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**NOTICE  
OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**Regular Meeting  
Thursday, September 13, 2018  
7:00 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: Work Session of August 23, 2018
6. Draft Ordinance Changes:
  - Section 53.510 – Reversion of Rezoning (Conditional Rezoning)
  - Section 64.100 – Designated Highways (Setbacks and Sideline Spacing)
7. Old Business
  - a. Zoning Ordinance Re-Organization Tables/Graphics
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 to respond at a later date.
- 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.

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; it is not required unless the speaker wishes to have their comment recorded in the minutes.

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 or Citizen Comment on 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 is in contravention of any of the principles and procedures set forth herein.

(adopted 5/9/2000)  
(revised 5/14/2013)

**Policy for Public Comment**  
**6:00 p.m. "Public Comment"/Portion of Township Board Meetings**

At the commencement of the meeting, the Supervisor shall poll the members of the public who are present to determine how many persons wish to make comments. The Supervisor shall allocate maximum comment time among persons so identified based upon the total number of persons indicating their wish to make public comments, but no longer than ten (10) minutes per person. Special permission to extend the maximum comment time may be granted in advance by the Supervisor based upon the topic of discussion.

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 to respond at a later date.

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; it is not required unless the speaker wishes to have their comment recorded in the minutes.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.

(adopted 2/27/2001)  
(revised 5/14/2013)

**OSHEMO CHARTER TOWNSHIP  
PLANNING COMMISSION MEETING**

**MINUTES OF A WORK SESSION HELD AUGUST 23, 2018**

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**Agenda**

**AGRITOURISM ORDINANCE REVIEW**

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A work session of the Oshtemo Charter Township Planning Commission was held on Thursday, August 23, 2018, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

**ALL MEMBERS**

**WERE PRESENT:** Cheri Bell, Chairperson (arrived late)  
Fred Antosz  
Ollie Chambers  
Dusty Farmer, Secretary  
Micki Maxwell  
Mary Smith  
Bruce VanderWeele, Vice Chairperson

Also present were Julie Johnston, Planning Director, Martha Coash, Meeting Transcriptionist and four interested persons.

**Call to Order**

The meeting was called to order by Vice Chairperson VanderWeele at approximately 6:00 p.m.

**Approval of the Agenda**

The Vice Chair determined there were no additions or deletions to the agenda.

**Public Comment on Non-Agenda Items**

Vice Chairperson VanderWeele asked if there were any public comments on non-agenda items.

Ms. Laura Bruno expressed her concern about striking regulation of electrical and electro-magnetic issues from the Zoning Ordinance.

Ms. Johnston explained she had not responded to Ms. Bruno's e-mail on this subject because she needed to consult with Attorney Porter who has been out of town.

She indicated the ordinance referenced is actually new language to review special uses that has not yet been approved. After review of that proposed language it was decided to remove the language Ms. Bruno was referencing. Attorney Porter had explained those regulations would not be needed since the Township could not enforce regulation of electrical and electro-magnetic issues; they can be enforced only at a different governmental level. She indicated she would speak with him further for more clarification.

Ms. Bruno felt it would still be worthwhile to include the regulations in the Ordinance as more and more 5G is installed. She is sensitive to Wi-Fi, 5G and would like to see official policy in place to make some kind of statement.

Ms. Maxwell said the regulations are not federal law and evolve over time and that she is also concerned about not including regulations that might be able to be enforced in the future if the opportunity arises. She also felt the ITC lines should be regulated at the local level.

Ms. Farmer noted the Township cannot supersede federal regulations, that Attorney Porter had taken the issue of local control of ITC to the Michigan Supreme Court and the Township did not win that case.

The Board indicated that when the re-organized ordinance was brought back before them, they would discuss the possibility of added this new language again.

### **Approval of the Minutes of the Regular Meeting of August 9, 2018**

Vice Chairperson VanderWeele asked if there were additions, deletions or corrections to the Minutes of the Regular Meeting of August 9, 2018.

Hearing none, Vice Chairperson VanderWeele asked for a motion.

Ms. Maxwell made a motion to approve the minutes of the Regular Meeting of August 9, 2018 as presented. Mr. Chambers supported the motion. The motion was approved unanimously.

Vice Chairperson VanderWeele moved to the next agenda item.

### **Agritourism Ordinance Review**

Ms. Johnston reminded the group they had last reviewed proposed agritourism ordinance language at the July work session and were in the middle of considering Category 2. She noted the document distributed included revised language recommended by the Planning Commission from past work sessions as well as proposed wording for a Category 3 that would allow special events and activities on properties that don't necessarily generate an agricultural product.



She also said next steps will need to be discussed as they get closer to completing review of the draft language.

Ms. Johnston led the group through discussion of the draft document, beginning with 1. G – Parking, under Special Uses/General Standards. A number of edits were made to the rest of Category 2. Category 3 will be discussed at the next work session.

There was consensus that once the agritourism review is completed, public input will be sought; details of how to provide that will be determined later.

Ms. Dori Beltz noted she had provided a summary of the activities at her barn camp for the year, including her expectation for the coming year. She felt it would be valuable for both the agritourism owner and the Township to require an annual check-in.

### **ANY OTHER BUSINESS**

There was no other business.

### **PLANNING COMMISSIONER COMMENTS**

There were no comments from Commissioners.

### **ADJOURNMENT**

Having exhausted the agenda, and with there being no further business to discuss, Vice Chairperson VanderWeele adjourned the meeting at approximately 8:20 p.m.

Minutes prepared:  
August 25, 2018

Minutes approved:  
\_\_\_\_\_, 2018

**Edits:**

Definitions:

Delete riding stables and greenhouses from #2

g. Parking.

- i. -Add ADA parking space language  
-Define what main public area means/more specificity  
Add possibility for negotiation of number of spaces if applicant provides a -  
-parking study

h. Lighting

- i. -Add dumpster language and eliminate screening language for trash receptacles. "Trash receptacles shall be provided. If dumpsters are located on site they shall be placed on a hard surface and completely obscured from view by a screen or wall."
- j. -Add language to encourage use of existing natural features/vegetation for screening for the main public activity area
- k. -Change to read: "Restroom facilities shall be provided on site.
- l. -Add "occupancy" between maximum and capacity
- m. -Change to, "Hours of operation must be provided to the Planning Commission. The Planning Commission may alter hours of operation for agritourism uses, or specific elements thereof, consistent with the character of the land uses in the vicinity and may further approve an enforcement mechanism to ensure adherence to the established hours of operation."
- n. -or state highway?
- o. -Change to, "The keeping of livestock for agritourism purposes like petting farms, pony rides, etc., shall be subject to...."

2. Special Agritourism Events

- a. Add (my language) A maximum of 10 special events that relate to and enhance the primary agritourism purpose shall be permitted annually.

3. Narrative

Move the narrative to the beginning of Category 2 ahead of “general standards,”  
Page 3, purpose for original approval.

#### 4. Prohibited Uses

Broaden language to prohibit excessive noise, possibly based on allowable decibel levels.

Procedures for permitting, check in for special events – group will think about and discuss further.

September 5, 2018



**Mtg Date:** September 13, 2018  
**To:** Planning Commission  
**From:** Julie Johnston, AICP  
**Subject:** Conditional Rezoning Ordinance Amendment

Recently, the Township received an inquiry on a property (3000 South 11<sup>th</sup> Street) that was conditionally rezoned in 2016 to the R-3: Residence District to allow office uses to develop on a property that was originally zoned R-2: Residence District. The request was to allow the property to be used as a single-family home, as originally zoned. In reviewing the conditional rezoning application and Section 53: Conditional Rezoning of the Zoning Ordinance, it became clear that the conditional rezoning no longer met the requirements of Section 53.500, which states:

*“Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 12 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.”*

The conditional rezoning for 3000 South 11<sup>th</sup> Street was never established and the period for requesting an extension has lapsed. Township staff was going to initiate a reversion to the original R-2 District, but noted the following language in Section 53.510:

*“If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection 53.500 above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applied to all other rezoning requests.”*

According to this Section, Township staff would first have to request the reversion process be initiated at a Township Board meeting then, if approved, the Planning Commission would have to hold a public hearing and the Township Board would have to hold two readings.

The ordinance seems redundant and over-regulatory as Section 53.510 clearly states that if the use is not established within 12 months of approval or an extension is not granted, the land reverts to its former zoning classification. To ensure this happens, the Township would just need to record a revocation of conditional rezoning with the County Registrar of Deeds, removing the conditions established on the property.

Staff would like the Planning Commission to consider the following changes:

Section 53.510 – Reversion of zoning.

If **the** approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection 53.500 ~~above~~, then the land shall revert to its former zoning classification as set forth in MCL 125.3405 (**Michigan Zoning Enabling Act, Public Act 110 of 2006**).

The reversion process shall be initiated by **Township staff who will send a notification letter to the property owner indicating a Revocation of Conditional Rezoning will be recorded with the County Registrar of Deeds. The property owner will have 30 days from the date of the notification letter to appeal the Revocation to the Township Board. If no appeal is filed within the 30-day period, the Revocation of Conditional Rezoning will be recorded and the land shall revert to its former zoning classification.**

~~the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applied to all other rezoning requests.~~

Thank you.

September 6, 2018



**Mtg Date:** September 13, 2018  
**To:** Planning Commission  
**From:** Julie Johnston, AICP  
**Subject:** Designated Highway Setbacks

Staff would like the Planning Commission to consider changing the setback requirements of Section 64.100: Designated Highways. The setbacks listed for these roadways are quite large, particularly for streets that are predominately used and zoned residential. Staff's main concerns center around the inconsistency in setbacks within the Township. Residential homes on parts of 6<sup>th</sup> Street must meet the 70-foot setback but on other parts of the same roadway, are required to only be 30 feet back from the right-of-way. In addition, the ordinance has been challenging to administer for this same reason. Public reception of the setback differences, particularly for residential homes, has not been well received. The larger setback takes up a considerable amount of buildable land. This is particularly true for smaller parcels found along these roadways.

Staff did some investigation into this section of the Zoning Ordinance to try and determine why these setbacks were initially established. Looking at past minutes of the Zoning Board, it appears Designated Highways have been around since at least 1972. According to a public notice from December of 1972, the setbacks from designated highways with at least a 66-foot wide right-of-way was 100 feet. The Designated Highways ordinance was in place when the Zoning Ordinance was re-codified in 1984. However, the exact configuration of the requirements could not be found. But, we assume the current setback distances were determined during the 1984 re-codification because none of the amendments since that time changed the setback distances.

Staff has speculated that these larger setbacks were due to a desire to retain a rural character in the Township. The farther buildings are setback from the road, the more opportunity for existing vegetation, green spaces, and new landscaping. However, after reviewing minutes from a May 1998 Planning Commission meeting, roads were added to the Designated Highways list because of their classification change by the Road Commission of Kalamazoo County – meaning a change from a local road to a primary road. But, no reasoning for why these particular roads needed a larger setback was given other than the road designation change.

Looking through the Zoning Board of Appeals record since 2005, there were approximately 10 front yard variance requests made due to the Designated Highways setback requirement. In an effort to understand current conditions and what a change to the setback might look like on existing structures, a variety of maps were produced for the Planning Commission's review. Please see attached.

Staff would like the Planning Commission to consider the following changes:

<b>East &amp; West</b>	<b>Minimum Setback Distance</b>
<i>West Main Street from 12<sup>th</sup> Street to Van Kal Street</i>	<i>170 feet from the center of the street right-of-way</i>
<i>Stadium Drive from 12<sup>th</sup> Street to the South line of SECTION 31 of the Township</i>	<i>120 feet from the center of the street right-of-way</i>
<i>Almena Drive from West Main to Van Kal Street</i>	<i>120 feet from the center of street right-of-way</i>
<i>H Avenue from 12<sup>th</sup> Street to Van Kal Street</i>	<i>70 feet from the street right-of-way</i>
<i>KL Avenue from 12<sup>th</sup> Street to Van Kal Street</i>	<i>70 feet from the street right-of-way</i>
<b>North &amp; South</b>	
<i>12<sup>th</sup> Street/Drake Road the entire length of Township</i>	<i>120 feet from centerline of street right-of-way</i>
<i>Van Kal Street from the South line of SECTION 31 of the Township to West Main Street and the portions within Sections 6 and 7 of the</i>	<i>70 feet from the street right-of-way</i>
<i>6<sup>th</sup> Street from G Avenue to West Main Street and from ML Avenue to N Avenue</i>	<i>70 feet from the street right-of-way</i>
<i>10<sup>th</sup> Street from G Avenue to West Main Street</i>	<i>70 feet from the street right-of-way</i>
<i>9<sup>th</sup> Street from the centerline of Section 2 to N Avenue</i>	<i>70 feet from the street right-of-way</i>
<i>4<sup>th</sup> Street from West Main to the South line of the Township</i>	<i>70 feet from the street right-of-way</i>
<i>11<sup>th</sup> Street from Stadium Drive to Parkview Avenue</i>	<i>70 feet from the street right-of-way</i>

The minimum setback for all buildings constructed along the highways above designated within the Township shall be as prescribed above unless a larger setback is otherwise required in the Zoning Ordinance or unless the building is constructed or located within 300 feet of a building existing on the effective date of this Ordinance provision (~~August 31, 1998~~) which is closer than the above prescribed setback requirements, in which case such setback may be decreased according to the following schedule:

<b>Distance Between Buildings</b>	<b>Setback Distances</b>
<i>Over 175 feet and up to 300 feet</i>	<i>Existing building setback distance, plus 2/3 of the difference between the prescribed setback distance and the existing building setback distance.</i>
<i>Over 50 feet and up to 175 feet</i>	<i>Existing building setback distance, plus 1/3 of the difference between the prescribed setback distance and the existing building setback distance.</i>
<i>Up to 50 feet</i>	<i>Existing building setback distance but not less than 40 feet from the street right-of-way line.</i>

The current requirement for residential and agricultural setbacks outside of these designated highways is 30 feet from the road right-of-way. For commercial and industrial uses, the setback is 70 feet from the road right-of-way. Staff recommends letting these regulations stand for those ~~strikethrough~~ roads indicated above. For commercial uses, the setback distance required for most of the designated highways would be met anyway, as the general ordinance requirement is already 70 feet.

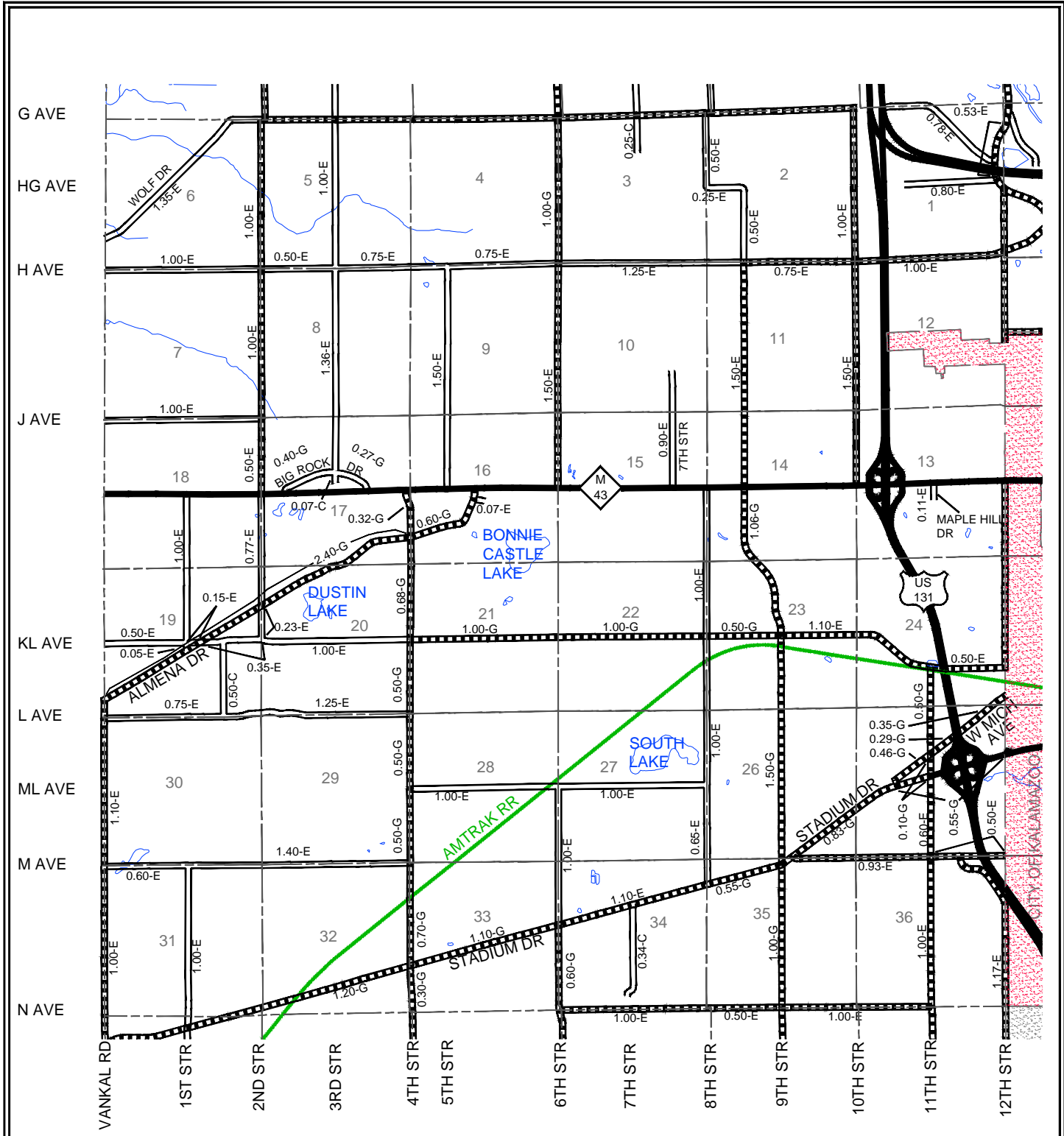
The desire to keep West Main Street, Stadium Drive, and Drake Road as designated highways is two-fold. First, these are the major thoroughfares in the Township that developed primarily as commercial corridors. Second, the rights-of-way lines on these roads varies depending on the location within the Township. Having a setback requirement from the center line instead of the right-of-way line provides for consistency in appearance of building frontages, essentially creating a build-to line.

Thank you.

Attachments: Road Commission of Kalamazoo County Primary Road Map  
Setback Maps: 6<sup>th</sup> Street  
9<sup>th</sup> Street  
Almena Drive



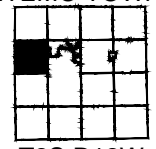
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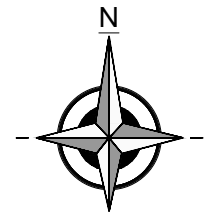
**LEGEND**

- SECTION LINE
- TOWNSHIP LINE
- CORPORATE LIMITS
- EDGE OF WATER
- RAILROAD
- STATE TRUNKLINE
- COUNTY PRIMARY
- COUNTY LOCAL

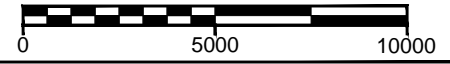
KALAMAZOO COUNTY  
OSHTEMO TOWNSHIP



T2S:R12W



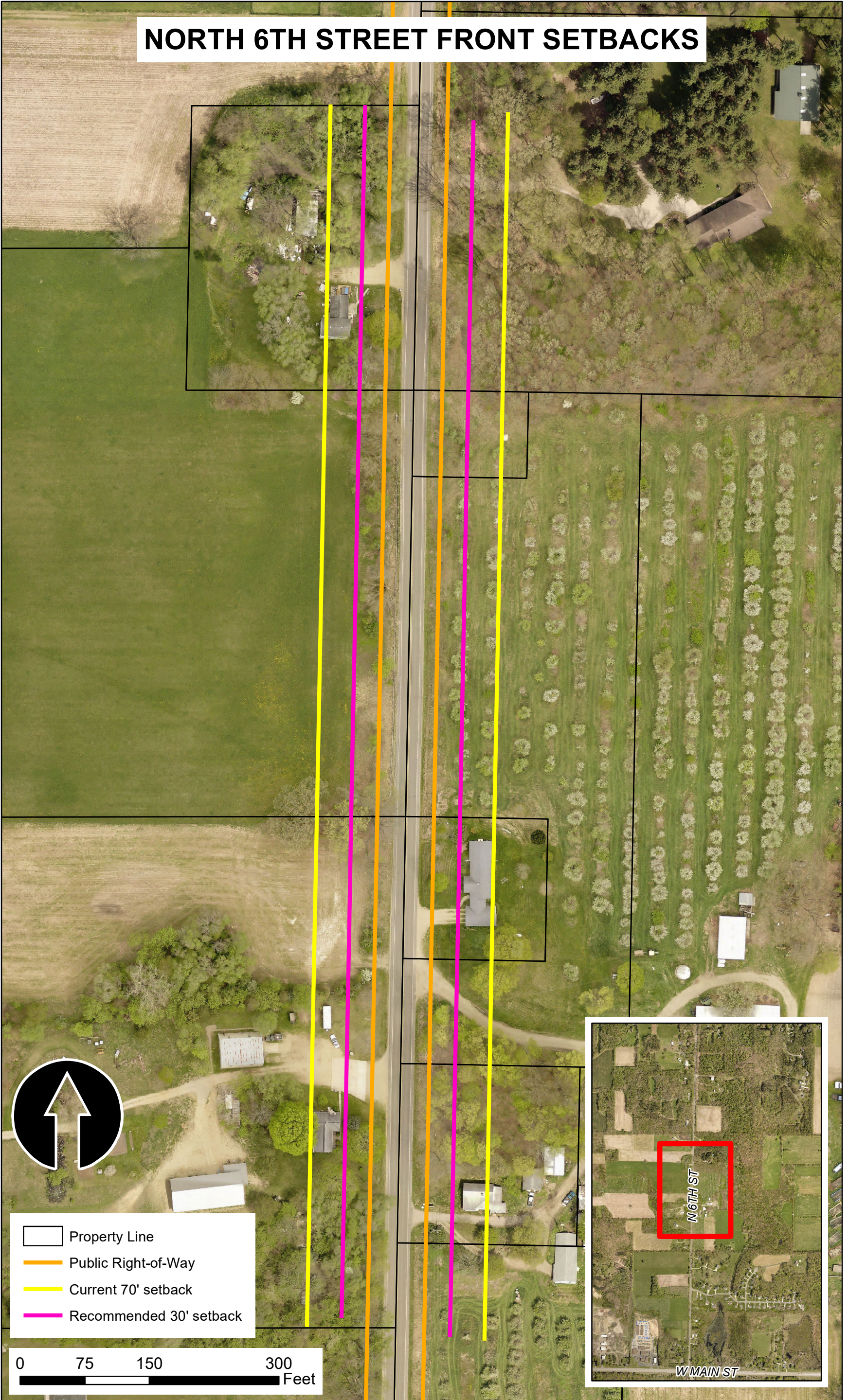
SCALE 1" = 5000'



PRIMARY ROAD SYSTEM IS 41.87 MILES  
LOCAL ROAD SYSTEM IS 30.90 MILES

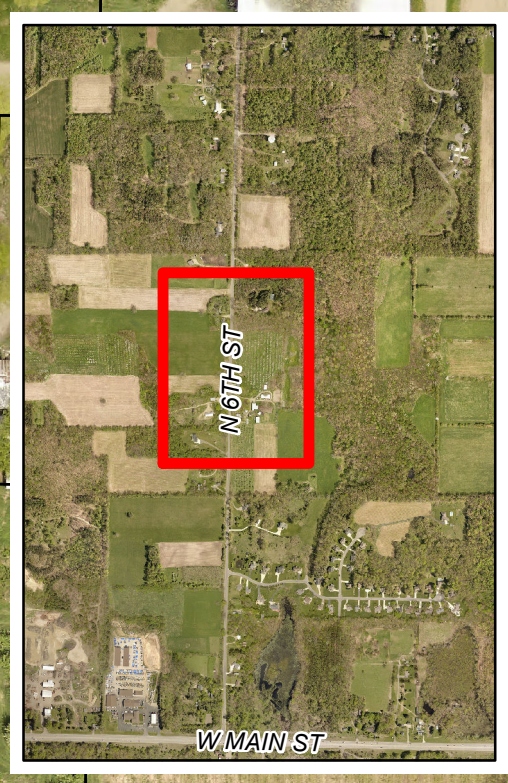


# NORTH 6TH STREET FRONT SETBACKS



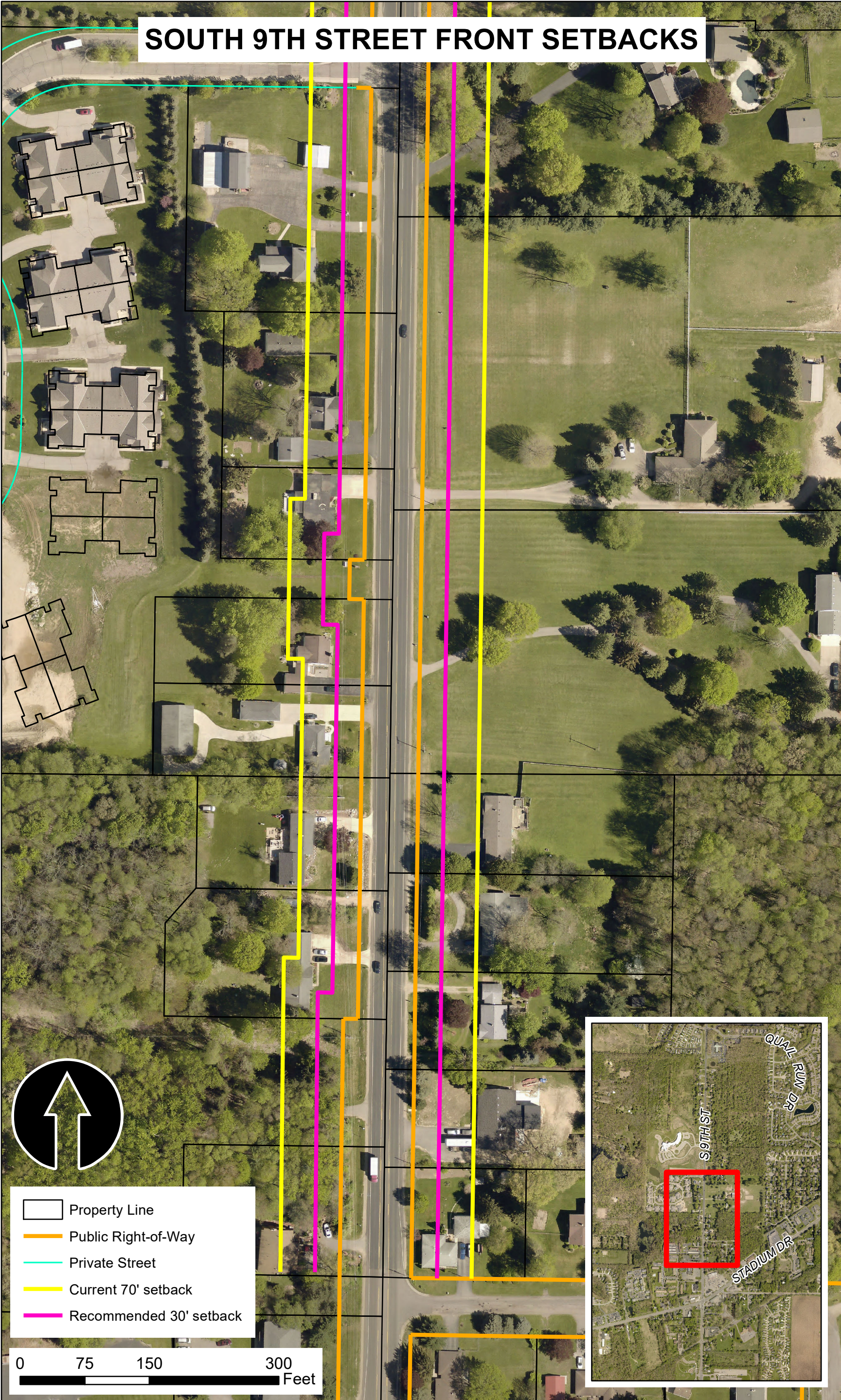
- Property Line
- Public Right-of-Way
- Current 70' setback
- Recommended 30' setback

0 75 150 300 Feet



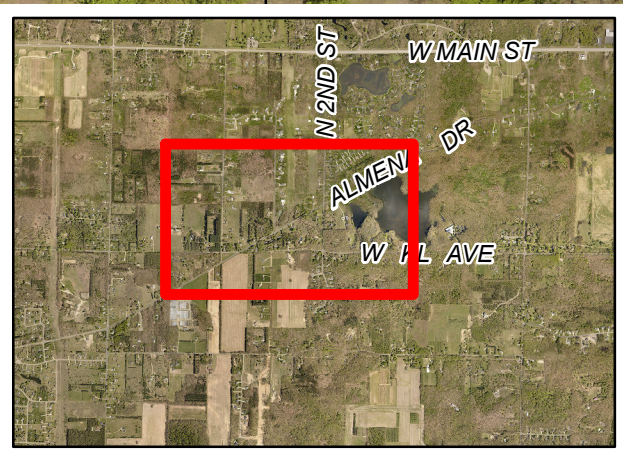
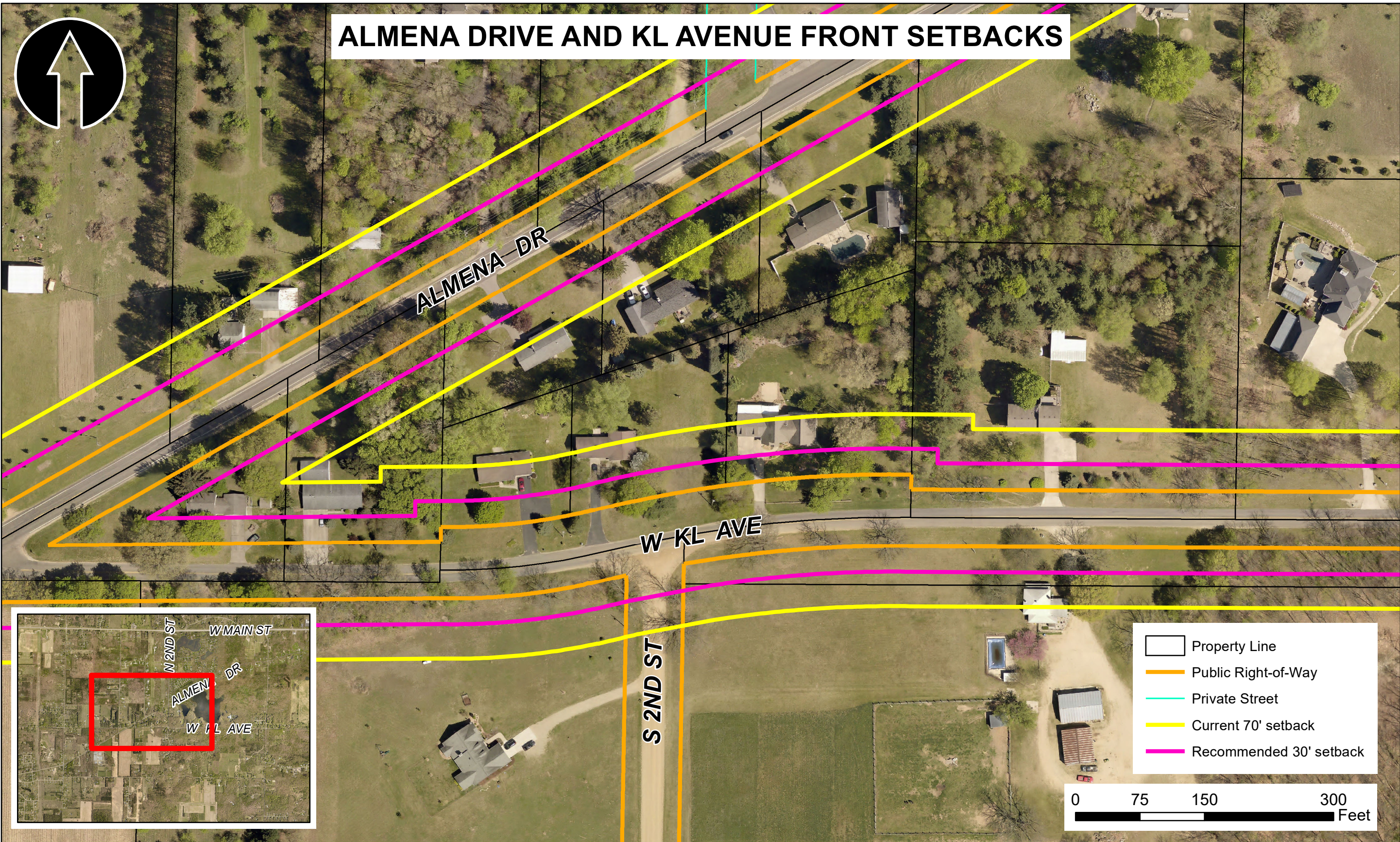
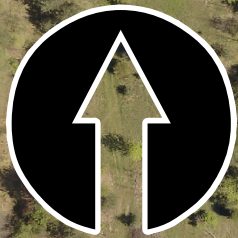


# SOUTH 9TH STREET FRONT SETBACKS

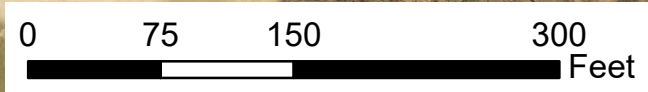




# ALMENA DRIVE AND KL AVENUE FRONT SETBACKS



- Property Line
- Public Right-of-Way
- Private Street
- Current 70' setback
- Recommended 30' setback







## Memorandum

To: Oshtemo Township Planning Commission

From: Adam Young, AICP

Date: September 5, 2018

Subject: Recommended Zoning Ordinance Enhancements through the Addition of Tables and Graphics

As you know, we have been providing assistance to the Planning/Zoning Department relative to the Township's zoning ordinance reorganization effort. As part of our scope of work, we are going to be preparing a series of tables and graphics that would be helpful to highlight and/or illustrate key zoning ordinance regulations. After reviewing your zoning ordinance, we have developed a preliminary listing of recommended tables/graphics for your consideration. Please share any comments or suggestions related to this list. Once the list is finalized, we will begin preparing the tables and graphics for your review.

1. Illustrations to clarify certain definitions, such as:
  - Height (building height)
  - Floor area (gross/net)
  - Lots (width/depth)
  - Yards (front/rear/side)
2. Development Standards Tables (See Example A)
  - Prepare one table for each zoning district, which highlights the relevant requirements of Section 64.000.
3. Development Standards Illustrations (See Example B)
  - Prepare one plan-view graphic for each zoning district, illustrating the relevant requirements of Section 64.000.
4. Accessory Building Regulations Illustration (See Example C)
  - Prepare a plan-view graphic illustrating selected requirements of Section 78.800 and Section 78.810.

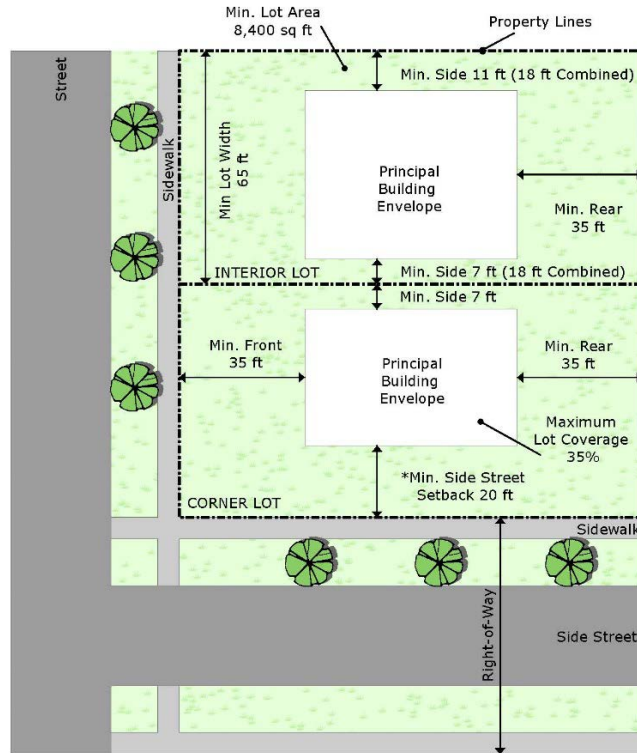
5. Use Matrix (See Example D)

- Prepare a Use Matrix that groups and lists all permitted uses and indicates the zoning districts where they are permitted. An alternative is to prepare a Use Matrix for each grouping of zoning districts (i.e., residential districts, commercial districts).

**Example A**  
**Development Standards Table**

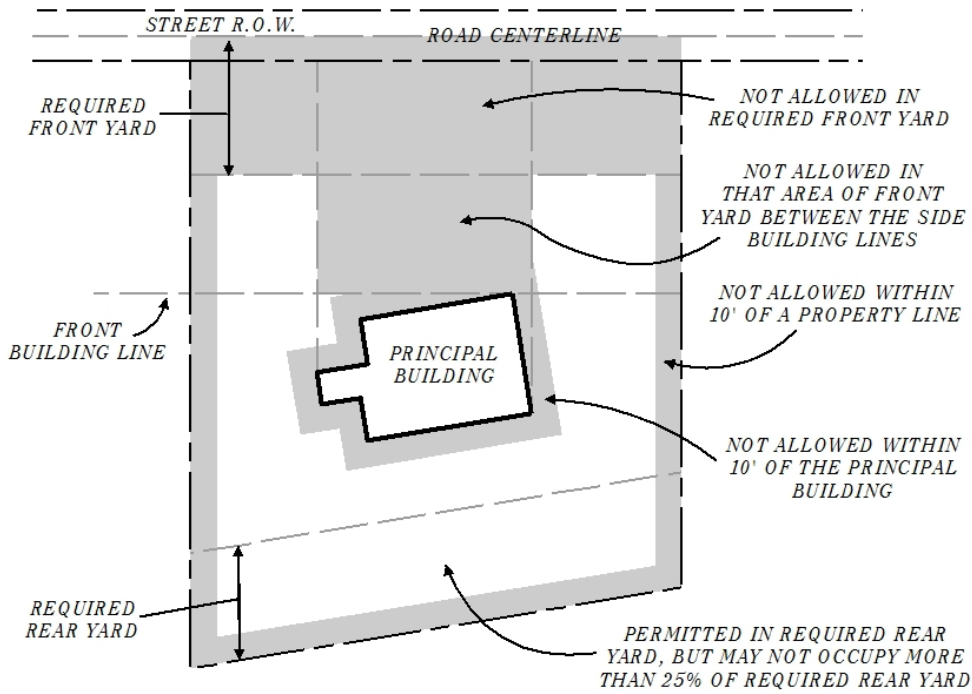
Table 3.03 Single-Family Residential Districts Area, Height & Placement Requirements											
Zoning District	Minimum Zoning Lot Size Per Unit (a)		Maximum Height of Buildings		Minimum Yard Setbacks (Ft.) (d, e, f)				Minimum Floor Area Per Unit (sq. ft.) (k)	Maximum Percent of Lot Area Covered (l)	
	Area (sq. ft.)	Width (ft.)	Stories	Feet (c)	Front (g, h, i)	Sides		Rear (j)		All Buildings (%)	All Impervious Surface (%)
						Least One	Total Both				
R-1A	15,000 (m)	100 (m)	2.5	30	35	10	25	50	1,800	25	65
R-1B	9,600	80	2.5	25	25	8	20	35	1,500	30	65
R-1C	7,200	60	2.5	25	20	5	15	25	1,350	30	75

**Example B**  
**Development Standards Plan-View Illustration**



\*The side street setback on a corner lot is 20ft if there are houses fronting on the side street.

### Example C Accessory Building Regulations Illustration



### Example D Use Matrix

USES	R-1	R-2	R-3	R-4	R-5	R-6	R-7	ER	B-1	B-2	B-3	RO-1	I-1	I-2	I-3	PUD-1	PUD-2	PUD-3	ADDITIONAL STANDARDS
<b>RESIDENTIAL USES</b>																			
Single-family dwellings	P	P	P	P	P		P	P								P			90-309
Two-family dwellings			P	P	P		P									P			
Multiple-family dwellings, including apartments, townhouses, and row houses				P	P		P			SPU						P			90-416A(3) 90-431A(2)
High-rise multiple family					P														90-422(2)
Convalescent and nursing homes				P	P		SPU									P		P	
Foster care group homes				P	P		SPU											P	
Boardinghouses				P	P		SPU			SPU						P			90-408B(14) 90-507
Mobile homes	P	P	P	P	P	P	P	P								P			90-307
Mobile home parks						P													
Attached condominiums				P	P		P									P			90-509
Multi-family housing for medical professionals.																		SPU	90-416A(3)
Residential facilities to house persons on parole or probation														SPU					90-325
<b>INSTITUTIONAL, RECREATIONAL, and PUBLIC USES</b>																			
Churches/church facilities	P	P	P	P	P	P	P	P		SPU						P			

**P = Permitted Use**  
**SPU = Special Permitted Use**