance between the applicable lot line (front, rear, side) and the nearest point of a building or **structure**, or projection thereof.

ARTICLE 4 – AG DISTRICT – pg 4-1

Section 4.2 G. Accessory uses or buildings/~~structures~~, when in accordance with the provisions of ~~Section 18.4.~~

ARTICLE 5 – R-R DISTRICT – pg 5-1

Section 5.2 G. Accessory uses or buildings/~~structures~~, when in accordance with the provisions of ~~Section 18.4.~~

ARTICLE 6 – R-1 DISTRICT – pg 6-1

Section 6.2 E. Accessory uses or buildings/~~structures~~, when in accordance with the provisions of ~~Section 18.4.~~

ARTICLE 7 – R-2 DISTRICT – pg 7-1

Section 7.2 F. Accessory uses or buildings/~~structures~~, when in accordance with the provisions of ~~Section 18.4.~~

ARTICLE 8 – R-3 DISTRICT – pg 8-1

Section 8.2 I. Accessory uses or buildings/~~structures~~, when in accordance with the provisions of ~~Section 18.4.~~

ARTICLE 9 – R-4 DISTRICT – pg 9-1

Section 9.2 E. Accessory uses or buildings/~~structures~~.

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Section 9.2 F. Signs, when in accordance with the provisions of Section 18.2.

ARTICLE 10 – C-1 DISTRICT – pg 10-1

Section 10.2.L. Accessory uses or buildings/structures, ~~when in accordance with the provisions of Section 18.4.~~

ARTICLE 11 – C-2 DISTRICT – pg 11-2

Section 11.3.J. Accessory uses or buildings/structures, ~~when in accordance with the provisions of Section 18.4.~~

ARTICLE 12 – I-R DISTRICT – pg 12-2

Section 12.2.H. Accessory uses or buildings/structures, ~~when in accordance with the provisions of Section 18.4.~~

ARTICLE 15 – SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS (Footnotes) – pg 15-2

3 On corner lots, the ~~width of the~~ **required minimum** side yard adjacent to the side street shall be equal to the front yard ~~setback~~ of the lot adjoining the rear of said corner lot. When the lot adjoining ~~the rear of~~ said corner lot ~~along the rear line,~~ does not front on the side street of ~~adjacent to~~ the corner lot, the **required minimum** side yard shall not be less than two-thirds (2/3) the **required minimum** front yard ~~setback required~~ for that district.

9 ~~Side line setbacks in R-R, R-1, R-2 and R-3 on new construction only. Legally existing structures at time of new Ordinance will not be made non-conforming by side line setback change.~~

10 ~~Minimum square footage on ground or first floor of in R-R, R-1 and R-2 Districts shall be seven hundred fifty (750) square feet.~~

11 ~~The required minimum rear yard for principal buildings and structures located on a “lake lot”, as defined in Section 2.2, shall be the same as the required minimum front yard setback for principal buildings within the respective residential zoning district.~~

12 ~~The required minimum rear yard for accessory buildings and structures located on a “lake lot”, as defined in Section 2.2, shall be setback a minimum of 25 feet.~~

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13The required minimum side yard for accessory buildings and structures located on a “lake lot”, as defined in Section 2.2, shall be ~~equal to the same~~ as the required **minimum** side yard ~~applicable to the principle for principal buildings and structures~~ within the **respective** district.

14Buildings and structures on double frontage lots shall be set back from adjoining streets in accordance with the minimum **required** front yard ~~setback requirements within~~ for the respective district.

ARTICLE 15 – SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS (Footnotes) – pg 15-4

3 On corner lots, the ~~width of the required minimum~~ side yard adjacent to the side street shall be equal to the front yard ~~setback~~ of the lot adjoining the rear of said corner lot. When the lot adjoining ~~the rear of~~ said corner lot ~~along the rear line~~, does not front on the side street ~~of~~ adjacent to the corner lot, the **required minimum** side yard shall not be less than two-thirds (2/3) the **required minimum** front yard ~~setback required~~ for that district.

Section 16.1---Limitations on All Land and Buildings/Structures – pg 16-1

- A. No building ~~or structure~~ shall be erected and no existing building ~~or structure~~ shall be moved, altered, added to or enlarged nor shall any land or building/~~structure~~ be used, designed or arranged to be used for any purpose or in any manner other than that included among the uses herein listed as permitted in the ~~zone~~ district in which such land or building/~~structure~~ is located.
- B. Every building ~~or structure~~ hereinafter erected shall be located on a lot as herein defined; and, except as herein provided, there shall be not more than one (1) single-family dwelling; two-family dwelling; or semidetached dwelling (duplex) on any one lot.

Section 16.2---Limitations on Height – pg 16-1

No building ~~or structure~~ shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the ~~zone~~ district in which such building or structure is located, except the height limitations of this Ordinance shall not apply to church spires, belfries,

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cupolas, communication towers/antennas (except as otherwise specifically regulated in this Ordinance), wind energy system structures (except as otherwise specifically regulated in this Ordinance), domes not used for human occupancy; nor to chimneys, ventilators, skylights, water tanks, barns, silos, bulkheads and necessary mechanical appurtenances usually carried above the roof level, except where in the opinion of the building inspector such may be deemed to interfere with aerial navigation or constitute a fire hazard. Such features, however, shall not exceed in total coverage twenty percent (20%) of the total roof area and shall not exceed a reasonable height to be determined upon reference of all such cases to the Zoning Board of Appeals by the building inspector.

Section 16.3---Limitations on Area – pg 16-2

- A. No building ~~or structure~~ shall be erected, ~~nor shall any and no~~ existing building ~~or structure~~ shall be altered, enlarged, moved or rebuilt; nor shall any open space surrounding any building ~~or structure~~ be encroached upon or reduced in any manner, except in conformity with the yard, lot ~~and area and building location regulations~~ requirements hereinafter designated for the ~~zone~~ district in which such buildings or open space is located, except as otherwise specifically provided.
- B. No required yard or other open space provided about any building ~~or structure~~ for the purpose of complying with the provisions of this Ordinance shall be considered as a required yard or open space for any other building ~~or structure~~.
- C. *No change*
- D. Any ~~patio slab, raised deck, porch, steps, or any other similar~~ portion of, or extension to a building or structure above the ground level upon which it is placed, shall comply with the lot, yard and area requirements as provided in Article 15 of this Ordinance.
- E. The yard requirements of all districts are subject to the following allowed encroachments:
 - 1. Eaves troughs may project into a required yard.

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2. Ground mounted mechanical units associated with the principal or accessory building on the site may project into a required yard.
3. Generators and associated equipment may project into a required yard, but shall be setback a minimum of 5 feet from any lot line.

Section 17.3---Waterway Setback and Height Requirements for All Buildings and Structures

- A. *No Change*
- B. *No Change*
- C. These setback requirements are intended to **protect the viewshed** and facilitate reasonable consistency of horizontal sight lines with respect to the development of waterfront lots, based on the average setback of existing nearby development, but subject in each instance to a mandatory minimum setback of 50 feet.
- D. **Vegetation and landscape elements within the required front yard on a "lake lot", as defined in Section 2.2, shall not restrict the viewshed/horizontal sight lines from adjacent properties by more than 10%.**

Note: Consult Article 15 of this Ordinance (Schedule of Lot, Yard and Area requirements) for side yard and rear yard setback requirements applicable to buildings/structures on ~~lake lots~~ waterfront lots.

SECTION 2.2 - DEFINITIONS

'Lake Lot': a lot any portion of which abuts or is within 75 ft of any lake. Lots abutting a stream, creek or river are not considered 'lake lots'.

'Waterfront Lot': a lot any portion of which abuts the shoreline of any waterway or abuts a promenade or walkway which itself abuts a waterway and provides access to the waterway.