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**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**Regular Meeting  
Thursday, February 13, 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: January 30, 2020
6. Old Business
  - a. Discussion - Accessory Buildings
  - b. Discussion – Setting Zoning Code amendment priorities
7. Any Other Business
8. Planning Commissioner Comments
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](mailto: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](http://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](mailto:oshtemo@oshtemo.org) and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<b><u>Supervisor</u></b>		
Libby Heiny-Cogswell	216-5220	<a href="mailto:libbyhc@oshtemo.org">libbyhc@oshtemo.org</a>
<b><u>Clerk</u></b>		
Dusty Farmer	216-5224	<a href="mailto:dfarmer@oshtemo.org">dfarmer@oshtemo.org</a>
<b><u>Treasurer</u></b>		
Grant Taylor	216-5221	<a href="mailto:gtaylor@oshtemo.org">gtaylor@oshtemo.org</a>
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Cheri L. Bell	372-2275	<a href="mailto:cbell@oshtemo.org">cbell@oshtemo.org</a>
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Ken Hudok	548-7002	<a href="mailto:khudok@oshtemo.org">khudok@oshtemo.org</a>

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

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**DRAFT MINUTES OF A REGULAR MEETING HELD JANUARY 30, 2020**

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**Agenda**

**Old Business**

- a. Discussion – Amendments to the Outdoor Lighting Standards Ordinance
- b. Discussion – Accessory Buildings

**New Business**

- a. Discussion – Setting Zoning Code Amendment Priorities
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A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, January 30, 2020, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

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

MEMBER ABSENT: Mary Smith, Vice Chair

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney and Martha Coash, Meeting Transcriptionist. No 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. and invited those present to join in reciting the “Pledge of Allegiance.”

**Approval of Agenda**

Since no changes were necessary, the Chair let the agenda stand as presented.

**Public Comment on Non-Agenda Items**

As there were no members of the public present, the Chair moved to the next agenda item.

## **Approval of the Minutes of the Meeting of January 9, 2020**

The Chair asked if there were additions, deletions or corrections to the Minutes of the Meeting of January 9, 2020.

Ms. Lubbert noted she had heard from Ms. Smith who requested clarification of a comment she made located in the last line at the bottom of page four. The last sentence should begin "*As she believed Mr. Taplin indicated he would be processing only nonhazardous materials, the Commission does not have to consider those things...*".

Ms. Versalle made a motion to approve the Minutes of the Meeting of December 12, 2019 as presented with the requested correction. Mr. Commissaris seconded the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next agenda item.

### **Old Business**

#### **a. Discussion – Amendments to the Outdoor Lighting Standards Ordinance**

Ms. Lubbert indicated recent concern about how the newly implemented Outside Lighting Standards Ordinance (Section 54.60) might be interpreted. Specifically the Ordinance's intent and the general usage of outdoor upward lighting. During review, staff was made aware that the upward lighting standards were unclear and open to subjective interpretation. Prior to the adoption of the current Lighting Ordinance on September 10th, 2019 upward lighting of this nature was strictly prohibited.

She noted at the regular Planning Commission meeting of December 12th the 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 the intent. It was determined that clarification was necessary. The Commission directed the Planning Director to revisit this section and explore the possibility of allowing up lighting in more detail.

She provided background, saying in September of 2018 the Township Board held a work session on lighting after hearing requests from local business owners on permitting LED string lighting within the Township. After receiving a directive from the Township Board, the Planning Commission drafted the Lighting Ordinance over a six-month period, utilizing the Dark Sky Society and Illuminating Engineer Society model ordinances and other township and city lighting ordinances as examples. The draft Ordinance was reviewed by a lighting provider, Circuit Electric, who assisted with amendments to the ordinance language. After discussion and multiple public meetings, the Outside Lighting Standards Ordinance (Section 54.60) was adopted by the Township Board on September 10, 2019.

With the Planning Commission's direction, Staff conducted additional research

on up lighting and ways to control it. As the Dark Sky Initiative was a consideration in the development of the original ordinance, options were explored that continue to be in line with this initiative. After conducting research and analyzing how other communities regulate up lighting, two options for code amendment were developed. She presented them for discussion by Commissioners:

**Option 1:** *This option would completely remove up lighting as a possibility for illuminating building facades.*

She said the Dark Sky Initiative strongly recommends all lighting fixtures be fully shielded and emit no light upward. To strictly follow the Dark Sky Initiative best practices would mean prohibiting all upward lighting. Reviewing past staff reports and the language of the current code, it seems this was generally the original intent of the adopted lighting ordinance. For example, item 3 in Section 54.10 (A) Statement of purpose states that the lighting regulations are intended to “minimize the detrimental effect of urban sky glow” and item 2 under 54.10 (B) Objectives states that outdoor lighting shall “be shielded, and downward directed so that the light intensity or brightness will not interfere with the enjoyment, health, safety, and welfare of surrounding properties”. It should also be noted that prior to the adoption of our current Outdoor Lighting Standards Ordinance on September 10th, 2019 upward lighting of this nature was strictly prohibited.

**Option 2:** *This option allows for the up lighting of building facades with restrictions.*

Ms. Lubbert said the language proposed for Option 2 is based on research staff conducted on accepted practices that allow up lighting but also minimize light pollution. She recommended that if up lighting is allowed it be done in a way that is still respectful of the Dark Sky Initiative. There are various ways to control up lighting, some ways more costly or cumbersome to implement than others, including the BUG rating system recommended by both the Illuminating Engineer Society and International Dark Sky Association. However, based on the Township’s current lighting code, staff determined the most consistent and efficient way to enforce up lighting standards would be through controlling the lumens of a fixture. Lumens, by definition, is the power of the light radiated by a light source. Through research staff found that up lighting fixtures emitting 1,800 lumens, comparable to a 100 Watt incandescent lamp or less, are considered “dark sky friendly”. Many municipalities and even State legislatures that have sought to reduce light pollution have implemented a 1,800 lumen cap for up lighting. Option 2 would permit the up lighting of a building’s façade in a way that has been recognized to generally be in line with the Dark Sky Initiative.

She recommended the Planning Commission pursue Option 1 which would be consistent with the Dark Sky Initiative and the original intent of the code. Allowing up lighting of this nature, where the Township previously did not, could be deemed as taking a step backwards in our efforts to minimize urban sky glow.

She noted both options include a number of smaller additional text amendments

recommended for consideration to help with the clarity and intent of the code.

Extended discussion by Commissioners of the proposed options included the desire to continue to comply with the Dark Sky Initiative, recognition of the difficulty to enforce the compliance of up lighting requirements, the acknowledgement that up lighting can produce glare that can interfere with a driver's vision, and the wish to allow businesses freedom of choice, but at the same time reflecting the choices and priorities of the Township.

A number of suggestions for changes to the Lighting Ordinance were discussed and agreed upon by Commissioners.

Following the discussion, the Chair asked for a motion on Option One which would *completely remove up lighting as a possibility for illuminating building facades*.

Ms. Maxwell made a motion to accept Option One as presented by Staff with the revisions discussed. Mr. Commissaris seconded the motion. The motion was approved 4 – 2, with Mr. Vyas and Mr. VanderWeele dissenting.

Ms. Lubbert will make the agreed upon revisions to the Lighting Ordinance. With agreeance from the Commission, she will move this proposed amendment forward and set a public hearing.

Chairperson VanderWeele moved to the next agenda item.

#### **b. Discussion – Accessory Buildings**

Ms. Lubbert explained that recently there have been concerns about how the Township was regulating accessory buildings on residential properties, specifically where they were permitted to be located on a parcel, lot, or building site. At the regular December 12, 2019 Planning Commission meeting, staff presented amendments to the Accessory Building Ordinance for consideration. At this meeting the Commission directed staff to review the accessory building code and provide them another version with more structure and detail. Areas of interest, in addition to placement, included: height, the treatment of accessory buildings in subdivisions vs. rural areas, and the overall permitted square footage of detached buildings based on lot size.

She said based on direction provided from the Commission, she restructured the Accessory Building Ordinance, further amended sections of the code for clarity, and added language to address the noted areas of interest. The amended ordinance was reviewed and 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.

The Accessory Building Ordinance was made more user friendly, and broken into six sections. She requested the Planning Commission review the proposed changes

and provide feedback to staff on the direction taken.

Ms. Lubbert walked the group through the document. Primary discussion centered on what size and height would be appropriate for parcels of differing acreages.

The Commission requested that Ms. Lubbert make changes in response to the discussion and return to the group with an updated document for further review.

Chairperson VanderWeele moved to the next item on the agenda.

## **New Business**

### **a. Discussion – Setting Zoning Code Amendment Priorities**

Ms. Lubbert provided the following overview of Zoning Ordinance amendments currently under or requested to be under the Planning Commission's review:

- Outdoor lighting (currently under review): The intent is to clarify if the Township wishes to permit the use of outdoor up-lighting.
- Detached Accessory Structures (currently under review): This amendment will clarify the appropriate placement and use of accessory structures on residential properties.
- Signage: The existing signage code does not meet the federal neutrality regulations and requires review and amendment. There is also a need to have the signage lighting regulations updated to mirror the recently approved outdoor lighting standards.
- Marijuana: The current Zoning Code needs to be updated to allow for marijuana to be grown, processed, and sold within Township boundaries.
- Permitted Uses, Permitted Uses with Conditions, and Special Uses: To be more efficient organizationally, there is a strong interest in revisiting the three use types in the Zoning Ordinance with the ultimate goal of making approval of Permitted Uses and Permitted Uses with Conditions administrative.
- Go Green Oshtemo: An award-winning vision plan adopted by the Township. The Zoning Ordinance and Master Land Use Plan need to be reviewed and updated to be consistent with this plan.
- 5G: 5G refers to a new type of communication tower linked to driverless cars. Federal regulations have required that municipalities allow for these special towers. The Zoning Ordinance needs to be updated if the Township wants to have any control over where and how these towers are placed. An application for a 5G tower can be submitted at any time.
- Maple Hill South Mixed-Use Overlay District (currently under review): The development of this overlay would allow for the redevelopment of an existing golf course at the south east corner of W Main Street and US Highway 131 into a compact, pedestrian-oriented, mixed-use district.
- Nonhazardous materials: The Zoning Ordinance needs to be updated to allow for the processing and treatment of non-hazardous materials within its boundaries.

She explained Staff is seeking guidance from the Planning Commission and then the Township Board on setting Zoning Ordinance amendment priorities. Staff and the Planning Commission can realistically work on two to three ordinances at a time. The intent is that staff would work on the first two to three items on a prioritized list and as items are completed the other amendments on the list would move up accordingly. Staff recommended this list, once set, be revisited as needed. Currently being worked on and to be completed first:

Outdoor lighting  
Detached Accessory Structures

To help spur discussion, it was agreed each Commissioners would consider which three of the following amendments they considered highest in priority and submit their list to Ms. Lubbert in the next few days.

1. 5G
2. Permitted Uses, Permitted Uses with Conditions, and Special Uses
3. Marijuana
4. Maple Hill South Mixed-Use Overlay District
5. Signage
6. Go Green Oshtemo
7. Nonhazardous materials

Ms. Lubbert suggested if both the Planning Commission and Township Board feel more items need to be dealt with more quickly, the Township might need to consider hiring outside consultant(s) to help.

Chairperson VanderWeele moved to the next item on the agenda.

### **Any Other Business**

Ms. Lubbert reported she received a letter from Curt Aardema, AVB Builders indicating their continued interest in planning for the future of the Prairies golf course site. He encouraged the Township to give completion of the proposed Maple Hill South Zoning Ordinance language high priority and expressed the desire that the final zoning language align with the intentions of the Sub-Area plan.

It was agreed the Commission would discuss Ordinance amendment priorities as well as the updated draft of the detached accessory building ordinance at the regularly scheduled meeting of February 13th.

In order to accomplish this time frame, Commissioners agreed 48 hours lead time for them to receive meeting materials would be sufficient.



**PLANNING COMMISSIONER COMMENTS**

There were no comments from Commissioners.

**ADJOURNMENT**

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 8:35 p.m.

Minutes prepared:  
February 1, 2020

Minutes approved:  
\_\_\_\_\_, 2020

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February 5, 2020

**Mtg Date:** February 13, 2020

**To:** Planning Commission

**From:** Iris Lubbert, AICP  
Planning Director

**Subject:** DISCUSSION CONT. Accessory Buildings

Introduction:

Recently, there have been concerns about how the Township was 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 has already reviewed and made a motion to recommend approval of the Setback Ordinance amendments to the Township Board. A copy of the Setback Ordinance amendments is attached for reference.

At the regular December 12<sup>th</sup>, 2019 Planning Commission meeting, staff presented amendments to the Accessory Building Ordinance for consideration. At this meeting the Commission directed staff to delve deeper into the accessory building code and provide them another version with more structure and detail. Areas of interest, in addition to placement, included: height, the treatment of accessory buildings in subdivisions vs. rural areas, and the overall permitted square footage of detached buildings based on lot size.

Based on the direction provided from the Commission, staff took the opportunity to restructure the Accessory Building Ordinance, further amend sections of the code for clarity, and add language to address the noted areas of interest. The amended ordinance was reviewed and 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.

The rewritten version of the code was presented to the Planning Commission at their regular January 30<sup>th</sup> meeting for discussion and initial feedback. Commission members were in support of the direction of the changes but requested that the proposed size and height restrictions be further defined and brought back to them for consideration.

Requested Discussion:

Based on the discussion from the regular January 30<sup>th</sup> Planning Commission meeting, Staff

amended the proposed accessory building code language. At this time Staff requests the Planning Commission to review the proposed changes.

Thank you.

Attachments: Proposed re-write of Section 57.100: Accessory Buildings (*changes shown in red*)  
Planning Commission approved Setback Ordinance revisions

## 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 building** in their corresponding zoning district, outlined in Section 50.60, or shall not be located closer to the street right of way than the front line of the **principle building**, whichever is greater.
    - ii. Accessory buildings on properties not located within a subdivisions or site condominiums shall meet the minimum front yard setback requirements for **principle building** 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	1,600 square feet
More than 2 acres but not more than 3 acres	1,800 square feet
More than 3 acres but not more than 5 acres	2,000 square feet
More than 5 acres but not more than 8 acres	3,000 square feet
More than 8 acres but not more than 11 acres	4,000 square feet
More than 11 acres	5,000 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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**50.60 SETBACK PROVISIONS**

B. Agricultural and Residence Districts, **which shall include** ~~the~~ "AG" Agricultural Districts, "RR" ~~Residence~~ **Rural Residential** Districts, "R-1" Residence Districts, "R-2" Residence Districts, "R-3" Residence Districts, "R-5" Residence Districts, "R-C" Residential, Conservation Districts and ~~with respect to~~ buildings having two stories or less in "R-4" Residence Districts.

**1. Front yard setbacks for primary structures.**

- a. **A setback of 30-feet shall be required** ~~there shall be a setback~~ from all street rights-of-way lines and outlots and/or planned future public street extensions ~~of not less than 30 feet for all buildings~~ unless a larger setback is otherwise required. ~~In the Township Zoning Ordinance or the~~
- b. **If a new building primary structure** is constructed within 300 feet of a building existing on the effective date of this Ordinance ~~provision~~ (December 24, 1966) which is closer than the 30-foot setback requirement, ~~in which case such~~ **the** setback may be decreased according to the schedule set forth in Section 50.60.A ~~hereof~~.
- c. ~~If the~~ **a new building primary structure** is constructed within 100 feet of a building existing on the effective date of this Ordinance ~~provision~~ which is further than the 30-foot setback requirement, the minimum setback requirement shall be equal to the average of the closest existing buildings on either side of the new building.

**2. Interior side and rear yard setbacks for primary structures.**

- a. "AG" Agricultural Districts, "RR" **Rural Residential** ~~Residence~~ Districts, "R-1" Residence Districts, "R-2" Residence Districts, "R-3" Residence Districts, and "R-C" Residential, Conservation Districts:
  - i. The minimum setback distance between any **primary structure building, pools, and associated decks whether attached or detached** and any interior side property line ~~in the "AG" Agricultural Districts, "RR" Residence Districts, "R-1" Residence Districts, "R-2" Residence Districts, "R-3" Residence Districts, and "R-C" Residential, Conservation Districts~~ shall be ten feet ~~for all buildings, pools, and associated decks whether attached or detached~~ unless a larger setback is otherwise required in the Township Zoning Ordinance.
  - ii. The minimum setback distance between any **primary structure building, pools, and associated decks whether attached or detached** and any rear property line ~~in the "AG" Agricultural Districts, "RR" Residence Districts, "R-1" Residence Districts, "R-2" Residence Districts, "R-3" Residence Districts, and "R-C" Residential, Conservation Districts~~ shall be ~~not less than~~ 15 feet unless a larger setback is otherwise required in the Township Zoning Ordinance.
- b. "R- 5" Residence Districts, and, ~~with respect to~~ buildings having two stories or less in "R-4" Residence Districts:
  - i. The minimum setback distance between any building and any rear or interior side property line ~~in the "R- 5" Residence Districts, and, with respect to buildings having two stories or less in "R-4" Residence Districts,~~ shall be ten feet or the height of the abutting side of the building at its highest point as measured from the grade of the property line, whichever is greater.

- c. The setbacks for buildings exceeding two stories in the "R-4" Residence Districts are set forth in Section 50.60.C.
- d. The rear and interior side property line setbacks for nonresidential buildings in the above zoning districts shall satisfy the requirements of Section 50.60.C.

### 3. Accessory buildings

- a. Accessory buildings exceeding 200 square feet shall be set back from interior side and rear property lines a minimum of ten feet or the height of the accessory building at its highest point as measured from the grade of the property line, whichever is greater, unless a larger setback is otherwise required in the Township Zoning Ordinance.
- b. ~~The minimum setback distance between any~~ Accessory building not exceeding 200 square feet ~~in area and~~ shall be set back from any interior side and rear ~~or interior side~~ property lines in the ~~"AG" Agricultural Districts, "RR" Residence Districts, "R-1" Residence Districts, "R-2" Residence Districts, "R-3" Residence Districts, "R-4" Residence Districts, "R-5" Residence Districts, and "R-C" Residential, Conservation Districts~~ shall be a minimum of three feet, unless a larger setback is otherwise required in the Township Zoning Ordinance.
- c. Reference Section 57.100 for additional accessory building requirements.

- 4. Essential services. In "AG" Agricultural Districts, "RR" Residence Districts, "R-1" Residence Districts, "R-2" Residence Districts, "R-3" Residence Districts, "R-4" Residence Districts, "R-5" Residence Districts, and "R-C" Residential, Conservation Districts there shall be a setback of not less than 25 feet from all street right-of-way lines and outlots and/or planned future public street extensions for all parcels, lots or building sites with buildings or regulator stations for essential services unless a larger setback is otherwise required in the Township Zoning Ordinance.
- 5. Separation between buildings. With respect to residential buildings of four dwelling units or less, there shall be a 20-foot separation between buildings located on the same parcel, lot, or building site (except buildings accessory thereto), unless otherwise required in the Township Zoning Ordinance. Separation shall be measured in the same manner as a building setback.
- 6. Lawful nonconforming residential buildings existing as of the date March 11, 1996. Any residential building constructed as of the date of March 11, 1996, which is set back less than the distance required by Section 50.60.A or Section 50.60.B (whichever is applicable) from the street right-of-way lines shall be considered a lawful nonconforming structure under Section 63.40 for purposes of the application and enforcement of the setback provisions of Sections 50.60.A and 50.60.B. Structures rendered lawfully nonconforming by this section shall not be utilized to decrease the setback required under the reduction schedule contained within Section 50.60.A.

February 5, 2020



**Mtg Date:** February 13, 2020

**To:** Planning Commission

**From:** Iris Lubbert, AICP  
Planning Director

**Subject:** Discussion – Setting Zoning Code Amendment Priorities

Background:

The Planning Commission is responsible for maintaining the Master Land Use Plan, a living document that expresses the community's vision for the future of Oshtemo. The Zoning Ordinance, a written regulation and law that defines how property in specific geographic zones can be used, is the tool to implement the Master Land Use Plan. Like the Master Land Use Plan, the Zoning Ordinance is a living document. In order to ensure that these two documents accurately reflect the type of community Oshtemo residents enjoy now and desire for the future, the Planning Commission is tasked to work with Township Staff when necessary to recommend amendments to these documents to the Township Board for adoption.

The following is an overview of Zoning Ordinance amendments, with a brief overview of their goals, that are currently under the Planning Commission's review or have been requested:

- Outdoor lighting (currently under review): The intent is to clarify if the Township wishes to permit the use of outdoor up-lighting.
- Detached Accessory Structures (currently under review): This amendment will clarify the appropriate placement and use of accessory structures on residential properties.
- Signage: The existing signage code does not meet the federal neutrality regulations and requires review and amendment. There is also a need to have the signage lighting regulations updated to mirror the recently approved outdoor lighting standards.
- Marijuana: The current Zoning Code needs to be updated to allow for marijuana to be grown, processed, and sold within Township boundaries.
- Permitted Uses, Permitted Uses with Conditions, and Special Uses: To be more efficient organizationally, there is a strong interest in revisiting the three use types in the Zoning Ordinance with the ultimate goal of making approval of Permitted Uses and Permitted Uses with Conditions administrative.
- Go Green Oshtemo: An award-winning vision plan adopted by the Township. The Zoning Ordinance and Master Land Use Plan need to be reviewed and updated to be consistent with this plan.
- 5G: 5G refers to a new type of communication tower linked to driverless cars. Federal regulations have required that municipalities allow for these special towers. The Zoning Ordinance needs to be updated if the Township wants to have any control over where and how these towers are placed. An application for a 5G tower can be submitted at any time.
- Maple Hill South Mixed-Use Overlay District (currently under review): The development of this overlay would allow for the redevelopment of an existing golf course at the south east corner of

W Main Street and US Highway 131 into a compact, pedestrian-oriented, mixed-use district.

- Nonhazardous materials: The Zoning Ordinance needs to be updated to allow for the processing and treatment of non-hazardous materials within its boundaries.

To ensure amendments capture the intent of the Community’s vision and as they ultimately become written regulation and law, each amendment necessitates a considerable amount of research, time, and discussion from Oshtemo Staff, the Planning Commission, the Township Board, and the public. It is important that all parties have the opportunity to give each amendment their full attention and not spread oneself too thinly. With the number of requested amendments, Township staff is seeking guidance from the Planning Commission and then the Township Board on setting Zoning Ordinance amendment priorities.

The Planning Commission reviewed the list of amendments at their regular January 30<sup>th</sup> meeting. After discussion, the Commission asked to revisit the list at their next meeting and agreed to separately email staff their top three amendments to help inform the discussion. Please note that as staff is currently working on and nearing completion of amendments to the outdoor lighting and detached accessory structure ordinances, these two amendments were excluded from this priority list.

Requested Discussion:

Each of the seven Planning Commissioners identified three amendments that they wished to prioritize. Below is a compilation of their identified amendment priorities. The Planning Commission is asked to further discuss the list and number the amendments in the order that they wish Township staff to tackle them.

<b>Amendment</b>	<b>Commissioners out of 7 that identified the amendment as a priority</b>
5G	7
Permitted Uses, Permitted Uses with Conditions, and Special Uses	2
Marijuana	6
Maple Hill South Mixed-Use Overlay District	4
Signage	1
Go Green Oshtemo	1
Nonhazardous materials	0

Based on the provided feedback, staff recommends that the following amendments be tackled first in the following order:

1. 5G
2. Marijuana
3. Maple Hill South Mixed-Use Overlay District

Thank you.