



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334  
269-216-5220 Fax 375-7180 TDD 375-7198  
[www.oshtemo.org](http://www.oshtemo.org)

**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**Work Session  
Thursday, July 25, 2019  
6:00 p.m.**

**AGENDA**

1. Call to Order
2. Approval of Agenda
3. Public Comment on Non-Agenda Items
4. Approval of Minutes: July 11, 2019
5. Review of updated By-Laws
6. DRAFT Keeping of Animals and Honey Bees Ordinance Review
7. DRAFT Maple Hill South Overlay Zone Review
8. Any Other Business
9. Planning Commissioner Comments
10. Adjournment

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

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

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

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

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

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

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

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

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

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

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

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

**OSHEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD JULY 11, 2019**

---

**Agenda**

**SITE PLAN REVIEW: O'REILLY AUTO PARTS – TABLED JUNE 13, 2019  
CONSIDERATION OF AN APPLICATION FROM MARKETPLACE DEVELOPMENT,  
LLC FOR SITE PLAN APPROVAL, TO BUILD A NEW O'REILLY AUTO PARTS  
STORE AT 6297 WEST MAIN STREET. PARCEL NO. 3905-14-405-054.**

**ANY OTHER BUSINESS**

- a. Planning Commission By-laws – Draft Amendments
  - b. Landscape Ordinance
- 

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, July 11, 2019, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

**ALL MEMBERS**

**WERE PRESENT:** Bruce VanderWeele, Chair  
Ollie Chambers  
Ron Commissaris  
Keisha Dickason  
Dusty Farmer, Secretary  
Micki Maxwell  
Mary Smith, Vice Chair

Also present were, Julie Johnston, Planning Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. No other persons were in attendance.

**Call to Order and Pledge of Allegiance**

Chairperson VanderWeele called the meeting to order at approximately 6:00 p.m. and invited those present to join in reciting the "Pledge of Allegiance."

**Agenda**

The Chair determined no changes were needed and let the agenda stand.

**Public Comment on Non-Agenda Items**

No audience members were present.

## **Approval of the Minutes of June 27, 2019**

Chairperson VanderWeele asked if there were any additions, deletions or corrections to the Minutes of June 27, 2019. Hearing none, he asked for a motion.

Mr. Commissaris made a motion to approve the Minutes of June 27, 2019 as presented. Mr. Chambers supported the motion. The motion was approved unanimously.

Chairperson VanderWeele asked Ms. Johnston for her review of the application for site plan approval for construction of a new O'Reilly Auto Parts store.

### **SITE PLAN REVIEW: O'REILLY AUTO PARTS – Tabled June 13, 2019 CONSIDERATION OF AN APPLICATION FROM MARKETPLACE DEVELOPMENT, LLC FOR SITE PLAN APPROVAL, TO BUILD A NEW O'REILLY AUTO PARTS STORE AT 6297 WEST MAIN STREET. PARCEL NO. 3905-14-405-054.**

Ms. Johnston explained although the applicant was not present, it was requested that the Commission continue with the application request.

She noted at the June 13<sup>th</sup> Planning Commission meeting Marketplace Development, LLC requested site plan approval for a new O'Reilly Auto Parts store at 6297 West Main Street within the West Main Overlay Zone. The staff report, dated June 4<sup>th</sup>, detailed the outstanding items related to the site plan packet for this development and recommended conditions associated with those items. In addition, during Planning Commission deliberation, concern was expressed related to the exterior building design. Ultimately, the site plan was tabled to allow the developer an opportunity to address outstanding concerns. Other than a revision to the building architecture, the other issues were not addressed.

She outlined the issues in the June 4<sup>th</sup> staff report, including new information.

#### **1. Consideration of whether proposed revisions to the exterior building design meets the intent of the West Main Overlay zone.**

The developer provided new elevation drawings which show a false roof structure to disguise the flat roof on the front of the building; windows and awnings were added; materials used to match the building are used for the dumpster; and, the red color originally proposed for the signage area was changed from red to "Patchwood," more of an earth tone than the original red proposed.

#### **2. A minimum of 29 parking spaces will need to be removed from the site. The removal of these spaces could alter the storm water management design, requiring additional review by the Township Engineer.**

It was the intent of the developer to appeal staff's interpretation of the Zoning Ordinance related to parking and their retail use at a special meeting of the Zoning Board of Appeals on July 9th. Due to a noticing problem the meeting was not held. However, if the applicant builds with the allowed 29 spaces, more spaces could be requested at a later date if they prove necessary.

She expects the applicant to reconsider the ZBA request if they can persuade O'Reilly Auto Parts to agree to the 29 parking spaces.

If the Planning Commission were to approve the request, a new site plan with 29 striped parking spaces would need to be included in a new site plan.

**3. A note needs to be placed on the lighting plan indicating when reduced lighting will be employed.**

The developer indicated the current lighting plan has two notes as follows, related to reduced lighting on the site. No new photometric plan was provided.

*Exterior site lights will turn on when it is dark enough outside and it is within store hours or there is a motion in the store. They will turn off 30 minutes after last motion once the store is closed.*

*For new construction only, there is a temporary program to keep sign and site lights on until midnight rather than the times indicated above. O'Reilly will disable this program one year after store opening.*

The applicant indicated store hours are:

Monday	7:30AM–10PM
Tuesday	7:30AM–10PM
Wednesday	7:30AM–10PM
Thursday	7:30AM–10PM
Friday	7:30AM–10PM
Saturday	7:30AM–10PM
Sunday	8AM–8PM

The Lighting Ordinance indicates that lighting shall be significantly reduced during non-operational hours of the business, allowing only lighting necessary for security purposes, and the lighting plan should note when lighting will be reduced. The notes on the plan indicate that all site lighting will be distinguished after store hours and when no motion is detected. If the applicant included the hours of operation on the lighting plan, the notes above may meet the intent of the Ordinance. However, past precedent has been to have a time certain for when the lighting would be reduced and to what percentage. For example, past site plan approvals have included the following language:

*All exterior light fixtures shall be reduced to 30 percent power at the close of business but no later than 10:00 pm until 7:00 am or the start of business via an owner programmable timer.*

In addition, the second note related to new construction would allow site lighting until midnight during the first year of operation. Staff recommends removing this note from the plan.

Staff continues to recommend a condition related to the reduced lighting requirement. At minimum, the hours of operation should be included on the photometric plan to indicate when lighting is expected to be reduced.

**4. Agreements for the off-site improvements are still needed as of the date of this staff report. The Planning Commission will need to consider if a condition that an agreement is provided will suffice for site plan approval.**

Staff has not received an update to this issue. An easement from MDOT and neighboring property owner needs to be submitted to the Planning Department before any site work is allowed to begin.

**5. A cross-access agreement for use of the existing curb cut on West Main Street.**

Staff has not received an update to this issue.

**6. Permission from MDOT to work within the road right-of-way.**

Staff has not received an update to this issue.

Ms. Johnston said if the Planning Commission was considering approval of the site plan, staff recommended the following conditions:

1. An agreement from the adjacent property owner to the east be provided that allows off-site improvements to their property. This condition will be completed before any site or building improvements are made on the property.
2. A cross-access agreement with the adjacent property owner to the east be provided that allows use of the existing curb cut. This condition will be completed before any site or building improvements are made on the property.
3. A permit from MDOT needs to be provided allowing the improvements within the West Main Street right-of-way. This condition will be completed before any site or building improvements are made on the property.

4. An executed document for the dedication of the open space be provided to the Township before a certificate of occupancy is issued on the building.
5. A revised site plan be provided to the Township showing the correct number of parking spaces. If the storm water management plan is altered due to the change in parking, the Township Engineer or his designee will review and approve the redesigned system. This condition will be completed before the issuance of a building permit.

Finally, the Planning Commission needed to review the revised exterior building design and the lighting plan. Staff had the following condition in the June 4<sup>th</sup> staff report:

6. A revised lighting plan with the removal of the note related to new construction and exterior lights on until midnight. In addition, a note indicating when lighting will be significantly reduced during non-operational hours of the business, allowing only lighting necessary for security purposes (*the Planning Commission to determine those hours or require the operational hours of the business to be placed on the lighting plan*). This condition will be completed prior to the issuance of a building permit.

She said additional conditions related to exterior building design should be included, if needed.

Chairperson VanderWeele asked if there were questions for Ms. Johnston.

Ms. Smith confirmed the wording of a motion should refer to the elevation drawings submitted at the July 11 meeting.

Ms. Farmer indicated lighting wording approved should be consistent with previously approved wording for other applicants.

Chairperson VanderWeele noted the applicant was not present for comment and moved to Board Deliberations.

Ms. Maxwell wondered if the application was actually ready for review.

Ms. Farmer noted the only thing changed by the applicant since consideration by the Board on June 13<sup>th</sup> was the architectural plan; the parking spaces and agreements still need to be addressed.

Attorney Porter indicated the application was as ready as most plans; non site-specific conditions are often acquired after the site plan is approved.

Ms. Johnston noted Staff can take care of assuring the lighting and parking space issues are included on a revised site plan.

Mr. Commissaris asked about impact of parking spaces on drainage and erosion.

Ms. Johnston replied if the pavement is reduced the loading zone area can still be paved but not striped for parking. Fewer spaces will provide more pervious surface, which can only benefit storm water management.

Ms. Farmer said the revised architectural drawing and conditions suggested by Ms. Johnston were acceptable to her.

Ms. Johnston indicated the language used regarding reduced lighting requirements for other businesses included reduction to 30% from a time certain in the evening until a time certain in the morning.

It was the consensus that this wording should be used, and that reduced lighting should begin no later than 11:00 p.m. and that full lighting can begin no earlier than 7:00 a.m.

Chairperson VanderWeele asked for a motion.

Ms. Farmer made a motion to approve the revised site plan submitted July 11, 2019 for O'Reilly Auto Parts, with the conditions submitted by staff and a condition related to lighting and the exterior elevation drawing, as follows:

1. The store to be developed per the elevation drawings provided to the Township on June 27, 2019 and attached for reference.
2. An agreement from the adjacent property owner to the east be provided that allows off-site improvements to their property. This condition will be completed before any site or building improvements are made on the property.
3. A cross-access agreement with the adjacent property owner to the east be provided that allows use of the existing curb cut. This condition will be completed before any site or building improvements are made on the property.
4. A permit from MDOT be provided allowing the improvements within the West Main Street right-of-way. This condition will be completed before any site or building improvements are made on the property.
5. A revised lighting plan shall be provided prior to the issuance of a building permit with the following changes:
  - a. A note indicating all exterior light fixtures shall be reduced to 30 percent power no later than 11:00 pm and shall stay at 30 percent power until 7:00 am or business opening, whichever is earlier via an owner programmable timer through the lighting control panel.



- b. The note related to new construction allowing lighting to stay on until midnight during the first year of operation be removed from the lighting plan.
6. A revised site plan be provided to the Township prior to the issuance of a building permit showing the allowed 29 parking spaces. If the storm water management plan is altered due to any change in impervious surface, the Township Engineer or his designee will review and approve the redesigned system.
7. An executed document for the dedication of the open space be provided to the Township before a certificate of occupancy is issued on the building.

Ms. Dickason supported the motion. The motion was approved unanimously.

### **OLD BUSINESS**

There was no old business to consider.

### **ANY OTHER BUSINESS**

#### **a. Planning Commission By-laws – Draft Amendments**

Ms. Johnston explained the Planning Commission By-Laws have not been reviewed or updated since 2009. Recently, staff began developing new by-laws for the Zoning Board of Appeals and thought this was an ideal time to make improvements to the Planning Commission By-Laws. She provided a document with suggested amendments based on current operations of the Planning Commission and more detailed information on meeting requirements.

The group reviewed each item in the document and provided input. Ms. Johnston will make the revisions suggested and return the document to the group for further review.

#### **b. Landscape Ordinance**

Ms. Johnston explained in 2016, the Planning Commission worked for several months to develop a new Landscape Ordinance. Time was spent in the field reviewing constructed sites to see how landscaping was being developed and other community ordinances were examined for comparisons. A revised draft Landscape Ordinance was developed, which staff applied to existing sites around Oshtemo and reviewed with the Commission. In the end, a draft Ordinance was created.

She said at the conclusion of the draft ordinance review, staff knew the Planning Commission would be working on revising and reorganizing the entirety of the Zoning Ordinance and therefore, decided to table the new Landscape Ordinance to become a part of that project instead of holding the public hearings for adoption. As time constraints persisted, the revised/reorganized Zoning Ordinance project was reduced to

being primarily a “reorganization” project. Sweeping changes to the Ordinance, which were originally envisioned, were tabled until after the reorganization was complete.

Now that the reorganized Zoning Ordinance has been approved and codified by the Township, she said additional changes that improves the code can be made. Since the Landscape Ordinance received months of Planning Commission scrutiny in 2016, staff thought this might be a good place to begin, which would hopefully be a less complicated review.

She provided the draft Landscape Ordinance, a complete rewrite of the current ordinance. In addition, the landscape plans which apply this new ordinance to existing sites was provided, as well as a staff memo from 2016 explaining some of the major differences between the current and recommended ordinances. The plans were intended to help visualize how this new ordinance would be applied.

Chairperson VanderWeele suggested the group review the materials for consideration at a future meeting.

### **PLANNING COMMISSIONER COMMENTS**

There were no comments from Commissioners.

### **ADJOURNMENT**

Hearing no further comments, Chairperson VanderWeele adjourned the meeting at approximately 8:00 p.m.

Minutes prepared:  
July 13, 2019

Minutes approved:  
\_\_\_\_\_, 2019



July 16, 2019

**Mtg Date:** July 25, 2019  
**To:** Planning Commission  
**From:** Julie Johnston, AICP  
**Subject:** Amended By-Laws

Based on the review at the July 11<sup>th</sup> meeting, staff has made updates to the draft Planning Commission By-Laws. The recommended changes from the July 11<sup>th</sup> meeting are shown in **blue**, with the previously reviewed changes shown in **red** or ~~striketrough~~ language.

If the Planning Commission is comfortable with these final changes, a recommendation of approval to the Township Board is needed. Staff will then forward the By-Laws to the Board for final approval.

Thank you.

**CHARTER TOWNSHIP OF OSHTEMO PLANNING COMMISSION  
BY-LAWS**

*DRAFT 07-25-2019*

The following rules of procedure are hereby adopted by the Charter Township of Oshtemo Planning Commission to facilitate the performance of its duties.

**SECTION 1.0: OFFICERS**

- 1.1 Election.** At the first regular meeting of each year, the Planning Commission shall elect from its membership a Chair and Vice-Chair. The Board of Trustee member may not serve as an officer.
- 1.2 Tenure.** The Chair and Vice-Chair shall take office immediately following their election and shall hold office for a term of one (1) year or until their successors are elected and assume office. All officers are eligible for re-election.
- 1.3 Duties.** The Chair shall preside at all meetings and perform such other duties as may be ordered by the Planning Commission.

The Vice-Chair shall act in the capacity of Chair in his/her absence; and in the event the office of the Chair becomes vacant. The Vice-Chair shall succeed to the office of Chair for the unexpired term. The Planning Commission shall elect a successor to the office of Vice-Chair for the unexpired term.

~~The secretary shall be responsible for the minutes of each meeting that is not attended by the Township Attorney, execute documents in the name of the Planning Commission, maintain attendance records, and perform such other duties as may be ordered by the Planning Commission.~~

- 1.4 Absence of the Chair and Vice-Chair.** If both the Chair and Vice-Chair are absent from a meeting, the Planning Commission shall vote in a chairperson to perform the necessary duties for that meeting. The Chair and/or Vice-Chair shall resume normal duties at the next scheduled meeting.
- 1.5 Vacancies.** If a vacancy should occur in any office, the Planning Commission shall elect another person to fill such vacancy in the same manner and under the same conditions outlined above for the remainder of the term of said office.
- 1.6 Secretary.** The Secretary shall be appointed by the Planning Commission and may be an employee or contractor of the Township, or a member of the Planning Commission. The Secretary is responsible for keeping a written record, in the English language, of the resolutions, transactions, findings, and determinations of the Planning Commission, which shall be a public record subject to the provisions of the Michigan Freedom of Information Act, Public Act 442 of 1976, as amended.

**SECTION 2.0: MEETINGS**

**2.1 Regular Meetings.** Meetings of the Planning Commission will be held at the Township Hall the second and fourth Thursdays of each month at 7:00 p.m. a time established by the Planning Commission, at the Township Hall unless noticed otherwise.

When the regular meeting day falls on a legal holiday, the Planning Commission shall may select a suitable alternate date.

Regular meetings shall be formally established at the first last meeting of the Planning Commission in each new calendar year for the following calendar year and notice thereof given pursuant to the Open Meetings Act.

**2.2 Special Meetings.** ~~Special meetings of the Planning Commission shall be held when necessary and may be called by the Planning Director and the Chair or, in the absence of the Chair, any two (2) members of the Planning Commission.~~

Special meetings may be called by the Chair when necessary. In the absence of the Chair, special meetings may be called by two (2) members of the Planning Commission. If a special meeting is called based on a request by an applicant, the applicant will be responsible for all costs associated with the meeting as outlined in an annual fee schedule adopted by the Township Board of Trustees.

The purpose of the meeting shall be stated in the call. The business of the special meeting shall be held in compliance with the Michigan Open Meetings Act. Public notice of the time, date, and place of the special meeting shall be given in the manner required in the Open Meetings Act. A notice of the special meeting shall be sent to the Planning Commission not less than one (1) week in advance of the meeting, except that any such meeting at which all regular members of the Planning Commission are present or have waived the allotted one week notice in writing, shall be a legal meeting for all purposes without notice, subject to the Michigan Open Meetings Act.

**2.3 Quorum.** A majority of the total number of members shall constitute a quorum for the taking of official action on all matters. All public hearings without a quorum present shall be rescheduled for the next regular or special meeting and no additional public notice shall be required, provided that the date, time, and a place for the rescheduled public hearing is announced at the meeting.

**2.4 Order of Business.** The order of business for each meeting shall be as follows:

- (a) Call to Order
- (b) Pledge of Allegiance
- (c) Approval of Agenda
- (d) Public Comment on Non-Agenda Items

- (e) Approval of Minutes
- (f) Public Hearing Items
- (g) Consideration of **other** Agenda Items
- (h) ~~Discussion Items~~ **Old Business**
- (i) Other Business
- (j) Planning Commissioner Comments
- (k) Adjournment

**2.5 Noticing.** All public hearing items shall be noticed pursuant to the **Michigan Open Meetings Act and the Zoning Enabling Act, Planning Enabling Act, or any other applicable statute under which the public hearing is being held.**

A copy of the meeting agenda and all related material shall be provided to each member of the Planning Commission prior to the scheduled meeting.

**2.6 Public Hearings.** The absence of the applicant or a representative of the applicant at the scheduled public hearing may result in a postponement of proceedings. The absence of the applicant or a representative at the postponed public hearing shall be treated as the voluntary withdrawal of the application by the applicant. Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion, which shall be accomplished by adhering to the following public hearing procedure:

- (a) **Opening Announcement.** The Chairperson shall give an official opening announcement of the public hearing indicating the basic nature of the request.
- (b) **Order of Hearing.** The Chairperson shall conduct the public hearing in the following order:
  - (1) Presentation of the application by Township staff (staff report presentation).
  - (2) Questions from Planning Commission to Township staff.
  - (3) Comments and explanations by the applicant.
  - (4) Questions from Planning Commission to the applicant.
  - (5) Opening of Public Hearing, comments from public.
  - (6) Closing of Public Hearing to public comments.
  - (7) Planning Commission deliberation.
  - (8) Consideration of action by the Planning Commission.
- (c) **Public Input.** All regular and special meetings, hearings, and records shall be open to the public. All persons present at a meeting shall be given an opportunity to speak and present any relevant information or evidence at such meeting in accordance with the following rules:

- (1) All public comment shall be received only during the public comment portion of the meeting, i.e., at such time(s) during the meeting that the Chairperson asks for public comment on the item of business.
  - (2) All public comment offered during the meeting shall be directed and relevant to the item of business on which the meeting is being conducted.
  - (3) All public comment shall be limited to four (4) minutes in duration per person unless special permission has been granted in advance by the Chair of the meeting.
  - (4) Public comment shall not be repetitive, irrelevant, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business.
  - (5) The Chair of the meeting shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.
- (d) Presentation of Application. The Chair shall recognize Township staff and request a presentation of their staff report. The staff report will outline the applicants request, the specific sections of the Zoning Ordinance related to the request, and the regulations that are impacted by the subject request. At the conclusion of the staff report, the Chair will ask the Planning Commission members if they have any questions of staff. Once all questions have been answered, the Chair will then ask the applicant to provide a concise summary of the reasons for their request and respond to questions raised by the Planning Commission.
- (e) Opening of Hearing to Floor. The Chair then opens the public hearing to comments from the floor, reminds the public of the rules of conduct, and indicates that once a person has been recognized by the Chair, they are invited to give their name and address and a concise statement of their concerns and/or input. In the event of a large hearing, the Chair may encourage groups in attendance to be represented by a spokesperson. ~~When individual time limits have been imposed, the Chair reserves the right to limit the amount of time allocated to a spokesperson to avoid filibustering.~~ The Chair may elect during the course of public comments to obtain brief answers from the Township staff or from the applicant if such comments may expedite the hearing. The Chair shall accept for the official record any documentation received by the Planning Commission regarding the matter at hand and shall read and/or summarize these materials.
- (f) Closing the Public Hearing. When all public comments have been received the Chair shall close the public hearing. After the public hearing is closed, no further comments shall be received from the public.
- (g) Consideration of the Matter by the Planning Commission. Once the public hearing has been closed to public comments, the Chair may recognize any Planning Commission member to discuss and seek additional information from others concerning the matter at hand. Planning Commission members shall address the Chair when speaking and shall request additional

information through the Chair. When discussion on the matter at hand by the Planning Commission has been completed, they may take action.

**2.7 Motions.** Motions shall be restated by the Chair before a vote is taken. The names of the maker and supporter of a who seconded the motion shall be recorded.

A motion shall include the action and any conditions imposed, and reasons supporting the motion. Motions to table or adjourn a matter to a future meeting shall include the date, time, and place at which the matter will be further considered.

**2.8 Voting.** Voting shall be by voice and shall be recorded by yeas and nays. An affirmative vote of the majority of the Planning Commission shall be required for the approval, denial, or tabling of any requested action or motion. Voting shall ordinarily be by voice vote; provided however that a roll call vote shall be required if requested by any Planning Commission member or directed by the Chair. All members of the Planning Commission, including the Chair, shall vote on all matters, but the Chair shall vote last in any roll call vote. Any member may be excused from voting only if that person has a bona fide conflict of interest. Any member abstaining from a vote based on a conflict of interest shall not participate in the discussion of that item.

**2.9 Decision.** The Planning Commission will arrive at a decision concerning an application with all deliberate speed, and the results of the decision, as well as the reasons therefore, will be clearly set forth in the official minutes of the Planning Commission.

**2.10 Notice of Decision.** A written notice, prepared by Township staff or their designee, containing the decision of the Planning Commission will be sent to the applicant.

**2.11 Site Visit.** The Planning Commission reserves the right to view together as a Commission the real property which may be the subject of its review before arriving at its decision. Notice of site visits conducted as a Planning Commission shall be given pursuant to the Open Meetings Act or any other applicable statute.

### **Section 3.0 PUBLIC HEARINGS**

#### **3.1 Procedure.**

- (a) Introduction of agenda item
- (b) Presentation of request summary and staff recommendations by Planning Department
- (c) Applicant representation
- (d) Public comment
- (e) Planning Commission deliberation
- (f) Motion



~~(g) Planning Commission comments on motion~~

~~(h) Vote~~

~~**3.2 Site Visit.** The Planning Commission reserves the right to view together as a Commission the real property which may be the subject of its review before arriving at its decision. Notice of site visits conducted as a Planning Commission shall be given pursuant to the Open Meetings Act or any other applicable statute.~~

~~**3.3 Decision.** The Planning Commission will arrive at a decision concerning an application with all deliberate speed, and the results of the decision, as well as the reasons therefore, will be clearly set forth in the official minutes of the Planning Commission.~~

### **SECTION 4.0 3.0: MINUTES**

**3.1 Responsibility.** Minutes shall be prepared by the Secretary designated by the Planning Commission. Within eight (8) days from the date of the Planning Commission meeting, copies of the tentative minutes shall be available at the Township office.

**3.2 Content.** The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions made on any action; and recording of attendance.

**3.3 Approval Process.** Upon receipt of a copy of the tentative minutes, each member of the Planning Commission shall review the minutes for form and content. Planning Commission action shall be taken indicating approval of same, with all, if any, corrections.

At such time as the minutes are approved at a meeting of the Planning Commission, the same shall become the official minutes of the Planning Commission and shall be filed with the Township Clerk's office.

### **SECTION 5.0 4.0: MATTERS TO BE CONSIDERED BY THE PLANNING COMMISSION**

**4.1** The following matters shall be presented for consideration at a meeting of the Planning Commission.

(a) Development of an amendment to a master land use plan.

(b) Establishment of zoning districts and the boundaries thereof.

(c) Zoning Ordinance text with the necessary maps and zoning regulations for each zoning district.

(d) Requests and proposals for changes in the Zoning Ordinance.

- (e) All planning documents, reports and plans.
- (f) Special ~~Exception~~ Use Permit/Site Plan Review requests.
- (g) Land subdivision plats and condominiums.
- (h) Such other matters as the Planning Director shall find it advisable to receive Planning Commission consideration.

**SECTION ~~6.0~~ 5.0: CONFLICT OF INTEREST**

**5.1 Adherence.** The Planning Commission shall adhere to the provisions set forth in the **Charter Township of Oshtemo Charter Township** Planning Commission Enabling Ordinance, being Ordinance No. 503, regarding conflict of interest identified below:

*If a Planning Commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. Failure of a member to disclose a conflict of interest as required by the Planning Commission Enabling Ordinance shall constitute malfeasance in office.*

**5.2 Conflict of Interest Defined.** For purposes of this section, conflict of interest is defined as, and a Planning Commission member shall declare a conflict of interest and abstain from participating in Planning Commission deliberations and vote on a request, when:

- (a) An immediate family member is involved in any request for which the Planning Commission is asked to make a decision. “Immediate family member” is defined as spouse, significant other, mother, father, sister, brother, son or daughter, including an adopted child, and in-laws.
- (b) The Planning Commission member has a business or financial interest in the property **or project** involved in the request or has a business or financial interest **greater than five percent** in the applicant’s company, agency or association.
- (c) The Planning Commission member owns or has a financial interest in neighboring property. For purposes of this section, neighboring property shall include any property **immediately adjoining within 300 feet of** the property involved in the request.
- (d) There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the Planning Commission.

**SECTION 6.0: ABSENCES, REMOVALS, AND RESIGNATIONS**

**6.1 Absence.** To be excused, Planning Commission members shall notify the Planning Director, Planning Commission Chair, or the Township Clerk when they intend to be absent from a meeting. Failure to make this notification will result in an unexcused absence.

- 6.2 Removals.** Members of the Planning Commission may be removed by a vote of the Township Board of Trustees for nonperformance of duty, misconduct in office, or failure to declare a conflict of interest. For the purposes of this section, nonperformance of duty shall mean two or more consecutive, unexcused absences. Notice of nonperformance of duty, misconduct in office, or failure to declare a conflict of interest shall be brought to the Township Board of Trustees for a hearing by the Township Supervisor.
  
- 6.3 Resignation.** A member may resign from the Planning Commission by sending a letter of resignation to the Township Supervisor, Planning Director, or Planning Commission Chair.

**SECTION 7.0: PLANNING COMMISSION STAFF**

- 7.1 Authorization.** The Planning Commission staff shall consist of the Planning Director, **Township Attorney**, and such other personnel as may be authorized by the Township Board.
  
- 7.2 General Responsibility.** The Planning Director, or their designee, shall be responsible for the professional and administrative work ~~in that assists with~~ directing and coordinating ~~the program~~ of the Planning Commission **agendas**.
  
- 7.3 Duties.** The Planning Director, or their designee, shall:
  - (a) Advise and assist the Planning Commission in the establishment of general planning policy.
  - (b) **Provide information and generally** make recommendations on matters presented for Planning Commission consideration.
  - (c) Officially represent the Planning Commission and the Planning Department at planning conferences, interdepartmental meetings of the township government, intergovernmental meetings, and serve generally as a liaison between the Planning Commission and the public.
  - (d) Cooperate with public and private agencies and with individuals for the development, acceptance, and effectuation of plans.
  - (e) Supply information for and encourage interested public agencies and citizen organization involvement in programs to promote public understanding and approval of planning and zoning.
  - (f) Prepare an annual written report concerning the Planning Commission’s operations and activities and any recommendations to the Township Board.

**SECTION 8.0: CONFLICTING PROVISIONS**

- 8.1** In the event of a conflict of provisions between these by-laws and the Township Zoning Ordinance, the provisions of the Zoning Ordinance shall prevail.

**SECTION ~~8.0~~ 9.0: AMENDMENTS**

**9.1** These ~~rules~~ **by-laws** may be **adopted and** amended at any regular or special meeting of the Planning Commission by a two-thirds vote of the members present. **By-law amendments shall be subject to final approval by the Township Board of Trustees.**

**THESE BY-LAWS WERE DULY ADOPTED BY THE CHARTER TOWNSHIP OF OSHTEMO PLANNING COMMISSION DURING ITS REGULAR MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**



July 16, 2019

**Mtg Date:** July 25, 2019  
**To:** Planning Commission  
**From:** Julie Johnston, AICP  
**Subject:** AMENDED Keeping of Animals Ordinance

In February of this year, a resident came to a Planning Commission meeting requesting the Township consider allowing the keeping of bees as a permitted use. In reviewing the Zoning Ordinance, bees were not addressed and therefore were not permitted.

Staff worked with the Township Attorney, Zoning Administrator, and Ordinance Enforcement Officer to update the Keeping of Animals Ordinance to the attached proposed Keeping of Animals and Honey Bees Ordinance. We spent several meetings reviewing the generally accepted agricultural management practices for both animals and honey bees, as well as looking at other community ordinances, particularly within Southwest Michigan.

The attached draft updates our current ordinance to more modern practices as well as providing better clarification between animal types and placement of structures/enclosures.

As usual, the new language is provided in red and the ~~striketrough~~ language is recommended to be removed.

Thank you.

## **57.80 KEEPING OF POULTRY, SWINE, HORSES, OR LIVESTOCK ANIMALS AND HONEY BEES**

---

The keeping of poultry, swine, livestock, ~~or~~ horses, rabbits, sheep, goats, chickens, and other similar animals (collectively referred herein as animals), and bees for noncommercial purposes as pets or for educational purposes, is permitted under the following conditions:

- A. Activities shall be conducted on less than a commercial scale for the private enjoyment of the property owners.
- B. **Acreage requirements.** Acreage requirements are exclusive of each animal size, meaning the property must have the minimum required acreage for each animal.
  1. **Large animals.** ~~There shall be a minimum of~~ One acre for each large animal (more than 200 pounds at maturity), including horses, cattle, and swine, or similar animals.
  2. **Moderate-sized animals.** One-quarter acre for each ~~small~~ moderate-sized animal (under 35 to 200 pounds at maturity), including sheep, goats, or similar animals.
  3. **Small animals.** ~~exclusive of those set forth above and for chickens, ducks, turkeys, and rabbits (collectively referred [to] herein as specified animals). All parcels, lots, and building sites shall be permitted up to five specified animals; roosters are prohibited. Parcels, lots, and building sites larger than one acre shall be permitted one additional specified animal for each one-quarter acre in excess of one acre.~~ All parcels, lots, and building sites up to one acre shall be permitted up to five small animals (under 35 pounds at maturity), including chickens, ducks, turkeys, rabbits, or similar animals. One additional small animal shall be permitted for each additional one-quarter acre of property.
  4. **Honey bees.** All parcels, lots, and building sites up to one-quarter acre shall be permitted two hives to a maximum of six hives for the first acre. One additional hive is allowed for each additional one-quarter acre of property in excess of one acre.
- C. **Structure requirements and location.**
  1. ~~At minimum, a fenced-in enclosure, other than the residence, shall be placed for the housing of animals~~ A structure or shelter is required based on the generally accepted agricultural management practices for the care of animals.
  2. All buildings, structures, ~~or other~~ enclosures, or hives shall be within either the side or rear yards and may not be within the required front ~~setback~~ yard for the subject property.
- D. **Building setbacks.** A building, ~~other than the residence,~~ structure, shelter, or hive used to ~~shelter~~ for animals or bees and/or any area used to store, dispose of, or compost manure, other than the primary residential dwelling, shall ~~not be located closer than~~ comply with the following setbacks:
  1. **Large animals.** 50 feet for large ~~or small~~ animals from any property line and 150 feet to from any pre-existing dwelling on an adjacent ~~premise~~ property. ~~under different ownership.~~

2. **Moderate-sized animals.** 50 feet from any property line and 100 feet from any pre-existing dwelling on an adjacent property.
3. **Small animals.** ~~and ten feet or the height of the building, whichever is greater, for specified animals to any property line and not nearer than 150 feet for large or small animals and 20 feet for specified animals to any preexisting dwelling on adjacent premises under different ownership.~~ **25 feet from any property line and 50 feet from any pre-existing dwelling on an adjacent property.**
4. **Honey bees.** 15 feet from any property line and 50 feet from any pre-existing dwelling on an adjacent property.

**E. Fenced enclosure requirements.**

~~Large and small animals (excluding specified animals) shall be controlled in a suitable manner to prevent their approaching closer than 100 feet to any preexisting dwelling on adjacent premises under different ownership. Specified animals shall not be allowed free roam, must be contained within a six-foot fence or other fully enclosed structure at all times, and shall be controlled in a suitable manner to prevent their approaching closer than 20 feet to any preexisting dwelling on adjacent premises under different ownership. A sight fence or other screening is required if specified animals are visible from any other residential property or any public rights of way. All fences for specified animals shall be within either the side or rear yards and may not be within the required front setback for the subject property.~~

1. **Animals shall not be allowed free roam, but must be contained within a fully enclosed fenced area at all times. Fencing must meet the requirements of Section 57.60.**
2. **Fencing shall prevent animals from approaching any pre-existing dwelling on an adjacent property per the following requirements:**
  - a. **Large animals – 100 feet**
  - b. **Moderate-sized animals – 75 feet**
  - c. **Small animals – 40 feet**

**F. Additional requirements for the keeping of honey bees.**

1. **Hives shall be placed in such a way that the hive entrance is positioned internal to the property so that bees must fly across the property.**
2. **A flyaway barrier at least six feet in height shall shield any part of the property line that is within 25 feet of a bee hive. Such flyaway barrier must consist of a solid fence per Section 57.60, dense vegetation, or combination thereof to redirect a bee's flight pattern to be above six feet in height at the property line. The Planning Director may approve an additional barrier type if it meets the intent of assisting the bees to gain altitude before leaving the property.**
3. **A constant supply of water shall be provided to all hives.**

G. **Prohibitions.**

1. ~~The keeping of poultry, swine, horses, or livestock~~ **Animals** ~~is further~~ **are** prohibited where conditions of maintenance are such to cause:
  - a. Unpleasant odors to be generated sufficiently strong to be discernible upon property of others for continuous periods of longer than six days, ~~or~~
  - b. Noise to be generated sufficiently loud to penetrate indoors upon property of others for continuous periods in excess of four hours, ~~or~~
  - c. Flies, insects or rodents to be attracted to the place where said animals and/or fowl are kept and are thereafter permitted to multiply and escape upon adjoining property.
2. Said animals or fowl, alive or dead, or any refuse therefrom **shall not** ~~to~~ trespass or be carried upon adjoining property.
3. Roosters are prohibited.





July 16, 2019

**Mtg Date:** July 25, 2019  
**To:** Planning Commission  
**From:** Julie Johnston, AICP  
**Subject:** DRAFT Maple Hill South Overlay Zone

The attached document is the fourth DRAFT of the new Maple Hill South Overlay Zone. The main changes from the June meeting are within the Development Requirements table. For the Planning Commission's consideration, **red** is new language and ~~strikethrough~~ is language to be removed.

The intent at the July 25<sup>th</sup> meeting is to continue the systematic review of this draft Ordinance for possible additions or changes.

Thank you.

**SECTION XX.000 MAPLE HILL SOUTH MIXED-USE OVERLAY DISTRICT**

July 25<sup>th</sup> Draft

**XX.10 INTENT AND APPLICABILITY**

- A. **Intent.** The Maple Hill South Mixed-Use Overlay District (MHS-Overlay District) is intended to provide, through comprehensive planning, zoning and project review, for the development of a compact, pedestrian-oriented, mixed-use district, consisting of a planned mixture of commercial, office and technology, residential, and public use, which features high quality and uniform building and site design standards, and which complements and is compatible with adjacent uses. The district is designed to provide residents and visitors with a unique opportunity to meet their needs for housing, employment services, entertainment, and recreation.
- B. **Optional Overlay.** The MHS-Overlay District is established as an optional overlay district, the limits of which are designated on the official Zoning Map of Oshtemo Township. This means that it is overlaid on other, existing zoning districts. Within this optional overlay district, property owners have the option to continue to use their property in the manner permitted in the underlying districts. The overlay district provides additional opportunities and flexibility should property owners choose to avail themselves of those choices. These opportunities within the overlay district, however, do not apply unless the property owner elects to become subject to the overlay district and the standards and procedures contained herein.
- C. **Eligibility Criteria.** In order to qualify as an eligible development under the MHP-Overlay District standards and procedures contained herein, the Planning Commission, shall find that the development demonstrates compliance with the following principles:
1. **Size.** In order to ensure that the intent of this Overlay District is accomplished, projects must be of a sufficient size. A minimum development size of 80 acres of contiguous land shall be required, **which may be developed in phases.**
  2. **Walkability.** Physical infrastructure shall be provided to support pedestrian access and a mix of amenities and destinations within a reasonable walking distance. ~~Blocks shall be short and walkable.~~ Streets ~~should~~ **shall be walkable**, designed for cars, bicycles, and pedestrians, **and comply with the Township's Complete Streets policy.**
  3. **Circulation.** Site access and on-site circulation shall be provided through an interconnected network of streets, sidewalks and other routes. ~~A grid-like~~ **An integrated network of streets shall be established to** ~~that~~ **enable an efficient dispersion of traffic.** Accommodations for transit facilities ~~should be provided~~ **shall be requested.**
  4. **Pedestrian-Oriented.** Sites shall be designed such that vehicles are not the dominant feature. Large expanses of pavement shall be replaced or reduced via on-street parking,

parking structures, shared parking, underground parking, and other parking management strategies.

5. **Mixed-Use.** There shall be a variety of compatible uses, services and building types that serve the needs of residents, workers, and visitors alike. A range of types, sizes, amenities, and uses will enhance a series of inviting functional spaces, including streets and pedestrian-friendly streetscapes, open spaces, courtyards, trails, residential, office, and retail in mixed-use buildings. Varied styles of residential development shall be provided to attract residents of diverse ages, incomes, and lifestyles for example, lofts, townhomes, duplexes, cottages, single-family homes, etc .
6. **District Identity and Physical Design.** A coordinated distinct identity shall be developed for the District to promote a sense of place. Building design shall be elevated with varied building heights, architectural character, and high-quality building materials that provide visual interest at a pedestrian scale. A streetscape aesthetic shall be designed that includes public elements and integrated gateways and signage within the District.
7. **Community Spaces.** Open spaces and community gathering spaces shall be provided within the District to be used as locations to stimulate social interaction, civic events, and recreational activity. Passive open spaces shall be designed to be reflective of the existing landscape and natural features (tree rows, ponds, etc.) of the site. Active plazas and civic spaces shall also be integrated into the overall development.
8. **Compatibility with Adjacent Residential Uses.** The physical height and bulk of buildings shall reduce in size from north to south, providing compatibility in size to the adjacent residential neighborhoods. A transitional land use scheme shall be employed, with the least intensive and lowest density land uses to be located along the southern edge of the District (adjacent to established residential areas).

## XX.20 CONTEXT ZONES

The Maple Hill South Mixed Use Overlay District is divided into ~~three~~ four Context Zones. These Context Zones are illustrated on the map herein and are as follows: Gateway (G); **Mixed-Use Transition (MT)**; Town Center (TC); and Neighborhood Transition (NT). The regulations of this Article related to uses allowed, building heights, building design, site orientation, parking and other development standards may vary for each of the Context Zones. The Planning Commission is given the authority to permit flexibility in the delineation of the context zones to encourage innovation in land use and variety of design, layout, type and use of structures.

*[Insert Context Zones Map]*

## XX.30 USES PERMITTED BY CONTEXT ZONE

- A. **Permitted Uses.** The following Context Zone character descriptions shall determine the types of uses which may be allowed. The Planning Commission, may approve any use determined to be compatible with the Context Zone character descriptions, with the exception of prohibited uses listed in Subsection B.

1. Gateway (G) – Lands along the edge of the MHS-Overlay District with frontage along or near U.S. 131 and/or West Main Street are designated in this Context Zone. Land uses within this area will primarily be of a retail, restaurant, entertainment, lodging, office and technology character. Other uses may also be accommodated, including compatible medical, educational, institutional and higher-density residential use.
2. **Mixed-Use Transition - Lands along the edge of the MHS-Overlay District with frontage along or near West Main Street are designated in this Context Zone. Land uses within this area will primarily be of a retail, restaurant, entertainment, and office character, with higher-density residential uses. Other uses may also be accommodated, including compatible medical, educational, institutional and technology uses.**
3. Town Center (TC) – This Context Zone is envisioned as a central focal point of the MHS-Overlay District, with compact mixed-uses that will provide a nucleus to attract future growth. Development will allow for a mix of uses both vertically within buildings and horizontally within blocks. Mixed-use buildings could contain first-floor commercial, retail, and/or office uses, with upper floor office and/or residential uses. Mixed-use blocks allow for single-use buildings in a range of land uses within one block. Commercial uses, professional offices, entertainment facilities and cultural centers are encouraged.
4. Neighborhood Transition (NT) – This Context Zone is anticipated to accommodate a wide variety of residential styles. This could include higher density residential land uses adjacent to the Town Center, Gateway and/or existing commercial development on West Main Street. Traditional single-family detached and/or attached residential uses will be accommodated to serve as a buffer between mixed-uses within the District and the adjacent neighborhoods to the south of the District.
4. ~~Community and Open Space Uses shall also be integrated throughout the development to ensure an exceptional environment for visitors and residents. A central community space area is recommended as a District focal point; this space would be designed to accommodate more active community functions, such as civic events, recreation, and entertainment. Passive open space areas shall serve as buffers and places to experience and enjoy nature.~~ **(Planning Commission did not think this was needed here as community and open space uses are requirements in the development standards. It was determined that this section of the Overlay should just deal with the Context Zones.)**

**B. Prohibited Uses.** The following uses are specifically prohibited within the MHS-Overlay District:

1. New and/or used car sales lots; recreational vehicle sales lots; mobile home sales lots outside of mobile home parks; farm machinery and other equipment sales lots; boat sales lots; and other businesses involving substantial outdoor sales. ~~or activities connected with retail sales.~~
2. Filling stations, carwashes, ~~public garages~~ or service stations, **automobile repair**, auto body, **auto glass repair** and auto paint shops.

- ~~3. Automobile repair, service and/or automobile glass repair facilities.~~
4. Drive-in theatres.
5. Earth removal, quarrying, gravel processing, mining, related mineral extraction businesses, and landfill gas recovery processing facilities.
6. Manufacturing, compounding, assembling or treatment of merchandise.
7. Wholesaling, storage **buildings** and/or warehousing of commodities, **mini-storage/warehouses**.
- ~~8. Storage buildings and mini warehouses.~~
9. Outdoor equipment and/or vehicle storage yards.
10. **Commercial** kennels for the breeding, raising and/or boarding of dogs or cats.
11. Adult regulated uses.

**XX.40 DEVELOPMENT REQUIREMENTS**

- A. **Net Acreage.** For the purposes of this Article, net acreage shall be defined as the gross acreage of the proposed development, minus public/private rights-of-way and stormwater detention areas. However, stormwater detention areas may be included within the net acreage if they are designed as functional open spaces, are accessible to pedestrians, and do not require safety fencing.
- B. **Site Development Requirements.** The following regulations shall apply to all development within the MHS-Overlay District.

Context Zone	Height		Placement			Minimum Floor Area per Dwelling Unit	Minimum Required Open Space
	Minimum Building Height (1)	Maximum Building Height	Front and Street Sides	Minimum Side Setback	Minimum Rear Setback		
Gateway (G)	<del>1 story</del> / 18 feet 15 feet	<del>3 stories / 6 stories</del> with direct US-131 frontage 45 feet east of utility easement 90 feet west of utility easement	15 feet (2)	10 feet (2)	20 feet (2)	(4)	15% of net acreage (5)
Mixed-Use Transition	<del>1 story</del> / 18 feet 15 feet	<del>3 stories</del> 45 feet	15 feet (2)	10 feet (2)	20 feet (2)	(4)	15% of net acreage (5)
Town Center (TC)	<del>2 stories</del> 30 feet	<del>5 stories</del> 75 feet	0 feet required building line (3)	0 feet	0 feet	(4)	10% of net acreage (5)
Neighborhood Transition (NT)	<del>1 story</del> 15 feet	<del>2 stories</del> 30 feet	15 feet (2)	10 feet (2)	15 feet (2)	(4)	25% of net acreage (5)

Footnotes to the Development Requirements Table:

- (1) A minimum ground floor height of ~~12~~ 14 feet shall be required for all development within the MHS-Overlay District.
- (2) The Planning Commission, may approve reduced setbacks to allow for buildings to be placed in a manner that encourages a consistent street wall and provides for a usable sidewalk area and a more attractive pedestrian environment.

(3) Buildings shall be placed on lots in relation to their frontages in a manner that encourages a consistent street wall and provides for a usable sidewalk area and a more attractive pedestrian environment. 75% of the building façade must meet the required building line, while up to 25% of the façade can be setback to allow for architectural considerations such as outdoor cafés, plazas, squares or other public spaces. The required build to line and frontage coverages may be modified by the Planning Commission, provided that the location of any proposed building is in keeping with or improves the context of the existing area.

(4) The minimum floor area per dwelling unit shall be as follows:

<u>Unit Type:</u>	<u>Minimum Floor Area:</u>
Efficiency or 1 bedroom	600 sq. ft.
2 Bedrooms	800 sq. ft.
3 or More Bedrooms	1,000 sq. ft.
Elderly (independent)	525 sq. ft.
Elderly (limited assisted)	425 sq. ft.

(5) Required open space may include plazas, parks, pedestrian pathways, lakes or similar types of park-like features.

**C. Residential Maximum Density and Density Bonus.**

1. ~~For the purposes of this Article, net acreage shall be defined as the gross acreage of the development, minus public/private rights of way and stormwater detention areas. However, stormwater detention areas may be included within the net acreage if they are designed as functional open spaces, are accessible to pedestrians, and do not require safety fencing.~~
2. The maximum residential density shall not exceed six (6) dwelling units per net acreage of the development.
3. The inclusion of certain amenities or design options may result in an allowed increase in residential density, referred to as a density bonus. However, the total density bonus shall not result in a residential density of more than eight (8) dwelling units per net acreage of development. The Planning Commission may determine the density bonus upon a finding that the proposed development would accomplish at least four (4) of the below amenities or design options. If the development is proposed in phases, the Planning Commission may, at its discretion, approve density bonuses for one or more phases, commensurate with the amenities or design options proposed for each phase.

- a. Construction and dedication of land for a public park, plaza, or open space use, if acceptable to the Township.
- b. Development of significant recreational or site amenities such as golf courses, baseball diamonds, tennis courts, basketball courts and community buildings.
- c. In addition to sidewalks required along public streets, the development of pedestrian, bicycle, or other recreational trails for public use that are separated from vehicular traffic, within the development and connecting to adjacent development.
- d. Provision of open space in an amount which is at least 50 percent greater than the minimum open space percentage required by Section XX.40.A.
- e. Significant use of sustainable building design features such as, optimized energy performance, on-site renewable energy, passive solar heating, use of reused/recycled/renewable materials, indoor air quality mechanisms, green roofs, or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards.
- f. Significant use of sustainable site design features such as stormwater filtration landscaping, low impact stormwater management, permeable surfaces, bioretention facilities, or other elements identified as sustainable by established groups such as the US Green Building Council (LEED).
- g. Provision of other exceptional public benefits within the development, determined by the Planning Commission as sufficient to qualify as one of the four required amenities or design options justifying a density bonus.

**D. Road Design.**

- 1. The development shall be serviced by an interior street system. If some or all of the interior street system is private, it shall be built in conformance with the standards and requirements of Section 49.160 of the Township Zoning Ordinance. Exceptions to the standards and requirements of Section 49.160 may be permitted by the Planning Commission, where deemed necessary to achieve the intent and eligibility criteria of this Article.

**E. Open Space.**

- 1. Designated open space shall be set aside as common land and either retained in an essentially undeveloped or unimproved state or improved as a "public gathering places" to serve the following purposes:
  - a. Conservation of land and its resources
  - b. Ecological protection



- d. Protect historic and/or scenic features
  - e. Shaping and guiding the development
  - f. Enhancement of values and safety
  - g. Provide opportunities for social interaction
  - h. Provide parkland and active recreational opportunities on a neighborhood scale.
2. Designated open space shall be under common ownership or control, such that there is a single entity having proprietary responsibility. Sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions shall be provided.
  3. Designated open space shall be set aside through an irrevocable conveyance approved by the Planning Commission, such as:
    - a. Recorded deed restrictions
    - b. Covenants that run perpetually with the land
    - c. A conservation easement
    - d. Land trusts.
    - e. Such conveyance shall assure that the open space is protected from development, except as approved by the Planning Commission. Such conveyance shall also:
      - 1) Indicate the proposed allowable use(s) of the designated open space;
      - 2) Require that the designated open space be maintained by parties who have an ownership interest in the open space;
      - 3) Provide standards for scheduled maintenance of the open space;
      - 4) Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained or is determined by the Township to be a public nuisance, with the assessment of costs upon the open space ownership.

**F. Buffer from Adjacent Residential Uses.**

1. Where the height and bulk of any proposed residential construction is not equivalent and more intensive than existing adjacent residential development, a greenspace buffer/vegetative screen shall be provided which is acceptable to the Planning Commission in terms of width, height and composition of plant materials.

G. **Access.**

*Item to be discussed. Refer to the "Vehicular Circulation and Connections" narrative from the Maple Hill Drive South Sub-Area Plan.*

**XX.50 AUTHORITY TO WAIVER DEVELOPMENT REQUIREMENTS.**

Regulations relating to the use of land, including permitted land uses, height requirements, yard setbacks, and site improvements shall, in the first instance, be based upon the standards and requirements outlined in this Article. However, the Planning Commission is given the authority to permit flexibility in such standards and encourage innovation in land use and variety of design, layout, type and use of structures, provided any variation granted would also result in the overall design being consistent with the Intent and Eligibility Criteria of this Article, compatible with the adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses.

**XX.60 APPLICATION AND APPROVAL PROCEDURES**

A. Optional pre-application review(s). Informal pre-application review(s) is encouraged and may be scheduled with the Planning Department and/or Planning Commission, at which the project concept may be reviewed by the applicant, Township staff, and Township consultants.

B. General Development Plan.

1. An application proposing the development of land within the MHS-Overlay District shall first be made through the submittal of a general development plan (GDP). An application for review and approval of a GDP may be made by the owners of record or by any persons acting on behalf of the owners of record of the subject parcel. The applicant shall have a substantial interest in the subject property prior to filing; such filing shall be in the name of and signed by all owners. The applicant shall provide evidence of full ownership all land in the proposed project area, such as legal title or execution of a binding sales agreement, prior to approval of the GDP by the Township.

2. Information required. The general development plan shall consist of a plan of the entire area carried out in sufficient detail as to show topography, land uses proposed, the densities and scale of development, the system of pedestrian and vehicular circulation, including off-street parking areas, and the relationship to adjacent properties and uses. Further, the GDP shall contain all the following information:

- a. A property survey of the exact acreage proposed to be developed, prepared by a registered land surveyor or civil engineer (Scale: 1" = 50');
- b. The intent of nonresidential development, type and gross and net square feet for each area of the site;
- c. The number and type of residential units and residential density for each area of the site;

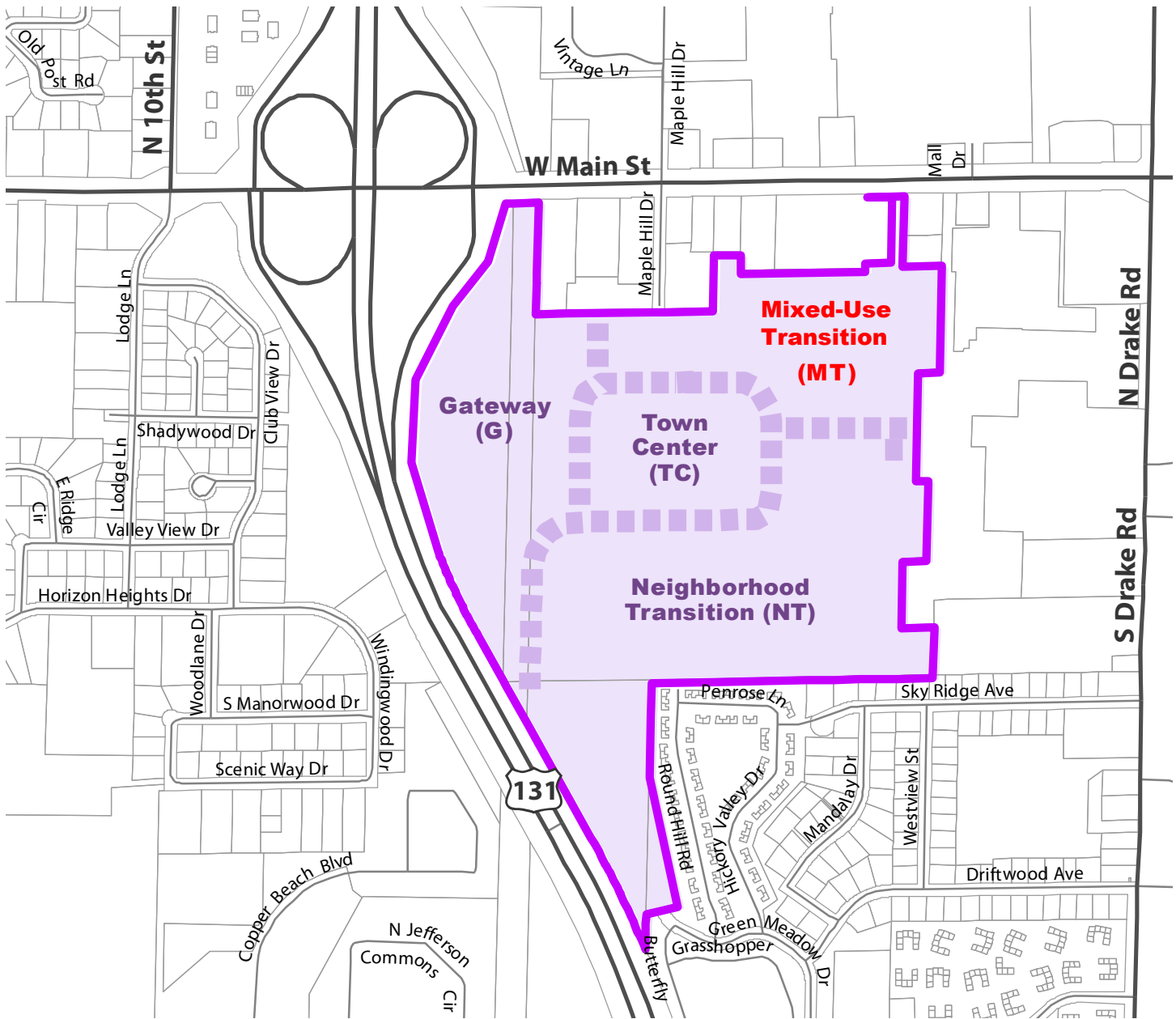
- d. Location, size, and uses of common open space and recreation areas;
- e. General landscape concept showing woodlands, wetlands and vegetation to be preserved or added, topography, and similar features;
- f. Delineation of areas to be subdivided, if applicable;
- g. General description of proposed water, sanitary sewer, and storm drainage system;
- h. A unified plan for wayfinding and signage within the development;
- i. A plan delineating the location and area of the proposed phases of the development;
- j. A written statement containing the following supporting documentation:
  - 1) A full description as to how the proposed development satisfies the eligibility requirements and design principles of Section XX.10.C;
  - 2) If applicable, evidence of how the proposed development meets the criteria for qualifying for a density bonus outlined in Section XX.40.B;
  - 3) A description of the expected schedule of development including progressive time schedule for each phase of the development;
  - 4) General description of the organization to be established, to own and maintain common open space;
  - 5) General description of covenants, grants, easements, or other restrictions to be imposed upon land or buildings, including easements for public utilities, bylaws, and articles of incorporation for any homeowners' association or cooperative association;
  - 6) Description of applicant's intentions regarding selling or leasing of all or portions of land in the development and of dwelling units;
  - 7) Description of all proposed nonresidential uses, including types of stores and offices;
  - 8) The number and type of residential units and calculations of the resultant population;
  - 9) Average initial sales prices of dwelling units for sale and/or average initial rents of rental dwelling units;
  - 10) A draft Development Agreement which establishes the formal rights and

obligations of the property owner and Oshtemo Township regarding the future development of the site. The Development Agreement shall, at a minimum, specify: the parties to the agreement; the obligations of the property owner; a term or duration within which the action and obligations of the agreement must be fulfilled by the property owner; vested rights; procedures for determining compliance with the conditions included in the agreement; default remedies; provisions guiding the transfer of rights and obligations to subsequent property owners; and enforcement procedures;

- C. Public Hearing. The Planning Commission shall, upon receipt of a general development plan in proper form, schedule and hold a hearing upon the request and shall notify the applicant and all owners of all contiguous parcels of such hearing.
- D. Standards for Review of the GDP. The general development plan and supporting information shall be reviewed by the Planning Commission. The Planning Commission shall base its determination as to whether the plan meets the following standards:
  - 1. The general development plan shall generally conform to the Intent of this Article as outlined in Section XX.10.A.
  - 2. The general development plan shall generally conform to the Eligibility Criteria and Design Principles of Section XX.10.C.
  - 3. The general development plan shall generally conform to the review criteria for special land uses as outlined in Section 65.30.
- E. Decision of the Planning Commission. The Planning Commission shall deny, approve, or approve with conditions the general development plan and supporting documentation. The Planning Commission shall record its conclusions, its decisions, the basis for its decision, and any recommended conditions to be imposed in conjunction with an affirmative decision.
- F. Effect of Approval of the General Development Plan. Approval of the GDP shall indicate the Planning Commission's acceptance of uses, building location, layout of streets, dwelling unit count and type, floor areas, densities, and all other elements of the plan. The approval shall authorize the applicant to then submit, within ninety (90) days, a final draft Development Agreement for review and approval by the Township, with assistance from the Township Attorney.
- G. Development Agreement. For any project involving a financial obligation on the part of Oshtemo Township, approval of the GDP by the Township Board shall be required. The Development Agreement shall attest that the approved GDP and any conditions attached to the approvals, shall be binding on the property owner and upon their heirs, successors, and assigns. Upon approval by the Township, the executed Development Agreement shall be recorded with the Kalamazoo County Register of Deeds Office by the property owner within thirty (30) days of its signing. The property owner shall immediately thereafter provide a certified copy of the recorded Development Agreement with the Township Clerk for record keeping purposes.

- H. Site Plan. Execution of the Development Agreement shall authorize the applicant to file applications for site plan approval for all or phases of the development consistent with the approved GDP phasing schedule and Development Agreement. All site plans shall conform to the approved GDP and shall include the information required by Section 64.60.C. The Planning Department shall have the authority to deny, approve, or approve with conditions all site plans submitted for review under this section. The Planning Department shall record its conclusions, its decisions, the basis for its decision, and any recommended conditions to be imposed in conjunction with an affirmative decision.
- I. Amendments. A property owner may request an amendment to an approved GDP.
1. Minor modifications to an approved GDP may be administratively approved by the Planning Department. Modifications to be considered minor shall include, among other similar modifications, the following:
    - a. A change in residential floor area;
    - b. A change in nonresidential floor area of ten percent or less;
    - c. Minor variations in layout which do not constitute major changes; and/or
    - d. A change in lot coverage of the entire GDP of five percent or less.
  2. Major modifications to an approved GDP shall follow the procedures and conditions required for the original submittal and review in full. Modifications to be considered major changes shall include one or more of the following:
    - a. Change in concept of the development;
    - b. Change in use or character of the development;
    - c. Change in type of dwelling units as identified on the general development plan;
    - d. Change in the number of dwelling units;
    - e. Change in nonresidential floor area of over ten percent;
    - f. Change in lot coverage of the entire GDP of more than five percent;
    - g. Rearrangement of lots, blocks, and building tracts;
    - h. Change in the character or function of any street;
    - i. Reduction in land area set aside for common open space or the relocation of such area; or,
    - j. Increase in building height.

3. The Planning Department shall have the authority to determine whether a requested change is major or minor, in accordance with this section. The burden shall be on the property owner to show the reasons for any requested change owing to changed physical or economic factors, or consumer demand.
- J. Expiration, Extension and Revocation. The Development Agreement approved by the Township shall designate the timeframes and terms for the expiration, extension and revocation of plan approvals under this Article.



# Maple Hill South Mixed-Use Overlay District: Context Zones **DRAFT - 3/6/19**

-  Major Roads
-  Local Roads
-  Property Lines

Data Sources:  
 Oshtemo Township Zoning Map  
 Michigan Geographic Framework, v14.

