

**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION - REGULAR MEETING**

**MEETING WILL BE HELD IN PERSON
AT OSHTEMO TOWNSHIP HALL
7275 W MAIN STREET**

Masks Are Now Optional in Oshtemo Township Buildings

(Meeting will be available for viewing through <https://www.publicmedianet.org/qavel-to-qavel/oshtemo-township>)

**THURSDAY, JANUARY 12, 2023
6:00 P.M.**

AGENDA

1. Welcome and Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: December 15th, 2022
6. Election of 2023 Officers – Chair, Vice Chair, Zoning Board of Appeals Liaison, and Recording Secretary
7. Work Session:
 - a. Introduction - Ordinance amendments to Sections 64.90 and 65.60
 - b. Introduction - Ordinance amendment to Section 50.10
 - c. Continued Discussion: MU zoning district draft revisions
8. Other Updates and Business
9. 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 a.m. – 5:00 p.m., and on Friday, 8:00 a.m. – 1:00 p.m. 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>		
Clare Buszka	216-5260	cbuszka@oshtemo.org
<u>Trustees</u>		
Cheri Bell	372-2275	cbell@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Kizzy Bradford	375-4260	kbradford@oshtemo.org

Township Department Information			
<u>Assessor:</u>			
Kristine Biddle	216-5225	assessor@oshtemo.org	
<u>Fire Chief:</u>			
Ron Farr (Interim)	375-0487	rfarr@oshtemo.org	
<u>Ordinance Enforcement:</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 Director:</u>			
Anna Horner	216-5228	ahorner@oshtemo.org	

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

DRAFT MINUTES OF A MEETING HELD DECEMBER 15, 2022

Agenda

PUBLIC HEARING: SPECIAL USE, KABAS

Kalamazoo Academy for Behavioral and Academic Success was requesting special exception use approval to establish a private school to host up to 24 children within the existing building located at 2345 N. 10 Street.

PUBLIC HEARING: CODE AMENDMENT – ARTICLE 69 BOARD OF APPEALS

Consideration of an amendment to the Township Zoning Ordinance for recommendation to the Township Board, to provide clarification on the duration of a variance and the Zoning Board of Appeal’s duties and operational procedures.

PUBLIC HEARING: CODE AMENDMENT – SECTION 2.20 DEFINITIONS

Consideration of amendments to definitions within the Township Zoning Ordinance for recommendation to the Township Board.

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, December 15, 2022, commencing at approximately 6:03 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

MEMBERS PRESENT:

Bruce VanderWeele, Chair
Deb Everett
Micki Maxwell, Vice Chair
Chetan Vyas

MEMBERS ABSENT:

Kizzy Bradford
Alistair Smith
Anna Versalle

Also present were Iris Lubbert, Planning Director, Colten Hutson, Zoning Administrator, James Porter, Township Attorney, Martha Coash, Recording Secretary, and five guests.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:03 p.m. and those in attendance joined in reciting the Pledge of Allegiance.

Approval of Agenda

The Chair asked if there were any changes to the agenda. Hearing none, he let the agenda stand as published.

Public Comment on Non-Agenda Items

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

Approval of the Minutes of the Meeting of December 8, 2022

Chairperson VanderWeele asked if there were additions, deletions, or corrections to the Minutes of the Meeting of December 8, 2022.

Hearing none, Chairperson VanderWeele asked for a motion.

Ms. Maxwell **made a motion** to approve the Minutes of the Meeting of December 8, 2022, as presented. Ms. Everett **seconded the motion**. The **motion was approved** unanimously.

The Chair moved to the next item on the agenda and asked Mr. Hutson for his presentation.

PUBLIC HEARING: SPECIAL USE, KABAS KALAMAZOO ACADEMY FOR BEHAVIORAL AND ACADEMIC SUCCESS WAS REQUESTING SPECIAL EXCEPTION USE APPROVAL TO ESTABLISH A PRIVATE SCHOOL TO HOST UP TO 24 CHILDREN WITHIN THE EXISTING BUILDING LOCATED AT 2345 N. 10th STREET.

Mr. Hutson explained Kalamazoo Academy for Behavioral and Academic Success, also commonly known as KABAS, was requesting special exception use approval to establish a private school within the existing building located at 2345 N 10th Street.

2345 N 10th Street is a standalone parcel located along the west side of N 10th Street, north of W Main Street, and west of US-131. The private school is proposed to be located within the northern most portion of the principal building on-site.

The Kalamazoo Academy for Behavioral and Academic Success (KABAS) is an organization specializing in assisting children with autism and other developmental delays, or who need more support than they are currently receiving. The special use is proposed to utilize roughly 2,464 square feet of space on the upper floor of the northern most portion of the principal building on-site. Up to 24 children between the ages of 5 and 12 are being proposed as well as up to 20 staff members. The applicant indicated no buses will circulate throughout the site as all children will be dropped off and picked-

up through private transportation. The private school's hours are proposed to be Monday through Friday from 9am-4pm.

He noted the subject property is presently zoned R-2: Residence District. Uses permitted in the R-2: Residence District are outlined in Article 7 of the Township's Zoning Ordinance. Public and private schools are identified as a special exception use within said code section. When reviewing a special exception use, the general special use review criteria outlined in Section 65.30 shall be followed.

Mr. Hutson provided an analysis of the proposal against Section 65.30 of the Township's Zoning Ordinance indicating it met all special use criteria and recommended approval of the proposed special exception use for the private school at 2345 N 10th Street with the following conditions.

- 1) The private school will serve up to 24 children between the ages of 5 and 12.
- 2) Hours of operation will be 9am-4pm Monday through Friday, with drop-offs occurring between 8am-9am and pick-ups occurring between 4pm-4:30pm.
- 3) The total space occupied by the private school use for KABAS shall not exceed 2,464 square feet.
- 4) Documentation from the State of Michigan (Department of Licensing and Regulatory Affairs) approving the proposed private school and sealed building drawings for said use shall be provided to the Township.

Chairperson VanderWeele thanked Mr. Hutson for his report and asked if Commissioners had questions.

Mr. Vyas wanted to be sure the necessary infrastructure including fencing would keep children away from 10th Street.

Mr. Hutson indicated the plan follows building codes. The existing playground is secure, enclosed with a four foot tall fence.

Ms. Everett asked whether the State would have to approve the school.

Mr. Hutson said the state would need to approve the school and that staff had conditioned their recommendation on that approval.

Hearing no further questions, the Chair asked if the applicant wished to speak.

Mr. Richard Mulatt, KABAS, 8971 W. KL Avenue, said the opportunity to seek approval for this school was appreciated. Staff have extensive experience teaching children with autism and noted there are only a handful of schools for autistic children in Michigan and they deal with milder problems. A lot of the children that will attend this school have limited language capability and have trouble complying. No school in Michigan and few in the nation deal with children with these problems. Kalamazoo has outstanding behavioral clinics but they are not appropriate for children during school hours. This school will be a very important for children and their families.

Chairperson VanderWeele noted he has attended Centerpoint Church and has had business with them in the past but did not have a conflict of interest on this issue. He moved to a public hearing and noted no one wished to address the board.

Ms. Lubbert read a letter into the record that was received from Mr. James Palmitessa, 2504 Ramblewood Drive, asking the Commission to reject the request from Centerpoint. The letter is attached to these minutes.

Hearing nothing further, the Chair closed the public hearing.

As Commissioners indicated they were satisfied with the request, the Chair asked for a motion.

Mr. Vyas **made a motion** to approve the special exception use approval to establish a private school to host up to 24 children within the existing building located at 2345 N. 10th street as presented based on the staff recommendation to include four staff conditions:

- 1) The private school will serve up to 24 children between the ages of 5 and 12.
- 2) Hours of operation will be 9am-4pm Monday through Friday, with drop-offs occurring between 8am-9am and pick-ups occurring between 4pm-4:30pm.
- 3) The total space occupied by the private school use for KABAS shall not exceed 2,464 square feet.
- 4) Documentation from the State of Michigan (Department of Licensing and Regulatory Affairs) approving the proposed private school and sealed building drawings for said use shall be provided to the Township.

Ms. Everett **seconded the motion**. The **motion was approved** unanimously.

**PUBLIC HEARING: CODE AMENDMENT – ARTICLE 69 BOARD OF APPEALS
CONSIDERATION OF AN AMENDMENT TO THE TOWNSHIP ZONING ORDINANCE
FOR RECOMMENDATION TO THE TOWNSHIP BOARD, TO PROVIDE
CLARIFICATION ON THE DURATION OF A VARIANCE AND THE ZONING BOARD
OF APPEAL’S DUTIES AND OPERATIONAL PROCEDURES.**

Ms. Lubbert noted that earlier in 2022 a request for a sign variance was submitted to the Township. In the process of researching substantial justice cases, staff found that a sign variance was previously approved for the site in question over a decade ago. The Township Ordinance currently does not state when and if an approved variance expires. For this reason, the request was approved as it fell within the parameters of the previous variance approval. To ensure this situation does not happen again and to provide clarity, staff drafted an amendment to Article 69 that outlines the duration of a variance. As this section was being updated, staff found it prudent to

review the entirety of Article 69. Additional amendments that provide clarification on the Zoning Board of Appeal's duties and operational procedures were also proposed.

She walked through the proposed amendment, especially focusing on section C. Duration of Nonuse Variance Approval, including the four newly listed conditions which she indicated were fairly standard, and the allowance of a one-time extension possibility under certain conditions.

As there were no questions from Commissioners, Chairperson VanderWeele opened a public hearing. He closed the hearing after determining there were no public comments on the proposed amendment and requested a motion.

Ms. Maxwell **made a motion** to send the Code Amendment: Article 69 Board of Appeals as presented with a recommendation for approval to the Township Board. Mr. Vyas **seconded the motion**. The **motion was approved** unanimously.

The Chair moved to the next item on the agenda.

PUBLIC HEARING: CODE AMENDMENT – SECTION 2.20 DEFINITIONS
CONSIDERATION OF AMENDMENTS TO DEFINITIONS WITHIN THE TOWNSHIP
ZONING ORDINANCE FOR RECOMMENDATION TO THE TOWNSHIP BOARD.

Ms. Lubbert informed Commissioners the State Legislature recently acted to amend certain childcare laws to allow for increased capacity within family child care homes and group childcare homes. Public Act 106 of 2022 allows for one (1) additional child for a family child care home and two (2) additional children for a group child care home if they meet certain criteria. A family child care home, or group care home, is automatically eligible for increased capacity after satisfying all the following criteria:

- a) holds a current license;
- b) has been licensed to operate for at least twenty-nine (29) consecutive months;
- c) has received one or more unrelated minor children for care and supervision
- d) during the license (under subdivision b);
- e) has received a renewed regular license after at least twenty-nine (29) months
- f) of licensed operation (under subdivision b).

Due to these changes, the Township Attorney recommended the Commission amend applicable definitions to ensure Township compliance with the State Legislature. As part of these proposed amendments, in order to comply with State legislature, Qualified Residential Treatment Programs (QRTP) shall be added as a permitted use in all residential zones. In addition, staff identified a number of definitions that should be added to provide clarity to other sections of the ordinance and a number of existing problematic definitions that should be revised. Ms. Lubbert reviewed the proposed amendments to Section 2.20 of the Ordinance to comply with state law regarding child care and that address the additionally identified concerns.

Hearing no questions from Commissioners, Chairperson VanderWeele opened a public hearing. He closed the hearing after determining there were no public comments on the proposed amendment and requested a motion.

Ms. Everett **made a motion** to send the Code Amendment – Section 2.20 Definitions as presented with a recommendation for approval to the Township Board. Ms. Maxwell **seconded the motion**. The **motion was approved** unanimously.

PUBLIC COMMENT

There were no public comments.

OTHER UPDATES AND BUSINESS

Ms. Lubbert announced this was the last meeting for Commissioners VanderWeele, Vyas and Bradford, thanked them for their service and presented certificates of appreciation. She noted Township Board member Zak Ford would replace Ms. Bradford on the Planning Commission.

Mr. Vyas expressed his pleasure and honor to serve as a part of this group and hoped the Commission would move forward soon to resolution of the future for Maple Hill South.

Chairperson VanderWeele appreciated the opportunity to serve the Township over the last six years and felt the group had accomplished a fair amount over that time.

ADJOURNMENT

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 6:54 p.m.

Minutes prepared:
December 16, 2022

Minutes approved:
_____, 2022

James Palmitessa
2504 Ramblewood Drive
Kalamazoo, MI 49009

December 10, 2022

Oshtemo Charter Township
Planning Commission
Attn: Ms. Iris Lubbert, Planning Director

Dear Members of the Planning Commission,

I am a tax-paying resident of Oshtemo Township and live within 300 feet of the proposed school described in your recent notice related to the Zoning Public Hearing on December 15, 2022. . The address of the” Kalamazoo Academy for Behavior and Academic Success” is exactly the same address as Centerpoint Church which has come to the Planning Commission during the past three years with a number of requests for variance. It would have been helpful if this was disclosed in the notice to the neighborhood. If this non-profit organization isn’t just a way to skirt the zoning laws, one wonders if there has been some market analysis for a need of such a school or does the Planning just take a word at face value of a proposing party. Also, what is the “Kalamazoo Academy for Behavior and Academic Success”? How many staff members does it have? Will its school be separate than the Centerpoint programs? How is this organization, which a Google search indicates was just founded last year, to train teachers at the school? Another quick Google search shows that there was a petition a few years by the group called “Concerned Behavior Analysts” against the Registered Agent of the organization. All this raises important questions and issues which the Church itself should be concerned about before inviting this organization into its complex and in charge of teaching children. However, the key issue for the Planning Commission should be that the Centerpoint Church complex – and whoever they invite into their building – is already too large and has a negative impact on the character and traffic in this residential neighborhood. The members of the Planning Commission and elected officials of the township should reject this request for a special exemption, resist the aggressive lobbying of Centerpoint, and maintain the residential character of this neighborhood for people who live and pay taxes here.

Respectfully,



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January 6, 2023

Mtg Date: January 12, 2023

To: Planning Commission

From: Iris Lubbert, AICP, Planning Director

Subject: Work Session: Amendments to Sections 64.90 and 65.60

Objective:

The Planning Director will introduce the proposed amendments to Sections 64.90 - Conformity to Approved Site Plan and 65.60 - Duration of Approval to the Planning Commission at their regular January 12th meeting. The Planning Commission is asked to review and provide feedback on the proposed changes; and if deemed appropriate give staff permission to set a date for public hearing.

Background:

Per the Township Zoning Ordinance, Site Plans and Special Uses are valid for a period of one year after the date of their approval; the applicant may request an extension from the original approving body prior to the expiration of the one-year validity period. Over the past year multiple projects have come before the Planning Commission requesting an extension of their approval. After reviewing a number of these requests, the Planning Commission felt that extension requests could be handled administratively and requested that the Ordinance be amended accordingly. The attached proposed changes to Sections 64.90 and 65.60 would allow extension requests, limited to one additional year, to be handled administratively.

Attachments: Proposed amendments to Sections 64.90 and 65.60

64.90 CONFORMITY TO APPROVED SITE PLAN

- A. Approval of the Site Plan shall be valid for a period of one year after the date of approval. If a building permit has not been obtained and on-site development actually commenced within said one year, the Site Plan approval shall become void and new approval obtained before any construction or earth change is commenced upon the site. A one-year extension Extensions may be granted by the Planning Director or their designee ~~the approving body~~ if requested prior to the expiration of the one-year validity period.
- B. Property which is the subject of Site Plan approval must be developed in strict compliance with the approved Site Plan and any approved amendments thereto or modifications thereof pursuant to Section 64.100. If any site is not developed in compliance with said Site Plan, the approval shall be revoked. Notice of such revocation shall be made by written notice by the Township to the developer at the last known address. Upon revocation of Site Plan approval, no further construction activities may be commenced upon the site other than for the purpose of correcting any violations.
- C. The Township may, upon proper application by the developer and in accordance with the procedure established in this ordinance, approve a modification to the Site Plan to coincide with the developer's construction, provided such construction satisfies the criteria placed upon the previously granted Site Plan approval and the Zoning Ordinance.
- D. At least one complete set of record construction drawings signed by a licensed architect, engineer, landscape architect, or contractor shall be submitted to the Township or its designee at the time of application for a Certificate of Occupancy or, in the case of residential developments before a Building Permit may be issued.

These drawings shall indicate any changes approved by the Township to the original Site Plan. Additionally, the correct location, size, etc. of any preexisting utilities or facilities shall be specified.

65.60 DURATION OF APPROVAL

- A. Period of approval. Any property which is the subject of a Special Use which has not been used for a period of one year for the purposes for which such Special Use was granted shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification in which the property is located and the permit for such Special Use shall thereupon terminate unless extended by the Planning Commission upon application for such extension filed with said Planning Commission.
- B. Extensions. ~~The Planning Director or their designee~~ ~~Said Planning Commission~~ shall have the authority to grant a one year ~~an~~ extension of such Special Use where the applicant therefor satisfies ~~the Planning Commission of~~ any of the following existing circumstances:
1. The delay in commencement or completion of the project subject to the Special Use approval was beyond the control of the applicant and the applicant has in good faith attempted to meet the foregoing time schedule.
 2. The project is in the process of being developed for the Special Use purpose and has reasonably progressed towards completion.
 3. The complexity or size of the project requires additional time for either commencement or completion of construction, which commencement and completion appear feasible and probable if permitted. Under this circumstance, the Planning Commission shall have the authority to grant an initial longer period for commencement and/or completion at the time of approving the original Special Use.
 4. Beyond the one year extension that can be granted administratively, ~~S~~ successive extensions ~~of time~~ may be granted by the Planning Commission for such periods of time as said Planning Commission determines to be reasonable and proper under the foregoing criteria.
 5. Where a Special Use is terminated by lapse of time, any new application for a Special Use shall be heard and determined anew based upon circumstances then existing.

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January 6, 2023

Mtg Date: January 12, 2023
To: Planning Commission
From: Iris Lubbert, AICP, Planning Director
Subject: Work Session: Amendment to Section 50.10

Objective:

The Planning Director will introduce the proposed amendments to Section 50.10 – Schedule of Regulations to the Planning Commission at their regular January 12th meeting. The Planning Commission is asked to review and provide feedback on the proposed changes; and if deemed appropriate give staff permission to set a date for public hearing.

Background:

Through various public inquiries, staff has become aware of a number of regulations outlined in Section 50.10 of the Ordinance which require clarification. To ensure consistency of how the ordinance is enforced, through discussions with staff and research of past projects, the proposed changes remove subjectivity. Amendments focus on clarifying how frontage is measured, whether lots or building sites need to be situated on a public road or street, and when a deviation for an unbuildable parcel is warranted.

Attachments: Proposed amendments to Section 50.10

50.10 SCHEDULE OF AREA, FRONTAGE, AND/OR WIDTH REQUIREMENTS

- A. No building permit shall be issued therefore, and no buildings constructed, placed, or moved upon any Pparcel, Lot, or Building site less than the area and frontage requirements as specified in this Section; nor where the same would be located upon a Pparcel, Lot, or Building site of land with an area of ten acres or less having a depth of greater than four times the width of said parcel, lot or building site.

All Parcel~~s~~ must have the contiguous frontage specified in this Section on a dedicated public road or street with the width of said required frontage maintained until at least the required building setback line.

All Lots~~2~~ or Building sites must be situated on a public road or street, unless otherwise permitted within the ordinance, with the width at building setback line as specified in this Section.

Building sites within nonresidential site condominiums must be situated on a public road or street or a private street easement with the width at building setback as specified in this Section.

Parcel~~s~~, Lots~~2~~ or Building sites which meet the requirements of the Nonconforming Uses, Structures and Land section of this Zoning Ordinance may be issued a building permit provided all other requirements of this Ordinance are met.

Schedule of Area, Frontage, and/or Width Requirements		
Minimum Area Required per Dwelling Unit	R-1, R-2, R-3, R-4, and R-C	R-5
Parcels (unplatted)	50,000 sq. ft.	Refer to Section 49.150.D
Lots (platted)/Building Sites		
No Water or Sewer	22,000 sq. ft.	
Water or Sewer	15,000 sq. ft.	
Water and Sewer	10,560 sq. ft.	
Minimum Frontage or Width Required	R-1, R-2, R-3, R-4, and R-C	R-5
Parcels Frontage (unplatted)	200 feet	Refer to Section 49.150.C
Lots (platted)/Building Sites (Width at building setback)	100 feet	

Minimum Area Required	C, C-R, or BRP	I-R	I-1	I-2	I-3
Parcels	50,000 sq. ft.	Refer to Section 23.60.A.2	50,000 sq. ft.	50,000 sq. ft.	50,000 sq. ft.
Lots/Building Sites					
No Water or Sewer			30,000 sq. ft.		
Water or Sewer			18,000 sq. ft.		

Water and Sewer	13,200 sq. ft.				
Minimum Frontage or Width Required	C, C-R, or BRP	I-R	I-1	I-2	I-3
Parcels (frontage)	200 ft.	200 ft.	200 ft.	200 ft.	200 ft.
Lots/Building Sites (Width at setback)					
No Water or Sewer	120 ft.				
Water or Sewer	120 ft.				
Water and Sewer	120 ft.				
AG and RR Dimensional Requirements					
District	Type		Dimensional Requirements		
AG	Parcel, L lot, lot or B building site area:		40 acre* parcel/tract size		
	Frontage:		200 feet		
RR	Parcels, Llots, or Bbuilding sites				
	Area requirements:		1.5 acres		
	Minimum frontage:		200 feet		
	Lot, Bbuilding sites within an Open Space Community				
	Area requirements:		Density of 1.0 dwelling units per acre		
	Minimum frontage:		120 feet		
*Minimum of three (3) acres and 200 feet of public street frontage required per dwelling unit.					

- B. Any attempt to circumvent the intent and purpose of the foregoing provisions by multiple conveyances, contracts, leases, or agreements or any combination of the foregoing shall be considered a violation and shall prohibit the issuance of a building permit or the construction or location of buildings upon the land in question and shall subject the violator to the fines and penalties provided in the Township Zoning Ordinance.
- C. For any Parcel deemed unbuildable by the foregoing and not subject to Section 50.10.E, the Planning Commission is hereby given the right to grant a deviation for the existing subject Parcel to become buildable from the foregoing where the subject ~~P~~parcel meets all of the following criteria and where, in the opinion of said Planning Commission, the spirit of the foregoing provisions are still observed, public safety, health, and welfare secured, and substantial justice thereby accomplished:
1. ~~(1) The existing subject P~~parcel under consideration was established prior to March 31, 1997 ~~and is not considered lawfully nonconforming pursuant to Section 50.10.E;~~
 2. ~~(2) p~~The existing subject Parcel under consideration satisfies the minimum dimensional area requirements of a platted ~~L~~lot within the R-1, R-2, R-3, R-4, and R-C districts as set forth in Section 50.10.A;

~~1.3.~~ ~~(3)~~ ~~The~~ dimensions of neighboring lawfully nonconforming properties located within 300 feet would support said deviation.

Additionally, the Planning Commission is hereby given the right and authority, in furthering the public health, safety, and general welfare, to require any or all of the following as a condition in granting a deviation: conveyance or dedication to the public of a 66-foot wide right-of-way for ingress or egress to and from interior land having otherwise insufficient or inadequate public access for normal, proper and logical development; shared and/or cross access with an adjacent property(s); and, restricted or prohibited curb-cuts when the Access Management Guidelines cannot be satisfied and reasonable access is otherwise available to the subject parcel.

~~D.~~ ~~D.~~ The purpose of the within provisions is to secure the more orderly development of property in unplatted areas through the encouragement and regulation of open spaces between buildings and lessening of congestion, the encouragement of more efficient and conservative land use, the facilitating of transportation, sewage disposal, water supply and other public requirements and by providing for future access to interior land which might not otherwise be adaptable to proper and advantageous development.

~~D.E.~~ ~~E.~~ Section 50.10.A shall not apply to any ~~P~~parcel, ~~L~~lot, or ~~B~~building site, the boundaries of which have heretofore been established by any instrument recorded previous to October 4, 1965, in the office of the Register of Deeds for Kalamazoo County, Michigan or previously established by operation of law, provided that notwithstanding such exception, not more than one dwelling shall be allowed at any time on less than 200 feet of frontage on any unplatted ~~P~~parcel unless otherwise permitted under this Ordinance.

~~E.F.~~ ~~F.~~ Frontage, width, and area requirements in Section 50.10.A shall not apply to any ~~P~~parcel, ~~L~~lot, or ~~B~~building site with buildings or regulator stations for essential services.

~~E.G.~~ ~~G.~~ The Planning Director or designee is hereby given the right to grant relief to ~~P~~parcels of land having a depth greater than four times the width of said parcel provided (1) the boundaries of the subject parcel have heretofore been established by an instrument recorded previous to March 31, 1997 and (2) the ~~P~~parcel satisfies the minimum area and frontage requirements stated for parcels in Section 50.10.

Additionally, the Planning Director or designee is hereby further given the right and authority, in furthering the public health, safety, and general welfare, to require the conveyance or dedication to the public of a 66-foot wide right-of-way for ingress or egress to and from interior land having otherwise insufficient or inadequate public access for normal, proper and logical development as a condition to the granting of any relief as herein provided. The decision of the Planning Director may be appealed to the Zoning Board of Appeals.

January 6, 2023

Mtg Date: January 12, 2023

To: Planning Commission

From: Iris Lubbert, AICP, Planning Director

Subject: Work Session: Continued discussion on proposed MU zoning district draft

A newly proposed MU zoning district was introduced to the Planning Commission at their regular November 17th meeting. At that meeting representatives of AVB and Hinman requested that they be able to submit a redline version of the draft with their proposed changes for the Planning Commission to consider. The Planning Commission agreed to hold a special meeting to consider AVB's and Hinman's suggestions. Based on initial feedback received from the Planning Commission on November 17th and the discussion from the special meeting on December 8th, staff has made changes to the proposed MU draft. Changes for consideration are redlined in the attached draft. Areas that staff still needs to research and amend based on comments are highlighted in yellow.

Attachments: Updated MU District Draft

ARTICLE 30

30 – MU: MIXED USE DISTRICT

Contents:

- 30.10 STATEMENT OF PURPOSE
- 30.20 ESTABLISHING A MIXED USE DISTRICT
- 30.30 DEVELOPING WITHIN A MIXED USE DISTRICT

30.10 STATEMENT OF PURPOSE

The Mixed Use District is established for the purposes of implementing Oshtemo Township’s adopted Sub Area Plans and ~~encouraging a mix of uses into allow for~~ the planned redevelopment of existing commercial areas into mixed use. The Mixed Use District designation is designed to accommodate, through comprehensive planning, zoning, and project review, integrated residential, commercial, office, technology, and public uses on larger parcels of land. The mixed-use district strives to encourage innovative development that incorporates high-quality building design, compatibility with adjacent uses, preservation of unique environmental features, and the creation of open spaces and amenities that enhance the quality of life of residents.

30.20 ESTABLISHING A MIXED-USE DISTRICT

A. LOCATION AND SIZE CRITERIA

Mixed Use Districts may be established in areas of the Township with an adopted Sub Area Plan or within a C: Local Business District. A minimum contiguous site area of twenty (20) acres shall be required.

The proposal shall show all contiguous holdings of the owner or option purchaser and how its integrated into the overall comprehensive development plan, unless specifically waived by the Planning Commission.

B. DEVELOPMENT OWNERSHIP

The proposed Mixed Use District shall be under common ownership or control while being constructed, such that there is a single entity having proprietary responsibility for the ~~full~~ completion of the project. Sufficient documentation of ownership or control, ~~that indicates the proposed development will be completed in its entirety, such as a development agreement,~~ shall be submitted with the application for approval. Land divisions within the district and property transfers may be made once Section 30.30 A, CONDITIONS FOR DEVELOPMENT, is met.

C. APPLICATION REQUIREMENTS

The owner or option purchaser of a tract of land shall seek approval of a Mixed Use District zoning designation with the simultaneous submittal of a comprehensive development plan. The comprehensive development plan shall include:

- (1) **Plan Area.** All contiguous holdings of the owner or option purchaser and how it's integrated into the overall comprehensive development plan, unless specifically waived by the Planning Commission.
- (2) **Letter of Intent.** A letter of intent that includes a full description as to how the proposed comprehensive development plan satisfies the eligibility requirements and design principles of this Section and, if applicable, evidence of how the proposed plan meets the criteria for qualifying for a density bonus.
- (3) **Development Schematic Plan.** A development schematic plan illustrating the proposed streets and the areas designated for residential, commercial, or mixed uses. Potential specific uses proposed in each area shall be outlined; see Section 30.30 for a list of uses permitted in the district. The development schematic plan shall include the proposed acreage for each use category and the proposed residential densities for each identified residential and mixed use area.
- (4) **Site Circulation.** A circulation and access management plan for the project, including proposed street names and phasing (if any for development purposes), proposed non-motorized connections, and connectivity to the surrounding transportation network.
 - i. The arrangement of streets shall provide for a continuation of streets between adjoining properties and seek to implement the Master Plan.
 1. Where adjoining property is undeveloped and the street must temporarily be a dead-end, the right-of-way shall be extended to the property line to make provision for the future projection of the street. Additional temporary right-of-way may be required to facilitate any temporary cul-de-sacs or turnarounds.
 2. Where a street is not intended to extend beyond the boundaries of the district and its continuation is not required for the continuation of streets between adjoining properties, its terminus shall be at least 50 feet from the property line.
 3. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street or a temporary dead end street (and associated temporary right-of-way) in accordance with County Road Commission standards.
 - ii. ~~Only~~ Interior streets that do not serve as a connecting link between different land ownerships or different public roads may be designated private streets subject to Township approval.
 1. ~~Both public and private streets shall be designed to the standards of the Road Commission of Kalamazoo County, as well as Article 51: Access Management Guidelines of the Township Zoning Ordinance.~~
 2. Reserved for Private Street Requirements
 - iii. Streets shall be laid out in an orthogonal manor so as to intersect as nearly as possible to 90 degrees.
 - iv. Streets shall be interconnected with each other and with streets on abutting properties in a systematic pattern to promote connectivity, accessibility, reliability, efficiency, sustainability, safety and logic for all users, grid or modified grid pattern unless otherwise approved by the Planning Commission.
 1. A permanent dead-end street shall only be permitted where the topography of the area, lakes, streams, other natural features or

Commented [IL1]: Working with PW on timeline to implement

existing adjacent development of the area causes practical difficulties or extreme hardship in connection, and can be granted without creating any safety concerns. A supportive recommendation from the Township Engineer shall be required in order to be considered by the Planning Commission. Planning Commission's recommendation shall be forwarded for approval to the Township Board. Applicant shall clearly provide evidence of hardship to be considered.

2. Dead end streets in excess of 600 feet are highly discouraged.

~~ii.~~

~~iii-v.~~ A nonmotorized facility is required along all street frontages in accordance with the Township's Complete Street Policy, unless otherwise approved by the Planning Commission.

(5) Traffic Impact Study (TIS). A complete analysis of traffic generated by the entire development and the impact said development would have on the surrounding transportation system. The transportation system includes but is not limited to truck routes, emergency routes, State and County roads, non-motorized network(s), public transit, etc.

I. Prior to commencement of the TIS, the Public Works Director or Township designated Traffic Engineer shall approve the limits of the study area, level of study, existing volumes, and inputs for forecasted trips and volumes which may include other approved and pending developments.

II. The traffic analysis models shall anticipate the highest proposed use for each designated area within the development site plan.

III. At a minimum, the TIS shall meet requirements of the Road Commission of Kalamazoo County's and Michigan Department of Transportation in the handbook titled Evaluating Traffic Impact Studies. Formal approval from other agencies shall be provided to the Township prior to the formal Planning Commission MU Rezoning Review.

IV. Any decline in level of service shall be completely mitigated by proposed solutions within the site design.

i. The Township will work with the developer/applicant in good faith effort to seek solutions and approvals necessary. This does not imply any financial commitment on the Township's part.

ii. Mitigation efforts may be broken into phases tied directly to the corresponding phases of the comprehensive development plan. Phases must be clearly outlined within the phasing plan; item 10 within this Section. Preliminary designs shall be required.

iii. If the required traffic improvements identified within the TIS are already planned as part of a larger adopted plan to be implemented by MDOT, the Kalamazoo County Road Commission, or the Township, some or all of the mitigation requirements may be deferred or coordinated within a reasonable timeline. Any deferments or coordination shall require the support of the Township Engineer or representative. Short term or temporary efforts may be required to ensure the safety of the public during the deferment period. If the required mitigation efforts increase the scope of the already planned improvements by the local agency, the increase in cost to modify the plans

Commented [IL2]: Staff looked into the requested "commercially acceptable" language. No reference to this type of terminology was found - AVB/Hinman should provide if they wish the Township to consider.

and construct the improvements shall be collected from the applicant. A memorandum of understanding shall be executed and recorded.

~~(5)~~(6) **Design Standards.** ~~The applicant must provide architectural and design standards.~~ ~~Design standards~~ that create a district identity. This shall include specific development standards that will be applicable to development within the district including, but not limited to, minimum lot area and frontage, architectural character, building materials, building height, lighting, site features, and entry monumentation. Street lighting shall be full cut-off design and mounted to be parallel to the ground. Design standards proposed by the applicant shall incorporate and may go beyond the development requirements in Section 30.30.D.

~~(6)~~(7) **Stormwater.** Areas for common stormwater detention, those with the intention of serving a larger area or multiple facilities, shall be identified on the development schematic plan and turned over to the Kalamazoo County Drain Commission Office (unless otherwise agreed to by all parties involved) when constructed. Feasibility of site conditions should be considered.

~~(7)~~(8) **Residential Density and Density Bonus.**

i. **Overall Density:** The overall density within the development schematic plan's residential and mixed use areas shall match the intended character of the correlating Sub Area Plan; each ~~residential~~ density category is defined within Table 30.20.1 below. A comprehensive development plan that is being proposed without a correlating Sub Area Plan and is within a C: Local Business District designation shall be considered under the high density residential category. Areas designated purely for commercial development may not be included in the overall gross density calculation.

ii. **Density Bonus.** The Planning Commission may determine a density bonus, up to the maximum gross density defined within Table 30.20.1, upon finding that the proposed development provides additional public benefits to the overall community as outlined below. For the purpose of calculating the density bonus one (1) point shall equate to one (1) additional unit an acre.

- a) Dedication of land(s) for a public park and/or community buildings, if acceptable to the Township Board (2 - 4 points as determined by Planning Commission based on impact to overall community).
- b) Dedication of land(s) for the purpose of private parks that incorporate usable amenities. Acceptable amenities include playground equipment, picnic areas with grills and tables, tennis courts, baseball diamonds, etc. (1 - 2 points as determined by Planning Commission based on impact to ~~overall the private~~ community).
- c) The project incorporates, either through the development schematic plan or within the design and/or development standards, a guaranteed range of housing opportunities through various housing types: for example, lofts, townhomes, mixed use, cottages, single-family homes, apartments, etc. (1 - 4 points as determined by the Planning Commission based on the variety of housing types).
- d) The project incorporates, within the design or development standards, significant use of sustainable building design and/or site design features such as, stormwater filtration landscaping, low impact stormwater management, optimized energy performance, on-site renewable energy,

passive solar heating, use of reused/ recycled/ renewable materials, indoor air quality mechanisms, green roofs, bird collision deterrents, or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards. (2-4 points as determined by the Planning Commission based on the level of efficiency and impact to overall community).

e) Provision of usable common open space in an amount which is at least 50 percent greater than the minimum common open space percentage required by Section. (1 point)

e)f) Walk Score...

f)g) Provision of other exceptional public benefits within the development (1-2 points as determined by Planning Commission based on impact to overall community).

Residential Character/Density Category	Initial Gross Density	Maximum Gross Density with Density Bonus
Agricultural	1 unit an acre	N/A
Low	4 units an acre	N/A
Medium/Transitional	4 units and acre	8 units an acre
High	8 6 units an acre	16 5 units an acre

(8)(9) Public Sanitary Sewer and Water. Public sanitary sewer and water shall be required. All infrastructure shall be designed to promote the logical extension of public infrastructure. The Township may require the extension of public infrastructure, if needed, to reach the development. -If the area is not ready to be served, at a minimum dry mains for future connection shall be installed. A description of existing public infrastructure availability, current demands, downstream capacity, projected flows and increased demand feasibility needed to serve the project, and a plan for providing needed infrastructure, including community facilities.

(9)(10) Phasing. A developmental procedures agreement that will describe the timing and phasing, if applicable, of the project and outline other development details as necessary.

(11) Buffer from Adjacent Residentially Zoned Districts. A minimum buffer area consisting of open landscaped green space measuring eighty five (85) feet in width shall be established at the perimeter of the development site adjacent to existing residentially zoned districts. No structures, roads, or parking areas shall be permitted within said buffer area.

i. The width of the buffer area shall be determined by the character of the area proposed within the Development Schematic Plan directly adjacent to existing residentially zoned district.

- i. The buffer shall be fifty (50) feet where the proposed area within the Development Schematic Plan is identified for purely residential development. This width shall be increased by one foot for each foot in height in excess of 25 feet of the proposed building heights for this area, as outlined in the design standards.
- ii. The buffer shall be eighty-five (85) feet where the proposed area within the Development Schematic Plan is for mixed use or commercial development. This width shall be increased by one foot for each foot in height in excess of 25 feet of the proposed building heights for this area, as outlined in the design standards.
- ~~iii. This buffering requirement shall be waived if traditional single-family detached and/or attached residential uses compatible in height and bulk with the abutting uses are established along the perimeter adjacent to the existing residential district.~~

~~iii.~~

- II. An alternative buffering tool may be proposed to the Planning Commission to consider; the applicant shall demonstrate that the requested alternative is just as, if not more, effective than the required buffering.
- III. ~~This buffering requirement shall be waived if traditional single-family detached and/or attached residential uses compatible in height and bulk with the abutting uses are established along the perimeter adjacent to the existing residential district.~~ The buffer may include a nonmotorized trail. This trail shall be public, constructed to meet ADA standards, and maintain a minimum setback of fifty (50) feet from the property line.

~~(10)~~ **(12) Open Space.** 15% of the of the development schematic plan shall be designated as open space subject to the following standards:

- ~~I. Stormwater management facilities and any required buffering shall not be used to meet the open space requirement included in the designated open space.~~
- ~~II. Stormwater management facilities shall not be used to meet the open space requirement unless designed as useable common open space, see below.~~
- ~~III. A minimum of 50% of the total open space must be designated as useable common open space to stimulate social interaction and recreational activity year-round:~~
 - a) The common useable opens space shall be easily accessible to residents, including visual and pedestrian linkages and proximity to such open spaces.
 - b) Private parks shall be subject to the conditions and limitations set forth in Section 49.100 of this Ordinance. A density bonus may be applicable; see Section 30.20.C.8 for details.
 - c) If a designated usable common open space area is eligible to become a public park to be transferred to Oshtemo Township to design, build, and maintain, subject to the review and approval of the Parks ~~Committee~~ Director, a density bonus would be applicable; see Section 30.20.C.8 for details.
- ~~IV. Open space not designated as usable common open space shall be retained in an essentially undeveloped or unimproved state except for necessary site grading.~~

~~IV.V.~~ All designated open space areas shall initially be under common ownership or control, such that there is a single entity having proprietary responsibility. Sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions shall be provided. Changes or transfers in ownership or control of the open space, sections thereof, shall be subject to review and approval of the Township. Open spaces shall always be under the control of a designated entity.

~~V.VI.~~ All designated open space areas shall be set aside through an irrevocable conveyance approved by the Planning Commission as part of final site plan approval, such as recorded deed restrictions, master deed, covenants that run perpetually with the land, a conservation easement of land trusts.

D. APPLICATION REVIEW

Said review shall evaluate whether the proposed comprehensive development plan conforms to the standards and recommendations of the correlating Sub Area Plan, Master Plan, rezoning principles, recognized principles of civic design, land use planning, landscape architecture, and building architectural design. Submissions shall be subject to the Township's Development Schedule of Applications and adopted fee schedule.

- 1) **Optional pre-application review(s).** Informal pre-application review(s) by Township Staff is encouraged. ~~and may be scheduled with the Planning Department and/or Planning Commission, at which the project concept may be reviewed by the applicant, Township staff, and Township consultants.~~
- 2) **Planning Commission Concept Plan Review.** A draft Development Schematic Plan shall undergo a mandatory conceptual plan review by the Planning Commission. Conceptual plan approval shall not constitute an approval of the Development Schematic Plan but rather shall be deemed an expression of approval of the general layout and as a guide to the preparation of a final plan. A conceptual plan approval from the Planning Commission becomes invalid if the required Traffic Impact Study requires significant changes to the Development Schematic Plan. Request for modification to the approved draft Development Schematic Plan shall be submitted to the Planning Commission for review in the same manner as the original. Following recommendation from the Planning Commission, elements of the conceptual plan requiring Township Board action as outlined in the ordinance shall be forwarded to the Township Board for initial consideration and feedback.
- ~~3)~~ **Planning Commission MU Rezoning Review.** Following concept plan review and approval, a full MU rezoning request may be submitted. The Planning Commission, after public hearing and consideration, may recommend approval, approval with recommended changes, or denial of the rezoning and ~~C~~omprehensive ~~D~~evelopment ~~P~~lan. The Township may consider, but shall not be limited to, future land use recommendations in the Master Land Use Plan; goals and objectives of the Sub Area Plan; the availability and capacity of utilities; potential positive and negative impact on neighboring land uses, potential impact on ~~and~~ the natural environment; and other concerns and benefits related to the general welfare, safety, and health of area residents.
- ~~3)~~ **Township Board Review.** After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the

rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in this Ordinance. Should the Township Board consider amendments to the proposed rezoning or comprehensive development plan advisable, then the Township Board shall, in accordance with Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405), refer such amendments to the Planning Commission for a report thereof within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the rezoning with or without amendments. The Township may consider, but shall not be limited to, future land use recommendations in the Master Land Use Plan; goals and objectives in the Sub Area Plan; the availability and capacity of utilities; potential impact on neighboring land uses and the natural environment; and other concerns related to the general welfare, safety and health of area residents.

E. AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT PLAN

All changes, modifications, revisions, and amendments made to the comprehensive development plan shall be resubmitted and considered in the same manner as originally required.

To optimize design, additional interior roads may be added to serve the development areas identified within the development schematic plan during the development of that area without an amendment to the comprehensive development plan.

30.30 DEVELOPING WITHIN THE MIXED USE DISTRICT

A. CONDITIONS FOR DEVELOPMENT

Unless specifically outlined in a phasing plan approved with the comprehensive development plan, all public infrastructure including, shared detention basin areas, streets, street lighting, useable common open spaces, and non-motorized facilities, shall be installed prior to any development. All private streets shall be located in a 66-foot right-of-way with an easement granted to the Township for public utilities and nonmotorized facilities. The Township shall have no obligation or liability for the private street or maintenance thereof by virtue of the easement.

In addition, prior to the submission of the first site plan application within the MU district, the development ownership of the district shall establish a Design Committee. The Design Committee shall review all site plan submissions against the adopted Design Standards and provide a letter of recommendation to the Planning Department as part of the official site plan application to the Township.

B. PERMITTED USES

- 1) One-family, two-family, three- or four-family, and multiple-family dwellings, including uses and buildings accessory thereto.
- 2) Any business primarily for the retail sale of merchandise or services in which any manufacturing, assembling or fabricating is merely incidental to and an unsubstantial part of said business.
- 3) Banks, credit unions, savings and loan offices and similar financial institutions.
- 4) Administrative, business, or professional offices.

- 5) Laundromats and dry-cleaning establishments, excluding those establishments providing cleaning services for other laundromat and dry-cleaning establishments.
- 6) Hotels, motels.
- 7) Restaurants.
- 8) Hospitals and medical clinics.
- 9) Essential services.
- 10) Indoor theatres.
- 11) Passenger bus terminals, excluding facilities for the overnight storage of buses.
- 12) Accessory buildings and uses customarily incidental to the foregoing.
- 13) Pet shops.
- 14) Houses of worship.
- 15) Commercial Center.
- 16) Proprietary schools and colleges.
- 17) Child Care Centers and Adult Care Centers.
- 18) Funeral homes.
- 19) Private clubs.
- 20) Nursing, convalescent, handicapped, or senior citizens' homes.
- 21) Drive-in service window or drive-through services for businesses.
- 22) Skating rinks, bowling alleys, indoor recreational facilities and health clubs.
- 23) Buildings and regulator stations for essential services.
- 24) Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds, and other recreational areas.
- 25) Brewpub.
- 26) Microbrewery.
- 27) Wine Tasting Room.
- 28) Craft food and beverage production facility, limited to 8,000 square feet gross floor area.
- 29) Scientific or medical laboratories, engineering, testing or design facilities, or other theoretical or applied research facilities. Typical uses include electronics research laboratories, environmental research and development firms, agricultural and forestry research labs, and pharmaceutical research labs.
- 30) Printing, lithographic, blueprinting, and similar uses.
- 31) Mixed use buildings, which entail two or more different uses. Mixed use buildings shall be comprised of a mixture of first-floor commercial, retail, office and/or ~~minimal~~ residential uses, with upper floor office and/or residential uses.

C. PERMITTED USES WITH CONDITIONS

Subject to administrative review applying the same standards as set forth in Article 49.

- a) Home Occupations
- b) Larger Facilities for Child and Adult Foster Care

- c) Group Day Care Home
- d) Bed and Breakfast Inns
- e) Golf Courses, Parks, and Outdoor Recreational Areas
- f) Assembly and Convention Halls.
- g) Veterinary, Small Animal Clinics

D. DEVELOPMENT REQUIREMENTS

All development within the Mixed Use District shall adhere to the approved Mixed Use District’s comprehensive development plan, including the adopted design standards, and the following standards:

1) Residential

Residential designated areas within the comprehensive development plan shall be subject to an administrative review by the Planning Department applying the standards of the Subdivision/Site Condominium Ordinance or the Residential Condominium Standards which shall be modified by the general development standards outlined below.

2) Commercial

Commercial designated areas within the comprehensive development plan shall be subject to an administrative review by the Planning Department and shall meet the requirements outlined in Article 64 Site Plan Review, which shall be modified by the general development standards outlined below.

3) Mixed-Use Development

Shall follow both the Residential and Commercial requirements set forth above.

4) General Development Standards

- i. There shall be no minimum lot area or frontage requirements unless outlined in the Mixed Use District’s comprehensive development plan.
- ii. Setbacks
 - a. Front Yard: 15 feet
 - b. Side Yard: 10 feet
 - c. Rear Yard: 20 feet
 - d. The Planning Commission may approve reduced setbacks in a manner that is consistent with the approved comprehensive development plan, encourages a consistent street wall and provides for a usable sidewalk area and a more attractive pedestrian environment. Applicant must officially request the reduction and provide reasoning for the request.
- ~~iii. A minimum separation of 20 feet shall be maintained between principal structures established.~~
- ~~iv-iii.~~ Residential unit sizes shall be regulated by Section 50.20 of the Ordinance.
- ~~v. A minimum ground floor height of 12 feet shall be required for all commercial and mixed use development.~~
- ~~vi. Maximum building height shall be two (2) stories unless otherwise specifically permitted by the adopted comprehensive development plan.~~

- vii-iv. All roadways shall be designed and constructed as Streets to Kalamazoo County Road Commission standards.
- ~~viii. Pedestrian Orientation. Sites shall be designed such that vehicles are not the dominant feature.~~
- ~~ix-v. Sidewalks shall connect the road frontage sidewalks to all front building entrances, parking areas, central open spaces, and any other destination that generates pedestrian traffic.~~
- x-vi. No outdoor storage shall be permitted in this district.
- xi-vii. Residential accessory structures shall conform to the requirements as specified in Section 57.00 Accessory Buildings Serving A Primary Residence.

E. PROCESS

The Planning Department shall have the authority to administratively deny, approve, or approve with conditions all site plans submitted for review under this section. The Planning Department shall record its conclusions, its decisions, the basis for its decision, and any recommended conditions to be imposed in conjunction with an affirmative decision. The Planning Director shall have the discretion to forward any Site Plan submitted for administrative approval to the Planning Commission for final determination. If administrative approval is denied, the applicant may appeal the decision to the ~~Zoning Board of Appeals~~ Planning Commission. With all submissions, a letter of recommendation from the corresponding MU District's Design Committee shall be provided.

DRAFT