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**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

**WORK SESSION
Thursday, September 26, 2019
6:00 p.m.**

AGENDA

1. Call to Order
2. Approval of Agenda
3. Public Comment on Non-Agenda Items
4. Approval of Minutes: September 12, 2019
5. Village Theme Development Plan Discussion
6. Maple Hill South Overlay Zone
 - a. Discussion on density and open space
7. Any Other Business
8. Planning Commissioner Comments
9. Adjournment

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

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

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), 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
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Township Department Information		
<u>Assessor:</u>		
Kristine Biddle	216-5225	assessor@oshtemo.org
<u>Fire Chief:</u>		
Mark Barnes	375-0487	mbarnes@oshtemo.org
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Rental Info	216-5224	oshtemo@oshtemo.org
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Julie Johnston	216-5223	jjohnston@oshtemo.org
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Marc Elliott	216-5236	melliott@oshtemo.org

**OSHEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD SEPTEMBER 12, 2019

Agenda

**PUBLIC HEARING: AMENDED KEEPING OF LIVESTOCK AND HONEY BEES
ORDINANCE**

**CONSIDERATION OF THE DRAFT “KEEPING OF LIVESTOCK AND HONEY BEES”
ORDINANCE FOR RECOMMENDATION TO THE TOWNSHIP BOARD**

OLD BUSINESS

- a. **Flags and Flagpole Ordinance Draft**
 - b. **Village Theme Development Plan – Draft Review**
-

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, September 12, 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
Keshia Dickason
Dusty Farmer, Secretary
Micki Maxwell
Mary Smith, Vice Chair

Also present were, Julie Johnston, Planning Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. 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. and invited those present to join in reciting the “Pledge of Allegiance.”

Agenda

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

Public Comment on Non-Agenda Items

Ms. Melissa Skowronski on behalf of her brother, Brian Pierce, asked if there were plans for the Township to opt into allowing medical or recreational marijuana businesses.

Attorney Porter said the Planning Department was looking into developing an ordinance. An initial draft would include licensing issues and locations for consideration.

Ms. Johnston added it would take some time to draw up an initial draft which would be up to the Planning Commission and the Township Board to consider and decide whether or not to adopt it.

Chairperson VanderWeele said they would provide notification when this issue was considered.

Approval of the Minutes of August 22, 2019

Chairperson VanderWeele asked if there were any additions, deletions or corrections to the Minutes of August 22, 2019. One typo was noted.

Mr. Commissaris made a motion to approve the Minutes of August 22, 2019 as presented with the correction as noted. Ms. Dickason supported the motion. The motion was approved unanimously.

PUBLIC HEARING: KEEPING OF LIVESTOCK AND HONEY BEES ORDINANCE CONSIDERATION OF THE DRAFT KEEPING OF LIVESTOCK AND HONEY BEES ORDINANCE FOR RECOMMENDATION TO THE TOWNSHIP BOARD

Chairperson VanderWeele asked Ms. Johnston for her review of the ordinance.

Ms. Johnston reviewed the process, saying in February a resident came to a Planning Commission meeting requesting the Township consider allowing the keeping of bees as a permitted use. In reviewing the Zoning Ordinance, bees were not addressed and therefore were not permitted.

Staff worked with the Township Attorney, Zoning Administrator, and Ordinance Enforcement Officer to update the Keeping of Animals Ordinance to the proposed "Keeping of Livestock and Honey Bees" Ordinance. Review of generally accepted agricultural management practices for both animals and honey bees, other community ordinances, particularly within Southwest Michigan, were considered. The resulting drafts were considered at several meetings.

The Planning Commission reviewed the requested amendments to the draft Ordinance at their July 25th and August 8th meetings. Ms. Johnston listed the several

changes made to the Ordinance based on these meetings and said that with these final changes, staff felt the draft Ordinance was ready for the required public hearing. She suggested that at the close of the public hearing, the draft Ordinance be forwarded to the Township Board with a recommendation of approval.

Chairperson VanderWeele determined there were no questions from Commissioners nor any comments or questions from the public and moved to Board Deliberations.

Attorney Porter confirmed for Ms. Smith that it was not expected there would be problems with bees being kept on a quarter acre lot, that a fly away barrier mitigates that problem. He commented this ordinance applies to recreational, not commercial beekeeping.

Ms. Johnston noted if, in the future, a problem is determined with smaller lots the ordinance can be revisited.

Hearing no further comments, Chairperson VanderWeele asked for a motion.

Ms. Maxwell made a motion to recommend approval of the proposed Ordinance as amended to the Township Board. Ms. Dickason supported the motion. The motion was approved unanimously.

OLD BUSINESS

Chairperson VanderWeele asked Ms. Johnston for her presentation on the Flags and Flagpole Ordinance.

a. Flags and Flagpole Ordinance

Ms. Johnston said to better regulate flags and flagpoles, staff suggested adding a section to Article 57: Miscellaneous Protections Ordinance. In developing Section 57.140: Flags and Flagpoles, staff reviewed other community ordinances, as well as websites of flag manufacturers for typical sizes for residential and commercial uses. The proposed draft ordinance was reviewed by the Township Attorney, Zoning Administrator, and Ordinance Enforcement Officer.

At the August 22nd Planning Commission meeting, a few changes were requested of the draft Ordinance. These changes were:

- Flag poles will be allowed in any yard as long as the flag, when flying open, is fully on the subject property.
- Flags sized 15 feet by 25 feet, which is in the current Ordinance, will be allowed for nonresidential uses.

Staff also made some minor organizational changes to the draft Ordinance which were pointed out and sections to be removed/amended were noted.

There was discussion of side and back yard placement rationale and the desire to not infringe on neighboring property.

Attorney Porter said there could be a limitation on side/rear yard and the side line of the front yard. For example a 12 foot flag would be placed 12 feet from the property line to avoid its flying over a neighbor's property when outstretched.

In answer to a question about lighting, Ms. Johnston said that is addressed in the lighting ordinance.

Ms. Smith suggested "front yard" should be defined as the yard adjacent to the lake for lakefront property.

There was also discussion of what height pole should be allowed. The consensus was a flagpole should be less than 30 feet tall in a residential district. Taller should be allowed only on non-residential property. In addition, it was agreed the pole fall height should be no taller than what would remain on the owner's residential property if the pole were to fall.

Ms. Johnston said she would make changes to reflect board discussion and return the revised document to the October 10 meeting for any further changes and a public hearing.

Chairperson VanderWeele moved to the next agenda item and asked Ms. Johnston for her presentation.

b. Village Theme Development Plan

Ms. Johnston said within the Township, the historic Oshtemo Village area developed at the intersection of Stadium Drive and 9th Street. This community was often referred to as a village, although it never incorporated as such.

In 2017, the Downtown Development Authority (DDA) began to become concerned with the lack of new development happening with the Village, which is within the Authorities' boundaries. Development seemed to be happening in earnest in other areas of the Township, but not the Village. Discussions related to the Village Form-Based Code Overlay and its possible impact on new development was outlined as a primary concern. The Village Form-Based Code Overlay is intended to re-create the Village area based on traditional urban design standards of a walkable, mixed-use community.

The Village Form-Based Code was a result of the Village Theme Development Plan, which was originally adopted in 2006. The DDA felt that a review of the 2006 Plan was needed because of the public process utilized to create the Plan and ultimately the Village Form-Based Codes. The DDA wanted the public, property owners, business owners, etc. from within the Village, as well as throughout Oshtemo Township, the opportunity to weigh in on any possible changes to the Plan.

The 2018 draft of the Village Theme Development Plan is intended as an update to the 2006 Plan and represents a critical review of the original Village Theme Development Plan and sought to consider and accomplish the following:

1. Gather citizen and stakeholder opinions to confirm the preferred vision for the village and evaluate the effectiveness of the Plan.
2. Investigate the perception that development within the village has been limited, in comparison to development elsewhere in the Township and region, since the original adoption of the Plan.
3. Review changing conditions that may impact development within the village, such as economic trends, demographic/lifestyle preferences, traffic/recent road improvements, and pedestrian connectivity efforts.
4. Recognizing that the local road network is under the jurisdiction of the County, consider the impact that County street design policies have on the existing and planned character of development within the village.
5. Evaluate and outline necessary changes to currently adopted zoning regulations to ensure that such regulations facilitate development which contributes to the desired mixed-use character of the village.

Public input was garnered throughout the review and development of the 2018 Plan. A subcommittee of four members from the DDA and four members of the Planning Commission was formed to help guide the public input process, review the draft plans, and make recommendations on changes.

Stakeholder interviews were held in May of 2017. Some of these were one-on-one interview sessions and some were in small groups. The stakeholders represented varying interests, including citizens, township leaders, property owner, business owners, and real estate / development community representatives. Two workshops were also held. The first occurred in June of 2017, which was focused on visioning exercises for the Village area. The second workshop was in October of 2017 and provided a series of development/redevelopment scenarios for the Village area, asking participants to evaluate the merits of each scenario.

At the conclusion of the public process in October of 2017, the draft of the 2018 Village Theme Development Plan was completed. In order to ensure the Planning

Commission and Township Board were up to date on the direction of the Plan, it was presented at a joint Board meeting in February of 2018. At that meeting, there was some concern related to lessening the requirements to construct buildings immediately adjacent to the street right-of-way and allowing parking within the front yard. The current Form-Based Codes (based on the 2006 Village Theme Development Plan) require buildings to construct to a build-to line, which is generally the edge of the street right-of-way and parking lots are prohibited in the front yard.

At the conclusion of the joint meeting, it was decided the Village Theme Development Plan should be included in the Planning Commission's work plan. It was determined the subcommittee had taken the Plan as far as it could, and it was time for the Commission to complete their review. Due to work loads, the Plan has not been included on the Commissions agenda. However, in July of this year, the DDA specifically requested the Planning Commission review the Plan, make any possible changes/additions needed, and forward to the Township Board for approval.

There was extended board discussion regarding the development of the Plan and the recommendations for zoning changes and more background was provided.

Ms. Johnston said DDA income needed for improvements to the village area is dependent upon new development. Strict adherence to the Form Based Code has resulted in very little new development in the Village because some of the restrictions have been seen as too costly and not workable by developers.

Examples of restrictions that could be changed in the zoning ordinance to loosen some building type requirements to improve the climate for developers include setbacks and parking.

Mr. Rich MacDonald, of Hinman Corporation, Vice Chair of the DDA and a member of the special committee, spoke to the Board.

He told them Hinman Company, owner of property at the corner of 9th and Stadium, prides itself on great development projects and exceptional architecture. They acquired the property for development, but the current ordinances and street infrastructure, make it impossible to develop. The County Road Commission controls the speed limits on Stadium Drive. The large volume of traffic moving swiftly is in opposition to the vision of the current Village Theme Development Plan.

Mr. MacDonald said he appreciated the issue being brought up again, that development is handcuffed, and that Planning Commission and Township Board guidance is needed to move forward.

Ms. Johnston said ultimately the Plan would allow changes to zoning. She listed three options to consider:

1. Keep the Form Based Code with a few changes

2. Convert the Form Based Code to an Overlay District and re-work much of the District
3. Eliminate the Form Based Code altogether

It was decided Ms. Johnston would return to the September 26 meeting with an updated zoning chart outlining the recommended changes for discussion.

Chairperson VanderWeele asked that she bring a list of modifications made for the Memory Care facility that allowed building to occur. He asked Mr. MacDonald for a letter from the Hinman Company detailing what changes were needed to make development in the Village viable for them.

ANY OTHER BUSINESS

Ms. Johnston informed Commissioners the Township Board adopted the Lighting Ordinance at their last meeting.

PLANNING COMMISSIONER COMMENTS

Ms. Farmer said the Township is now offering the opportunity for all citizens to join a permanent absentee voter list to allow them to vote from home and encouraged their participation.

Ms. Johnston said she may have news on the Planning Director position and her exit date at the next meeting.

ADJOURNMENT

Hearing no further comments, Chairperson VanderWeele adjourned the meeting at approximately 7:35 p.m.

Minutes prepared:
September 14, 2019

Minutes approved:
_____, 2019

September 17, 2019



Mtg Date: September 26, 2019
To: Planning Commission
From: Julie Johnston, AICP
Subject: Review of Draft Village Theme Development Plan

At the September 12th Planning Commission meeting, more information was requested on the impact of the possible zoning changes the draft Village Theme Development Plan recommended for the Form-Based Code Overlay. Staff took the matrix provided by Wade Trim and added a section to try and explain the probable outcomes of the zoning change.

In addition, a request was made related to the two projects that have developed within the Form-Based Code Overlay area – the memory care center on Stadium Drive and the veterinary hospital on Parkview Avenue. Information related to the deviations from the Form-Based Code for these projects has been provided, as well as the Planning Commission minutes from those meetings.

Finally, a copy of the Form-Based Code has been provided. Those sections recommended for change and/or elimination have been marked within the code. These amendments may also require additional text changes. A full review of the Overlay will need to be conducted and changes recommended if the draft Village Theme Development Plan is adopted.

Thank you.

OPTIONS FOR OVERALL APPROACH TO ZONING AMENDMENTS

Option 1 - Keep FBC generally as-is but incorporate modifications to certain sections (see below).	Viable Option	Staff preferred option.
Option 2 - Convert FBC to an overlay district, keeping certain sections and eliminating others. Sections which could largely be eliminated, include: Building Type Distribution (34.420) Building Type Standards (34.500-34.580) - Significant consolidation could occur Street Types and Standards (34.510 through 34.580)	Viable Option	
Option 3 - Eliminate FBC entirely and refer to traditional zoning districts.	Not Recommended	

RECOMMENDED AMENDMENTS BY FBC SECTION

FBC Section	Description	Recommendation	Result of Change
Build-to-Line Standards - Table 34.2	Outlines specific build-to-lines by regulating district	Keep current build-to-lines as recommended but allow flexibility for consistency with established setbacks and to allow for limited vehicular access/parking. Prescribe public benefits to be provided and design standards to be followed if vehicular access/parking is provided in front.	Would permit buildings to be setback farther from the street to allow one row of parking in the front yard. Specific design standards would need to be met to allow the parking, for example, some type of landscaping/screening with a fence to enhance views from the road right-of-way. This could change the desired look of the Village to one that is more of a corridor than a downtown.
Building Type Standards - Section 34.50	Outlines design requirements for specific building types, such as "storefront buildings"	Keep most requirements in place, but incorporate amendments related to the build-to-lines to allow flexibility for certain building types.	This section would only need to be changed to allow for the revised setbacks that would allow one row of parking.
Street Types and Standards - Section 34.70	Requires new public streets to be developed as shown on the regulating plan map. Outlines specific design standards for these new public streets.	Primarily due to the lack of local jurisdiction of streets, these provisions should largely be deleted from the FBC. Instead, the proposed street circulation network and recommended design standards should be kept to the Village Theme Development Plan, and the Township/DDA should coordinate future improvements with the RCKC.	This section can be eliminated entirely. The Township cannot force developers to make aesthetic improvements within the road right-of-way. This should be work for the DDA/Township with the RCKC.
Other Street Design Standards & Access Management - Section 34.70.D	Outlines more standards related to street design and the interface between the private realm and the public street.	Generally, the street design standards should be deleted (i.e., bump-outs, turn lanes, curb radius) as they fall under the jurisdiction of the RCKC. Standards related to the interface between the private realm and public street should be kept (i.e., clear vision, sidewalk crossings/pass-throughs, required streetscape improvements, and access management standards).	Only those items the private developer have control over would be regulated – i.e. access management, clear vision, etc. The street design standards would be eliminated.

RECOMMENDED AMENDMENTS BY FBC SECTION

FBC Section	Description	Recommendation	Result of Change
Parking Setbacks - Section 34.80.B	Outlines setback standards for off-street parking.	Amend to provide more flexibility to allow limited vehicular access and parking within the front and side yards (one stall only) and to prescribe public benefits to be provided and design standards to be followed if vehicular access/parking is provided in front.	Would change the location of buildings, allowing them to be setback farther from the road to allow for the one row of parking. As stated before, this alters the desired look of the Village from a traditional "downtown."
Drive Throughs - Section 34.80.B.6	Outlines standards for drive-through facilities.	Eliminate special exception use approval for drive-throughs, unless allowed only as a special exception use in the underlying zoning district. Amend to provide more flexibility to allow drive-throughs in the side yards only and prescribe design standards to be followed if drive-throughs are provided in the side yard.	<p>Drive through facilities are not allowed for restaurants at all in the Form-Based Code Overlay. Other uses may have a drive through as long as it is located within the rear yard. The pharmacy drive through for the Harding's received a variance to be allowed in the front yard.</p> <p>This change would allow drive throughs within the side yard if certain design standards were met. Discussion will need to be had regarding drive throughs for restaurants.</p>
Modifications - Section 34.90	Stipulates which FBC provisions are "modifiable" and outlines procedures for the approval of modifications to the FBC.	Consider increasing the modifiable standards, lessing the need to send requested modifications to the ZBA. Other revisions to this section will be necessary based on the recommended changes above.	<p>Provides for more flexibility at the Planning Commission level.</p> <p>Reduces the need for variances, which would be very difficult to get on new developments.</p>

Projects Developed under the Form-Based Code Overlay

Memory Care Center – Stadium Drive

Staff Report Comments:

Height of the structure was increased to have the appearance of two stories – only one story developed.

Allowed double row of parking in the front yard if it is screened from the roadway by a decorative fence. An ornamental fence was provided that includes brick columns and black rails.

Two departures from the Form-Based Code were reviewed and granted by the Planning Commission, as follows:

1. **Standard:** *Courtyard apartment-type buildings shall be located no further than 70 feet from, or nearer than 15 feet to, the public right-of-way.*

Requested modification: Due to the odd shape of the subject parcel, and also given the fact that the Fire Marshal requires an access lane around the entirety of the structure, the applicant was only able to locate approximately half of the structure's frontage within the prescribed build-to zone. In order to achieve full compliance, the building's footprint would have to incorporate odd angles, potentially compromising its traditional aesthetic, and the Fire Marshal would have to forego the needed perimeter access route. Staff viewed the current building placement as a reasonable compromise between ordinance compliance and practicality.

2. **Standard:** *Per section 34.640.B.c of the Zoning Ordinance, no windows shall be placed within 36 inches of any building corner (it is staff's understanding that this was codified in order to discourage certain types of modern architectural styles).*

Requested modification: The majority of the structure complies with this requirement, except for two areas that were designed to resemble traditional conservatories, which customarily have very sparse window framework, and conversely an abundance of glass, in order to let in more natural light. As such, the windows in these two areas are placed much closer than 36 inches to the associated building corners, but the resulting affect is aesthetically pleasing and traditional, nonetheless. Staff supported this approach, as the intent of the overlay is soundly upheld by this design decision.

Oshtemo Vet Hospital – Parkview Avenue

Staff Report Comments:

- **Building Frontage.** At this location, a building must front on 40% of the street frontage. This means that the building must be located between 5 and 10 feet of the front property line for 40% of the width of the lot. The proposed development only occupies 32.3% of the street frontage. This portion will be located 10 feet from the front property line. The building then steps back 10 feet and the remainder of the building sits 20 feet from the property line.

Although this does not meet the Ordinance standard, building frontage is identified as a modifiable standard (See Section 34.920). Therefore, the Planning Commission can accept the proposed development in accordance with the modification procedure. Considering that this is the first development along this building frontage and will be located considerably closer to the road than any of the other existing buildings along the road, the proposed building design and site layout appears reasonable and will aid in the transition to the new standard.

- *Interior Side Yard Setback.* The interior side yard setback in the Village Fringe is 10 feet. However, the Planning Commission may approve a reduction in the setback all the way down to zero feet provided the structure conforms to necessary building code requirements. Along the east property line, the building is proposed to be located 7.5 feet from the property line. Therefore, the Planning Commission shall consider the proposed setback and whether it is comfortable with the reduction. If so, any approval should highlight the potential for additional Building Code requirements.
- *Façade Transparency.* Fifty percent of the street level façade and 30% of the upper story façade is required to be occupied by windows. The area of the façade at street level is measured between 2 and 8 feet above the finished grade. Within this area, a total of 231 square feet of windows is required. The applicants have indicated that 202 square feet of windows / doors are provided. This is not a modifiable standard and will require a variance if not altered to meet the requirement.
- *Building Height.* Workplace buildings shall give the appearance of building two stories in height. Even if they are one story, the use of design techniques such as steep roofs and false windows are encouraged to provide such an appearance. The proposed building is primarily a one-story building. A storage / attic level is proposed above the main office under the steep roof pitch to make use of the space that is provided by the roof pitch. Although the space is being finished, the applicants have indicated that it is not intended to be used for anything other than storage and is strictly a mezzanine type space.

We concur with this distinction as this is also consistent with the definition of floor area in the Township Zoning Ordinance. For the purposes of defining floor area, storage and mezzanine areas are not considered usable space and therefore not included in the calculation of net floor area. The use of the steep roof pitch and the “false” windows on the upper level provide for the two-story appearance.

- *Floor Height.* The ground story of workplace buildings shall have a minimum floor height of 12 feet. This is measured from the floor of the ground story to the floor of the story above. The proposed building design has a floor height of the ground story of 11 feet 1-1/8 inches. The purpose of this requirement is to ensure more traditional scale and design of buildings. (A shorter floor height contributes to a more horizontal, contemporary character.) Although shy of the floor height requirement, the applicants have still achieved this intent. Unfortunately, however, this is not a modifiable requirement.
- *Window Arrangement.* Section 34.640.B.2.c requires that windows be no closer than 36 inches to building corners. Again, this is a traditional design technique hoping to get away from contemporary design practices. Some of the windows in the proposed design will be located closer than 36 inches to building corners. It appears that the closest is two feet. While this does

not meet the specific standard, it still satisfies the general design intent and traditional style. As with all architectural standards, this is a modifiable requirement.

The Planning Commission approved the following:

- Reduction in the amount of building that fronted on the street frontage from the required 40% to 32.3%.
- Smaller interior side yard from 10 feet to 7.5 feet.
- Required three additional windows to be added to the building façade. No information on square footage or whether the required 231 square feet of transparency was met (see meeting minutes).
- Building is one story with a mezzanine – but height gives the appearance of two stories.
- Agreed to not count the mezzanine as a “floor” to allow the floor height to reach 12 feet, which is required by the code.
- Some of the windows did not meet the requirement to be no closer than 36 inches to building corners. The Planning Commission agreed the overall design intent was met without needing to change window placement.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD FEBRUARY 9, 2012

Agenda

OSHTEMO VETERINARY HOSPITAL – SPECIAL EXCEPTION USE AND SITE PLAN APPROVAL – CONSTRUCT A NEW VETERINARY HOSPITAL IN FRONT OF EXISTING OSHTEMO VETERINARY HOSPITAL – 6303 PARKVIEW AVENUE IN “VC” VILLAGE COMMERCIAL DISTRICT AND VILLAGE FORM BASED CODE OVERLAY DISTRICT – (PARCEL NO. 3905-35-210-025)

UPDATES TO COMMUNITY PROFILE CHAPTER OF MASTER PLAN BASED ON CENSUS 2010 RESULTS

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, February 9, 2012, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Kitty Gelling, Chairperson
Carl Benson
Dave Bushouse
Millard Loy
Wiley Boulding, Sr.

MEMBERS ABSENT: Bob Anderson
Richard Skalski

Also present were Greg Milliken, Interim Planning Consultant; Attorney James Porter, and approximately six other interested persons.

Call to Order and Pledge of Allegiance

The meeting was called to order by the Chairperson at approximately 7:00 p.m., and the “Pledge of Allegiance” was recited.

Agenda

The Chairperson asked if there were any changes to the Agenda. Hearing none, she called for a motion to approve the Agenda, as submitted. Mr. Loy made a motion to accept the Agenda as submitted. Mr. Benson seconded the motion. The Chairperson called for a vote on the motion, and the motion passed unanimously.

Public Comment on Non-Agenda Items

The Chairperson called for public comment on non-agenda items. There being none, she asked that the Planning Commission move to the next matter.

Minutes

The Chairperson asked if there were any revisions to the minutes of January 26, 2012. Mr. Boulding, Sr. said that the second reference to "Mr. Boulding, Sr." on page 5, first paragraph, should be "Mr. Buttlemann." With that correction, the Chairperson called for a motion. Mr. Benson made a motion to approve the minutes, as amended. The motion was seconded by Mr. Boulding, Sr. The Chairperson called for a vote on the motion, and the motion passed unanimously.

OSHTEMO VETERINARY HOSPITAL – SPECIAL EXCEPTION USE AND SITE PLAN APPROVAL – CONSTRUCT A NEW VETERINARY HOSPITAL IN FRONT OF EXISTING OSHTEMO VETERINARY HOSPITAL – 6303 PARKVIEW AVENUE IN “VC” VILLAGE COMMERCIAL DISTRICT AND VILLAGE FORM BASED CODE OVERLAY DISTRICT – (PARCEL NO. 3905-35-210-025)

The Chairperson said the next item for consideration was a special exception use and site plan approval for the Oshtemo Veterinary Hospital. She said the Planning Commission was being asked to conduct a special exception use and site plan review for the application submitted by Bosch Architecture to construct a new veterinary hospital in front of the existing Oshtemo Veterinary Hospital at 6303 Parkview Avenue, in the "VC" Village Commercial District, as well as the Village Form Based Code Overlay District, Parcel No. 3905-35-210-025. The Chairperson called for a report from the Planning Department. Mr. Greg Milliken, Interim Planning Consultant, submitted his report to the Planning Commission dated February 9, 2012, and the same is incorporated herein by reference.

Mr. Milliken proceeded to take the Planning Commission through his report, outlining the applicant's request for a 3,638 square foot veterinary hospital at the site of their existing facility on Parkview Avenue. Mr. Milliken took the Commissioners through a review of the Village Form Based Code Overlay District conditions, outlining what had to

be done with regard to the Development Standards, Building Type Standards, as well as Architectural Standards and Street Standards. He concluded his Village Form Based Code Overlay District analysis by reviewing other plan review items as set forth on page 5 of his report, including the parking, landscaping, dumpster, engineer and Fire Department review and approval. He then took the Commission through a review of the special exception use criteria contained in Section 60.100 of the Zoning Ordinance.

Once Mr. Milliken had reviewed the special use proposed with the Planning Commission, he then proceeded to take the Commissioners through a review of the site plan and provided his recommended conditions to the site plan as set forth on pages 6 and 7 of his report.

As the conclusion of Mr. Milliken's report, the Chairperson asked if there were any questions. Hearing none, she asked to hear from the applicant.

Mr. Nick Loeks introduced himself on behalf of Bosch Architecture. Mr. Loeks complimented Mr. Milliken on his representation. He said he thought Mr. Milliken had covered all the issues quite thoroughly and indicated he was prepared to answer any Planning Commission questions.

The Chairperson began by asking about the storm water issues raised in Mr. Milliken's report. Mr. Loeks said he agreed with the Township's engineer that there was a need to modify the southern part of the property. He said, in order to reduce the cutting of trees, they would be placing a swale along the temporary drive to the south, approximately 10-12 feet wide and 2-3 feet deep to take the storm water runoff from the building site.

The Chairperson asked about retail sales on site. Mr. Loeks said retail sales would be very minor, consisting of dog food, pet supplies and specific dietary requirements. The Chairperson also asked if there would be regular boarding of animals on site. Mr. Loeks deferred to Dr. Heckaman who provided that there would not; only hospitalized animals would be kept on site such as those having had surgery or in need of IV's.

Mr. Benson asked a question with regard to ADA requirements. Mr. Loeks said the only place which was not fully ADA accessible was the mezzanine, which was permitted, and the rest of the structure would fully comply with ADA requirements.

Mr. Loeks said, with regard to the façade transparency issue and the need to meet the Form Based Code, they could put two or three additional windows in the doctor's office in order to meet the required 231 square feet of window area. After a brief discussion of the Planning Commission members and the Township Interim Planning Consultant, it was agreed that adding the additional windows to the office would suffice to meet the facade transparency requirements.

Mr. Loeks then raised a question regarding building height. He said if the mezzanine did not count as a separate floor, he was wondering if they could keep the floor height at 11 feet 1½ inches versus the 12 feet being requested.

Mr. Benson said, returning to the issue of transparency, that he was not sure how the additional windows would add to the facade transparency. He said he did not have a problem with what was proposed or with the variance, but he was not sure how the additional windows would help with the façade. Mr. Loeks said, if you looked at it from a 3D standpoint, i.e., traveling from west to east, one would see that it is part of the façade. Attorney Porter said he thought it depended upon the angle at which one looked at the building, and he believed it could be considered part of the façade. Mr. Benson said, coming from the west, it would not be visible. Mr. Loeks had to concede that point. However, there was a consensus among the Planning Commission members that the office building was part of the facade.

Mr. Loy asked about putting a drain in and filling in the ditch area. Mr. Loeks said they had looked at that as a possibility, but it still would not help them meet the tree planting requirements.

The Chairperson asked if they could discuss the escrow agreement. Dr. Heckaman, on behalf of the Oshtemo Veterinary Hospital, asked if they could, rather than escrow funds, reach an agreement with the Township that, if a sidewalk was built, they would participate in the construction of the sidewalk or a special assessment district. He emphasized that he already had a lot of money tied up and this is how he would rather handle it. Attorney Porter said that would meet the requirements of the Township's Ordinance.

The Chairperson asked about the hours of the Veterinary Hospital. Dr. Heckaman said the hours would be Mondays through Fridays, 7:30 a.m. – 6:00 p.m. and on Saturday, 8:00 a.m. – 1 p.m.

Mr. Benson inquired about the location of handicapped parking which was located and noted on the site plan.

The Chairperson asked about clients accessing the facility with an animal which was very sick and possibly infecting those animals waiting; Mr. Loeks noted that one examining room had direct access to an outside door for animals which could possibly be contagious.

The Chairperson then asked about the animal cage sizes. Mr. Loeks noted that the cages were 3 feet by 5 feet, and he thought they could handle even the largest size dogs.

There being no further questions from the Planning Commissioners, the Chairperson opened the matter up for public comment.

James Fleckenstein introduced himself to the Planning Commission. He said he lived across the street from the Oshtemo Veterinary Hospital. He asked how far the building would be brought forward and how the drive would be altered. Mr. Loeks said the building would be brought forward to within 10 feet of the property line, and the driveway would be moved west 10 feet. Mr. Fleckenstein thanked the Commission for letting the applicant answer his questions.

Ms. Barb Johnson introduced herself to the Planning Commission. She said she lived just down the street from the Oshtemo Veterinary Hospital, and she was concerned about the effect this would have on the overall community. She asked whether her taxes would go up or down. She also inquired as to how long the dust and noise would exist in the neighborhood.

Mr. Milliken noted that this was already a pre-existing use in the District, and he did not believe the new Veterinary Hospital would substantially alter the neighborhood. He said he could not answer the question about how long it might take to construct the new Veterinary Hospital, and thought that would be a question to be answered by the applicant.

The Chairperson also noted that this was not a new business and asked the applicant how long the Veterinary Hospital had been located at 6303 Parkview Avenue. Dr. Baker introduced himself to the Planning Commission. He said he had originally built the Veterinary Hospital in 1972 when the location was zoned commercial. Mr. Loeks added that the construction time from start to finish would be approximately six months.

There being no further questions from the public, the Chairperson called for Commission deliberations.

Mr. Bushouse pointed out that, in the 1960's, this property was zoned commercial, and when the "VC" Village Commercial District was established, it incorporated much of the pre-existing commercial properties. He said he thought this was a great proposal for the start of the true Village Commercial development.

The Chairperson asked if there was any concern about the fact that the development only occupies 32.3% of the street frontage, rather than 40%. Mr. Benson said, looking at the road frontage, he did not believe that there was enough room to allow any more building frontage, and thought the way it was designed fit within the vision of what the Planning Commission was looking for. Mr. Boulding, Sr. concurred, as did Mr. Loy and Mr. Bushouse.

The Chairperson then asked if there was any problem with the requested side yard setback. Mr. Benson said his previous comment would apply in this situation as well. Given the limited frontage, he thought what the owners were doing with the proposed development was appropriate. Mr. Loy said that the building was laid out well on the property and thought that a slight variance for the interior side yard would be appropriate. Mr. Loeks pointed out that, before the Village Commercial District was developed with an

Overlay Zone, the Township allowed zero lot lines, and he did not think this was much of an adjustment to the overall development. The Chairperson indicated that Mr. Loeks was correct. Mr. Boulding, Sr. said he thought the proposed setback was fine.

The Commissioners again got into a discussion regarding floor height, and Mr. Milliken, after having a chance to confer with the Township Attorney, indicated that he thought the floor height was adequate. He said that if the mezzanine was not considered a floor, then the applicant met the floor height requirements. This was found to be acceptable by the Commissioners.

The Chairperson asked if there were any other comments, and hearing none, she suggested that the Planning Commission divide the matter into two motions, one motion to consider the special exception use, and the other to consider the site plan. The Chairperson suggested that the Commission review the Interim Planning Consultant's report and suggested that the motion include the Standards for Approval as provided in the Consultant's report.

Mr. Loy made a motion to approve the special exception use based on the following determinations, and read from Mr. Milliken's Report dated February 9, 2012, in response to the review criteria as follows:

1. *Is the proposed use compatible with the other uses expressly permitted within the "VC" Village Commercial District?*

The proposed use already exists at the site and has existed there for many years. This represents a redevelopment of the existing use, an upgrade of the present facility, and will be compatible with the other uses permitted within the "VC" Village Commercial District.

2. *Will the proposed use be detrimental or injurious to the use or development of adjacent properties or to the general public?*

The proposed use itself should not be detrimental or injurious to the use or development of adjacent properties or the general public. As stated previously, this property has been used as currently proposed for many years, and the impact will not change with the proposed redevelopment.

3. *Will the proposed use promote the public health, safety, and welfare of the community?*

Because the use of the property is not changing, we anticipate very little impact on the public health or safety as a result of the proposed use. Due to the proposed redevelopment in

conformance with the recently adopted Form Based Code, the project will improve the aesthetics of the area and perhaps encourage other similar projects within the District.

4. *Will the proposed use encourage the use of the land in accordance with its character and adaptability?*

The land has a significant amount of screening and open space to the rear of the site. By pushing the building forward and moving the parking and animal runs to the rear, this allows for greater use of the natural area and open space as screening for these elements of the project. Further, the design of the project is in character with the surrounding uses and District.

The motion was seconded by Mr. Boulding, Sr. The Chairperson asked for further discussion, and hearing none, called for a vote on the motion. The motion passed unanimously.

The Chairperson said she would entertain a motion on the site plan.

Mr. Benson then made a motion to approve the site plan, subject to the following conditions:

1. An easement for the temporary drive south to Atlantic Avenue shall be secured from Oshtemo Township, the owner of the property to the south. (If such easement is already in hand, a copy shall be provided for the record.)
2. The temporary access route shall satisfy all of the requirements of the Township Fire Department.
3. The Planning Commission accepts the proposed modification from the building standards proposed by the applicant to add three additional windows to the doctor's office in order to meet the façade transparency requirements in compliance with Section 34.500 of the Building Type Standards.
4. The Planning Commission approves the reduction in the east side yard setback subject to any additional Building Code requirements for the structure as may be necessary.
5. Appropriate legal agreements or documentation regarding the deferral of the sidewalk construction shall be developed in consultation with the Township Attorney.
6. The storm water management plan shall be amended as necessary to reflect the concerns of the Township Engineer.

7. A sign permit is required before any new signs may be erected on the site.
8. The dumpster must be enclosed in compliance with the Ordinance before the Certificate of Occupancy is issued.
9. Site plan approval is subject to the approval of the Fire Department, pursuant to adopted codes.
10. Site plan approval is subject to the review and acceptance of the Township Engineer as adequate.

The motion was seconded by Mr. Loy. The Chairperson asked if Item #11 could be added to the motion to require landscaping in compliance with Section 34.740 E. 5 to read as follows:

11. Landscaping and trees shall be installed in compliance with Section 34.750 E. 5.

Mr. Benson concurred with that amendment. The Chairperson called for a vote on the amended motion, and the motion passed unanimously.

UPDATES TO COMMUNITY PROFILE CHAPTER OF MASTER PLAN BASED ON CENSUS 2010 RESULTS

The Chairperson indicated that the next item of business was an update from Interim Planning Consultant Mr. Milliken, regarding the Master Plan Census update. Mr. Milliken took the Commission through a review of Chapter X entitled, "Community Profile," updating the various tables and information regarding population changes which had been changed as a result of the 2010 Census. The Chairperson said she thought this was very informative. Mr. Milliken distributed additional updated charts and information which was to be incorporated into the Master Plan.

Mr. Boulding, Sr. asked the basic purpose for such information. Mr. Milliken said the information was used to plan growth and development in the community, which was directly impacted by zoning for appropriate uses based upon population trends.

Old Business

The Chairperson thanked the Planning Department for working on the statistic changes to Chapter X "Community Profile."

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD JULY 13, 2017

Agenda

PUBLIC HEARING: SPECIAL EXCEPTION USE – LEADERS RPM

CONSIDERATION OF AN APPLICATION FROM DELTA DESIGN SYSTEMS ON BEHALF OF WESTMAIN PROPERTIES, LLC AND LEADERS RPM FOR A SPECIAL EXCEPTION USE AND SITE PLAN REVIEW TO CONSTRUCT A NEW SERVICE BUILDING TO PROVIDE BOAT SALES AND SERVICE. THE SUBJECT PROPERTY IS LOCATED AT 8500 WEST MAIN STREET WITHIN THE C: LOCAL BUSINESS DISTRICT. PARCEL NO. 3905-16-180-047.

PUBLIC HEARING: CONDITIONAL REZONING – ADVIA CREDIT UNION

CONSIDERATION OF AN APPLICATION FROM ADVIA CREDIT UNION, ON BEHALF OF MARILYN LONGJOHN, PATRICIA DYKSTRA AND DAVID ASH, FOR A CONDITIONAL REZONING OF APPROXIMATELY 40 ACRES OF LAND LOCATED ON THE NORTH SIDE OF WEST MAIN STREET MID-BLOCK BETWEEN 9TH AND 10TH STREETS, FROM THE R-2: RESIDENCE DISTRICT TO THE C: LOCAL BUSINESS DISTRICT WITH CONDITIONS TO ALLOW FOR THE DEVELOPMENT OF AN ADMINISTRATIVE OFFICE BUILDING. PARCEL NOS. 3905-14-255-010 AND 3905-14-255-050.

SITE PLAN REVIEW: WEST MAIN FAMILY DENTISTRY

CONSIDERATION OF AN APPLICATION FOR SITE PLAN REVIEW FOR A NEW DENTIST OFFICE LOCATED ON A VACANT PARCEL ON THE SOUTH SIDE OF WEST MAIN STREET, APPROXIMATELY 1250 FEET EAST OF 9TH STREET. PARCEL NO. 3905-15-405-010.

SITE PLAN REVIEW: MITN MEMORY CARE FACILITY

CONSIDERATION OF AN APPLICATION FOR SITE PLAN REVIEW FOR A NEW RESIDENTIAL MEMORY CARE FACILITY LOCATED AT 6203 STADIUM DRIVE. PARCEL NO. 3905-26-480-020.

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, July 13, 2017, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT:

Wiley Boulding Sr., Chairperson
Fred Antosz, Vice Chairperson
Cheri Bell
Ollie Chambers
Dusty Farmer, Secretary

SITE PLAN REVIEW: MITN MEMORY CARE FACILITY
CONSIDERATION OF AN APPLICATION FOR SITE PLAN REVIEW FOR A NEW
RESIDENTIAL MEMORY CARE FACILITY LOCATED AT 6203 STADIUM DRIVE.
PARCEL NO. 3905-26-480-020.

Chairperson Boulding, Sr. moved to the next item on the agenda and asked Ms. Johnston for her report.

Ms. Johnston said the applicant was requesting site plan approval for a new, long-term, 58-unit memory care facility, to be built on the property addressed as 6203 Stadium Drive. Once the location of a nursing home, since demolished, the subject property is zoned as R-4: Residence District, which allows nursing, convalescent, and senior citizens' homes by right. While memory care facilities aren't explicitly mentioned as allowable uses in this zoning district, Staff feels that, from a land-use stand point, such a use is equivalent with the above-referenced services. Although Staff has interpreted this use to be permitted by right, section 34.000: Village Form-Based Code Overlay Zone dictates that such site plan approval requests come before the Planning Commission, as opposed to the Zoning Board of Appeals.

She explained as well as being located within an R-4 district, the subject property also falls within the boundaries of the Village Form Based Code Overly Zone. As such, certain architectural and other aesthetic development standards must be adhered to, including, but not limited to, building placement in relationship to the street frontage, architectural style of the structure, and certain landscaping/screening requirements. The applicant has worked diligently with Township Staff in order to ensure that the overlay is being satisfied by the submission, but they would like to avail themselves of some of the *modifiable development standards*, as allowed per section 34.920: *Modifications* of the Zoning Ordinance. The requested modifications do not constitute variances.

Ms. Johnston said site access will primarily be via a driveway onto Stadium Drive, which will lead to a parking and drop off area, which will likely be used by residents and their families. Moving west and then south around the structure, a 24-foot-wide drive lane will be constructed. This feature will not only help provide adequate emergency vehicle circulation throughout the site, but will also allow a way for motorists to access the rear parking area.

Along with the principal Stadium Drive curb cut, she said there will also be two driveway connections to a paved driveway on the Danford Creek apartment property to the east near the north and south ends of the memory care facility's rear parking lot. At some time in the past, Danford Creek granted an access easement to the subject property, allowing ingress and egress along the former's west property line, and the current applicant intends to incorporate that allowance into the site's design. Having this secondary approach will also benefit the fire department, should they ever need to enter the site from the east.

Ms. Johnston said the applicant was asking for Planning Commission consent to depart from certain site development standards, as required per section 34.6000:

Architectural Standards of the Zoning Ordinance. As explained in section 34.920: *Modifications* of the ordinance, such allowances can be granted, should the reviewing body find the requests do not contravene the intent of the form-based code overlay. Following is a summary of each requested modification:

1. **Standard:** *Courtyard apartment-type buildings shall be located no further than 70 feet from, or nearer than 15 feet to, the public right-of-way.*

Requested modification: Due to the odd shape of the subject parcel, and also given the fact that the Fire Marshal requires an access lane around the entirety of the structure, the applicant was only able to located approximately half of the structure's frontage within the prescribed build-to zone. In order to achieve full compliance, the building's footprint would have to incorporate odd angles, potentially compromising its traditional aesthetic, and the Fire Marshal would have to forego the needed perimeter access route. Staff views the current building placement as a reasonable compromise between ordinance compliance and practicality.

2. **Standard:** *Per section 34.640.B.c of the Zoning Ordinance, no windows shall be placed within 36 inches of any building corner (it is staff's understanding that this was codified in order to discourage certain types of modern architectural styles).*

Requested modification: The majority of the structure complies with this requirement, except for two areas that were designed to resemble traditional conservatories, which customarily have very sparse window frame work, and conversely an abundance of glass, in order to let in more natural light. As such, the windows in these two areas are placed much closer than 36 inches to the associated building corners, but the resulting affect is aesthetically pleasing and traditional nonetheless. Staff supports this approach, as the intent of the overlay is soundly upheld by this design decision.

Ms. Johnston concluded by saying although some site plan deficiencies need correcting, Staff was confident the project is largely approvable, and any lingering items can be evaluated and approved administratively. If the Planning Commission is inclined to grant approval to the Memory Care project, Staff recommended the following conditions:

1. A revised photometric plan, clearly indicating that light levels do not exceed 0.1 foot-candles along the entirety of the property perimeter shall be submitted to the Township for evaluation and approval, prior to the issuance of a certificate of occupancy.
2. Information regarding the dumpster enclosure, retaining wall height, masonry pillar spacing for the decorative wall, and plantings in the detention areas shall be provided to and evaluated by Township staff, prior to the issuance of a building permit.

3. A revised site plan shall be submitted to the Township, prior to the issuance of a building permit, illustrating a more naturally-shaped stormwater basin south of the proposed structure.
4. A revised site plan shall be submitted to the Township, prior to the issuance of a building permit, illustrating that fire apparatus are able to circulate throughout the site, as necessary. This revision shall be subject to Fire Marshal approval.
5. Prior to the issuance of a certificate of occupancy, the applicant will provide the Township with a signed and notarized form, agreeing to participate in any future necessary non-motorized special assessment districts. When the anticipated pedestrian accommodation is installed along the Stadium Drive frontage of the subject property, the owners will then construct an ADA-compliant connection between the public facility and the entrance to the structure.
6. The two requested modifications, as detailed in this staff report, shall be expressly approved by the Planning Commission, in accordance with section 34.920 of the Oshtemo Township Zoning Ordinance.

Mr. Boulding, Sr. thanked Ms. Johnston for the report and asked how the sidewalk to the front of the property would be used.

Ms. Johnston said the DDA expects to receive a MDOT grant to install sidewalks from 11th Street to 8th Street and the sidewalk from this project would connect to that.

There were no further questions from the Board.

The Chairperson asked whether the applicant wished to speak.

Mr. Jeffrey Ballard, 1643 Commerce Drive, Grange IN, representing the developer MITN LLC, said the developer owns two other Memory Care facilities, in Fort Wayne and Mishawaka, IN. The facilities are designed to be placed in neighborhoods and are not medical facilities, rather they do therapy to make residents feel part of the community and for comfort. The courtyard is used as part of that therapy. The developer is passionate about providing therapeutic care for this underserved population and determined there is a need for such care in the Kalamazoo area.

He noted providing the required fire department access of 24 feet around the perimeter was a challenge, that the site was honed to the current proposal and that Township Planning Department Staff provided invaluable assistance. He said a new site plan was just completed to try to meet all recommendations and conditions.

Chairperson Boulding, Sr. determined there were no questions from the Board and moved to Public Comments.

Ms. Cindy Ortega, Attorney with Miller Johnson, 100 W. Michigan Avenue, and a representative of Danford Creek Apartments, proposed an added condition that would require the Apartment Complex and the Memory Care Facility, to enter into a maintenance agreement for the access drive off Stadium Drive. She noted there was a 1973 easement granting both properties an easement on Danford Creek property but that there was no maintenance agreement in place for the easement.

Attorney Porter agreed with Attorney Ortega that a maintenance agreement to be agreed upon and in place ahead of construction should be conditioned as part of the approval of the application.

The Chairperson asked for a motion.

Mr. Chambers made a motion to approve the request for site approval contingent on the six conditions recommended by Staff as well as timely implementation of an agreed upon and completed maintenance agreement for the shared easement. Ms. Farmer supported the motion. The motion was approved unanimously.

OLD BUSINESS

There was no old business to consider.

ANY OTHER BUSINESS

Ms. Johnston suggested the regular meeting scheduled for July 27th be devoted to a work session to discuss the Future Land Use Plan, which would be prior to the open house scheduled for August 1.

The Board agreed and scheduled the July 27 work session start time for 6:00 p.m.

PLANNING COMMISSIONER COMMENTS

Ms. Bell noted the recent death of Mr. Millard Loy, acknowledging his many years of devoted service to the Township, including membership on various Boards, and that he will be greatly missed.

Chairperson Boulding, Sr. said Mr. Loy was a good man and had done a lot for the Township.

There being no further business to consider, the Chairperson asked for a motion to adjourn.

ADJOURNMENT

Ms. Farmer made a motion to adjourn the meeting. Ms. Bell supported the motion. The motion passed unanimously.

The Planning Commission meeting was adjourned at approximately 9:15 p.m.

Minutes prepared:
July 15, 2017

Minutes approved:
August 10, 2017

ZONING ORDINANCE

ARTICLE 34

34 – VILLAGE FORM-BASED CODE OVERLAY ZONE

Contents:

- 34.10 STATEMENT OF PURPOSE
- 34.20 DEFINITIONS
- 34.30 REGULATING PLAN.
- 34.40 DEVELOPMENT STANDARDS
- 34.50 BUILDING TYPE STANDARDS.
- 34.60 ARCHITECTURAL STANDARDS.
- 34.70 STREET TYPES AND STANDARDS
- 34.80 GENERAL PROVISIONS
- 34.90 ADMINISTRATION

34.10 STATEMENT OF PURPOSE

A. Intent of the Form-Based Code.

The Form-Based Code Overlay District is designed to establish a compact, walkable, and mixed-use environment, and it is meant to create a comfortable, safe, and ecologically sustainable place for all residents to enjoy within the Oshtemo Village area. The Overlay District allows a mix of uses within each neighborhood, so residents do not have to rely exclusively on the automobile. It simultaneously allows for a variety of uses to create vitality and bring many activities of daily living within walking distance of homes. The regulations of this Article are further intended to ensure that the area covered by the Village Overlay District evolves into new, mixed-use neighborhoods with the following characteristics:

1. The size of each neighborhood reflects a five-minute walking distance from edge to center.
2. The mixture of permitted land uses includes stores, workplaces, residences, and civic buildings in close proximity.
3. Streets within the Village Form-Based Code Overlay serve the needs of pedestrians, cyclists, and automobiles equitably.
4. Public open spaces providing places for informal social activity and recreation.
5. Building frontages defining the public space of streets.

Oshtemo Charter Township seeks to create an area based upon traditional standards for urban planning and place making. In March, 2006, the Township Downtown Development Authority (DDA) created the vision for the Form-Based Code Overlay District through the Village Theme Development Plan. The process of creating this Plan involved the entire community and a team of planning and design professionals. This Form-Based Code Overlay applies to those areas planned for in the Village Theme Development Plan. Traditional urban design conventions have been applied to create a palette of street types available for redevelopment in this area. The Village area is divided into four distinct sub-districts: the Village Core, the Village Fringe, the Corridor-East, and the Corridor-South. There are also three distinct street types that run through each of these sub-districts: arterials, collectors, and local roads.

new language will be needed

The Form-Based Code Overlay shall not pre-empt any previously adopted local or state codes that regulate public health and safety, such as the Michigan Building, Plumbing, Electrical, or Mechanical Codes. Should any conflict arise between the provisions of this Article and the Oshtemo Charter Township Zoning Ordinance, the provisions of this Article shall apply.

B. How to Use This Code.

1. Look at the Regulating Plan and determine whether your location falls within the Village Core, Village Fringe, Corridor-East, or Corridor-South sub-district.
2. Based on the standards in Section 34.40, determine whether your desired use and/or building type is permitted (or permitted as a Special Use) within that particular sub-district.
3. Using the Regulating Plan determine what street type your lot fronts. Street types are defined and described in Section 34.70. (If you have a corner lot, the primary space or street will be based on the hierarchy in Section 34.70.A).
4. Review the specific Development Standards in Section 34.40 that apply to your location based on the sub-district and street type on which your lot is located.
5. Review the specific Building Standards in Section 34.50 that apply to the building type you desire to build to determine specific standards that apply to each building.
6. Review the Architectural Standards in Section 34.60, which contain specific rules for buildings in each sub-district.
7. Depending on the type of development being proposed, review the Street standards in Section 34.70 for the various street types.
8. Review Sections 34.80 and 34.90 that include general provisions and administrative procedures.

C. Components of the Code. The Village Overlay District has six primary sections: the Regulating Plan, the Development Standards, the Building Type Standards, Architectural Standards, the Street Standards, and the General Provisions/Approval Process. These six sections work together with the existing Zoning Ordinance as guidance for future development and redevelopment of the Village area.

1. **Regulating Plan.** The Regulating Plan is like a "zoning map" for the Village area, which provides specific information for the disposition of each property or lot. The Regulating Plan shows how each building contributes to the larger community and shows the arrangement of the public space (streets, greens, parks, greenbelts, etc.) in relation to private space. A proposed circulation plan is also shown on the regulating plan illustrating the opportunity and potential for creating new neighborhoods and linkages within the Village.
2. **Development Standards.** The goal of the Development Standards is to shape the interaction between the public realm (sidewalks, streets, etc.) and private space (yards and gardens). The Development Standards set the basic parameters governing building form, including the envelope for building placement (in three dimensions) and certain required and permitted

building elements, such as porches, balconies, and fences. They establish both the boundaries within which things may be done and specific things that must be done.

3. **Building Type Standards.** This section identifies the various types of buildings that are permitted for development within the Village Overlay District. Each building type is clearly defined and standards are provided to guide the development of each building type across the various sub-districts. The definitions and standards are applied to establish consistency and form within the District, but the language is general enough to be inclusive of most traditional forms of development.
4. **Architectural Standards.** The goal of the Architectural Standards is a coherent and pleasing architectural character that is appropriate for a traditional, small, Midwestern town center, as provided for in the Oshtemo Charter Township Village Theme Development Plan. The Architectural Standards govern a building's architectural elements and set the parameters for materials, configurations, and construction techniques. Equivalent or better products than those specified are always encouraged.
5. **Street Standards.** This section provides standards for what should occur within the area of the street - lane width, bike lanes, sidewalks, street trees, street lamps, furniture, etc. Three street types are provided and standards vary depending on the sub-district in which the street is located. However, all of the standards are tied together to create a consistent treatment and theme throughout the entire Village area.
6. **General Provisions.** The adoption of this Overlay District entails changes to the Zoning Ordinance. The Overlay District is intended to be prescriptive rather than proscriptive - it states what is desired instead of what is not wanted.

Remove

34.20 DEFINITIONS

The definitions provided below shall apply to Article 34 only and the use of these forms within these Sections.

ALLEY. A publicly or privately owned secondary right-of-way that affords access to the side or rear of an abutting property.

AWNING. A non-permanent roof-like structure supported by a frame that projects out from a Facade over windows and doors.

BALCONY. An open portion of an upper floor that extends beyond or indents into a building's exterior wall.

BASE. The lowermost portion of a building Facade.

BAY WINDOW (BAYS). A series of windows that project beyond the exterior wall of a building.

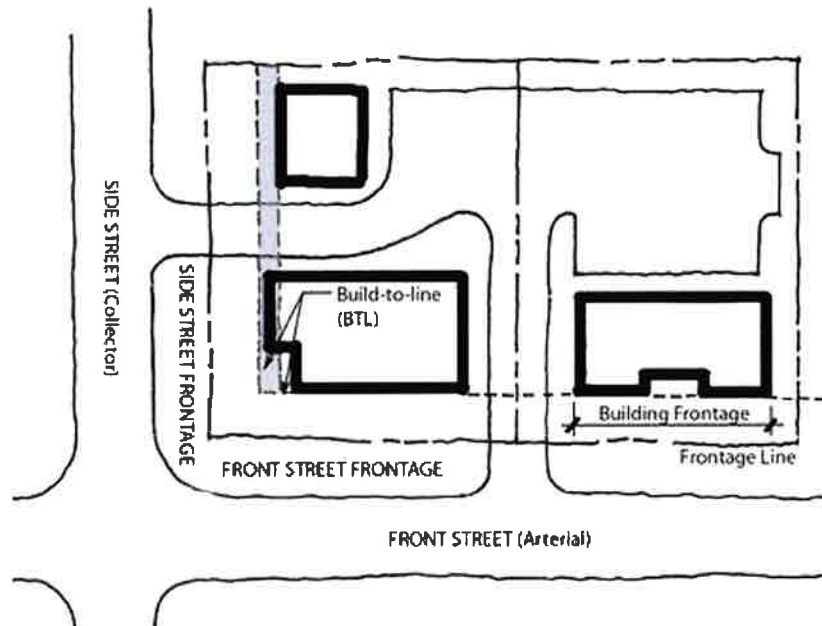
BLOCK. An area of land that is surrounded by road rights-of-way or private road easements on all sides.

BLOCK PERIMETER. The distance in linear feet measured along the Frontage Lines of Streets defining the outside boundary of a Block.

BUILDING FRONTAGE. The horizontal dimension of a building's Facade facing a street and located on the Build-to-Line.

BUILD-TO-LINE (BTL). The required line or area on or within which the Building Frontage of a primary structure must be located. The building shall be constructed so that the majority of the Facade of the structure is located at the Build-To-Line, as determined based on the standards in Section 34.40.A.2.b The BTL is a requirement, not a permissive minimum as is a set-back. The BTL for each site is determined based on the street and sub-district for each parcel shown on the Regulating Plan. (See illustration on following page.)

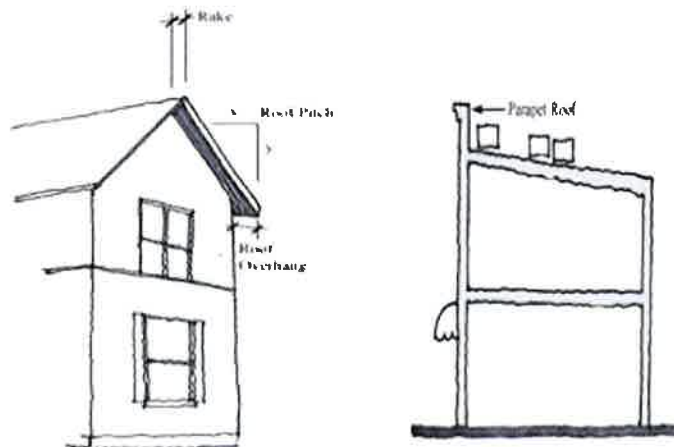
BUILDING TYPE. A category that is determined by a building's height, scale, use, and location with respect to the Frontage Line.



CAP TYPE. The detail at the top of a building that finishes a Facade. The following Cap Types may be used in the Village Form-Based Overlay District: (See illustration.)

Parapet. A Cap Type that is a traditional architectural feature with a low wall at the edge of the roof that screens the roof itself, creating a roof line. The Parapet is topped or finished with a Cornice or other distinctive horizontal Expression Line. It is found on flat roofs and is frequently used to hide rooftop mechanical equipment.

Pitched Roof. A type of roof with a slope that may or may not contain dormer windows and/or gable ends. This Cap Type is most often found on buildings containing residential uses. Mansard roofs are not permitted as a form of Pitched Roof.

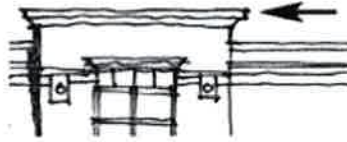


A term defining a use, organization, or space operated on a not-for-profit basis and dedicated to the arts, culture, education, recreation, government, or transit.

CLOSE. See RESERVE SPACE.

CORNER PLAZA. See RESERVE SPACE.

CORNICE. A traditional architectural feature with horizontal molding projecting from the Facade and along the top of a building.



COURTYARD APARTMENTS. This Building Type is also sometimes referred to as garden apartments. Multiple dwelling units are arranged to share one or more common green space areas, parking areas, recreation space, or similar type of courtyard. Units are accessed from the courtyard via a common access point.

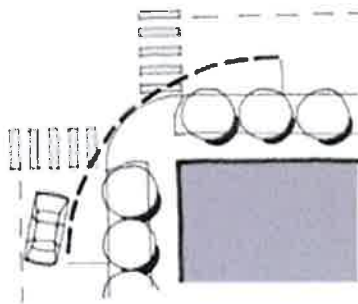
CROSSWALK. A path clearly delineated on a Street to indicate where pedestrians should cross.

CURB RADIUS. The curved edge of street paving at an intersection, measured at the inside travel edge of the travel lane.

DORMERS. Small, roofed ancillary structures with windows providing light and air to upper level space within the roof. Dormers are permitted and do not constitute a Story so long as they do not break the primary Eaves line, are individually less than 15 feet wide, and are collectively not more than 60 percent of the building Facade.

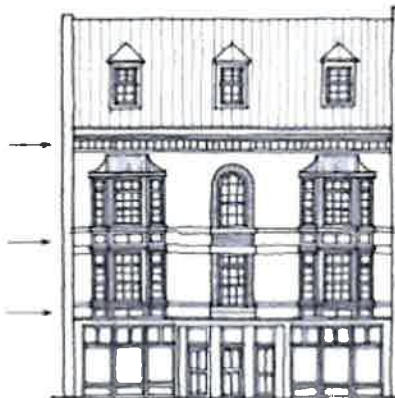
DUPLEX/TRIPLEX/QUADPLEX BUILDING. Residential Building Type including attached residential units of two, three, or four units each. Each unit has its own exterior access but shares common interior walls.

EFFECTIVE TURNING RADIUS. The minimum radius appropriate for turning from a through travel lane on an approach street to an appropriate lane on the receiving street. (See illustration below.)



Effective turning radius for an automobile.

EXPRESSION LINE. A decorative linear element, either horizontal or vertical, on the exterior of a building that typically delineates the floors or bays of a building. Expression Lines impact the perceived scale of a building by dividing it into more human-scaled pieces. (See illustration below.)



The arrows point to the Expression Lines on the building.

FACADE. The exterior face of a building, including but not limited to, the wall, windows, window sills, doorways, and design elements such as Cornices, Expression Lines, and Parapets.

FENESTRATION. An opening in the building wall allowing light and views between interior and exterior. Fenestration is measured as glass area (excluding window frame elements with a dimension greater than one inch) or as open area for parking structures or other non-heated and enclosed space.

FRONT PLAZA. See RESERVE SPACE.

FRONT STREET FRONTAGE. The side of a Lot along a Street onto which the front Facade of a building faces. A corner Lot has a Front Street and a Side Street Frontage, with the Front Street Frontage being the frontage onto which the front of the building faces. In cases where a building is located at the intersection of two Street Types (e.g., an Arterial and a Collector), the Front Street Frontage shall be the more intense Street Type. (See also SIDE STREET FRONTAGE).

FRONT STREET. The Street that a particular building or property faces. If a corner lot, then it is the Street of higher intensity.

FRONTAGE LINE. A Lot line that abuts Reserve Space, public right-of-way, or private road easement. Where the Pedestrian Area on the Street in front of the property extends into an easement on the Lot, the Frontage Line shall be considered that line separating the private property from the Pedestrian Area easement for the purposes of determining the Build-to-Line and similar development standards.

FRONT YARD HOUSE. Residential Building Type representing a detached single-family house set back from the street to provide a front yard and located on a Lot by itself.

GARDEN WALL. A freestanding wall along the property line dividing private areas from adjacent lots.

GROUND STORY. The first floor of a building that is level to or elevated above the sidewalk, excluding basements and cellars.

GREEN. See RESERVE SPACE.

LIVE/WORK. A structure that is specifically built (or altered) to accommodate non-residential/commercial uses on the ground floor and residential uses on the upper floors. Both the lower and upper levels may be occupied by the same user; however, it is not a requirement for this designation.

LOT. A single unit or division of land contained in a platted subdivision, whether it is numbered, lettered, or otherwise designated which has frontage on a public or private Street or road. The term "lot" shall also refer to unplatted parcels and units in site condominiums.

MEDIAN. A paved or landscaped island separating lanes of traffic that travel in different directions.

MIXED-USE. A building that includes more than one use; typically having different uses on the ground floor than the upper floors of the building.

PARAPET. See CAP TYPE.

PARK. See RESERVE SPACE.

PAVER. A brick, block of stone, stamped concrete, or similar masonry material used in special sidewalk or crosswalk paving.

PEDESTRIAN AREA. The area between the curb and the edge of the right-of-way or road easement, although the pedestrian area may extend into an easement on private property depending on the width of the right of way and the existing conditions.

PITCHED ROOF. See CAP TYPE.

PLAYGROUND. See RESERVE SPACE.

PORCH. A covered area adjoining an entrance into a building, usually with a separate roof. Porches may not be enclosed and must be open on at least three sides. Porches are larger than Stoops. They shall be wide enough to provide an opportunity to sit in a chair and shall be a minimum of 32 square feet with no dimension less than four feet.

REGULATING PLAN. Part of the Overlay District Regulations that is the coding key for the building envelope standards that provide specific information for the disposition of each lot. The Regulating Plan also shows how each Lot relates to adjacent Streets, the overall Village area, and the surrounding neighborhood.

RESERVE SPACE. See Section 34.80.A for descriptions and images of Reserve Space.

SERVICE DRIVE. A vehicular access drive located at the rear of a building that provides access to service areas, loading areas, and private garages.

SIDE STREET. On a corner lot a Side Street is the Street of lower intensity. Side Streets are only present on corner lots.

SIDE STREET FRONTAGE. For a corner lot, the Street to which the side Facade of a building faces. A corner lot has a Front Street and a Side Street Frontage (See also FRONT STREET FRONTAGE).

SILL. The horizontal element at the bottom of a window or door frame.

SQUARE. See RESERVE SPACE.

STOOP. A raised exterior platform at a building entry. A Stoop is uncovered and is open on all sides or may be covered with a roof. The Stoop area is not enclosed by windows, walls, screens, or other similar features. Stoops are smaller than Porches and shall be no larger than necessary to access the property and wait by the door for entry. The ability to sit in a chair is a qualification of a Porch.

STOOP/TOWNHOUSE BUILDING. Residential Building Type with each building having its own entrance from a Porch or Stoop. Units are typically multiple stories and arranged in rows.

STOREFRONT BUILDING. A mixed-use Building Type that is active during the day and at night, on weekends, and on week days. Storefront Buildings may include retail, commercial, and lobby uses on the ground floor and residential or office uses on upper floors.

STREET. A "way" or thoroughfare used for or intended to be used for the transit of vehicles. As used in this Article, Streets may also include other areas for public access, such as Reserve Space and parking lots.

STREET TREE. A deciduous canopy shade tree planted alongside the Street in straight lines according to the streetscape standards for the sub-district. Street Trees are of a proven hardy and drought tolerant species, large enough to form a canopy with sufficient clear trunk to allow traffic to pass under unimpeded.

STREETScape. Design elements along a Street, including streetlights, sidewalks, landscaping, street furniture, and signage.

STUDIO. Work space for artists or artisans, including the fine arts and those skilled in an applied art or craft, and including the accessory sale of items produced on the premises. Applied arts refers to the incorporation of design and creative ideals to objects of function, utility, and everyday use.

TRANSPARENCY. The degree, measured as a percentage, to which a Facade has clear, transparent windows on each story. Tints, films, and mirrored surfaces detract from the level of Transparency.

"WHERE CLEARLY VISIBLE FROM THE STREET". Many requirements of the Overlay District apply only where the subject is "Clearly Visible from the Street." Note that the definition of Street in this instance includes reserve space, parking lots, and all public space except alleys. A building element more than 30 feet from the BTL or Street is by definition not Clearly Visible from the Street. Also, common and/or party walls are by definition not Clearly Visible from the Street.

WORKPLACE BUILDING. Workplace Buildings may be Mixed-Use or strictly commercial structures designated primarily for allowing office, retail, studio, public, or civic uses. Upper floors may be used for any of these uses and residential purposes. A Workplace Building will probably not have as dynamic a presence along the street as the Storefront Building Type.

34.30 REGULATING PLAN.

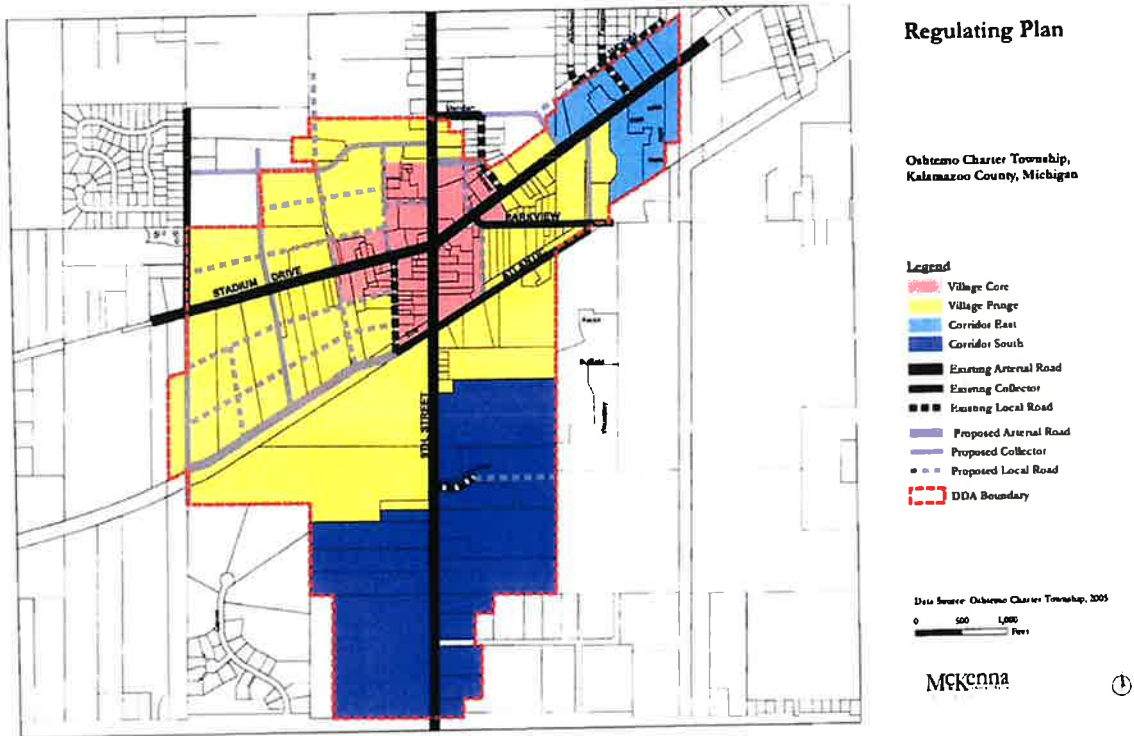
A. Understanding the Regulating Plan.

1. The Regulating Plan allocates sub-districts, street type, and special features that serve as the controlling factors of the plan.
2. The Regulating Plan shall guide the allocation of standards across the lands included within the Overlay District.
3. The Plan shall establish four sub-districts, three street types and a number of special features that interact. Each different interaction is illustrated as part of this Overlay District.
4. The four sub-districts - Village Core, Village Fringe, Corridor-East, and Corridor-South - control land use and development in accordance with the Village Theme Development Plan.
5. The three street types - Arterial, Collector, and Local Roads - establish a hierarchy of street types in existing and future locations to be provided in all future development.

B. Regulating Plan. The Regulating Plan is the Zoning Map for the Village Form Based Code Overlay. The Village Area consists of four sub-districts:

1. **Village Core.** The purpose of the Village Core is to provide a pedestrian oriented area with a mixture of commercial, retail, and residential uses integrated horizontally or vertically at a greater intensity than the surrounding area. It is the intent to provide an integrated mix of uses in close proximity to provide an innovative and stimulating environment and encourage walking, biking, and transit use while also accommodating the automobile and boosting the market for commercial goods and services. This is the heart of the Village and should be the focus of most redevelopment/development efforts.
2. **Village Fringe.** The Village Fringe sub-district is an extension of the Village Core sub-district. The sub-district is pedestrian oriented including a network of streets and pedestrian connections. Off the major roads, the Fringe area is a place for residential neighborhoods and other predominately residential uses. There are many areas within the Village Fringe that are or could be available for development or redevelopment. While the Core is the heart of the Village, the Fringe is where the greatest transformation may occur.
3. **Corridor-East.** The purpose and intent of the Corridor-East sub-district is to provide an area that allows for a diversified base of commercial and higher density residential uses. Some expansion of the road network is suggested with pedestrian connections in order to ease traffic burdens and make additional land accessible for development. As this is the gateway to the Village Area from the east and US-131, it is important that it create a welcoming transition into the Village area.
4. **Corridor-South.** The Corridor-South sub-district consists of a variety of uses - commercial, industrial, office - which are likely to remain in place and not redevelop in the near future. However, expansion of the road network is recommended to allow for additional development opportunities. As a result, extensive form improvements may not be feasible. But streetscape

and landscaping can help establish a welcoming character in this gateway to the Village from the south and I-94. Therefore, many of the requirements in the Overlay District do not apply in this portion of the planning area. There are already regulations in place under the I-R zoning district regulations to provide for quality development in this area. Here, the overlay will work to ensure quality street networks and streetscape design and defer to the underlying zoning for other development standards and regulations.



- C. **Transitioning.** Parcels, lots, or units located within 100 feet of a boundary line separating sub-districts on the Regulating Plan shall be considered transitional parcels. A transitional parcel shall be required to adhere to the various development and design standards of this Overlay District assigned to the sub-district in which it is located. However, the Planning Commission may accept the use of the development and design standards of the adjacent sub-district on a transitional parcel in order to improve the transition between areas and blend in the overall district. The resulting development shall be of equal or higher quality than could have been achieved under the regulator sub-district standards, shall blend in with adjacent development, and shall not have an adverse impact on the public health, safety, and welfare.

34.40 DEVELOPMENT STANDARDS

The development standards contained in the following pages describe building placement, building type distribution, and land use for the sub-districts and street types established in the Regulating Plan (Section 34.30.B).

Unless specifically stated otherwise below, the Corridor-South sub-district shall be exempt from the Development Standards in the Village Overlay District. The Development Standards of the underlying zoning district shall apply.

- A. **Building frontage and placement.**
1. **Building Frontage.** Street frontages in the Village Overlay District must have buildings fronting on a certain percentage of the street frontage, as prescribed by the standards in Table 34.1 below.

The minimum building frontage standard shall be applied to each lot individually. Refer to Section 34.90.B for modification criteria.

Table 34.1 – Building Frontage			
Street Type	Village Core	Village Fringe	Corridor East
Arterial	75%	60%	60%
Collector	50%	40%	40%
Local	-	-	-

2. Building Placement and Setbacks.

- a. Perimeter setbacks. Proposed development in the Village Overlay District shall be setback from the boundaries of adjacent zoning districts outside the Village Overlay District according to the standards in Section 50.60 of the Township Zoning Ordinance. The perimeter setback determination shall be based on the underlying zoning designation of the subject property. These perimeter setbacks may be reduced to 25 feet by the Planning Commission based on the location of existing buildings or unique circumstances on the property that justify the reduction.
- b. Build-to-Line and Interior Setbacks.
 - i. Build-to-Line. Build-to-line standards shall be required as shown in Table 34.2 below for each building type fronting on a street. Measurements shall be taken from the frontage line to the leading edge of the primary structure. For corner lots, both the front and side street frontage shall be subject to this requirement.

Table 34.2 – Build-to-Line (BTL) Standards (in feet)						
Building Types						
	Storefront Buildings	Workplace Buildings	Courtyard Apartments	Stoop/Townhouse Buildings	Duplex, Triplex, Quadplex	Front Yard House
Village Core	0 – 5 ¹	0 – 5	–	5 – 10	–	–
Village Fringe	5 – 10	5 – 10	10 ²	5 – 15	15 – 25	15 – 25
Corridor East	10 – 20	10 – 20	15 ²	15 – 25	15 – 25	–

Notes:

- 1. May be increased by five feet to make room for outdoor dining or entry ways.
- 2. These are minimums and not strict build-to-lines.

Allow consistency with established setbacks

- ii. Minimum interior side and rear yard setback requirements are presented in Table 34.3 below. The setback requirement shall be measured from the rear or side property line to the leading edge of the building. Side yard setback areas shall be maintained as lawn or landscaping in case the area needs to be used for access in the future:

Table 34.3 – Interior Side and Rear Yard Setbacks (in feet)		
	Interior Side Yard Setback	Interior Rear Yard Setback
Village Core	0	10 (w/alley) 40 (no alley)
Village Fringe	10	10 (w/alley) 25 (no alley)
Corridor East	10	10 (w/alley)

Table 34.3 – Interior Side and Rear Yard Setbacks (in feet)		
	Interior Side Yard Setback	Interior Rear Yard Setback
		40 (no alley)
Note: The Planning Commission may approve a zero-foot side yard setback for building subject to Building Code requirements.		

A. Building Type Distribution. The following building types may be developed in each of the sub-districts according to the tables below. To be permitted the building type must be located on a lot that satisfies the designated minimum width requirement and has frontage on the appropriate street type.

1. Village Core

Table 34.4 – Village Core Building Types			
	Frontage Width		
Building Type	0 – 79 Feet	80 – 120 Feet	120+ Feet
Storefront: All street types	X	X	X
Workplace: All street types	X	X	X
Stoop/Townhouse: Collector Local Road	X X	X X	X X

2. Village Fringe

Table 34.5 – Village Fringe Building Types			
	Frontage Width		
Building Type	0 – 79 Feet	80 – 120 Feet	120+ Feet
Storefront: Arterial Collector	X X	X X	X X
Workplace: Arterial Collector	X X	X X	X X
Courtyard Apartment: Arterial Collector Local Road			X X X
Stoop/Townhouse: Arterial Collector Local Road		X X X	X X X
Duplex, Triplex, Quadplex: Collector Local Road		X X	X X
Front Yard House: Collector Local Road	X X	X X	

3. Corridor East

Table 34.6 – Corridor East Building Types			
Building Type	Frontage Width		
	0 – 79 Feet	80 – 120 Feet	120+ Feet
Storefront: All street types	X	X	X
Workplace: All street types	X	X	X
Courtyard Apartment: Arterial Collector Local Road			X X X
Stoop/Townhouse: Arterial Collector Local Road		X X X	X X X
Duplex, Triplex, Quadplex: Collector Local Road		X X	

4. Accessory Buildings

- a. Accessory buildings shall be permitted in the Village Overlay District as set forth in Section 57.100 of this Ordinance unless otherwise stated herein.
- b. All buildings shall be approved through the Site Plan and Special Use process.
- c. Accessory buildings shall not be permitted in the Village Core.
- d. Accessory buildings in the Village Fringe shall be permitted in the rear yard only. Accessory buildings in the Corridor East sub-district shall be permitted in the side or rear yards.
- e. Where permitted, accessory buildings shall adhere to all location and placement standards for a primary building on that property.
- f. The accessory building shall be of a similar design, character, materials, and appearance as the primary structure and shall not exceed the size of the primary structure.

C. Uses. Permitted and Special Uses in the Village Overlay District shall be as designated in the underlying zoning district. In addition, the following conditions shall apply:

- 1. Use is also based on the permitted building types on a particular lot. For example, although commercial uses are permitted in the Village Fringe, only residential building types are permitted along local roads.
- 2. Permitted and Special Uses in the Village Commercial zoning district shall apply to the entire Village Core, Village Fringe, and Corridor East sub-districts.
- 3. Density shall be based on the standards of the underlying zoning district except as modified by the building type standards.

34.50 BUILDING TYPE STANDARDS.

The goal of the Building Type Standards is good street form, consistent development and character, and desirable outdoor private space (yards and gardens). They aim for the minimum level of control necessary to meet those goals.

The Building Type Standards set the basic parameters governing building construction, including the building envelope (in three dimensions) and certain required and permitted elements, such as porches, balconies, and fences.

The following General Principles shall apply throughout the Village Overlay District, except in the Corridor South sub-district:

- Buildings are oriented to the Street.
 - Buildings form and protect private open space. Private open space is an important complement to the public space of the neighborhood.
 - Buildings are designed for the Village theme, and buildings are designed to be sited in a Village setting.
 - Vehicle storage, garbage, and mechanical equipment are away from the street. Architectural standards in Section 34.60 include further architectural details.
- A. **Storefront Buildings.** Storefront buildings are mixed-use buildings that are active both during the day and at night, on the weekends and on weekdays. Storefront buildings are two to three stories in height and may contain retail and lobby uses on the ground floor (only non-residential uses are permitted on the ground floor fronting on arterials). The upper stories contain residential or office uses. The facade of the building facing the street has a high level of transparency, allowing for "eyes on the street" 24 hours a day and creating a safe and comfortable pedestrian area along the street.

Storefront buildings are built up to the sidewalk and must be located within a narrow build-to zone. Little or no side yard setback should be provided to create a continuous facade frontage along the street.

Revised for front yard parking

1. Permitted Uses. Retail, service, and civic uses are permitted on the ground floor, while all uses are permitted on upper floors. In no case may a non-residential use be located on the same floor as or above a residential use.
2. Residential Densities. For mixed-use buildings, dwelling unit density shall be determined based on the standards in Section 48.100.C.
3. Build-to zone. Storefront buildings must be located zero to five feet from the front street frontage line (and side street frontage line for corner lots) for all street types. This may be increased five feet to provide room for outdoor dining or entry ways. In the Village Fringe sub-district, Storefront Buildings must be located five to ten feet from the front street frontage line (and side street frontage line for corner lots) for all street types. In the Corridor East sub-district, Storefront Buildings must be located ten to 20 feet from the front street frontage line (and side street frontage line for corner lots). Refer to Section 34.90.B for modification criteria.
4. Encroachments. Awnings, eaves, bays, balconies and other encroachments may extend up to six feet beyond the face of the building even if this extends beyond the build-to line provided the encroachment is located a minimum of nine feet above the finished grade below. However, the encroachment may not extend into the street without permission from the appropriate body. Proof of such permission shall be submitted prior to Site Plan review by the Planning Commission.
5. Internal parking. Structured internal parking is permitted within buildings. Parking may also be located underground. Internal parking on the ground floor of a building must be located behind occupied uses fronting an arterial. The driveway into any internal parking area shall be from a collector, local road, or alley, and must be separated at least 50 feet from the frontage line on the front street. Internal parking garages shall be no higher than the height of the building at the build-to line.
6. Facade segmentation. The front facade shall be divided into segments not more than 50 feet wide by the use of vertical expression lines. Horizontal expression lines shall define the base and cap of buildings and should also distinguish the ground floor and upper floors.
7. Facade transparency. Transparency refers to the percentage of a facade that is occupied by windows. See Section 34.60.D for window standards. The street level facade shall have a

minimum transparency of 75 percent measured between two feet and eight feet above the sidewalk. Upper story facades shall have no less than 30 percent transparency for each floor measured from floor to floor.

8. Building entrances. One building entrance shall be provided for each 75 feet of building frontage.
 9. Building height. Storefront buildings should have the appearance of being at least two stories in height. One story buildings shall provide a false front giving the appearance of having a second story. Buildings shall be no more than three stories.
 10. Cap type. Storefront buildings shall have either a flat roof with parapet cap type or a pitched roof.
 11. Floor height. The minimum floor height for ground stories, measured from the floor of the ground story to the floor of the story above, is 15 feet.
- B. **Workplace Buildings.** Workplace buildings are similar to storefront buildings, but they have an employment emphasis rather than a retail/entertainment emphasis. The facade will not be as transparent and the buildings will not cover as much of the block frontage as storefronts. The building is brought towards the street and located in a narrow band near the sidewalk.
1. Permitted uses. Office, retail, studio, or public and civic uses are permitted on the ground floor, while all uses are permitted on upper floors. In no case may a non-residential use be located on the same floor as or above a residential use.
 2. Residential densities. For mixed-use buildings, dwelling unit density shall be determined based on the standards in Section 48.100.C.
 3. Build-to zone. Workplace Buildings must be located zero to five feet from the front street frontage line (and side street frontage line for corner lots) in the Village Core. In the Village Fringe, Workplace Buildings must be located five to ten feet from the front street frontage line (and side street frontage line for corner lots). In the Corridor East, Workplace Buildings must be located ten to 20 feet from the front street frontage line (and side street frontage line for corner lots). Refer to Section 34.90.B for modification criteria.
 4. Encroachments. Awnings, eaves, bays, balconies and other encroachments may extend up to six feet beyond the face of the building even if this extends beyond the build-to line provided the encroachment is located a minimum of nine feet above the finished grade below. However, the encroachment may not extend into the street without permission from the appropriate body. Proof of such permission shall be submitted prior to Site Plan review by the Planning Commission.
 5. Internal parking. Structured internal parking is permitted within buildings. Parking may also be located underground. Internal parking on the ground floor of a building must be located behind occupied uses fronting an arterial. The driveway into any internal parking area shall be from a collector, local road, or alley, and must be separated at least 50 feet from the front property line on the primary frontage. Internal parking garages shall be no higher than the height of the building at the frontage build-to zone.
 6. Facade segmentation. The front facade shall be divided into segments not more than 50 feet wide by the use of vertical expression lines. Horizontal expression lines shall define the base and cap of buildings and should also distinguish the ground floor and upper floors.
 7. Facade transparency. Transparency refers to the percentage of a facade that is occupied by windows. See Section 34.60.D for window standards. The street level facade shall have a minimum transparency of 50 percent measured between two feet and eight feet above the finished grade. Upper story facades shall have no less than 30 percent transparency for each floor measured from floor to floor.
 8. Building entrances. One building entrance shall be provided for each 75 feet of building frontage.

9. Building height. Workplace buildings should have the appearance of being at least two stories in height. One story buildings shall be designed and built in such a manner to give the impression that it is two stories. (With a high-pitched roof, tall ceilings, false windows, parapet wall or similar technique) Buildings shall be no more than three stories.
 10. Cap type. Workplace buildings shall have either a flat roof with parapet cap type or a pitched roof.
 11. Floor height. The minimum floor height for ground stories, measured from the floor of the ground story to the floor of the story above, is 12 feet.
- C. **Courtyard Apartments.** Courtyard apartments, also sometimes referred to as garden apartments, are a conventional apartment or condominium development. A group of dwelling units are arranged to share one or more common courtyards, parking lots, recreation areas, and other facilities. Dwellings are accessed via the courtyard from a common drive to the front street. Dwelling configuration occurs as townhouses, flats, or flats located over or under flats or townhouses. The courtyard is intended to be a semi-public space that is an extension of the public realm.
1. Permitted uses. Multiple-family residential uses shall be permitted in Courtyard Apartments. The permitted density shall be based on the requirements of the R-4 zoning district (Article 9).
 2. Build-to zone. Courtyard apartments shall be located a minimum of ten feet from the front and side street frontage line in the Village Fringe, a minimum of 15 feet from the front and side street frontage line in the Corridor East sub-district, and a maximum of 70 feet in both sub-districts. Refer to Section 34.90.B for modification criteria.
 3. Building orientation. Courtyard apartment buildings located along the front street shall be oriented to the front street with entrances opening toward the street.
 4. Encroachments. Awnings, eaves, bays, balconies and other encroachments may extend up to six feet beyond the building face provided the encroachment is located a minimum of nine feet above the finished grade below. However, the encroachment may not extend into the street without permission from the appropriate body. Proof of such permission shall be submitted prior to any approvals.
 5. Parking. Required parking may be at-grade or underground. No parking shall be provided along the road frontage in the front yard or between the road frontage and the building, unless the building has a significant setback and the parking is well screened. See Section 34.60.H.4 and 34.80.B.5.
 6. Services and equipment. Where an alley is present, services, including all utility access and trash container areas, shall be located in the alley. Where an alley is not present, above ground equipment and trash container areas should be located at least ten feet behind the facade of the building and be completely screened from view of the street.
 7. Facade transparency. Transparency refers to the percentage of a facade elevation that is occupied by windows. See Section 34.60.D for window standards. The street level facade shall have a minimum transparency of 20 percent measured from floor to floor. There is no standard for upper floors.
 8. Building height. Courtyard apartments shall be a maximum of three stories in height. One story buildings shall have the appearance of being at least two stories in height through the use of pitched roofs, dormers, elevated ceilings, and other design techniques.
 9. Cap type. Courtyard apartments shall have a residential appearance with a pitched roof or parapet roof.
- D. **Stoop/Townhouse Buildings.** The Stoop/Townhouse Building type is a residential building with each unit having its own exterior entrance from a porch or stoop. Stoop buildings are two to three stories in height, with the ground floor required to be elevated three to four feet above the surrounding

grade. The slightly raised base allows some privacy for the residents of the building from passing pedestrians, while at the same time providing an appropriate level of transparency on the building to create a comfortable pedestrian environment on the street.

Stoop buildings have a small front yard that may be landscaped. Resident parking is accommodated in rear-yard locations where it is hidden from view by buildings, while visitor parking should be accommodated on the street (where permitted).

1. Permitted uses. Residential uses are permitted in stoop building types.
 2. Residential densities. For Stoop/Townhouse Buildings, dwelling unit density shall be limited to a maximum unit density of eight units per acre.
 3. Build-to zone. Stoop/Townhouse Buildings shall be located five to ten feet from the front street frontage line (and side street frontage line for corner lots) in the Village Core; five to 15 feet from the front street frontage line (and side street frontage line for corner lots) in the Village Fringe; and 15 to 25 feet from the front street frontage line (and side street frontage line for corner lots) in the Corridor East. Refer to Section 34.90.B for modification criteria.
 4. Ground floor elevation. The ground floor of a stoop building type facing the street shall be elevated a minimum of three feet and a maximum of four feet above the elevation of the sidewalk along the front street in front of the stoop. Accessible units may be provided at grade at building corners or on side street frontage.
 5. Facade segmentation. Each dwelling unit shall be differentiated with a vertical expression line on the front facade elevation. The use of different building materials or building material colors in addition to vertical expression lines is also an acceptable technique. Horizontal expression lines shall define the base and cap of the buildings and should distinguish the upper floor and lower floor.
 6. Facade transparency. Transparency refers to the percentage of a facade elevation that is occupied by windows. See Section 34.60.D for window standards. The street level or ground floor shall have windows and openings satisfying the standards of Section 34.60.D, and they shall be larger than the windows and openings on the upper floors.
 7. Building height. Stoop/Townhouse buildings shall be a maximum of three stories in height and a minimum of two stories in height.
 8. Cap type. Stoop buildings shall have a pitched roof cap type.
 9. Parking. Required parking may be at grade or underground. No parking shall be provided along the road frontage between the building face and the road.
 10. Detached garages. Any detached garage proposed in conjunction with a stoop building shall have a maximum height of 22 feet and shall be located in the rear yard of the building.
 11. Attached garages. Stoop building types may include attached garages; however, the garage door may not face a front street. Attached garages shall be accessed from a side street or through an alley. Where garages are proposed to face a side street, the total width of garage doors may not exceed 50 percent of the total width of the building located at the build-to line along the side street frontage.
- E. **Duplex, Triplex, Quadplex.** This building type includes buildings containing two, three, or four dwelling units located upon a common lot. Each dwelling unit is individually accessed directly from the street, but they share a common wall or walls.
1. Permitted uses. Residential uses are permitted in duplex, triplex, and quadplex building types.
 2. Build-to zone. Duplex, triplex, and quadplex buildings must be located 15 to 25 feet from the front street frontage line (and side street frontage line for corner lots). Refer to Section 34.90.B for modification criteria.

3. Ground floor elevation. The ground floor of a duplex, triplex, or quadplex building type shall be elevated at least two to three feet above the elevation of the sidewalk along the front street. This requirement may be waived in order to provide accessible units.
4. Facade segmentation. Building elevations should be designed to provide at least one horizontal and/or vertical offset of a minimum three feet to give the appearance of multiple homes rather than one large home.
5. Porch/stoop. Each dwelling unit in a duplex, triplex, or quadplex shall be accessed from the outside and shall have a porch or stoop.
6. Cap type. Duplex, triplex, or quadplex buildings shall have a pitched roof cap type.
7. Parking/garages. One of the required parking spaces provided for each dwelling unit shall be within a garage. If possible, attached garages shall be accessed from the rear or side of the unit. Attached garages facing the front lot line shall be located at least 20 feet behind the front wall of the dwelling unit. On corner lots, if a side-loading attached garage is oriented to open towards the side street, the garage shall be recessed behind the building line, and, if practical, screened by a half wall.

Detached garages shall be located in the rear yard in compliance with the standards herein. If possible, access shall be provided by an alley. Detached garages facing the front lot line shall be located at least 20 feet behind the front wall of the dwelling unit.

8. Services. Where an alley is present, above ground equipment and trash container areas shall be located on the alley. If an alley is not present, these shall be located at least ten feet behind the front of the house and screened from view of the street by a fence or landscaping.

F. Front Yard House. Whether large or small, front yard houses are the standard of any Village or neighborhood in America. Their front porches, stoops, and front yards contribute to the life and texture of the street. Careful building placement provides the Front Yard House with a comfortable, generous and private back yard, even on a very small lot.

1. Permitted uses. Residential uses are permitted in front yard house building types.
2. Build-to zone. Front yard houses shall be located 15 to 25 feet from the front or side street frontage line.
3. Ground floor elevation. The ground floor of a front yard house shall be elevated at least two to three feet above the elevation of the sidewalk along the front street. This requirement may be waived in order to provide accessible units within the development.
4. Porch/stoop. Each front yard house shall have a porch or stoop.
5. Cap type. Front yard houses shall have a pitched roof cap type.
6. Parking/garages. Two off-street parking spaces shall be provided for each dwelling unit. At least one parking space shall be provided within a garage. If possible, attached garages shall be accessed from the rear or side of the unit. Attached garages facing the front lot line shall be located at least 20 feet behind the front wall of the dwelling unit. On corner lots, if a side-loading attached garage is oriented to open towards the side street, the garage shall be recessed behind the building line, and, if practical, screened by a half wall.

Detached garages shall be located in the rear yard in compliance with the standards herein. If possible, access shall be provided by an alley. Detached garages facing the front lot line shall be located at least 20 feet behind the front wall of the dwelling unit.

7. Services. Where an alley is present, above ground equipment and trash container areas shall be located on the alley. If an alley is not present, these shall be located at least ten feet behind the front of the house and screened from view of the street by a fence or landscaping.

- G. **Large-Footprint Buildings.** Buildings with a footprint greater than 25,000 square feet may be approved provided they satisfy the following criteria in addition to the other standards and conditions within this Ordinance:
1. Buildings must be at least two stories in height. One-story buildings may be permitted if they are at least 24 feet in height. This may be accomplished with liner buildings, higher ceiling heights, and/or parapets.
 2. To encourage use by pedestrians and decrease the need for solely auto-oriented patronage, large-footprint buildings must reinforce the character of the Village Overlay District and shall therefore continue a connected system of walkable street frontages.
 3. Loading docks, service areas, and trash disposal facilities shall not face streets, parks, squares, or significant pedestrian spaces.
- H. **Additional Building Types.** The Planning Commission may approve a building type not identified in Section 34.40.A or described within 34.50, provided that the building type is pedestrian oriented and meets the intent of the Village Overlay District.

34.60 ARCHITECTURAL STANDARDS.

The goal of the Village Overlay District and these Architectural Standards is to establish and retain the character that will be common throughout the district, and the basic characteristics of all structures (massing, roof pitch, voids, porches, yards, materials, etc.) as well as details (columns, window trim, rails, etc.) that will be durable and consistent with the principles of good planning and design. Architectural Standards within this Section 34.60 may be modified per the modification criteria in Section 34.90.B.

Unless specifically stated otherwise below, the Corridor South Sub-district shall be exempt from the Architectural Standards of the Village Overlay District. Existing standards of the underlying zoning district shall apply.

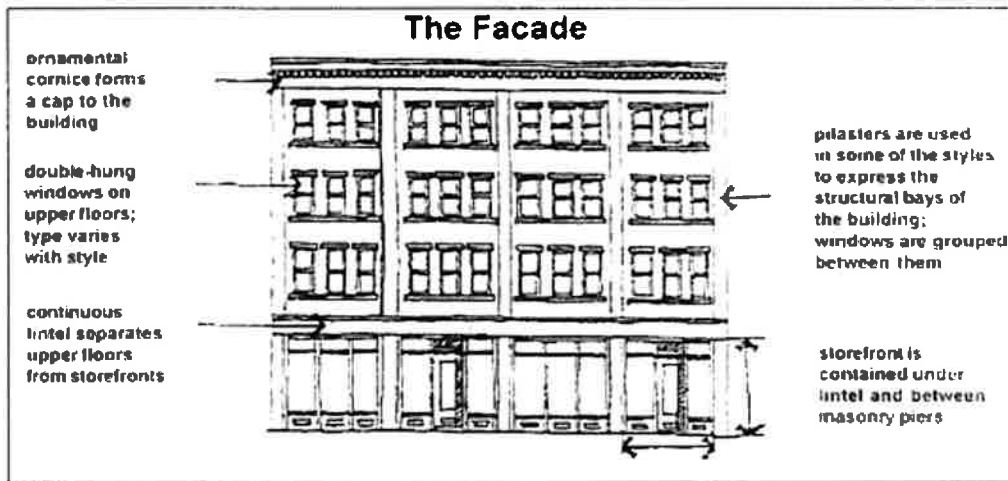
A. General Principles

1. Tradition

- a. Tradition is an attitude about construction that uses time-tested techniques to address a given design problem. The idea is not to mimic the past, but rather to use discipline when designing new buildings in order to foster a coherent Oshtemo Village aesthetic.
- b. Buildings designed to weather the basic elements (gravity, sun, weather, and time) and which incorporate time-tested rules of proportion retain their appeal, while "style" comes and goes. This is the idea behind the Village Overlay District's requirements on items such as column spacing, window proportion, roof pitches and overhangs.
- c. The arrangement of different building materials shall appropriately express the specific properties of the materials. For example, heavier more permanent materials (i.e., masonry) support lighter materials (i.e., wood).

2. Simplicity

- a. The building mass should be a simple composition of basic building forms following a clear hierarchy: principal structure, porches, attached structures, sheds.
- b. Rooflines should be simple: gables, hips, and sheds, or combinations of these three basic roof forms. Flat roofs are limited to specific building types and areas and shall be provided with parapets with strong cornice lines. Roofs should correspond to the major massing of the building; complicated rooflines are to be avoided.



c. Details such as doors, windows, eaves, columns, railings, etc. should be carefully designed and constructed. This will sustain a building's visual interest and value for a long time.

3. Equivalent or Better

a. While certain techniques and product types are prescribed here, Equivalent or Better practices and products are encouraged. Such variations must be submitted to the Planning Commission or Township Planning Department (depending on the stage of development review) for approval.

4. Where Clearly Visible from the Street.

a. Many requirements of this Village Overlay District, especially the Architectural Standards, apply only where the subject is "clearly visible from the street." Note that the definition of "street" includes reserve space, parking lots and all public space except alleys, as defined herein. The intent here is to restrict control to the public realm where it has significance and limit public interference in the private realm.

b. Where rear facades face parking lots, the character and design of these facades shall be considered as well. While still serving as a face to the community and to the structure, these rear facades do not have the same public exposure as the front facades and often provide service functions as well. Therefore, the Planning Commission may adjust the design requirements for the desired building type in this Section 34.60 as it applies to the rear facade considering the anticipated use of that side of the building, its exposure to the public, and the overall design of the structure.

B. **Building Walls (Exterior).** Building walls should reflect and complement the traditional materials and techniques of southwest Michigan's regional architecture. They should express the construction techniques and structural constraints of traditional, long-lasting, building materials. Simple configurations and solid craftsmanship are favored. The illustrations are advisory only. Refer to the standards below for the specific prescriptions of this section.

Standards for Building Walls (where clearly visible from the street):

1. **Materials:** The following materials are permitted:

- a. Brick and tile masonry.
- b. Split-faced block (only for piers, foundation walls, and chimneys).
- c. Pre-cast masonry (for trim and cornice elements only).
- d. Native stone (or synthetic equivalent).

- i. Brick, block, stone and similar materials must be properly detailed and in appropriate load-bearing configurations.
 - e. Stucco (cement-like finish).
 - i. Smooth or sand only, no rough or "cake icing" finish.
 - f. Gypsum Fiber Reinforced Concrete (GFRC - for trim elements only).
 - g. Exterior Insulating and Finish Systems (EIFS - for trim elements only).
 - h. Metal (for beams, lintels, trim elements and ornamentation only).
 - i. Wood lap siding.
 - i. Smooth finish only (no rough-sawn).
 - ii. Must be painted or stained.
 - j. Hardie-Plank equivalent or better siding.
 - k. Vinyl or aluminum (architectural quality, heavy gauge: .040-.050 for vinyl or .019-.026 for aluminum)
2. Configurations and Techniques: The following configurations and techniques are permitted:
- a. Vertical wall openings shall not span more than one story.
 - b. Wall openings shall be as tall as or taller than they are wide.
 - c. Material changes shall be made logically - as where an addition (of a different material) is built onto the original building or where a building turns a corner.



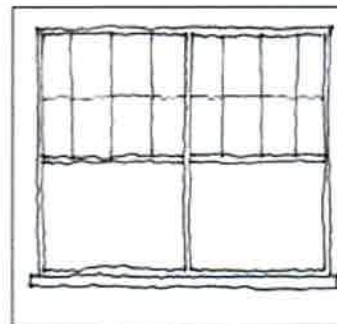
Use of brick and stone materials are permitted.



Use of brick and stone materials are permitted.



Wood lap siding

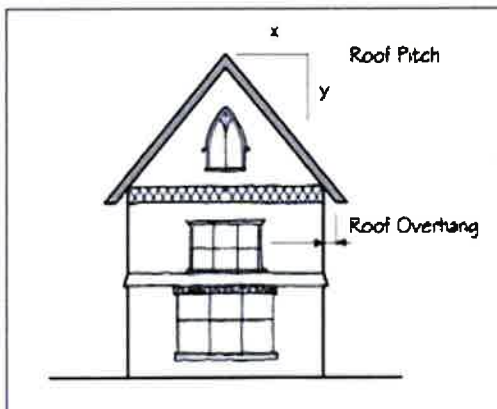


Window and wall openings shall have a vertical orientation. If the opening is wide, they can be divided to appear vertical.

- C. Roofs and Parapets. Roofs should have consistent pitches and designs with generous overhangs in order to provide visual coherence to the Village area. Roofs shall also demonstrate common-sense recognition of the climate by utilizing appropriate pitch, drainage, and materials.

Standards for roofs and parapets (where clearly visible from the street):

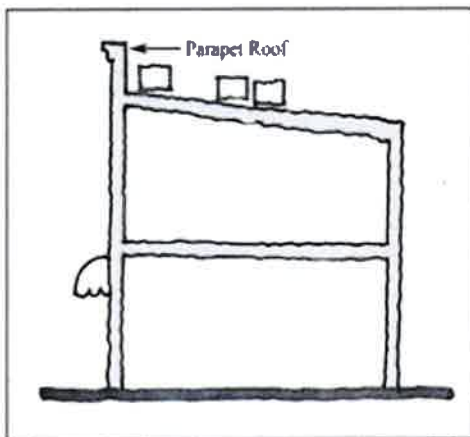
1. Pitched roofs.
 - a. Pitch (exclusive of roofs behind parapet walls).
 - i. Simple hip and gable roofs shall be symmetrically pitched between 6:12 and 12:12.
 - ii. Shed roofs, attached to the main structure, shall be pitched between 4:12 and 7:12.
 - b. Overhang.
 - i. Eaves and rakes (gable end) shall overhang between six inches and 24 inches on the primary structure in a manner proportional to the rest of the building design.
 - ii. Eaves and rakes on outbuildings, dormers, and other smaller structures must overhang at least six inches.
 - iii. Soffits shall contribute as an architectural detail of the roof and structure.



Roof pitch is a demonstration of the angle of the roof; slope is rise:run. Roof overhang is the amount that the eaves extend beyond the wall of the structure.



Rake is the amount that the gable end of the roof extends beyond the wall on that end of the structure.



Parapet roof screening equipment on a flat roof building.



A large overhanging eave with a wood soffit is above.

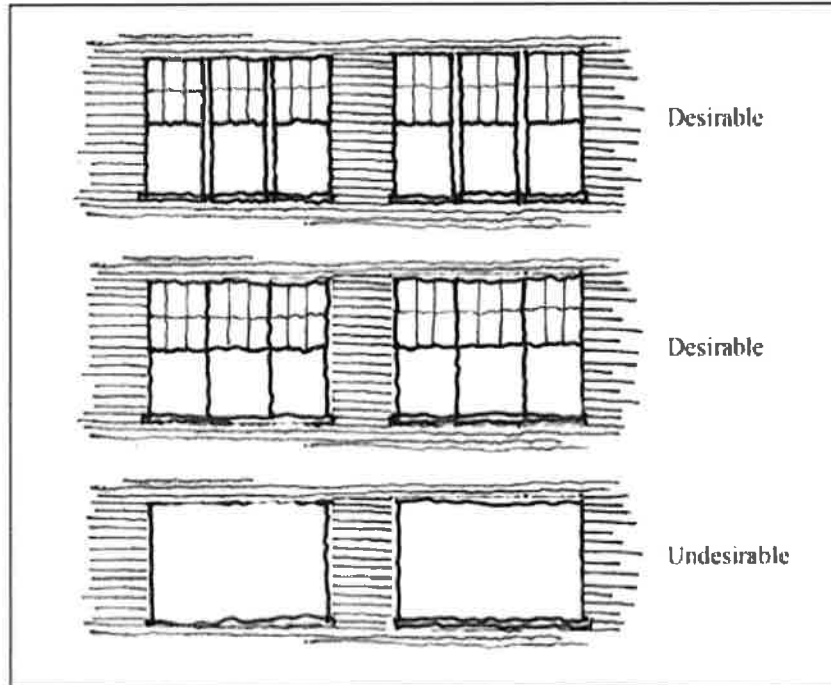
2. Parapet roofs.

- a. Permitted on Courtyard Apartments, Storefront and Workshop Buildings only. May be used to screen roof material from any adjacent street. (Parapet roofs may be required on side walls by Building Codes for fire protection.)
 - b. Buildings without visible roof surfaces and overhanging eaves shall provide a cornice projecting horizontally to screen rooftop equipment from view when standing across the street.
 - c. Skylights, roof vents, and rooftop mechanical equipment are permitted only on the roof plane opposite the front street or when shielded from Street view by the parapet wall.
 - d. Ornamentation which contributes to the character of the building is encouraged. Overly elaborate, "post-modern" designs are discouraged.
- D. Windows, Doors and Awnings. Windows and doors should be simple in both design and placement. Larger windows should be divided by mullions into multiple panes of glass. This helps the window "hold" the surface of the facade, rather than appearing like a "hole" in the wall, an effect that is produced by a single sheet of glass.

Standards for Windows and Doors (where clearly visible from the Street):

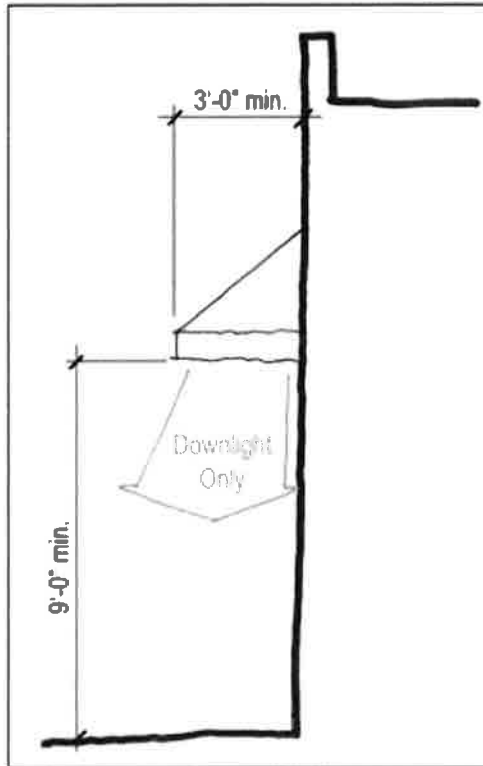
1. Materials: The following materials are permitted:
 - a. Window and door frames shall be made of anodized or painted aluminum, wood, clad wood, vinyl, or steel.
 - b. Window glass must be clear, with at least 90 percent light transmission at the ground story and at least 75 percent light transmission for the upper stories (modification as necessary shall be permitted to meet any applicable building code requirements.)
 - c. Specialty windows may utilize stained, opalescent, or glass block (one per facade maximum).
 - d. Doors shall be of wood, clad wood, fiberglass, glass, aluminum, and/or steel.
2. Configurations and Techniques: The following configurations and techniques are permitted:
 - a. Windows, frames, and doors shall coordinate with overall architecture and design.
 - b. For all windows:
 - i. Openings for windows, windowpanes, and doors shall be at least as tall as or taller than they are wide. Transom windows are not included in the measurements for this requirement.
 - ii. Windows may be ganged horizontally (maximum three per group) if subdivided by a mullion that is at least five inches wide.
 - iii. Windows shall be no closer than 36 inches to building corners.
 - iv. Exterior shutters, if utilized, shall be sized and mounted appropriately for the window ($\frac{1}{2}$ the width), even if inoperable.
 - c. Upper-story windows:
 - i. Double-Hung, Single-Hung, and Casement Windows shall be required.
 - ii. Windows shall have vertical proportions.
 - d. Ground floor windows and doors on Storefront building types:
 - i. Windows shall have vertical proportions. Wide ground floor windows shall be divided to give the appearance of separate windows, each having vertical proportions.
 - ii. Ground floor windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space) and shall allow a minimum 60 percent of surface view into the building (to at least a 20-foot depth).

- iii. Storefronts may extend up to 24 inches beyond the facade with a projecting window or building feature.



Wall openings shall be more vertical than horizontal in nature and may be separated by internal mullions if necessary to provide this result.

- 3. Awnings and Overhangs. When an awning or overhang is incorporated into a building, the following requirements must be met:
 - a. Minimum nine feet clear height above sidewalk, minimum three feet depth out from the building facade.
 - b. An awning or overhang may not extend into the street without obtaining permission from the appropriate body. Proof of permission shall be submitted prior to Site Plan review. Along private roads, awnings or overhangs may encroach into the easement but may extend no further than the street trees.
 - c. Canvas cloth or equivalent (no glossy or reflective materials), metal or glass.
 - d. No internal illumination of the awning or overhang. Downward lighting is permitted.
 - e. Lettering on awning limited to five inches tall on vertically hanging fabric at curb side of awning.
 - f. No one-quarter cylinder configurations.
- E. Lighting and Mechanical Equipment. Materials and equipment chosen for lighting fixtures should be durable, energy efficient, and weather well. Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration. However, lighting that is too bright creates intense glare, hinders night vision, and creates light pollution.



Awnings and overhangs must be a minimum of 9 feet above the sidewalk below and extend a minimum of 3 feet from the building facade. The only illumination permitted is lighting that shines down from the awning.

Standards for Lighting and Mechanical Equipment (where clearly visible from the street):

1. Lighting.

- a. Lighting in the Village Overlay District shall comply with the standards in Section 54.10 to 48.60 of the Zoning Ordinance in addition to those requirements stated below.
- b. Pole-mounted lighting in the Overlay District shall be limited to a height of 20 feet and be downward directed.
- c. If alleys are constructed, street lighting shall be provided in alleys upon their development.
- d. Street lighting shall be consistent with an approved streetscape design plan (when completed) to ensure consistency.

2. Mechanical Equipment.

- a. The following shall be placed away from the front street or side street frontage lines and be screened from view from the street: air compressors, air conditioners, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans (except those located per the public streetscape program), storage tanks, generators and similar units unless approved as necessary for a permitted essential service.
- b. Roof-mounted equipment shall be placed away from the frontage line and be screened from view from the street.

- c. New utility lines and utility leads for individual units shall be placed underground. As opportunities arise, existing overhead lines shall be placed underground as well.
- F. **Street Walls.** Street walls may be used to establish clear edges where buildings do not. The Village Overlay District standards provide for masonry walls that define outdoor spaces, screen the street from the private realm, and/or provide screening (parking lots, trash cans, gardens, and equipment). Street walls required within the Village Overlay District for these purposes shall be constructed in accordance with these standards. All street wall facades shall be as carefully designed as the building facade. Where the built form does not need to be as clearly defined or in more residential settings, fences can serve similar purposes.

Standards for Street Walls (where clearly visible from the Street):

1. **Materials.** The following materials are permitted:
 - a. Native or regional stone and equivalent imitation stone.
 - b. Brick.
 - c. Stucco on concrete block (or poured) only with brick or stone coping.
 - d. Metal (wrought iron, welded steel and/or black aluminum), for gates and detailing purposes only.
 - e. A combination of materials (e.g., stone piers with brick infill panels).
2. **Configurations and Techniques.** The following configurations and techniques are permitted:
 1. Street walls along any unbuilt required building line shall be built to a height between 36 inches and 72 inches above the adjacent ground depending on the location of the wall and the purpose it is serving.
 2. Walls for screening equipment, adjacent higher intensity uses, and similar impacts shall be near the maximum height.
 3. Walls in front yards or adjacent to pedestrian areas (used for screening parking areas) shall be limited to 42 inches in height.
 4. Stucco street walls shall have a hardy species of climbing vine planted along them. Landscaping along other street walls is encouraged to soften the appearance.
 5. The street wall shall be designed so as not to create an imposing presence or fortress-like appearance. The Planning Commission may adjust these standards as necessary to avoid this situation (such as requirements for relief, articulation, materials changes, and/or design elements in the wall plans.)
 6. Walls used for parking lot buffers shall also be subject to the criteria of Section 34.60.H.4.



A street wall used to screen the adjacent parking lot.

- G. **Signage.** Signs within the Village Overlay District should be clear, informative to the public, and well crafted. Appropriate signage is desirable for identifying the Village area's shops and businesses as well as for decoration. However, signage that is glaring or large creates a distraction, intrudes into and lessens the Village experience, and creates visual pollution.

The following sign regulations are applicable in the Village Overlay District, and shall supersede the sign requirements of Article 55 and Section 19.60.J, except where the provisions of Article 55 and Sections 19.60.J are specifically referenced or are not covered in the text below:

1. Approval. Signs shall be approved in accordance with the permitting requirements of Article 55. However, all new buildings and/or remodeled facades that will have a signage component shall demonstrate that sufficient space has been provided in the building design for future signage and that signage placed in that location will not conflict with the overall building design.
2. Design and Materials.
 - a. Exterior materials, finishes, and colors should be the same or similar to those used on the principal building.
 - b. Signs should be professionally constructed using high-quality materials such as metal, stone, hardwood, and brass.
 - c. The use of exposed neon tubing in conjunction with other types of materials to emphasize the business name, logo, or to indicate if open or closed is permitted; however, neon tubing within a sign cabinet that creates internal illumination or any other use of neon tubing is prohibited.
 - d. Internally lit plastic letters or plastic box signs are prohibited.
 - e. To minimize irreversible damage to masonry, all mounting and supports should be inserted into mortar joints and not into the face of the masonry.
3. Sign Lighting.
 - a. Internal Sign Illumination Prohibited. Internally illuminated signs are prohibited in the Village Overlay District. The only exceptions are signs with cut-out lettering where the internal light shines through the cut-out sign copy but not the opaque sign face.



Reverse Channel Illumination


- b. Externally Illuminated Lighting. Projecting light fixtures used for externally illuminated signs such as gooseneck fixtures for wall or projecting signs or ground-mounted spotlights for monument signs should be simple and unobtrusive in appearance. Any external sign light source must be designed so that the light source is directed against the sign and away from pedestrian or automobile travel ways.



Gooseneck Light Fixtures


- c. Back-lit, Halo-lit, or Reverse Channel Letter Illumination. The use of back-lit, halo-lit, or reverse channel-lit lighting is permitted and encouraged in the Village Overlay District. These types of sign lighting are appropriate for pedestrian and automobile scale sign lighting applications (see illustration at right).
 - d. Prohibited Sign Elements. Any sign elements incorporating flashing or blinking lights, animated display screens, video monitors, or LCD, LED, or similar reader boards are prohibited in the Village Overlay District.
4. Multiple Story Buildings. The following regulations are applicable to multiple story buildings:
- a. Except where the height of the sign is specified in the following provisions, ground floor tenants shall place signs at the storefront level, below the expression line separating the ground floor from upper floors.
 - b. Upper story tenants may only display window signs. Such window signs may not exceed 25 percent of the total window area appurtenant to the tenant's floor space.
 - c. A small amount of additional signage for upper story tenants may be allowed when integrated into the design of the building and the overall signage program. This will be particularly true in the Village Core.
 - d. A directory sign shall be permitted at ground level entrances that provide access to upper story tenants.
5. Political Signs. Political signs shall be subject to the applicable requirements of Article 55.
6. Clear Vision Area. The sign shall comply with the Kalamazoo County Road Commission Clear Vision Area requirements, if applicable, as well as the Oshtemo Charter Township Clear Vision Area standards (Section 55.160).
7. Sign Area. The determination of how large a sign is shall be made based on the standards provided in Section 55.40, under "Sign Area".
8. Cornerstones. A cornerstone is an imprint of the name of the building or date of construction into a permanent material (such as concrete or stone) for display on the building. The cornerstone should be no larger than three square feet and shall be reviewed as a part of the overall building design, although it will not count towards the signage limits.
9. Permitted Signs. The following types of signs are permitted in the Village Overlay District. Table 34.7 below summarizes the size and number of signs permitted and a few key notes, particularly concerning signs that cannot be used concurrently. Detailed descriptions and standards for certain sign types follow:

Table 34.7 – Sign Summary			
	Size	Number	Notes
1.	1 sq. ft./linear foot of building frontage. Max 24 sq. ft. per sign.	Depends on building frontage. At least one sign permitted, but partial measurements rounded down.	Can not be used in conjunction with a projecting sign.
2.	8 sq. feet max.	One per ground floor tenant.	Can not be used in conjunction with a wall sign.
3.	Max. size depends on setback from street.	One per lot, parcel, or development area.	Must satisfy clear vision requirements.
4.	Max. 5" tall letters along vertically hanging surface adjacent to curb.	One per awning/canopy.	
5.	4 sq. feet max.	One per canopy or overhang.	May not be used in conjunction with a projecting sign.
6.	25% of window area.		Includes both temporary and permanent.
7.	6 sq. feet max.	One per ground floor business.	Must be located close to building.
8.	8 sq. feet max.	One per multi-tenant building.	
9.	2 sq. feet max.	One per use.	
10.	6 sq. feet max.	One per use.	

1. WALL SIGNS		
<p>Definition: A sign that is mounted flush and fixed securely to or painted on a building wall, projecting no more than 12 inches beyond the face of a building wall and not extending sideways beyond the building face or above the highest line of the building to which it is attached.</p> 	Regulations:	
	i.	Wall signs should be located on the upper portion of the storefront and should not exceed 2/3 the width of the building or tenant frontage.
	ii.	Wall signs shall not exceed a ratio of 1 square foot of area per linear foot of building width or tenant space width up to a maximum of 24 square feet per sign.
	iii.	One wall sign shall be permitted for each 24 linear feet of building or tenant frontage on the front of the building (partial measurements will be rounded down; minimum of one sign per tenant or building frontage for single user buildings). Wall signs shall be distributed evenly on the building or complement the overall architecture and design, including the arrangement of bays and openings. For buildings and tenants with frontage and/or access on the side or rear, one additional wall sign may be permitted for each additional exposure to be no greater than 20 square feet.
	iv.	Wall signs shall be placed in a clear signable

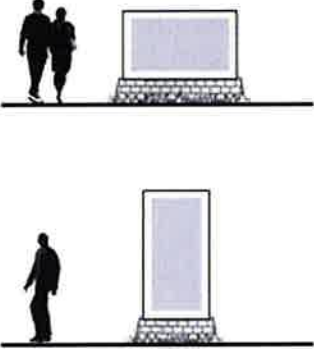
		area, which is an architecturally continuous area uninterrupted by doors, windows, or architectural details such as grillwork, piers, pilasters, or other ornamental features.
	v.	For multiple-tenant uses, the size and number of signs for ground floor tenants shall be based on the standards above.
	vi.	A wall sign shall not be used in conjunction with a projecting sign.
	VII.	See Section 34.60.G.4 for more information regarding wall signs on multiple story buildings.

2. PROJECTING SIGNS


<p>Definition: A sign that is affixed to the face of a building or structure that projects in a perpendicular manner from the wall surface of a building.</p> 	Regulations:	
	i.	Projecting signs, including all brackets and hardware, shall not be mounted above the second-floor window sill in multi-story buildings.
	ii.	Projecting signs shall be small in scale and provide a minimum vertical clearance of 9 feet between the lowest point of the sign and the sidewalk.
	III.	The entire sign area of the projecting sign shall fit inside an imaginary rectangle with a maximum area of 8 square feet. Neither the height nor the width shall exceed 4 feet.
	iv.	Projecting signs may not encroach into the street without obtaining permission from the appropriate body. Proof of such permission shall be submitted prior to approval. Along private roads, projecting signs may encroach into the street easement a maximum of 5 feet.
	v.	Mounting hardware shall be attractive and an integral part of the sign design.
	vi.	Marquee Signs are a form of projecting sign. A marquee sign is only permitted in conjunction with a theatre, cinema, or performing arts facility, and the sign may indicate the facility's name and a changeable copy portion of the sign highlighting current and future attractions. The permitted area of a Marquee Sign shall be determined by the Planning Commission consistent with the design and scale of the building and the surrounding environment.
	VII.	One projecting sign is permitted per ground floor tenant. An additional sign may be granted for a tenant if located on a corner lot with multiple street frontages.

	VIII.	A projecting sign shall not be used in conjunction with a wall sign.
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3. MONUMENT SIGNS


<p>Definition: A freestanding sign. Monument signs are typically used for a building or series of buildings that are separated from adjacent streets by substantial setbacks. The base of the monument sign is typically brick or other masonry material and is approximately the same width as the sign face.</p> 	Regulations:			
	i.	One monument sign per lot, parcel, or development area regardless of the number of commercial establishments on that lot, parcel, or site.		
	ii.	Monument sign area and height requirements based on the setback from the road right of way or private road easement:		
		Setback (feet)	Sign Area (sq.ft.)	Height(feet)
		Less than 5	Sign not permitted.	
		5—9	24	5
		10—14	30	5
		15+	40	6
iii.	Height and setback requirements shall be based on the proposed location of the sign.			
iv.	Monument signs shall be oriented towards an arterial street (parallel or perpendicular), or collector if not fronting on an arterial.			
v.	Monument signs shall be constructed out of decorative materials that complement the design of principal buildings within the development. Natural materials such as stone, decorative masonry, wood, or metal are preferred.			
vi.	Low level landscaping shall be provided around the base of the sign but shall not obscure any part of the sign message.			
vii.	Monument signs shall be located in compliance with Township and County Clear Vision Area regulations.			

4. AWNING & CANOPY SIGNS

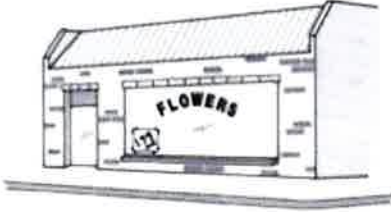
<p>Definition: A sign that is printed on, painted on, or attached to an awning or canopy above a business door or window. Such signs are generally oriented toward pedestrians on the opposite side of the street.</p> 	Regulations:	
	i.	Lettering and graphics up to five inches tall may be placed on the vertically hanging fabric of an awning on the side facing the curb.
	ii.	Awnings or canopies with back-lit graphics or other kinds of interior illumination are prohibited.
	iii.	One sign per awning or canopy.
	iv.	An awning or canopy sign may be used in conjunction with a projecting sign or wall sign.
	v.	Signage, lettering, graphics, and logos are

		prohibited on the upper, sloped portion of the awning and shall be located on the vertical flap.
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5. HANGING SIGNS

<p>Definition: A hanging sign is similar to a projecting sign, except that it is suspended below a marquee, awning or canopy. Hanging signs are smaller than projecting signs due to their lower mounting height.</p> 	Regulations:	
	i.	Hanging signs shall fit within an imaginary rectangle with a maximum area of 4 square feet (excluding supporting rods, chains, or similar hangers).
	ii.	Hanging signs shall maintain a minimum vertical clearance of 9 feet between the lowest point of the sign and the sidewalk.
	iii.	One sign shall be permitted per canopy or overhang.
	iv.	A hanging sign may not be used in conjunction with a projecting sign.

6. WINDOW SIGNS


<p>Definition: A window sign is painted, posted, displayed, or etched on an interior translucent or transparent surface, including windows or doors.</p> 	Regulations:	
	i.	Window signs, both temporary and permanent, shall not exceed 25% of the window area so that visibility into and out of the window is not obscured.
	ii.	Sign copy shall not exceed 8 inches in height.
	iii.	Window signs should be applied directly to the interior face of the glazing or hung inside the window to conceal all mounting hardware and equipment.

7. A-FRAME SIGNS


<p>Definition: A-Frame signs are designed to stand on their own either on private or public property. Such signs are portable and are usually placed along public sidewalks to attract pedestrians to adjacent businesses.</p> 	Regulations:	
	i.	A-frame signs may have a maximum area of 6 square feet and a maximum height of 42 inches. The sign area is calculated on one side only.
	ii.	A-frame signs may only be located in the frontage or walkway/furnishings areas of the pedestrian area along a street. The sign shall be located near the building to ensure sufficient space (at least 5 feet) is provided for pedestrian passage.
	iii.	A-frame signs may not be permanently affixed to any object, structure, or the ground.
	iv.	A-frame signs shall not be illuminated.
	v.	A-frame signs may only be displayed during business hours and shall be removed when the business to which they are accessory is closed.

	vi.	Each ground floor business with frontage on a street may have a maximum of one A-frame sign. Businesses without ground floor frontage may not have an A-frame sign. The sign must be located adjacent to the business to which it is accessory.
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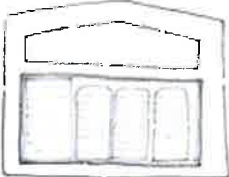
8. TENANT DIRECTORY SIGNS

<p>Definition: A tenant directory sign is used to identify tenants and businesses in a multi-tenant building, often for tenants that do not have direct frontage on a public street. Such tenants can be located in second story space, or in portions of the building without a ground floor entry in the front. Tenant directory signs are oriented toward the pedestrian.</p> 	Regulations:	
	i.	Tenant directory signs shall fit into an imaginary rectangle with a maximum area of 8 square feet.
	ii.	Tenant directory signs shall be mounted flat against a solid wall proximate to a common building entrance serving tenants listed on the directory sign.
	iii.	Tenant directory signs may include the following: building or project name, project logo, address, business tenant names, and suite numbers or letters.
	iv.	A maximum of one tenant directory sign shall be approved per building unless proven otherwise necessary to the satisfaction of the Planning Commission.

9. PLAQUE SIGNS

<p>Definition: A plaque sign is a small version of a wall sign that is attached to surfaces adjacent to store entries or tenant entries.</p> 	Regulations:	
	i.	Plaque signs shall fit into an imaginary rectangle with a maximum area of 2 square feet.
	ii.	Plaque signs may project a maximum of 3 inches from wall surfaces.
	iii.	Only one plaque sign shall be permitted per use.

10. RESTAURANT MENU SIGNS

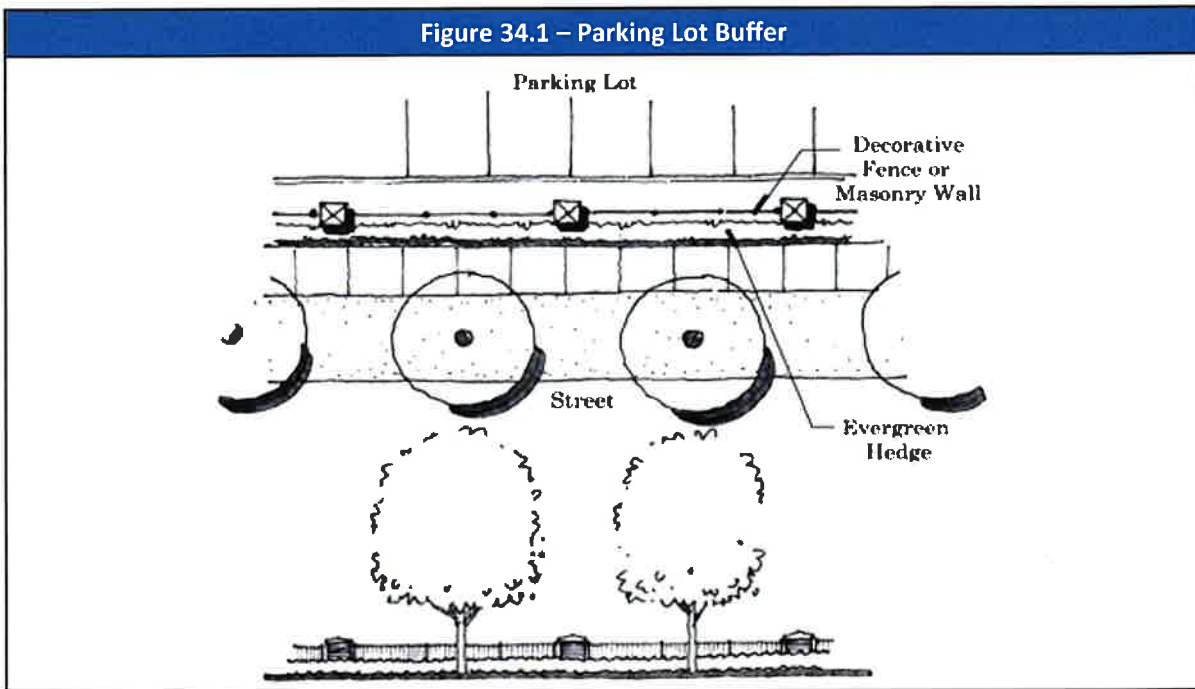
<p>Definition: A restaurant menu sign is a sign that incorporates a menu for a restaurant. The purpose of restaurant menu signs is to assist customers in finding a restaurant they would like to patronize.</p> 	Regulations:	
	i.	The maximum area for menu signs is 6 square feet.
	ii.	Menu signs shall be located in a permanently mounted display box on the surface of the building adjacent to the entry.
	iii.	Restaurant menu signs shall be permitted for all restaurants with table service.
	iv.	Only one restaurant menu sign shall be permitted per use.

- H. Landscaping. The purpose of the landscaping standards is to ensure coherent neighborhood streets, to assist property owners with understanding the relationship between the street and their own front yards, and to achieve creative and distinctive landscape and planting design emphasizing urban form. The preservation and use of native plants is strongly encouraged.

These requirements shall be in addition to the requirements of Article 53. Where there are conflicts, the requirements stated below shall apply. A landscape plan meeting all of the requirements of Section 53.30 shall be submitted for review whenever an activity requiring Site Plan review is proposed in the Village Overlay District.

1. Reserve space. Reserve Space may be required in accordance with the requirements in Section 34.80.A. Where Reserve Space is required, the space and the required landscaping within the space shall be clearly demonstrated on the Landscaping Plan.
2. Interior parking lot landscaping. Interior parking lot landscaping shall be provided in accordance with Section 53.70 of the Township Zoning Ordinance. In addition, parking lot islands shall be protected by concrete curbs or similar permanent means.
3. Street trees. Street trees shall be provided along each front and side street frontage as provided in Section 34.70.D.5.e. of this Ordinance. Street trees shall be canopy deciduous trees, specially selected to survive in this environment, and planted in a consistent row between two and three feet of the curb line.
4. Parking lot buffers. All parking lots shall be separated from the street frontage by a building or a parking lot buffer. A parking lot buffer is required when a parking lot is located within 30 feet of a road right-of-way or road easement. This landscape buffer shall consist of:
 - a. A minimum five-foot-wide buffer.
 - b. A decorative masonry wall, street wall, or decorative wrought-iron appearing aluminum fence with a height between 36 and 42 inches from the ground. If a fence is proposed, decorative masonry pillars shall be used to connect fence panels with a minimum of one pillar being provided every 20 to 25 feet.
 - c. A minimum four-foot-wide planting strip adjacent to the wall including evergreen plantings disposed to form a continuous hedge of small deciduous and evergreen shrubs in between the fence and the street right-of-way or road easement (see figure 34.1).

Figure 34.1 – Parking Lot Buffer



5. Detention pond landscaping. All detention ponds or similar storm water management facilities (including bioswales, rain gardens, and similar facilities) shall be designed to incorporate grading contours and plant materials that appear natural in context with the surrounding development and environment. Detention pond landscaping shall comply with the following requirements:
 - a. Clusters of large shrubs spaced not more than six feet on center shall be provided above the high water or freeboard elevation of the pond. A minimum of one shrub shall be planted for every 20 linear feet measured along the freeboard elevation of the pond.
 - b. One ornamental deciduous tree shall be planted for every 40 linear feet measured along the freeboard elevation of the pond.
 - c. One canopy deciduous tree shall be planted for every 50 linear feet measured along the freeboard elevation of the pond.
 - d. Detention ponds shall be planted with native grasses or detention pond seed mix to discourage use by waterfowl. Grass should be allowed to grow to ten to 14 inches tall along the sides and bottom of the basin. Grass species that go dormant in winter are suggested.
 - e. Anti-waterfowl devices such as string matrix or string edge are recommended while establishing plantings.
 - f. A minimum of 20 percent of the plant materials shall be native plants.
6. Plant material standards. All plant material used to meet the landscaping requirements of the Village Overlay District shall meet the minimum standards provided in Section 53.90.
7. Corridor south sub-district. Landscaping in the Corridor South sub-district shall satisfy the standards for development provided in Article 53.

34.70 STREET TYPES AND STANDARDS

Remove

Development in the Village Overlay District shall occur using a combination of both the existing street network and new streets added to establish an improved circulation system. Proposed streets in the Village area may be public or private and shall satisfy the standards below as well as other standards governing such roadways in the Township. The use of private roads shall be subject to Planning Commission approval. Where existing streets are being improved, these standards along with the other standards overseeing such road development shall guide the design of the improvements.

A. Street network.

1. Types of streets. The street network shall consist of three types of streets:
 - a. Arterials shall form the basis around which the circulation system is designed. Arterials are the main streets within the Village area and shall have buildings or public spaces fronting on the street. Unless otherwise permitted herein, parking and loading areas shall not have frontage on an Arterial. Stadium Drive and 9th Street are the two Arterials within the Village area.
 - b. Collectors are intended to provide a connection between Arterials and to provide access to parking and loading areas. Collectors are required to have buildings or public spaces along at least a portion of the street frontage. Collectors may intersect with any street type.
 - c. Local Roads are streets that provide access to parking, loading, or other service areas of the site as well as residential uses. Local Roads do not have a significant building frontage requirement. Local Roads may intersect with any street type, but Arterial intersections are discouraged.
2. Network layout. Streets should be developed consistent with the locations shown on the Regulating Plan. The exact location of streets on a particular site may be varied from those shown on the Regulating Plan to account for site-specific factors such as natural or man-made features provided that the general layout and number of streets and connection points for the continuation of streets on adjacent parcels are consistent with the Regulating Plan. Additional streets that are not shown on the Regulating Plan may be developed as necessary to create the required block system, and to distribute vehicular and pedestrian traffic through a development. Local streets may be removed with the approval of the Planning Commission provided the proposed development plan continues to maintain the required block system and meets the other required architectural standards. New streets shall satisfy the layout and design standards of this Section (34.70). Any variations to the location or layout of streets as shown on the Regulating Plan shall require the approval of the Planning Commission.
3. Street hierarchy. In order to determine which side is the front and which is the side on corner lots, a hierarchy of street types is used. The higher street type is considered the front for zoning purposes. This hierarchy may be used for other purposes as well. The street types in order from first level to third level are as follows:
 - a. Arterial.
 - b. Collector.
 - c. Local Road.

B. Street design standards.

1. Street areas. Streets consist of three areas: the travel way area, the parking area, and the pedestrian area. The elements that are included in each street area are described as follows (See Figure 34.2):
 - a. The vehicle travel way area consists of vehicle travel lanes, turning lanes, and medians (if provided).
 - b. The parking area consists of vehicle parking lanes, bike lanes, and potentially of public transit elements. Bicycle travel lanes, where provided, shall be clearly marked and located between

the travel way area and the vehicle parking lane. While transit elements are not required, they can be accommodated in the parking area where transit is available in the Village area. Transit facilities would be accommodated by replacing some parking spaces with transit stops.

- c. The pedestrian area consists of the area between the curb and the edge of the right-of-way or road easement, although the pedestrian area may extend into an easement on private property depending on the width of the right-of-way and the existing conditions. The pedestrian area is separated into three subareas (See Figure 34.3):
 - i. The edge area is the space adjacent to and including the curb. The edge area is necessary to allow the doors of cars parked along the street to open and close freely and must remain clear of obstructions. The edge area also provides a place for snow to pile when plowed from the street. The minimum width of the edge area should be two and one-half feet to allow for this space. Along Local roads and Collectors, where a wider edge area is provided, it shall be landscaped and provide a tree lawn area.
 - ii. The walkway/furnishings area accommodates amenities such as street trees, planters, and sidewalk furniture as well as the pedestrian walkway. Where there is no tree lawn, street trees shall be planted in planting strips or, if necessary, tree grates within the paved walkway/furnishings area.

This area also includes the pedestrian walkway, which is the basic sidewalk area where pedestrians walk. The walkway area must remain clear of obstructions to pedestrian travel. No permanent structures or uses are permitted in the designated walkway portion.

- iii. The frontage area is the portion of the walkway at the boundary between the right of way and private property. This is the area of the sidewalk that is closest to the building. The frontage area is intended to accommodate door openings and window shoppers. The frontage area may also be used for accessory uses associated with a use in a principal building.

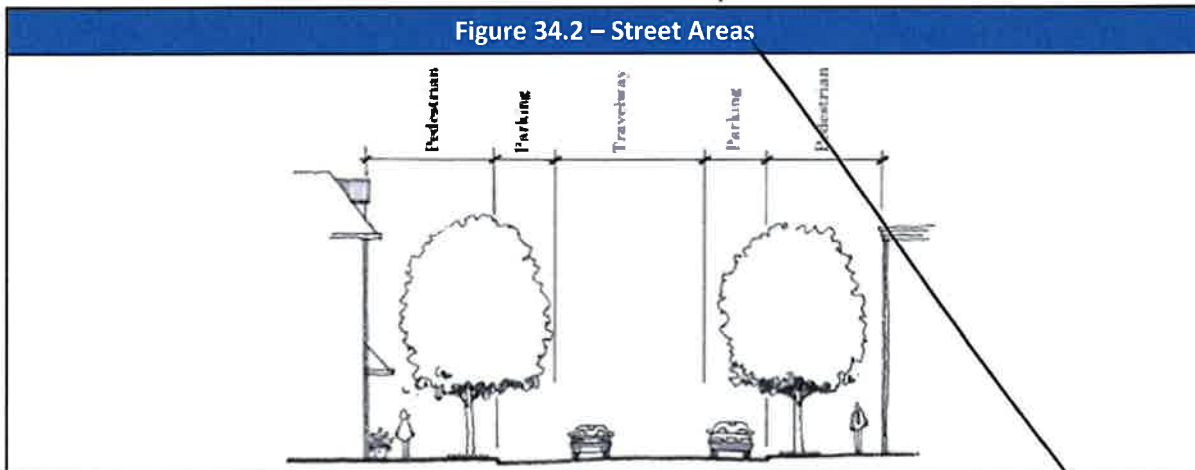
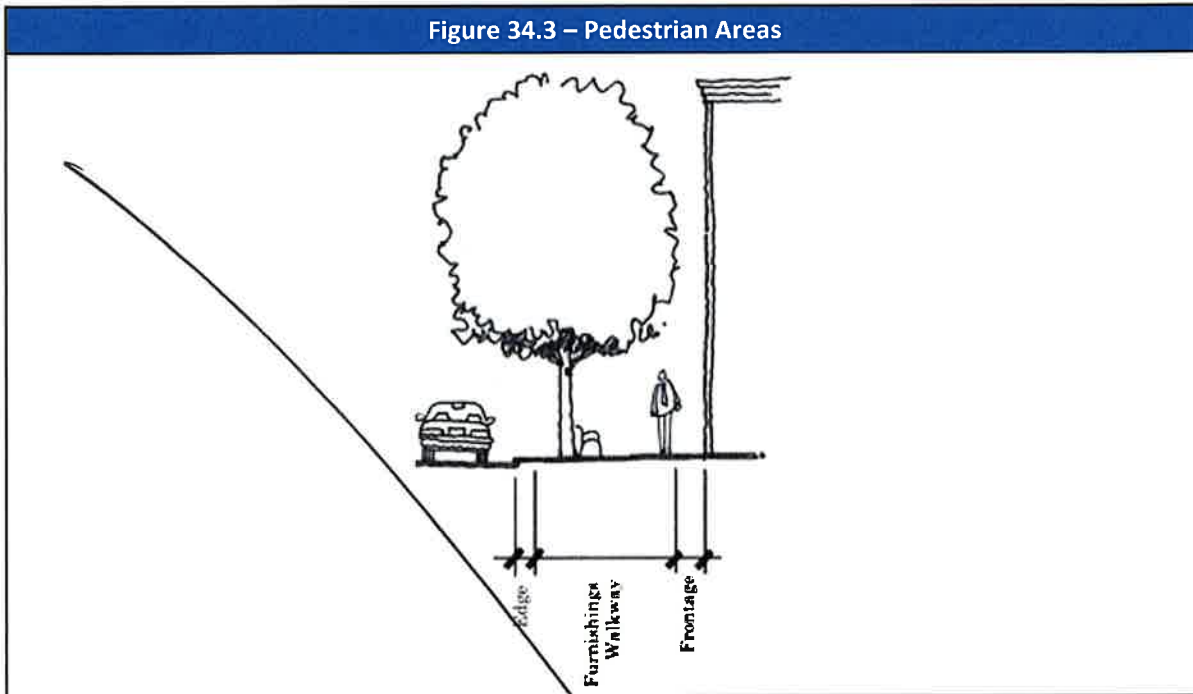


Figure 34.3 – Pedestrian Areas



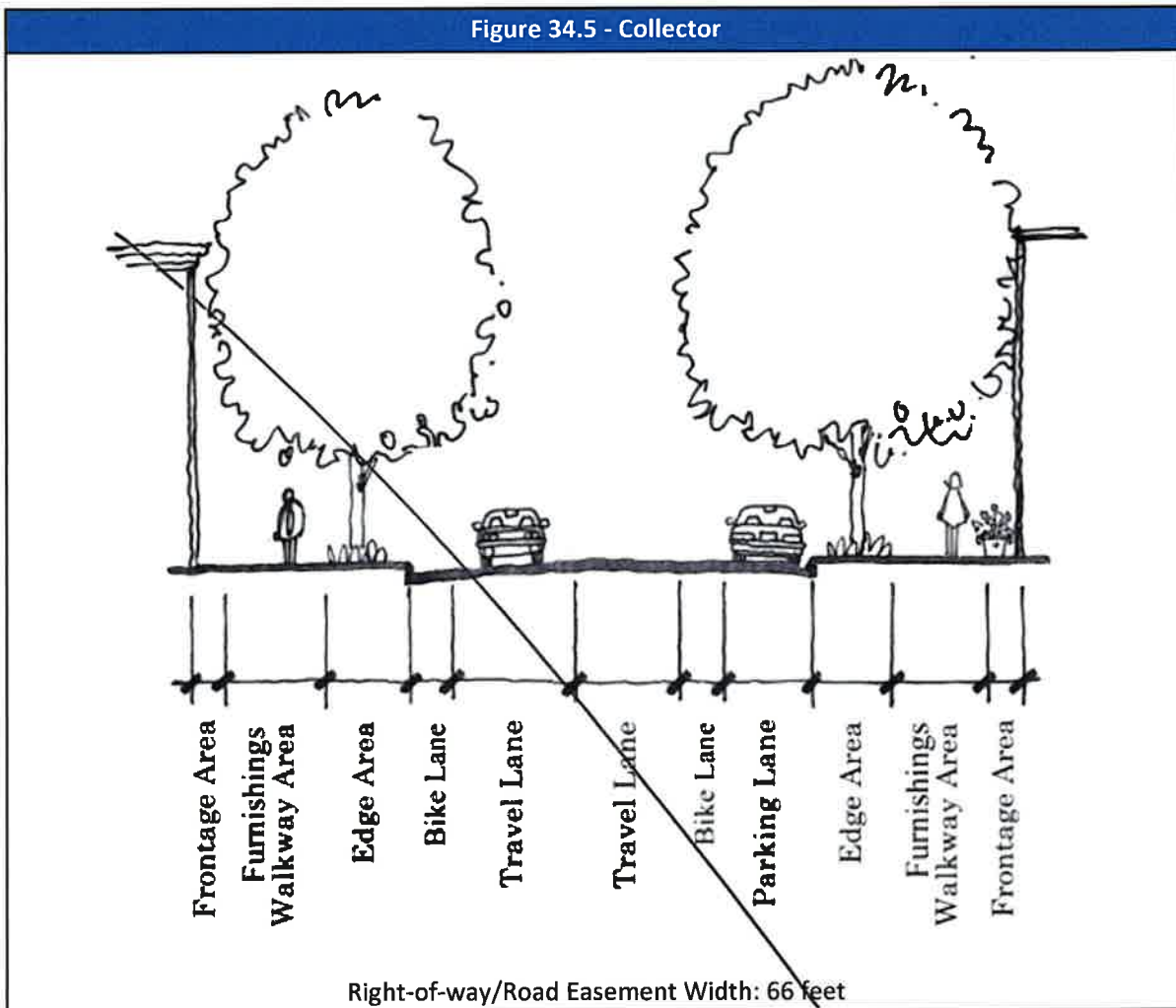
C. Street templates.

All streets shall conform to the following street design templates. The templates were created to provide standards to guide the design of road improvements within and along the public right-of-way and private easements. Where existing conditions or policies of other agencies conflict with these provisions, see Section 34.70.D.3.d.

1. Local Roads - See Figure 34.4
2. Collectors - See Figure 34.5
3. Arterials - See Figure 34.6

Travel Area		Parking Area		Pedestrian Area	
Travel Lanes:	2	Parking Lane Width:	8'	Total Width:	14'
Travel Lane Width:	11'	Parking Lanes:	2	Edge Area Width:	5'
Center or Left Turn Lane ¹ :	As needed			Walkway/Furnishings Area Width:	7'
Median Width:	–			Frontage Area Width:	2'
Notes:					
Where a center or left turn is needed, a minimum of one parking lane shall be removed and the edge area shall be reduced to 3.5 feet in width on both sides.					

Figure 34.5 - Collector

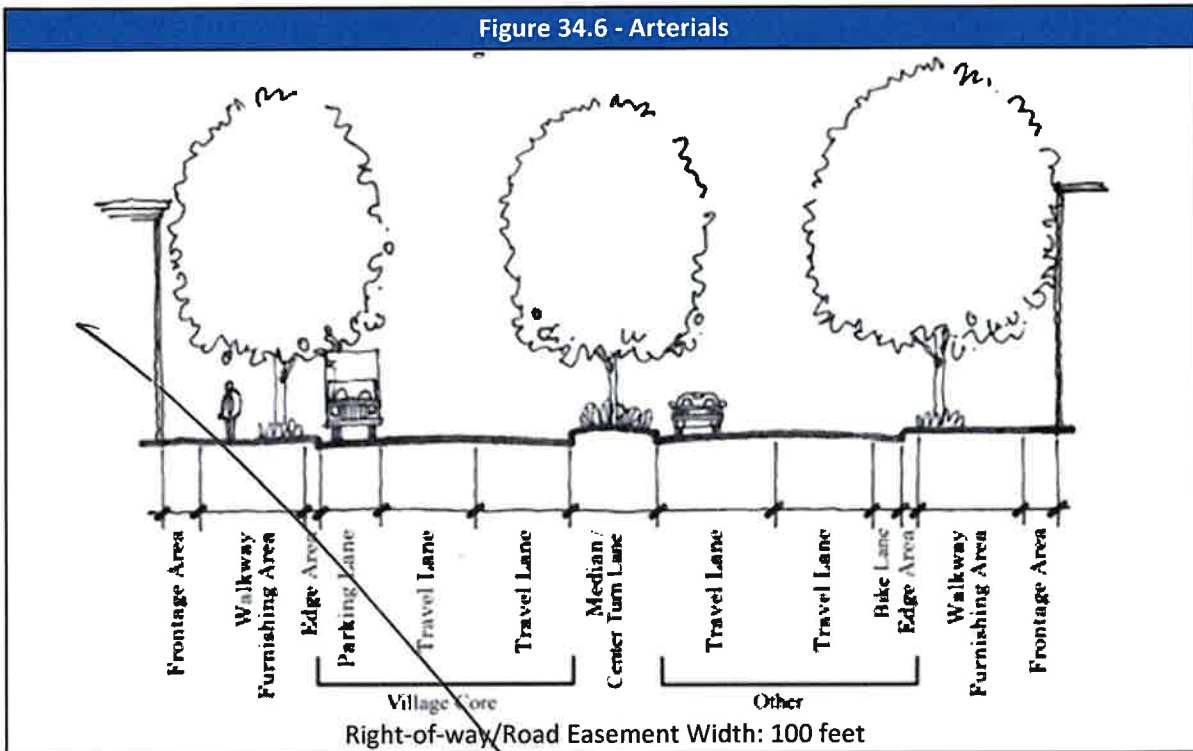


Travel Area		Parking Area		Pedestrian Area	
Travel Lanes:	2	Parking Lane Width:	8'	Total Width:	14'
Travel Lane Width:	11'	Parking Lanes:	1	Edge Area Width:	5'
Center or Left Turn Lane ² :	As needed	Bike Lane Width:	4'	Walkway/Furnishings Area Width:	7'
Median Width:	-			Frontage Area Width:	2'

Notes:

1. Where a center or left turn is needed, a minimum of one parking lane shall be removed and the edge area shall be reduced to 3.5 feet in width on both sides.
2. The bike lane may be relocated to the pedestrian area to create a ten-foot non-motorized pathway if the Collector is located on an appropriate route, subject to Planning Commission approval.

Figure 34.6 - Arterials



Travel Area		Parking Area		Pedestrian Area	
Travel Lanes:	5	Parking Lane Width:	8'	Total Width:	14.5' ⁴
Travel Lane Width:	11'	Parking Lanes:	2	Edge Area Width:	2.5' ⁴
Center or Left Turn Lane ² :	Yes	Bike Lane Width:	4'	Walkway/Furnishings Area Width:	10'
Median Width:	11'			Frontage Area Width:	2'

Notes:

1. Median islands are encouraged.
2. On-street parking may be provided along Arterials in the Village Core subject to Kalamazoo County Road Commission approval.
3. On-street bicycle lanes shall be required along arterials except in the Village Core. Non-motorized pathways may be constructed on one side of an arterial, except in the Village Core, for the purpose of connecting and extending existing trailways and developments. The pathway may be placed in the walkway/furnishings area and may extend into the frontage area if necessary, subject to Planning Commission approval. If provided, the bike lane shall be removed and the additional space applied to the pedestrian area.
4. These standards assume parking lanes are provided on both sides of the street and no bike lane is provided. If parking lanes are not permitted, the additional right-of-way shall be split between the Edge Area and Frontage Area similar to arterials outside the Village Core.

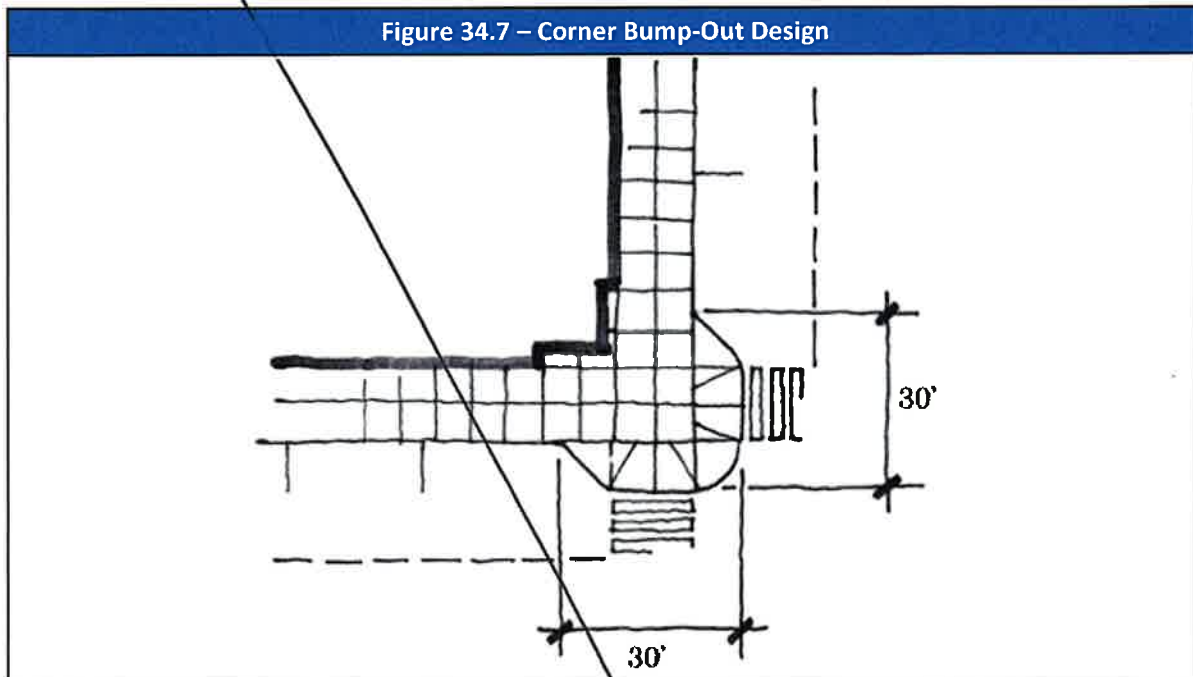
D. Other street design standards.

1. Sidewalk design. Sidewalks, access ramps, and driveway crossings shall be designed in accordance with the Township Sidewalk/Multi-Purpose Path Construction Standards, unless otherwise required in this Ordinance.
2. Outdoor eating areas. Outdoor eating areas shall be permitted immediately adjacent to permitted establishments serving food in either the frontage and/or furnishings/walkway areas. If located in the furnishings/walkway area, a minimum of five feet clear walkway must remain for

Keep

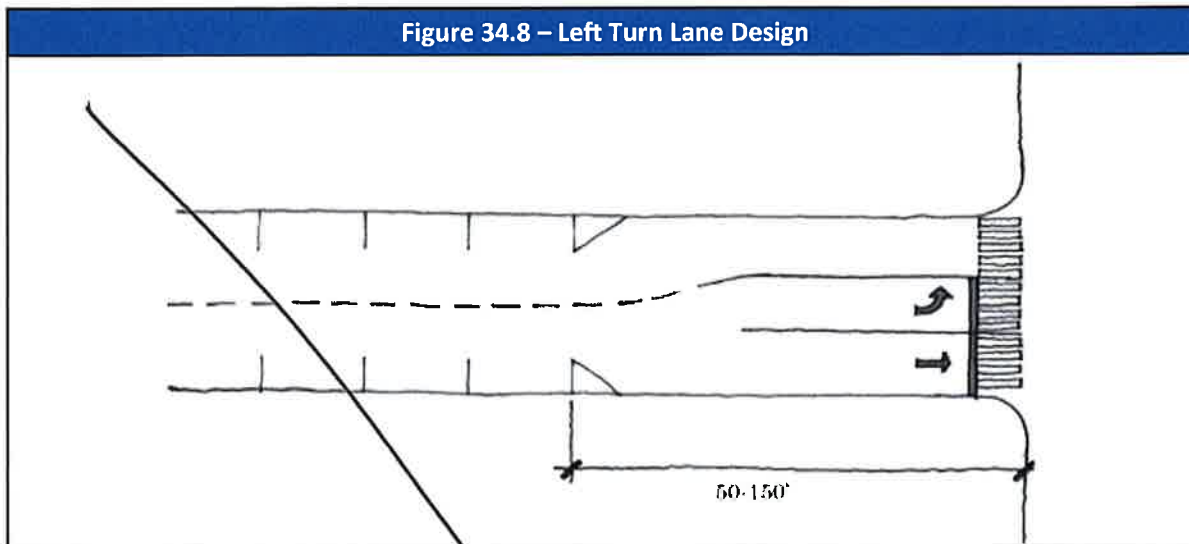
pedestrians to pass. The furniture shall not be permanently attached to the ground and shall be stored out of sight when the outdoor seating area is not in season.

3. Adjustments to the street templates. The street templates may be adjusted to incorporate any of the following items, subject to Planning Commission approval or at the direction of the Planning Commission:
 - a. Corner bump-outs. Corner bump-outs may be provided at street corners in the Village Core only. Parking spaces shall be eliminated to provide the additional area necessary to accommodate a corner bump-out. A corner bump-out may have a maximum dimension of 30 feet, measured from the intersecting curb line (see figure 34.7).



- b. Mid-block bump-outs. Mid-block bump-outs may be provided on blocks with a length greater than 500 feet to provide pedestrian crosswalks and/or additional landscaping area. Parking spaces shall be eliminated to provide the necessary area to accommodate a mid-block bump-out. A mid-block bump-out may have a minimum depth of ten feet and a maximum length of 20 feet. If a mid-block bump-out is provided for pedestrian purposes, the crosswalk shall be clearly marked through the vehicle travel way area through the use of decorative paving or pavement markings and signs or other methods of advising vehicle drivers that pedestrians have the right-of-way.
 - c. Left turn lanes. If a left turn lane is required by Kalamazoo County Road Commission standards or is otherwise proposed, the area necessary to accommodate the left turn lane shall be provided by eliminating a portion of the parking lane along one or both sides of the street. The parking lanes may be eliminated for only that space necessary to meet County design requirements (see figure 34.8). The exact portion of the parking lanes to be eliminated will depend upon the anticipated or existing traffic volumes on the street. A higher traffic volume will require a longer left-turn and bypass lane and the elimination of the parking lane.

Figure 34.8 – Left Turn Lane Design

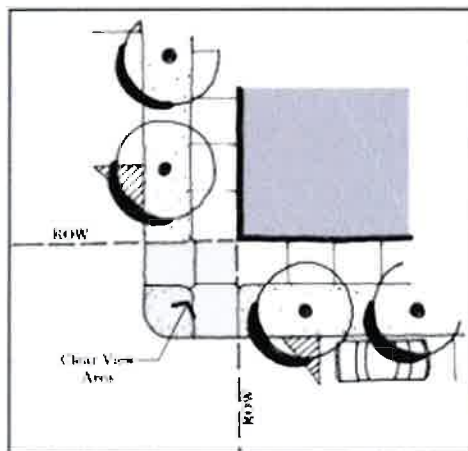


d. Other adjustments to the street templates. The Planning Commission may permit other adjustments to the Street Templates included in this Section 34.70.C if the applicant can provide evidence that the adjustment is warranted by specific site layout problems, by existing conditions not created by themselves, or if required by other governmental agencies such as the Kalamazoo County Road Commission. Such an adjustment shall only be approved if the requested adjustment will still achieve the goals of this Ordinance and will not negatively impact the utility of any of the three street types or the health, safety, and welfare of the users of the Street(s).

4. Design standards applicable to all streets.

a. Curb radius. Curb radius standards shall satisfy Kalamazoo County Road Commission minimum requirements as well as any additional standards established by Oshtemo Charter Township.

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Clear vision area formed by the junction of two rights of ways.

b. Clear vision area. A clear vision area shall be maintained at all intersections. Nothing shall be located to cause a hazard to vehicular or pedestrian traffic by depriving the pedestrian or driver of a clear and unobstructed view of approaching, intersecting, or merging traffic. The

clear vision standards of the Kalamazoo County Road Commission shall also be satisfied where streets or drives intersect with public streets.

~~c. Parallel parking stalls. Parallel parking stalls shall have a minimum length of 23 feet. Pavement markings shall be provided for the entire width of the parking stall to demark the location of parallel parking stalls.~~ *CURT PARK IN ROAD*

keep d. Sidewalks at driveway crossings. When a sidewalk crosses a vehicle driveway, the driveway shall retain the elevation of the sidewalk. The appearance of the sidewalk shall be maintained across the driveway to indicate that the area traversed by a vehicle remains a part of the pedestrian zone and that pedestrians have the right-of-way.

~~e. Crosswalks. In the Village Core, pedestrian crosswalks shall be distinguished by decorative pavement (such as brick pavers or integrally colored scored concrete). In all other sub-districts, the pedestrian crosswalks shall be distinguished from the travel way and parking areas through the use of pavement striping, although decorative pavement may be used if desired.~~

- f. Pedestrian pass-throughs. ?
- i. When parking is located behind buildings, one pedestrian pass-through may be proposed by the applicant or required by the Planning Commission for every 450 feet of frontage along a block face. Pedestrian pass-throughs are subject to Planning Commission approval if proposed by the applicant.
 - ii. Pedestrian pass-throughs shall have a minimum width of ten feet, be designed so they cannot be enclosed or locked, and shall be designed to be safe and visually interesting for pedestrians. Appropriate measures shall be taken to prevent vehicular access in this area. Security lighting sufficient to maintain a minimum light level of one foot-candle measured one foot above grade level shall be provided in pedestrian pass-throughs.
 - iii. Where feasible, pedestrian pass-throughs shall coordinate with mid-block bump-outs and/or lot line boundaries.

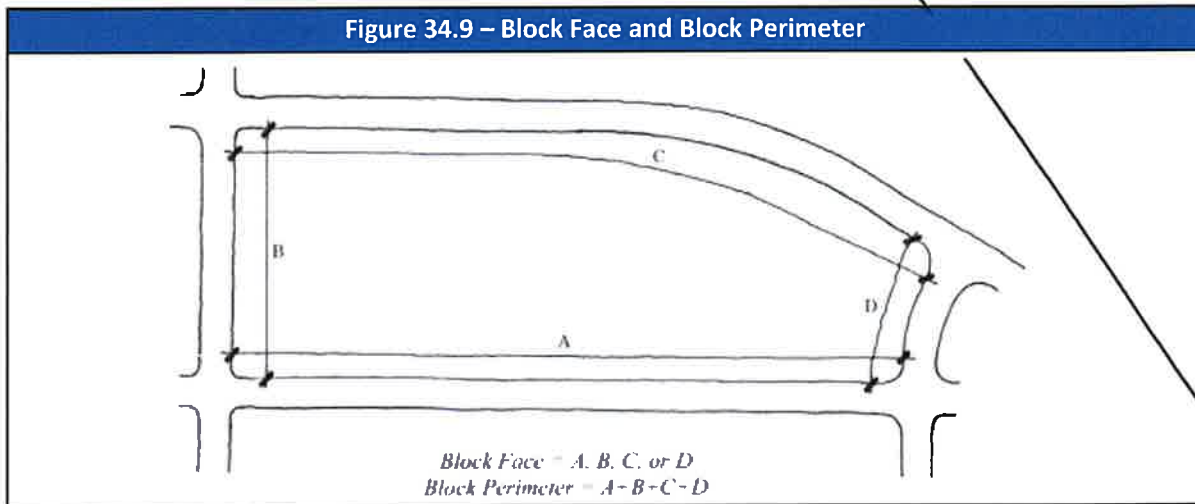
~~g. Curbs. Vertical curbs with a minimum height of four inches are required along all streets. The curb is included in the edge subarea of the pedestrian area.~~

~~h. Medians. Where median islands are proposed on public rights-of-way, the median must satisfy the design and maintenance standards of the Kalamazoo County Road Commission.~~

5. Required streetscape improvements. The following streetscape improvements may be required to be provided with new development in the Village area as determined by the Planning Commission based on the size of the area being developed and the amount of street frontage unless otherwise provided through a public improvement program. Streetscape improvements shall be coordinated throughout the Village area through the development of a Streetscape Plan identifying allowable elements for use within the Village. They must also be located in a manner that maintains a minimum five-foot clear walkable area for pedestrians.

- a. Street lights must be provided at a pedestrian scale and in a coordinated fashion. They shall be located every 50 feet on center in the Village Core and Village Fringe and every 75 feet on center in the Corridor East and Corridor South. Streetlights shall be located in the edge area of the pedestrian area.
- b. Trash receptacles must be provided at street corners with one additional trash receptacle provided in the furnishings area of the pedestrian zone along each side of the street every 300 feet for Arterials. Trash receptacles shall be provided at intersections for Collectors and Local Roads. Trash receptacles shall be located in the pedestrian area.

- c. A minimum of one bicycle rack sufficient to accommodate four or more bicycles shall be provided every 400 feet for Arterials. Bicycle racks shall be located in the furnishings area of the pedestrian zone. Bicycle racks shall not be required in the Corridor South sub-district.
 - d. A minimum of one bench shall be provided for every 200 feet along an Arterial. Benches may be clustered instead of being provided at regular 200-foot intervals. In the Corridor South sub-district, the spacing shall be increased to one bench for every 500 feet. Benches should be located in the furnishings area of the pedestrian zone.
 - e. Street trees shall be provided in an organized and coordinated fashion throughout the Village area. They shall be located at least every 50 feet on center in the Village Core and Village Fringe and at least every 75 feet on center in the Corridor East and Corridor South. Street trees shall be located within a lawn area that either extends for the length of the block or connects every other street tree; tree grates may be used where a lawn area cannot be accommodated due to a lack of space. Street trees located along the same street frontage shall be aligned in a consistent row along the street. All street trees must be maintained with a minimum clearance height of 15 feet to the first branch at maturity.
 - f. Inter-development driveways. Major drive aisles and entry drives within and between significant developments and their parking facilities may be required by the Planning Commission to be treated similarly as public roadways in terms of streetscape. Similar street trees and light fixtures shall be located on those routes designated to carry traffic in, out, and between large development areas and parking lots in the Overlay District. This shall be included as part of the landscape plan.
6. Termination of streets. All streets shall terminate only at an intersection with another street, with the exception of temporary stub streets at property lines intended for future street connections. Refer to Section 34.90.B for modification criteria.
7. Block length and block perimeter. The street network shall be laid out to define blocks according to the following standards (see figure 34.9). Refer to Section 34.90.B for modification criteria.
- a. The distance of a block face shall be the length of the street creating the side of the block between two adjacent intersections. The distance shall not exceed 1,000 feet.
 - b. No block perimeter, measured along the block face at the right-of-way or private road easement, shall exceed 2,400 feet.



8. Street connectivity. Collectors and Local Roads shall extend to property lines so that they may be connected to streets on adjacent properties when those properties develop and streets are

constructed there. One stub street shall be provided for each 1,000 feet or fraction thereof along such property lines.

E. Driveways and access management.

KEEP 1. Management. Where applicable, driveways and access points in the Village Overlay District shall satisfy the requirements of Article 51 of this Ordinance and the Township Access Management Plan.

2. Access to Arterials. Intersections with Arterials (9th Street and Stadium) should occur only as illustrated on the Regulating Plan. Only Collectors and Local Roads may intersect with Arterials. No permanent access points for individual properties shall be permitted along Arterials in the Village Core and Village Fringe sub-districts. (Existing nonconforming access points shall be permitted to remain until a rear access or shared driveway system is created.) The intersections shown on the Regulating Plan may be shifted to the north or south, or east or west; however, no additional intersections may be constructed than are shown on the Regulating Plan. The exact location of intersections with the Arterial road system is subject to Planning Commission approval.

3. Network of Collectors and Local Roads. In order to provide access to properties, a secondary street network must be developed to distribute traffic onto the various parcels that are located in the Village Overlay District from Stadium Drive and 9th Street. The Regulating Plan for the District illustrates the location of Arterials, which are the primary streets in the area. It also illustrates proposed locations for many new Collectors and Local Roads. These locations may be shifted and rearranged but must satisfy the street standards identified above and meet the approval of the Planning Commission.

4. Temporary access. If a parcel is proposed for development under the standards of the Village Form-Based Overlay District that does not yet have access to a shared parking facility or a secondary road access system, a provisional access point onto an Arterial may be permitted by the Planning Commission with the condition that the provisional access shall be closed at the sole expense of and by the landowner once the parcel has access to the Arterial through the use of a secondary road network.

If the Planning Commission approves a provisional access, the developer shall provide the Township with an adequate surety bond or other guarantee deemed acceptable to the Township in an amount sufficient to cover construction costs associated with the closing of the provisional road access. The Site Plan shall show the proposed layout of the site when the provisional access drive is removed.

34.80 GENERAL PROVISIONS

A. Reserve space.

All developments in the Village Overlay District of 20,000 square feet or more of nonresidential and/or mixed-use gross floor area or five or more residential dwelling units are required to provide outdoor reserve spaces. The following standards regulate the amount and type of reserve space that must be provided accompanying each type of development. The types of reserve space that may be provided in the Village Overlay District are summarized on the following pages.

1. Minimum reserve space required. All developments in the Village Overlay District of 20,000 or more square feet of non-residential and/or mixed-use gross floor area or five or more residential dwelling units are required to provide outdoor reserve spaces. The reserve space requirements are based on building types. Each has a reserve space requirement, and each building has a specific range of reserve space types that can be provided to meet the reserve space requirement. Table 34.8 below establishes the amount of reserve space required in conjunction

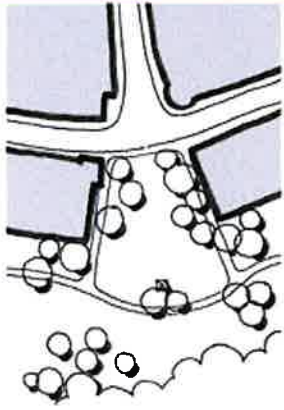
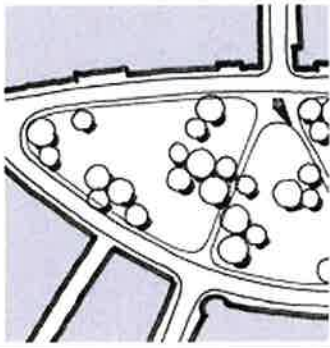
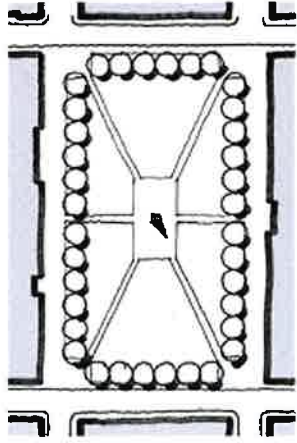
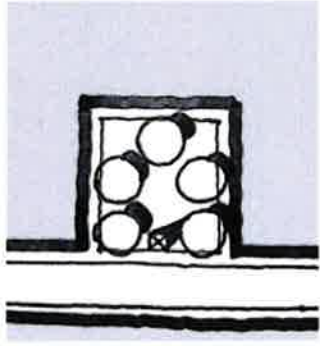
with each building type and the types of reserve space that can be provided to meet the minimum reserve space requirement for each type of building.

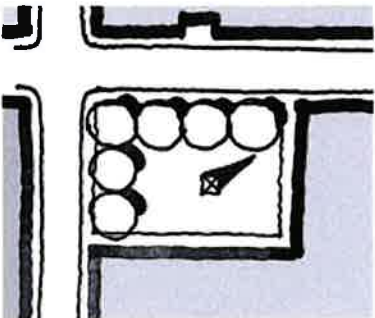
Table 34.8 – Reserve Space Requirements		
Building Type	Reserve Space Required ¹	Permitted Reserve Space Types
Storefront	5% of gross floor area of building(s)	Close, Corner Plaza ² , Green, Square, Front Plaza
Workplace	5% of gross floor area of building(s)	Close, Corner Plaza ² , Green, Square, Front Plaza
Courtyard Apartment	250 sq. ft. / dwelling unit	Green, Park, Playground
Stoop/Townhouse	250 sq. ft. / dwelling unit	Green, Park, Playground
Duplex, Triplex, Quadplex ³	10% of development area	Green, Park, Playground
Front Yard House ³	10% of development area	Green, Park, Playground

Notes:

1. The gross floor area of the building includes the area of upper floors. In a mixed-use building, any residential units on upper stories are included in the gross floor area for purposes of calculating required reserve space instead of requiring reserve space per residential dwelling unit. For example, four 1,500 square foot apartments located above retail in a storefront building would add 6,000 square feet to the gross floor area of the mixed-use building. If a 20,000 square foot storefront building is proposed, a minimum of 1,000 square feet (20,000 x 5% = 1,000 sq. ft.) of outdoor reserve space must be provided.
2. Corner plazas should be used sparingly as an accent reserve space and should not be the dominant form of reserve space in a development.
3. Reserve spaces in residential neighborhood settings shall be designed to limit impacts on adjacent neighbors and property owners. Active recreational areas shall provide sufficient buffers, setbacks, screening, and other measures deemed sufficient by the Planning Commission to control for potential impacts.

2. Location of reserve space. Reserve space shall be located proximate to the building type for which it is required. For instance, if a close is proposed to meet the reserve space requirement for a storefront building, the close should be fronted by storefront buildings.
3. Sharing of reserve space. A development in the Village Overlay District may count available reserve space on adjacent sites towards the reserve space requirement. If shared reserve space on another site is proposed to meet the reserve space requirement, the reserve space on the other site must have a blanket cross access and cross usage easement. Further, sufficient reserve space shall be located on the site under development and the existing site to meet the minimum aggregate requirement for reserve space between the two sites.
4. Storm water management facilities. Storm water management facilities in the Village Overlay District may be attractively designed as a site amenity. If designed as a site amenity by a landscape architect or similarly certified professional with access granted to the public (or neighborhood residents as a minimum), then storm water management facilities may count towards a maximum of 50 percent of the minimum reserve space requirement.
5. Reserve space maintenance plan. The applicant shall submit a reserve space maintenance plan indicating how privately-owned reserve space will be maintained in an attractive and inviting condition and identifying the party or parties responsible for maintaining the reserve space.
6. Landscaping. Reserve spaces shall be landscaped in accordance with the requirements of this Section, the requirements in Section 34.60.H, and the requirements of Article 53 of this Zoning Ordinance.
7. Types of reserve space.

Types of Reserve Space		
Park.	<p>A reserve space usually created around an existing natural feature such as a river, corridor, lake, or forested area. It is the largest type of open space and is the most natural in character. A park does not have a minimum area; however, it must contain a natural feature of some kind, such as a woodlot, water channel or water feature, or wetland.</p>	
Green.	<p>A reserve space type that is spatially defined by adjacent rights-of-way, private road easements, or building facades. A green contains a grassy center that may have hard surfaced pedestrian pathways crossing the lawn area. The edges of the green are usually defined by formal tree plantings or landscaped planters that surround the grassy center. A green typically has a minimum area of one acre, and a minimum dimension of 150 feet.</p>	
Square.	<p>A larger, central reserve space type defined by adjacent building facades, public road rights-of-way, or private road easements. It has a mix of pavement and formally designed landscaping. Monuments and artwork are commonly included in its design. A square is defined on at least one side by a street. A square typically has a minimum area of 15,000 square feet and a maximum area of one acre as well as a minimum dimension of 100 feet.</p>	
Close.	<p>A type of reserve space that is fronted by buildings on three sides and a street on the fourth side. The Planning Commission may approve a close as an internal courtyard surrounded primarily by buildings on all four sides with no street frontage, except perhaps an access point. A close is typically hard surfaced with landscaping mainly provided in islands and planters. Landscaping should be designed to provide a respite from the surrounding built environment. A typical close has a minimum area of 2,000 square feet and a maximum area</p>	

Types of Reserve Space		
	of 15,000 square feet and has a minimum dimension of 50 feet.	
Corner Plaza.	A type of reserve space located at the corner of two streets. A corner plaza is created by shifting the build-to zone along one street back from the frontage line of the lot to create an open space area in between the building and the street. A corner plaza is fronted by buildings on two sides and by streets on two sides. A typical corner plaza has a minimum area of 1,000 square feet and a maximum area of 6,000 square feet as well as a minimum dimension of 30 feet. When a corner plaza is proposed, the build-to zone is shifted to the edge of a corner plaza.	
Playground.	A reserve space type that can be paved or landscaped and includes play equipment, recreational facilities such as tennis courts or basketball courts, and/or recreational fields, depending on the size of the playground. Typically, the area is found in primarily residential areas. However, active recreational areas shall be appropriately located and/or buffered to minimize potential impacts on adjacent neighbors. A playground shall have a minimum area of 5,000 square feet.	
Front Plaza.	A reserve space created in areas where buildings are built to or near the right of way line. The plaza is created when the building or a portion of the building is moved back no more than ten feet from the required build-to-line creating a front plaza area for gathering, eating, waiting on transit, or otherwise enjoying the outdoors. This must be public space, although portions of it can be reserved for outdoor dining purposes. As indicated, the depth shall be no more than 10 feet with a maximum area of 1,000 square feet. Landscaping should be provided as necessary to support the use and design of the space.	

B. Parking

1. [Standards.] All developments proposed in the Village Overlay District shall satisfy the standards of Article 52 of the Township Zoning Ordinance unless otherwise provided here or elsewhere in this Section.
2. Minimum and Maximum Parking Required. Parking must be provided in accordance with the requirements of Article 52.
 - ~~a. On street parking shall be counted towards the minimum parking requirement.~~
 - b. Required parking shall be provided within 500 feet of the building or site that it serves.
3. Shared parking. Shared parking may be permitted per the requirements of Section 52.70.
4. Parking on other properties. Only parking spaces on properties that contain the required blanket cross-access and cross-parking easement agreement may be counted toward the required parking.
5. Parking setbacks.
 - a. Front street setbacks.
 - i. Off-street parking shall be located in the rear yard only in the Village Core.

change to one row

- * ii. No more than one row of parking may be located to the side of the building in the Village Fringe provided it is setback at least ten feet behind the front face of the primary building and screened appropriately. The one row of vehicles shall be oriented to face the building.
- iii. In the Corridor East sub-district, one row of parking may be permitted on the front street side of the building frontage. The one row of parking shall be perpendicular to the right-of-way and positioned to face the building. The drive aisle shall be a minimum of ten feet from the front street frontage line.
- b. Side street setback. Same as for front streets.
- c. Interior side yards. A five-foot minimum setback shall be provided with appropriate screening adjacent to an off-street parking facility in an interior side yard. The Planning Commission may reduce this to zero feet where a connection is being provided between adjacent parking facilities or where adjacent uses are sharing a parking facility. If the latter, the facility must still provide sufficient interior parking lot landscaping as required by this Ordinance.
- d. Rear yard setback. Off-street parking lots shall be located a minimum of ten feet from the rear property line. The Planning Commission may reduce this to zero feet where a connection is being provided between adjacent parking facilities or where adjacent uses are sharing a parking facility. If the latter, the facility must still provide sufficient interior parking lot landscaping as required by this Ordinance.
- e. [Subterranean parking.] Subterranean parking shall not extend beyond the building footprint.
- 6. Drive-throughs. In underlying districts where allowed, drive-through windows and drive-up facilities shall only be provided in the Village Overlay District as a Special Use in accordance with the following requirements:
 - a. The drive-through window or drive-up facility shall be located in the rear of the building and may not be located within 40 feet of a road right-of-way, except for an alley. Vehicle stacking areas may not be located in between the drive-through window or drive-up facility and the street.
 - b. The drive-through window, drive-up facility, and vehicle stacking area shall be screened from view from the street by buildings, an opaque evergreen landscape screen between three and four feet in height above the surrounding grade, or a hardscape feature having a height of three to four feet above the surrounding grade such as a decorative screen wall or planter box.
 - c. A maximum of one drive-through window or drive-up facility for non-restaurant uses shall be permitted per use in the Village Core.

34.90 ADMINISTRATION - allow more

needs discussion

A. Application and approval procedures.

flexibility

1. Approval process. Any proposed development in the Village Overlay District shall require prior approval pursuant to Township ordinances.
2. Site Plan approval. All applications in the Village Overlay District shall be reviewed by the Planning Commission unless administrative review is allowed under the ordinance. Site Plan approval shall follow the procedures and be required in accordance with the requirements of Article 64 and Article 34 of this Ordinance. Site Plans must contain all of the information listed in Article 64 as well as in Article 34, as applicable, unless otherwise required for the particular type of application.

3. Site condominium and subdivision development. Any proposed site condominium or subdivision in the Village Overlay District shall be reviewed following the procedures contained in the Township site condominium or subdivision control ordinance with the exception that any design requirement contained in the Village Overlay District shall take precedence over any similar design requirement contained in the condominium or subdivision control ordinance.

B. Modifications. The requirements of this Article 34 are comprehensive in scope and detailed in nature. The regulations have been designed to establish specific design criteria for the Village Overlay District, while still allowing for flexibility in site layout and design, architecture, and landscaping. However, unique site conditions or other factors may justify modifications from the development standards of the Village Overlay District standards. It is the intent of this Section 34.90.B to establish a procedure by which the Planning Commission may modify certain development standards of this Article 34. Relief from any standard or provision of this ordinance not specifically identified as a modifiable standard shall require a variance from the Zoning Board of Appeals following the procedures of Article 69.

1. Modification procedure. The Planning Commission shall be the approving body for any requested modification to the modifiable standards of this Article 34. In reviewing a requested modification, the Planning Commission shall consider all of the following:

- a. The proposed development will still meet the purpose and intent of the Village Overlay District as identified in Section 34.10.A if the requested modification is approved.
- b. The applicant shall submit evidence demonstrating that compliance with the strict standards of the Village Overlay District makes development impractical on the site, and that the modification is reasonably necessary to develop in accordance with the standards of this Article 34.
- c. The applicant shall demonstrate that the requested modification is the smallest modification necessary.
- d. The modification will permit innovative design.

2. Modifiable standards. Unless otherwise referenced in this Article 34, only the standards and regulations specifically identified below may be modified. If the reference refers to a subsection, only the identified standards of that subsection may be modified. If the reference refers to an entire section, any standard in the section may be modified.

- a. Termination of streets. See Section 34.70.D.6.
- b. The block length and block perimeter standards may be modified to permit larger or smaller block perimeters. See Section 34.70.D.7.
- c. The build-to zone and the building frontage requirements of the development standards. In general, only small modifications to build-to zone or building frontage standards should be approved. See Sections 34.40.A., 34.50.A., 34.50.B., 34.50.C., 34.50.D., and 34.50.E.
- d. Architectural standards. See Section 34.60.

3. Modification due to adjacent development. The Planning Commission may consider modifications to the development standards of this Overlay District so that the proposed development will better fit with adjacent development. When considering the modification, the Planning Commission shall consider the following:

- a. The anticipated lifespan of the adjacent development,
- b. Whether the development with the proposed modification is of equal or better quality than without the modification, and
- c. Whether the modification will limit the ability of the Township to achieve the goals of the Overlay District.

- C. **Nonconforming uses and structures.** This section establishes regulations for nonconforming uses and nonconforming structures. This section is intended to allow nonconforming uses and structures to continue to the extent consistent with the health, safety and public welfare purposes of this Ordinance. However, the ultimate goal is to bring such nonconforming uses and structures into compliance with the Ordinance.
1. **Nonconforming uses.** Nonconforming uses in the Village Overlay District shall be subject to the regulations contained in Article 63 of this Zoning Ordinance.
 2. **Nonconforming lots.** Lots which are nonconforming as to width or area may be adjusted or subdivided provided the resulting reconfiguration brings the nonconforming lot (and resulting lot(s) if applicable) into, or closer to, conformity with the requirements of this Ordinance.
 3. **Nonconforming buildings or structures.** Buildings or other structures that are nonconforming as to placement, frontage, height, design, or other zoning regulations contained in these Overlay standards or elsewhere in this Ordinance may be repaired, replaced, or added to, only to the extent permitted by this section:
 - a. **Additions.** A nonconforming building or other structure may be added to, provided that the portion of the building or other structure comprising such addition complies with all requirements of this Article 34.
 - b. **Restoration of building or other structure.** If a nonconforming building or structure is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy, structural alterations, or other repairs for purposes of reconstruction may be carried out so long as the cost of repair or reconstruction does not exceed 50 percent of the total replacement cost of the building or structure unless it results in conformity with these standards. Single-family homes within the Village Core sub-district may be rebuilt subject to the criteria of Section 34.50.F insofar as possible.
 - c. **Other repair.** Repair and maintenance of nonconforming buildings or other structures, other than structural alterations and other repairs required for restoration of damaged or partially destroyed buildings, may be carried out provided that no structural alterations or design modifications may be carried out unless those structural alterations are determined by the building official to be required for protection of the public health, safety, and welfare.
 - d. **Demolition and construction/reconstruction.** Notwithstanding any provisions of the above-listed standards, in any instance where a person proposes to, or commences to, alter, expand, or add to an existing nonconforming building or structure and nonconforming portions of the nonconforming building or structure are demolished in the course of such alterations, expansions, or additions, all nonconforming portions of the building or structure so demolished shall be reconstructed in compliance with all requirements of Article 34. This requirement shall apply regardless of whether such demolition is determined by the building official to be necessary to comply with the Building Code or required for the protection of the public health and safety.
 - e. **Remodeling and aesthetic improvements.** Improvements to a nonconforming building or structure resulting in modifications to design, architectural, aesthetic, or similar site elements referenced in this Article 34 shall be made in compliance with all requirements of Article 34, to the extent practicable considering the nonconforming status of the structure. Where the remodeling or alteration involves significant interior alterations (the annual cost exceeds 50 percent of the value of the structure), the structure shall be brought into conformance with the standards of Article 34.

September 18, 2019



Mtg Date: September 26, 2019
To: Planning Commission
From: Julie Johnston, AICP
Subject: Maple Hill South Overlay – Discussion on Net/Gross Acreage

At the August 22nd Planning Commission meeting, a request was made for more information on the difference between gross and net acreage and how it might be applied to open space and residential densities within the proposed Maple Hill South Overlay Zone. In the current draft Ordinance, net acreage is described as follows:

Net Acreage. For the purposes of this Article, net acreage shall be defined as the gross acreage of the proposed development, minus public/private rights-of-way and stormwater detention areas. However, stormwater detention areas may be included within the net acreage if they are designed as functional open spaces, are accessible to pedestrians, and do not require safety fencing.

Without having a specific plan to review, staff has assumed that road rights-of-way and possible storm water detention areas will utilize approximately 25 percent of the available property. The attached calculations outline the difference between utilizing gross and net acreage on both open space and residential densities. Different scenarios were utilized based on the full acreage of the Overlay zone, the acreage without the MDOT property, and the requirement within the Overlay zone of a minimum of 80 acres.

An additional request was made by the Planning Commission to provide the spreadsheet on the residential densities of apartment complexes within Oshtemo. These densities were derived from acreage amounts found within the Township's GIS system and total unit numbers found on the apartment websites. Based on these numbers, the average density of the 19 complexes reviewed is 11.3 dwelling units per acre. This is 3.3 dwelling units per acre less than what is planned to be permitted by right within the Maple Hill South Overlay, and 1.3 less than what would be allowed as an incentive for the development of additional amenities.

Staff is recommending that at the September 26th meeting, the Planning Commission focus discussions on net versus gross acreage, open space, and density requirements for the draft Ordinance.

Thank you.

Maple Hill Development Scenarios - Current Draft Ordinance Requirements

Maple Hill Overlay Zone - Total Overaly Area	Gross Acreage	Net Acreage
Total acreage	133	133
25% dedicated to infrastructure	33	33
Net acreage	0	100
17% acreage dedicated to open space (average based on different Context Zones)	23	17
Acreage of combined open space and infastructure	56	50
Acreage available for structures	77	83
% of acreage available for structures	58%	62%
Residential density= 6 du/acre	798	599
Maple Hill Overlay Zone - Without MDOT Property		
	Gross Acreage	Net Acreage
Total acreage	114	114
25% dedicated to infrastructure	29	29
Net acreage	0	86
17% acreage dedicated to open space (average based on different Context Zones)	19	15
Acreage of combined open space and infastructure	48	43
Acreage available for structures	66	71
% of acreage available for structures	58%	62%
Residential density= 6 du/acre	684	513
Maple Hill Overlay Zone Acreage Requirement - 80 Acres		
	Gross Acreage	Net Acreage
Total acreage	80	80
25% dedicated to infrastructure	20	20
Net acreage	0	60
17% acreage dedicated to open space (average based on different Context Zones)	13.6	10.2
Acreage of combined open space and infastructure	33.6	30
Acreage available for structures	46.4	50
% of acreage available for structures	58%	62%
Residential density= 6 du/acre	480	360

Maple Hill Open Space Scenarios

Maple Hill Overlay Zone - Total Overlay Area	133 Gross Acres	100 Net Acres
10 percent	13	10
15 percent	20	15
17 percent (current draft Ordinance average)	23	17
20 percent	27	20
25 percent	33	25
Maple Hill Overlay Zone - Without MDOT Property	114 Gross Acres	86 Net Acres
10 percent	11	9
15 percent	17	13
17 percent (current draft Ordinance average)	19	15
20 percent	23	17
25 percent	29	22
Maple Hill Overlay Zone Acreage Requirement - 80 Acres	80 Gross Acres	60 Net Acres
10 percent	8	6
15 percent	12	9
17 percent (current draft Ordinance average)	14	10
20 percent	16	12
25 percent	20	15

Maple Hill Density Scenarios

Maple Hill Overlay Zone - Total Overaly Area	133 Gross Acres	100 Net Acres
6 du/acre	798	600
8 du/acre	1,064	800
10 du/acre	1,330	1,000
12 du/acre	1,596	1,200
14 du/acre	1,862	1,400
Maple Hill Overlay Zone - Without MDOT Property	114 Gross Acres	86 Net Acres
6 du/acre	684	516
8 du/acre	912	688
10 du/acre	1,140	860
12 du/acre	1,368	1,032
14 du/acre	1,596	1,204
Maple Hill Overlay Zone Acreage Requirement - 80 Acres	80 Gross Acres	60 Net Acres
6 du/acre	480	360
8 du/acre	640	480
10 du/acre	800	600
12 du/acre	960	720
14 du/acre	1,120	840

Example Apartment Densities in Oshtemo

Apartment	Total Acres	Total Units	Units per Acre
Evergreen South	19	125	6.6
Copper Beach	17	115	6.8
Pinehurst	14	96	6.9
58 West	45	324	7.2
Tall Oaks	28	210	7.5
The Paddock	34	256	7.5
Canterbury	24	192	8.0
Chestnut Hills	12	96	8.0
Mount Royal Townhomes	7	59	8.4
Danford Creek	11	117	10.6
Mill Creek	16	172	10.8
Village Square	8	90	11.3
Summer Ridge	22	248	11.3
Nottingham Place	20	283	14.2
Country Club Park	10	143	14.3
Seville	16	263	16.4
Peppertree	4	70	17.5
Evergreen North	11	204	18.5
Concord Place	41	913	22.3

