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**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

**Regular Meeting
Thursday, March 12, 2020
6:00 p.m.
AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: February 27, 2020
6. **Public Hearing: Accessory Buildings**
Consideration of amendments to Section 57.100 – Accessory Buildings, for recommendation to the Township Board.
7. Old Business
8. Other Business
9. Planning Commissioner Comments
10. Adjournment

**Policy for Public Comment
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Grant Taylor	216-5221	gtaylor@oshtemo.org
<u>Trustees</u>		
Cheri L. Bell	372-2275	cbell@oshtemo.org
Deb Everett	375-4260	deverett@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Ken Hudok	548-7002	khudok@oshtemo.org

Township Department Information		
<u>Assessor:</u>		
Kristine Biddle	216-5225	assessor@oshtemo.org
<u>Fire Chief:</u>		
Mark Barnes	375-0487	mbarnes@oshtemo.org
<u>Ordinance Enf:</u>		
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org
<u>Parks Director:</u>		
Karen High	216-5233	khigh@oshtemo.org
Rental Info	216-5224	oshtemo@oshtemo.org
<u>Planning Director:</u>		
Iris Lubbert	216-5223	ilubbert@oshtemo.org
<u>Public Works:</u>		
Marc Elliott	216-5236	melliott@oshtemo.org

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

DRAFT MINUTES OF A REGULAR MEETING HELD FEBRUARY 27, 2020

Agenda

PUBLIC HEARING: FRUIT BELT TRAIL

OSHTEMO TOWNSHIP REQUEST FOR SPECIAL USE APPROVAL FOR A TWO-MILE-LONG NONMOTORIZED TRAIL EXTENDING FROM FLESHER FIELD TO THE TOWNSHIP'S SOUTH BORDER.

PUBLIC HEARING: LIGHTING ORDINANCE

CONSIDERATION OF AMENDMENTS TO ARTICLE 54 - LIGHTING ORDINANCE, FOR RECOMMENDATION TO THE TOWNSHIP BOARD.

New Business

SITE PLAN REVIEW: MAPLE HILL AUTO EXPANSION

MAPLE HILL LEASEHOLDS, LLC IS REQUESTING A SITE PLAN APPROVAL FOR A 3,130 SQUARE FOOT BUILDING EXPANSION AT 6883 WEST MAIN STREET, A PREVIOUSLY APPROVED VEHICLE DEALERSHIP.

PROPOSED ZONING ORDINANCE UPDATE: ASSEMBLY AND CONVENTION HALLS

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, February 27, 2020, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Bruce VanderWeele, Chair
Ron Commissaris
Dusty Farmer
Micki Maxwell, Vice Chair
Anna Versalle
Chetan Vyas

MEMBER ABSENT: Mary Smith

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, Karen High, Parks Director and Martha Coash, Meeting Transcriptionist. Approximately 35 other persons were in attendance.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m.

Approval of Agenda

Hearing no suggestions for change, Chairperson VanderWeele let the agenda stand as presented.

Public Comment on Non-Agenda Items

Hearing no comments, Chairperson VanderWeele moved to the next agenda item.

Approval of the Minutes of the Meeting of February 13, 2020

Chairperson VanderWeele asked if there were additions, deletions, or corrections to the Minutes of the Meeting of January 30, 2020.

Hearing none, he asked for a motion.

Mr. Commissaris made a motion to approve the Minutes of the Meeting of February 13, 2020 as presented. Ms. Versalle seconded the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next agenda item.

PUBLIC HEARING: FRUIT BELT TRAIL **OSHTEMO TOWNSHIP REQUEST FOR SPECIAL USE APPROVAL FOR A TWO-MILE-LONG NONMOTORIZED TRAIL EXTENDING FROM FLESHER FIELD TO THE TOWNSHIP'S SOUTH BORDER.**

Ms. Lubbert said the applicant was requesting Special Use approval to permanently preserve and dedicate 35 acres of land to outdoor public recreation, specifically to install a nonmotorized trail extending from Flesher Field to the Township's south border. As the property was formerly part of the Fruit Belt Railway Line, that once ran from Kalamazoo to South Haven, the trail will be named the Fruit Belt Trail. The property is currently owned by Ameritech Michigan Co. and is being used for underground telecommunications.

The proposed trail will be 8' to 10' wide and two miles long. The trail surface will be crushed stone, similar to the Kal-Haven Trail. If approved, permitted uses for the trail will include walking, bicycling, cross-country skiing, and similar non-motorized uses. Off-road vehicles, such as ATVs and four-wheelers, will be prohibited.

She indicated in 2017 the Township conducted a Citizen Engagement and Priority Survey to help policy makers understand community values. This survey consisted of feedback from a random sample of 1,500 residents drawn from voter records. When asked what their top budget priorities would be for their Township, 43% of the sample identified the addition of bike/walk paths and 32% identified parks. As

Oshtemo Township continues to grow—in population, housing, and other development — there is ultimately a loss of open space and natural areas and an increased need for connectivity. Recognizing the pressures of growth and residents’ interest in parks, recreation, and nonmotorized transportation, the Township adopted the *GO! Green* Oshtemo Plan on February 12th, 2019.

Ms. Lubbert explained public participation played an integral role in the *Go! Green* Oshtemo planning process, including: study groups that met multiple times over 6-8-months, three public outreach meetings, an online community survey (to which over 200 residents responded), and three public hearings. The public hearings were held in November 2018, January 2019, and February 2019. Consistently throughout the process, when asked what their top three improvements would be to Oshtemo’s park system, most citizens noted their desire for more walking/biking trails.

The focus of the *Go! Green* Oshtemo plan quickly became about connections. There was an identified need to connect residents to amenities. As a community that sustains both a suburban and rural environment, linking these dual characteristics is critical to enriching all lifestyles. A Conceptual Framework Map was created and used as a guide to capture the community’s “big picture” vision for a nonmotorized network that would link the Township east to west, through parks and conservation. Using the Conceptual Framework map as a guide and existing infrastructure both within and adjacent to Township boundaries, the Nonmotorized Transportation Network Map was created as part of *Go! Green* Oshtemo’s implementation plan.

She said the underlying goals of the Nonmotorized Transportation Network Map are to create a network of links to adjacent jurisdictions, provide access to destinations within and around the Township, and ensure a system of “loop connections” throughout the community. The *Go! Green* Oshtemo Plan identifies the proposed trail currently under consideration as a priority. This trail would support area residents with both recreational needs, connections to important destinations (ex. Flesher Field and Oshtemo Village), and eventually allow for further nonmotorized network connections east to 11th Street and west to Texas Township. Approval of this special use request is a large step in implementing the *Go! Green* Oshtemo Nonmotorized Plan and the public’s vision of a connected community.

She explained Oshtemo Township was considering a grant request to the Michigan Natural Resources Trust Fund (MNRTF) to pay for the purchase of this property. The application deadline for submission is April 1, 2020. Notification of approval or disapproval from MNRTF would be received by December 20, 2020. If a MNRTF grant is awarded, which the application for is contingent on this approval, Oshtemo could acquire the property no sooner than the summer of 2021. Per the grant requirements, the land would be dedicated to outdoor public recreation in perpetuity. Ameritech would retain a telecommunications easement. A development grant would then be sought to pay for installation of the 8’ to 10’ wide trail. She added that prior to installation the trail will need to be designed. Although no additional review would be required by the Planning Commission at this phase open houses sharing the designed

plans will be held to gain additional public input. The design can be altered to address concerns from the public. She reiterated that approval of this Special Use request is really the first phase in the project.

Ms. Lubbert indicated the entirety of the property in question is zoned RR, Rural Residential. Uses permitted in the RR zoning district are outlined in Section 5.40 of the Township's Zoning Code. *Golf Courses, Parks, & Outdoor Recreational Areas* are identified as a Special Use within this section and require review and approval of the Planning Commission. When reviewing a Special Use there are two sets of criteria that need to be considered: the general Special Use review criteria outlined in Section 65.30 and the specific requirements for the use in question outlined under Section 49.90. Below is an analysis of the proposal against these two Sections. Overall, she said the requirements of both Section 65.30 and Section 49.90 have been met and provided the following detailed information regarding compliance:

Section 65.30: Special Use Review Criteria

- A. Master Plan/Zoning Ordinance: The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the District in which the use is located.**

Master Plan: *The GO! Green Oshtemo Master Plan*, approved by the Township Board on February 12, 2019, shows the proposed trail on the Conceptual Framework Map and the Nonmotorized Network Map. In addition, Appendix E of the Nonmotorized Action Plan: Off Road Facilities, identified this proposed trail as one of the first new off-road facilities for the Township to pursue:

“Utilizing established easements and/or properties owned by a governmental or quasi-governmental entity, with the approval of the easement or property holder, can assist with the development of the trail. The first trail under consideration is the AT&T corridor that runs from Flesher Field Park southwest through the Township to the Texas Township border. This trail would support area residents with both recreation needs and connections to important destinations like Flesher Field and Oshtemo Village”.

Park property acquisition is also supported in the *GO! Green Oshtemo Plan*. According to the Trends and Needs section of the report, Oshtemo's population is expected to increase by 47% by 2040. By 2021, approximately 21% of the Township's population will be 65 years and older. More than 13% of the population has a disability, and this number increases as the population ages. Implications of this population increase include: more parks will be needed, loss of open space and natural areas will occur as new development is constructed, and multi-modal and accessible facilities will be critical. The proposed use will add two miles of nonmotorized trail and approximately 35 acres of land permanently preserved and dedicated to outdoor public recreation.

Zoning Ordinance: The intent of the RR District, outlined in Article 5, is “to protect the quality of the overall environment of Oshtemo Township while satisfying the desire for a semi-rural lifestyle...” by “...conserve(ing) open space, fallow land, wooded areas, and wetlands”. All uses outlined in this Article, whether a permitted use, permitted use with conditions, or a special use, are generally considered compatible with this district’s intent. The proposed two-mile-long nonmotorized trail is an identified special use within this district and therefore consistent with the district’s intent.

Site Plan Review: The Site Plan Review Criteria of Section 64.80. - A conceptual plan has been provided which is in compliance with the requirements of the Zoning Ordinance. However, although an engineered site plan is not required at this time, construction details and engineering documents will be required to be submitted for review and approval by Oshtemo Township’s Civil Engineer and any other applicable regulatory entities prior to installation.

Note - If additional parking or trail head facilities are deemed necessary in the future, those facilities will be required to go through the Special Use review processes and require a public hearing.

B. Impacts:

- 1. The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.** - The subject property is approximately 150’ wide and the proposed trail is 8’-10’ wide. This will allow for approximately 70’ of setback from adjacent properties on each side of the trail. Park boundary signs are proposed where existing trails on private property intersect with the proposed trail. Aside from the installation of the trail itself the remainder of the property, including landscaping and any natural features, will remain untouched. The 70’ of natural buffer between the trail and any existing uses will help maintain and protect the existing character of the area.
- 2. Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.** - The applicant was aware of one house located at 4310 S 7th Street that is particularly close to the proposed trail. To reduce the potential for negative impacts to this property owner, the applicant offers to coordinate with the property owner and install a landscaping buffer and/or a 6’ tall privacy fence for screening near the house. In addition, there are two properties that have

land on both sides of the trail. Access easements will be provided to allow these property owners to cross the trail.

7th Street dead ends before reaching any public property that connects to the proposed trail. This means there is no legal access from 7th Street to the trail without trespassing on private property. To help mitigate any private trespass at this location, signs will be installed along 7th Street to notify visitors that trail access and parking are not permitted in this area. Signs will direct trail users to 6th Street or Flesher Field.

The Zoning Ordinance currently does not have a minimum required number of parking spaces for a trail. However, trail users will have access to the existing parking lot at Flesher Field. If additional parking is deemed necessary, an additional parking lot can be provided where the trail intersects with 6th Street.

- 3. The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, or visual clutter.** – There is an existing footpath that runs with this property that is being utilized by residents as an unofficial trail. Oshtemo Township has received complaints of off-road vehicles being used along the stretch. Officially implementing a trail where only nonmotorized uses will be allowed would mitigate this issue and minimize impacts such as noise, traffic, or dust. Trail hours will be sunrise to 30 minutes after sunset.
- C. Environment: The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.** - No changes to the site are planned that would negatively impact existing natural features.
- D. Public Facilities: Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.** - Trail users will have access to the existing restrooms and parking lot at Flesher Field. If additional restrooms or parking are needed in the future, a restroom and parking lot could be provided where the trail intersects with 6th Street. Stop signs are proposed in each direction where the proposed trail crosses 6th Street. To ensure the safety of trail users, both a “stop sign ahead” and a stop sign are proposed. The Fire Marshal requested that any future gates installed across the trail be accessible to the Fire Department.
- E. Specific Use Requirements: The Special Use development requirements of Article 49.** - All of the specific use requirements outlined in Section 49.90 have been met, see below.

Section 49.90: Golf Courses, Parks, and Outdoor Recreational Areas

- A. The principal uses shall be an outdoor activity compatible with the other principal uses permitted in the particular zoning classification. - If approved, permitted uses for the trail would include walking, bicycling, cross-country skiing, and similar non-motorized uses. Off-road vehicles, such as ATVs and four-wheelers, would be prohibited.**
- B. Concession stands, pro-shops, clubhouses, equipment repair facilities, and other incidental commercial type uses shall be permitted provided they are located so as to minimize any adverse effects upon adjoining residential property owners and are operated for the purpose of serving patrons of the principal use and not the adjoining community or transient motorists.** - No commercial uses are proposed.
- C. No overnight accommodations other than a single-family dwelling for the owner or manager of the facility shall be allowed unless expressly approved by the Planning Commission in granting a Special Use hereunder.** – Trail hours will be sunrise to 30 minutes after sunset. No overnight accommodations are proposed.
- D. Adequate public restrooms and other facilities shall be constructed and properly maintained, commensurate with the anticipated popularity of the particular use involved.** - Trail users will have access to the existing restrooms at Flesher Field. If additional restrooms are needed in the future, a restroom could be provided where the trail intersects with 6th Street.
- E. Rubbish disposal shall be handled in such a manner as will avoid any littering upon adjoining properties and will minimize any adverse effects from noise, odor or dust to adjoining properties.** – The submitted maintenance plan outlines a schedule for mowing, litter pick-up, and related issues.
- F. Off-street parking shall be required on the site located in areas which will minimize any adverse effects upon adjoining property owners and shall be sufficient to satisfy peak periods of use and in compliance with the provisions of Article 52.** Trail users will have access to the existing parking lot at Flesher Field. If additional parking is needed in the future, a parking lot could be provided where the trail intersects with 6th Street.
- G. Fencing may be required by the Planning Commission where deemed necessary to prevent trespass onto adjoining residences or residentially zoned property.** - The applicant is proposing to install landscaping and/or a 6' tall privacy fence along the proposed trail neighboring the residence at 4310 S 7th Street. The applicant is open to additional screening or fencing that the Planning Commission would deem necessary.

- H. The placement of any trails, roads, runs, obstacle courses or similar roadways or pathways shall be in such locations as to minimize any adverse effects of noise, traffic or dust upon adjoining residents and shall, where the Planning Commission deems necessary to dissipate noise emanating therefrom, be screened.** – The subject property generally runs along the back of large properties and is approximately 150’ wide. The proposed trail is 8’-10’ wide. This will allow for approximately 70’ of setback from adjacent properties on each side of the trail. The 70’ of natural buffer between the trail and any existing uses on neighboring properties will help maintain and protect the existing character of the area. Park boundary signs are proposed where existing trails on private property intersect with the proposed trail. Aside from installation of the trail itself the remainder of the property, including landscaping and natural features, will remain untouched. Off-road vehicles, such as ATVs and four-wheelers, will be prohibited to minimize impacts such as noise, traffic or dust.
- I. Equipment storage buildings and other such buildings of a commercial nature shall be screened from adjoining residential properties.** - No storage buildings are being proposed. However, there is an existing small utility building on the west side of 6th Street.
- J. The Planning Commission shall have the right and authority to impose additional restrictions and conditions as may be necessary for the protection of the health, safety and welfare of any resident on adjoining property and to ensure that any noise, odors, traffic or other activities incident thereto have a minimum impact upon the general area in which the same is located.** – The applicant is open to any additional restrictions the Planning Commission deems necessary.
- K. The application for a Special Use must contain a plan for insuring adequate supervision of a recreation area and all activities therein.** – The submitted maintenance plan outlines a schedule for mowing, litter pick-up, and related issues.

Ms. Lubbert said as the proposed two-mile-long nonmotorized trail meets all requirements for a Special Use in the RR zoning district and is consistent with the Township’s Master Plan. Township staff recommended the Planning Commission approve the requested Special Use request with the following conditions:

1. Prior to installation of the trail, construction details and engineering documents will be required to be submitted for review and approval by Oshtemo Township’s Civil Engineer and any other applicable regulatory entities.
2. Trail hours will be sunrise to 30 minutes after sunset.
3. If additional restrooms and/or parking are deemed necessary, a restroom and/or parking lot will be provided where the trail intersects with 6th Street. The installation of this parking lot or a trail head will be required to go through the special use review processes and a public hearing.

4. Stop signs will be installed along the trail both east and west of 6th Street.
5. Applicant to coordinate with property owners at 4310 S 7th Street (and others) regarding a landscaping buffer or a privacy fence to screen the existing residence from the trail.
6. A sign will be installed alerting potential trail users that there is no public access or parking at the end of 7th Street.
7. Access easements will be provided to properties that have land on both sides of the trail.
8. If gates are installed across the trail in the future, they will be accessible to the Fire Department.
9. When the trail is being designed an open house will be held with neighboring property owners.

Chairperson VanderWeele thanked Ms. Lubbert for her presentation and asked whether Commissioners had any questions for her. Hearing none, he moved to a public hearing. Prior to asking those present for comments, Ms. Lubbert reported six written communications were received on this topic from residents and community organizations, all in support of the Special Use request. She read those from residents and indicated all six communications would be attached to the minutes of this meeting.

Chairperson VanderWeele asked whether there were audience members who wished to comment.

Mr. Tim Miller, 4310 S. 7th Street, said he owns land on both sides of the trail and is 100% opposed to the trail. He added that there is already a gravel walkway through the area that it being used by the public. He noted that those who are currently using this "trail" are trespassing. He felt his security, privacy, and land will be "out the window" if the trail is developed. Oshtemo Township does not yet own the land. He indicated he had a petition signed by 7th Street neighbors also opposed to trail development. He provided the petition to Ms. Lubbert.

Ms. Gail Miller, 4310 S. 7th Street, said this proposed trail runs through her property and will put a target on her back. She would like to request a special hearing to discuss this project in more detail. She added that her property is 84 acres and her home is isolated in its center; this trail which would run close to her house will put her in danger. She has been able to wander on her wooded property, a safe haven, and questioned it being opened to the public, which would put her life in danger 24/7. She added that part of her property was sold and the new owner's dreams will be blown away if the project moved forward. Ms. Gail Miller questioned the ability of the Township to buy the property noting that ATT/Ameritech owns an easement and not the land. Based on her research ATT/Ameritech has deeds that go back to 1847; all list this as a right of way. She requested documentation to show her Ameritech's ownership. She has been told that Attorney Porter has checked the deeds but feels that is still questionable. She said the land is private personal property and mentioned the possibility of a lawsuit. She indicated she has already lost 11 acres of her land to the ITC line and repeated her request for a special hearing.

Mr. Zak Ford, 6812 Pennington and Oshtemo Township Trustee, said he was attending the hearing as a resident. He indicated development of the trail would contribute to a vibrant community and supported the Special Use approval.

Mr. Chris Kurtz, 4530 S. 6th Street, noted that he spoke on behalf of his parents, who reside at 4232 S. 6th Street, and himself. He posed several questions: how the trail would be monitored for safety and security, how adjacent properties would be affected, how snowmobiles would be handled, what is being considered for trail user safety, and how visitors will be kept from parking in undesignated areas. He stated S. 6th Street has a lot of traffic with a 55-mph speed limit and limited visibility. There will be risk to people crossing the street, requiring preventive measures. He noted that he is against the trail but that if it is approved that his questions be strongly considered in its design and implementation.

Mr. Greg Keebler, 7280 W. N Avenue, said he was opposed to the trail for a number of reasons already stated by others. He noted his property is 150 yards from the trail and he has security concerns. The woods back up to the edge of his property and people trespass already. If the development is done trespassing will increase, and he wondered how that can be prevented. Hunting will have to be shut down. He said 150 yards referred to as a "sliver" is not a sliver if you own property on either side. He said Consumers Energy wants more of his land and he is fighting them now. He referred to concerns from residents along the Kal-Haven trail and reiterated he is truly opposed to development of the trail.

Mr. Brown, 4814 Opark, said it is not unheard of to have jeeps, quads, etc. on the trail now and asked what might be done about trash dumped on the trail. He said he'd like to see how a family with someone in a wheelchair and someone on a bike could safely cross S. 6th St. and challenged Commissioners to come see how difficult it is to cross S. 6th St. Who will police the trail, keep it safe, monitor use, and keep it clean? He also noted he finds hunters/deer blinds all the time now. Hunting will put families using the trail in danger.

Mr. Dick Skalski noted his past service on the Planning Commission and that he was a part of the development of the Kalamazoo River Valley Trailway Plan, during which the same concerns were heard. He noted that senior residents who lived in nearby condos were completely opposed to it at first. Prior to the trail development Van Buren County reported vandalism and beer parties, etc. But that all of that type of activity disappeared after the trail was installed. Seniors from the condos later became supportive of the trail and even requested a bench be installed so they could watch the activity on the trail. He added that the building sites in a new development that were closest to the trail were the properties that sold first. He said he understands neighbors' fears, but experience shows trail users chase away the crime. He supports the trail development and said he has documentation on how to address safety when the trail is developed that he would be happy to share.

Mr. Mark Jackson, 6256 Winddrift Avenue, said he supports the trail development. He has used trails in several Midwest states and his experience is that once open to the public, people who use trails respect and enjoy them as well as the property around them. He understood residents' concerns, but users appreciate and respect the opportunity to use the trails.

Ms. Kelly Hicks, 4204 Carver Drive, said she is a neighbor and a user of the trail about 300 days of the year. She said she stands with the neighbors and is opposed to trail development. She noted loss of property to ITC and poachers. Things residents have concerns about have, in fact, already been happening. People find the trail now and leave a lot of trash. The property is in the middle of nowhere and the wild trail is delightful. It cannot be policed. She suggested appreciating it for what it is now.

Ms. Pam Jackson, 6256 Winddrift, said her family moved to their current location in order to be near the Kal-Haven Trail. She does not see trash there; when trails go in they stay clean. The people who use the trails police themselves. She noted her support of the project.

A woman who declined to identify herself stated the meeting flyer addressing the proposed trail included "magical" facts and said the railway did not go to South Haven, but rather to Mattawan and was sold to AT & T in the late 1920s. She questioned the methodology used to develop the Go! Green plan, saying it was more suited to a heavy urbanized area when Oshtemo is 2/3 rural. The Local Walking Path chart says the need is unknown, so how can it be a priority? The trail is to connect to important destinations such as Flesher Field and Oshtemo Village, but from what? The trails are fragmented – the trail in front of the Township Hall is an example. A two-mile trail will be another fragment. One will have to drive there to get to it. It does not go anywhere. Improvement to sub-division access is needed. Maple Hill Drive is not plowed or maintained. There is erosion at the Township Park. There are contradictions in the plan. She noted her opposition to the special use request.

Mr. Paul Seldon, the President of Bike Friendly Kalamazoo, noted that he has biked and walked 100s of miles of trails in and out of the county. He likes to make bike facilities a destination in his travels. He deeply respects the concerns of residents as well as the Board for listening to their concerns. He expects that the Board will address the expressed concerns and other considerations on the facts. He respected Mr. Skalski's expertise and echoed his comments. The benefits of establishing trails are long established and easy to research. They are an asset to property around them. He has not seen litter during his use of hundreds of miles of trails, including multi-use trails. Law enforcement has addressed issues to the success of trails in many communities and he did not doubt that would be the experience here. The trail will be connected in the future. He supported the recommendation before the Commission brought by Staff and expected legitimate concerns will be worked out in the future.

Mr. Themis Corakis, 7018 W. N Avenue, said his property abuts the trail. He expressed his concerns about the proposed use. How will police address problems after

“30 minutes after sunset?” People walk up close to his back door now. There are endangered species, a type of turtle, there – how will they be kept safe? Who will clean up the beer cans now after campfires? He will call 911 when trespassing occurs. He is against walking, biking and cross-country skiing along this path.

Mr. Dan Tamerman said he was a long-time resident of Oshtemo. A member of the Great Lakes Adventure Club, he supports the development of the trail. He noted the “Adopt a Highway” program includes many bike clubs who clean up trails and highways.

Ms. Shelly Corakis, 7018 W. N Avenue, was opposed to the trail for the same reasons as stated by others, but felt the plan seems to be a big waste of money. There are dangerous steep drop-offs there. She said she is all about biking and nature, but the trail would be a short distance. She wants to support the trail but it is not good from a business standpoint. The crossing at S. 6th Street is very dangerous as you cannot see what is coming over the hill. That needs to be looked at. It is not in Texas Township’s plan to connect to this trail. She does not want strangers so close to her house. If it could be shown that it would be connected in the future, she could support it. She repeated the danger of crossing S. 6th Street.

Luke, 4147 7th Street, said he can see the trail from his property. He moved here to enjoy nature and the woods. Now he sees people from his window. He loves the property and would like to keep it the way it is. He occasionally uses the trail and would like that to be kept as is. He was concerned about trash and security and noted the trail goes through the properties of a lot of people.

Mr. Chris Lawson, Cross Country Drive, added to his written remarks, saying he thinks security concerns raised can be adequately addressed. The trail already exists in an informal sense and the concerns raised are already occurring. More resources can be brought to bear to ensure concerns are addressed. The long term plan would provide a safer way to walk or bike or walk to the 9th Street Oshtemo Village area from 6th Street and 4th Street. He agreed with the concerns expressed about the 6th St. crossing, but said similar Kal-Haven trail intersection concerns have been addressed.

Mr. Greg Keebler, 7280 W. N Avenue, responded to Mr. Lawson’s comments, saying he could contradict his claim about Kal-Haven Trail neighbors as there have been complaints.

Ms. Gail Miller, 4310 S. 7th Street, said over 400 acres of isolated farmland is involved, and that this is out of control.

Confirming there were no further public comments, Chairperson VanderWeele closed the Public Hearing and moved to Board Deliberations.

Ms. Maxwell asked whether ownership of the trail property was clear.

Attorney Porter said a complete title search was done from the time the railroad acquired the property in the 1800s through all subsequent transfers. Ameritech owns 100% of the property; it is not an easement.

Mr. Vyas said the safety, trash and 6th St. crossing issues expressed are legitimate concerns and wanted to be sure they will be looked into and addressed.

Ms. Maxwell noted there is a weekly maintenance schedule for trash and mowing included in the plan.

Chairperson VanderWeele explained that the request at this time was for a Special Use approval. The question to consider at this time is if a trail is appropriate at this location. Engineering design, further study and funding will occur before the trail is constructed.

Attorney Porter said he talked with Ameritech about the sites existing condition, they noted that they do not currently do anything about trespassing on the property unless there is equipment vandalism. If the Township has ownership, it can follow up with the police if ordinance is violated. Without ownership the Township has no control.

Ms. Farmer asked about hunting and firearms on the large properties.

Attorney Porter said discharge of firearms is set by the DNR. In a complaint regarding firearms near Westport, the DNR would not address the situation. He did not think the DNR would respond to hunting or shooting on or around this property even if requested. He noted that the Township could post signs along the trail during hunting season to warn individuals using the amenity.

Ms. Farmer said a letter from the Superintendent of Texas Township stated it is their long-term plan to connect to the Fruit Belt Trail and it is, in fact, included in the Texas Township Master Plan.

Ms. Karen High, Parks Director, added that the trail connection was included in the Texas Township Master Plan that was adopted in 2019.

Ms. Farmer asked how motorized uses would be prohibited and policed and whether bollards might be employed.

Ms. High said she talked with the DNR, responsible for the Kal-Haven trail. They said motorized use dropped off significantly after the trail was opened; in cold weather they noted that usage of the trail was generally by neighboring homeowners. The assumption is that this will also occur with the Fruit Belt Trail once the Township owns the property and can enforce the ordinance. Kal-Haven does not use bollards and she generally would advise against them. The Township is only applying for acquisition of the property at this point. However, she added that details, such as the use of bollards,

will be explored when the trail is designed. She noted that there would be something employed to prevent off-road vehicles.

Ms. Lubbart pointed out that after the potential acquisition from Ameritech, Ameritech would retain an equipment easement and will need to be able to gain access to the property. She also noted that for maintenance and safety (ex. fire department access) the finished design would still need to allow for certain types of vehicles on the trail. This would be considered at the design phase of the project. Ms. Lubbart reiterated that at this time the township is requesting Special Use approval for a trail at this location in order to pursue a grant to purchase the property. Design of the trail would follow with opportunities for public review and input.

Ms. Farmer said the request for special use approval is limited to approval of the purchase of the property to allow us to submit the grant request. No funds for development for the trail are being addressed now. If the property is acquired in 2021, money may not be available for an extended time for development. She asked what the Township's liability would be during the time between acquisition and development.

Attorney Porter said during a design phase the property would not be open to the public and would be posted for no trespassing.

Ms. Versalle asked what happens if the Township does not acquire the property.

Attorney Porter said it would remain as it is now, owned by Ameritech.

Mr. Commissaris said there is a trailways grand scheme for all of Michigan. To get things going, when property to allow for the scheme to move forward becomes available, it needs to be acquired. Eventually the trail in front of the Township Hall will connect all the way to Maple Hill. We are always interconnecting but have to do it in phases. He indicated that he has heard residents' concerns and he is concerned as well. He wants to allay fears and work very closely with adjacent owners to meet both their needs and those of the Township.

Ms. Maxwell wondered if that is covered under condition #9 in the Staff recommendation.

Ms. Lubbart said it could be made more specific if needed and Ms. Maxwell agreed that might be appropriate.

Ms. Farmer said a warning of "stop ahead" as well as a stop sign would be installed on the trail at the 6th Street crossing but we could not install one on 6th Street.

Ms. High agreed and said the sight lines would be kept mowed. We would work with the Road Commission for signage or a flashing sign on 6th Street. They have installed them at a number of streets that are crossed by the Kal-Haven trail.

Ms. Farmer asked whether there would be a delay in addressing security issues with a delay in development of the trail.

Attorney Porter said if the Township acquires the property, when it is under our ownership we can exercise the rights of property owners and use the Sheriff's Department to enforce them.

Ms. High explained the acquisition grant stipulates the property will be used for outdoor recreation in perpetuity and that it has to be open to the public.

Ms. Farmer said she felt the concerns listed by speakers are already an issue and that developing the trail would mitigate the issues.

Chairperson VanderWeele said we would have some control after acquisition, we have no control now.

Ms. Versalle confirmed with Attorney Porter that signage could be installed once we own the property even if it is not fully improved. He said we have no right or authority to raise a complaint now and Ameritech does not address problems unless their equipment is involved.

Ms. Maxwell asked whether there is currently fencing in the area.

Ms. High said there is minimal personal fencing which is hard to see due to the wooded nature of the property. If the property is acquired by the Township, we will begin maintaining it, including mowing and removing garbage, right away.

Ms. Farmer was concerned about whether more staff might be needed to do that work. She asked how often this grant opportunity is offered.

Ms. High said that this grant opportunity is offered annually and is very competitive.

Ms. Versalle asked whether we would be obligated to accept a grant if awarded and if a match is required.

Ms. High said the Township Board has to authorize submittal of a grant request. If a grant is awarded she thinks they would accept it. She added that the Ameritech is offering to sell the land to the Township below market value and that discount offered by Ameritech would count as the Township's match for the grant.

Hearing no further discussion, Chairperson VanderWeele asked for a motion.

Mr. Vyas made a motion to approve the Special Use request for the two-mile long nonmotorized trail as recommended to include the nine Staff conditions:

1. Prior to installation of the trail, construction details and engineering documents will be submitted for the review and approval by Oshtemo's Engineering and Building Department.
2. Trail hours will be sunrise to 30 minutes after sunset.
3. If additional restrooms and/or parking are deemed necessary, a restroom and/or parking lot will be provided where the trail intersects with 6th Street. The installation of this parking lot or a trail head will be required to go through the special use review processes and a public hearing.
4. Stop signs will be installed along the trail both east and west of 6th Street.
5. Applicant to coordinate with property owners at 4310 S 7th Street regarding a landscaping buffer or a privacy fence to screen the existing residence from the trail.
6. A sign will be installed alerting potential trail users that there is no public access or parking at the end of 7th Street.
7. Access easements will be provided to properties that have land on both sides of the trail.
8. If gates are installed across the trail in the future, they will be accessible to the Fire Department.
9. When the trail is being designed an open house will be held with neighboring property owners.

With the intent to keep in mind the concerns of citizens. Mr. Commissaris seconded the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next item on the agenda and asked Ms. Lubbert for her presentation.

PUBLIC HEARING: LIGHTING ORDINANCE
CONSIDERATION OF AMENDMENTS TO ARTICLE 54 - LIGHTING ORDINANCE,
FOR RECOMMENDATION TO THE TOWNSHIP BOARD.

Ms. Lubbert said there has recently been some concern about how the newly implemented Outdoor Lighting Standards Ordinance (Section 54.60) could be interpreted, specifically the Ordinance's intent and the general usage of outdoor upward lighting. This discussion was triggered by the recently installed blue up lighting at the Holiday Inn Express at 1315 Westgate Drive. The building-mounted lighting section in the current Lighting Ordinance implies that this type of upward lighting is permitted with the Planning Commission's approval. However, this interpretation goes against the stated intent of the Township's lighting regulations. The blue upward lights were not part of the approved 2017 Holiday Inn Express' lighting plan and have been accordingly turned off. While reviewing this case, staff was made aware that the upward lighting standards were unclear and open to subjective interpretation. Prior to the adoption of our current Lighting Ordinance on September 10th, 2019 upward lighting of this nature was strictly prohibited.

At their regular December 12th meeting the Planning Commission revisited

Section 54.60 Outdoor Lighting Standards to discuss the intent of the regulations pertaining to upward lighting and to determine if and what amendments may be needed to clarify intent. It was determined further discussion was necessary. The Commission directed staff to revisit this section and explore the possibility of up lighting in more detail.

Ms. Lubbert elaborated that as the Dark Sky Initiative was a consideration in the development of the original ordinance, staff explored options allowing up lighting that would be in line with this directive. After conducting research and analyzing how other communities regulate up lighting, staff presented two code amendment directions to the Commission to consider at their regular January 30th meeting. Option One completely removed up lighting as a possibility for illuminating building facades. Option Two allowed for the up lighting of building facades with restrictions. Both options also included a number of smaller additional text amendments throughout Article 54 that would help with the clarity and intent of the code. After discussion the Commission agreed to move forward and set a Public Hearing for Option One, with some minor changes, which would completely remove up lighting to illuminate building facades. The Commission generally agreed that Option One was more consistent with the Dark Sky Initiative and the original intent of the code.

The Township Attorney, Zoning Administrator, and Ordinance Enforcement Officer reviewed the proposed language and support the proposed amendments to Article 54. A Public Hearing notice was published on Tuesday, February 11th, 2020. She provided a summary of the proposed amendments:

Section 54.20 Applicability

- Adding a requirement that all properties need to fully conform with the lighting ordinance when fifty percent or more of their existing outdoor lighting fixtures have been or will be replaced or modified. – The proposed language would help ensure that all properties within the Township would eventually be brought into compliance with the lighting ordinance and contribute to the Dark Sky Initiative.

Section 54.30 Definitions

- Removing “or translucent” from the definition of a *Baffle or light shield*. – Removing this language from this definition helps ensure that glare and lateral light spill from outdoor lights within the Township can be mitigated. This amendment also removes any opportunity for a subjective interpretation of what could be considered translucent.
- Removing and modifying images from the *Fixture, cutoff* and *Fixture, non-cutoff* definitions. – The current two images generate confusion as they refer to terms not used anywhere else in the code. Removing and adjusting the images as shown helps to prevent confusion.

Section 54.50 Prohibited Lighting

- Clarify that fixtures that direct light upward are only allowed when *expressly permitted in this Article*. – Adding “expressly” to this provision helps staff avoid any future interpretation that up lighting may be permitted in sections of the code where it was not the intent.

- Expanding the type of unshielded fixtures that are not permitted. The intent of the code is that no outdoor fixtures are unshielded. This modification ensures that this intent is clear.

Section 54.60 Outdoor Lighting Standards

- Reiterating that all outdoor lighting shall be directed downward unless expressly permitted. – The current language that addresses the direction of lighting in this section only notes that lights should be directed away from adjacent properties.
- Clarifying that all building mounted lighting needs to be downward directed. – This amendment clarifies that all outdoor lighting used for the purpose of illuminating the exterior of a building is directed downward.
- Adding a note to refer to the signage section of the code for sign lighting requirements. – This amendment seeks to help users navigate the code to find additional lighting requirements that could be applicable.

She recommended the Commission approve and forward these amendments to the Township Board for adoption.

Chairperson VanderWeele moved to a public hearing and asked if there were comments from audience members.

An anonymous woman said she was glad to see this amendment to help keep stars visible at night.

Mr. Jim Vandenberg, Maple Hill Auto Group, said moonlight is rated at one foot-candle and cautioned Commissioners not to narrow brightness too much for commercial properties.

Hearing no further comments, the Chair moved to Board Deliberations.

Ms. Maxwell said the group has discussed foot-candle levels many times and did not feel comfortable changing the level at this time.

Chairperson VanderWeele indicated they relied on photometrics. Hearing no further discussion he asked for a motion.

Ms. Versalle made a motion to approve the eight proposed amendments as presented to Article 54 – Lighting Ordinance and recommend them to the Township Board for adoption.

Ms. Farmer seconded the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next agenda item and asked Ms. Lubbert for her presentation.

New Business

- a. **SITE PLAN REVIEW: MAPLE HILL AUTO EXPANSION**
MAPLE HILL LEASEHOLDS, LLC IS REQUESTING A SITE PLAN
APPROVAL FOR A 3,130 SQUARE FOOT BUILDING EXPANSION AT 6883
WEST MAIN STREET, A PREVIOUSLY APPROVED VEHICLE DEALERSHIP.

Ms. Lubbert provided background, noting that at its April 11th, 2019 regular meeting, the Oshtemo Township Planning Commission granted Special Use approval to Maple Hill Leaseholds, LLC to reestablish a vehicle sales lot on the subject property. Initially developed for this use in 1989, the original owner relocated his dealership elsewhere, and in the intervening years the facility there was used for a handful of retail store uses. When Maple Hill Leaseholds, LLC recently purchased the property, the original approval for a dealership had long since lapsed, and the new owner was required to approach the Planning Commission and seek permission to once again use the subject property for auto sales.

She explained that since last year's Special Use approval, the property owner has been keeping vehicles on the property, but dealership operations have yet to be established there. In anticipation of fully activating the property for vehicle sales and service, the owner is now prepared to move forward with a number of site improvements, including the addition of a 3,130 square foot indoor vehicle display area to the front of the existing facility. Other site improvements will include updated landscaping, site lighting, pavement markings, etc. Reviewing the requested site changes, Township staff determined the proposed modifications do not warrant a Special Use amendment, so the request was for site plan review only, as last year's Special Use approval remains valid. No public notice was required for this portion of the project review.

Ms. Lubbert said after completing the internal review, Township staff have found that while a few issues with the site plan remain, the project in general is viable and any lingering items can be easily resolved administratively. Staff recommended approval of the site plan to the Planning Commission, and requested the following conditions be attached, to be satisfied prior to issuance of a building permit:

1. A photometric plan fully compliant with the Township's outdoor lighting standards shall be presented to the Township for administrative review and approval.
2. A landscaping plan fully compliant with the Township's standards shall be presented to the Township for administrative review and approval.
3. Given that installation of the non-motorized facility along N 8th Street is required as a part of this project, the text "BY OTHERS" shall be removed from the path's notation on the site plan.
4. More information regarding the hazardous substance storage pit shall be submitted to the Township and the accommodations shall be evaluated using the *Groundwater Protection Standards* found in section 46.10.B of the Zoning Ordinance.

5. Necessary pavement markings shall be added to the site plan in order to complete the pedestrian connection between the West Main Street shared use path and the dealership facility.

Chairperson VanderWeele asked whether Commissioners had questions for Ms. Lubbert. Hearing none, he asked the applicant if he wished to speak.

Mr. Jim VandenBerg, General Manager and Owner of Maple Hill Auto Group, said he had concerns about three of the five conditions.

He felt the conditional requirement #1 to limit foot-candles to 0.5 in front of the building were excessive. He noted the current lighting at the site is out of compliance with light spilling over onto Kastens Landing property and felt the plan he provided meets requirements as the plan eliminates two foot-candles. The fixtures are directional and LED. There are no lights across the front walkway. The plan, in effect, produces 0.44 average foot-candles. He asked that the first condition be removed.

He also felt condition #3 should be eliminated as the required non-motorized facility has no current use as the walkway would go nowhere on 8th Street. There is no walkway on MDOT or Walmart property that abuts the potential required walkway. He said it would never be used and by the time it might be used it would have deteriorated. He also wished to eliminate #5 as he felt that a sidewalk connection to his vehicle dealership was unnecessary and will not be used. He noted that pedestrians could walk up his driveway like in other rural locations.

Ms. Lubbert said the code for sidewalk installation requires timely installation prior to occupancy, but noted that the Planning Commission has the authority to offer other options to the applicant such as having the funding to build the sidewalk escrowed or the applicant agreeing to support a future special assessment.

Mr. VandenBerg indicated he would be agreeable to that arrangement.

Chairperson VanderWeele moved to Board Deliberations.

Ms. Farmer wondered where the nonmotorized connection would be located. Ms. Lubbert noted it is currently shown next to the drive into the site.

The Chair asked if a space could be designated on the side of the driveway.

Ms. Lubbert said that was possible if it were marked as such, but it would need to be reviewed by staff. She added that the idea of installing a sidewalk connection at this time is to serve the overall site regardless of the use. She noted that she understands that a sidewalk to a car dealership may not seem to make much sense at this time, but this property may not always be a dealership. A township goal is connectivity. However, she indicated that she felt confident that the sidewalk connection could be handled administratively.

Mr. Vyas said he agreed with Mr. VandenBerg. There is no purpose currently for a paved path. It is not needed for reasonable access and would have to be maintained.

Ms. Maxwell noted a bike path marking in the drive might be a good idea.

Ms. Versalle suggested leaving the conditions as recommended; remaining issues can be handled administratively.

Ms. Maxwell said the lighting ordinance was just passed and did not think this site plan can be exempted from those regulations.

Ms. Versalle said the current lighting fixtures are out of compliance. This plan will bring them closer to compliance.

Ms. Farmer asked if the first condition is removed whether Mr. VandenBerg thought he could bring the plan into 0.5 compliance with Ms. Lubbert.

Mr. VandenBerg questioned how to arrive at 0.4 or 0.5. There is an LED fixture every 10 feet that is directional, with shields and dimmers. Fixtures would have to be eliminated to get to 0.5.

Attorney Porter explained that the Planning Commission does not have the authority to grant removal of the condition. Mr. VandenBerg may need a variance if he is unable to meet the ordinance. It is likely a request along the north side of the property would warrant a variance. He added that all dealerships along Stadium Drive have gotten variances for their lighting.

Ms. Versalle made a motion to approve the site plan with the five conditions as follows:

1. A photometric plan compliant with the Township's outdoor lighting standards shall be presented to the Township for administrative review and approval.
2. A landscaping plan fully compliant with the Township's standards shall be presented to the Township for administrative review and approval.
3. Given that installation of the non-motorized facility along N 8th Street is required as a part of this project, the applicant will agree to provide escrow funds for future implementation or agree to a future special assessment for a paved path.
4. More information regarding the hazardous substance storage pit shall be submitted to the Township and the accommodations shall be evaluated using the *Groundwater Protection Standards* found in section 46.10.B of the Zoning Ordinance.
5. A pedestrian connection between the West Main Street shared use path and the dealership facility will be coordinated with staff.

Ms. Maxwell seconded the motion. The motion was approved unanimously.

b. PROPOSED ZONING ORDINANCE UPDATE: ASSEMBLY AND CONVENTION HALLS

Ms. Lubbert reported Township Planning Department staff have recently been approached by a perspective property owner who is interested in establishing a wedding/event venue within the commercial portion of the *9th Street and West Main Zoning Overlay*. Examining the Township’s Zoning Ordinance, staff found that no such use is identified as allowable in any zoning district in Oshtemo, despite a handful of such businesses having been located here in the past. In these cases, such as with the Delta Marriott Hotel on S 11th Street, the convention center there—once the Holiday Lanes Bowling Alley—is considered an accessory element to the primary use of the property, whereas the scenario that has prompted this memo would have an event space as the primary use.

A general tenet of local zoning is that no reasonable use of land can be outright prohibited in any community and must be allowed somewhere, in the interest of adhering to accepted legal convention, good planning practice, and the preservation of Township residents’ property rights.

She asked the Planning Commission to formally consider a text amendment to the Zoning Ordinance to allow this use in appropriate zoning districts at their regularly scheduled March 26th meeting. Having identified this gap in the Zoning Ordinance, staff is eager to make the necessary corrections to help ensure good, orderly, and reasonable development in the Township. A preliminary draft of the proposed ordinance amendment was provided to Commissioners.

Ms. Farmer made a motion to schedule a public hearing for the Planning Commission meeting of March 26th for consideration of the proposed text amendment to the Zoning Ordinance as recommended, to include assembly and convention halls. Mr. Vyas seconded the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next item on the agenda.

Any Other Business

There was no other business to consider.

PLANNING COMMISSIONER COMMENTS

Ms. Farmer encouraged Commissioners to participate in the upcoming Prairie Ridge Elementary School Career Day.

ADJOURNMENT

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 8:25 p.m.

Minutes prepared:
February 28, 2020

Minutes approved:
_____, 2020

DRAFT

Karen High

From: Maria and Bob Lohrmann <mariabob71@yahoo.com>
Sent: Friday, February 21, 2020 4:58 PM
To: Karen High; Iris Lubbert
Subject: Planning meeting regarding trail

Follow Up Flag: Follow up
Flag Status: Flagged

Karen and Iris,

As a member of Great Lakes Adventure Club (GLAC), I received an email from Libby regarding the proposed Fruit Belt Trail. Both my husband and I would like to see the development of the Fruit Belt Trail. We have lived in Twelve Oaks for almost 47 years now and have used that trail a great deal. I just went cross country skiing on it this morning, and frequently hike or bike along it. It would be a real asset to the community and our neighborhood as well. Over the years, I and others in our neighborhood have helped keep the trail open for use. However, now that I'm in my 70s the task is becoming more difficult. In fact, when my son was younger, he would frequently hike the trail and find railroad spikes along the trail and also enjoy picking blackberries there. As you're probably aware there are several invasives along the trail such as Japanese Knotweed and Black Swallowwort, which would need to be controlled. We definitely support the establishment of the trail and would be happy to see it become a reality for future generations to enjoy as we have. By the way, you should be aware that the original message that I sent regarding the Fruit Belt Trail was rejected due to inappropriate content when I had Fruit Belt Trail in the subject line.

Maria and Bob Lohrmann

Karen High

From: Barbara Malsom <barbmalsom@gmail.com>
Sent: Tuesday, February 25, 2020 11:02 AM
To: Karen High
Subject: [EmailDefender SPAM suspect] Fruit Belt Trail

I'm happy to see that Oshtemo Township is proceeding with plans to acquire and improve the former Fruit Belt Railroad Line for the Fruit Belt Trail. This trail was proposed by the Go!Green Oshtemo initiative, and at that time appeared to be a trail that could be completed in a timely manner at a reasonable cost. It also has the potential to link other trails outside of Oshtemo Township and has trailhead parking at Flesher field, another reason it's location is such an excellent choice.

As a long-standing resident of Oshtemo Township, I have been dismayed at the lack of safe biking and walking opportunities nearby. Biking country roads feels dangerous, due to the hilly terrain with limited sight lines, narrow berms by the roads, and deep ditches. When we first moved here 30 plus years ago, it was possible. With the increase in traffic, it's now downright frightening! As a 67 yo grandmother, being able to take my 3 young grandkids to a safe biking venue would be wonderful!

I also believe it would be helpful in attracting young families to the area. My adult daughter and her family recently moved to East Grand Rapids from Boise, Idaho- a bike friendly city. One of the big attractions of EGR was the many family biking opportunities they offer. If we want to attract and maintain a healthy population in this township, we need to invest in these types of recreational opportunities.

I offer my full support to pursue this trail, and feel it's a good use of Oshtemo Township and the State of Michigan's funds and land use. I hope Oshtemo Township Planning Commission approves this special use permit so this trail can be developed soon for the enjoyment of all its residents.

Sincerely,
Barb Malsom
2824 S 6th St

Karen High

From: Chris Lawson <chris@chrislawson.net>
Sent: Wednesday, February 26, 2020 12:20 PM
To: Karen High
Subject: Re: Proposed Fruit Belt Trail & public meeting on Thursday evening

I don't know whether I'll be available or not, so let me get this in writing so that you guys have it. If I can go to the meeting I will.

I completely support this addition to Oshtemo's parks portfolio and to the greater portfolio of non-motorized trails in Southwest Michigan. I've personally been using that Ameritech right-of-way and adjoining informal trails since I was in elementary school and would love to see its existence guaranteed in perpetuity by formal recognition on the part of the Township. This corridor is a key east-west connection between the southwestern portion of Oshtemo Township and Texas Township, and the exiting former railroad bed makes a logical path for a trail, rather than having to acquire easements and clear land elsewhere. It's also a logical extension of the existing bike trail alongside Stadium Drive to allow easy access into Kalamazoo.



7110 West Q Avenue | Kalamazoo, MI 49009 | www.texastownship.org | P: 269-375-1591 | F: 269-375-0791

February 14, 2020

Grants Management
Michigan Department of Natural Resources
P.O. Box 30425
Lansing, MI 48909

Re: Support for Oshtemo Township's Fruit Belt Trail Land Acquisition

To Whom It May Concern:

Please accept this letter of support from Texas Township for Oshtemo Township's Michigan Natural Resources Trust Fund grant application, which is an acquisition of land request for the Fruit Belt Trail.

The property that Oshtemo Township seeks to acquire abuts our north boundary and extends approximately two miles northeast to Flesher Field, a popular destination for many Texas Township residents that live nearby. A trail in this location will be a wonderful amenity on its own, offering access to natural resources and outdoor recreation. Equally important, it will create a new non-motorized connection that allows Texas Township residents to reach Flesher Field and other nearby destinations without use of a vehicle.

Oshtemo's proposed Fruit Belt Trail is in the former Fruit Belt Rail Line corridor. Over three miles of this corridor lie within Texas Township's borders. Our long-range plan is to extend the trail, connecting our communities and increasing access to outdoor recreation and natural resources for many Texas Township residents. We feel that, over time, the Fruit Belt trail will have regional significance.

For these reasons, Texas Township strongly supports Oshtemo Township's efforts to increase access to natural resources and outdoor recreation via the Fruit Belt Trail. We urge the Michigan Department of Natural Resources to fund this worthy application.

Sincerely,

A handwritten signature in black ink that reads "Julie VanderWiere". The signature is written in a cursive, flowing style.

Julie VanderWiere
Superintendent



February 12, 2020

517 E. Crosstown Pkwy.
Kalamazoo, MI 49001
ph: (269) 345-1516
fx: (269) 345-0229

Re: Oshtemo Township land acquisition for the creation of a multi-use trail system.

Dear Grant Coordinator:

2900 Lakeview Avenue
St. Joseph, MI 49085
ph: (269) 985-0111
fx: (269) 983-4028

I am writing on behalf of Disability Network Southwest Michigan whose staff reviewed the Oshtemo Township plans to acquire the 35 acres of land that use to be the Fruit Belt Railway Line. Disability Network Southwest Michigan is pleased to express our support of the Oshtemo Township's proposal.

Toll free:
(877) 674-5209

I was pleased to learn that Oshtemo Township plans to renovate and improve this beautiful natural setting to help preserve and make it accessible and inclusive so that all can enjoy this peaceful pathway.

www.dnswm.org

Some of the accessible features that would be in future plans would be accessible parking, hard surface accessible trails with periodic benches with a clear space on the side so that a person using a mobility device may sit shoulder-to-shoulder with a companion and be out of the path-of-travel. An additional element would be signage to inform people in way finding and making informed decisions.

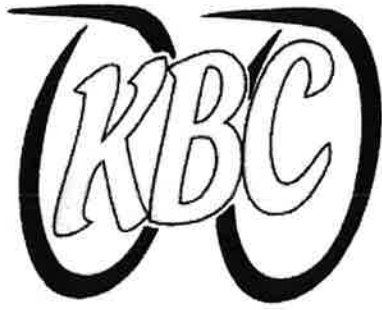
More than 3,900 residents (18%) of Oshtemo Township have a disability. Too often, barriers in the physical environment create segregated communities and feelings of isolation. Having access to recreational activities and the means of being able to share that experience with others aids in creating a healthy and inclusive community.

Disability Network Southwest Michigan would encourage Michigan Department of Natural Resources support for the Oshtemo Township acquisition grant.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel Cooper", written over a horizontal line.

Joel Cooper
CEO/President



Kalamazoo Bicycle Club

Karen High, Director
Oshtemo Township Parks
7275 West Main St.
Kalamazoo, MI 49009

21 February 2020

Dear Karen,

On behalf of the 500+ members in the Kalamazoo Bicycle Club, we write to express our enthusiastic support of efforts by Oshtemo Township to acquire property along the abandoned Fruit Belt Railway Line and to establish the eastern leg of the proposed Fruit Belt Trail.

Establishing another multi-use trail, like the Kal-Haven Trail, is a marvelous endeavor to undertake. Accomplishing this task will enhance the quality of life for many residents and non-residents of the Kalamazoo area, will encourage more of the populace to ride bicycles, and will help engender conversations about establishing a trail loop connecting Kalamazoo and South Haven via the Kal-Haven and Fruit Belt trails. For all of this we thank you and extend our support.

Sincerely,

Doug Kirk
KBC President

Paul Sotherland
KBC Vice-President

Stacie Ballard
KBC Secretary

Pam Sotherland
KBC Treasurer

Kalamazoo Bicycle Club
P.O. Box 50527
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OPPOSING THE PROPOSED FRUIT BELT TRAIL IN PUBLIC MEETING.

1. Public Meeting for the proposed Fruit Belt Trail

- A. Thursday, February 27, 2020 @ 6:00 pm Oshtemo Township Planning Commission,
- B. Oshtemo Township Hall, 7275 West Main Street, Kalamazoo, MI 49009

2. **OPPOSING** ---proposed two mile long non-motorized trail in Oshtemo Township.

• **3. OPPOSING LOCATE OF** The proposed trail THAT WILL extends from Flesher Field, 3664 South 9th Street, to the Township's south border, approx.. 700' east of 5th Street.

- A. REQUESTING copy' of deed to land that easements runs over . Not the deed to easement rights. It is on property now owned by Ameritech/AT-T.
- B. REQUESTING PROOF OF OWNERSHIP : As result a railroad may not have the legal ability to transfer title to railroad property and corridors that are officially abandoned and are not railbanked since these rights may belong to adjacent private land.

• OPPOSING REQUEST FOR GRANT PURCHASING LAND.

Oshtemo Township is considering a grant request to the Michigan Natural Resources Trust Fund (MNRTF) to pay PURCHASE OF THE PROPERTY.

a. MNRTF—CRITERIA: Application are evaluated on established criteria such as natural resource access and Conservation, proximity to population clusters, **APPLICANT’S COMMITTED MATCHING FUNDS**, applicants financial need, and priority projects of the Trust Fund Board.

b. APPLICATION MUST BE UPLOADED NO LATER THAN APRIL 1, OF THE APPLICATION.

c. Oshtemo Township 09/20/2019 Application granted:

d. Kalamazoo	Oshtemo Township	project	Grant Amount	Project Type
	Public Act			
Kal.	Oshtemo Township	86-074 Oshtemo Township Park	117,600	Acquisition PA 108 of 1987
Kal	Oshtemo Township	10-113 Oshtemo Township Park Dev.	489,000	Dev. PA 16 of 2011
Kal	Oshtemo Township	12-046 Flesher Field Park Impro.	300,000	Dev PA 9 OF 2013
Kal	Oshtemo Charter T.	13-069 Flesher Field Park Improvements	300,000	Dev. PA 114 of 4014
Kal	Oshtemo Township	14-0170 Grange Hall Playground Impro.	30,000	Dev. PA 7 of 2015
Kal	Oshtemo Township	17-0190 Drake Farmstead Park Impro.	136.500	Dev PA 165 of 2018

. • If an MNRTF grant is awarded, Oshtemo could acquire the property no sooner than the summer of 2021. Per grant requirements, the land would be dedicated to outdoor public

Enough is Enough No more purchases for New Trails

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•OPPOSING ANY FUTURE PLAN’S FOR FRUIT BELT TRAIL Future plans are to renovate and improve the existing trail surface to create an 8’ -10’ wide trail with a surface similar to the Kal-Haven Trail for walking, bicycling, etc. Trail users arriving by car would park at Flesher Field.

It's is a waste of resources of tax payers funds now and in the future

OPPOSING GO GREEN:

- This section of non-motorized trail was identified as a priority in the GO! Green Oshtemo plan for Parks & Recreation, Nonmotorized Transportation, & Conservation

Texas Township stated: That they were not any time soon or near future to develop and connect to Mattawan. Stated Oshtemo Township reach out to them to join them in applying for grant. Texas declined.

In Van Buren County: Long -term plans include the entire right -of-way to Hartford the terminus go down roads to connect to Van Buren Trails.

The fruit Belt would also connect with MATTAWAN, RUNNING A LONG ROADS.

ONE PLACE THE TRAIL WON'T RUN IS Lake Cora between Paw Paw through theirs yards and they and Lawrence. Residents there had Complained the right-of-way runs right through their yards. Didn't a trail there, citing security concerns. The lake residents had purchased the right-of-way themselves . Do to that section of the trail will probably run along roads.

HYPOTHETICAL STATEMENT:

. The trail could some day be extended east to 11th Street. Texas Township has long-term plans to extend the trail west toward Mattawan.

OPPOSING REQUEST FOR A SPECIAL USE PERMIT.

No ownership of land.

- The proposed trail is named for its location on the former Fruit Belt Railway Line, which once ran from Kalamazoo to South Haven. The 14 mile Van Buren Trail, which runs from South Haven to Hartford, is also on the former Fruit Belt Railway Line. This public meeting is hosted by the Oshtemo Township Planning Commission. They will consider a request for a special use permit to allow development of the trail.

OPPOSED DEVELOPMENT OF THE Fruit Belt Trail

OPPOSING Oshtemos Township Planning Commission request for a special use permit to allow development of the trail.

PUBLIC MEETING ; FEB. 27, 2020 @ 6:00 P.M

As a Private Property Owner I'm opposed to OSHTEMO TOWNSHIP PLANNING COMMISSION REQUEST FOR A SPECIAL USE PERMIT TO ALLOW DEVELOPMENT OF THE TRAIL acquiring Fruit Belt Trail. Aka AT-T Ameritech corridor. For dedicated to outdoor public recreation in perpetuity.

The proposed travel path is running thur the middle of 84 vacant -wood ac. of private property the Miller/Osman Farm and additional surrounding 87ac. vacant-wooded ac are adjoining landowners that share common boundaries.

1. Opening up to public recreation invite's—Drug trafficking High crimes, home invasions , rape or sexual assault s , invasion of the private property owners, trespassing for just a few reason's for opposing plan.

Please Sign Petition to oppose Plan- Fruit Belt Development

- | <u>NAME:</u> | <u>ADDRESS:</u> | <u>DATE:</u> |
|-------------------------|--|---------------|
| 1. David Boham | 4390 S 5 th | 2-18-2020 |
| 2. Gayle Stevens Miller | 4310 S 7 th St Kof 176
49009 | FEB. 19, 2020 |
| 3. Jean Van Voort | 63581 3 rd St.
Lawton 49065 | Feb. 19, 2020 |
| 4. Lloyd D. Miller | 4310 S. 7 th St. | 2-19-2020 |
| 5. Bob Dohy | 447 S 7 th St | 2-19-2020 |
| 6. Mrs | 4147 S. 7 th St | 2-19-2020 |
| 7. [Signature] | 3870 S. 7 th St | 2-19-2020 |
| 8. Sawantweller | 3870 S. 7 th St | 2-19-2020 |
| 9. T. L. Zimmerlee | 57488 Red Arrow Hwy
49064 | 2-21-2020 |
| 10. [Signature] | 57 th St | 2 2/21/2020 |

Please Sign Petition to oppose Plan- Fruit Belt Development.

- | <u>Name:</u> | <u>Address:</u> | <u>Date:</u> |
|---------------------|------------------|--------------|
| 11. Karl Shafer | 4071 S. 7th St. | 2-23-2020 |
| 12. Brian Steensma | 7561 Stadium Dr. | 2-27-2020 |
| 13. Roch | 4310 S. 7th St | 2-27-2020 |
| 14. Brian Pausy | 5129 Beech A. | 2/27/2020 |
| <i>Brian Pausy</i> | | |

15.

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March 4, 2020

Mtg Date: March 12, 2020

To: Planning Commission

From: Iris Lubbert, AICP
Planning Director

Subject: Public Hearing – Amendments to Section 57.100 Accessory Buildings

Background:

Recently, there have been concerns about how the Township has been regulating accessory buildings on residential properties, specifically where they were permitted to be located on a parcel, lot, or building site. After review of the Accessory Buildings and Setback Ordinances, it was determined that amendments were needed to clarify where accessory buildings would be permitted and ensure that the two regulations worked in concert. The Planning Commission reviewed and made a motion to recommend approval of the Setback Ordinance amendments to the Township Board at their regular December 12, 2019 meeting and, after discussion, directed staff to develop a new version of the Accessory Building code with more structure and detail. Areas of interest, in addition to placement, included: height, the treatment of accessory buildings on lots/building sites vs. parcels, and the overall permitted square footage of detached buildings based on lot size.

Based on direction provided from the Commission, staff restructured the Accessory Building Ordinance, further amended sections of the code for clarity, and added language to address the noted areas of interest. Drafts of the proposed code language were reviewed by the Commission at their regular January 30th and February 13th meetings. After discussion and some amendments, the Commission agreed to move forward with the proposed changes to Section 57.100 and set a Public Hearing for their meeting on March 12th. A notice for the Public Hearing was published on Tuesday, February 25, 2020.

The amended ordinance has the support of the Township Attorney, Zoning Administrator, and Ordinance Enforcement Officer. In addition, several of the proposed regulations were vetted for viability with the Fire Department and Southwest Michigan Building Authority.

Summary of Proposed Amendments:

The proposed amendment reorganizes Section 57.100 into six sections: applicability, restrictions, setbacks, size restrictions, height, and application requirements. The goal of this reorganization is to help staff and the public easily navigate through the requirements for installing accessory buildings in Oshtemo Township. A summary of the requirements outlined in each section is

provided below.

Applicability: This section outlines what properties this code applies to; in summary all properties within a residential zone with a residence as their primary use. It should be noted that properties located within the AG, Agricultural District where the structure will be used to support a farming operation are exempt. Continuing with previous practice, all accessory buildings over 200 square feet will require site plan review and approval. This section also identifies unique types of accessory buildings and directs users to other applicable sections of the code.

Restrictions: This section outlines all restrictions related to the use and construction of residential accessory buildings. All the requirements outlined in this section are in the previous accessory building code or noted in other areas of the code. The goal of this section is to provide one location where all restrictions for this type of structure can be found.

Setbacks: This section specifies where accessory buildings can be placed on a lot. Specifically, front yard setbacks as side and rear setbacks are addressed in a different section of the code. The proposed setback requirement differentiates between properties within a subdivision or site condominium and those that are not. There is an understanding that properties that are not within a subdivision or site condominium typically are larger and, more often than not, have a rural character that needs to be considered. The proposed language would place accessory buildings behind a house on a property within a subdivision or site condominiums. In the other cases, the accessory building could be placed in front of a home as long as it met that district's principle building setback. A 10-foot separation between structures is also proposed for fire safety (to limit exterior fire spread).

Size Restrictions: Currently the zoning code does not have clear size limitations and any proposed large accessory building may trigger review by the Zoning Board of Appeals, subject to staff discretion. The existing regulations are somewhat subjective. The goal of this section is to provide clear standards that can then be applied administratively. The requirements outlined in this section pull from other existing areas of the code (ex. allowed percentage lot coverage) and previous interpretations or practices. Within site condominiums and subdivisions, the proposed code now specifies that the footprint of any residential accessory building cannot be larger than the primary structure. In addition, based on the area of a property, maximum cumulative square-footages for accessory buildings on a property are proposed. These numbers are based on other communities' standards but have been increased to keep in mind the Townships rural character.

Height: This section specifies how tall any given accessory building can be on a property. Based on previous reviews and experiences, the proposed maximum permitted height for an accessory building was increased from 25 feet to 30 feet. However, similar to the size restrictions intended to protect property values and neighborhood aesthetics, language was added that the height of an accessory building could not exceed the height of the principle building within subdivisions or site condominiums.

Application requirements: This last section of 57.100 outlines the details needed for staff to complete a site plan review of a building exceeding 200 square feet and ensure that all requirements are met.

Thank you.

Attachments: Proposed Section 57.100: Accessory Buildings
Existing Section 57.100: Accessory Buildings

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PROPOSED

57.100 Accessory Buildings Serving a Primary Residence

1. Applicability:
 - a. Accessory buildings shall be permitted in all Agricultural and Residential zoning districts; which include “AG” Agricultural Districts, “RR” Rural Residential Districts, “R-1” Residence District, “R-2” Residence District, “R-3” Residence District, “R-4” Residence District, “R-5” Residence District, and “R-C” Residential Conversion District.
 - b. All accessory buildings, unless otherwise expressly outlined by this Section, shall meet all the requirements specified herein.
 - c. Non-commercial accessory buildings used for the keeping of livestock or honeybees shall follow the requirements specified in Section 57.80.
 - d. All accessory buildings exceeding 200 square feet shall require plan review and approval by the Planning Director or their designee.
 - e. Any nonconforming accessory building shall be subject to the requirements specified in Section 63.40.

2. Restrictions. No accessory building shall:
 - a. Be constructed on any property prior to the construction of the principle building, unless building permits are obtained for both structures concurrently. All detached accessory buildings must be located on the same property where the principal permitted use is located. Exception of this clause can be granted by the Planning Director or their designee for vacant parcels serving an agricultural purpose that meet the requirements of Section 4.10.
 - b. Be constructed to encroach into a public utility easement.
 - c. Be used for human habitation.
 - d. Be used for purposes other than those customarily incidental to the permitted principle use of the property.
 - e. Be used for any business use or home occupation, unless approval is granted by the Planning Commission pursuant to Sections 48.60 or 49.110.

3. Setbacks for all accessory buildings:
 - a. Front setbacks
 - i. Accessory buildings on properties located within subdivisions or site condominiums shall meet the minimum front yard setback requirements for principle buildings in their corresponding zoning district, outlined in Section 50.60, and shall not be located closer to the street right of way than the front line of the property’s principle building.
 - ii. Accessory buildings on properties not located within a subdivisions or site condominiums shall meet the minimum front yard setback requirements for principle buildings in their corresponding zoning district, outlined in Section 50.60.
 - iii. For the purposes of this Section, corner properties shall be considered to have two front property lines.
 - b. Interior Side and Rear setbacks are outlined in Section 50.60.B.3.

- c. There shall be established a minimum separation of ten feet, as measured wall to wall, between any accessory building and any other structure located on the property.
4. Size restrictions for all accessory buildings:
- a. The square footage of any accessory building located on a property within a subdivision or site condominium shall not exceed the footprint of the livable portion of the property's principle building.
 - b. For all lots, parcels, or building sites one acre or less in size, a maximum of 30% of the property may be covered by structures. This calculation shall include the gross floor area of all structures on the lot, parcel, or building site including the principle building.
 - c. The maximum allowable square footage of accessory buildings on lots, parcels, or building sites larger than one acre, as measured by the combined gross floor area of all detached accessory structures which are located on the property, shall be limited as follows:

Property area	Maximum cumulative square footage of all detached accessory structures on a property
More than 1 acre but not more than 2 acres	2,000 square feet
More than 2 acres but not more than 3 acres	3,000 square feet
More than 3 acres but not more than 5 acres	4,000 square feet
More than 5 acres but not more than 8 acres	5,000 square feet
More than 8 acres but not more than 11 acres	6,000 square feet
More than 11 acres	7,000 square feet

5. Height:
- a. Accessory buildings shall not exceed the height of the principle building on properties located within subdivisions or site condominiums.
 - b. Accessory buildings shall not exceed a height of 30 feet on properties not located within a subdivision or site condominium.
 - c. For the purposes of this Section, height shall be measured from the finished floor to the top of the roof ridge.

6. Application requirements:
 - a. Applications for accessory buildings exceeding 200 square feet shall be accompanied by a drawing of the subject property containing the following information:
 - i. A north arrow
 - ii. All property lines
 - iii. Location and dimensions of all existing and proposed structures on the property
 - iv. Distances of all proposed structures from the property lines and any existing structures
 - v. Height of all proposed structures on the property
 - vi. Height of the principle building on the property
 - vii. Use Statement. A statement setting forth the purpose(s) for which the proposed accessory building shall be used

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ZONING ORDINANCE

ARTICLE 57

57 – MISCELLANEOUS PROTECTION REQUIREMENTS

57.100 ACCESSORY BUILDINGS

All references to accessory building in this Section shall apply only to residential accessory buildings exceeding 200 square feet in area, including private garages, pole buildings, carports and barns/stables. This section does not apply to agricultural uses meeting the requirements of Section 4.10.

A. No accessory building shall:

1. Be used for human habitation unless the provisions of Section 50.20.A and the Building Code are satisfied.
2. Be used for purposes other than those accessory and customarily incidental to permitted residential use of the property by the owner or occupant of same.
3. Be used for any business use or home occupation unless approval is granted pursuant to Section 48.60 or 49.110.
4. Violate the setback requirements of Section 50.60.
5. Exceed a height of 20 feet on lots, parcels or building sites of 30,000 square feet or less, or a height of 25 feet on lots, parcels or building sites larger than 30,000 square feet unless approval for same is granted by the Zoning Board of Appeals pursuant to Section 57.100.B. Height shall be measured from the abutting grade to the highest point of the building.
6. Precede the dwelling upon the subject property unless approval for same is granted by the Zoning Board of Appeals pursuant to Section 57.100.B.
7. Have a width greater than one-third of the lot, building site or parcel width or 24 feet, whichever is greater.

B. Accessory Buildings Subject to Site Plan Review and Approval of the Planning Director or Designee:

1. Property is vacant.
2. Aggregate floor area of accessory buildings exceeds ground floor area of dwelling, excluding attached garages, covered porches, and breeze ways.
3. Total floor area of all buildings exceeds 20 percent of lot, building site or parcel area.
4. Accessory building is placed between the dwelling and the front property line. For purposes of this Section, corner properties shall be considered to have two front property lines.
5. Height exceeds the provisions of Section 57.100.A.5.

To ensure harmonious relationships and to minimize conflicts between adjacent uses, the Planning Director or designee shall consider the proposed characteristics and uses of the building in relation to the following: size of property, size of dwelling, proposed placement on property, existing land uses in area and future land uses as reflected in the Master Land Use Plan.

The Planning Director or designee may attach requirements to such accessory building and use when it deems necessary to avoid or mitigate adverse impacts on surrounding properties which may include a reduction in the size of the building.

The Planning Director or designee shall have the right to refer any proposed accessory building to the Zoning Board of Appeals for Site Plan review and approval.

All applications requiring Site Plan review and approval shall be accompanied by a drawing of the subject property, drawn to scale, containing the following information:

- a. A North arrow and graphic scale.
- b. All property lines and their dimensions.
- c. Location and dimensions of all existing and proposed structures (including height of all proposed accessory buildings) on the subject property and any existing buildings on adjacent properties within 50 feet of the subject property.
- d. Building elevations including building and roofing materials and color.

An application hereunder shall also include a signed statement setting forth the purpose(s) for which the proposed accessory building(s) will be used and a completed Acknowledgment of Zoning Restriction, signed by the property owner(s), on a form provided by the Township, indicating that the building may not be used for commercial purposes. The Township shall record said Restriction following construction of the building. No accessory building allowed pursuant to this subsection shall be used for a purpose other than that approved by the Planning Director, Planning Commission or Zoning Board of Appeals as appropriate.