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**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

**Regular Meeting
Thursday, August 8, 2019
6:00 p.m.
AGENDA**

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: July 25, 2019
6. **PUBLIC HEARING: Article 54 – Lighting Ordinance**
Consideration of the draft Lighting Ordinance for recommendation to the Township Board.
7. Old Business
 - a. Planning Commission Bylaws - Draft
 - b. Keeping of Animals and Bees Ordinance – Draft
 - c. Landscape Ordinance - Draft
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), walk-in visits, or by appointment.

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

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

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

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

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

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

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

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

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

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A WORK SESSION HELD JULY 25, 2019

Agenda

REVIEW OF UPDATED BY-LAWS

DRAFT: KEEPING OF ANIMALS AND HONEY BEES ORDINANCE REVIEW

DRAFT: MAPLE HILL SOUTH OVERLAY ZONE REVIEW

A work session of the Oshtemo Charter Township Planning Commission was held Thursday, July 25, 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 Chairperson

Also present were Julie Johnston, Planning Department Director, and Martha Coash, Meeting Transcriptionist. Two 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.

Agenda

The Chair asked if there were changes to the agenda.

Ms. Johnston asked that a Village Theme Development Plan Discussion be added to the agenda under "Any Other Business."

Public Comment on Non-Agenda Items

Chairperson VanderWeele asked if any member of the audience cared to address the Board on a non-agenda item. Hearing none, he moved to the next item.

Approval of the Minutes of July 11, 2019

The Chair asked if there were any additions, deletions or corrections to the Minutes of July 11, 2019. Hearing none, he asked for a motion.

Mr. Chambers made a motion to approve the Minutes of July 11, 2019 as presented. Ms. Farmer supported the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next agenda item.

REVIEW OF UPDATED BY-LAWS

Ms. Johnston said based on review at the July 11th meeting, Staff made updates to the draft Planning Commission By-Laws and provided a copy to Commissioners.

She indicated if the Planning Commission was comfortable with the final changes, a recommendation of approval to the Township Board was needed.

Ms. Farmer noted a new secretary would need to be appointed after the by-laws are in place.

Ms. Maxwell made a motion to recommend the amended Planning Commission By-Laws to the Township Board for approval. Ms. Farmer supported the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next agenda item.

DRAFT: KEEPING OF ANIMALS AND HONEY BEES ORDINANCE REVIEW

Ms. Johnston said a resident came to a Planning Commission meeting in February 2019 and requested the Township consider allowing beekeeping as a permitted use. In reviewing the Zoning Ordinance, bees were not addressed and therefore not permitted.

She said Staff worked with the Township Attorney, Zoning Administrator, and Ordinance Enforcement Officer to update the "Keeping of Animals Ordinance" to "Keeping of Animals and Bees Ordinance." They 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 in S. W. Michigan.

A draft ordinance presented updated the current ordinance to more modern practices as well as providing better clarification between animal types and placement of structures and enclosures.

The group went through the draft, suggested a number of changes and requested some clarifications. Ms. Johnston said she would pursue questions and check government regulations, rework the draft, and bring it back to the Planning Commission for further consideration.

Chairperson VanderWeele moved to the next agenda item.

DRAFT: MAPLE HILL SOUTH OVERLAY ZONE REVIEW

Ms. Johnston provided the fourth draft of the new Maple Hill South Overlay Zone. She indicated the main changes from the June meeting were within the Development Requirements table.

The group continued systematic review, with discussion focused on the Development Requirements table.

As a result of discussion changes were made, particularly to the tables' footnotes. Ms. Johnston will make agreed upon changes, will evaluate whether the development Requirements/Net Acreage definition is reasonable by applying them to some scenarios, and bring that information back to the group for further discussion.

The Chair moved to the next agenda item.

ANY OTHER BUSINESS

a. Village Theme Development Plan Discussion

Ms. Johnston provided background regarding the Village Theme Development Plan, saying the area around 9th Street and Stadium was, at one point, an historical village center. In the early 2000's the decision was made to try to recreate a "village" within the DDA area. The Form Based Code (FBC), to address form and function of buildings, was written and adopted in 2008 to help that happen.

The DDA has been concerned there is no development in the village area, largely because developers feel the FBC regulations are too onerous. A consultant was hired to review the Village Theme Development Plan and possibly adjust the FBC to make it more functional. A major suggestion for change was to address the location of buildings along the Stadium Drive corridor. The Road Commission is in control of Stadium Drive and has said no to many of the recommended changes noted in the Plan that would normally be present in a little downtown.

The DDA and PC subcommittee created a plan to loosen the regulations a little and took the plan to a joint meeting with the Township Board. Some Township Board members wanted to maintain the original vision for the area and were against the plan.

Ms. Johnston said the plan has not been completed due to some Township Trustee opposition and lack of time for the PC to turn their attention again to the plan.

The DDA would like the Planning Commission to review the plan again, and when satisfied with it, send it on to the Township Board with a request for adoption. At their last meeting the DDA approved a motion to formally ask the Planning Commission to look at the plan.

Ms. Farmer said \$30,000 was spent with WadeTrim for a report. There was considerable public outreach and input and the plan reflects the citizen input, which changed over the last 10 years. The DDA is half-way to their end and the plan should be moved forward. There was group consensus this issue should be moved forward.

Ms. Johnston will provide copies of the plan to Commissioners and place the plan on the September 12th meeting agenda for discussion.

She indicated the landscaping ordinance and the animals' ordinance would be on the August 8th agenda for review. The August 22nd meeting will include review of the Maple Hill South Overlay Zone review and a new flags and flagpoles ordinance.

PLANNING COMMISSIONER COMMENTS

In response to a question from Mr. Commissaris regarding whose responsibility it is to maintain cross-access roads, it was acknowledged management of these roads in the past was not as good before requirements were put in place for maintenance agreements by affected businesses. Future cross-access road maintenance will be better addressed.

Commissioners acknowledged that Ms. Johnston will be leaving the Township soon and thanked her for her service.

ADJOURNMENT

Hearing no further comments, Chairperson VanderWeele adjourned the meeting at approximately 8:17 p.m.

Minutes prepared:
July 27, 2019

Minutes approved:
_____, 2019



July 31, 2019

Mtg Date: August 8, 2019
To: Planning Commission
From: Julie Johnston, AICP
Subject: DRAFT Lighting Ordinance

The attached document is the DRAFT Lighting Ordinance the Planning Commission approved for the public hearing.

As the Planning Commission may remember, work on the draft Lighting Ordinance began in January of this year after receiving a directive from the Township Board. In September of 2018, the Township Board held a work session on lighting after hearing requests from local business owners on permitting LED string lighting within the Township.

The Planning Commission drafted the Lighting Ordinance over a six-month period, utilizing the Dark Sky Society and Illuminating Engineer Society model ordinances and other township and city lighting ordinances as examples. In addition, the draft Ordinance was reviewed by a lighting provider, Circuit Electric, who assisted with amendments to the ordinance language.

The Ordinance is now ready for public review and possible recommendation to the Township Board. Staff sent letters to those businesses that were contacted in 2018 regarding string LED lighting, letting them know the public hearing on the draft Ordinance had been scheduled.

Thank you.

ARTICLE 54 - LIGHTING
DRAFT 08/08/2019

54.10 INTENT

A. Statement of purpose. The purpose of this Article is to regulate the placement and arrangement of lighting within the Township. These regulations are intended to:

1. Protect the public health, safety and general welfare by regulating lighting levels;
2. Control light spillover and glare;
3. Minimize the detrimental effect of urban sky glow;
4. Encourage lighting systems which conserve energy and costs;
5. Preserve community character and enhance the appearance of the Township;
6. Provide for nighttime safety, and security.

B. Objectives. Outdoor lighting shall satisfy the following objectives.

1. Avoid excessive light spillover onto any adjacent premises;
2. Be shielded, and downward directed so that the light intensity or brightness will not interfere with the enjoyment, health, safety, and welfare of surrounding properties;
3. Control illumination of vertical architectural surfaces.
4. Provide for uniform lighting within sites.
5. Enable the fair and consistent enforcement of these regulations.

54.20 APPLICABILITY

Except as is otherwise provided below, these lighting requirements shall apply to all lighting installed on any property within the Township. Any lighting legally in existence before the effective date of this Ordinance that does not comply with these requirements shall be considered legal nonconforming and may remain, except as detailed in Section 54.80 and subject to the following provisions:

A. Alterations to existing lighting.

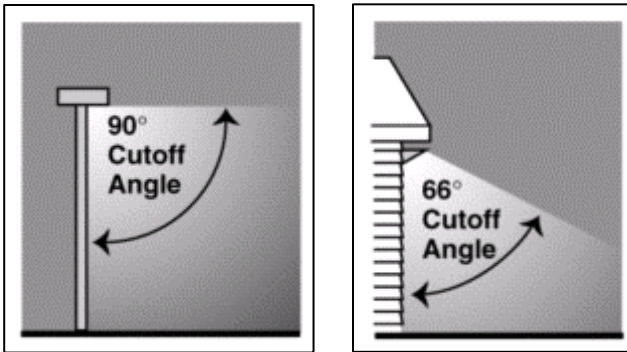
1. When poles and support structures are destroyed or removed, they must be replaced with poles and supports that comply with all of the provisions of this Article.
2. When luminaries are destroyed or removed, they must be replaced with luminaries that comply with all provisions of this Article.

- B. New parking lots or parking lot additions. When a new parking lot or addition to an existing parking lot is constructed, the new lot or lot addition must be provided with lighting in compliance with this Article.
- C. New structures, additions, or replacements. When a site is improved with new structures, or additions to, or replacements of existing structures, the lighting for the new structure, addition, or replacement on the site must meet the requirements of this Article.

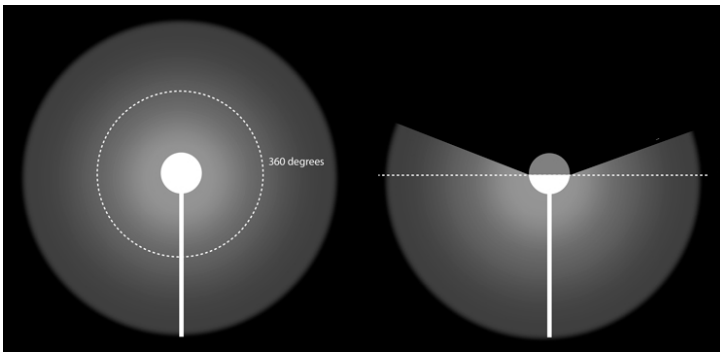
54.30 DEFINITIONS

- A. Ambient lighting - The general overall level of lighting in an area.
- B. Baffle or light shield - An opaque or translucent element to screen a light source from direct view.
- C. Building canopy - A portion of the building, whether structural or architectural in character, that projects outward.
- D. Bulb or lamp - The source of electric light. The term "bulb or lamp" is to be distinguished from the whole assembly (see Luminaire).
- E. Canopy structure - An overhead structure which is designed to allow vehicles or pedestrians to pass under it.
- F. Color rendering index (CRI) - a scale from 0 to 100 percent measuring a light source's ability to show object colors "realistically" or "naturally" compared to a familiar reference source, either incandescent light or daylight.
- G. Encased – a lamp obscured by translucent sheathing.
- H. Existing lighting - Any and all lighting installed prior to the effective date of this Ordinance.
- I. Exterior lighting - Temporary or permanent lighting that is installed, located, or used in such a manner to emit light outside. Fixtures that are installed indoors that are intended to draw attention to the exterior of the building from the outside are considered exterior lighting for the purposes of this Article.
- J. Fixture - The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

- K. Fixture, cutoff – A fixture that allows no emissions above the horizontal plane passing through the lowest point on the fixture from where light is emitted.



- L. Fixture, non-cutoff – A fixture that allows light to emit beyond the horizontal plane of the lowest point of the fixture and/or allows light emissions in all directions.



- M. Foot-candle - A unit of measurement for quantifying the brightness of illumination produced on a surface. One foot-candle is equal to one lumen per square foot.
- N. Glare - Harsh, uncomfortably brilliant light caused by the ability to see an unshielded light source.
- O. Kelvin rating – A unit to measure the color temperature of a light source, the higher the Kelvin rating (expressed in K), the whiter the light source.
- P. Lamp - The component of a luminaire that produces the light.
- Q. Light pole - The structure to support and elevate a luminaire.
- R. Light trespass - Light that is unnecessarily emitted beyond the boundaries of the property on which the luminaire is located.
- S. Lighting ratio - The ratio of foot-candles from the minimum to the maximum point calculations or readings for a given area. This ratio is an indicator of lighting uniformity. The lower the ratio the better the uniformity.
- T. Luminaire – The complete lighting system, including the lamp and light fixture.

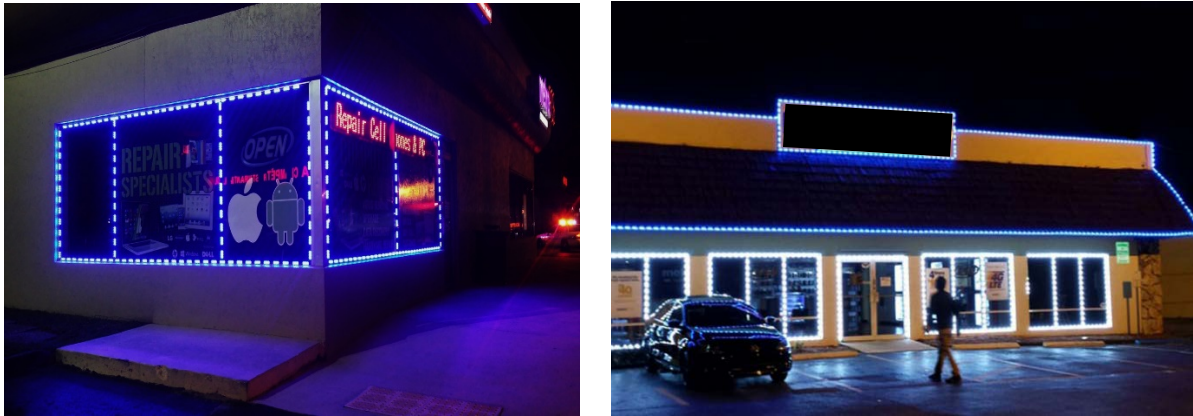
- U. Lumen - A unit of measurement for quantifying the amount of light energy emitted by a light source (power of the light radiated by the light source).
- V. Photometric plan - A diagram prepared by a lighting professional that is certified by the National Council on Qualifications for the Lighting Professions (NCQLP), or a state licensed professional engineer, architect, or landscape architect showing predicted maintained lighting levels produced by the proposed lighting fixtures, including any freestanding and building mounted lighting.
- W. Recessed - When a light is built into a structure or portion of a structure such that the light is fully cut off by the structure to which it is attached.
- X. Shielded - A bulb or lamp concealed by a baffle or light shield.
- Y. Spotlight - A luminaire designed to light only a small, well defined area or object.
- Z. Urban sky glow - The brightening of the night sky due to manmade lighting.
- AA. Visibility - Being perceived by the human eye.

54.40 EXEMPTIONS

- A. Emergency lighting necessary to conduct rescue operations, support public safety, provide emergency medical treatment, to illuminate emergency means of egress, or address any other emergency situation.
- B. Lighting operated by a public utility or agency during the course of constructing, repairing, or replacing public utilities and infrastructure.
- C. Temporary construction lighting, provided it is discontinued daily immediately upon completion of the work.
- D. Temporary holiday decorative lighting, from November 15th through January 5th.
- E. Lights on communication towers and other hazards to aerial navigation as may be required by the Federal Aviation Administration.
- F. Lighting used to illuminate a flag of the United States, subject to Section 54.60.D.
- G. Lighting associated with Department of Agriculture recognized agricultural activities.
- H. Typical residential light fixtures on residential buildings and associated accessory buildings, which do not violate Section 54.50, are exempt from the cut-off requirement when mounted at a height of eight feet or less.
- I. All outdoor light fixtures existing and legally installed prior to the effective date of this Ordinance.

54.50 PROHIBITED LIGHTING

- A. Lighting of a blinking, flashing, rotating, or fluttering nature, including changes in light intensity, brightness or color except for public safety purposes.
- B. Beacon and/or search lights except for public safety purposes.
- C. Fixtures that direct light upward unless permitted by this Article.
- D. Roof mounted lighting.
- E. Lighting of an intensity or brightness that interferes with enjoyment, health, safety, and welfare of surrounding properties.
- F. Unshielded luminous tube, LED, incandescent, or fluorescent lighting as an architectural detail on the exterior of any structure or the interior of any windows; including but not limited to rooflines, cornices, eaves, windows, and door openings.



(Examples of unshielded tube lighting)

54.60 OUTDOOR LIGHTING STANDARDS

- A. General Provisions
 - 1. Cut-Off Fixtures. All luminaires are required to be cut-off fixtures, unless otherwise permitted in this Article.
 - 2. Security Lighting. Security or flood lighting shall be attached to buildings and controlled by motion sensors, which extinguish within 10 minutes of activation.
 - 3. Direction of Lighting. Lighting plans shall be designed to direct light into the development and away from adjacent property.
 - 4. Light Levels at Property Line. Site and area lighting of nonresidential properties shall be designed such that light levels do not exceed 0.1 foot-candles at any point along the perimeter of the

property adjacent to residential zoning or uses and 0.5 foot-candles adjacent to all other zoning and uses.

5. Shared Parking Lots. Lighting designed to illuminate shared parking lots that span two or more parcels shall be exempt from the 0.5 foot-candle requirement at the shared property line only.
6. Parking Lot and Drive Aisle Lighting Ratio. To provide for uniformity of lighting, the ratio of maximum to minimum levels of light within the parking lot and drive aisle areas of a nonresidential property shall not exceed 20:1. Exception shall be made for those areas along the perimeter of the property where a significant reduction in lighting is expected in order to comply with the provisions of the subsection above.
7. Reduced Lighting. Lighting shall be significantly reduced during non-operational building hours, allowing only lighting necessary for security purposes. Lighting installations should include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting that affects urban sky glow. The lighting plan shall note when and how this reduction in lighting will occur.
8. Color Temperature and Rendering. Lighting for all nonresidential developments shall have a minimum color rendering index (CRI) of 65 and a Kelvin rating between 4000-5000k.

B. Pole-Mounted Lighting

1. All pole-mounted luminaires shall be affixed horizontally and angled parallel to the ground.
2. No more than two luminaires shall be allowed per pole.
3. Luminaire height of 15 feet or less shall not exceed 12,000 lumens per luminaire and shall be spaced a minimum of 30 feet apart.
4. Luminaire height greater than 15 feet and not exceeding 25 feet shall not exceed 20,000 lumens per luminaire and shall be spaced a minimum of 40 feet apart.
5. Luminaire height exceeding 25 feet shall be subject to approval by the reviewing body. The applicant must prove, to the reviewing body's satisfaction, that pole heights exceeding 25 feet are needed to ensure public health, safety, and welfare. If permitted, such lighting shall not exceed 40,000 lumens per luminaire and shall be spaced a minimum of 50 feet apart.

C. Building-Mounted Lighting

1. Pedestrian walkways and doorways
 - a. Shall not exceed 14-feet in height.
 - b. Each luminaire shall not exceed 8,000 lumens and shall be spaced so the lighting for pedestrian walkways does not exceed 2.0 foot-candles and entryways do not exceed 6.0 foot-candles.

2. Luminaires used for the sole purpose of illuminating a building façade:
 - a. May be up to 1.5 foot-candles averaged over the building façade.
 - b. May be located on the building or be ground-mounted.
 - c. Light generated from said fixtures shall be appropriately shielded so that no light is emitted beyond the building facade.
3. Architectural features. The use of architectural features on the building, such as a canopy, which prevent the projection of light beyond the architectural feature may satisfy the intent of this Section and allow the use of noncut-off fixtures, subject to the approval of the reviewing body.

D. Landscape Features and Green Belt Lighting

1. Landscape luminaires may include uplighting, which is specifically directed at the landscape or plant feature.
2. Shall be equipped with shields to help direct light to the landscape or plant feature and to help eliminate light spillover and glare.
3. Shall not exceed 300 lumens per luminaire.
4. Shall not exceed a height of 18-inches above grade.

E. Special Uses

1. Service station/fuel sales canopy structure
 - a. Luminaires shall be recessed so that the lens cover is flush with the lower surface of the canopy and shielded by a fixture or the edge of the canopy so that light is directed downward.
 - b. As an alternative, indirect lighting may be used where uplighting is reflected from the underside of the canopy. When this method is used, luminaires must be shielded so that direct light is focused exclusively on the underside of the canopy.
 - c. Luminaires shall not be mounted on the top or sides (fascia) of a canopy.
 - d. Internally illuminated signs in compliance with the Sign Ordinance may be placed on the fascia of the canopy.
 - e. The total light output directly below the canopy shall not exceed 30 foot-candles.
2. Outdoor dining areas
 - a. Decorative unshielded lighting may be used in outdoor dining areas as long as the lighting does not exceed 1.5 foot-candles and is designed to control light spillover and reduce glare to adjacent properties.

- b. Lighting in outdoor dining areas adjacent to residentially zoned or used land must be extinguished by 11:00 pm or when the business closes, whichever is first.

54.70 INTERIOR LIGHTING

Where interior lighting and/or lighting displays are located within 10 feet of a bay of windows, glass doors, or other transparent areas of a building facade, walls, or roof (e.g., skylights), the lighting shall be shielded or screened to reduce visibility and prevent glare to patrons, individuals on adjacent and nearby properties, and/or motorists on adjacent streets.

54.80 EXISTING LIGHTING

All lighting established prior to this Ordinance shall be so arranged as to avoid glare or direct illumination onto any portion of any adjacent rights-of-way or onto any adjacent premises.

54.90 ADMINISTRATION

A site lighting plan for uses requiring Site Plan review shall be submitted, in compliance with this Article, and shall provide the following information:

- A. Proposed location on premises of all outdoor light fixture(s), including all building-mounted lighting, architectural lighting, and landscape lighting.
- B. Manufacturer specification sheets, cut-sheets, or other manufacturer provided information for all proposed luminaires that provides a description of the illumination devices, fixtures, lamps, supports, reflectors, and other devices, including lumens produced.
- C. The height of all luminaires and poles.
- D. A photometric plan showing foot-candle readings every ten feet within the subject site and ten feet beyond the property lines, including lighting ratios.
- E. If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance levels of the elevations, and the aiming point for any remote light fixture.



July 31, 2019

Mtg Date: August 8, 2019
To: Planning Commission
From: Julie Johnston, AICP
Subject: Amended By-Laws

At the conclusion of the July 25th meeting, the Planning Commission recommended that the amended By-Laws be approved by the Township Board. Staff sent a copy to the Township Supervisor for review. Based on her comments/questions, staff felt some additional changes might be needed to the document. The suggested changes are shown in **blue**, with the previously reviewed changes shown in **red** or ~~striketrough~~ language.

The main change has to do with Section 1.6: Secretary. By placing the secretary position under the Officers section of the By-Laws, we could possibly make a person not seated on the Commission an "officer." The language allowed the Commission to designate a secretary, who could be an employee or contractor of the Township. Instead, the "secretary" position was changed to Recorder of Minutes under Section 3.0: Minutes. By placing it under this section, the Commission can appoint staff or a contractor without unintentionally making them an "officer."

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 07-30-2019

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. 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~~ Recorder of Minutes designated by the Planning Commission. The ~~Secretary~~ Recorder of Minutes 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~~ Recorder of Minutes 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. 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 after a public hearing 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 public 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 RECOMMENDED FOR APPROVAL BY THE CHARTER TOWNSHIP OF OSHTEMO PLANNING COMMISSION DURING ITS REGULAR MEETING HELD ON THE 25 DAY OF JULY, 2019.

THESE BYLAWS WERE DULY ADOPTED BY THE CHARTER TOWNSHIP OF OSHTEMO BOARD DURING ITS REGULAR MEETING HELD ON THE _____ DAY OF _____, 2019.



July 31, 2019

Mtg Date: August 8, 2019
To: Planning Commission
From: Julie Johnston, AICP
Subject: AMENDED Keeping of Animals Ordinance

The attached draft Ordinance includes the changes requested at the July 25th Planning Commission meeting. This new and/or changed language is shown in **blue**.

The main amendments include:

- The title of the Section was changed back to “The Keeping of Livestock and Honey Bees.”
- Removed “less than a commercial scale” under subsection A. Commercial scale has not been defined, making this difficult to interpret and enforce. Language was instead included that indicates for animals can be kept for noncommercial purposes.
- Subsection E now includes language that fencing must prohibit animal trespass on neighboring properties.
- A new subsection in Prohibitions was added related to undomesticated and dangerous animals.

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~~ livestock (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 ~~conducted for noncommercial purposes~~.
- 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 (GAAMPS) 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
3. Fencing shall be designed to prevent animal trespass onto neighboring property.

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 **that crow** are prohibited.
4. Any undomesticated animal or dangerous animal classified as wild, which includes, but is not limited to alligators, bears, monkeys, wolves, coyotes, venomous or constrictor reptiles, panthers, cougars, tigers, lions, and other wild felines. It shall also include any hybrid between a wild animal and a domesticated animal, such as a dog and a wolf or a cat and a bobcat.



July 31, 2019

Mtg Date: August 8, 2019
To: Planning Commission
From: Julie Johnston, AICP
Subject: DRAFT Landscape Ordinance

In 2016, the Planning Commission worked for several months developing 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, the attached draft Ordinance was created.

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, we can begin to make additional changes that improves the code. 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.

The DRAFT Landscape Ordinance is attached. This was a complete rewrite of the current ordinance and therefore does not have the typical red and strikethrough language. In addition, the landscape plans which apply this new ordinance to existing sites is included, as well as a staff memo from 2016 explaining some of the major differences between the current and recommended ordinances. The plans will help the Planning Commission visualize how this new ordinance would be applied.

Thank you.

ARTICLE 53: LANDSCAPING AND SCREENING

A. Intent

The intent of this Article is to promote the public health, safety, and welfare and improve the visual appearance of the Township by requiring landscaping for each development for which site plan review is required. It is further the intent of this Article to achieve the following:

- Increase compatibility between uses and provide buffering between dissimilar land uses.
- Improve the overall aesthetics and appearance of public rights-of way.
- Improve air quality and provide shade.
- Decrease wind velocity, reduce soil erosion and increase surface water retention.
- Reduce glare from buildings, cars, night lighting, and other sources.
- Screen unattractive features.
- Reduce noise.
- Define safe access and circulation.
- Enhance or focus attention toward a feature (building, entrance, sign, etc.)
- Provide visual relief from monotonous features such as building walls, large parking lots and streets.
- Add natural color and texture and provide habitat for wildlife.
- Enhance and maintain the natural character and appearance of the community.

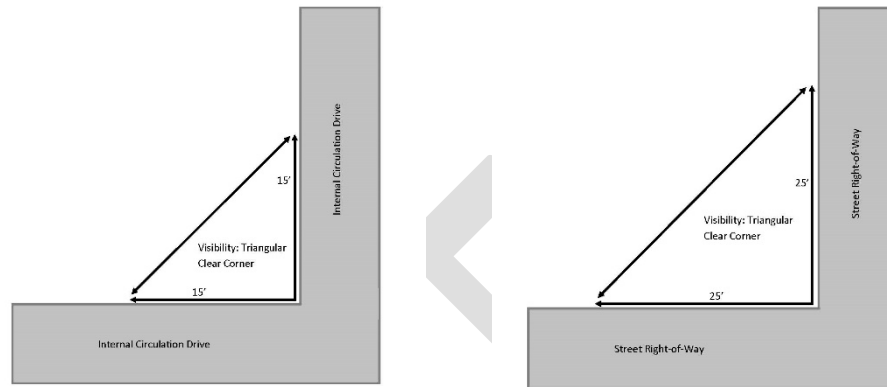
B. Application of Requirements

These requirements shall apply to all uses subject to site plan review as defined in Article 64 of this ordinance. No site plan shall be approved unless a landscape plan is provided which meets the requirements set forth herein.

C. General Provisions

1. Minimum Requirements - The requirements in this Article are minimum requirements and shall not preclude the developer and the Township from mutually agreeing to additional landscaping.
2. Landscape plan preparation – Landscape plans are required for all developments requiring site plan approval. However, site plans that meet one or more of the following must submit a Landscape Plan that is sealed by a landscape architect:
 - a. 70 or more parking spaces
 - b. Screening Between Land Uses
 - c. Request tree preservation credits
 - d. Request credits for preserving native vegetation
 - e. Request to submit an alternative landscape plan to restore pre-settlement vegetation
3. Site coverage - Portions of the site not devoted to floor area, parking, access ways or pedestrian use shall be appropriately landscaped with live plant material consisting of deciduous canopy and coniferous trees, understory trees, shrubs, ground cover, and grasses and maintained in a neat and orderly manner.

4. Visibility - Landscaping material and structures shall be placed in such a manner to not interfere with cross-visibility, public safety, or the safe movement of vehicles and pedestrians. A triangular clear view zone area shall be established at the intersections of street rights-of-way and internal circulation drives intended for continued movement within a site and between properties. The clear zone shall be 25 linear feet for street rights-of-way and 15 linear feet for internal circulation drives drawn along each right-of-way from their point of intersection, creating a triangular clear corner. No plant materials above a height of two feet, at maturity, from the established street grades shall be permitted within the clear view zone area.



5. Land clearing - Land clearing shall be limited to that needed for the construction of buildings, structures, parking lots, street right(s)-of-way, drainage and utility areas, other site improvements, and any grading necessary to accommodate such construction. No grading or removal of the following trees shall be permitted in the area of the parcel, lot or building site not developed:
 - a. Trees that are native to Michigan with a diameter of 2-inches or greater at 4-feet in height.
 - b. Trees that are not native to Michigan with a diameter of 8-inches or greater at 4-feet in height.
6. Public right-of-way/private easement greenspace – the land area lying between the paved portion of a public right-of-way/private easement and the property line shall be neatly maintained with grass or groundcover.
7. Maintenance – installation, maintenance, and completion
 - a. All landscaping required by this Article shall be planted before obtaining a certificate of occupancy or the appropriate financial guarantee such as cash placed in an escrow account, letter of credit, and/or performance bond in the amount of the cost of landscaping to be released only after landscaping is completed.
 - b. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.

- c. Landscaping required by this Article shall be maintained in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.
- d. Any areas that become disturbed for any reason shall be restored in accordance with the original landscape plan unless approved otherwise in writing by the Township.

D. Screening Between Land Uses

- 1. A landscape buffer shall be constructed to create a visual screen between the following land use types:
 - a. Nonresidential land use or zoned property along all adjoining boundaries of a residential land use or zoned property.
 - b. Multi-family or manufactured home community along all adjoining boundaries of a residential land use or zoned property.
- 2. The landscape buffer shall be a minimum of 30 feet in width.
- 3. The landscape buffer must create a visual barrier at least six (6) feet in height that provides opacity to the adjacent property owner.
- 4. The landscape buffer must contain two (2) canopy trees, two (2) evergreen trees and (2) understory trees for every 100 linear feet of required buffer length. Evergreens may be substituted for canopy and understory trees at a 1:1 ratio.
- 5. The landscape buffer must also include a combination of one or more of the following to provide the required 6-foot opaque visual barrier:
 - a. Berms – landscaped undulating earthen berms with varying heights as measured from the grade of the abutting property.
 - b. Walls or fences – Walls or fences must be a minimum of six (6) feet in height as measured on the side of the proposed wall or fence having the higher grade. A required wall or fence shall be located on the lot line except where underground utilities interfere and except in instances where conformity with front yard setback is required. Upon review of the landscape plan, the reviewing body may approve an alternate location of a wall or fence.

The Planning Department shall review and the Zoning Board or Appeals or Planning Commission shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels, stone, or wood. Chain link fences with opaque slats are not permitted.

- c. Plant materials – Landscape planting materials may consist of a variety of materials but must provide opacity to the adjacent property. For plant materials, the height requirement is based upon reasonably anticipated growth over a period of three (3) years.

6. Where there is a need to provide a greater noise or dust barrier or to screen more intense development as determined by the reviewing body, a solid wall or fence with additional landscape materials shall be required.

E. Parking Lot Landscaping

1. Parking lot landscaping shall include islands or peninsulas to delineate on-site circulation, ensure adequate sight distance at the intersection of aisles and interior roadways, and to prevent diagonal vehicular movement through parking lots. Features shall be designed with sufficient radii to ensure drivers are able to make turns without encroaching upon landscaping or adjacent traffic lanes.
2. Total parking lot landscaping shall be based on the following:
 - a. Parking lots with 10 parking spaces or fewer shall be exempt from parking lot landscaping requirements.
 - b. Parking lots with 11 spaces or more shall provide landscaping at 25 square feet per parking lot space. Total square footage shall be dispersed into separate landscape features, such as islands or peninsulas, within parking lots so as to break up the broad expanse of pavement, guide the circulation of vehicular and pedestrian traffic, and to provide shade and visual relief from pavement.
3. There shall be a minimum of one (1) canopy tree and two (2) low growing shrubs for every 200 square feet of required parking lot landscaping.
4. The minimum size of any parking lot landscape feature shall be no less than six (6) feet in any single dimension and no less than 200 square feet in area.
5. To reduce the impacts of extensive concrete or asphalt, a parking lot landscape feature must be provided at least every 200 linear feet of parking spaces.
6. All parking lot landscaping shall be neatly maintained with plant material or mulch.
7. Parking lot landscape features shall be protected by the installation of a raised concrete or asphalt curb, anchored landscape timbers around of the border, or other suitable means. A minimum distance of three (3) feet shall be established between proposed trees and the backside of the protection device.

F. Street Rights-of-Way Greenbelts

1. Greenbelts shall be 20 feet wide along public rights-of-way and 15 feet wide along private rights-of-way, measured from the right-of-way line.
2. The greenbelt shall be landscaped with a minimum equivalent of one (1) canopy tree and two (2) understory trees for every 100 linear feet, or fraction thereof, of frontage abutting a street right-of-way.

3. Parking lots adjacent to street rights-of-way shall provide shrubs at a ratio of 1.5 shrubs for every one (1) parking space. Shrubs that reach a mature height of at least three (3) feet shall be utilized and they shall be in groupings spaced at least three (3) feet on center to screen the parking lot from the right-of-way.
4. In addition to the required plantings within the greenbelt, the remainder of the greenbelt shall be landscaped with grass, ground cover, shrubs, and other organic landscape materials.
5. Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the linear dimension used to determine the minimum number of trees required.
6. Trees may be placed in groupings within the greenbelt.

G. Interior Site Landscaping

1. Interior site landscaping shall be provided on a minimum of 10 percent of the developed area of the parcel, lot or building site.
2. Interior site landscaping shall be located adjacent to buildings and in at least one side or rear yard distributed throughout the developed area of the parcel, lot or building site.
3. In addition to the other tree requirements outlined herein, one (1) canopy tree will be required for every 1,500 square feet and one (1) understory tree will be required for every 2,500 square feet of the interior site landscaping.
4. Interior site landscaping shall be provided to enhance the appearance of the site and screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air conditioning units, and loading areas.

H. Loading/Unloading Areas

Loading areas shall be landscaped in such a manner as to screen the area from view of public rights-of-way or private access easements.

I. Screening of Trash and Recycling Containers

1. Outside trash and recycling disposal containers shall be screened on all sides with an opaque fence or wall and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of material that is compatible with the architectural materials used in the site development. The Planning Commission or Zoning Board or Appeals, at its discretion, may approve alternative methods of screening that meet the intent of this Article.
2. Containers and enclosures shall be located away from public view insofar as possible, and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.

3. Screening and gates shall be of a durable construction. Chain link fences with opaque slats are not permitted.

J. Landscape Elements

1. Native plant materials – At least 75 percent of required trees shall be native to Lower Michigan. At least 30 percent of all other required landscape material within each Plant Material Type shall be native to Lower Michigan. For information on native plants and lists of trees and shrubs, see the following websites:

- a. www.nativeplants.msu.edu
- b. www.plant.native.org
- c. www.wildflower.org/collections/Michigan

2. Composition -

- a. The use of a single species is prohibited. Except for plantings used for evergreen screening, no one species of tree or shrub may make up more than 50 percent of the total amount of required landscaping material.
- b. Any species known to have structural weakness or excessive bearing of fruit or nuts shall not be used in areas of vehicular or pedestrian traffic.
- c. Species not permitted within street rights-of-way greenbelts and should be used with caution when placed in proximity to any existing or proposed building, structure, walkway, or parking area are listed in the below table:

Botanical Name	Common Name
Acer negundo	Box Elder
Acer saccharinum	Silver Maple
Aesculus hippocastanum	Horse Chestnut
Ailanthus altissima	Tree of Heaven
Catalpa speciosa	Catalpa
Ginkgo biloba (Female)	Female Ginkgo
Populus spp.	Poplars, Cottonwood, Aspen
Liquidambar styraciflua	Sweet Gum
Salix spp.	Willows
Ulmus spp.	Elms
Fraxinus	Ash

- d. Invasive species - To protect species indigenous to the Township, the use of invasive species which naturalize are prohibited. Those invasive species not permitted are listed on the Midwest Invasive Species Information Network at www.misin.msu.edu.
 - e. Hardy plant materials - All landscaping material shall be hardy to the area and appropriate to the situation in which it is proposed, free of disease and insects, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen.
3. Minimum size requirements - Where landscaping is required, the following minimum size requirements for representative landscape materials shall be applicable. Height of a plant is measured from the top of the root ball or top of the container soil to the top of the leader, the primary stem of the plant.

Plant Material Type	Size
Canopy Tree - Single Stem	2" caliper*
Canopy Tree - Multi-Stem Clump	10 feet (height)
Understory Tree	8' to 10' (height)
Evergreen Tree	5 feet (height)
Shrub - Deciduous	24 inches (height)
Shrub - Evergreen	18 inches (height)
Shrub - Low Growing	2-gallon pot

*2" caliper as measured in conformance with the American Standard for Nursery Stock.

- 4. Berms – Any proposed berms shall be constructed with slopes not to exceed a one to three (1:3) gradient. Berm slopes shall be protected with sod, seed, or other form of natural ground cover.
- 5. Coordination with utilities - Provision shall be made to coordinate landscaping with existing and proposed underground and overhead utility lines so as to avoid interference with plant growth.
- 6. Storm water retention and detention ponds - The integration of storm water retention and detention ponds in the overall landscape concept is recommended. Ponds with a natural or free form shape, rather than square or rectangular design and appearance, shall be required. If site constraints dictate a more engineered shape, the design and appearance must be approved by the reviewing body. Any fenced areas that are visible from an adjacent property, public right-of-way or private access easement shall be landscaped to screen them from view.

K. Tree Preservation Credits

- 1. Tree preservation credits shall be given for trees preserved within the developed portion of a parcel, lot or building site. The location of preserved trees shall determine which specific landscape requirement shall be reduced.

2. Credit shall be awarded for preserving canopy trees. The number of credits awarded for tree preservation shall be in accordance with the table presented below. Trees intended to be preserved shall be indicated on the landscape plan and type and size shall be noted.

Tree Preservation Credits	
Diameter of Preserved Tree*	Number of Trees credited
Over 24 inches	4
12 inches to 24 inches	3
8 inches to 11.9 inches	2
2 inches to 7.9 inches	1

*Diameter measured at 4' above ground level.

3. In the event that healthy trees which are used to meet the minimum requirements of this section or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the Township, the contractor shall replace them with trees which meet Ordinance requirements.

L. Tree Protection prior to and during Construction.

1. Before any site work begins, the developer or builder shall erect tree protection fencing that will shield and protect all trees designated to be preserved. Fencing should be placed no closer than ten feet from the trunk of a tree or five feet beyond the drip line of a tree or group of trees, whichever is greater.
2. Fencing shall be a minimum of 48 inches high.
3. Tree protection fencing shall be maintained during construction and all construction materials, supplies, and equipment shall be kept out of the protected areas.
4. Paving, or other site improvements, shall not encroach upon the dripline of the existing trees to be preserved.
5. Location of tree protection fencing must be shown on the approved landscape plan.

M. Preservation of Existing Native Vegetation.

Credit shall be awarded for preserving existing vegetation native to Lower Michigan, including shrubs and grassland species. By preserving existing native vegetation, tree and shrub planting requirements can be reduced. The number of credits awarded shall be recommended by Township planning staff and approved by the reviewing body based on a natural features inventory prepared by an environmental professional or landscape architect that describes existing species and the intended function of the required tree and shrub plantings.

N. Incentives for Restoring Pre-Settlement Vegetation

1. Oshtemo Township's pre-settlement vegetation types were primarily Oak Savanna, Oak Forest, and Beech-Sugar Maple Forest, with smaller areas of Prairie, Marsh, Bur Oak Opening, and Southern Swamp Forest. A map of pre-settlement vegetation showing the geographic location of these vegetation types is on file in the Township office. It includes a description of the predominant plant species for each vegetation type.
2. To encourage restoration of pre-settlement vegetation, all uses subject to site plan review may opt to submit a landscape restoration plan in lieu of a landscape plan. A landscape restoration plan shall use native vegetation types to meet the intent of screening and buffering requirements while at the same time strive to restore the pre-settlement vegetation of the immediate area. Even though the exact number of each landscape element may not be provided, approval of such a plan shall be granted so long as the overall intent is satisfied. Township planning staff shall recommend and the reviewing body shall approve a landscape restoration plan.

O. Provisions for Existing Sites

1. Street rights-of-way greenbelts and screening between land uses shall be required for any existing site where the renovation, expansion or alteration increases the structure by more than 25 percent of the existing floor area or is greater than 2,000 square feet.
2. Landscape requirements for parking lots shall apply when expansions increase the number of parking spaces by 25 percent or at least eleven (11) parking spaces. Parking lot landscaping requirements shall be based on, and only apply to, the new spaces developed.
3. If site constraints prevent the application of these requirements, the reviewing body may grant an alternate approach or reduction in the landscape requirements through the site plan review process.

P. Modifications or Reductions

If an unusual physical circumstance exists on or affects a property, the reviewing body may approve modifications to the planting material requirements of this Article. These modifications may include the approval of plantings and visual screening such as hedges, fences, walls, and/or combinations thereof, which provides an alternate approach the reviewing body deems appropriate to ensure compliance with the spirit, purpose and intent of this Article.

If existing topography and vegetation are determined by the reviewing body to provide equal or better landscape and buffering effect, reductions in plantings may also be approved if the spirit, purpose and intent of this Article is met.

September 15, 2016



Mtg Date: September 22, 2016
To: Planning Commission
From: Julie Johnston, AICP
Subject: Landscape Ordinance

At the July 28th Planning Commission meeting, staff presented three landscaping ordinances for review. These ordinances were:

1. The existing ordinance – Section 75: Landscaping
2. Minor amendments to Section 75: Landscaping
3. An Alternate Approach that was a departure from the existing Ordinance in many ways, including the removal of the buffer zones that are required around the property lines.

At the meeting, staff presented some of the pros and cons of each ordinance based on landscape plans developed by Karen High for the Wings, Etc. site on 9th Street and Seeco Drive. The Planning Commission requested staff review the proposed ordinances and come back with a preferred method. Staff spent time over the last two months refining the three presented ordinances into one recommended approach.

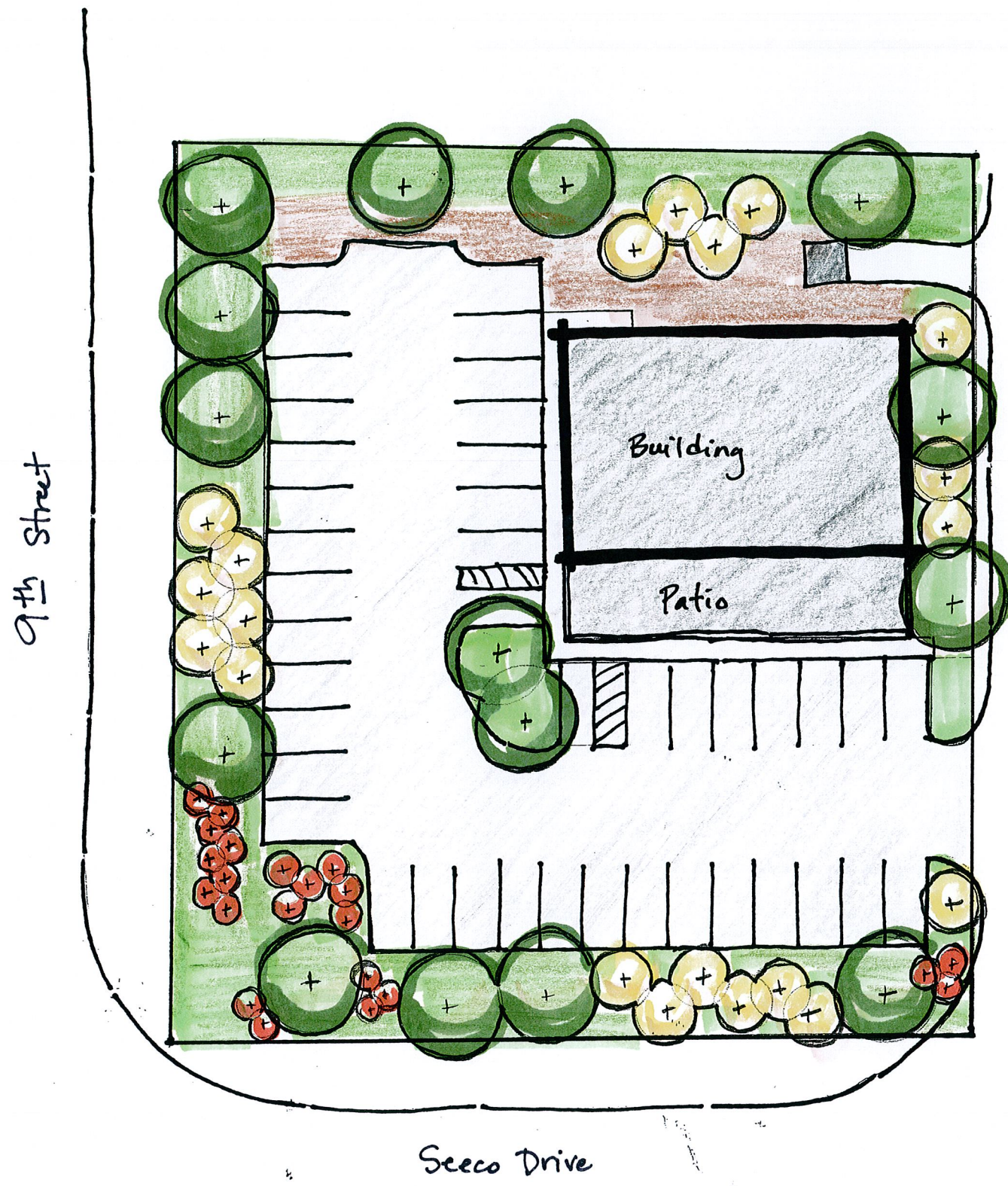
Ms. High has created landscape plans based on our current ordinance requirements and the preferred approach for the Wings, Etc. site as well as the Omni Credit Union site on West Main Street, which we visited during our landscaping tour last fall. Some of the difference between the two ordinances are as follows:

1. The preferred approach requires an overall percentage of the site be landscaped, which is generally slightly less in square footage than the current ordinance landscaping requirements.
2. The current ordinance is very specific where landscaping must occur – at the property lines and in parking lots. The preferred method requires landscaping in the parking lot and at public and private rights-of-way, but allows the design professional to determine where the rest of the required landscaping will be planned on the site.
3. The total number of required trees is slightly less than the current ordinance, which will hopefully allow tree species a better opportunity to survive on the site.
4. There are very specific requirements for opaque screening between incompatible land uses in the recommended ordinance, which can include a variety of berms, fences, walls, landscape materials, etc. But, the screening must be six feet in height and opaque. The current ordinance requires larger buffer zones between incompatible uses, but the plant materials are generally trees, which do not provide much screening when the lower branches reach a height beyond five feet.

5. For certain landscape plans, the seal of an architect is required in the recommended ordinance. This is to ensure that if someone is requesting tree credits or wishes to submit an alternate approach to the landscaping requirements, a landscape design professional is creating the plans.

I look forward to reviewing the recommended landscape ordinance with you at the September 22nd meeting.

Thank you.



Current Ordinance

Approved Landscape Plan for Wings Etc.

Greenspace and Planting Requirements

North property line: ("A" Greenspace Type)

- 10' wide greenspace
- 1 canopy tree / 100 linear feet = 2 total
- 2 understory trees / 100 linear feet = 4 total

South property line (Seeco Drive): ("C" Greenspace Type)

- 20' wide greenspace
- 2 canopy trees / 100 linear feet = 4 total
- 3 understory trees / 100 linear feet = 6 total
- 4 shrubs / 100 linear feet = 8 total

East property line: ("A" Greenspace Type)

- 10' wide greenspace
- 1 canopy tree / 100 linear feet = 2 total
- 2 understory trees / 100 linear feet = 4 total

West property line (9th Street): ("C" Greenspace Type)

- 20' wide greenspace
- 2 canopy trees / 100 linear feet = 4 total
- 3 understory trees / 100 linear feet = 6 total
- 4 shrubs / 100 linear feet = 8 total

Parking Lot Landscaping:

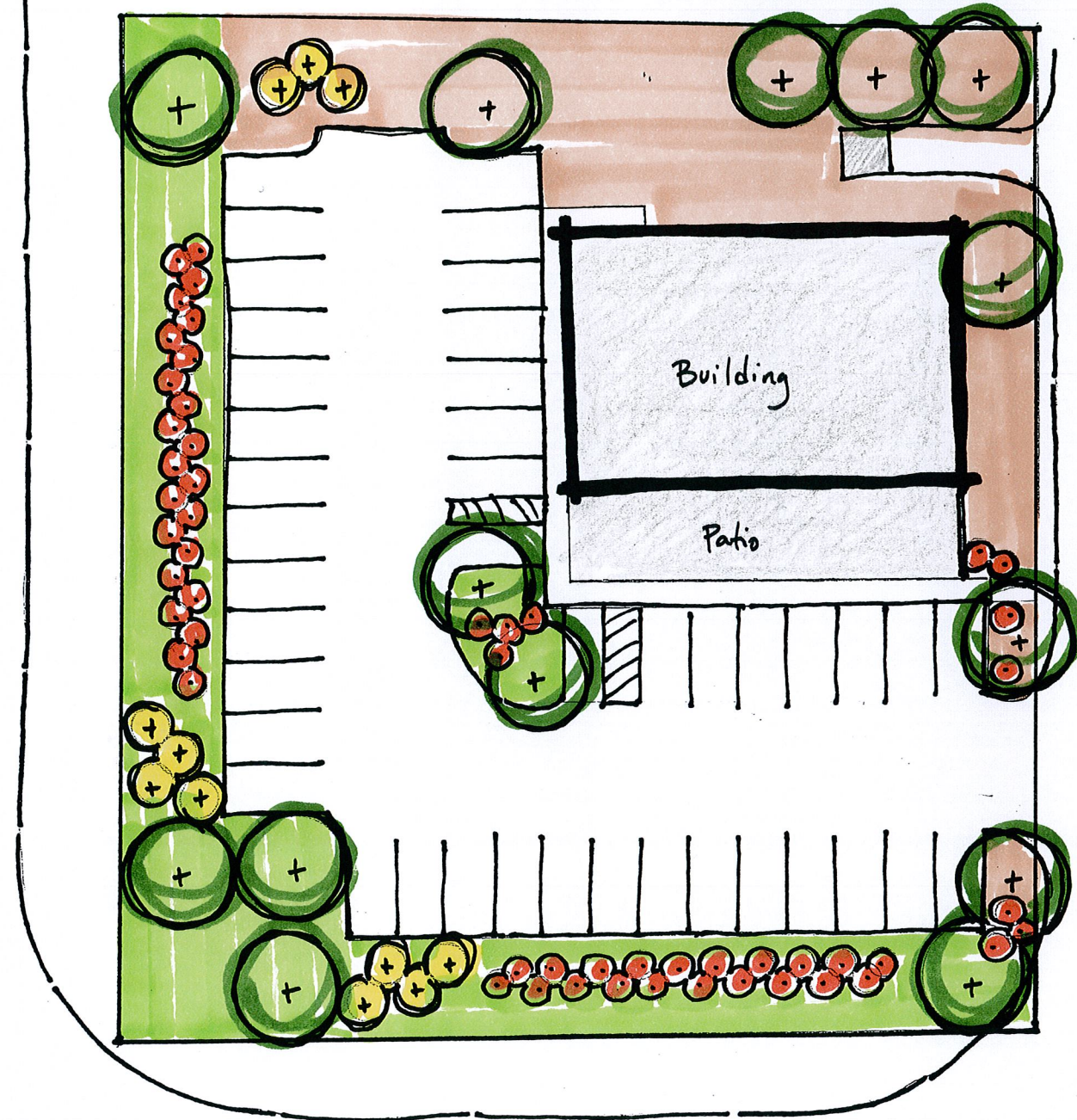
- 42 parking spaces proposed
- 15 square feet of interior landscape area (ILA) per parking space = 630 square feet
- 1 canopy tree / 200 square feet of ILA = 3 total
- 2 shrubs / 200 square feet of ILA = 6 total

Summary:

■ Total landscape area required:	12,330 sq. ft.
■ Total canopy trees required:	15
■ Total understory trees required:	20
■ Total shrubs required:	22
■ Greenspace not required	

Recommended Approach

Wings Etc. Illustration



Total Site Landscaping

Total site area = 38,025 square feet
 17.5% of site must be landscaped. 17.5% = 6,654 square feet
 1 canopy tree/1,500 square feet of site landscaping = 4 total
 1 understory tree/2,500 square feet of site landscaping = 3 total

Screening Between Land Uses

None required because the site is surrounded by commercial land uses

Parking Lot Landscaping:

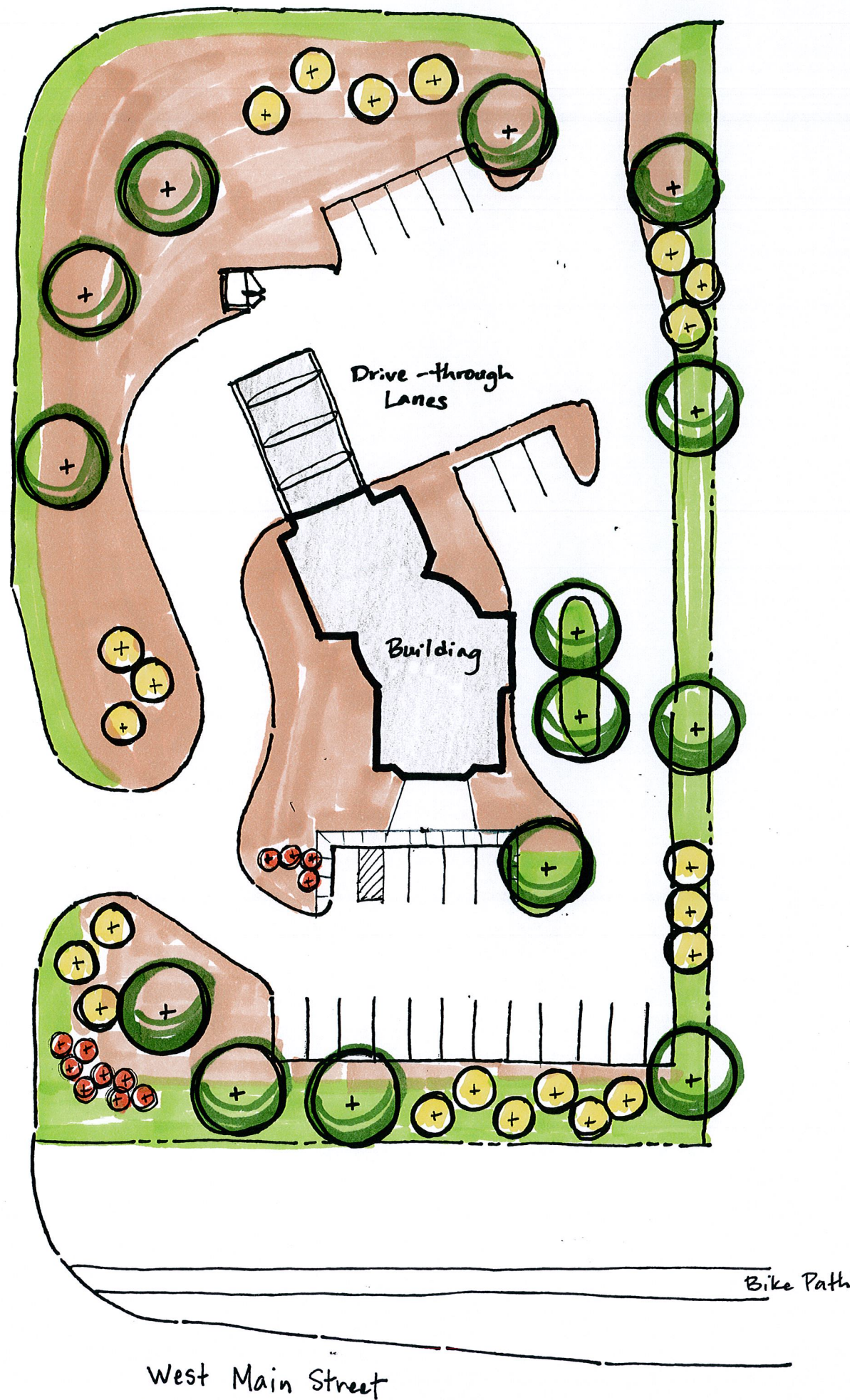
44 parking spaces proposed
 25 square feet of interior landscape area (ILA) per parking space = 1,100 square feet
 1 canopy tree/200 square feet of ILA = 6 total
 2 shrubs / 200 square feet of ILA = 11 total

Street Rights-of-Way Greenbelts

20' wide buffer along public right of way (7,800 square feet total)
 1 canopy tree/100 linear feet = 4 total
 2 understory trees/100 linear feet = 8 total
 Shrubs required where parking lot is adjacent to street. 1.5 shrubs / parking space
 13 parking spaces along Seeco = 20 shrubs
 15 parking spaces along 9th Street = 23 shrubs

Summary:

	Total landscape area required:	8,900 square feet
	Total canopy trees required:	14
	Total understory trees required:	11
	Total shrubs required:	43
	Greenspace provided but not required	6,025 sq. ft.



Current Ordinance

Approved Landscape Plan for Omni Credit Union

Greenspace and Planting Requirements

North property line: ("A" Greenspace Type)

- 10' wide greenspace
- 1 canopy tree/100 linear feet = 2 total
- 2 understory trees/100 linear feet = 4 total

South property line (West Main Street): ("C" Greenspace Type)

- 20' wide greenspace
- 2 canopy trees/100 linear feet = 4 total
- 3 understory trees/100 linear feet = 6 total
- 4 shrubs/100 linear feet = 8 total

East property line: ("A" Greenspace Type)

- 10' wide greenspace
- 1 canopy tree/100 linear feet = 3 total
- 2 understory trees/100 linear feet = 6 total

West property line: ("A" Greenspace Type)

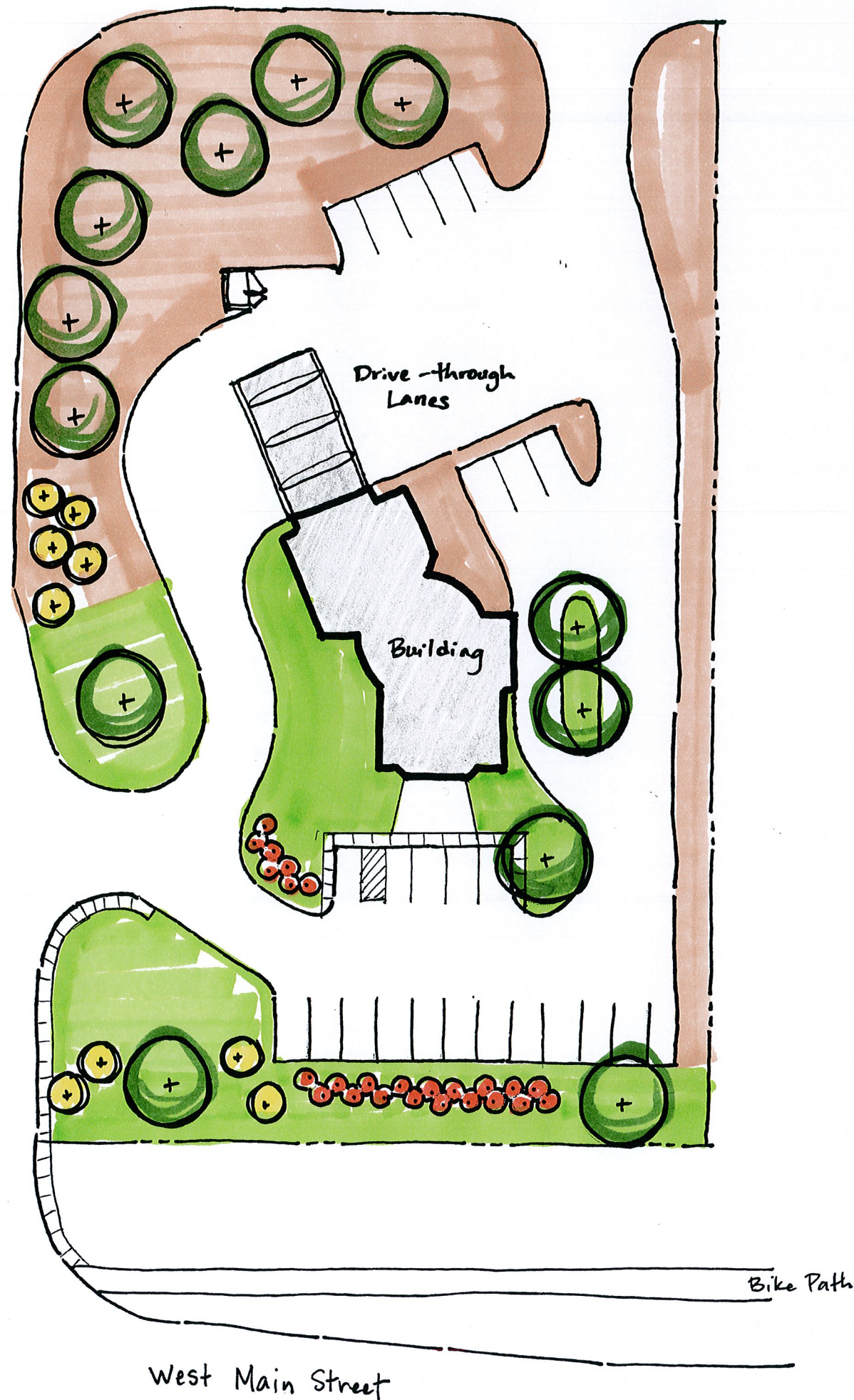
- 10' wide greenspace
- 1 canopy tree/100 linear feet = 3 total
- 2 understory trees/100 linear feet = 6 total

Parking Lot Landscaping:

- 26 parking spaces proposed
- 15 square feet of interior landscape area (ILA) per parking space = 390 square feet
- 1 canopy tree/200 square feet of ILA = 2 total
- 2 shrubs / 200 square feet of ILA = 4 total

Summary:

■	Total landscape area required:	13, 190 square feet
■	Total canopy trees required:	15
■	Total understory trees required:	21
■	Total shrubs required:	12
■	Greenspace provided but not required	14,595 square feet



Recommended Approach

Omni Credit Union Illustration

Total Site Landscaping

Total site area = 68,340 square feet
 17.5% of site must be landscaped. 17.5% = 11,960 square feet
 1 canopy tree/1,500 square feet of site landscaping = 8 total
 1 understory tree/2,500 square feet of site landscaping = 5 total

Screening Between Land Uses

None required because the site is surrounded by commercial land uses

Parking Lot Landscaping:

26 parking spaces proposed
 25 square feet of interior landscape area (ILA) per parking space = 650 square feet
 1 canopy tree/200 square feet of ILA = 3 total
 2 shrubs / 200 square feet of ILA = 7 total

Street Rights-of-Way Greenbelts

20' wide buffer along public right of way (4,000 square feet)
 1 canopy tree/100 linear feet = 2 total
 2 understory trees/100 linear feet = 4 total
 Shrubs required where parking lot is adjacent to street. 1.5 shrubs / parking space
 12 parking spaces = 18 shrubs total

Summary:

■ Total landscape area required:	11,960 square feet
■ Total canopy trees required:	13
■ Total understory trees required:	9
■ Total shrubs required:	18
■ Greenspace provided but not required	15,825 square feet



Current Ordinance

Approved Landscape Plan Pixie's Fictional Restaurant

Greenspace and Planting Requirements

North property line: ("A" Greenspace Type)

- 10' wide greenspace
- 1 canopy tree/100 linear feet = 3 total
- 2 understory trees/100 linear feet = 5 total

South property line: ("A" Greenspace Type)

- 10' wide greenspace
- 1 canopy trees/100 linear feet = 3 total
- 2 understory trees/100 linear feet = 5 total

East property line: Stadium Drive ("C" Greenspace Type)

- 20' wide greenspace
- 2 canopy tree/100 linear feet = 4 total
- 3 understory trees/100 linear feet = 6 total
- 4 shrubs/100 linear feet = 8 total

West property line: ("F" Greenspace Type)

- 35' wide greenspace
- 4 canopy trees/100 linear feet = 8 total
- 2 understory trees/100 linear feet = 4 total
- 18 shrubs/100 linear feet = 36 total
- 6 evergreens/100 linear feet = 12 total

Parking Lot Landscaping:

- 60 spaces proposed
- 25 square feet of interior landscape (ILA) / parking space = 1,500 sq. ft.
- 1 canopy tree/200 square feet of ILA = 8
- 2 shrubs/200 square feet of ILA = 15

Summary:

■ Total landscape area required:	17,290 sq. ft.
■ Total canopy trees required:	26
■ Total understory trees required:	20
■ Total shrubs required:	59
■ Total evergreens required:	12
■ Greenspace not required	



Recommended Approach

Pixie's Fictional Restaurant Illustration

Total Site Landscaping

Total site area = 49,664 square feet
 18% of site must be landscaped. 18%=8,940 sq.ft.
 1 canopy tree/1,500 sq. ft. = 6
 1 understory tree/2,500 sq. ft. = 4

Screening Between Land Uses

Adjacent to residential zoning district to west
 30' wide landscape buffer required
 2 canopy trees/100 linear feet = 4 total
 2 understory trees/100 linear feet = 4 total
 2 evergreen trees/100 linear feet = 4 total
 6' opaque screen – berm, fence or shrubs

Parking Lot Landscaping:

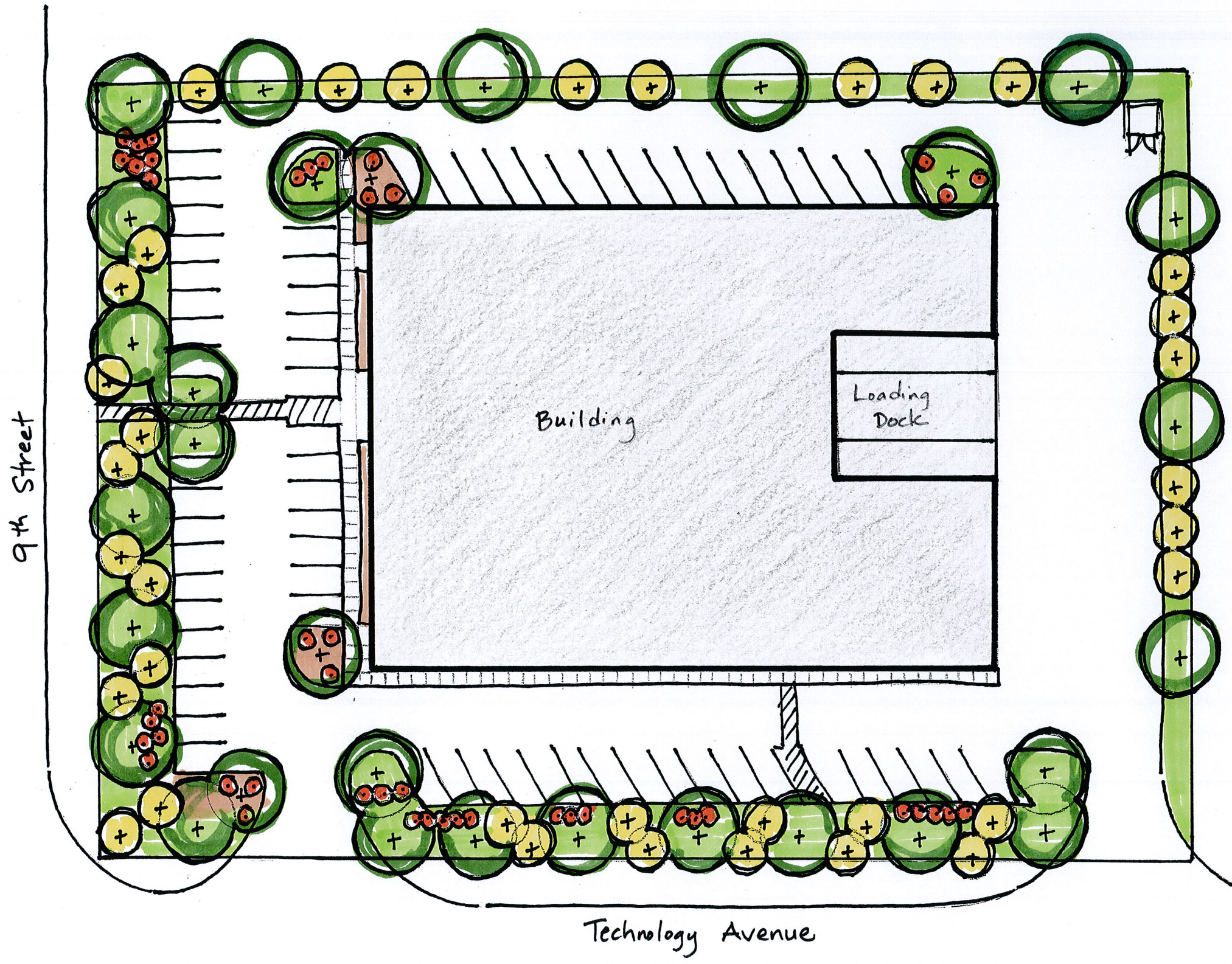
60 spaces proposed
 25 square feet of interior landscape (ILA) / parking space = 1,500 sq. ft.
 1 canopy tree/200 square feet of ILA = 8
 2 shrubs/200 square feet of ILA = 15

Street Rights of Way Greenbelts

20' wide greenspace
 1 canopy trees/100 linear feet = 2 total
 2 understory trees/100 linear feet = 4 total
 Shrubs required when parking lot is adjacent to street.
 14 spaces along Stadium x 1.5 = 21 total

Summary:

■ Total landscape area required:	8,940 sq. ft. (11,200)
■ Total canopy trees required:	20
■ Total understory trees required:	12
■ Total shrubs required:	36
■ Greenspace not required:	
■ Evergreen trees req:	4



Current Ordinance

Approved Landscape Plan 6480 Technology Drive

Greenspace and Planting Requirements

North property line: ("A" Greenspace Type)
 10' wide greenspace
 1 canopy tree/100 linear feet = 4 total
 2 understory trees/100 linear feet = 8 total

South property line (Technology Avenue): ("C" Greenspace Type)
 20' wide greenspace
 2 canopy trees/100 linear feet = 8 total
 3 understory trees/100 linear feet = 12 total
 4 shrubs/100 linear feet = 16 total

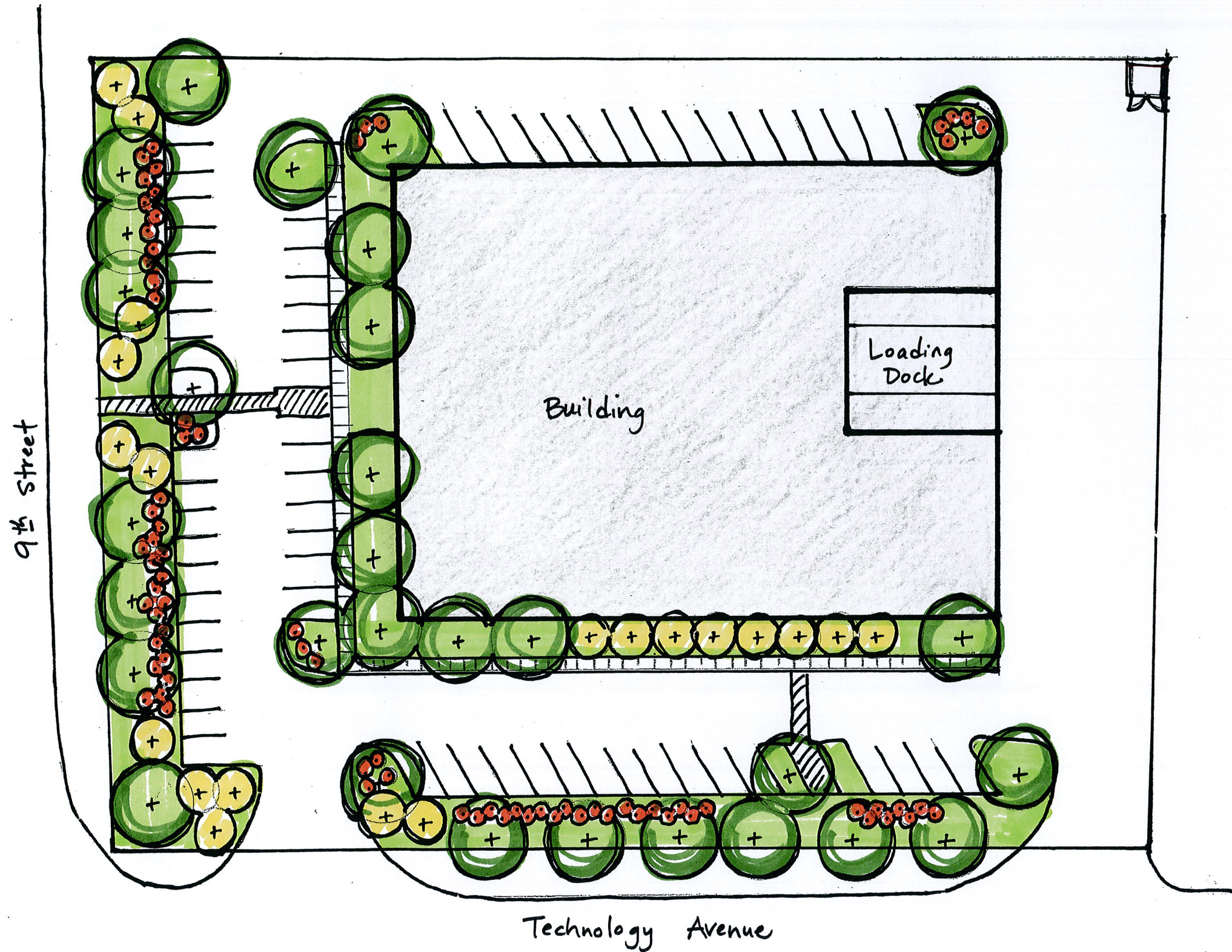
East property line: ("A" Greenspace Type)
 10' wide greenspace
 1 canopy tree/100 linear feet = 3 total
 2 understory trees/100 linear feet = 6 total

West property line (9th Street): ("C" Greenspace Type)
 20' wide greenspace
 2 canopy trees/100 linear feet = 6 total
 3 understory trees/100 linear feet = 9 total
 4 shrubs/100 linear feet = 12 total

Parking Lot Landscaping:
 69 spaces proposed
 25 square feet of interior landscape (ILA) / parking space = 1,725 sq. ft.
 1 canopy tree/200 square feet of ILA = 9
 2 shrubs/200 square feet of ILA = 18

Summary:

— Total landscape area required:	20,661 sq. ft.
— Total canopy trees required:	30
— Total understory trees required:	35
— Total shrubs required:	46
— Greenspace not required	



Recommended Approach

6480 Technology Drive Illustration

Total Site Landscaping

Total site area = 110,995 square feet

18% of site must be landscaped. $18\% = 19,980 \text{ sq. ft.}$

1 canopy tree/1,500 sq. ft. = 13

1 understory tree/2,500 sq. ft. = 8

Screening Between Land Uses

None required because the site is surrounded by industrial land uses

Parking Lot Landscaping:

69 spaces proposed

25 square feet of interior landscape (ILA) / parking space = 1,725 sq. ft.

1 canopy tree/200 square feet of ILA = 9

2 shrubs/200 square feet of ILA = 18

Street Rights of Way Greenbelts

20' wide greenspace

1 canopy trees/100 linear feet = 8 total

2 understory trees/100 linear feet = 12 total

Shrubs required when parking lot is adjacent to street.

18 spaces along Technology $\times 1.5 = 27$ total

21 spaces along 9th Street $\times 1.5 = 32$

Summary:

— Total landscape area required:	19,980 sq. ft.
— Total canopy trees required:	30
— Total understory trees required:	20
— Total shrubs required:	77
— Greenspace not required:	