

**CHARTER TOWNSHIP OF COMSTOCK**

**ORDINANCE NO. 497**

**ADOPTED: NOVEMBER 19, 2018**

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

An Ordinance to adopt various amendments to the Comstock Charter Township Zoning Ordinance to allow for agricultural labor housing and accessory dwelling units, to establish maximum lot coverage requirements and amend the provisions for duplexes; and to repeal all ordinances or parts of ordinances in conflict herewith.

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

**ORDAINS:**

**SECTION I  
ADDITION OF NEW SECTION, SECTION 9.75  
AGRICULTURAL LABOR HOUSING OVERLAY HOUSING DISTRICT**

The Comstock Charter Township Zoning Ordinance is hereby amended by adding a new Section 9.75, which section shall read as follows:

Sec. 9.75 Agricultural Labor Housing Overlay District.

**9.75.1 Statement of purpose.**

The numerous greenhouses and farms throughout the Township are an important part of the Comstock community. The agriculture industry employs a substantial number of migrant workers in planting, cultivating, harvesting, and packaging the many labor-intensive products grown in Comstock Township. Good housing is an essential element in securing an adequate supply of seasonal agricultural workers and the success of the industry in the Township. It is the intent of the following provisions to allow for the establishment of dwellings for migrant laborers serving the agriculture industry in the Township while protecting the short-term and long-term interests of the community by limiting establishment of this housing to properties or parts thereof in this overlay zoning district with underlying zoning of AGR, Agriculture-Residential District or A-H, Agriculture-Horticulture District.

**9.75.1.1 Application Procedure.**

- A. An application for establishment of the Agricultural Labor Housing Overlay District on a property shall be filed by the farmer desiring to build agricultural labor housing.
- B. A conceptual site plan and a legal description shall be submitted for the area of the property desired to be used for agricultural labor housing.

**9.75.2 Uses Permitted.**

A. All permitted uses in the underlying zoning district are permitted in the ALH, Agriculture Labor Housing District.

**9.75.3 Uses permitted only by special exception.**

A. Agricultural Labor Housing.

For purposes of this section, Agricultural Labor Housing (ALH) means one or more dwellings proposed for use by itinerant or migrant labor and may be allowed through the special exception use process of Section 4.13 of this Ordinance provided the requirements of the Michigan Department of Public Health, Agricultural Labor Camp Rules and the following standards are met:

1. ALH dwellings shall not be located on a parcel of less than one (1) acre in area per dwelling unit. Overall density shall not exceed one (1) ALH dwelling unit per acre. Dwellings may be clustered within that area of the property in the overlay zone.
2. When ALH dwellings are located on a non-farm property, maximum lot coverage of all buildings on the parcel may not exceed 10%
3. A site plan adhering to the requirements of Section 22.00 shall be submitted.
4. New buildings built for the purpose of being ALH dwellings shall be setback at least 200 feet from adjacent right-of-way lines and at least 50 feet from side and rear lot lines. The Planning Commission may waive the setback requirements when it determines in its sole reasonable discretion that, based on the nature of the site on which the dwelling(s) is to be located, the nature of the street and properties adjoining the subject property including the setback of the residences thereon and/or the nature of the proposed dwelling(s), such a waiver will not have a material adverse impact upon persons or property in the surrounding area and will otherwise be consistent with the purpose of this section. The Planning Commission may require a berm or landscape plantings to screen the dwellings.
5. When visible from off-site, ALH dwellings should be compatible in appearance with the area in which they are located. Elevation drawings of the proposed ALH dwellings shall be provided for Planning Commission review. Any new building constructed to be an ALH dwelling shall not exceed one story when single story homes are found on a majority of the properties within 500 feet of the ALH dwelling including homes on the opposite side of the street. In no event shall ALH dwellings be more than two stories in height.
6. The minimum distance between ALH dwellings shall be 30 feet. A building located within 30 feet of an ALH dwelling shall be exclusively used by the occupants of the ALH dwelling.
7. Any new ALH dwelling shall be located at least 30 feet from a drive or private road serving more than one ALH building.

8. No outdoor activity may occur between the hours of 12:00 a.m. and 7:00 a.m. other than entering or exiting the property.
9. When public water and sewer are not available to service the dwellings, confirmation from the Kalamazoo County Health and Community Services Department of the adequacy of existing or proposed well and septic systems shall be provided.
10. A statement addressing the planned duration of occupancy of the dwellings and number of occupants shall be included with the application. Except as provided in subsection 11 below, ALH dwellings shall be occupied only by itinerant or migrant farm laborers and shall not be used for any other residential purpose. ALH dwellings shall be secured and checked at least monthly when not occupied to prevent entry by any person but the property owner.
11. If an ALH dwelling is not occupied by an itinerant or migrant worker during two consecutive years, within six months following the end of the second year, the Township shall rezone the property thereby removing the overlay zone in part or whole causing the special exception use approval to terminate in part or whole. The property owner shall then remove the building or with Planning Commission approval convert it to another use allowed in the underlying zoning district when said structure satisfies the State Construction Code requirements for the proposed use or can be altered to achieve compliance.

For new buildings built as an ALH dwelling, a performance guarantee, shall be provided by the applicant to ensure removal or conversion of the ALH dwelling(s), as noted above. The performance guarantee shall be valued at 150% of the cost of removal of ALH dwelling(s). In this regard, the performance guarantee shall, at the election of the applicant, be in the form of cash, surety bond, irrevocable letter of credit or other financial guarantee approved by the Township Attorney and recordable at the Kalamazoo County Register of Deeds, establishing a promise of the applicant and owner of the property to remove or convert the ALH dwellings as required herein, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the Township in securing compliance with this section. Said performance guarantee shall be maintained until such time as the ALH dwellings are removed or converted to another use approved by the Planning Commission. Evidence that the performance guarantee is being maintained shall be provided by the applicant or property owner to the Township annually on or before January 31.

12. The Planning Commission may determine that special conditions of approval may be necessary to insure desirable living conditions for workers and to protect the value and desirability of adjacent properties.
13. All ALH dwelling units shall comply with the Agricultural Labor Camp Rules of the State of Michigan Public Health Code (Part 124 of Act 368 of 1978); notwithstanding that said Act applies to living quarters for five or more migratory workers. Evidence of

such compliance shall be provided to the Township annually on or before January 31 of a year that an ALH dwelling will be occupied by migratory workers. Failure to maintain compliance with such standards shall be grounds for revocation of special exception use approval and overlay zoning for Agricultural Labor Housing by the Planning Commission and Township Board.

14. Any changes to the site plan or building layout due to the Agricultural Labor Camp Rules of the State of Michigan shall be presented to the Planning Commission for review and approval.

**SECTION II**  
**AMENDMENT OF SECTION 9.03**  
**ATTACHED TWO FAMILY DWELLINGS**

Section 9.03s of Article 9.00 of the Comstock Charter Township Zoning Ordinance is hereby amended to read as follows:

9.03s. Attached two-family dwellings (duplexes) under the following conditions:

- A. Each dwelling unit shall contain a minimum of 840 square feet for two bedrooms or less and a minimum of 960 square feet for three bedrooms or more.
- B. Only one two-family dwelling or duplex shall be allowed or permitted on any one lot.
- C. At least two off-street parking spaces shall be provided per dwelling unit with at least one space in an enclosed garage per dwelling unit.
- D. The main floor of and the primary entrance to each dwelling unit shall be built following Universal Design principles including the provision of at least one full bathroom and bedroom on the main floor of the dwelling. The Township shall maintain a list of Universal Design features to be incorporated.

**SECTION III**  
**AMENDMENT OF SECTION 10.03**  
**ATTACHED TWO FAMILY DWELLINGS**

Section 10.03p of Article 10.0 of the Comstock Charter Township Zoning Ordinance is hereby amended to read as follows:

10.03p. Attached two-family dwellings (duplexes) under the following conditions:

- A. Each dwelling unit shall contain a minimum of 840 square feet for two bedrooms or less and a minimum of 960 square feet for three bedrooms or more.

- B. Only one two-family dwelling or duplex shall be allowed or permitted on any one lot.
- C. At least two off-street parking spaces shall be provided per dwelling unit with at least one space in an enclosed garage per dwelling unit.
- D. The main floor of and the primary entrance to each dwelling unit shall be built following Universal Design principles including the provision of at least one full bathroom and bedroom on the main floor of the dwelling. The Township shall maintain a list of Universal Design features to be incorporated.

**SECTION IV**  
**AMENDMENT OF SECTION 2.01.28**  
**DEFINITION OF DWELLING**

The Comstock Charter Township Zoning Ordinance is hereby amended by adding a definition of Accessory Dwelling Unit as subsection f. to Section 2.01.28, Dwelling, which subsection shall read as follows:

2.01.28.f *Accessory dwelling unit:* An accessory dwelling unit (ADU) is an attached or detached, self-contained dwelling unit located on the same premises as an existing single family residence.

**SECTION V**  
**ADDITION OF NEW SECTION, SECTION 21.09**  
**ACCESSORY DWELLING UNITS**

The Comstock Charter Township Zoning Ordinance is hereby amended by adding a new Section 21.09, which section shall read as follows:

Section 21.09 Accessory Dwelling Units.

It is the intent of this section to allow for ADUs within or upon single family properties to allow homeowners to have a supplemental source of income with a long-term tenant as well as other nontangible benefits to older residents such as companionship or a live-in caretaker. It is recognized that ADUs provide an opportunity for affordable housing for young and old households as well as a way for family members to reside nearby with independence. It is further recognized that appropriate limitations are necessary so that ADUs are a compatible and harmonious use in the neighborhoods of the Township. Where contradictions with Section 2.01.28, definition of dwelling, exist, the provisions hereunder shall apply, however the Township Building Code still remains applicable.

1. The following provisions shall apply to all ADUs.
  - A. An ADU may only be established on a lot with a single family dwelling on it.

- B. Only one (1) ADU allowed per lot.
  - C. No more than two individuals may reside in an ADU.
  - D. No more than one bedroom may be provided in the ADU.
  - E. Maximum square footage of the ADU may not exceed 20% of the above grade gross floor area of the principal dwelling unit or 350 square feet, whichever is greater.
  - F. The principal dwelling or the ADU must be declared the main residence of the owner of the lot. A deed restriction stating that the lot is so restricted shall be provided to the Township by the property owner in a format suitable for recording with the Kalamazoo County Register of Deeds.
  - G. The ADU and modifications to an existing residence for an ADU shall be of similar or better workmanship as the principal dwelling unit, shall not detract from the single-family character and appearance of the principal residence and shall be aesthetically compatible in appearance with other residences in the area.
  - H. For attached ADUs: the principal residence shall have no external evidence of the ADU other than a separate entrance/exit. If provided on the exterior, the entrance/exit to the ADU shall be located on the side or rear of the building when not shared with the principal residence.
  - I. For new home construction incorporating an ADU, at least one of the dwelling units shall incorporate Universal Design principles on the main floor of the dwelling unit.
  - J. Mobile homes, shipping containers and trailers on wheels shall not be considered an ADU for purposes of this section.
  - K. An ADU shall be connected to a water supply and sanitary facilities.
  - L. When the ADU will be served by a well and/or septic system, written verification of an existing system's adequacy to serve the ADU and/or a permit from the Kalamazoo County Environmental Health Department for new or replacement well and/or septic system shall be provided to the Township.
  - M. The principal residence and the ADU shall share the same vehicular access to the lot.
  - N. If garage floor area is converted for an ADU, replacement off-street parking shall be provided for the principal residence.
  - O. In addition to the required off-street parking for the principal residence, one additional off-street parking space shall be provided for the ADU.
2. Unless waived by the Planning Commission, pursuant to the factors listed below, the following additional provisions shall apply to detached ADUs that are neither structurally attached to the principal dwelling, within the principal residence nor in the principal accessory building (garage) serving the residence, along with those conditions reasonably imposed by the Planning Commission during the special exception use process:
- A. Minimum lot area of 1.5 acres.

- B. The ADU must be located in the rear yard.
- C. The ADU must be located closer to the principal dwelling on the lot than the ADU is located to the principal dwelling on an adjacent property.
- D. Universal Design principals shall be fully incorporated.
- E. The height of the ADU may not exceed 18 feet.
- F. The requirements and lot coverage limitations of Article 23, Schedule of Regulations shall be satisfied.
- G. The ADU shall be properly maintained at all times pursuant to the International Property Maintenance Code and shall at no time fall into disrepair such that it detracts from the appearance of the property or the nearby properties.
- H. When not occupied for a continuous period of 12 months or more, the ADU shall be removed from the property.

The Planning Commission shall consider the following factors when a waiver of any of the provisions of Section 2, above, is requested:

- A. The topography and/or wooded nature of the subject property and how it reduces the visibility of or screens from view the ADU.
- B. A unique design is proposed preventing or reducing the ability to comply with items 2D and/or 2E, above.
- C. Principal and accessory buildings on the subject property or nearby properties would support a waiver.

**SECTION VI**  
**ADDITION OF NEW SECTION, SECTION 9.52k**  
**ACCESSORY DWELLING UNIT**

The Comstock Charter Township Zoning Ordinance is hereby amended by adding a new Section 9.52k, which section shall read as follows:

Section 9.52k Accessory Dwelling Unit, subject to Section 21.09.

**SECTION VII**  
**ADDITION OF NEW SECTION, SECTION 10.021**  
**ACCESSORY DWELLING UNIT**

The Comstock Charter Township Zoning Ordinance is hereby amended by adding a new Section 10.021, which section shall read as follows:

Section 10.021 Accessory Dwelling Unit, subject to Section 21.09.

**SECTION VIII**  
**ADDITION OF NEW SECTION, SECTION 9.03bb**  
**DETACHED ACCESSORY DWELLING UNIT**

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

Section 9.03bb Detached Accessory Dwelling Unit, subject to Section 21.09.

**SECTION IX**  
**ADDITION OF NEW SECTION, SECTION 9.53i**  
**DETACHED ACCESSORY DWELLING UNIT**

The Comstock Charter Township Zoning Ordinance is hereby amended by adding a new Section 9.53i, which section shall read as follows:

Section 9.53i Detached Accessory Dwelling Unit, subject to Section 21.09.

**SECTION X**  
**ADDITION OF NEW SECTION, SECTION 10.03a**  
**DETACHED ACCESSORY DWELLING UNIT**

The Comstock Charter Township Zoning Ordinance is hereby amended by adding a new Section 10.03a, which section shall read as follows:

Section 10.03a Detached Accessory Dwelling Unit, subject to Section 21.09.

**SECTION XI**  
**AMENDMENT OF ARTICLE 23**  
**SCHEDULE OF REGULATIONS**

The Comstock Charter Township Zoning Ordinance is hereby amended by adding a Maximum Lot Coverage by Buildings provision to the Schedule of Regulations of Article 23 along with a new footnote, footnote q., which shall read as follows:



**ARTICLE 23 - SCHEDULE OF REGULATIONS**

<b>ZONING DISTRICT</b>	<b>MINIMUM YARD SETBACKS REQUIRED (FT) <sup>b,c,d</sup></b>										
	<b>MINIMUM LOT SIZE<sup>2</sup></b>		<b>MAXIMUM BUILDING HEIGHT<sup>a</sup></b>		<b>SIDE YARD</b>				<b>REAR YARD</b>	<b>MINIMUM FLOOR AREA PER DWELLING UNIT<sup>e</sup></b>	<b>MAXIMUM LOT COVERAGE BY BLDGS</b>
	<b>MINIMUM LOT AREA</b>	<b>MINIMUM LOT WIDTH</b>	<b>STORIES</b>	<b>FEET</b>	<b>FRONT YARD</b>	<b>ONE MUST BE AT LEAST</b>	<b>THE OTHER MUST BE AT LEAST</b>				
<b>Agriculture-Residential (AGR)</b>	One (1) Acre	165 ft.	2	35	30	10	5	35	960 s.f. single-story 750 s.f. ground floor two-story	10	
<b>Single-Family Residential (R1-A)</b>											
<i>Unplatted</i>											
Without water and/or sewer	One (1) Acre	165 ft.	2	25	30	10	5	35	Same as above	20	
With water and sewer	¾ Acre	150 ft.	2	25	30	10	5	35	Same as above		
<i>Platted</i>											
Neither water nor sewer	13,200 s.f.	100 ft.	2	25	30	10	5	35	Same as above	20	
With water or sewer	12,000 s.f.	90 ft.	2	25	30	10	5	35	Same as above		
With water and sewer	10,000 s.f.	80 ft.	2	25	30	10	5	35	Same as above		
<b>Single-Family Residential (R1-B)</b>											

<i>Unplatted</i>											20
Without water and/or sewer	¾ Acre	150 ft.	2	25	30	10	5	35	Same as above		
With water and sewer	½ Acre	125 ft.	2	25	30	10	5	35	Same as above		
<i>Platted</i>											20
Neither water nor sewer	13,200 s.f.	100 ft.	2	25	30	10	5	35	Same as above		
With water or sewer	12,000 s.f.	85 ft.	2	25	30	10	5	35	Same as above		
With water and sewer	9,000 s.f.	75 ft.	2	25	30	10	5	35	Same as above		
<b>Open Wetlands (OW)</b>											20
	One (1) Acre	200 ft.	2	25	30	15	15	35	960 s.f. single-story 750 s.f. ground floor two-story		
<b>Agriculture-Horticulture (A-H)</b>											
<i>Greenhouses</i>	One (1) Acre	100 ft.	2	25	20	5	5	10	—	*	
<i>Residential</i>											
<i>Unplatted</i>											20
Without water and/or sewer	¾ Acre	150 ft.	2	25	25	8	7	25	960 s.f. single-story 750 s.f. ground floor two-story		
With water and sewer	½ Acre	125 ft.	2	25	25	8	7	25	Same as above		
<i>Platted</i>											20

Neither water nor sewer	13,200 s.f.	100 ft.	2	25	25	8	7	25	Same as above
With water or sewer	12,000 s.f.	85 ft.	2	25	25	8	7	25	Same as above
With water and sewer	9,000 s.f.	75 ft.	2	25	25	8	7	25	Same as above

**Cluster Housing (R1-C)**

Single-Family

*Unplatted*

Without water and/or sewer	½ Acre	125 ft.	2	25	25	10	5	35	960 s.f.	20
With water and sewer	13,200 s.f.	100 ft.	2	25	25	10	5	35	960 s.f.	

*Platted*

Neither water nor sewer	13,200 s.f.	100 ft.	2	25	25	10	5	35	960 s.f.	20
With water or sewer	12,000 s.f.	80 ft.	2	25	25	10	5	35	960 s.f.	
With water and sewer	8,500 s.f.	70 ft.	2	25	25	10	5	35	960 s.f.	

Two-Family & Multiple-Family

6,600 s.f.  
per  
dwelling  
unit

100 ft. <sup>P</sup>

2      25      25      f      f

35

720 s.f. - 1  
bedroom  
unit  
840 s.f. - 2  
bedroom  
units  
960 s.f. - 3  
bedroom  
units

20

**Multiple-Family Residential (RM) <sup>m</sup>**

Single-Family & Two-Family

*Unplatted*

Without water and/or sewer	½ Acre	125 ft.	2	25	25	10	5	25	960 s.f.	20
With water and sewer	13,200 s.f.	100 ft.	2	25	25	10	5	25	960 s.f.	

<i>Platted</i>											20
Neither water nor sewer	13,200 s.f.	100 ft.	2	25	25	10	5	25	960 s.f.		
With water or sewer	12,000 s.f.	80 ft.	2	25	25	10	5	25	960 s.f.		
With water and sewer	8,500 s.f.	70 ft.	2	25	25	10	5	25	960 s.f.		
<i>Other</i>	g	*	3	40	25	f	f	25	h	*	
<b>Senior Citizens Multiple-Story Residential District (RSM)</b>	Five (5) Acres	400 ft.	3 min.	70	75	50	50	50	475 s.f. - 1 bedroom 600 - s.f. 2 bedrooms		20
<b>Mobile Home Park (RMH)</b>	5,000 s.f.		1	20	15 <sup>1</sup>	10 <sup>1</sup>	10 <sup>1</sup>	20 <sup>1</sup>	720 s.f.		*
<b>Office District (O-1)</b>	*	*	2	25	25	10	10	20	*		20
<b>Neighborhood Business (B-1)</b>	*	*		25	25	10	10 <sup>k</sup>	20	*		20 <sup>q</sup>
<b>Community Business (B-2)</b>	*	*		30	40	10	10 <sup>k</sup>	20	*		*
<b>General Business (B-3)</b>	*	*		30	40	10	10 <sup>k</sup>	20	*		*
<b>Light Manufacturing (LM)i</b>	*	*		40	25	20	20	20	*		*
<b>Restricted Industrial District (LD)</b>	*	*		*	*	*	*	*	*		*
<b>Manufacturing (M)i</b>	*	*		45	40	30	30	50	*		*

\*While no specific standards may be included herein, attention is directed to other applicable regulations in this ordinance for specific intended uses.

(2) Any minor irregularities or variances are subject to approval of Zoning Board of Appeals.

**footnote:**

<sup>q</sup> Does not apply to those lots within the Town Center land use classification on the Future Land Use Map.

**SECTION XII**  
**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 XIII**  
**REPEAL**

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

**SECTION XIV**  
**EFFECTIVE DATE**

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

Michelle Mohny, Clerk  
Charter Township of Comstock