

**CHARTER TOWNSHIP OF COMSTOCK**

**ORDINANCE NO. 510**

**ADOPTED: \_\_\_\_\_, 2019**

**EFFECTIVE: EIGHT DAYS FOLLOWING  
PUBLICATION AFTER ADOPTION**

An Ordinance to adopt various amendments to the Comstock Charter Township Zoning Ordinance regarding flag pole height, depth-to-width limitations, uses allowed in the commercial districts, fences on corner lots, temporary outdoor sales and service, open air businesses, event barns in the agricultural district, height limits on accessory buildings, gas station canopy lighting and to correct typographical errors; and to repeal all ordinances or parts of ordinances in conflict herewith.

**CHARTER TOWNSHIP OF COMSTOCK  
KALAMAZOO COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION I  
AMENDMENT OF SECTION 8.02.6.A  
FLAG DEFINITION**

Section 8.02.6.A of Article 8.00 of the Comstock Charter Township Zoning Ordinance is hereby amended to read as follows:

Sec. 8.02.6.A Flag.

*Flag.* Not to be considered a sign and exempt from regulation and references, by adopted symbol or logo, a national, state or local governmental recognition. Support poles shall not exceed a height of 100 feet in the commercial and industrial districts and the height requirements for principal buildings within the underlying zoning district in the residential and agricultural districts.

**SECTION II  
AMENDMENT OF SECTION 4.11  
BUILDINGS UPON UNPLATTED LAND**

Subsection 4.11.a. of the Comstock Charter Township Zoning Ordinance is hereby amended by adding Section 4.11.a.3, which section shall read as follows:

Section 4.11.a.3

The lot is the result of the combination of or reconfiguration of two or more lots.

**SECTION III**  
**ADDITION OF NEW SECTION 15.02G**  
**PRIVATE SERVICE CLUBS, FRATERNAL ORGANIZATIONS AND LODGE HALLS**

The Comstock Charter Township Zoning Ordinance is hereby amended by adding a new Section 15.02g, which section shall read as follows:

Section 15.02.g

Private service clubs, fraternal organizations and lodge halls (see Section 21.19).

**SECTION IV**  
**AMENDMENT OF SECTION 4.06**  
**FENCES**

Subsection 4.06.a.2 of the Comstock Charter Township Zoning Ordinance is hereby amended, which section shall read as follows:

Section 4.06.a.2

- (2) In the "R1-A", "R1-B", "R1-C", "RM", and "RSM" zoning classifications, no fence exceeding four (4) feet in height shall be permitted in the required building setback area of any side of the lot abutting a public or private street or a lake. Subject to the limitations of subsection 4.06.c, when located behind the leading edge of the house and in the sideyard as established by the house's orientation to the street, a six-foot tall fence shall be permitted along the property line of the side street abutting a corner lot.

**SECTION V**  
**AMENDMENT OF SECTION 27.50**  
**CONDITIONAL REZONING**

Subsections 27.53 and 27.54 of the Comstock Charter Township Zoning Ordinance are hereby amended to correct a typographical error, which sections shall read as follows:

Section 27.53

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 27.05 of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

Section 27.54

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 27.05 of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 11 of the Township Zoning Act (MCL 125.281), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

**SECTION VI**  
**ADDITION OF NEW SECTION 4.16**  
**TEMPORARY OUTDOOR SALES AND SERVICE**

The Comstock Charter Township Zoning Ordinance is hereby amended by adding a new Section 4.16, which section shall read as follows:

Section 4.16 Temporary Outdoor Sales and Service.

- a. Temporary outdoor sales and service are permitted only on lots where there is an existing lawful business establishment.
- b. Temporary outdoor sales and service uses may not operate on a vacant lot, nor shall they operate on a parking lot on a property on which there is no existing lawful business establishment.
- c. Temporary outdoor sales and service shall be accessory to the principal use on the lot. If the applicant is not the owner of the lot, the applicant shall provide a signed affidavit from the owner giving permission to the applicant to proceed with the application.
- d. Temporary outdoor sales and service shall not be located in the public right-of-way or on public property unless a permit has been obtained from the appropriate public authority. Such uses shall comply with requirements to maintain clear visibility for drivers in Section 4.06.c.
- e. Permit applications for temporary outdoor sales and service shall be reviewed by Township fire, building and zoning officials. A permit may be issued by the Zoning Administrator if the proposed use is in compliance with all of the requirements of this Ordinance. The permit must be maintained on-site and visible at all times.

- f. A temporary use permit shall be effective for thirty (30) consecutive days from the date it is issued. The permit may be renewed for one additional thirty (30) consecutive-day period within a calendar year provided the use has been conducted in accordance with the requirements of this Ordinance. No property shall have temporary outdoor sales and service operating on it for more than sixty (60) days in any calendar year.
- g. A fee for review of an application for a temporary use permit or renewal thereof shall be established by resolution of the Township Board. The fee shall be submitted with the application in order to initiate review.
- h. The property on which the temporary outdoor sales and service is permitted shall be kept in a clean and sanitary condition at all times. All litter and trash shall be removed at the end of each day.
- i. The layout of the site on which a temporary outside sales and service use is located shall permit vehicles to drive into an off-street parking area, so as to not interrupt the flow of traffic on a public street.
- j. Fire Department approval and a building permit shall be required for outdoor sales and services uses proposing to use a tent or other temporary structure exceeding 200 square feet in area.
- k. The area occupied by a temporary outdoor sales and service use shall not exceed 7,500 square feet. No more than one (1) such use shall operate on a lot at a time.
- l. The area occupied by temporary outdoor sales and service activity, plus any required area for emergency vehicles, shall not occupy the required off-street parking for the permanent principal use on the lot. The applicant shall demonstrate that there will remain adequate parking and vehicle maneuvering space for the existing and proposed uses.
- m. Temporary outdoor sales and service shall be located on a paved surface, unless the applicant demonstrates to the Zoning Administrator that another surface will cause no negative consequences in terms of drainage, access, property condition, or neighborhood appearance.
- n. Temporary outdoor sales and service uses located adjacent to residential uses shall not operate after 8:00 p.m. or before 8:00 a.m.

**SECTION VII**  
**ADDITION OF NEW SECTION 15.02.H**  
**TEMPORARY OUTDOOR SALES AND SERVICE**

The Comstock Charter Township Zoning Ordinance is hereby amended by adding a new Section 15.02.h, which section shall read as follows:

Section 15.02.h  
Temporary Outdoor Sales and Service.

**SECTION VIII**  
**ADDITION OF NEW SECTION 18.02.J**  
**TEMPORARY OUTDOOR SALES AND SERVICE**

The Comstock Charter Township Zoning Ordinance is hereby amended by adding a new Section 18.02.j, which section shall read as follows:

Section 18.02.j  
Temporary Outdoor Sales and Service.

**SECTION IX**  
**AMENDMENT OF SECTION 2.01.68**  
**DEFINITIONS**

Subsection 2.01.68 of the Comstock Charter Township Zoning Ordinance is hereby amended, which section shall read as follows:

Section 2.01.68. Open air business uses.

Open air business uses: Open air business uses shall include the following business uses (compare to temporary outdoor sales and service, Section 4.16)

- a. Retail sale of trees (other than pre-cut Christmas trees), shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- b. Retail sale of fruit and vegetables other than at a roadside stand or as a temporary outdoor sales and service use.
- c. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.

- d. Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, rental or repair services.
- e. Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.

This term shall not include temporary, short-term (i.e., four weeks or less per calendar year per organization at a given site) outdoor fund-raising activities conducted by or on behalf of a non-profit tax exempt charitable, religious, fraternal or educational organization (1) at or in the vicinity of the entrance or exit to a building of a lawful business establishment or (2) in the case of a car wash fund-raising activity only, in the parking lot of a lawful business establishment. Such fund-raising activities shall be considered a permitted accessory use, provided such activity is not located in a manner that creates a traffic hazard off-site or safety concern on-site.

**SECTION X**  
**DELETION OF SECTION 21.08H**  
**OPEN AIR BUSINESS**

Subsection 21.08h of the Comstock Charter Township Zoning Ordinance is hereby deleted.

**SECTION XI**  
**ADDITION OF NEW SECTION 2.01.30.A**  
**EVENT BARN**

The Comstock Charter Township Zoning Ordinance is hereby amended by adding a new Section 2.01.30.a, which section shall read as follows:

Section 2.01.30.a

A barn used as a venue for gatherings such as weddings, private parties, meetings and similar events.

**SECTION XII**  
**ADDITION OF NEW SECTION 9.03.BB**  
**EVENT BARN**

The Comstock Charter Township Zoning Ordinance is hereby amended by adding a new Section 9.03.bb, which section shall read as follows:

Section 9.03.bb

Event barn, pursuant to Section 21.24.

**SECTION XIII**  
**ADDITION OF NEW SECTION 21.24**  
**EVENT BARN**

The Comstock Charter Township Zoning Ordinance is hereby amended by adding a new Section 21.24, which section shall read as follows:

Section 21.24 Event barn.

- A. Purpose: To allow event barns as a special exception use in the AGR, Agriculture-Residential District on agricultural or former agricultural properties.
- B. Standards.
1. The event barn and all structures associated with events are subject to the Building and Fire Codes applicable to the intended occupancy.
  2. The access drive shall be at least 20 feet wide, of compact gravel or better surface and on the subject property or, if off-site, in an easement. The driveway is subject to review and approval of the road agency having jurisdiction.
  3. No overnight lodging is permitted.
  4. Handicap parking spaces shall meet the provisions of the Americans with Disabilities Act. Other parking shall be provided with a grass, gravel or better surface.
  5. The hours of any event shall not be later than 11:00 p.m. on Friday or Saturday nights and 9:00 p.m. on other days with music concluding one hour prior to the event ending.
  6. The special exception use permit shall be reviewed by the Planning Commission annually. The Planning Commission may waive this requirement after three years of annual reviews and finding no significant concerns with the facility or its operation.
  7. Information to be provided by the applicant in a conceptual plan and/or as supporting documentation:
    - a. Size of the property and the square footage of the facility as well as a floor plan including a statement indicating the maximum number of attendees per event type.
    - b. Proposed hours of operation including pre and post-event activities on the site.
    - c. Provision for and location of restroom facilities.
    - d. Traffic management plans including access drive location, parking areas and the number of parking spaces.
    - e. Location of exterior lights and the fixture details including proposed hours of use.
    - f. Placement and type of all temporary structures.
    - g. Location of trash receptacles and plans for trash management.
    - h. Proposed exterior signs. Sign permit required.
    - i. Sound amplification details including placement of speakers and amplifiers.
    - j. Number of employees.
    - k. Proposed screening of parking areas, trash receptacles, restroom facilities and other outdoor aspects of the venue.

- k. Other items as deemed necessary by the Planning Commission necessary to complete the review.

**SECTION XIV**  
**AMENDMENT OF SECTION 4.02.11.C.5(A)**  
**ACCESSORY BUILDINGS**

Subsection 4.02.11.c.5(a) of the Comstock Charter Township Zoning Ordinance is hereby amended, which section shall read as follows:

Section 4.02.11.c.5(a).

- (a) Exceed a height of eighteen (18) feet on parcels less than an acre and a height of twenty-two (22) feet on parcels an acre or more in area measured from the building grade to the highest point of the building;

**SECTION XV**  
**ADDITION OF NEW SECTION 8.54.F.1**  
**GAS STATION CANOPY FASCIA**

The Comstock Charter Township Zoning Ordinance is hereby amended by adding a new Section 8.54.F.1 which section shall read as follows:

Section 8.54.F.1 Gas station canopy fascia.

The fascia of a gas station canopy may not be backlit. However, an illuminated accent band, typically used as part of identifying the brand, with a height not more than 33% the height of the canopy fascia is permitted.

**SECTION XVI**  
**AMENDMENT OF SECTION 8.54.G.iii**  
**LIGHTING**

Subsection 8.54.G.iii of the Comstock Charter Township Zoning Ordinance is hereby amended, which section shall read as follows:

Section 8.54.G.iii

Light fixtures beneath gas station canopies shall be fully recessed light fixtures and the total initial lamp output shall be limited to 32 footcandles.



**SECTION XVII**  
**SEVERABILITY**

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the enforceability of the balance of this Ordinance which shall remain in full force and effect.

**SECTION XVIII**  
**REPEAL**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION XIX**  
**EFFECTIVE DATE**

This Ordinance shall take effect eight days following publication after adoption.

Michelle Mohney, Clerk  
Charter Township of Comstock