



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334  
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**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION - REGULAR MEETING**

**MEETING WILL BE HELD IN PERSON  
AT OSHTEMO TOWNSHIP HALL  
7275 W MAIN STREET**  
Masks Are Optional in Oshtemo Township Buildings

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

**THURSDAY, FEBRUARY 22, 2024  
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: February 08, 2024
6. **6139 & 6169 W Main Street – Conceptual Site Plan and Dimensional Deviation Request:**  
Conceptual plan approval and dimensional deviation request pursuant to Section 35.60 of the Zoning Ordinance to allow for one 50,560 SF single story building on-site whereas a maximum of 25,000 SF is allowed per single story building by Ordinance.
7. Work Session:
  - a. Introduction: Section 55: Signs and Billboards
  - b. Introduction: Section 50.60: Setback Provisions
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](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 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.–1 p.m. 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.

<b>Oshtemo Township Board of Trustees</b>		
<b><u>Supervisor</u></b>		
Cheri Bell	216-5220	<a href="mailto:cbell@oshtemo.org">cbell@oshtemo.org</a>
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Dusty Farmer	216-5224	<a href="mailto:dfarmer@oshtemo.org">dfarmer@oshtemo.org</a>
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Clare Buszka	216-5260	<a href="mailto:cbuszka@oshtemo.org">cbuszka@oshtemo.org</a>
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<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>			
Greg McComb	375-0487	<a href="mailto:gmccomb@oshtemo.org">gmccomb@oshtemo.org</a>	
<b><u>Ordinance Enforcement:</u></b>			
Rick Suwarsky	216-5227	<a href="mailto:rsuwarsky@oshtemo.org">rsuwarsky@oshtemo.org</a>	
<b><u>Parks Director:</u></b>			
Vanessa Street	216-5233	<a href="mailto:vstreet@oshtemo.org">vstreet@oshtemo.org</a>	
Rental Info	216-5224	<a href="mailto:oshtemo@oshtemo.org">oshtemo@oshtemo.org</a>	
<b><u>Planning Director:</u></b>			
Vacant	375-4260	<a href="mailto:planning@oshtemo.org">planning@oshtemo.org</a>	
<b><u>Public Works Director:</u></b>			
Anna Horner	216-5228	<a href="mailto:ahorner@oshtemo.org">ahorner@oshtemo.org</a>	

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION  
DRAFT MINUTES OF A MEETING HELD FEBRUARY 8, 2024**

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**Agenda**

**PUBLIC HEARING: Article 30 – Mixed Use District Ordinance**

**A new Zoning Ordinance to implement Oshtemo Township’s adopted Sub Area Plans and encouraging a mix of uses in the planned redevelopment of existing commercial areas into mixed use.**

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A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, February 8, 2024, commencing at approximately 6:01 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

MEMBERS PRESENT: Philip Doorlag, Chair  
Deb Everett, Vice Chair  
Alistair Smith  
Zak Ford, Township Board Liaison  
Scot Jefferies  
Scott Makohn

MEMBERS ABSENT:

Also present were Leeanna Harris, Zoning Administrator and Temporary Recording Secretary, Colten Hutson, Zoning Administrator, James Porter, Township Attorney, David Keyte from Callendar Commercial, and Paul Lippens from McKenna.

**Call to Order and Pledge of Allegiance**

Chairperson Doorlag called the meeting to order at approximately 6:01 p.m. 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**

The Chair asked if anyone present wished to speak on non-agenda items. As no one responded, he moved to the next agenda item.

## **Approval of the Minutes of the Meeting of January 25, 2024**

Chairperson Doorlag asked for additions, deletions, or corrections to the Minutes of the Meeting of January 25, 2024.

Hearing none, Chairperson Doorlag asked for a motion.

Mr. Jefferies **made a motion** to approve the Minutes of the Meeting of January 25, 2024, as presented. Mr. Ford **seconded the motion**. The **motion was approved unanimously**.

Chairperson Doorlag moved to the next agenda item and asked Mr. Lippens for his presentation.

### **PUBLIC HEARING: Article 30 – Mixed Use District Ordinance**

Mr. Paul Lippens introduced himself as the Vice President of McKenna and explained that he would be presenting on the Mixed Use District Ordinance.

Mr. Lippens began his presentation with the purpose of Master Planning and such. He then provided the Commissioners with the dwelling units per acre of present apartment complexes in Oshtemo Township. Mr. Lippens moved on to show different dwelling units per acre, ranging from 7.7 dwelling units per acre to 59 dwelling units per acre. After guiding the Commission through different examples of dwelling units per acre, he concluded by recommending the Residential Density chart reflect an increased density for Medium/Transitional and High initial and gross density. He suggested increasing the initial density for Medium/Transitional to 8 units per acre and 16 units per acre with density bonus. He also recommended increasing the initial density for High to 16 units per acre and 32 units per acre with density bonus. Lastly, he recommended the minimum lot size be decreased from 20 acres to 5 acres.

Chair Doorlag thanked Mr. Lippens for his presentation and moved to Planning Commission discussion. The Commission discussed the Mixed Use District Ordinance, specifically focusing density, density bonus, parking, Traffic Impact Studies.

After concluding the discussion, Chair Doorlag opened it up for Public Hearing.

Mr. Keyte, from Callandar Commercial, explained that he has worked in the commercial real estate market in the area for 29 years applauded the Township for bringing Mr. Lippens for his presentation and urged the Planning Commission to consider the recommendations from Mr. Lippens.

Seeing no other public in the audience. Chair Doorlag closed the Public Hearing and asked for a motion.

Mr. Ford **made a motion** to send the text to the Township Board with revisions suggested by Mr. Lippens on initial density, density bonus, and minimum size, and

redlines from the Legal Department. Chair Doorlag **seconded the motion. The Chairman called for the motion and the motion failed** 3-3 by roll call vote.

Mr. Ford **made a motion** to forward the Ordinance as presented to the Township Board with the redline changes provided by the Legal Department. Mr. Jefferies **seconded the motion. The motion was approved** 4-2 by roll call vote.

### **OTHER UPDATES AND BUSINESS**

Attorney Porter noted that the Sign Ordinance update will likely be happening in the next couple months and that it will come forward to the Commission.

Attorney Porter also noted that an Amendment to the Zoning Ordinance Section 50.60, as it pertains to front and rear setbacks for properties with frontages on parallel sides, will be coming forward to the Planning Commission.

Mr. Jefferies noted that a road in his subdivision was receiving a new speed limit in conjunction with the Kalamazoo County Road Commission, and that there will be education materials, including signage, distributed around the area.

### **ADJOURNMENT**

With no further business to consider, Chairperson Doorlag adjourned the meeting at approximately 7:36 p.m.

Minutes prepared:  
February 13, 2024

Minutes approved:

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February 15, 2024



**Mtg Date:** February 22, 2024

**To:** Oshtemo Township Planning Commission

**From:** Colten Hutson, Zoning Administrator

**Applicant:** Tim Talsma, Talsma Furniture

**Owner:** Tim Talsma, Talsma Furniture

**Property:** 6139 & 6169 W Main Street, Parcel Numbers 05-14-430-040 & 05-14-430-050

**Zoning:** R-2: Residence District  
9<sup>th</sup> Street and W Main Overlay Zone

**Request:** Conceptual plan approval and a dimensional deviation request to construct one 50,560 SF single story building to serve as a furniture store for Talsma Furniture where only one 25,000 SF single story building is permitted.

**Section(s):** Section 64: Site Plan Review  
Section 65.30: Special Use Review Criteria  
Section 35: 9<sup>th</sup> Street and West Main Overlay Zone  
Section 35.60: Dimensional Deviation

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**PROJECT SUMMARY:**

Tim Talsma is requesting conceptual plan approval and a dimensional deviation request to construct one 50,560 SF single story building where only one 25,000 SF single story building is permitted by Ordinance. Currently serving as two residential uses, the applicant is seeking to demolish the existing single-family homes and accessory structures on-site and combine the two parcels in order to build a furniture and home goods store for Talsma Furniture. The approximate 4-acre site is located on two parcels on the south side of W Main Street between N 9<sup>th</sup> Street and N 10<sup>th</sup> Street. The site under consideration is outlined in light blue on the map to the right.



The subject project site falls within the R-2: Residence District zoning designation as well as the 9<sup>th</sup> Street and West Main Overlay Zone. The overlay is an optional overlay zone, meaning that property owners have the option to either continue to use their property in the manner permitted in the underlying district or adhere to the standards and procedures of the Overlay District in order to take advantage of the opportunities allowed by the overlay. The applicant has elected to utilize the 9<sup>th</sup> Street and West Main Overlay Zone in order to propose this commercial development. 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 are considered as a permitted use by right within the W Main Commercial sub-district of the 9<sup>th</sup> Street and West Main Overlay Zone.

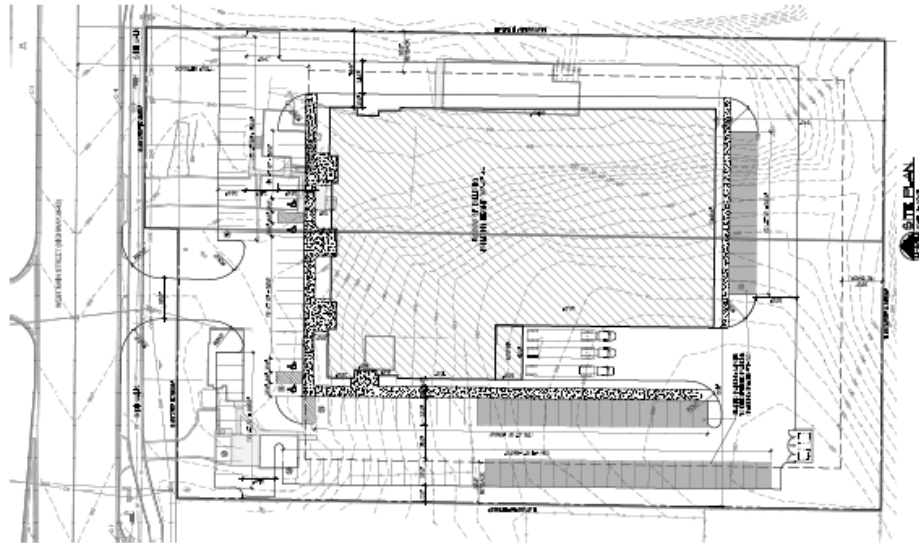
**ANALYSIS:**

The 9<sup>th</sup> Street and West Main Overlay Zone implements both the 9<sup>th</sup> Street Sub Area Plan as well as the West Main Street Sub Area Plan in which were both adopted by the Township in 2011. The proposed project site falls within the West Main Commercial sub-district of the plan and through the overlay is permitted to develop as a commercial site. When reviewing this request, there are three sets of criteria that need to be considered: the general site plan review criteria outlined in Section 64, the general special use review criteria outlined in Section 65.30, and the requirements for the 9<sup>th</sup> Street and West Main Overlay Zone outlined in Section 35. Below is an analysis of the proposal against these three code sections.

**Section 64: Site Plan Review**

**General Zoning Compliance:**

*Zoning:* The subject property is zoned R-2: Residence District and falls within the 9<sup>th</sup> Street and West Main Overlay Zone. The subject site abuts a car dealership to the west, a microbrewery to the east, an unimproved parcel to the south, and office and financial institutions to the north. Zoning wise, R-3: Residence District is adjacent to the north, C: Local Business District is adjacent to the west, and R-2: Residence District to the east and south. Each parcel surrounding the property in question is also within the 9<sup>th</sup> Street and West Main Overlay Zone. Within the 9<sup>th</sup> Street and West Main Commercial Overlay, retail businesses are categorized as permitted uses. All general zoning requirements have been met. A snapshot of the proposed site plan is provided below.



**Access and Circulation**

*Access:* Both single-family homes occupying the subject property each possess one driveway adjacent to W Main Street. The proposed conceptual plan is proposing to eliminate both residential drives to install one standard commercial driveway at the center of the property's frontage. This stretch of W Main Street falls within the jurisdiction of the Michigan Department of Transportation (MDOT). If approved, the new curb cut for the proposed furniture store user



will be required go through MDOT’s permitting process; obtaining a commercial driveway permit from MDOT will be a condition of approval when the applicant submits for formal site plan review.

The applicant is proposing there to be a frontage road between the proposed building location and W Main Street in efforts to promote connectivity amongst adjacent parcels. The frontage road would also relieve congestion from a traffic standpoint on W Main Street and encourage motorists to make safe turning movements from nearby signalized intersections. An interior drive aisle is proposed to wrap around the building. All circulation aisles are proposed to be anywhere from 24-30 Ft in width, which meet the minimum width requirements under Section 52.50 of the Zoning Ordinance. A loading and unloading zone for shipments is proposed in the far rear of the site, limiting the view from motorists traveling on W Main Street.

*Parking:* Per code, showrooms for furniture require one parking space per each 400 SF of net floor area used for sales and/or display. General office requires one parking space per each 150 SF of net floor area. Storage requires one parking space per each 1,500 SF of net floor area. The net floor area of the building is proposed at 44,500 SF. Per code this proposed conceptual plan shall require a minimum of 120 parking spaces. 120 parking spaces have been provided. All spaces are proposed to be 10 Ft wide by 20 Ft deep, which satisfies code requirements. ADA parking spaces will be required to be shown in concrete at time of formal site plan submission.

The applicant is requesting a parking deferment of 50 parking spaces. The applicant has provided rationale as to why he believes the subject deferment should be granted. Highlights from the provided rationale include:

1. “Ordinance 52.120 Wisely speaks of a working relationship between a retail owner and a governing body. The governing body doesn’t want to have more parking constructed than is needed. The retailer doesn’t want parking problems and therefore will accurately portray his true needs. Furniture Retail is a low pressure use for the site which is why this fits so well at this location. We simply don’t have a large number of people visiting us at any one time.”
2. “Ordinance 52.120 is in place as a means of avoiding greater amounts of parking spaces and impermeable surface than are reasonably needed to serve a particular use...”
3. “We operate 4 other retail furniture locations of this size and have done a study on the largest retail day in our history that recently happened on 1/4/2024 and our parking needs, including staff, was 68 at the highest record and 42 at the lowest.”
4. “Deferring may be wise for a future interconnect road to the south. In the future additional parking could be incorporated into the plan.”

Per Section 52.120 of the Zoning Ordinance, the reviewing body may grant a parking deviation for non-residential uses in efforts to avoid greater amounts of parking and other impervious surfaces as long as the following conditions are satisfied:

- A. The applicant submits a Site Plan including the design and layout of all required parking areas including areas proposed for deferred parking. Such deferred parking area shall not include areas required for landscaping or greenspace, or land otherwise unsuitable for parking due to environmental or physical conditions.

- B. The applicant demonstrates, to the satisfaction of the reviewing body, that a reduced number of parking spaces will meet the parking needs due to the nature, size, density, location, or design of the proposed development. Pedestrian access and use may be considered.
- C. And any other factors reasonably related to the need for parking for the proposed development as determined by the reviewing body.
- D. At any time, subsequent to approval, the Township may require the construction of additional parking spaces based on review of the parking needs by the Planning Director.

Although the Ordinance is requiring that there be a minimum of 120 parking spaces on-site for the proposed furniture store use, staff is in the opinion that a total of 120 parking spaces is excessive for a use of this nature. The intensity level of a commercial use such as a furniture store is rather low; **staff recommends that the Planning Commission grant the request to allow for the deferment of 50 parking spaces for the subject furniture store use.**

*Easements:* Easements for utilities such as water and sanitary sewer will be required as a part of the development for this site. All existing easements are illustrated on the proposed conceptual site plan.

*Non-motorized Facilities:*

The Township’s Non-motorized Transportation Plan does identify a shared use path adjacent to the subject site on the south side of W Main Street. A 10 Ft wide HMA path on the south side of W Main Street is already in place and is shown on the proposed concept plan. If any portion of said path is damaged through the development process of this site, the path will need to be replaced and conform to the Township’s sidewalk and shared use path specification standards. Although not illustrated, an internal sidewalk network connecting the shared use path that runs along W Main Street to the proposed building will be required to be installed. Said sidewalk will be required to be shown on the site plan that is submitted for formal review and approval.

**Building Design**

*Building Information:* The proposed 50,560 SF, one-story building is currently proposed to be located in the center of the property and is approximately 30 Ft in height. The exterior of the building is proposed to have an appearance of a multi-tenant style building with multiple points of entry. The exterior materials are proposed to include, but not limited to, brick masonry and wood fascia. A rendering illustrating the north and west elevations of the building can be found on the image to the right.



*Lot Dimensions:* The overall project site is about 4 acres in size and has approximately 350 Ft of road frontage adjacent to W Main Street. The project site consists of two unplatted parcels, 6139 W Main Street possesses 1.8 acres and 150 Ft of road frontage. 6169 W Main Street consists of 2.4 acres and 200 Ft of road frontage. If approved, the two parcels in question will exceed the minimum property area (50,000 SF min.) and minimum road frontage requirements (200 Ft min.) for unplatted parcels located within the R-2: Residence District once combined.

*Setbacks:* Per Section 50.60 of the Township’s Zoning Ordinance, the minimum front yard setback for buildings adjacent to W Main Street is 170 Ft from the center of the street right-of-way. The minimum side and rear yard setback is 20 Ft or equal to the height of the building at its highest point as measured from the grade of the property line, whichever is greater. The height of the building is proposed to be 30 Ft, which requires a minimum building setback in the side and rear yards of 30 Ft, which is proposed. The proposed 50,560 SF building is setback approximately 190 Ft from center of W Main Street, approximately 140 Ft from the rear property line, approximately 55 Ft from the east property line, and 90 Ft from the west property line. The minimum setback requirements for the front yard, side yards, and rear yard have all been satisfied for the proposed furniture store building. All minimum setback requirements have been met.

*Fencing:* No fencing is being proposed at this time. This portion of the review is not applicable.

*Lighting:* A photometric plan for the site will be required to be submitted at time of formal site plan review and approval. All exterior lighting shall conform to Article 54 of the Township’s Zoning Ordinance.

*Signs:* No signage has been proposed during the conceptual phase of this plan review. If the developer would like to erect signage in the future, said signage will be required to meet Article 55 of the Zoning Ordinance and have a sign permit application submitted to the Township for review and approval.

**Landscaping**

A landscaping plan satisfying the requirements outlined in Article 53 of the Township’s Zoning Ordinance will be reviewed and approved at time of formal site plan submission.

**Engineering**

Prein & Newhof and the Oshtemo Public Works Department have reviewed the proposal and have noted that there are some engineering concerns that have not yet been addressed; however, felt that as long as they will be met during the formal site plan approval process, the applicant could move forward with the dimensional deviation and concept plan request.

**Fire Department**

The Fire Marshal has reviewed the site plan and overall is satisfied with the proposal.

Section 65.30: Special Use Review Criteria

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

The Township’s Future Land Use Plan categorizes this area—west of N 10<sup>th</sup> Street, east of N 9<sup>th</sup> Street, south of W Main Street as *West Main Sub Area Plan*. Businesses primarily for retail sales of merchandise are permitted uses by right within the 9<sup>th</sup> Street and West Main Overlay Zone. From a zoning perspective, the proposed use would be consistent with the surrounding commercial activity at nearby sites and is in accordance with the Township’s Zoning Ordinance.

**B. Site Plan Review: The Site Plan Review Criteria of Section 64**

A site plan has been provided. See evaluation under [Section 64: Site Plan Review](#).

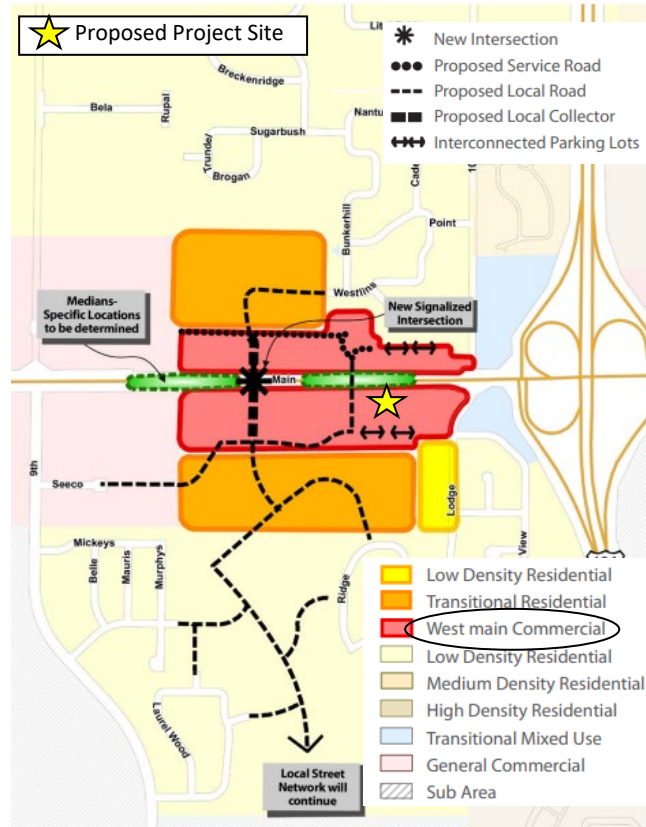
**C. Impacts:**

- 1. The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.**

The property in question falls within the West Main Commercial designation; the Master Plan notes that “Uses in this land use designation may consist of office buildings and low intensity commercial, similar to what has already developed along the West Main Street frontage between 9<sup>th</sup> and 10<sup>th</sup> Streets” (Oshtemo 2011 Master Plan, page 174). Uses already along West Main Street frontage between 9<sup>th</sup> and 10<sup>th</sup> Streets include, but are not limited to: Ethan Allen, Latitude 42, Hampton’s Plaza, Chemical Bank, Lake Michigan Credit Union, Advia Credit Union, and Sharp & Associates Law Firm. With many low intensity commercial uses already existing within this corridor and with it being consistent with the Zoning Ordinance, the proposed use is harmonious and appropriate with the existing uses and planned character of adjacent properties.

- 2. Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.**

Staff does not foresee a significant impact of the proposed use on neighboring properties. The proposed site plan provides the required parking by code and exceeds minimum setbacks.



Landscaping and open space requirements will need to met at time of formal site plan approval.

**3. The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, or visual clutter.**

Given the nature of the W Main Street corridor, staff anticipates that the proposed retail sales use at the subject property will have no such negative impacts on adjacent properties. The subject use is very much in accordance with the area’s character.

**D. Environment: The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.**

The subject property is currently occupied by two single-family homes in the front half of the site while the rear half is completely wooded. Existing vegetation on site will need to be cleared in order for the proposed 50,560 SF furniture store to be constructed. As a part of developing under Section 35 of the Zoning Ordinance, the applicant will be required to use low impact development practices and preserve open space and existing landscaping on-site, which will be shown during the formal site plan review process.

**E. Public Facilities: Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.**

Municipal water is available and is located on the south side of W Main Street. Municipal sanitary sewer currently does not exist adjacent to the project site. Sewer exists to the west where the Hamptons Plaza strip mall was just recently developed. Sanitary sewer will need to be extended to the site in order to the property to be developed and will be an attached condition for formal site plan approval. Regarding the transportation network, they are proposing there to be a frontage road between W Main Street and the proposed building location which is proposed to provide a connection the sites east and west. Additionally, the sub area plan documents identify a local road meeting the property’s west boundary line. Development further west could very well trigger this local road getting extended and coming to fruition from where Seeco Drive exists today. Detailed plans on how this site will connect to said local road in the site’s southwest corner will be solidified in the applicant’s formal submission during the formal site plan review process.

**F. Specific Use Requirements: The Special Use development requirements of Article 49.**

No specific use requirements exist for 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. Therefore, this section does not apply.

Section 35: 9<sup>th</sup> Street and West Main Commercial Review

The 9<sup>th</sup> Street and West Main Overlay has specific development requirements for new construction, including, but not limited to, native landscaping; a natural features preservation plan; open space; building setbacks and landscape buffers designed as naturalized green spaces, incorporation of sustainable storm water management features; and that the design of storm water management systems shall respond to the natural drainage patterns of the area and should incorporate Low Impact Development standards. The Overlay requires that at least 5% of the site be set aside as perpetual open space. The ordinance notes

that the designated open space shall be set aside through an irrevocable conveyance through one of the following methods:

- a. recorded deed restrictions
- b. covenants that run perpetually with the land
- c. a conservation easement
- d. land trusts

One of these irrevocable conveyance instruments will need to be provided as a condition of approval attached to formal site plan approval.

#### Section 35.60: Dimensional Deviation

The applicant is proposing to construct one 50,560 SF single story building on the subject property to serve as a furniture and home goods store for Talsma Furniture. The square footage of the proposed building exceeds the allowable square footage for a single story building by Ordinance when developing under the Overlay. The 9<sup>th</sup> Street and West Main Overlay Zone currently caps a single story building at 25,000 SF in size. With the applicant proposing to double the size of what is permitted by code, the applicant is seeking a dimensional deviation pursuant to Section 35.60 of the Zoning Ordinance. Any dimensional deviation shall be approved through a finding by the Planning Commission that the deviation meets the purpose of the West Main Street Sub-Area Plan and the 9<sup>th</sup> Street and West Main Overlay Zone.

The applicant has provided his reasoning as to why the subject dimensional deviation request should be granted. Highlights from the provided support letter include:

1. "A single commercial building would be much more energy and natural resource friendly and a greater curb appeal would be attained. Handicap Access is important as well as shopping in a single level. Furniture retail sales can be hands off as to not hound the customer but being ready for their questions is an imperative. A single-story open concept is the only way to accomplish this. Multiple buildings or stories makes for lost customers and confusion and can be a safety hazard during inclement weather. This is repeated time and time again in retail stores as they know that multiple-level retail is not a good option. We can accomplish this without looking like a Big Box!"
2. "This is the average showroom space of all our stores in the Grand Rapids area and every inch of it filled with trendy styles, traditional go-to's, and the next up-and-coming look, sure to fill the need of everyone's residence in the area. These showrooms are expertly curated, and displayed as full homes by our very own design team, guaranteed to move the soul of even the most begrudging furniture shopper. Customers need to see it as it would be in their homes- otherwise they might as well buy it online. Brick and Mortar is important to us and to the community but it also needs to show a full selection."
3. "The storefront would feature a rural modern curb appeal, clean lines, with brick and wood facias. With only 200ft of Non-Linear store frontage, the size of the building will be deceiving from the sidewalk, but walk through wide, front double doors to unveil a showroom fit for the greater Kalamazoo area. Once in the store, open concepts and tall ceilings creates lots of space for designing your home and a potential balcony in the back, showcasing nature's best views of the native vegetation surrounding the site, aiding in the relaxing atmosphere. Other ideas are a rest stop and outdoor seating along the bike path to take a break or shelter from a passing shower that catches up to you on your walk. Please refer to the concept storefront page enclosed."

The Sub Area Plan for the frontage of this stretch of W Main Street envisions commercial and non-residential vision in which would complement the rural nature of the Township as a whole. Uses in the W Main Commercial designation should consist of office buildings and low intensity commercial development, similar to what has already developed along the West Main Street frontage between 9th and 10th Streets. The Sub Area Plan specifies that big box type retail is not envisioned in this land use designation.

In looking at the surrounding area and evaluating the character of what is present on this stretch of the W Main Street corridor, there are a number of commercial users. Commercial users include Ethan Allen, Latitude 42, Hampton's Plaza, Chemical Bank, Lake Michigan Credit Union, Advia Credit Union, and Sharp & Associates Law Firm to name a few. To get a sense of what some of the square footage of these buildings look like, the most relatable uses were picked out from the above. The square footage for some of these buildings include 10,100 SF in size for Latitude 42; 15,000 SF in size for Ethan Allen; 7,800 SF in size for Hampton's Plaza; and 151,000 SF in size for Advia Credit Union.

It is not uncommon for a business owner to have the desire of wanting all merchandise and business operations to take place in a centralized location all in one building. However, it could be argued that the applicant could meet the desired 50,000 SF mark without having to request a dimensional deviation as the Overlay does allow for more than one building on the property. The applicant could construct two separate 25,000 SF single story buildings on-site as reasonable use of the property would be maintained if the dimensional deviation is denied. Although the proposed size of the building is on the larger side of the examples shown above, the architectural features of the building are aesthetically pleasing and does give a sense of rural character. As the parcels are currently configured, the applicant could develop each separate parcel with an individual 25,000 SF building on each of them, side by side to each other. It could be argued that one building for the same use may look far better versus having to have two separate buildings.

It is important to note that going forward the developer will need to adhere to the strict design criteria outlined in Article 35 of the Zoning Ordinance in order to receive formal site plan approval by the Planning Commission. The developer and his engineer will be required to demonstrate how the specific development requirements of the Overlay will be integrated into the overall design of the site at time of submitting for formal site plan approval. This would include perpetual open space, extensive landscaping, preservation of existing natural features, acceptable stormwater management, etc. **If the dimensional deviation is approved, staff recommends that a condition of conceptual plan approval be that if the developer is not able to design the site in a way that explicitly satisfies the design elements of Article 35 or other applicable sections of the Township's Ordinance with the proposed building size of 50,560 SF, the size of the building will need to be reduced in order to accommodate all site elements required by Ordinance.**

**RECOMMENDATION:**

The Planning Commission will need to review the deviation request, outlined below.

- 1) **DIMENSIONAL DEVIATION:** The Planning Commission will need to grant or deny the applicant's dimensional deviation request from Section 35.60 of the Zoning Ordinance to allow for one 50,560 SF single story building on-site whereas a maximum of 25,000 SF is allowed per single story building by Ordinance. If approved, one single story building up to 50,560 SF in size will be allowed on the subject property.

If the above-mentioned deviation is denied by the Planning Commission the site plan will need to be amended and resubmitted for review and approval as it will drastically impact the site layout. If the above deviation is approved by the Planning Commission, Planning Department staff recommend that the Planning Commission approve the proposed conceptual plan for a furniture and home goods store for Talsma Furniture with the following conditions.

- 2) **PARKING DEFERMENT:** The Planning Commission finds the deferred parking request pursuant to Section 52.120 of the Zoning Ordinance for 50 parking spaces appropriate as recommended by staff. If in the future for whatever reason said deferred parking spaces are unable to adequately fit on-site at time of formal site plan submission, the approval for deferred parking shall be revoked.
- 3) If the developer is not able to design the site in a way that explicitly satisfies the design elements of Article 35 or other applicable sections of the Township's Ordinance with the building size of 50,560 SF, the size of the building will need to be reduced in order to accommodate all site elements required by Ordinance.
- 4) A landscaping plan meeting the requirements outlined in Section 53 of the Zoning Ordinance shall be provided to the Township at time of formal site plan submission.
- 5) A lighting plan meeting the requirements outlined in Section 54 of the Zoning Ordinance shall be provided to the Township at time of formal site plan submission.
- 6) Engineering details including, but not limited to, grading, access, stormwater management, and utilities shall be addressed to the satisfaction of the Township Engineer at time of formal site plan submission.
- 7) A land combination application be submitted to the Township for review and approval prior to building permit issuance.
- 8) A driveway permit by the Michigan Department of Transportation (MDOT) authorizing the newly proposed curb cut will be required to be obtained prior to building permit issuance.
- 9) A Soil Erosion and Sedimentation Control (SESC) permit from the Kalamazoo County Drain Commissioner's Office will be required prior to building permit issuance.

Attachments: Application, Letter of Intent, Parking Deferment Support Letter, Conceptual Site Plan, and Elevation Rendering





7275 W. Main Street, Kalamazoo, Michigan 49009-9334  
 Phone: 269-375-4260 Fax: 269-375-7180

**PLEASE PRINT**

**PROJECT NAME & ADDRESS**

Talsma Furniture; 6169 West Main; Kalamazoo, MI 49009

**PLANNING & ZONING APPLICATION**

Applicant Name: Tim Talsma

Company: Talsma Furniture

Address: 3620 Chicago Drive  
Hudsonville, MI 49426

E-mail: ttalsma@talsmafurniture.com

Telephone: 616-262-9396 Fax: 616-229-2036

Interest in Property: Owner

**OWNER\*:**

Name: Talsma Furniture Partnership

Address: 3620 Chicago Drive  
Hudsonville, MI 49426

E-mail: ttalsma@talsmafurniture.com

Phone & Fax: 616-669-1030/ fx 616-229-2036

THIS  
SPACE  
FOR  
TOWNSHIP  
USE  
ONLY

Fee Amount \_\_\_\_\_

Escrow Amount \_\_\_\_\_

**NATURE OF THE REQUEST: (Please check the appropriate item(s))**

- |   |   |
|---|---|
| <input type="checkbox"/> Pre-Application Review                 | <input type="checkbox"/> Accessory Building Review – I083               |
| <input type="checkbox"/> Site Plan Review – I088                | <input type="checkbox"/> Rezoning – I091                                |
| <input type="checkbox"/> Administrative Site Plan Review – I086 | <input type="checkbox"/> Subdivision Plat Review – I089                 |
| <input type="checkbox"/> Special Exception Use – I085           | <input type="checkbox"/> Interpretation – I082                          |
| <input type="checkbox"/> Zoning Variance – I092                 | <input checked="" type="checkbox"/> Other: <u>Dimensional Deviation</u> |
| <input type="checkbox"/> Site Condominium – I084                |   |

**BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary):** To receive a dimensional deviation for a Family owned local retail

furniture sales location with no manufacturing facilities. This is a very low traffic volume use and would serve a need in the community for mid priced furnishings. It does, however  
require about 50k sq ft to show our selection consistent with our other locations. would be adding approx 30 jobs in the process. Additional Westbound Main St lighted access is gained by others to Lodge Ave and we would be able to accomodate  
The site has many natural features/screening/ landscaping that can be preserved and used. It also has a slope that will accomodate a dock/ loading area as well as storm water retention

**LEGAL DESCRIPTION OF PROPERTY** (Use Attachments if Necessary):  
**see attached ALTA for legals**

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**PARCEL NUMBER:** 3905- 05-14-430-040 and 05-14-430-050

**ADDRESS OF PROPERTY:** 6139 & 6169 WEST MAIN STREET KALAMAZOO, MI 49009

**PRESENT USE OF THE PROPERTY:** Vacant residential

**PRESENT ZONING:** West main overlay      **SIZE OF PROPERTY:** 4.5 ac

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**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING  
A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

<b>Name(s)</b>	<b>Address(es)</b>
<u>Timothy Talsma</u>	<u>3620 Chicago Dr, Hudsonville, MI 49426</u>
<u>Richard Talsma</u>	<u>3620 Chicago Dr, Hudsonville, MI 49426</u>

***SIGNATURES***

*I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.*

<u>Richard Talsma Timothy D Talsma</u>	<u>10/27/23</u>
<b>Owner's Signature (*If different from Applicant)</b>	<b>Date</b>
<u>Timothy D Talsma</u>	<u>10/27/23</u>
<b>Applicant's Signature</b>	<b>Date</b>

Copies to:  
Planning – 1  
Applicant – 1  
Clerk – 1  
Deputy Clerk – 1  
Attorney – 1  
Assessor – 1  
Planning Secretary – Original

\*\*\*\*

**PLEASE ATTACH ALL REQUIRED DOCUMENTS**

**APPLICANTS: KEEP THIS PAGE FOR YOUR RECORDS**

OSHTEMO CHARTER TOWNSHIP

**DISCLAIMER REGARDING SEWER AND WATER INFRASTRUCTURE**

Oshtemo Charter Township makes no covenant or warranty with regard to the accuracy of any of its utility records (sewer or water) or the records of its agents or any statements or representations made by its employees or agents with regard to utility infrastructure within the Township, nor shall any reliance be placed upon the same for purposes of construction, reconstruction, connection, extension or addition to the Township's utility infrastructure.

The Township will not be responsible for any additional cost, direct or indirect, or incidental or consequential damages resulting from any inaccuracy of its records or the statements or representations of its employees or agents.

All developers and contractors, wishing to avail themselves of the public utilities within Oshtemo Charter Township, should make their own independent inspections to determine the location and suitability of all public utilities for development purposes and not rely upon any of the public records, statements or representations of the Township's employees or agents.

OSHTEMO CHARTER TOWNSHIP

To the Oshtemo Township Planning Commission,

RE: 6139 and 6169 West Main St.  
Parcels 015-14-430-050 and -040

I am writing this letter to express our excitement for the proposed future Talsma Furniture location. We are requesting a conceptual plan review to establish a furniture store use within the West Main overlay zone and a dimensional deviation request pursuant of Section 35.60 of the zoning ordinance to allow for up to one 50,560 square foot building footprint exclusive of below grade space. This family owned, established and well respected furniture store would have much to offer the area. We often hear from customers that have driven from the Kalamazoo area to our locations and they ask that we would fill a void of a local furniture store in the neighborhood!

This addition to the area would be great for the local economy, jobs, and overall shopping experience for the greater Kalamazoo area, it would also boost the community outreach in which Talsma Furniture is so invested. Every day, this local business touches the homes of hundreds of residents in the area, bringing in their expertise, advice, and friendship. Additionally, we donate much of our time, effort, resources and furniture enriching the community in which we serve.

Part of our business model includes community outreach. Some examples are Habitat for Humanity, in which Talsma's employees helped construct a multi-family home, and design furniture layouts for the families entering the homes. Others in our organization have been active in October for Breast Cancer Awareness. Others still volunteer pilot time to fly patients where flights are donated to needy families that need care outside of our area or bring them to West Michigan for medical care.

In order to achieve such appreciation for furniture and services to the area of Oshtemo Township, Talsma Furniture will need a single-story showroom of 50,560 square feet with an 8,000 square foot storage/ staging area below grade naturally utilizing well the existing slope to the rear of the site while still retaining the possibility of an interconnected parking lot to the east as well as to the west in the future. We propose that 6139 and 6169 West Main St parcels would be combined to accomplish the square footage, while achieving proper space from the businesses around. We would utilize one curb cut for a driveway to West Main rather than multiple if the sites were developed individually.

This aligns with the goals set forth for the West Main Street Sub Area plan in a number of ways

1. The building has a welcoming rural character feel utilizing a non-linear (not a big-box) storefront allowing for natural and indigenous plantings to provide screening. This is a low intensity use for the property(s) and is consistent with the adjacent area development. Michigan Economic Development Corporation MiPlace suggests that developing a rural commercial area is an area that limits vehicle miles and develops areas too small to farm and too large to mow. They continue by saying that a multiple building *feel* and appearance recreates a feel of rural main street. A MSU study on Rural Smart Growth suggests that utilizing areas near other low use commercial, using detention areas as part of the landscaping and screening parking lots are all good practice.
2. Access to West Main will be able to utilize a single driveway with restricted westbound exit. This eliminates one potential drive as we would combine two parcels. Ease of a single interconnected parking lot to the east and potential development to the west are a shared goal.
3. Existing greenspace and trees along the south of the property remains as a buffer to undeveloped residential while existing commercial restaurant development to east would be by

interconnected parking areas and welcomed access / outdoor seating/ staging area for walking and biking trails in the area. Preserving existing natural open space near the front of the property, implementing landscaping such as shrubs, evergreens, understory canopy trees, etc. will make the property more appealing. Adequate dark skies lighting would be used.

4. The proposed use as a furniture store is allowed per the ordinance and would be a great fit because of its non-hazardous, low road use and low water/ sewer/ utility use.

Why must a single story 50,560 sq ft building deviation be granted?

1. A single commercial building would be much more energy and natural resource friendly and a greater curb appeal would be attained. Handicap Access is important as well as shopping in a single level. Furniture retail sales can be hands off as to not hound the customer but being ready for their questions is an imperative. A single-story open concept is the only way to accomplish this. Multiple buildings or stories makes for lost customers and confusion and can be a safety hazard during inclement weather. This is repeated time and time again in retail stores as they know that multiple-level retail is not a good option. We can accomplish this without looking like a Big Box!
2. This is the average showroom space of all our stores in the Grand Rapids area and every inch of it filled with trendy styles, traditional go-to's, and the next up-and-coming look, sure to fill the need of everyone's residence in the area. These showrooms are expertly curated, and displayed as *full homes* by our very own design team, guaranteed to move the soul of even the most begrudging furniture shopper. Customers need to see it as it would be in their homes- otherwise they might as well buy it online. Brick and Mortar is important to us and to the community but it also needs to show a full selection.
3. The storefront would feature a rural modern curb appeal, clean lines, with brick and wood facias. With only 200ft of Non-Linear store frontage, the size of the building will be deceiving from the sidewalk, but walk through wide, front double doors to unveil a showroom fit for the greater Kalamazoo area. Once in the store, open concepts and tall ceilings creates lots of space for designing your home and a potential balcony in the back, showcasing nature's best views of the native vegetation surrounding the site, aiding in the relaxing atmosphere. Other ideas are a rest stop and outdoor seating along the bike path to take a break or shelter from a passing shower that catches up to you on your walk. Please refer to the concept storefront page enclosed.
4. We believe in complimenting the tax base of our communities and do not qualify, nor ask for tax abatements.
5. This project property is contingent upon approval of a 50,560 sq ft building use being granted. This is a great opportunity for Oshtemo Township.

A stronger job economy, a greater community outreach, and a shopping experience in which you can literally relax. It's all up and coming for the township of Oshtemo!

Kind Regards,  
Tim and Richard Talsma

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To the Oshtemo Township Planning Commission,

RE: Ordinance 52.120 Deferred Parking for Non- Residential Use Request  
6139 and 6169 West Main St.

Parcels 015-14-430-050 and -040

I am writing this letter to express our request for deferred parking for the proposed future Talsma Furniture location.

We have submitted a site plan for review to establish a furniture store use within the West Main overlay zone and a dimensional deviation request pursuant of Section 35.60 of the zoning ordinance to allow for up to one 50,560 square foot building footprint exclusive of below grade space.

We feel strongly that we can accomplish the parking needs for this use utilizing 70 spaces and deferring the additional 41 spaces. This is based on the following grounds...

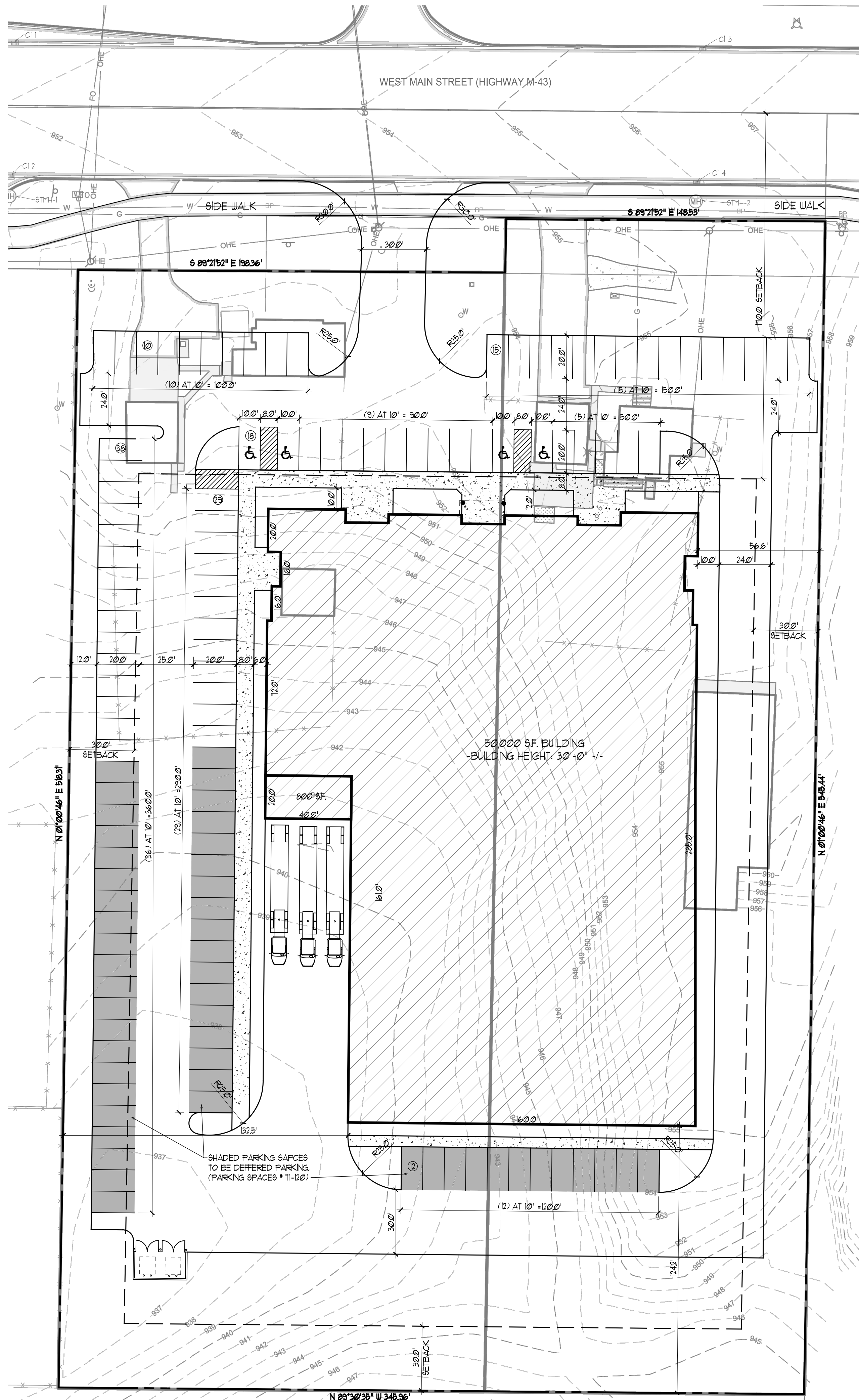
1. Ordinance 52.120 Wisely speaks of a working relationship between a retail owner and a governing body. The governing body doesn't want to have more parking constructed than is needed. The retailer doesn't want parking problems and therefore will accurately portray his true needs. Furniture Retail is a low pressure use for the site which is why this fits so well at this location. We simply don't have a large number of people visiting us at any one time.
2. Ordinance 52.120 is in place as a means of avoiding greater amounts of parking spaces and impermeable surface than are reasonably needed to serve a particular use...
3. Not building these spaces would allow for more natural vegetation to remain.
4. We operate 4 other retail furniture locations of this size and have done a study on the largest retail day in our history that recently happened on 1/4/2024 and our parking needs, including staff, was 68 at the highest record and 42 at the lowest.
5. The site plan submitted shows that additional spaces can be constructed on the site towards the south, similarly to the Latitude 42 Brewery, if needed.
6. We would comply with a request by the Township, should a need arise for additional spaces.
7. Deferring may be wise for a future interconnect road to the south. In the future additional parking could be incorporated into the plan.

Kind Regards,

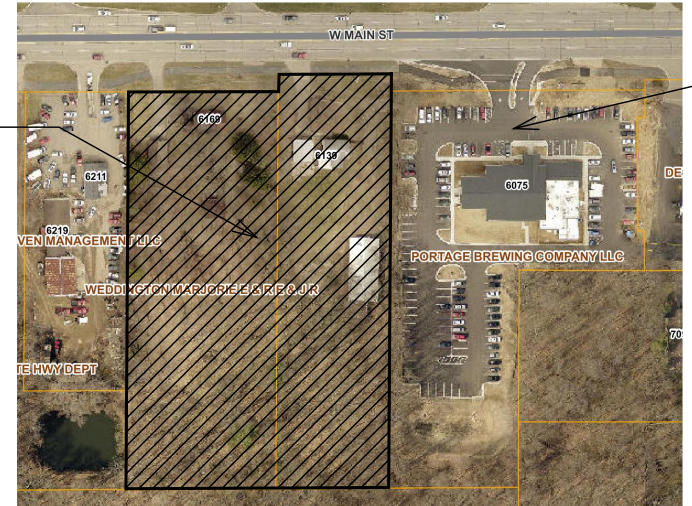
Tim and Richard Talsma

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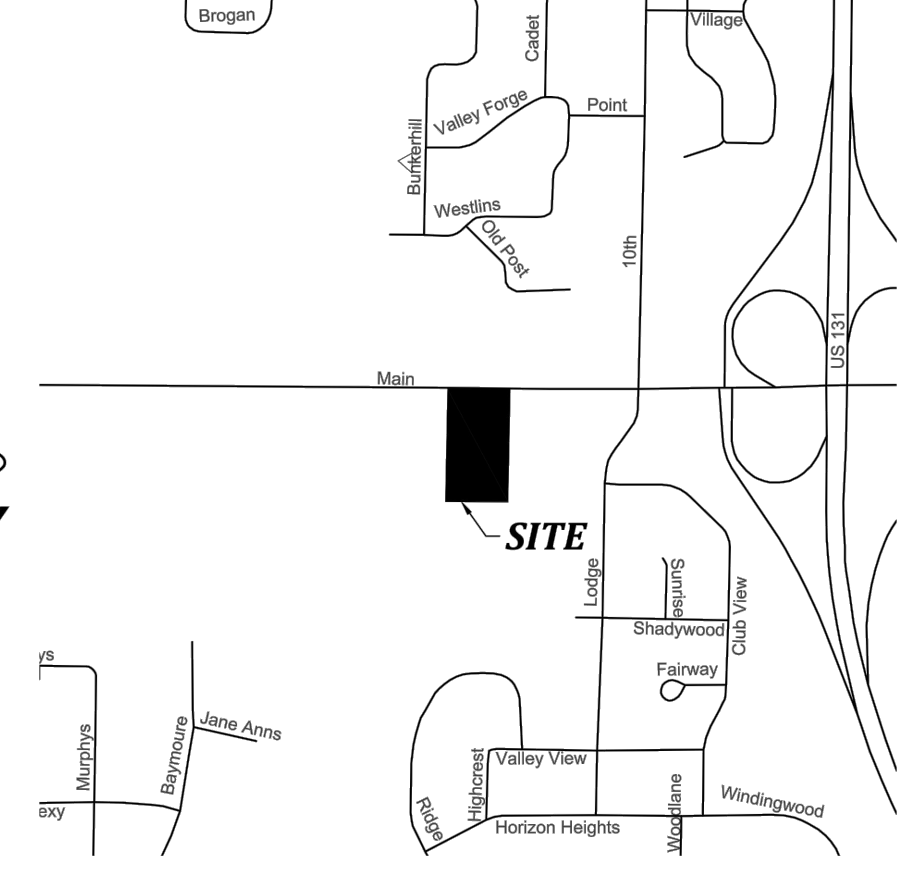




**SITE PLAN**  
SCALE: 1" = 30'-0"



**SITE LOCATION PLAN**  
SCALE: N.T.S.



**VICINITY PLAN**  
SCALE: N.T.S.

**LEGEND**

○ = SET IRON W/ CAP ID #65181	○ = BLUE PAINT (WATER MARKER)
● = FOUND IRON (AS NOTED)	⊕ = WELL
● = FOUND IRON IN CONCRETE	⊖ = CURB INLET
⊖ = UTILITY POLE	⊕ = MANHOLE
⊖ = LIGHT POLE	⊖ = SIGN
⊖ = GUY WIRE	⊖ = MAILBOX
⊖ = ELECTRIC METER	R/W = RIGHT OF WAY
⊖ = TELECOMMUNICATIONS VAULT	SBSB = SCHEDULE B, SECTION II
⊖ = FIBER OPTICS POST	NAVD88 = NORTH AMERICAN VERTICAL DATUM OF 1988
⊖ = GAS METER	CONC = CONCRETE
⊖ = WATER VALVE	(M) = MEASURED
⊖ = FIRE HYDRANT	(C) = CALCULATED
⊖ = OVERHEAD UTILITY LINES	(R) = RECORDED
ST = APPROXIMATE STORM SEWER LOCATION	
W = APPROXIMATE WATER LOCATION	
○ = APPROXIMATE BURIED GAS LOCATION	
FO = APPROXIMATE BURIED FIBER LOCATION	

**TALSMA PARKING STUDY**  
JANUARY 05-07, 2021. TALSMA'S BUSIEST DAY RECORD SALES.

MAX VEHICLE'S COUNTED, INCLUDING STAFF:

HUDSONVILLE -	42 VEHICLES
HOLLAND -	41 VEHICLES
BYRON -	68 VEHICLES
CASCADE -	61 VEHICLES (SHARED PARKING)

\* OTHER TALSMA LOCATIONS DID NOT GO OVER 10 PARKING SPACES ON THEIR BUSIEST SALES WEEKEND.

**STORM SEWER INFORMATION**

STMH 1 RIM = 962.00 12" CONC NORTH 16" CONC WEST 16" CONC EAST	945.34 944.19 944.20
STMH 2 RIM = 956.12 10" CONC NORTH 12" CONC EAST 12" CONC WEST	950.09 946.87 948.52

**CURB INLET INFORMATION**

C1: CURB INLET RIM = 951.42 UNABLE TO GET INVERTS	C2: CURB INLET RIM = 951.31 12" CONC NORTH 12" CONC SOUTH 8" IRON SOUTHEAST	945.58 945.43 945.67
C3: CURB INLET RIM = 956.01 12" CONC SOUTH UNABLE TO GET INVERTS	951.52	
C4: CURB INLET RIM = 955.50 UNABLE TO GET INVERTS		

**WITNESS TIES**

CENTER OF SECTION, SECTION 14-2-12  
FOUND 1/2" IRON BAR IN MONUMENT BOX  
FOUND NAIL AND TAG IN EAST SIDE OF UTILITY POLE  
FOUND PK NAIL IN EAST SIDE OF UTILITY POLE  
SET PK NAIL SOUTH 11.0' FROM NORTH EDGE OF HMA PATH  
SET PK NAIL IN HMA PATH NORTH 1.0' OF SOUTH EDGE

N 07° W	78.90'
S 07° W	76.40'
S 55° E	54.80'
N 28° E	57.72'

EAST 1/4 CORNER, SECTION 14-2-12  
FOUND 1/2" IRON BAR IN MONUMENT BOX  
FOUND NAIL AND TAG IN SOUTHWEST SIDE OF UTILITY POLE  
FOUND NAIL AND TAG IN NORTHEAST SIDE OF UTILITY POLE  
FOUND NAIL AND TAG IN NORTHEAST SIDE OF UTILITY POLE

N 37° E	100.20'
S 40° E	87.02'
S 47° W	86.38'
N 42° W	82.32'

SOUTHEAST CORNER, SECTION 14-2-12  
FOUND HARRISON MONUMENT FLUSH WITH GROUND  
FOUND PK NAIL IN SOUTHWEST SIDE OF 34" DEAD OAK  
FOUND NAIL IN WEST SIDE OF 19" OAK  
SET PK NAIL IN SOUTH SIDE OF 17" PINE  
SET PK NAIL IN SOUTHWEST SIDE OF 8" ELM

S 61° E	16.34'
S 02° E	4.78'
S 73° W	13.32'
S 62° W	22.02'

SOUTH 1/4 CORNER, SECTION 14-2-12  
FOUND HARRISON MONUMENT FLUSH WITH GROUND  
FOUND NAIL AND TAG IN SOUTHWEST CORNER OF RAILROAD THE FENCE POST  
SET PK NAIL IN NORTH SIDE OF CLUSTER OF CHERRY  
SET CONCRETE FOUNDATION CORNER OF HOUSE  
SET PK NAIL SOUTHWEST SIDE OF 12" MARPLE

S 84° E	4.92'
N 85° W	19.39'
N 73° W	44.57'
N 10° E	32.59'

**PARKING CALCULATIONS**

NUMBER OF SPACES PROVIDED	
SPACES FOR GENERAL USE	116
BARRIER FREE SPACES	4
TOTAL PROVIDED	120

\*PARKING SPACE CALCULATIONS PER OSHTEMO ZONING ORDINANCE §2.102

50,000 SQ. FT. - 5.500' x 50FT. = 44,500 SQ.FT. +/-  
(CIRCULATION, RESTROOMS, ETC., REMOVED FROM TOTAL SQ. FT. NOT LISTED ON OSHTEMO ZONING ORDINANCE §2.102)

STORAGE (WAREHOUSE) AREAS: 105,000 SQ. FT. +/-	1500 SQ. FT. =	1 SPACES
FURNITURE DISPLAY SALES: 21,200 SQ. FT. +/-	400 SQ. FT. =	68 SPACES
GENERAL OFFICE: 6,800 SQ. FT. +/-	150 SQ. FT. =	45 SPACES
TOTAL REQUIRED SPACES =		120 SPACES

NOTES: OWNER WILL PROVIDE AFFIDAVIT FOR 10 SPACES BEING ADEQUATE.

**GENERAL SITE PLAN NOTES**

- EXISTING SITE PLAN INFORMATION AS SHOWN IS FROM DATA PROVIDED TO THE ARCHITECT BY UIGHTMAN
- GENERAL CONTRACTOR TO FIELD VERIFY ALL EXISTING SITE CONDITIONS AS SHOWN PRIOR TO BEGINNING EXCAVATION OR CONSTRUCTION
- ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH CURRENT STANDARDS AND SPECIFICATIONS OF
- PRIOR TO ANY EXCAVATION, THE CONTRACTOR SHALL CONTACT "MISS DIG" FOR THE LOCATION OF UNDERGROUND GAS, ELECTRICAL, TELEPHONE, AND CABLE FACILITIES AND SHALL ALSO NOTIFY REPS OF OTHER UTILITIES LOCATED IN THE VICINITY OF THE WORK. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY AND/OR OBTAIN ANY INFORMATION NECESSARY REGARDING THE PRESENCE OF UNDERGROUND UTILITIES WHICH MIGHT AFFECT THIS JOB.
- PRIOR TO CONSTRUCTION ALL EXISTING UTILITIES AT PROPOSED CONNECTIONS AND CROSSINGS SHALL BE FIELD EXCAVATED TO VERIFY LOCATION AND ELEVATION. FIELD INFORMATION SHALL BE PROVIDED TO THE ARCHITECT TO CONFIRM, ADJUST OR REVISE PROPOSED DESIGN ELEVATIONS.
- MAINTAIN 18" MINIMUM VERTICAL SEPARATION BETWEEN ALL UTILITY CROSSINGS AND 10' HORIZONTAL SEPARATION BETWEEN ALL UTILITIES.
- THE CONTRACTOR SHALL STRIP AND STOCKPILE ALL TOPSOIL PRIOR TO THE START OF ANY FILLING AND COMPACTION.
- REFER TO ARCHITECTURAL FLOOR PLAN SHEET FOR ANY GRADE ELEVATIONS FOR BUILDING, SIDEWALKS, CURBS AND PAVEMENT AREAS NOT SHOWN HERE.
- THE GENERAL CONTRACTOR SHALL TAKE ALL NECESSARY FIELD MEASUREMENTS AND OTHERWISE VERIFY ALL DIMENSIONS SHOWN ON DRAWINGS. SHOULD ANY ERROR OR INCONSISTENCY EXIST, THE GC SHALL NOT PROCEED WITH THE WORK AFFECTED THEREBY UNTIL HE HAS NOTIFIED THE ARCHITECT.
- ALL LAWN AREAS ARE TO RECEIVE HYDROMULCH SEED UNLESS NOTED OTHERWISE.
- TYPICAL PARKING SPACE SIZE TO BE 10'0" x 20'0" L. PARKING SPACE STRIPPING TO BE WHITE.
- PAVING THICKNESSES ARE AS FOLLOWS:

	REGULAR DUTY	HEAVY DUTY
TOP COURSE	1"	2 1/2"
BASE COURSE	1 1/2"	1 3/4"
GRAVEL BASE	8"	12"

**811**  
Know what's below.  
Call before you dig.

**SCHEDULE B, SECTION II, EXCEPTIONS, PER COMMITMENT FOR TITLE INSURANCE PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO. TC13-109048 COMMITMENT DATE JUNE 26, 2023:**

- RIGHT OF WAY IN FAVOR OF CONSUMERS POWER COMPANY, AND THE TERMS, CONDITIONS AND PROVISIONS CONTAINED THEREIN, RECORDED IN LIBER 259, PAGE 564. THIS EASEMENT LIES ENTIRELY WITHIN THE WEST MAIN STREET RIGHT OF WAY.
- RELEASE OF RIGHT OF WAY IN FAVOR OF THE MICHIGAN STATE HIGHWAY COMMISSIONER, AND THE TERMS, CONDITIONS AND PROVISIONS CONTAINED THEREIN, RECORDED IN LIBER 302, PAGE 217. THE ROUTE EASEMENT AND BILLBOARD SIGN RESTRICTION AREAS ARE SHOWN HEREIN. SEE DOCUMENT FOR RIGHT TO ENTER PRIORITY DETAILS (PARCELS 1 & 2).
- RIGHT OF WAY IN FAVOR OF CONSUMERS POWER COMPANY, AND THE TERMS, CONDITIONS AND PROVISIONS CONTAINED THEREIN, RECORDED IN LIBER 820, PAGE 87. THE ROUTE EASEMENT AREA IS SHOWN HEREON. SEE DOCUMENT FOR RIGHT TO ENTER PRIORITY INFORMATION (PARCELS 1 & 2).
- RIGHT OF WAY IN FAVOR OF THE MICHIGAN BELL TELEPHONE COMPANY, AND THE TERMS, CONDITIONS AND PROVISIONS CONTAINED THEREIN, RECORDED IN LIBER 863, PAGE 1406 AND LIBER 863, PAGE 1409. THE 10' WIDE EASEMENT AREAS ARE SHOWN HEREON. SEE DOCUMENT FOR RIGHT TO ENTER PROPERTY DETAILS (PARCELS 1 & 2).
- DECLARATION OF TAKING IN FAVOR OF THE MICHIGAN STATE HIGHWAY COMMISSION RECORDED IN LIBER 869, PAGE 581. AS SHOWN HEREON.
- WATER MAIN EASEMENT IN FAVOR OF THE CHARTER TOWNSHIP OF OSHTEMO, AND THE TERMS, CONDITIONS AND PROVISIONS CONTAINED THEREIN, RECORDED IN INSTRUMENT NO. 2008-02047. THE EASEMENT LIES ENTIRELY WITHIN THE WEST MAIN STREET RIGHT OF WAY.
- PARTIAL TAKE IN FAVOR OF THE MICHIGAN STATE HIGHWAY COMMISSION, AND THE TERMS, CONDITIONS AND PROVISIONS CONTAINED THEREIN, RECORDED IN LIBER 864, PAGE 322. AS SHOWN HEREON.

**LEGAL DESCRIPTION PER SCHEDULE C, COMMITMENT FOR TITLE INSURANCE PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO. TC13-109048 COMMITMENT DATE JUNE 26, 2023:**

LAND SITUATED IN THE TOWNSHIP OF OSHTEMO, COUNTY OF KALAMAZOO, STATE OF MICHIGAN, DESCRIBED AS FOLLOWS:

PARCEL 1:  
THE EAST NINE (9) RODS OF THE EAST ONE-HALF (1/2) OF THE NORTH FIVE HUNDRED NINETY-FOUR (954) FEET OF THE WEST ONE-HALF (1/2) OF THE NORTHWEST ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF SECTION 14 (14), TOWN TWO (2) SOUTH, RANGE TWELVE (12) WEST, BEING NINE (9) RODS WIDE BY THIRTY-SIX (36) RODS LONG, EXCEPT THE NORTH FIFTY (50) FEET RESERVED THEREFROM FOR HIGHWAY PURPOSES.

PARCEL 2:  
THE WEST ELEVEN (11) RODS OF THE EAST ONE-HALF (1/2) OF THE NORTH FIVE HUNDRED NINETY-FOUR (954) FEET OF THE WEST ONE-HALF (1/2) OF THE NORTHWEST ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF SECTION FOURTEEN (14), TOWN TWO (2) SOUTH, RANGE TWELVE (12) WEST, EXCEPT THE NORTH SEVENTY-FIVE (75) FEET RESERVED THEREFROM FOR HIGHWAY PURPOSES.

ALSO:  
THE EAST SIXTEEN AND ONE-HALF (16-1/2) FEET OF THE WEST ONE-HALF (1/2) OF THE NORTH FIVE HUNDRED NINETY-FOUR (954) FEET OF THE WEST ONE-HALF (1/2) OF THE NORTHWEST ONE-QUARTER (1/4) OF THE SOUTHWEST ONE-QUARTER (1/4) OF SECTION FOURTEEN (14), TOWN TWO (2) SOUTH, RANGE TWELVE (12) WEST, EXCEPT THE NORTH FIFTY (50) FEET RESERVED THEREFROM FOR HIGHWAY PURPOSES.

**SURVEY NOTES:**

MONUMENTS HAVE BEEN PLACED (OR A REFERENCE MONUMENT OR WITNESS TO THE CORNER) AT ALL MAJOR CORNERS OF THE BOUNDARY OF THE PROPERTY, UNLESS ALREADY MARKED OR REFERENCED BY EXISTING MONUMENTS OR WITNESSES IN CLOSE PROXIMITY TO THE CORNER (TABLE A, ITEM 1).

THIS PARCEL(S) ADDRESSES WERE OBSERVED TO BE 6139 & 6169 WEST MAIN STREET (TABLE A, ITEM 2).

THE SURVEYED PARCEL IS LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER INFORMATION OBTAINED FROM NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP, MAP NUMBER 26077C0175D, EFFECTIVE DATE FEBRUARY 17, 2016 (TABLE A, ITEM 3).

THE SURVEYED PARCEL(S) CONTAIN 2.14 AND 2.36 ACRES MORE OR LESS (TABLE A, ITEM 4).

VERTICAL RELIEF SHOWN HEREON HAS BEEN OBTAINED BY A GROUND SURVEY, WITH ONE (1) FOOT CONTOUR INTERVALS, NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88), BASED ON MICHIGAN STATE CONTINUOUSLY OPERATING REFERENCE STATIONS (COSRS) (TABLE A, ITEM 5).

NO ZONING REPORT OR LETTER WAS PROVIDED TO THE SURVEYOR TO DATE (TABLE A, ITEM 6(a)).

EXTERIOR DIMENSIONS OF ALL BUILDINGS OBSERVED AT GROUND LEVEL ARE SHOWN HEREON (TABLE A, ITEM 7(a)).

SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING THIS SURVEY ARE SHOWN HEREON (TABLE A, ITEM 8).

LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED, AS SUCH, ON THIS SURVEY. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED SOLELY FROM FIELD SURVEY INFORMATION, EXISTING DRAWINGS PROVIDED BY THE CLIENT, AND INFORMATION OBTAINED THROUGH A MISS DIG DESIGN TICKET. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE UNDERGROUND UTILITIES SHOWN ARE BASED ON THE SURVEYOR'S OPINION AND ARE TRUE TO THE SURVEYOR'S INFORMATION, KNOWLEDGE, AND BELIEF. THE SURVEYOR FURTHER DOES NOT CERTIFY THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED. THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY, WHEN PROVIDED, THE SURVEYOR IS RELYING ON THE ACCURACY, COMPLETENESS, AND TECHNICAL SUFFICIENCY OF THE INFORMATION FURNISHED BY OR ON BEHALF OF THE CLIENT (TABLE A, ITEM 11(a)).

NAMES OF ADJOINING OWNERS OF PLATTED AND UNPLATTED LANDS ARE SHOWN HEREON (TABLE A, ITEM 13).

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD, OR OTHERWISE.

BEARINGS ARE RELATED TO THE MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.

THE RELATIVE POSITIVE PRECISION OF EACH CORNER IS WITHIN THE LIMITS ACCEPTED BY THE PRACTICE OF PROFESSIONAL SURVEYING IN MICHIGAN.

THIS SURVEY COMPLIES WITH THE REQUIREMENTS OF SECTION 3, P.A. 132 OF 1970, AS AMENDED, EXCEPT FOR PAPER SIZE.

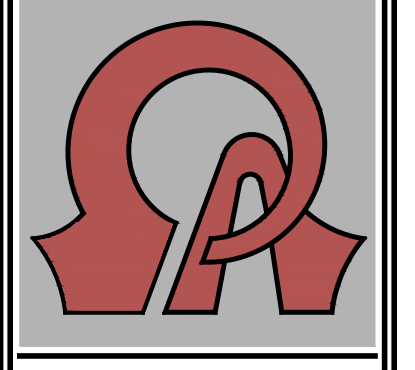
**CERTIFICATION:**

TO: SRAQ, LLC, A MICHIGAN LIMITED LIABILITY COMPANY, FIDELITY NATIONAL TITLE INSURANCE COMPANY AND TITLE CONNECT; A LIMITED LIABILITY COMPANY, DATED JUNE 26, 2023. THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR A TANGIBLE LAND TITLE SURVEY, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(a), 7(a), 8, 11(a), AND 13 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON AUGUST 1, 2023.

JOEL J. EAST PS - 401065181  
jeast@gowhightman.com

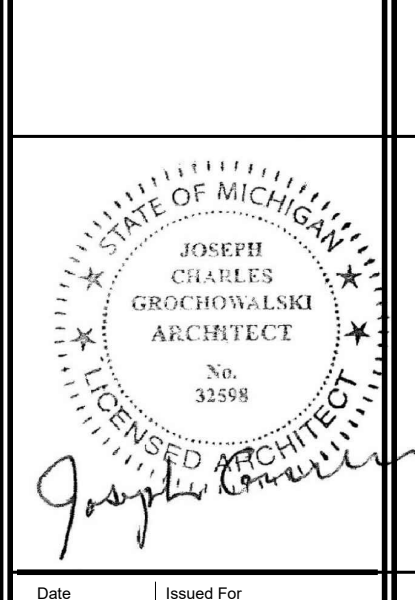
DATE: 09/13/2023

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Date	Issued For
2-04-2023	OWNER REVIEW
01-02-2024	OWNER REVIEW
01-08-2024	PLANNING REVIEW
01-11-2024	PLANNING COMMITTEE
01-31-2024	REV.

New Store For:  
**TALSMA**  
6139 & 6169 West Main Street  
Kalamazoo, Michigan 49009

PROJECT NUMBER  
**23055**

SHEET  
**C1.01**  
SITE PLAN



## ZONING ORDINANCE ARTICLE 55

### 55 – SIGNS AND BILLBOARDS

Ord 221 in 1983; Ord 254 in 1989; Ord. 271 in 1991; Ord. 287 in 1993 (not sure of section); Ord 293 in 1993; Ord 392 in 2000; Ord 469 in 2006; Ord 472 in 2006; Ord 522 in 2011; Ord 524 in 2011; Ord 526 in 2011; Ord 540 in 2013; Ord 550 in 2013; Ord 571 in 2016 (Amended by ord. no. 616; adopted November 12<sup>th</sup>, 2019, effective November 21<sup>st</sup>, 2019)

#### 55.10 STATEMENT OF PURPOSE

The intent of this Article is to regulate the type, number, physical dimensions, erection, placement and Maintenance of ~~signs~~ Signs in the Township. The purpose of the limitations, regulations, and standards established herein is to:

- A. Promote the public peace, health, and safety of residents and visitors;
- B. Protect the natural beauty and distinctive character of Oshtemo Charter Township;
- ~~C. Protect commercial districts from visual chaos and clutter;~~
- ~~D. Provide an environment which fosters growth and development of business;~~
- ~~E. Protect property values;~~
- ~~F.C. Maintain sightlines, reduce obstructions, F and eliminate~~ distractions which are hazardous to motorists and pedestrians;
- ~~G. Protect the public's ability to identify establishments and premises;~~
- ~~H.D. Protect~~ Ensure the public's ~~interest in ability to locate~~ public buildings, streets, roads, and highways, parks, and other and open spaces establishments and premises by reduce visual chaos and clutter; and
- ~~I.E. Balance the individual rights of property owners to communicate their message(s) with the public's right to be free of unreasonable distractions and aesthetic intrusions~~ legitimate governmental regulatory interests of public safety, health, and welfare which necessitate the regulation of Signs within the Township.

#### 55.20 SCOPE

Except as otherwise expressly provided herein, this Article shall not relate to building design; ~~nor~~ shall the Article regulate official traffic or ~~government signs~~ Government Signs (see, Ordinance 566, 259.000); the content of ~~signs~~ Signs; scoreboards at athletic fields; gravestones; barber poles (under three (3) feet in height); religious symbols; commemorative plaques; ~~the display of street numbers or names~~; Flags (see, Article 57.140); or any display structure or construction not defined herein as a ~~sign~~ Sign.

The provisions contained in Sections 55.70 through ~~55.90~~ 55.100 herein shall not apply to properties located within the VC, Village Commercial District.

#### 55.30 GENERAL PROVISIONS

It shall be unlawful for any person to erect, place, or establish a sign Sign in Oshtemo Charter Township except in accordance with the provisions of this Article.

**Commented [EW1]:** So, we had an Ord. Amend to 76 "signs and billboards" (Ord 221 in 1983; Ord 254 in 1989; Ord. 271 in 1991; Ord. 287 in 1993 (not sure of section); Ord 293 in 1993; Ord 392 in 2000; Ord 469 in 2006; Ord 472 in 2006; Ord 522 in 2011; Ord 524 in 2011; Ord 526 in 2011; Ord 540 in 2013; Ord 550 in 2013; Ord 571 in 2016)- this is now Ord 55. How did we get there? And what about the history?

Ord. 616 was a minor revision to remove flag/flagpoles (missed the definition, I guess), etc.- it certainly did not change this section from 76 to 55...

## 55.40 DEFINITIONS

For the purpose of this Article the following words or phrases are defined as follows:

**A-Frame Sign, (or Sandwich Board Sign)** - An incidental sign designed to be portable and stand on its own in an "A" or tent shape that provides information at a pedestrian scale to customers as they enter or pass the entry to the business.

**Abandoned Sign** - A sign which no longer identifies or advertises a currently operating business, lessee, service, owner, product, or activity, and/or for which no legal owner can be found (e.g., a sign which identifies a business, service or activity which has discontinued or relocated from the location where the sign is placed).

Commented [EW2]: Combined with "Obsolete Sign"

**Advertising Display Area** - The advertising display surface refers to the sign face (containing the copy area) encompassed within any regular geometric figure which would enclose all or part of the sign. The structural supports for a sign (e.g., whether they be columns, pylons, or a building, or a part thereof), shall not be included in the advertising display area.

**Animated Sign** - A sign which uses movement or change of lighting to depict action or to create a special effect or scene. (Compare with "Flashing Sign").

**Awning** - A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework. (Compare with "Marquee").

Commented [EW3]: Moved to General 2.20 definitions.

**Awning/Canopy Sign** - A sign with letters, numerals or other drawings painted on, printed on, or attached to flat against the surface of an awning/canopy.

**Balloon Sign** - A temporary sign filled with air or gas that is larger than seventeen inches (17"). Only one (1) balloon sign may be tied to an item with a display height not greater than five feet (5') above the pole (not include utility or light poles) or building to which it is attached. An air or gas filled sign, excluding 17 inch or smaller latex balloons where only one may be tied to an item with a display height not greater than five feet above that to which said balloon is attached which may not include utility or light poles.

**Banner or Banner Sign** - A sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentation applied to paper, plastic, or fabric of any kind. (Compare with [Error! Hyperlink reference not valid.](#))

**Bench Sign** - A sign located on any part of the surface of a bench or seat visible from an adjacent property or right-of-way.

**Billboard** - A off-premises sign which advertises an establishment, service, merchandise, use, entertainment, activity, product or message which is not conducted, sold, produced, manufactured or furnished upon the lot, building site or parcel where the sign is located.

**Building Identification Sign** - An on-premises sign which identifies a building by its recognized name, not including a product or service.

**Changeable Copy Sign** - A sign upon which a display or message can be changed by physical replacement or electronic change of the display or message. The definitions below, (a) through (d), are used in conjunction with electronically changeable copy signs:

1. **Dissolve** - A mode of message transition on an electronically ~~Changeable Copy Sign~~ ~~changeable copy sign~~ accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.
2. **Fade** - A mode of message transition on an electronically ~~Changeable Copy Sign~~ ~~changeable copy sign~~ accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.
3. **Flash** - A mode of message transition on an electronically ~~Changeable Copy Sign~~ ~~changeable copy sign~~ accomplished by varying the light intensity, where the message instantly and repeatedly reduces or increases intensity.
4. **Scroll** - A mode of message transition on an electronically ~~Changeable Copy Sign~~ ~~changeable copy sign~~ accomplished by the movement of a message.

**Clearance (of a Sign)** - The smallest vertical distance between the ~~Street~~ ~~Grade~~ of ~~the~~ ~~an~~ adjacent street or street curb and the lowest point of any ~~sign~~ ~~Sign~~, including framework and embellishments, extending over that grade.

**Commercial Center Identification Sign** - A ~~sign~~ ~~Sign~~ identifying or recognizing a Commercial Center.

**Commercial Sign** - Any ~~sign~~ ~~Copywording, logo, or other representation~~ that, directly or indirectly, names, advertises, or calls attention to a business, ~~establishment~~, product, service, or other commercial activity (~~including, but not limited to, the following: an Incidental Sign, Human Sign, Seasonal Agricultural Sign, Real Estate Sign, etc.~~).

~~Community Event Sign - A sign advertising or announcing a special community-wide event or activity conducted or sponsored by, or on behalf of a unit of local government, a charitable organization, or a not for profit corporation.~~

**Construction Sign** - An ~~On-Premises, Temporary, non-Illuminated Sign~~ ~~unilluminated, sign~~ which displays the name(s) ~~or names~~ of principal contractors, architects, and lending institutions and/or others responsible for the construction on the site where the ~~sign~~ ~~Sign~~ is placed. May include information similar to a ~~Residential Development~~ ~~sign~~.

**Copy** - The ~~letters, numerals, characters, wording, illustrations, ornamentation, or other drawings~~ ~~on that are painted on, printed on, or attached flat against the~~ ~~a~~ ~~sign~~ ~~surface~~ ~~Face~~, and including ~~both in either~~ permanent or removable ~~forms~~ ~~letter form~~.

**Residential Development Sign** - An ~~On-Premises, Temporary, non-Illuminated~~ ~~sign~~ advertising a subdivision, condominium, apartment development, or manufactured housing community in the process of being developed on the site where the ~~sign~~ ~~Sign~~ is placed; ~~definition - A residential development sign~~ does not include a ~~subdivision~~ ~~identification~~ ~~sign~~.

**Directional Sign** - An ~~On-Premises~~ ~~sign~~ providing ~~on-site~~ directions for vehicular or pedestrian circulation into, within or out of a development, ~~which does not. Said sign shall not contain advertising~~ display ~~copy~~ ~~Copy~~ (other than the names of on-site establishments) and ~~is~~ only for purposes of indicating directions ~~thereto~~. Directional signs shall be located on the lot, building site or parcel where the sign(s) is located.

**Commented [EW4]:** "Special Event Sign" and "Community Event Sign are now "Temporary On-Premises Event Signs"

Revised to remove the restriction info and refer only to Section 55.90 re: Temp Signs

**Commented [EW5]:** if we use this more complete definition of "Copy" we can replace some of this duplicated text with "Copy" in the Definitions of: **Banner, Awning/Canopy Sign**

~~Directory Sign - A non-electric On-Premises sSign which displays the name(s), address(es), occupation(s), and/or location(s) of an occupant, a group of occupants, or the use of a building.~~

**Electronic Billboard** - A bBillboard, or portion thereof, that can be electronically changed by remote or automatic means, or that appears to change or have movement caused by any method other than manually removing and replacing the bBillboard or its components, whether the apparent movement or change is in the display, the bBillboard's structure, or any other component of the bBillboard. This includes any video-display, revolving, fFlashing Signs, or animated Animated Signsdisplays, and display that incorporates rotating or swinging panels, intermittent illumination or the illusion of such illumination, light emitting diodes (LEDs) manipulated through digital input, "digital ink," or any other method or technology that allows the bBillboard's Sign fFace to present a series of images.

**Face of Sign Sign Face or Face of Sign** - The area of a sign-Sign on which the eopy-Copy or Advertising Display Areadisplay is placed.

~~Feather Flag Sign -- means Also known as a Banner Flag Sign or a Swooper Sign, this is a vertically oriented banner-Banner attached to a single pole allowing the fabric to hang loose at one (1) or two (2) of the four (4) corners (also known as a Banner Flag Sign or Swooper Sign).~~

**Festoons** - A string of ribbons, tinsel, flags, pennants, or pinwheels.

~~Flag - Any fabric or other flexible material containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other non-commercial entity, or seasonal or thematic in nature.~~

**Flashing Sign** - A sign-Sign which contains an intermittent or sequential flashing light source used to attract attention. This does not include Changeable Copy Signschangeable copy signs, animated Animated signsSigns, as defined in this Article, or signs-Signs which through reflection or other means, create an illusion of flashing of intermittent light. (Compare with "Animated Sign" and "Changeable Copy Sign").

**Freestanding Sign** - A sign-Sign structurally separated from a building.

**Government Sign** - A public Ssign erected and maintained by Oshtemo Charter Township, the county, state, or federal government for official purposes (see, Ordinance 566, 259.000).

~~Grade, Finished - The final elevation of the surface of the ground after manmade alterations to the natural grade are completed.~~

~~Grade, Natural - The unaltered natural surface of the ground.~~

~~Grade, Street - The elevation of the nearest edge of the pavement or traveled way.~~

**Ground Mounted Sign** - A sign-Sign which extends from the ground or that has a support placing the bottom thereof less than three feet (3') from the ground. (Compare with "Pole Sign").

**Height (of a Freestanding Sign or Flag Pole)** - The vertical distance measured from the highest point of the sign-Sign, or flag pole, including any decorative embellishments, to the Street grade Grade of the adjacent street or to the grade-Finished Grade beneath the sSign or flag pole. (Compare with "Clearance").

A. Where the Nnatural eGrade adjacent to a sSign support structure is lower than the street-Street gradeGrade, sSign height shall be measured from the street-Street eGrade.

**Commented [EW6]:** This has been combined with **Nameplate:** A non-electric on-premises Sign giving only the name, address and/or occupation of an occupant or group of occupants?

and **Nameplate** will be deleted.

**Commented [EW7]:** Moved definition to Section 2.20

**Commented [EW8]:** Moved to 2.20 General Def section.

B. Where the ~~Natural Grade~~ ~~natural grade~~ adjacent to a ~~S~~sign support structure is higher than the ~~Street Grade~~ ~~street grade~~, ~~S~~sign height shall be measured from the ~~Natural Grade~~ ~~natural grade~~ adjacent to the ~~s~~Sign support structure. In no event shall the highest point of a ~~p~~ole ~~s~~Sign exceed a height of ~~twenty~~20 feet (20') above ~~Street Grade~~ ~~street grade~~ (see ~~ground-mounted sign options~~).

**Height (of a Wall Sign)** - The vertical distance measured from the highest point of the ~~sign~~Sign to the ~~f~~inished ~~G~~rade beneath the ~~s~~Sign.

**Human Sign** - ~~A~~ refers to a ~~s~~Sign carried or displayed by a person for advertising or directional purposes, a person wearing clothing containing an advertising message, or a person wearing a costume for advertising purposes.

**Illuminated Sign** - A ~~sign~~Sign with an artificial light source incorporated internally or externally for the purpose of illuminating the ~~sign~~Sign.

**Incidental Sign** ~~— An on-premises sign~~Sign, emblem, or decal ~~providing information regarding consumers on the premises of the goods, facilities, or services available at that location. Incidental Sign does not included any~~No ~~s~~ Sign ~~with for which the primary purpose is to of attract new consumers to the business from offsite shall be considered incidental, nor does it include any~~ ~~Off-Premises Sign, or Sign which is readable~~ - ~~No sign with a commercial message legible from a position off the lot, building site, or parcel on which the sSign is located shall be considered incidental.~~

**Maintenance** - The cleaning, painting, repair, or replacement of defective parts of a ~~S~~sign in a manner that does not alter the basic ~~copy~~Copy, design, or structure of the ~~sign~~Sign.

~~Mansard~~ - ~~A sloped roof or roof like facade architecturally comparable to a building wall.~~

~~Marquee~~ - ~~A permanent roof like structure or canopy of rigid materials supported by and extending from the facade of a building. (Compare with "Awning".)~~

**Marquee Sign** - A ~~s~~Sign attached to or supported by a ~~m~~Marquee structure.

~~Nameplate~~ - ~~A nonelectric on premises sign giving only the name, address and/or occupation of an occupant or group of occupants.~~

Commented [EW9]: See note on [Directory Sign](#).

**Non-Commercial Sign** - A ~~sign~~Sign not advertising ~~an~~ business, establishment, product, good, ~~commercial activity~~ or service (including, but not limited to, the following: ~~—(Compare with "Political Sign", Government Sign, Residential Development Sign, Directional Sign, Subdivision Identification Sign, Building Identification Sign, etc.)~~)

~~Obsolete Sign~~ - ~~A sign which identifies a business, service or activity which has discontinued or relocated from the location where said sign is placed.~~

Commented [EW10]: Combined with "Abandoned Sign" to reduce duplicate definitions.

**Off-Premises Sign** - Another word for a ~~billboard~~Billboard.

**On-Premises Sign** - A ~~sign~~Sign which pertains to the use of the premises on which it is located.

**Painted Wall Sign** - A ~~sign~~Sign which is applied with paint or similar substance on the face of a wall.

~~Parapet~~ - ~~The extension of a false front or wall above a roofline.~~

Commented [EW11]: Moved to General 2.20 definitions.

**Pennant** - Any lightweight plastic, fabric, or other material ~~(,with or without either or not containing a message of any kind Copy)~~, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**Permanent Sign** - A ~~sign~~ Sign which is permanently affixed on or in the ground or to a building and meets the requirements of a structure under the Building Code.

**Pole Sign (or Pylon Sign)** - A ~~sign~~ Sign with all parts of the display ~~sign~~ Sign ~~area~~ Area at a height of eight feet (8') or more, excluding the necessary supports, uprights or braces. (Compare with "Ground Mounted Sign.")

**Political Sign** - A ~~Non-Commercial S~~ign relating to a candidate for public office, ~~ballot initiative~~, or a position on an issue. ~~(Compare with "Non-commercial Sign.")~~

**Portable Sign** - A reusable and movable ~~sign~~ Sign not permanently affixed in the ground, or to a structure or building ~~(e.g., an A-Frame Sign, On-Premises Temporary Event Sign, Incidental Sign, Feather Flag Sign, Balloon Sign, Banner, etc.)~~.

**Real Estate Sign** - ~~An On-Premises~~ ~~sign~~ Sign advertising the real estate upon which the ~~sign~~ Sign is located for the purpose of offering the property for sale, lease, or rent.

**Roof Sign** - A ~~sign~~ Sign attached, applied, painted, erected, or constructed wholly upon or over the roof of a building and supported on the roof structure.

**Rotating Sign** - A ~~sign~~ Sign in which the ~~sign~~ Sign itself, or any portion of the ~~sign~~ Sign, moves in a revolving or similar manner. Such motion does not refer to methods of changing ~~copy~~ Copy.

**Seasonal Agricultural Sign** - An ~~On-Premises~~ ~~T~~emporary ~~s~~ign advertising seasonal agricultural crops or other agricultural products ~~not exceeding a height of five (5) feet and with a maximum display area of 32 square feet.~~

~~**Seasonal Agricultural Directional Sign** - A sign directing traffic to a functioning farm located within the Township, where said farm is not located on an arterial road as reflected within the Master Land Use Plan, identifying an agricultural commodity or product available for purchase that was grown and/or processed at the farm.~~

**Sign** - A device, structure, painting, fixture, or placard using color, graphics, symbols, manicured landscaping, and/or written ~~copy~~ Copy designed specifically for the purpose of advertising or identifying any event, establishment, product, good, service; providing directional information; or displaying or depicting other information.

**Sign Area** - The area shall be measured by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem, lighting or other display, together with any frame or other material or other color forming an integral part of the display or used to differentiate it from the background against which it is placed. Where a ~~S~~ign consists solely of individual letters painted or mounted on a wall, any blank area which is more than ten percent (10%) of the ~~Sign a~~Area ~~of the sign~~ as otherwise computed shall be disregarded.

Where a ~~sign~~ Sign has two (2) or more faces, the area of all faces shall be included in determining the ~~Sign A~~area ~~of a sign~~, except that where two (2) faces are placed back-to-back and are at no point more than two (2) feet from one another, the ~~Sign a~~Area ~~of the sign~~ shall be deemed to be only the area of one (1) face, or if faces are of different sizes, the area of the larger face.



Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising ~~copy~~ Copy or colors, patterns, logos that are a trademark, or otherwise reasonably recognizable identification for the establishment, event, and/or sign Sign owner subject to the above provisions.

The necessary supports or uprights on which the sign Sign is placed may not exceed thirty30 percent (30%) of the permitted square footage of the sign Sign, excluding those portions of the support structure below ~~street~~ Street ~~grade~~ Grade.

**Sign Face Change** - A change of only the sign Sign ~~f~~Face contained within a permanent rigid frame where the change does not alter the existing sign Sign ~~a~~Area.

**Snipe Sign**—A sign that is placed in the ground or attached to a utility pole, tree, fence, or any other object improperly located along, adjacent, or within a public or private road right of way or drive, which usually advertises a use, service, or product not located on the same site as the sign. (Compare with Banner Sign or Real Estate Sign). ~~Flags that do not contain any advertising copy placed on light or utility poles shall not be considered snipe signs for purposes of this Article.~~

**Sign Permit**- refers to a permit issued by the Township (in compliance with Section 55.120 and 55.130 of this Article) for the installation, use, and/or Face Change of a Sign within the Township to a Sign owner in exchange for a permit fee and agreement to comply with the conditions of this Article.

**Special Event Sign**—A banner, portable sign, feather flag sign, or balloon sign, not exceeding a height of five feet if located on the ground, 12 feet if a feather flag sign, and a mounting height of 20 if located on a building wall, or a balloon sign not exceeding a height of 20 feet when fully inflated, depicting a special event, such as a Grand Opening, Going out of Business sale, semi-annual sale at a commercial establishment or a special event at a permitted nonresidential use in the residential zoning districts. Balloon signs shall be securely anchored to and placed directly upon the ground and fully inflated at all times. Ground mounted banners shall not be attached to trees or other plant materials at any time.

**Subdivision Identification Sign** - A ~~P~~permanent, On-Premises, sign Sign identifying an industrial, commercial, or residential development.

**Temporary Sign** - refers to a Sign which is an On-Premises or Off-Premises Sign that is not constructed or intended for long term use and is not permanently attached to a building or other structure (e.g., Political Sign, Event Signs, Seasonal Agricultural Signs, Real Estate Signs, Portable Signs, Construction Sign, Residential Development Sign, Banner Signs, Balloon Signs, Feather Flag Signs, etc.). Temporary Signs must comply with the requirements of Section 55.100 of this Article. ~~A sign that is not constructed or intended for long term use and is not permanently attached to a building or other structure.~~

**Temporary On-Premises Event Sign**- means any Sign advertising, or announcing, an event or activity that will take place at a particular time, place, and location (e.g., business opening, garage sale, party, open house, concert, etc.), which is located On-Premises of the site, parcel, or lot for which the Sign contains advertising, event, or other informational Copy. Such Signs shall comply with Section 55.100 of this Article.

**Temporary Off-Premises Directional Signs-** means an Off-Premises Sign which a Temporary Sign that is not located on the site, parcel, or lot; such Signs may only direct, or provide directions, to an event with its physical location within the Township and must comply with the requirements of Section 55.100 of this Article.

**Tenant Space Width** - The horizontal distance between the side walls of a tenant space measured parallel, to and immediately adjacent, to the abutting wall upon which a ~~sign~~ Sign will be placed. For the purposes of determining permitted ~~wall sign~~ Sign area Area for a Wall Sign, ~~tenant~~ Tenant ~~space~~ Space width Width shall only include space completely enclosed within the building.

**Under-Canopy Sign** - A ~~sign~~ Sign suspended beneath a canopy, ceiling, roof, or marquee.

**Vehicle Sign** - A ~~sign~~ Sign painted on, incorporated in, or attached directly to any mode of transportation, including but not limited to automobiles, trucks, boats, busses, airplanes, and trailers.

**Wall Sign** - A ~~sign~~ Sign (including, but not limited to, painted, individual letter, and cabinet signs), which ~~are~~ is attached parallel to to the wall of a building. A Wall Sign may be affixed flat against the wall of a building, or may project therefrom, not more than ~~and extending not more than fifteen~~ 15 inches (15') from the wall of a building. Signs projecting over a walkway or path shall be at least eleven feet (11') above the Finished Grade. May include a ~~window~~ Window sign Sign exceeding ~~twenty-five~~ 25 percent (25%) of the ~~w~~ Window ~~a~~ Area. If a ~~wall~~ Wall sign Sign is attached to a building façade, the portion of the façade outside of the extreme limits of the writing, representation, emblem, lighting or other display, together with any frame or other material or other color forming an integral part of the display shall be disregarded when calculating ~~sign~~ Sign area Area provided that area of the façade is not illuminated by the ~~sign~~ Sign or other light fixtures.

**Window Area** - An individual pane of glass or a contiguous area of glass separated only by nonstructural elements of dissimilar (non-glass) material.

**Window Sign** - A ~~sign~~ Sign placed inside or upon a ~~window~~ Window Area and facing the outside which is intended to be seen from the right-of-way or the outdoors.

#### 55.50 SIGNS PROHIBITED SIGNS

The following types of ~~signs~~ Signs are prohibited in all zoning districts:

- A. ~~Abandoned signs~~ Abandoned Signs.
- B. ~~Animated signs~~ Animated Signs.
- C. ~~Balloon signs~~ Balloon Signs, except as expressly permitted by this Article.
- D. ~~Banner signs~~ Banner Signs, except as expressly permitted by this Article.
- E. ~~Bench s~~ Signs.
- F. ~~Feather flag~~ Flag s Signs, except as expressly permitted by this Article.
- G. ~~Festoons~~.
- H. ~~Human signs~~ Human Signs.
- ~~I. Obsolete Signs.~~
- ~~J. Pennants.~~
- ~~K. J. Portable signs~~ Portable Signs, except as expressly permitted by this Article.
- ~~L. K. Roof Signs.~~

~~M.L. Rotating signs~~ Rotating Signs.

~~N.M. Signs imitating or resembling official traffic or~~ government signs Government Signs or signals.

~~O. Snipe signs.~~

~~P.N. Temporary On-Premises Event Sign,~~ except as expressly permitted by this Article.

~~Q.O. Vehicle signs~~ Vehicle Signs not used during the normal course of business which are parked or located for the primary purpose of displaying the advertising ~~copy~~ Copy.

#### **55.60 SIGNS PERMITTED IN ALL ZONING DISTRICTS | REQUIRED SIGN SETBACKS FOR ALL ZONING DISTRICTS**

No Sign may be located within the public right-of-way, or be placed in a location where it causes a hazard to vehicular or pedestrian traffic by depriving the driver or pedestrian of a clear and unobstructed view of approaching, intersecting, or merging traffic. A Sign shall not project into the public right-of-way of any adjacent Street. Signs projecting over public property shall be at least eleven feet (11') above the Finished Grade. ~~Required Sign Signs~~ Setbacks (for all Sign Signs and Structures supporting said Signs) Sign shall be as follows:

Commented [EW12]: Moved from 55.170 (now deleted).

~~A. No Sign shall be placed in a location where it causes a hazard to vehicular or pedestrian traffic by depriving the driver or pedestrian of a clear and unobstructed view of approaching, intersecting, or merging traffic. No Sign may be located within the public right of way.~~

~~B.A. Residential Development Signs, Building Identification Sign Signs, and Subdivision Identification Sign Signs may only be placed in boulevard median strips if approved by the Kalamazoo County Road Road Commission of Kalamazoo County and/or the Township as part of an approved Site Plan.~~

~~C.B. Signs All Signs, with a height greater than four (4) feet, shall be setback a minimum of ten feet (10') from any public right-of-way line and the greater of ten feet (10'), or the height of the Sign Sign, from all other property lines Property Lines, except as follows:~~

- ~~1. Temporary Off-Premises Directional Sign Signs, real estate signs Real Estate Sign Signs per section 55.150C., special event signs and community event signs and Temporary Off-Premises Event Signs may be located adjacent to a property line out of the right-of-way.~~
- ~~2. Subdivision Identification Sign Signs shall be located a minimum of twenty-five feet (25') from the pavement of the adjacent roadway(s) and in any event, no closer than five feet (5') from any lot Lot line(s). When located in agricultural and/or residential use districts, Subdivision Identification Signs may be located at the front property line but no closer than five feet (5') to any other property line(s).~~
- ~~2. Subdivision Identification signs, in agricultural and residential zoning districts, may be located at the front property line but no closer than five feet to any other property line(s).~~
- ~~4.3. Signs lawfully existing as of January 1, 2000 on parcels Parcels, lots Lots or building sites Building Sites with frontage on West Main Street between US-131 and Drake Road may remain as located.~~
- ~~5.4. Seasonal Agricultural Sign Signs may be located adjacent to the lot line and within the right-of-way so long as they do not interfere with the clear vision area for traffic.~~

C. Properties in commercial use districts permitted to have more than one Ground Mounted Signs (pursuant to Section 55.80) ~~Where a property is permitted to have more than one Freestanding Sign under Section 55.80, must maintain a the distance not less than feet one hundred and fifty (150')~~ between such ~~Ground Mounted Sign(s) Freestanding Signs shall not be less than 150 feet~~

**Commented [EW13]:** Formerly Section 55.160

D. Wall Signs shall measure their height from the first-floor elevation of the building, and may not extend beyond the windowsills of the floor above, or the top of the wall, to which it is attached. Wall Signs shall not project beyond the ends of the wall to which it is attached.

**Commented [EW14]:** Moved from 55.170 (now deleted)

The following signs are allowed in all zones:

~~Incidental signs.~~

~~Noncommercial signs not to exceed 16 square feet in sign area and a height of five feet. Noncommercial signs may be placed only on private property and only with the permission of the property owner.~~

~~Political signs may be placed only on private property and only with the permission of the property owner. Signs relating to an election or referendum shall be removed five days following such election or referendum.~~

~~Banners, seasonal and decorative in nature and theme that do not advertise a product, service or business and which pertain to holidays and/or community wide or governmental events. Feather flag signs shall not be permitted to be used for this purpose.~~

**55.70 AGRICULTURAL AND RESIDENTIAL LAND USES USE DISTRICTS**

A. In all agricultural and residential use ~~districts~~, the requirements of Schedule A shall govern the use, ~~Sign #~~Area, type, height, and number ~~of Signs permitted~~, in addition to the requirements elsewhere in this Ordinance.

SCHEDULE A - Agricultural and Residential Land Use Districts					
Use	Sign Type	Maximum Sign Area	Maximum sign height <sup>1</sup>	Sign purpose Permit Required	Maximum number of Signs
<del>Education education,</del> religious, <del>cemeteries Cemeteries,</del> public <del>buildings buildings,</del> public parks and other nonresidential uses in an agricultural or residential district (other than <del>Offices or</del> <del>Financial services Institutions</del> )	a) <del>Ground Mounted Sign</del> <del>OR</del> <del>wall sign Wall Sign</del>	30 <del>sq.ft.s.f.</del> 30 <del>sq.ft.</del> <del>30 s.f.</del>	5 feet 20 <del>sq.ft.s.f.</del>	<del>identification</del> Yes-	1 per principal use
	b) <del>d</del> Directional Sign	2 <del>sq.ft.s.f.</del>	3 feet	<del>directional</del> Yes	1 per curb cut
<del>Residential residential</del> developments	a) <del>Ground Mounted Sign</del> <del>OR</del> <del>ground sign</del>	30 <del>sq.ft.</del> (see footnote <sup>1</sup> )	5 feet	<del>identification</del> Yes	1 per <del>street</del> <del>Street</del> entrance

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**SCHEDULE A - Agricultural and Residential Land Use Districts**

	b) <del>Directional Sign</del> <del>directional</del>	2 <del>sq.ft.s.f.</del>	3 feet		2 per development
<del>Apartment-apartment developments and mobile home parks</del> <del>Mobile Home Park</del>	a) <del>Ground Mounted Sign</del> <del>ground sign</del>	30 <del>sq.ft.s.f.</del> (see footnote <sup>1</sup> )	5 feet	<del>identification and/or informational</del> <del>Yes</del>	1 per <del>street</del> <del>Street</del> entrance
	b) <del>Directional Sign</del> <del>directional</del>	2 <del>sq.ft.</del>	3 feet	<del>directional</del> <del>Yes</del>	2 per development
<del>Home Occupations, Family Child Day Care Homes, and Foster Family Care Home uses in a residence</del> <del>Private Home</del>		None		<del>Yes-</del>	None
<del>Off-premises signs prohibited</del>	<del>-</del>	<del>None</del>	<del>-</del>	<del>None</del>	<del>-</del>
<del>Functioning-functioning farms and Farm Markets</del>	a) <del>Seasonal Agricultural Directional Sign</del> <del>(see footnote<sup>2</sup>)</del>	6 <del>sq.ft.s.f.</del>	4 feet	<del>Yes directional business and identification</del>	12
	b) <del>Ground Mounted Sign</del> <del>ground sign</del> <del>(see footnote<sup>3</sup>)</del>	<del>30-32</del> sq.ft.s.f. <sup>4</sup>	5 feet		4 <sup>4</sup>
Nonresidential uses in an agricultural or residential use district (other than the R-3, Residence District)	a) <del>Ground Mounted Sign</del> <del>ground sign</del>	30 <del>sq.ft.s.f.</del>	5 feet	<del>Yes identification - directional</del>	1 per principal use
	b) <del>Wall Sign</del>	30 <del>sq.ft.s.f.</del>	20 <del>sq.ft.s.f.</del>		
	c) <del>Directional Sign</del> <del>directional</del>	2 <del>sq.ft.s.f.</del>	3 feet		1 per curb cut

**NOTES:**

- Where allowed, ~~Sign~~ ~~Face~~ may be used in conjunction with a wall, ~~Fence~~, or other architectural entrance feature, provided the ~~Structure~~ to which the ~~Sign~~ ~~Face~~ is attached does not exceed a height of six feet (6').
- In no case shall a functioning farm or ~~Farm Markets farm market~~ be permitted to have a ~~Seasonal Agricultural Directional Signs~~, in any quantity, for more than ~~ninety (90)~~ days per calendar year; ~~Such signs~~ may only be erected as long as ~~the identified~~ commodities or products ~~identified~~ are available for purchase. ~~A Sign Permit is required.~~
- Applies to functioning farms and ~~Farm Markets farm markets~~ in an agricultural or residential district. Functioning farms and ~~Farm Markets farm markets~~ in commercial districts shall be allowed ~~signs~~ with a maximum ~~sign area~~ ~~Sign Area~~ and maximum height as permitted in Section 55.80, Schedule B, with the exception that they are permitted up to four (4) ~~signs~~ totaling the maximum ~~sign area~~ ~~Sign Area~~ allowed. ~~Ground Mounted Sign~~ ~~Ground signs~~ for farms and ~~Farm Markets~~ are not required to be ~~permanent signs~~ ~~Permenant Signs~~.
- Functioning farms and ~~Farm Markets~~ may install up to four (4) signs with combined ~~sign area~~ ~~Sign Area~~ totaling no more than the maximum ~~Advertising Display Area display area~~ allowed for a single ~~sign~~ (30-32 ~~sq. are~~ ~~feet~~).
- ~~5. The vertical distance of a Sign measured from the elevation of the adjacent finished grade to the highest point of the Sign.~~

B. All Agricultural and Residential uses districts shall also be permitted the following:  
 One (1) Seasonal Agricultural Sign, not to exceed a sign area of 32 square feet, except as expressly permitted herein, shall be permitted for up to 90 calendar days per year per principal use for functioning farms and farm markets. A sign permit must be obtained prior to displaying a Seasonal Agricultural Sign.

Commented [EW15]: Deleted as now incorporated in Schedule A table and definitions.

Temporary Signs in accordance with the provisions of Section 55.100 of this Article.

**55.80 COMMERCIAL AND OFFICE LAND USES DISTRICTS**

A. In all commercial and office uses districts the requirements of Schedule B shall govern Sign use, Sign Area, type, height, and numbers of Signs permitted, in addition to requirements elsewhere in this Ordinance.

SCHEDULE B - Commercial and Office Land Use Districts					
Use	Sign Type	Maximum Sign Area	Maximum Height	Sign Permit Required Sign Purpose	Maximum No. of Signs
Individual commercial establishments, including hotels (with out restaurants) (not located within a multi-tenant commercial center)	a) wall sign	1 sq.ft.s.f. for each foot in length or height (whichever is greater) of the wall to which it is affixed <sup>1</sup> (see footnote 1)	30 feet	Yes business or identification	4 per building <sup>3</sup> (see footnote 3)
	b) Pole Sign OR Ground Mounted Sign	60 sq.ft.s.f.	20 feet	- Yes	1 Pole Sign or ground mounted sign <sup>2,4</sup> (see footnotes 2 and 4)
		80 sq.ft.s.f.	10 feet		
	c) Window Signs and displays	25% of window area		Yes	
Multi-tenant commercial center, (including hotels with restaurants)	b) Pole Sign	60 sq.ft.s.f. <sup>5</sup>	20 feet	Yes commercial center and/or individual	1 Pole Sign or Ground Mounted Sign <sup>2,4</sup> pole or 1 ground

**SCHEDULE B - Commercial and Office Land Use Districts**

Use	Sign Type	Maximum Sign Area	Maximum Height	Sign Permit Required/Sign Purpose	Maximum No. of Signs
	<del>OR</del> a) pole sign OR ground sign Ground Mounted Sign b) <del>W</del> all <del>s</del> ign  OR <del>canopy/awning</del> gAwning/ Canopy Sign	80 sq.ft.s.f. <sup>5</sup>	10 feet	tenant identification	sign (see footnotes 2 and 4)
		80 sq.ft.s.f.	30 feet	Yes identification of commercial center	1 per building wall not to exceed 4 per building
		32 sq.ft.s.f.	12 feet	-	
Commercial tenants within a multi-tenant Commercial Center <sup>4,5</sup> (also see below)	a) <del>W</del> all <del>S</del> ign	1 sq.ft.s.f. per linear foot of tenant space width not to exceed a sign length of more than 2/3 the subject tenant space width.	30 feet	Yes business or identification	1 per exterior wall of the tenant premises, maximum of 2 (must be located upon premises of tenant)
	b) <del>nameplate</del> On-Premises Directory Sign	6 sq.ft.s.f.	underside of building overhang	Yes identification	1 per tenant
	c) <del>W</del> indo <del>w</del> <del>s</del> igns and displays	25% of total window area			
	<b>Individual pole Signs and ground mounted signs prohibited</b>				
Auto service stations and filling stations Filling Stations	a) Pole Sign	60 sq.ft.s.f.	20 feet	Yes identification	1 Pole Sign or Ground Mounted Sign <sup>2</sup> + pole or 1 ground

**Commented [EW16]:** Now called On-Premises Directory Sign.

**SCHEDULE B - Commercial and Office Land Use Districts**

Use	Sign Type	Maximum Sign Area	Maximum Height <sup>1</sup>	Sign Permit Required <sup>2</sup> by Purpose	Maximum No. of Signs
	<del>OR</del> <del>Ground Mounted Sign) pole sign</del> <del>OR</del> <del>ground sign</del>				<del>sign (see footnote 2)</del>
	<del>b) Wall Sign</del>	<del>80 sq.ft.s.f.</del>  <del>1-s.f. sq.ft. for each foot in length or height (whichever is greater) of the wall to which it is affixed<sup>1</sup> (see footnote 1)</del>	<del>10 feet</del>  <del>25 feet</del>	<del>Yes</del> <del>business or identification</del>	<del>4 per building<sup>3</sup> (see footnote 3)</del>
	<del>c) Window Sign window signs and displays</del>	<del>25% of Window Area</del>		<del>Yes</del>	
<del>Automobile-automobile sales</del>	<del>a) Pole Sign</del>  <del>OR</del> <del>Ground Mounted Sign) pole sign</del>  <del>OR</del> <del>Ground Mounted Sign ground sign</del>	<del>60 sq.ft.s.f.</del>	<del>20 feet</del>	<del>Yes</del> <del>identification</del>	<del>1 Pole Sign or Ground Mounted Sign ground sign for new car dealership, and/or 1 Pole Sign or Ground Mounted Sign ground sign for used car sales and/or 1 Pole Sign or Ground Mounted Sign ground sign for automotive service. Maximum of two (2) Signs.</del>
		<del>80 sq.ft.s.f.</del>	<del>10 feet</del>		

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SCHEDULE B - Commercial and Office Land Use Districts					
Use	Sign Type	Maximum Sign Area	Maximum Height <sup>1</sup>	Sign Permit Required <sup>2</sup> by Sign Purpose	Maximum No. of Signs
	b) <del>w</del> Wall <del>s</del> Sign	1 <del>sq.ft.s.f.</del> for each foot in length or height (whichever is greater) of the wall to which it is affixed <sup>1</sup> -(see footnote 1)	25 feet	<del>Yes</del> identification	4 per building <sup>3</sup> (see footnote 3)
	c) <del>w</del> indow <del>s</del> igns <del>Wind</del> ow <del>S</del> ign and displays	25% of window area		<del>Yes</del>	
Buildings within an <del>o</del> ffice <del>e</del> Complex (as defined below)	a) <del>w</del> all <del>S</del> ign	25 <del>sq.ft.s.f.</del>	20 feet	<del>Yes</del> identification for offices within building identification	1 per tenant
	<del>OR</del>	50 <del>sq.ft.s.f.</del>	20 feet		1 per building
	b) <del>G</del> round <del>M</del> ounted <del>S</del> ign <del>g</del> round <del>s</del> ign pole signs prohibited	40 <del>sq.ft.s.f.</del>	5 feet	<del>Yes</del>	1 per building at site of building
	<del>Pole Signs are prohibited</del>				
Buildings containing one or more <del>O</del> ffices which are under separate business management and not located within an <del>O</del> ffice <del>e</del> Complex (as defined below)	a) <del>W</del> all <del>S</del> ign	25 <del>sq.ft.s.f.</del>	20 feet	<del>Yes</del> identification for individual offices within building	1 per tenant
	<del>OR</del>	50 <del>sq.ft.s.f.</del>	20 feet		1 per building
	b) <del>G</del> round <del>M</del> ounted	60 <del>sq.ft.s.f.</del>	8 feet	<del>Yes</del> identification	1 per building

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SCHEDULE B - Commercial and Office Land Use Districts					
Use	Sign Type	Maximum Sign Area	Maximum Height	Sign Permit Required/Sign Purpose	Maximum No. of Signs
	<del>Sign pole signs prohibited</del>				
	<b><u>Pole Signs are prohibited</u></b>				
Office <del>C</del> omplex ( <del>lot, parcel or building sites containing 2 or more office buildings</del> )	<del>Ground Mounted Sign OR Permanent Sign ground sign</del>	60 <del>sq.ft.s.f.</del>	8 feet	<del>Yes</del> identification of complex and/or individual buildings therein	1 <del>S</del> ign per <del>street</del> entrance not to exceed more than one (1) per 2,600 lineal feet of continuous road frontage along the same public street
<del>Off-premises signs prohibited, including billboard sign</del>	-	None	-	-	None
Nonresidential uses in the R-3, Residence District (other than <del>offices-Offices or financial-Financial Institutions-services</del> )	a) <del>w</del> Wall <del>s</del> Sign	50 <del>sq.ft.s.f.</del>	20 feet	<del>Yes</del> identification	1 per wall, maximum of 2 per building
	b) <del>Ground Mounted Sign OR Permanent Sign ground sign</del>	60 <del>sq.ft.s.f.</del>	8 feet	<del>Yes</del> identification	1 per building
<b><u>Pole Signs are prohibited</u></b> <del>pole signs prohibited</del>					
NOTES:					
1. Wall length shall be measured in a straight line from the two farthest points on the subject side of the <del>B</del> uilding regardless of any protrusions between said points which shall not be considered a separate wall(s).					
2. <del>L</del> ots, <del>P</del> arcel <del>s</del> , and <del>b</del> uilding <del>s</del> ites with frontage on more than one (1) <del>s</del> Street may have one (1) <del>s</del> Sign on each <del>s</del> Street frontage with one (1) <del>s</del> Sign permitted a maximum <del>sign-area</del> Sign Area of <del>sixty 60</del> square feet ( <del>60 sq.ft.</del> ) and any additional <del>S</del> igns limited to <del>thirty 30</del> square feet ( <del>30 sq.ft.</del> ) each.					
3. More than one (1) <del>w</del> Wall <del>s</del> Sign may be placed upon the same wall provided the combined square footage does not exceed the maximum <del>Advertising Display Area display area</del> permitted for that wall and/or the maximum number allowed for the <del>b</del> uilding, <del>Lot, Parcel, or Building Site</del> .					
4. Individual commercial establishments and <del>multi-tenant-c</del> ommercial <del>e</del> Centers with <del>four hundred 400</del> feet ( <del>400'</del> ) or more of frontage shall be allowed one (1) additional <del>S</del> ign ( <del>Ground Mounted Sign ground</del>					

SCHEDULE B - Commercial and Office Land Use Districts					
Use	Sign Type	Maximum Sign Area	Maximum Height	Sign Permit Required by Purpose	Maximum No. of Signs
<p>sign, Permanent Sign, or Pole Sign). Additional Sign(s) shall not have a Sign Area, or height, greater than what is permitted in Schedule B.</p> <p>4.5. The vertical distance of a Sign measured from the elevation of the adjacent Finished Grade to the highest point of the Sign.</p> <p>5.6. Multi-tenant Commercial Centers shall be permitted one (1) additional eight square feet (8 sq.ft.) of Advertising Display Area display area for each tenant over the first two (2). Total Sign Area shall not exceed fifty percent (50%) of the permitted Sign Area.</p>					

- B. All Commercial-commercial and Office use districts shall also be permitted the following:
- One (1) Directory Wall Sign per building, not to exceed twenty square feet (20sq.ft.) in total Sign Area.
  - Directional Signs up to two square feet (2 sq.ft.) in Sign Area and four feet (4') in height. Each Lot, Building Site, Parcel, Commercial Center, or development shall not have more than one (1) On-Premises Directional Sign per street entrance.
  - Temporary Signs in accordance with the provisions of Section 55.100 of this Article.

**55.80 INDUSTRIAL LAND USE DISTRICTS**

A. In all industrial use districts the requirements of Schedule C shall govern sign Sign use, Sign Area, type, height, and numbers of Signs permitted, in addition to requirements elsewhere in this Ordinance.

SCHEDULE C - Industrial Land Use Districts					
Use	Sign Type	Maximum Sign Area	Maximum Height	Sign Permit Required by Purpose	Maximum No. of Signs
Individual industrial buildings (outside an Industrial Park or Industrial-Office Development) (as described below)	a) Wall Sign	25 sq.ft.s.f.	40 feet	individual tenant identification	1 per tenant space
	OR Wall Sign wall sign	50 sq.ft.s.f.	40 feet	Yes building identification	1 per building
	b) Ground Mounted Sign OR	60 sq.ft.s.f.	8 feet	of building and/or individual tenants	1 per building

Commented [EW17]: Should these be defined terms/added to 2.20?

SCHEDULE C - Industrial Land Use Districts					
Use	Sign Type	Maximum Sign Area	Maximum Height	Sign Permit Required Sign Purpose	Maximum No. of Signs
	Permanent Sign ground sign				
Individual buildings within an Industrial Park or Industrial-Office Development on industrial park or industrial-office development (as described below)	a) Wall Sign wall sign, OR Wall Sign wall sign	25 sq.ft.s.f.	420 feet	individual tenant identification building identification Yes	1 per tenant space
	b) Ground Mounted Sign OR Permanent Sign ground sign	50 sq.ft.s.f.	420 feet	building or tenant identification Yes	1 per building
		40 sq.ft.s.f.	5 feet	building or tenant identification Yes	1 per building*2
Industrial Parks and Industrial-Office Developments	Ground Mounted Sign OR Permanent Sign ground sign	60 sq.ft.s.f.	8 feet	identification of industrial park Yes	1 sign Sign per street entrance not to exceed more than one (1) per 2,600 lineal feet of continuous road frontage along the same public street Street.
<p>1. The vertical distance of a Sign measured from the elevation of the adjacent finished grade to the highest point of the Sign.</p> <p>*2. Sign must be located on same Lot, building site Building Site or parcel Parcel as the building Building/tenant it identifies.</p>					

- B. All Industrial industrial use districts shall also be permitted the following:
1. One (1) On-Premises Directory Sign directory wall sign per building Building, not to exceed 20 twenty square feet (20 sq.ft.) in total sign area Sign Area.
  2. Directional Signs up to two square feet (2 sq.ft.) in Sign Area and a height of four feet (4'). Each Lot, Building Site, Parcel, or development shall not have more than one (1) Directional Sign per Street entrance.
  3. Temporary Signs in accordance with the provisions of Section 55.100 of this Article.

### 55.100 TEMPORARY SIGNS

Throughout the Township, the requirements of Schedule D shall govern the use, ~~Sign a~~Area, type, height, and number of ~~temporary signs~~Temporary Signs, in addition to the requirements elsewhere in this Ordinance. (See ~~also~~—Section 55.40 Definitions for descriptions of each ~~Sign of the sign\_~~types below.)

SCHEDULE D -- Temporary Signs		
Sign Type	Standard	Requirement
<b>Construction Sign</b>	Number	One (1) per street frontage
	Area	Maximum 32 square feet
	Height <sup>L</sup>	Maximum 5 feet
	Duration	30 days prior to beginning construction to 30 days following issuance of certificate of occupancy but not more than two (2) years from beginning of construction
	Permit	Required
<b>Real Estate Sign</b>	Number	One (1) per lot, building site, or parcel
	Area	Maximum 6 square feet (residential) Maximum 24 square feet (non-residential)
	Height <sup>L</sup>	Maximum 5 feet
	Other	<del>Must be non-illuminated</del> Illuminated Signs are prohibited
	Permit	Not required
<b>Residential Development Sign</b>	Number	One (1) per subdivision, condominium, apartment, or <del>manufactured housing development</del> Mobile Home Park on the site where it is being developed.
	Area	Maximum 32 square feet
	Height <sup>L</sup>	Maximum 5 feet
	Duration	Not to exceed 2 years <del>from the date the development opens for sales or rentals</del>
	Permit	Required
<b>Community Event Sign</b>	<del>Number</del>	<del>One sign per event per lot, building site, or parcel</del>
	<del>Area</del>	<del>Maximum 16 square feet</del>
	<del>Height</del>	<del>Maximum 5 feet</del>
	<del>Duration</del>	<del>No more than 2 weeks prior to 1 week following event</del>
	<del>Location</del>	<del>May not be located in Right of Way and must have property owner's permission</del>
	<del>Permit</del>	<del>Not required</del>
<b>Temporary On-Premises Special Event Sign</b>	Number	One per <del>l</del> ot, <del>b</del> uilding <del>s</del> ite, <del>p</del> arcel, or tenant in a <del>multi-tenant commercial center</del> Commercial Center during each six (6)- month period identified below
	Area	Maximum 32 square feet

**Commented [EW18]:** Since we removed "Community Event Signs" this has been consolidated with "Special Event Signs" into the new "Temporary On-Premises Event Sign" which covers both.

**Commented [EW19]:** This was in the definition previously. The Planning Commission needs to review this and determine how this will be reconciled/incorporated here:

An Event Sign may be a Banner (and not attached to trees or other plant materials at any time), Portable Sign, Feather Flag Sign (no more than twelve feet (12') in height), or Balloon Sign (when securely placed upon, and anchored to the ground; fully inflated at all times; and not exceeding a height of twenty feet (20') when fully inflated), which does not exceed a height of five feet (5') if located on the ground, or a mounting height of twenty feet (20') if located on a building wall and as permitted within the zoning district in which it is erected.

Or, these limitations could be placed under separate categories in this table, as Balloon Signs and Feather Flag Signs are not otherwise addressed- and could have applications beyond an event.

SCHEDULE D -- Temporary Signs		
Sign Type	Standard	Requirement
<b><u>A-frame Sign or Portable Sign</u></b>	Height <sup>1</sup>	Maximum 5 feet <del>if for Ground Mounted Signs; on-ground</del> <del>Maximum 20 feet for Wall Signs if located on a building Building wall and/or if a balloon sign</del> <del>Signs; Maximum 12 feet for a Feather Flag Signs</del>
	Duration	<del>1 Sign for a Maximum 14 days from January 1 to June 30</del> <del>1 Sign for a maximum Maximum-14 days from July 1 to December 31</del>
	Permit	Required, <del>unless equal to or less than 3 square feet</del>
	Other	At a multi-tenant commercial center, only one (1) such <del>s</del> Sign may be on display at a time
	Number	One (1) per <del>L</del> ot, <del>B</del> uilding <del>s</del> Site, <del>P</del> arcel, or business within a multi-tenant commercial center
	Area	Maximum 6 square feet
	Height <sup>1</sup>	Maximum <del>42 inches</del> 5 feet
	Duration	May be on display during day but must be stored indoors <del>overnight when business is not in operation</del>
	Location	Must be within <del>10 ten</del> feet (10') of <del>customer the</del> entry door <del>to business it serves</del> without disturbing pedestrian or emergency access. A minimum of <del>5 five</del> feet (5') clearance shall be provided for pedestrian passage.
	Permit	Not required
<b><u>Commercial Banner Signs</u></b>	Number	One per <del>business One (1) per Lot, Building Site, Parcel, or business within a Commercial Center</del>
	Area	<del>Maximum 32 square feet</del>
	Height <sup>1</sup>	<del>Maximum of Eight feet8, feet maximum</del>
	Duration	<del>During construction or maintenance period (not to exceed 12 months)Not to exceed thirty (30) days.</del>
	Location	<del>A maximum mounting height of twenty feet (20') if located on a Building wall; Ground Mounted outside of the right-of-way. Shall not be attached to utility or light poles, trees, bushes, or other plant materials at any time. Must be located On-Premises.</del>
	Permit	<del>Not Required</del>
<b><u>Temporary Off-Premises Directional Signs</u></b>	<u>Number</u>	Four (4); not more than one (1) sign at four (4) separate intersections within the Township
	<u>Area</u>	Maximum 4 square feet
	<u>Height<sup>1</sup></u>	Maximum 4 feet
	<u>Duration</u>	Not more than fourteen (14) days from the date of erection
	<u>Location</u>	Ground Mounted outside of the right-of-way
	<u>Permit</u>	Not required
Feather Flag Signs	<u>Number</u>	Two (2) per Lot, Building Site, or Parcel

Commented [EW20]:

Commented [EW21]: Link definitions

SCHEDULE D -- Temporary Signs		
Sign Type	Standard	Requirement
	<u>Area</u>	<u>Maximum of 30 square feet</u>
	<u>Height<sup>1</sup></u>	<u>Maximum of 12 feet</u>
	<u>Duration</u>	<u>2 Signs for a maximum 14 days from January 1 to June 30</u>
		<u>2 Signs for a maximum 14 days from July 1 to December 31</u>
	<u>Location</u>	<u>Must be Ground Mounted outside of the right-of-way and located On-Premises</u>
	<u>Permit</u>	<u>Required</u>
<u>Balloon Signs (17" or smaller)</u>	<u>Number</u>	<u>One (1) per Lot, Building Site, Parcel, or business within a Commercial Center</u>
	<u>Size</u>	<u>Maximum of 17 inches (17")</u>
	<u>Height</u>	<u>Not greater than five feet (5') above that to which the Balloon Sign is attached</u>
	<u>Duration</u>	<u>Not to exceed thirty (30) days (must remain fully inflated at all times)</u>
	<u>Location</u>	<u>Must be outside of the right-of-way and located On-Premises. Balloon signs may not be attached to utility or light poles and shall not be attached to trees, bushes, or other plant materials at any time.</u>
	<u>Permit</u>	<u>Not required</u>
<u>Balloon Signs (larger than 17")</u>	<u>Number</u>	<u>One (1) per Lot, Building Site, or Parcel</u>
	<u>Size</u>	<u>Greater than 17 inches (17")</u>
	<u>Height<sup>1</sup></u>	<u>Maximum of 20 feet<sup>2</sup> when fully inflated</u>
	<u>Duration</u>	<u>The duration of an approved temporary outdoor event application under Section 49.260 and/or Section 48.120 (must remain fully inflated at all times)</u>
	<u>Location</u>	<u>Must be securely anchored, placed directly upon the ground Must be outside of the right-of-way and located On-Premises.</u>
	<u>Permit</u>	<u>Required (approved as part of a temporary outdoor event application under Section 49.260 and/or Section 48.120)</u>
1. The vertical distance of a Sign measured from the elevation of the adjacent Finished Grade to the highest point of the Sign.		

**55.110 BILLBOARDS PERMANENT OFF-PREMISES SIGNS- BILLBOARDS**

Due to size and spacing requirements of this section of the Ordinance, most if not all Billboards in the Township are nonconforming, and no additional Billboards can be constructed beyond the eleven (11) currently located in the Township without additional changes to the Ordinance.

- A. Billboards may be located on a Lot, building site Building Site, or parcel Parcel within an area 150 one hundred and fifty feet (150') in width on either side of the right-of-way of U.S. Highway 131 zoned "C", Local Business District or lower. Such billboard Billboard(s) shall meet all other

the ~~building~~ Building and ~~setback~~ Setback requirements of this ~~Article~~ Ordinance for ~~signs~~ Signs except for, and in addition to, the following requirements:

1. No more than one ~~(1) billboard~~ Billboard may be located per linear mile of highway; ~~the linear mile includes~~ regardless of the fact that such billboard ~~Billboards may be~~ located on a different side of the subject highway, or in another jurisdiction, and shall be based only on distance from a Billboard to than any other ~~billboard~~ Billboard. No ~~billboard~~ Billboard shall be located within ~~seven hundred and fifty~~ 750-foot (750') of a residential zone and/or an existing residence.
  2. The total ~~Sign~~ surface ~~Area~~ of any ~~billboard~~ Billboard facing one direction shall not exceed ~~three hundred~~ 300 square feet ~~(300 sq.ft.)~~ and a height of ~~20~~ twenty feet ~~(20')~~.
  3. Billboards may be illuminated, however, the lighting fixtures used to illuminate a ~~billboard~~ Billboard shall be mounted on the top of the ~~structure~~ Structure and directed down so that no light rays are emitted by the installed fixture at angles above the ~~billboard's~~ Billboard's highest horizontal plane or onto any adjacent lot, building, site, or parcel.
  4. In no event shall any ~~billboard~~ Billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
  5. All ~~Billboards~~ Billboards, and all appurtenances thereto, shall be kept in good repair and in a proper state of preservation with all display surfaces neatly painted or posted at all times.
  6. All ~~billboards~~ Billboards shall be oriented with the longest side parallel to the ground.
  7. Doubled-stacked ~~billboards~~ Billboards are prohibited.
- B. Electronic Billboards. Findings—It is recognized that Billboards with changeable or continuous, dynamic content are more distracting and less comprehensible than static images as they require more attention for longer periods of time to comprehend the intended message. Studies show that there is a direct correlation between dynamic, electronic displays on ~~billboards~~ Billboards and the distraction of drivers, which can lead to traffic accidents. Drivers can be distracted by a changing message, by waiting for the next change to occur on a ~~sign~~ Sign, and by messages that do not tell the full story in one look.

Drivers are more distracted by special effects used to change the message of a billboard, by messages on a sign that are too small to be clearly seen, or that contain more than a simple easily read message.

Despite these public safety concerns, there is merit to allowing new technologies to easily update messages on ~~billboards~~ Billboards. Except as prohibited by state or federal law, ~~billboard~~ Billboard owners should have the opportunity to use these technologies with certain, reasonable restrictions.

The restrictions are intended to minimize potential driver distraction and to minimize proliferation near residential areas where ~~billboards~~ Billboards with dynamic, electronic displays can adversely impact residential character.

It is also recognized that ~~billboards~~ Billboards do not need to serve the same way-finding function as do ~~On-Premises Signs~~ allowed under Article 55, Signs and Billboards. Further, ~~billboards~~ Billboards are allowed only within certain zoning districts. Billboards are in themselves distracting and their removal serves public safety. A single Electronic Billboard ~~electronic display~~ can serve the function otherwise performed by multiple traditional ~~billboards~~ Billboards. Thus, ~~billboard~~ Billboard owners ought to be encouraged to use Electronic Billboard ~~electronic displays~~ to consolidate such activities in appropriate locations while

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removing traditional ~~B~~billboards that currently do not conform to ~~Ordinance~~ordinance standards.

The standards within this section are therefore intended to provide incentives for the voluntary and uncompensated removal of ~~billboards~~Billboards in certain settings. Their removal results in an overall advancement of one or more of the goals set forth in this chapter that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate ~~billboards~~Billboards that would otherwise remain distributed throughout the Township.

Electronic displays should therefore be allowed on ~~billboards~~Billboards but with significant and reasonable controls to minimize their proliferation and potential threats to public safety.

1. Display Regulations. An ~~e~~Electronic ~~b~~Billboard shall not contain any visible moving parts, revolving parts, or mechanical movement of any description or other apparent visible movement except for electronic displays subject to the following requirements and standards:
  - a. Except as otherwise stated herein, ~~electronic~~Electronic ~~billboards~~Billboards are subject to the same requirements as traditional ~~billboards~~Billboards as provided for in Section ~~55.11055.100(-A)~~ of this Ordinance, including size, height, separation, and location restrictions.
  - b. The images and messages displayed must be static or still images. Such images and messages shall be permitted to fill the entire ~~sign area~~Sign Area. Animation, video streaming, moving images, or other pictures and graphics displayed in a progression of frames that give the illusion of motion, or moving objects, shall be prohibited. Under no circumstances shall any message or display appear to flash, undulate, pulse, move, portray flashes of light or blinking lights, or otherwise appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, or make other comparable or hypnotic movements.
  - c. An ~~electronic~~Electronic ~~billboard~~Billboard may not allow the display or message to change more frequently than once every eight (8) seconds, with a transition period of one (1) second or less.
  - d. The transition from one static image or message to another on an ~~electronic~~Electronic ~~billboard~~Billboard shall be instantaneous without any delay or special effects accomplished by varying the light intensity or pattern, where the first message gradually reduces intensity or appears to dissipate and lose legibility simultaneously with the gradual increase in intensity, appearance and legibility of the second message, such as, but not limited to: flashing; blinking; spinning; revolving; shaking; zooming; fading; dissolving; scrolling; dropping; traveling; chasing; exploding; or similar effects that have the appearance of movement, animation, changing in size, or being revealed incrementally rather than all at once.
  - e. ~~An e~~Electronic ~~b~~Billboards must have installed an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this ~~article~~Article.
  - f. Sequential messaging as part of an ~~electronic~~Electronic ~~billboard~~Billboard shall be prohibited. The images and messages displayed shall be complete in themselves without continuation in content to the next image or message or to any other ~~billboard~~Billboard.

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- g. Every line of ~~Ceopy and graphics~~ on an ~~e~~Electronic ~~b~~Billboard must be at least ~~12~~twelve inches (12") in height.
- h. Electronic ~~billboards~~-Billboards shall be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the ~~Electronic b~~Billboard owner must immediately stop the electronic display when notified by the Township that it is not complying with the standards of this ~~S~~ection. Prior to issuing any necessary permits ~~(as required by Section 55.110 of this Article)~~ for an ~~electronic~~-Electronic ~~billboard~~Billboard, the applicant shall submit to the Township written verification from the manufacturer that the ~~electronic~~-Electronic ~~billboard~~-Billboard is so designed and equipped.
- i. The owner of the ~~electronic~~-Electronic ~~billboard~~-Billboard shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning natural disasters, ~~road~~ emergencies, weather emergencies, or defense situations. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

2. Brightness.

The maximum brightness levels for ~~electronic~~-Electronic ~~billboards~~-Billboards shall not exceed ~~three tenths 0.3 (0.3 three tenths)~~ foot-candles over ambient light levels measured within ~~one hundred and fifty~~150 feet (150') of the source, consistent with the terms of this ~~section~~Section. The measurement shall be taken at ground level perpendicular to the surface of the screen. Certification must be provided to the Township demonstrating that the ~~sign~~-Sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the Township, in its reasonable discretion, and it shall be the responsibility of the ~~Electronic Billboard~~sign owner ~~in order~~ to ensure that the specified brightness levels are maintained at all times.

Brightness of ~~Electronic Billboard digital signs~~ shall be measured as follows:

1. ~~At least thirty (30) minutes following sunset, a foot candle meter shall be used by the person doing the inspection to obtain an ambient light reading for the location— while the Electronic Billboard~~This is done while the sign is off or displaying ~~a black eopyscreen/display~~. The reading shall be made with the meter aimed directly at the ~~Sign area~~Face at the pre-set location.
2. ~~The Electronic Billboard sign~~ shall then be turned on to ~~a full white eopy screen/display~~ to take another reading with the meter at the same location.
3. ~~If the difference between the readings is three tenths (0.3) foot-candles or less, the brightness is properly adjusted.~~

~~C. Incentives for Billboard Removal.~~ Billboards do not need to serve the same wayfinding function as do ~~e~~On-~~p~~remises signs. Further, due to size and spacing requirements of this section of the Ordinance, most if not all ~~billboards~~-Billboards in the Township are nonconforming, and no additional ~~billboards~~-Billboards can be constructed beyond the ~~eleven (11)~~ currently located in the Township without additional changes to the Ordinance. Finally, ~~billboards~~-Billboards are in themselves distracting and their removal serves public safety. The Township is extremely limited in its ability to cause the removal of these signs. This clause is intended to provide incentives for the voluntary and uncompensated removal of ~~billboards~~-Billboards in certain settings. This

removal results in an overall advancement of one or more goals set forth in this section, including reducing the degree of nonconformity, that should more than offset any additional burden caused by the incentives. These provisions are also based on the recognition that the incentives create an opportunity to consolidate ~~outdoor-outdoor~~ advertising services that would otherwise remain distributed throughout the Township.

A person may obtain a ~~S~~sign ~~p~~Permit from the Township to replace an existing nonconforming ~~billboard-Billboard~~ with an ~~electronic-Electronic billboard-Billboard~~ in the same location, at the same or reduced height and at the same or reduced ~~Sign Area~~, ~~if the requirements stated below are satisfied~~. Otherwise, such ~~signs~~~~Electronic Billboards~~ would be required to conform to all of the standards of this Section as a new ~~s~~Sign. ~~Sign Permits may be issued if the requirements stated below are satisfied~~.

- a. The applicant shall agree in writing to permanently remove, prior to the issuance of any necessary permits for the installation of an ~~electronic-Electronic b~~Billboard, at least two ~~(2)~~ other nonconforming ~~b~~Billboards within the Township owned or leased by the applicant, each of which must satisfy the criteria of subparagraphs b. through d., below. (Each individual ~~billboard-Billboard~~ face shall be considered a separate ~~billboard~~Billboard, and the ~~B~~billboard proposed to be replaced by the new ~~electronic Electronic billboard-Billboard~~ face may be considered one ~~(1)~~ of the two ~~(2)~~ nonconforming ~~b~~Billboards to be removed.) Unless being replaced by an ~~electronic Electronic Billboard~~ unit, removal shall include the complete removal of the structure and foundation supporting each ~~billboard~~Billboard. The Zoning Administrator shall verify that the ~~billboards-Billboards~~ to be removed are nonconforming and that the nonconforming ~~b~~Billboards have been removed prior to issuing any necessary permits for an ~~e~~Electronic ~~b~~Billboard. The applicant shall also agree in writing that it is removing the nonconforming ~~b~~Billboards voluntarily and that it has no right to compensation for the removed ~~b~~Billboards under any law. When executed, the applicant shall record said agreement with the Kalamazoo County Registrar of Deeds.
- b. The Township has not previously issued a ~~S~~sign ~~p~~Permit for an ~~electronic-Electronic billboard-Billboard~~ based on the removal of the particular nonconforming ~~billboards~~ Billboards relied upon in this permit application.
- c. Each removed ~~billboard-Billboard~~ shall have a ~~Sign Area~~~~copy and graphic area~~ equal to or greater than the ~~Sign a~~Area ~~of the copy and graphic area~~ for which the ~~E~~electronic ~~b~~Billboard permit is sought.
- d. If ~~any b~~Billboard to be removed ~~required a State of Michigan permit, is one for which a permit is required by the State of Michigan~~, the applicant shall: ~~(i)~~ surrender its permit to the ~~State-state~~ upon removal of the ~~billboard~~Billboard, and ~~(ii-)~~ ~~Proof shall be submitted proof~~ to the Township ~~that the of the State-state permit has been surrendered prior to-before~~ any necessary ~~Township~~ permits for an ~~electronic-Electronic billboard~~ Billboard will being issued ~~by the Township~~.

#### **55.120 PERMITS REQUIRED AND CONDITIONS**

Unless otherwise provided by this Article, all ~~S~~signs shall require permits and payment of ~~permit~~ fees ~~(-This shall-including~~ face changes for ~~s~~Signs ~~and~~ ~~billboards~~s. No ~~s~~Sign otherwise permitted

under this Article shall be installed, or utilized, until and unless a permit has been issued by the Township. No permit is required for the ~~maintenance~~-Maintenance of a ~~sign already permitted and otherwise permissible under this Article~~.

A permit issued pursuant to this Section becomes null and void if work is not commenced within one hundred and eighty (180) days of issuance. If work authorized by the permit is suspended or abandoned for more than one hundred and eighty (180) days, the permit must be renewed with an additional payment of one-half (1/2) of the original permitting fee (as provided ~~on-by~~ the current fee schedule adopted by resolution of the Township Board and on file at the Township Hall).

### 55.130 SIGNS NOT REQUIRING PERMITS

The following types of ~~signs~~-Signs are exempted from permit requirements but must be in conformance with all other requirements of this Article:

~~A. Construction signs of six square feet or less.~~

~~B.A. On-premise directional signs~~Directional Signs of two square feet (2 sq.ft.) or less.

~~C. Seasonal decorations.~~

~~D. Non-Commercial Signs, including political signs, and community event signs, subject only to place manner restrictions; such Non-Commercial Signs shall not exceed sixteen feet (16 sq.ft.) and a maximum height of five feet (5') Natural Grade. Non-Commercial Signs shall only be placed on private property with the property owner's permission.~~

~~E.B. Government Signs, or notices, or any sign~~ relating to an emergency.

~~C. Real estate signs~~Temporary Off-Premises Directional Signs.

~~F.D. Temporary On-Premises Signs~~ equal to or less than three square feet (3 sq. ft.)

~~E. Incidental signs~~Incidental Signs, provided such ~~signs~~-Signs do not occupy more than six square feet (6 sq.ft.) of ~~advertising display area~~Sign Area.

~~F. Temporary Off-Premises Signs~~ as permitted under Section 55.100 of this Article.

Seasonal decorations are not considered Signs for the purposes of this Ordinance.

### 55.140 MAINTENANCE

All ~~signs~~-Signs shall be properly maintained. Exposed surfaces shall be clean and painted, ~~(if paint is required), and all Copy shall be legible;~~ ~~Defective~~, or damaged, parts shall be replaced.

### 55.150 LIGHTING

Unless otherwise specified by this Section, all ~~signs~~-Signs may be Illuminated Signs.

A. No ~~sign~~ regulated by this Section may utilize:

1. An exposed incandescent lamp<sup>1\*</sup> with an external reflector and without a screen or comparable diffusion device.
2. Any exposed incandescent lamp<sup>1\*</sup> in excess of ~~460~~one hundred and sixty watts (160w) unless a screen or shield is installed so that no light rays are emitted by the installed fixture beyond the ~~advertising display area~~ Advertising Display Area.
3. Any revolving beacon light.

**Commented [EW23]:** "Directional Sign" definition now includes "An On-Premises Sign..."

**Commented [EW24]:** "Non-Commercial Sign" definition now includes/refers to: Political Sign, Government Sign, Residential Development Sign, Directional Sign, Subdivision Identification Sign, etc.

- 4. Lights that could be confused with, or construed as, traffic control devices.
- 5. Direct or reflected light that could create a traffic hazard to operators of motor vehicles.

~~(\*For the purpose of this Section, quartz lamps shall not be considered an incandescent light source.)\*~~

- B. Metal halide lighting, fluorescent lighting and quartz lighting may be used for ~~outdoor-outdoor~~ advertising signs but shall be installed in enclosed luminaries.
- C. Glass tubes filled with ~~Neon-neon~~, ~~Argon-argon~~ or ~~Krypton-krypton~~ may be used provided they do not flash intermittently or create a visual effect of movement.
- D. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the ~~Ssign-structure~~ whenever practical or mounted so that no light rays are emitted by the installed fixture at angles above the ~~sSign's~~ highest horizontal plane or in any event beyond the ~~Adverting Display Area~~ ~~advertising display area~~.
- E. Unless the premises is open for business, ~~the operating of~~ lighting fixtures on, or in, ~~sSigns~~, (with the exception of time and temperature displays), ~~is prohibited~~ ~~shall not be operated (i.e., turned on)~~ from 9 p.m. to sunrise when light from said sign can shine into any window of a residence within ~~five hundred 500~~ feet (500') or from midnight (12 a.m.) to sunrise when the ~~Lot, building site~~ ~~Building Site~~, or ~~parcel~~ ~~Parcel~~ upon which it is located abuts a residential zoning district.
- F. No ~~sSign~~ may be illuminated by flashing, rotating, oscillating or intermittent lighting.
- G. Electronically ~~changeable copy signs~~ ~~Changeable Copy Signs~~, (with the exception of ~~Electronic Billboards~~ ~~as provided in this Article (see Section 55.140-B)~~), may change message no more than once every six (6) seconds and shall not use transitions that ~~dD~~ ~~dissolve~~, ~~fF~~ ~~fade~~, ~~fF~~ ~~flash~~, and/or ~~sS~~ ~~Scroll~~.
- H. Signs utilizing electronically ~~Changeable Copy Sign~~ ~~changeable copy signs~~ may not be so bright as to be objectionable or inappropriate for the surroundings.
- I. Up to ~~35-thirty-five~~ percent (35%) of the permitted ~~Ssign #Area~~ of an allowable ~~sSign~~ may be dedicated to ~~Changeable Copy Sign~~ ~~changeable copy~~ or to electronically display the current time and/or temperature. This percentage shall be increased to ~~50-fifty~~ percent (50%) for ~~filling stations~~ solely for the purpose of displaying fuel prices within the additional ~~Sign #Area~~ provided. ~~This limit shall not apply to eE~~ ~~Electronic bBillboards~~.
- J. Lighting requirements for Billboards and Electronic Billboards are addressed in Section 55.110.

1. For the purpose of this Section, quartz lamps shall not be considered an incandescent light source.

**55.160 REQUIRED SIGN SETBACKS FOR ALL ZONING DISTRICTS**

Required sign setbacks for all signs and structures supporting said sign shall be as follows:

- D. ~~No sign shall be placed in a location where it causes a hazard to vehicular or pedestrian traffic by depriving the driver or pedestrian of a clear and unobstructed view of approaching, intersecting or merging traffic. No sign may be located within the public right of way.~~
- E. ~~Development/Building Identification signs and Subdivision Identification signs may be placed in boulevard median strips if approved by the Kalamazoo County Road Commission and/or the Township as part of an approved Site Plan.~~

- F. ~~All signs shall be setback a minimum of ten feet from any public right-of-way line and ten feet or the height of the sign, whichever is greater, from all other property lines, except as follows:~~
1. ~~Directional signs, real estate signs per Section 55.150.C, special event signs and community event signs may be located adjacent to a property line out of the right-of-way.~~
  2. ~~Subdivision Identification signs shall be located a minimum of 25 feet from the pavement of the adjacent roadway(s) and in any event, no closer than five feet to any lot line(s).~~
  3. ~~Subdivision Identification signs, in agricultural and residential zoning districts, may be located at the front property line but no closer than five feet to any other property line(s).~~
  4. ~~Signs lawfully existing as of January 1, 2000 on parcels, lots or building sites with frontage on West Main Street between US 131 and Drake Road may remain as located.~~
  5. ~~Seasonal Agricultural Directional Signs may be located adjacent to the lot line and within the right-of-way so long as they do not interfere with the clear vision area for traffic.~~
- G. ~~Where a property is permitted to have more than one freestanding sign under Section 55.80, the distance between such freestanding signs shall not be less than 150 feet.~~

Commented [EW25]: Now 55.060

**55.170 SIGN HEIGHT AND OVERHANG**

~~Wall sign Walls signs may be affixed flat against the wall of a building or may project therefrom not more than 15 inches. Signs projecting over a walkway or path shall be at least 11 feet above the finished grade height shall be measured from the first floor elevation of the building.~~

Field Code Changed

Field Code Changed

~~A wall sign shall not extend beyond the window sills of the floor above or the top of the wall to which it is attached.~~

~~A wall sign shall not project beyond the ends of the wall to which it is attached.~~

~~Walls signs may be affixed flat against the wall of a building or may project therefrom not more than 15 inches. Signs projecting over a walkway or path shall be at least 11 feet above the finished grade.~~

~~A sign shall not project into the public right-of-way of any adjacent street. Signs projecting over public property shall be at least 11 feet above the finished grade.~~

Commented [EW26]: Moved into the definition of "Wall Sign" and/or added to 55.60 re: set-backs.

**55.180-160 LANDSCAPING**

The base treatment for a ~~freestanding sign~~, Permanent Signs that are ~~freestanding~~ shall be landscaped and maintained. ~~Such landscaping and~~ may be placed in stone, masonry, ~~or~~ treated wood bases, containers, ~~or~~ in the ground ~~to achieve a pleasant aesthetic arrangement.~~

**55.190 DEVIATIONS**

~~In obtaining a permit, the applicant may apply to the Township for a deviation from certain requirements of this Article. A deviation may be granted by the Zoning Board of Appeals where the literal application of the Article would create a hardship for the sign user and the following criteria are met:~~

- A. ~~The granting of the requested deviation would not be materially detrimental to the property owners in the vicinity.~~
- B. ~~The hardship created by a literal interpretation of the Article is due to conditions unique to that lot, building site or parcel and does not apply generally to other properties in the Township.~~

~~C. The granting of the deviation would not be contrary to the general purposes of this Article or set an adverse precedent.~~

~~In granting a deviation, the Zoning Board of Appeals may attach additional requirements necessary to carry out the spirit and purpose of this Article in the public interest.~~

**55.200 RE-SUBMISSION OF APPLICATION FOR A DEVIATION REQUEST**

~~A. No application for a deviation from the provisions of this Article shall be submitted to the Township or be formally considered by the Township where such application has been previously denied or turned down by the Township unless the Township determines that either one year has passed since the prior application was denied or the new application or project is substantially changed from the prior one. In determining whether substantial changes have occurred, the Zoning Board of Appeals shall consider:~~

- ~~1. Whether the application has been substantially modified from the earlier one;~~
- ~~2. Whether external conditions or circumstances have changed significantly so as to warrant a reconsideration of the application;~~
- ~~3. Whether new and material evidence has been discovered which would justify a reconsideration of the application or project and the failure to present such evidence at the first consideration was not the fault of the applicant.~~

**Commented [EW27]:** Removed; covered by variance requests.

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DRAFT OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. \_\_\_\_\_

Adopted: \_\_\_\_\_

Effective: \_\_\_\_\_

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance, Article 50: Schedule of Regulations, Section 50.60C: Setback Provisions. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

SECTION I. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 50: SCHEDULE OF REGULATIONS, SECTION 50.60: SETBACK PROVISIONS. Article 50, Section 50.60C is hereby amended to read as follows:

C. BUSINESS AND INDUSTRIAL DISTRICT

In "C" Local Business District, "BRP" Business and Research Park District, "I-R" Industrial District, Restricted, "I-1" Industrial District, Manufacturing/Serviceing, "I-2" Industrial District, Manufacturing/Serviceing, "I-3" Industrial District, Special and with respect to buildings exceeding two stories in "R-4" Residence District, the minimum setback distance for all buildings shall be 70 feet from all street right-of-way lines and outlots and/or planned future public street extensions abutting the property unless:

1. A larger setback is otherwise required in the Township Zoning Ordinance
2. The building 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 70-foot setback requirement, in which case such setback may be decreased accordingly to the schedule set forth in Section 50.60.A hereof. The setbacks applicable to the "C-R" Local Business District, Restricted, are set forth in Section 21.50.D.
3. The property is located between two ~~frontage~~ roads running parallel to each other and one road is a ~~major~~ arterial and the other is a collector, in which case, the minimum setback from the ~~collector~~ secondary road and the landscape requirements shall be reduced by 50%.

SECTION II. EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, CLERK  
OSHTEMO CHARTER TOWNSHIP