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**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

**Regular Agenda
Thursday, December 13, 2018
6:00 p.m.**

AGENDA

1. Call to Order
2. Approval of Agenda
3. Public Comment on Non-Agenda Items
4. Approval of Minutes: November 8, 2018
5. **PUBLIC HEARING:** Special Exception Use
Consideration of an application from Metro Leasing, LLC for a special exception use to develop a new/used car sales lot at 5924 Stadium Drive in the C: Local Business District, pursuant to Section 30.409 of the Township Zoning Ordinance. Parcel No. 3905-25-305-031.
6. **PUBLIC HEARING:** Zoning Ordinance Re-Codification
Complete re-codification of the Township's Zoning Ordinance, to include the following amendments:
 - a. Amendment of Article 5, Section 5.40, Subsection A to delete "motorized vehicle roadways" in the special exception uses allowed in the Rural Residential District.
 - b. Amendment of Article 20, Section 20.20, Subsections D and F of the BRP Business and Research Park District, to delete the references to "drive-through service" in Subsection D and "drive through windows" in Subsection F as special uses permitted elsewhere.
 - c. Amendment of Article 20, Section 20.40 of the BRP Business and Research Park District, by the addition of Subsection G to add "drive through service and/or windows" as a special use.
 - d. Amendment of Article 27, Section 27.20, Subsection H of the I-1 Industrial District, Manufacturing/Serving to delete the reference to "sale of new material" under wholesale or retail lumber yards.
 - e. Amendment of Article 49, Section 49.70, under Requirements for Special Uses, to delete the reference to "motorized vehicular roadways."
 - f. Amendment of Article 65, Sections 65.20 Applicability and 65.30 Review Criteria of special uses to add language outlining the standards and requirements to apply for all special uses and the review criteria therefor.
7. Agritourism Ordinance Public Input
8. Any Other Business
 - a. 2019 Meeting Dates
9. Planning Commissioner Comments
10. Adjournment

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

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

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official to respond at a later date.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be board discussion prior to call for a motion.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name; it is not required unless the speaker wishes to have their comment recorded in the minutes.

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

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

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

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

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

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

While this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official to respond at a later date.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name; it is not required unless the speaker wishes to have their comment recorded in the minutes.

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

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

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

MINUTES OF A MEETING HELD NOVEMBER 8, 2018

Agenda

AGRITOURISM ORDINANCE REVIEW

GO! GREEN OSHTEMO MASTER PLAN UPDATE REVIEW

CONDITIONAL REZONING ORDINANCE AMENDMENT REVIEW

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, November 8, 2018, commencing at approximately 6:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Cheri Bell, Chairperson
 Fred Antosz
 Ollie Chambers
 Dusty Farmer, Secretary
 Micki Maxwell
 Bruce VanderWeele, Vice Chairperson

MEMBER ABSENT: Mary Smith

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

Call to Order and Pledge of Allegiance

Chairperson Bell called the meeting to order at approximately 6:00 p.m.

Agenda

Chairperson Bell asked for additions or deletions to the proposed agenda. Hearing none, she asked for a motion.

Mr. VanderWeele made a motion to accept the agenda as presented. Ms. Maxwell supported the motion. The motion was approved unanimously.

PUBLIC COMMENT ON NON-AGENDA ITEMS

No members of the public were in attendance; the Chair moved to the next agenda item.

APPROVAL OF THE MINUTES OF THE MEETING OF OCTOBER 25, 2018

The Chair asked if there were any additions, deletions or corrections to the Minutes of October 25, 2018. Hearing none, she asked for a motion.

Mr. VanderWeele made a motion to approve the Minutes of the Meeting of October 25, 2018 as presented. Mr. Antosz supported the motion. The motion was approved unanimously.

Chairperson Bell moved to the next agenda item.

AGRITOURISM ORDINANCE REVIEW

Ms. Johnston reviewed the changes made resulting from suggestions at the September 27th meeting.

The question was raised as to whether Category 3, created to “allow opportunities for limited nonresidential special events or activities that make use of existing rural character and agricultural buildings,” could be eliminated and addressed rather under Agritourism categories one or two or by existing guidelines for temporary outdoor events.

There was extended discussion regarding this suggestion, but it was ultimately decided the intent and goals were different enough a separate Agritourism category was appropriate.

After further discussion it was agreed length of event, hours of operation etc. would be developed into a chart by type of event and that it might be useful to incorporate wording from the outdoor gathering ordinance.

Also discussed were the restrictions established in the draft document to only properties located on roads designated as state highways or primary roads. There was a desire to make the opportunities more available to properties except for those in or accessed by plated subdivisions.

Ms. Johnston will make changes to reflect the discussion and return to the Commission with a revised document as well as a draft of a special events management table.

It was agreed to schedule an informal public comment period for the meeting of December 13. In addition to normal notice, notification of the opportunity will be provided to those who attended Master Plan rural preservation meetings. A small ad will also be printed in the *Gazette*. The Commission will decide at that meeting whether the document is ready for a January 24th public hearing.

GO! GREEN OSHTEMO MASTER PLAN UPDATE REVIEW

Chairperson Bell moved to the next agenda item and asked Ms. Johnston for her review.

Ms. Johnston provided the updated plan and appendices to Commissioners as well as an updated design for the plan cover for review. She reviewed the updates and corrections that were made to the plan as requested by the Commission.

Commissioners were very pleased with the revised document and the updated cover design.

Ms. Johnston said the update will go to the Township Board for review at their next meeting so they can approve distributing the plan to local jurisdictions for the required 63 day review. The plan will come back to the Commission on January 10 for recommendation to the Township Board on January 24. It is hoped adoption by the Township Board will occur in February.

Commissioners acknowledged and thanked Staff for the tremendous amount of work done to produce the document in house.

CONDITIONAL REZONING ORDINANCE AMENDMENT REVIEW

Chairperson Bell moved to the next item on the agenda and asked Ms. Johnston for her review.

Ms. Johnston noted the requested amendment was brought to the Planning Commission at the September 13 meeting to revise how the Township revokes a conditional rezoning. She reviewed changes to the draft wording requested by Commissioners at that meeting and indicated if the new draft was acceptable, a public hearing for the amendment would be set for the December 13 meeting.

She will develop a form letter detailing process instructions for property owners.

The Planning Commission was comfortable with the updated draft and agreed the public hearing for re-codification should be set for the December 13th meeting.

OLD BUSINESS

There was no old business to consider.

ANY OTHER BUSINESS

Chairperson Bell raised the possibility of moving the start time for 2019 Planning Commission meetings from 7:00 p.m. to 6:00 p.m. and after discussion, Commissioners were in agreement that they would like meetings in 2019 to begin at 6:00 p.m.

PLANNING COMMISSIONER COMMENTS

There were no Commissioner comments.

ADJOURNMENT

Hearing no further comments, Chairperson Bell adjourned the meeting at approximately 8:25 p.m.

Minutes prepared:
November 10, 2018

Minutes approved:
_____, 2018



December 4, 2018

Meeting Date: December 13, 2018

To: Planning Commission

Applicant: Metro Leasing, LLC
Jeff DeNooyer

Owner: Rykse Properties, LLC

Property: 5924 Stadium Drive
Parcel #3905-25-305-031

Zoning: C: Local Business District

Request: Special Exception Use to establish a new/used car sales lot

Section(s): 30.409: New and/or used car sales lots and
60.000: Special exception uses

Project Name: Metro Leasing

OVERVIEW

Metro Leasing, LLC, located at 5850 Stadium Drive, is interested in purchasing the Rykse's restaurant property to expand their automotive sales lot. The subject property is located to the west of the existing automotive sales business, across Quail Run Drive, at 5924 Stadium Drive. Car sales lots are a special exception use under Section 30.409 of the C: Local Business District ordinance, which requires Planning Commission approval.

The requirements of Section 30.409 state the following:

Section 30.409 *New and/or used car sales lots; recreational vehicle sales lots; mobile home sales lots outside of mobile home parks; farm machinery and other equipment sales lots; boat sales lots; and other businesses involving substantial outdoor sales or activities connected with retail sales, subject to the conditions and limitations:*

- a. *No such outdoor sales or activities in connection therewith shall be conducted upon premises which do not contain a sales office in a building.*
- b. *Adequate security outdoor lighting shall be provided upon the premises to illuminate any outdoor goods, merchandise or activities located thereon.*
- c. *An area shall be provided for customer parking for not less than four vehicles and for such additional vehicles as may be determined to be reasonable and necessary to accommodate the particular business activity which parking spaces shall be constructed of asphalt or other hard-surface, dust-free material.*

- d. All operations and business activities, including the parking or display of sales items and equipment and outdoor sales and display area enclosures, shall comply with the setback requirements for buildings and structures contained in the Ordinance.*
- e. Outdoor display or parking of sales items and equipment shall be maintained on a dust free surface.*
- f. A defined access to the off-street parking areas shall be provided not exceeding 30 feet in width. Such access drive shall be constructed similarly to the parking areas and similarly maintained.*
- g. The size and location of such outdoor sales businesses shall not be such as to unreasonably interrupt or impede pedestrian or vehicular travel by customers or patrons of adjoining commercial businesses.*
- h. Sales and display areas for garden centers must be developed to provide a decorative enclosure such as wrought iron fence and columns or an obscuring wall. Wall materials shall be consistent with the primary building material(s).*
- i. Display of products in an enclosed outdoor sales and display area may not exceed a height of ten feet unless screened from view from outside the area, subject to Planning Commission review and approval.*

At this time, the applicant is not requesting site plan approval. If the use is approved by the Planning Commission, a site plan, to be reviewed by this body, will be required that complies with all of the regulations of the Zoning Ordinance. The conditions and limitations outlined Section 30.409 above are all related to the development of the outdoor use, which will need to be reviewed as part of any possible future site plan. Based on conversations with the applicant, they intend to demolish the existing restaurant building and utilize the entirety of the parcel for car display/sales.

VARIANCES

While more relevant to site plan review, staff wanted to inform the Planning Commission of the recent public hearing before the Zoning Board of Appeals. The applicant requested variances to Section 30.409.a, which requires a sales office building on site and Section 30.409.b, which requires the outdoor display area to have the same setbacks as any structure on site.

The Zoning Board of Appeals approved the following:

To allow the sales office at 5850 Stadium Drive to function as the sales office for 5924 Stadium Drive and to allow the following outdoor sales display setbacks with the required landscaping outlined in Section 75.130 of the Landscape Ordinance (alternate approach):

- 20-foot setback from the right-of-way line of Stadium Drive
- 20-foot setback from the right-of-way of Quail Run Drive
- 35-foot setback from the rear (north) property line
- 10-foot setback from the side (west) property line

OTHER CONSIDERATIONS

Section 60.100 of the Zoning Ordinance provides additional review criteria for consideration when reviewing a special exception use request. These criteria are as follows:

A. Is the proposed use compatible with the other uses expressly permitted within the C: Local Business District?

The C: Local Business District is the most use permissive in the Zoning Ordinance. It allows office, retail, hospitality, and commercial uses from small retail stores, to large big-box/multi-tenant structures, to 24-hour convenience uses. A new/used car sales lot is a special exception use included with other outdoor sales activities like recreational vehicle, boat, equipment, and mobile home sales lots. The conditions attached to the special exception use approval are designed to help with compatibility of neighboring uses and other uses permitted within the district.

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

As this is a request to increase an existing condition on Stadium Drive, the change from a restaurant to a new/used car sales lot should have minimal impact on properties fronting the road right-of-way. The C: Local Business District is located on properties fronting the north side of Stadium Drive from 11th Street west to the Oshtemo Village (east of 9th Steet). The uses along this side of the right-of-way are a mix of office, convenience uses, restaurants, and the large car dealerships – DeNooyer Chevrolet, Metro Toyota, DeNooyer Jaguar, and Metro Used.

The south side of Stadium Drive is a mix of R-3 and R-4: Residence District zoning, which includes office and multi-family developments. Chestnut Hills Apartments, a Borgess Ambulatory Care center, and Oshtemo Family Dentistry are to the south of the subject site, across the Stadium Drive right-of-way. Within Chestnut Hills, the closest apartment building is approximately 160 feet south of the Stadium Drive right-of-way and attractive mature landscaping helps with screening. The extension of the outdoor sales lot should have minimal impact on these uses.

The neighboring condominium complex to the north of the subject parcel, Quail Run Condominiums, is likely to be the most affected by the change in use. The farthest south condominium building is located approximately 25 feet north of the subject property. At the Zoning Board of Appeals meeting, the applicant requested a reduction in the rear yard setback to allow the use of the existing parking lot for the outdoor sales. This would have placed the display of cars within approximately 9 feet of northern property line, which is currently legal nonconforming to the Landscape Ordinance.

The Zoning Board of Appeals did not approve this request, but did grant a variance that would allow cars to be parked within 35 feet of the property line, which is the required landscape setback between a residential and commercial use. In addition, they conditioned the variance that the landscape materials required in Section 75.130 be met. Based on the length of the shared property line, this would require 11 canopy trees, 6 understory trees, 50 shrubs, and 16 evergreen trees to be planted on the subject property. The Zoning Board of Appeals felt the landscape

setback, with the required materials, would offer more utility on the lot for the applicants intended use while still protecting the residential neighbors to the north.

In addition, the Zoning Ordinance provides other regulatory restrictions that will assist with compatibility. For example, the lighting ordinance will require the site to meet the 0.1 footcandles at the north property boundary. This restriction combined with the landscaping materials requirement will assist with light intensity to the neighboring residential use.

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

Outside of good planning for traffic and access, staff has no other concerns related to public health, safety and welfare. Any other issues associated with general public safety will be examined through site plan review.

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

The proposed use will be compatible with the character of uses along Stadium Drive, particularly the existing car dealerships in the area. The C: Local Business District is intended to provide locations within the Township where more intense commercial uses can be appropriately located. The outdoor nature of the use is what requires the special review by the Planning Commission.

RECOMMENDATION

The proposed use is consistent with the uses found along Stadium Drive and effectively meets the review criteria for a special exception use. Strict compliance with ordinance regulations that will assist with compatibility between the proposed use and the residential property to the north will need to be carefully considered during site plan review. Staff recommends that the Planning Commission approve the special exception use, as follows:

Approval of the special exception use request for a new/used car sales lot at 5924 Stadium Drive, conditioned on Planning Commission approval of a site plan that meets the requirements of the Section 30.409 all other Zoning Ordinance regulations.

Respectfully Submitted,



Julie Johnston
Planning Director

Attachments: Application
Aerial map
Zoning Map



7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS Metro Imports, 5924 Stadium Drive, Kalamazoo, MI 49009

PLANNING & ZONING APPLICATION

Applicant Name : Metro Imports, Inc.

Company Metro Imports, Inc.
Attn: Jeff DeNooyer

Address 5850 Stadium Drive
Kalamazoo, MI 49009

E-mail jdenooyer@Metro-Toyota.com

Telephone (269) 375-1000 Fax _____

Interest in Property Potential Buyer (pending due diligence)

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

OWNER*:

Name Rykse Properties, LLC

Address 5924 Stadium Drive
Kalamazoo, MI 49009

Email _____

Phone & Fax _____

Fee Amount _____

Escrow Amount _____

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

- | | |
|--|---|
| <input type="checkbox"/> Planning Escrow-1042 | <input type="checkbox"/> Land Division-1090 |
| <input type="checkbox"/> Site Plan Review-1088 | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input type="checkbox"/> Administrative Site Plan Review-1086 | <input type="checkbox"/> Rezoning-1091 |
| <input checked="" type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082 |
| <input type="checkbox"/> Zoning Variance-1092 | <input type="checkbox"/> Text Amendment-1081 |
| <input type="checkbox"/> Site Condominium-1084 | <input type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Accessory Building Review-1083 | <input type="checkbox"/> Other: _____ |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): _____

Applicant desires to obtain a special exception use permit to use the property as a new and/or used
car sales lot, pursuant to Section 30.409 of the Zoning Ordinance, under the property's present
zoning of "C" Local Business District Classification.

LEGAL DESCRIPTION OF PROPERTY *(Use Attachments if Necessary):*

SEC 25-2-12 COM AT PT E&W 1/4 LI 132 FT E OF W 1/4 POST TH S PAR TO W LI 479.91 FT TO BEG

TH N 53DEG39MIN30SC E PAR TO NLY LI W MICH AVE 274.09 FT TH S 36DEG20MIN30SC E

240 FT TO NLY LI SD AVE TH S 53DEG39MIN30SC W 452.56 FT TH N TO PL OF BEG

PARCEL NUMBER: 3905- 25-305-031

ADDRESS OF PROPERTY: 5924 Stadium Drive, Kalamazoo, MI 49009

PRESENT USE OF THE PROPERTY: Restaurant

PRESENT ZONING "C" Local Business District **SIZE OF PROPERTY** 2 acres

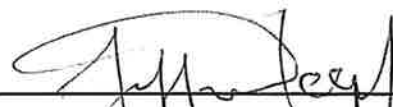
**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)

Address(es)

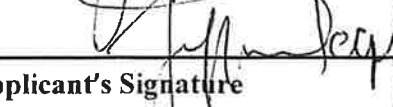
SIGNATURES

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



Owner's Signature *(* If different from Applicant)*

Date



Applicant's Signature

Date

10/1/18

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

PLEASE ATTACH ALL REQUIRED DOCUMENTS

**Statement Addressing Conditions and Limitations of Special Exception Use for
New and/or Used Car Sales Lots**

Applicant desires to ascertain that it can obtain a special exception use permit before undertaking the time and expense of developing a site plan for the property. However, Applicant intends to address the conditions and limitations of Section 30.409 of the Zoning Ordinance as follows:

30.409 New and/or used car sales lots; recreational vehicle sales lots; mobile home sales lots outside of mobile home parks; farm machinery and other equipment sales lots; boat sales lots; and other businesses involving substantial outdoor sales or activities connected with retail sales, subject to the conditions and limitations:

a. No such outdoor sales or activities in connection therewith shall be conducted upon premises which do not contain a sales office in a building. Applicant intends to remove the existing building on the property and resurface the space to be used for expanded display of used vehicles from the adjacent property at 5850 Stadium Drive, which already contains a sales office in a building.

b. Adequate security outdoor lighting shall be provided upon the premises to illuminate any outdoor goods, merchandise or activities located thereon. Applicant intends to install outdoor security lighting similar to that currently upon its adjacent property at 5850 Stadium Drive.

c. An area shall be provided for customer parking for not less than four vehicles and for such additional vehicles as may be determined to be reasonable and necessary to accommodate the particular business activity which parking spaces shall be constructed of asphalt or other hard-surface, dust-free material. Applicant intends to provide adequate parking that is in compliance with this condition and all other requirements in the Ordinance.

d. All operations and business activities, including the parking or display of sales items and equipment and outdoor sales and display area enclosures, shall comply with the setback requirements for buildings and structures contained in the Ordinance. Applicant intends to request a setback variance to match the setback variance granted for its adjacent property at 5850 Stadium Drive.

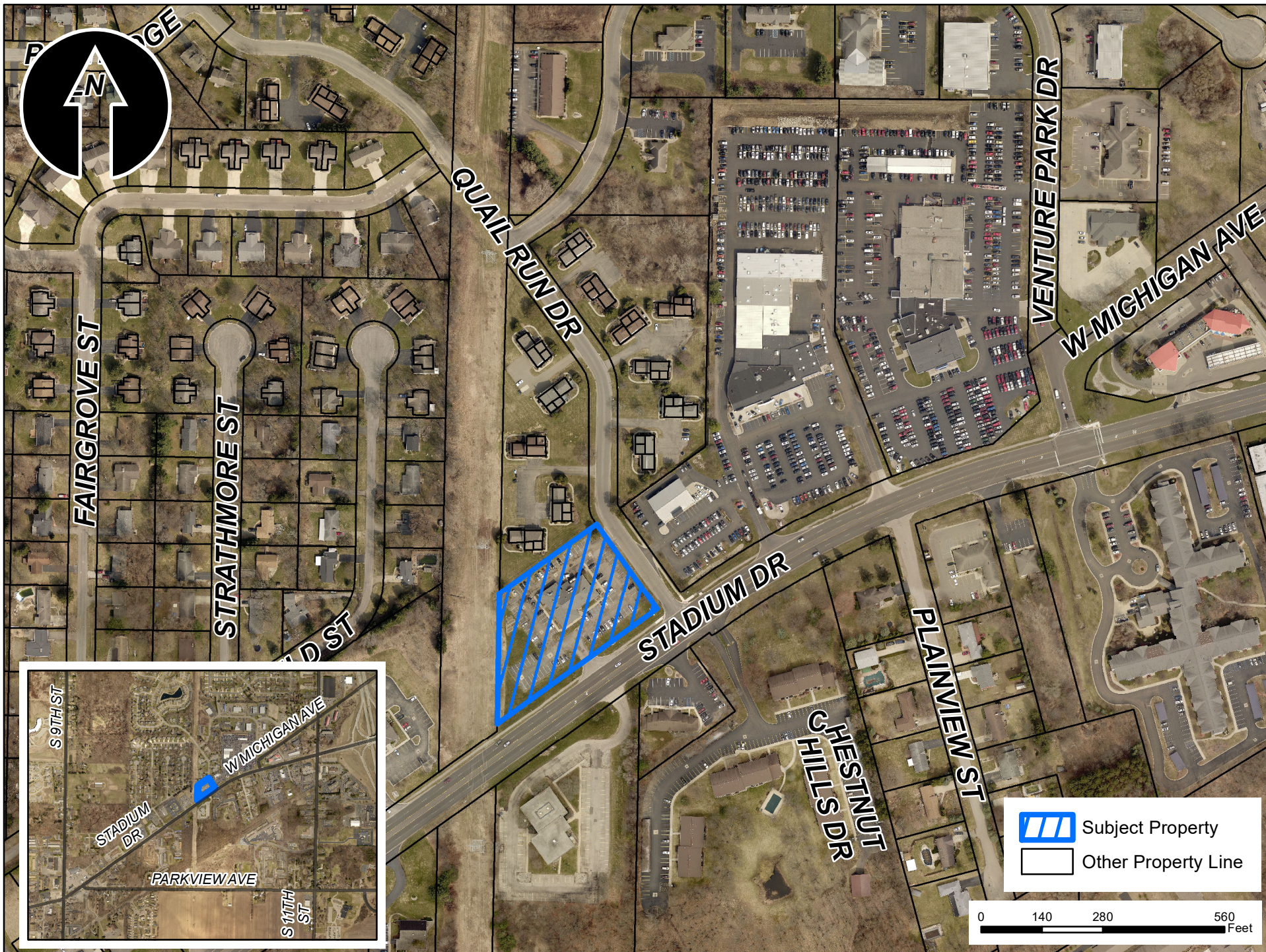
e. Outdoor display or parking of sales items and equipment shall be maintained on a dust-free surface. All display vehicles shall be parked on asphalt or other hard-surface, dust-free material.



f. A defined access to the off-street parking areas shall be provided not exceeding 30 feet in width. Such access drive shall be constructed similarly to the parking areas and similarly maintained. Applicant's site plan shall comply with all access drive requirements.

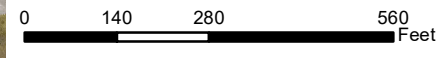
g. The size and location of such outdoor sales businesses shall not be such as to unreasonably interrupt or impede pedestrian or vehicular travel by customers or patrons of adjoining commercial businesses. Applicant owns the adjacent property at 5850 Stadium Drive and uses it as a new and/or used car sales lot. Applicant desires to expand its business into the project property.

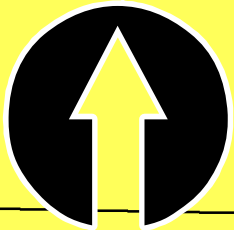
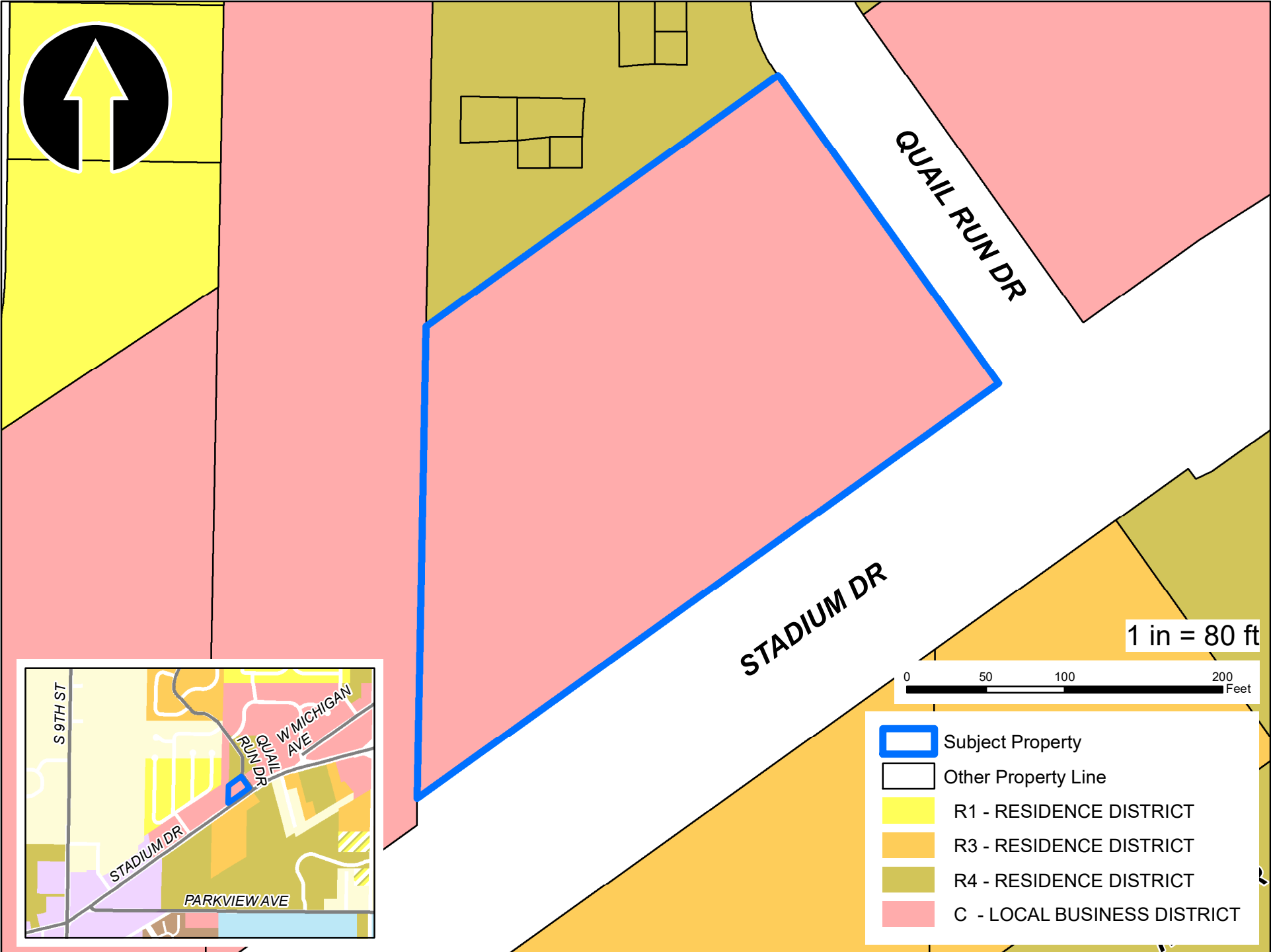
h. Sales and display areas for garden centers must be developed to provide a decorative enclosure such as wrought iron fence and columns or an obscuring wall. Wall materials shall be consistent with the primary building material(s). N/A

*i. Display of products in an enclosed outdoor sales and display area may not exceed a height of ten feet unless screened from view from outside the area, subject to Planning Commission review and approval. **Applicant's site plan shall comply with all height requirements.***



 Subject Property
 Other Property Line

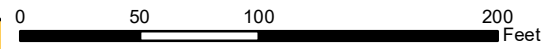










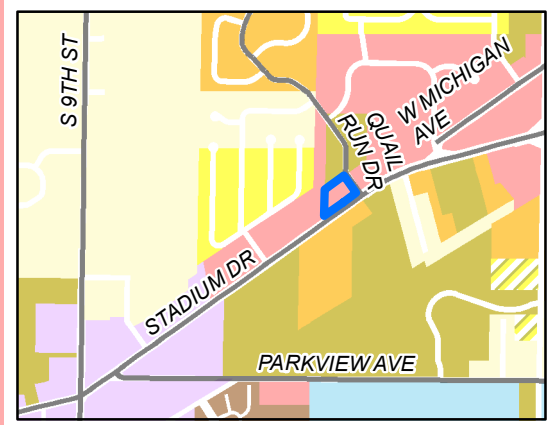
QUAIL RUN DR

STADIUM DR

1 in = 80 ft



-  Subject Property
-  Other Property Line
-  R1 - RESIDENCE DISTRICT
-  R3 - RESIDENCE DISTRICT
-  R4 - RESIDENCE DISTRICT
-  C - LOCAL BUSINESS DISTRICT



December 4, 2018



Mtg Date: December 13, 2018
To: Planning Commission
From: Julie Johnston, AICP
Subject: Zoning Ordinance Re-Codification Public Hearing

In an effort to modernize and make the Township's Zoning Ordinance more user-friendly, a comprehensive re-organization of the code was completed by Waded Trim, consulting planners, and Township staff. This re-organization was then reviewed and updated by the Planning Commission over the last 6-month period. To re-codify the Zoning Ordinance under this new format, the Planning Commission must hold a public hearing and make a recommendation to the Township Board.

It is the intent of this re-organization to assist the public, developers and other stakeholders to better understand Township zoning ordinance regulations, while also assisting staff to more effectively administer the code. The Township will continue to use EnCode Plus as the web-based provider for the new Zoning Ordinance. The web-based ordinance will allow the Township to utilize techniques such as hyperlinks, linked table of contents, links to the zoning map, etc. to promote ease of use.

Included with this agenda packet item is the updated re-organized Zoning Ordinance, as well as the following tables and graphics prepared by Wade Trim.

- Use Table
- Development Standards Table
- Development Standards Illustrations

The tables and graphics will be incorporated into the Zoning Ordinance when it is uploaded to the Encode webpage. The only actual changes to the Ordinance text that will be included as part of the re-codification are:

- Section 5.40.A – page 19
- Section 20.20.D and F – page 37
- Section 20.40.G – page 38
- Section 27.20.H – page 48
- Section 49.70 – page 201
- Section 65.20 – page 319
- Section 65.30 – page 319 and 320

Staff is recommending the Planning Commission forward a recommendation of approval to the Township Board.

Thank you.

December 4, 2018



Mtg Date: December 13, 2018

To: Planning Commission

From: Julie Johnston, AICP

Subject: DRAFT Agribusiness/Agritourism Ordinance Public Comment

The attached document is the most up-to-date DRAFT of the Agribusiness and Agritourism Ordinance for Planning Commission review and public comment. Staff provided this document by email to the interested stakeholders from the Rural Character Preservation Strategy master plan workshops, as well as the current agribusinesses within the Township. In addition, a link was provided on the Township's website, Facebook page, and Next-Door social network page.

At the November meeting, there was some discussion about a potential sliding scale for special agritourism events. The Planning Commission was interested in investigating a way to possibly regulate these events based on type and size. Staff developed the below table for Planning Commission consideration:

Event Type	Event Size (persons)	Number of Consecutive Days	Days between Events	Total Number of Events per Year
Educational classes, lectures, and seminars	1-10	5	2	30
	11-50	3	4	20
	Over 50	2	10	10
Day camps	1-10	5	2	30
	11-50	3	7	20
	Over 50	2	10	10
Retail events	1-100	3	10	15
	Over 100	2	20	10
Weddings and celebratory gatherings	1-50	3	4	20
	51-150	2	10	15
	151-300	1	10	10
	Over 300	1	20	5
	Combination of the above event sizes can occur as long as the days between events is still followed.			
Fairs, festivals, and holiday events	1-300	3	50	7
	301-500	2	60	5
	Over 500	2	90	2

Thank you.

AGRIBUSINESS/AGRITOURISM DRAFT ZONING ORDINANCE

The following DRAFT ordinance changes have been developed by the Oshtemo Township Planning Commission to implement a goal of the Rural Character Preservation Strategy of the 2017 Master Plan Update, which states:

Agricultural Lands and Enterprises (AG) Goal

Recognize, preserve, protect, and expand the study area's important and valued agricultural lands and enterprises.

Policy AG-5: Encourage and promote agricultural tourism within the study area, at an appropriate scale and intensity that limits impacts to adjacent properties, public services and the natural environment.

Action Strategy AG-1: Review and amend the zoning ordinance, as necessary, to allow agritourism and agribusiness within the AG and/or RR Districts, with appropriate development restrictions to ensure compatibility with adjacent land uses and available public services.

The language below is intended to define agribusiness and agritourism uses, outline where they can take place within the Township, and regulate them in such a way that the rural character of the community remains intact. The Planning Commission is seeking input on the draft ordinance and welcomes any comments or concerns.

The new ordinance language is as follows:

DEFINITIONS

New definitions to describe terms used within the agribusiness and agritourism regulations, which will be included in Section 11.000 - Definitions:

- A. **Agribusiness:** Any business catering exclusively to agricultural production, which may include, but is not limited to, supplying services or goods (such as feed or supplies) to producers of marketable agricultural products like greenhouses, nurseries, and farm cooperatives.
- B. **Agritourism:** An agriculturally based operation or activity that brings public to a working farm for the purpose of enjoyment, education, or active involvement in the farm operation. Agritourism enterprises are further classified as follows:
 - 1. **Agritourism, Category 1:** An agritourism enterprise limited to u-pick fruits and vegetable operations, direct on-farm product sales, and farm markets.
 - 2. **Agritourism, Category 2:** An agritourism enterprise that includes education, entertainment, agricultural related uses and products, and limited non-agricultural related uses and products including: educational tours; historical agricultural exhibits; educational classes, lectures and seminars; petting farms, animal display and pony rides; outdoor mazes of agricultural origin, such as straw bales or corn; wagon, sleigh and hayrides; nature trails; outdoor picnic areas; the use or rental of farm buildings for periodic special events; and, other similar uses.

3. Agritourism, Category 3: An agritourism enterprise that utilizes the rural character or agricultural buildings on site for nonresidential special events or activities, including: educational tours, classes, lectures, and seminars; celebratory gatherings such as weddings; retail events such as farm markets, barn markets, and agricultural sales; day camps; and, other similar special events or activities.
- C. Agricultural products: Includes but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.
 - D. Agriculturally related products: Items sold at a farm to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream-based desserts and beverages, jams, honey, food stuffs, and other items promoting the farm and on-site production.
 - E. Non-agriculturally related products: Items not connected to farming or the farm operation, such as novelty t-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.
 - F. Agriculturally related uses: Those activities that predominantly use agricultural products, buildings or equipment, such as pony rides, corn mazes, pumpkin rolling, sleigh/hay rides, and educational events, such as farming and food preserving classes, etc.
 - G. Non-agriculturally related uses: Activities that are part of an agricultural tourism operation's total offerings but not tied to farming. Such non-agriculturally related uses include amusement rides, concerts, special events, etc.
 - H. Farm Market: The sale of agricultural products directly to the consumer from a site on a working farm or any agricultural, horticultural or agribusiness operation or agricultural land. This definition includes farm stands and roadside stands.
 - I. U-Pick: A fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant.
 - J. Seasonal: A recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.

ZONING DISTRICTS

Agribusiness and agritourism is intended to be located in the AG: Agricultural and RR: Rural Residential Districts. These districts are generally located within the western 2/3rds of the Township. Within both the AG and RR Districts, there will be uses permitted if all of the conditions can be met and special exception uses, which require Planning Commission approval.

Section 19:00 – Agricultural District

Permitted Uses with Conditions:

- 19.212 - Agribusiness
- 19.213 - Agritourism, Category 1

Special Exception Uses:

- 19.407 - Agritourism, Category 2
- 19.408 - Agritourism, Category 3

Section 20.000 – RR: Rural Residential District

Permitted Uses with Conditions:

- 20.213 - Agribusiness
- 20.214 - Agritourism, Category 1

Special Exception Uses:

- 20.412 - Agritourism, Category 2
- 20.413 - Agritourism, Category 3

PERMITTED USES WITH CONDITIONS

The two uses described below are permitted by right within the AG and RR Districts, as long as all of the conditions outlined can be met. A public hearing through the Planning Commission is not required.

A. Agribusiness

1. Total building floor area for the agribusiness shall not exceed 2,000 square feet.
2. The maximum portion of any building used for agribusiness sales shall not exceed 600 square feet.
3. Outdoor storage of agribusiness materials shall be limited to 1,000 square feet and shall be located in the rear yard only.
4. Access to an agribusiness use must be from the County primary road or State highway, unless approved by the Planning Commission.
5. On-site vehicle parking shall be provided on agribusiness property as follows:
 - a. The total number of required spaces shall be calculated as one space for every 1,000 square feet of the total building floor area, plus one space for every two employees. This shall not include areas dedicated to agricultural production.

- b. Parking lots shall be clearly demarcated through some physical means like timbers, fences, stakes, etc.
 - c. The on-site parking shall be arranged so no vehicle movements occur in the public right-of-way and to avoid the accumulation of parked cars on the public roads.
 - d. Parking and driveway surfaces may be pervious or hard surface.
6. A written narrative will be provided with any application describing the use in detail, including all the types of items, goods and merchandise that are proposed to be sold; the proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; and other information describing the use and which will assist the reviewing body in determining whether the application meets the conditional use requirements.
7. If the proposed agribusiness use would cause undue impacts to surrounding properties related to drainage, traffic, noise, or other general health and safety issues, as determined by the Planning Director, or if the size of the agribusiness exceeds the maximums allowed herein, review and approval by the Planning Commission as a Special Use shall be required.

B. Agritourism, Category 1

- 1. Farm markets with a sales area of 100 square feet or less, seasonal in nature, and where no permanent structure exists, are exempt from this ordinance.
- 2. The maximum area for farm markets shall be 3,000 square feet, which includes both the floor area of the building and the outdoor storage/display. Farm markets larger than 3,000 square feet shall be a Special Use reviewed and approved by the Planning Commission.
- 3. Farm market buildings equal to or less than 200 square feet in size shall be located not closer than 15 feet from the road right-of-way line or 25 feet from the edge of pavement, whichever is greater. Farm market buildings greater than 200 square feet in size shall comply with the minimum required setback distances for the district in which such building is located.
- 4. Retail sales.
 - a. At least 75 percent of the products marketed and offered for sale (measured as an average over the farm's marketing season) must be grown or produced on and by the affiliated farm. For purposes of this requirement, affiliated means a farm under the same ownership or control (e.g. leased) as the farm market whether or not the farm market is located on the property where production occurs.
 - b. The remainder 25 percent of products sold must be agriculturally related products as defined by Section 11: Definitions.
 - c. For purposes of determining the percentage of products being marketed, the primary measure will be retail space used to display products offered for retail sale during the affiliated farm's marketing season. If measurement of retail space during the marketing

season is not feasible, then the percent of the gross sales dollars of the farm market will be used.

5. Access to an agritourism use must be from the County primary road or State highway, unless approved by the Planning Commission.
6. On-site vehicle parking shall be provided on agritourism property as follows:
 - a. Parking lots shall be clearly demarcated through some physical means like timbers, fences, stakes, etc.
 - b. The on-site parking shall be arranged so no vehicle movements occur in the public right-of-way and to avoid the accumulation of parked cars on the public roads.
 - c. Parking and driveway surfaces may be pervious or hard surface.
7. A written narrative describing the use in detail, including the proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; and other information describing the use and which will assist the reviewing body in determining whether the application meets the conditional use requirements.
8. If the proposed agritourism use would cause undue impacts to surrounding properties related to drainage, traffic, noise, or other general health and safety issues, as determined by the Planning Director, review and approval by the Planning Commission as a Special Use shall be required.

SPECIAL EXCEPTION USES

The two uses outlined below are special exception uses, which require notice to neighbors within 350 feet of the property and a public hearing with the Planning Commission. The intensity of these uses is of a nature that extra measures to ensure compatibility is warranted.

A. Agritourism, Category 2

1. Narrative. A written narrative describing the use in detail, including both agriculturally related and non-agriculturally related products and uses; proposed hours of operation; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; special events; and other information describing the use and which will assist the Planning Commission in determining whether the application meets the Special Use requirements.
2. General Standards:
 - a. Parcel size. Parcels must be a minimum of 10 acres. The Planning Commission may consider a smaller parcel size depending on the agritourism uses planned. Their consideration of a smaller parcel size will be based on the intensity and scale of the proposed agritourism use, compatibility with surrounding property owners, and will be harmonious with the existing character of the area.

- b. Maximum floor area. The maximum floor area for all buildings related to the agritourism use shall be 10,000 square feet. Clusters of smaller, architecturally appropriate structures are encouraged to maintain rural character of the agritourism use. This maximum floor area does not include greenhouses.
- c. Outdoor storage/display. The maximum area for the storage/display of agricultural products for sale shall be one acre. This requirement does not apply to u-pick operations.
- d. Architectural character. All buildings shall incorporate a rural theme in terms of style and design. This means new agritourism uses involving new structures shall complement and enhance the rural environment. For example, gable or gambrel roofs, roof ornamentation such as cupolas, dormers, porches, and decorative shutters.
- e. New uses and buildings. New uses and buildings shall be located, designed and operated so as not to interfere with normal agricultural practices on and off site. Non-agricultural uses should be limited to lands with poor agricultural soils or lands otherwise not suitable for agricultural purposes.
- f. Use and product percentages. Agricultural products produced on site, agriculturally related products and uses, and non-agriculturally related products and uses are permitted based on the following percentages:
 - i. At least 50 percent of the products (measured as an average over the farm's marketing season) and uses marketed and offered must be grown or produced on and by or have a direct relationship with the affiliated farm. For purposes of this requirement, affiliated means a farm under the same ownership or control (e.g. leased) as the farm market whether or not the farm market is located on the property where production occurs.
 - ii. A maximum of 30 percent of the products and uses marketed and offered may be other agriculturally related products and uses as defined by Section 11: Definitions.
 - iii. A maximum of 20 percent of the products and uses marketed and offered may be non-agriculturally related products and uses as defined by Section 11: Definitions.
 - iv. For purposes of determining the percentage of products and uses being marketed and offered, the primary measure will be square footage of space used for each individual product or use. If measurement of retail space during the marketing season is not feasible to determine percentage of product, then the percent of the gross sales dollars will be used.
- g. Parking. On-site vehicle parking shall be provided on agribusiness property as follows:
 - i. The total number of required spaces shall be calculated as one space for every 1,000 square feet of the main public activity area, plus one space for every two employees. The main public activity areas shall be defined as the primary buildings and outdoor spaces where the public congregates for the agritourism use. This shall not include areas dedicated to agricultural production.

- ii. 24-foot two-way or 20-foot one-way circulation aisles shall be maintained. To ensure drive aisles are maintained, the location of parking spaces shall be defined by providing some type of marker at the center of the space to be placed every 64 feet for two-way traffic and 60 feet for one-way traffic.
- iii. Parking lots shall be clearly demarcated through some physical means like timbers, fences, stakes, etc.
- iv. The on-site parking shall be arranged so no vehicle movements occur in the public right-of-way and to avoid the accumulation of parked cars on the public roads.
- v. Parking and driveway surfaces may be pervious or hard surface.
- vi. Accessible spaces must be provided in accordance with the requirements of Americans with Disabilities Act of 1990, utilizing the most current design standards.
- vii. The Planning Commission may reduce or defer the number required parking spaces if the applicant provides a parking study that demonstrates, to the satisfaction of the Planning Commission, that a reduced number of parking spaces will meet the parking needs of the Agritourism uses. If parking is deferred, the location of those deferred spaces must be shown as such on the required site plan.
- h. Lighting. Any exterior lighting installed related to an agritourism use or activity shall be appropriately shielded and directed downwards to minimize light pollution. All lighting shall meet the standards of Section 78.720: Outdoor Lighting Standards.
- i. Trash receptacles. Trash receptacles shall be provided. If dumpsters are provided, they shall be placed on a hard surface and shall be completely obscured from view by a screen fence or wall.
- j. Screening. Opaque screening, consisting of an earth berm, evergreen screen, or an obscuring wall or fence, shall be provided near the primary public activity areas on those sides abutting or adjacent to a residential use. The use of natural landscape materials is encouraged. The Planning Commission may waive the screening requirement in specific cases where cause can be shown that the distance between the agritourism and residential use would not require screening.
- k. Restroom facilities. Public restroom facilities, temporary or permanent, shall be provided on site.
- l. Maximum capacity. The Fire Marshall or Building Official shall establish a maximum occupant capacity for meetings, training, educational or similar events which shall be appropriate to the site and facilities in terms of safe capacity in buildings, parking area and sanitation limitations of the site.
- m. Hours of operation. Hours of operation must be provided by the applicant. The Planning Commission may alter the requested hours of operation for the agritourism uses, or specific elements thereof, consistent with the character of the land uses in the vicinity and may

further approve an enforcement mechanism to ensure adherence to the established hours of operation.

- n. Access. Access to an agritourism use must be from the County primary road or State highway, unless approved by the Planning Commission.
- o. Livestock. The keeping of livestock for agritourism purposes shall be subject to the provisions of Section 78.400: Keeping of poultry, swine, horses, or livestock.

3. Special Agritourism Events.

- a. A maximum of 10 special events shall be permitted annually, beginning January 1st of each year.
- b. The agritourism operator/property owner shall submit the annual list of the special events to the Planning Commission for review within 30-days of the first requested event. The Planning Commission may eliminate a special event if said event would be unduly disruptive to the general peace and enjoyment of the rural and/or residential character of the surrounding area.
- c. The special event must be related to and enhance the primary agritourism use of the property.
- d. Each special event may not last more than three consecutive days, with a minimum of 14 days between events unless otherwise approved by the Planning Commission.
- e. A reserved parking area shall be provided on-site to be utilized for special events. If the agritourism use intends to hold special events, this reserved area must be displayed on a site plan.
- f. The reserved parking area must be of adequate size to accommodate the anticipated additional traffic of the special event. The size of the reserved parking area shall be reviewed and approved by the Planning Commission.
- g. For special events lasting more than one day and with an expected daily attendance exceeding 100 hundred individuals, the on-site manager or owner shall notify all adjacent neighbors bordering the subject property in writing of the date, time, duration and description of the event. Notification shall occur at least five business days prior to the beginning of the event.

4. Prohibited uses.

- a. Motorized off-road vehicle racing or other similar motor vehicle activities.
- b. Other uses that the Planning Commission determines would disturb the general peace and enjoyment of the rural and/or residential character of the surrounding area due to excessive traffic, noise, smoke, odors, or visual clutter.

B. Agritourism, Category 3

1. Intent. The intent of the Category 3 Agritourism option is to allow opportunities for limited nonresidential special events or activities that make use of existing rural character and agricultural buildings.
2. Narrative. A written narrative describing the special events or activities, including proposed hours of operation; expected attendance; measures that are to be taken to assure that the operation of the use will take place only in a safe and convenient manner; and other information describing the events or activities which will assist the Planning Commission in determining whether the application meets the Special Use requirements.
3. General Standards:
 - a. Parcel size. Parcels must be a minimum of 10 acres. The Planning Commission may consider a smaller parcel size depending on the agritourism uses planned. Their consideration of a smaller parcel size will be based on the intensity and scale of the proposed agritourism use, compatibility with surrounding property owners, and will be harmonious with the existing character of the area.
 - b. Architectural character. All buildings shall incorporate a rural theme in terms of style and design. This means new agritourism uses involving new structures shall complement and enhance the rural environment. For example, gable or gambrel roofs, roof ornamentation such as cupolas, dormers, porches, and decorative shutters.
 - c. Access to an agritourism use must be from the County primary road or State highway, unless approved by the Planning Commission.
 - d. Parking. On-site vehicle parking shall be provided on the agritourism property as follows:
 - i. The total number of required spaces shall be calculated as one space for every 1,000 square feet of the main public activity area, plus one space for every two employees. The main public activity areas shall be defined as the primary buildings and outdoor spaces where the public congregates for the agritourism use. This shall not include areas dedicated to agricultural production.
 - ii. 24-foot two-way or 20-foot one-way circulation aisles shall be maintained. To ensure drive aisles are maintained, the location of parking spaces shall be defined by providing some type of marker at the center of the space to be placed every 64 feet for two-way traffic and 60 feet for one-way traffic.
 - iii. Parking lots shall be clearly demarcated through some physical means like timbers, fences, stakes, etc.
 - iv. The on-site parking shall be arranged so no vehicle movements occur in the public right-of-way and to avoid the accumulation of parked cars on the public roads.
 - v. Parking and driveway surfaces may be pervious or hard surface.

- vi. Accessible spaces must be provided in accordance with the requirements of Americans with Disabilities Act of 1990, utilizing the most current design standards.
 - vii. The Planning Commission may reduce or defer the number required parking spaces if the applicant provides a parking study that demonstrates, to the satisfaction of the Planning Commission, that a reduced number of parking spaces will meet the parking needs of the agritourism uses. If parking is deferred, the location of those deferred spaces must be shown as such on the required site plan.
- e. Lighting. Any exterior lighting installed related to an agritourism event or activity shall be appropriately shielded and directed downwards to minimize light pollution. All lighting shall meet the standards of Section 78.720: Outdoor Lighting Standards.
 - f. Trash receptacles. Trash receptacles shall be provided. If dumpsters are provided, they shall be placed on a hard surface and shall be completely obscured from view by a screen fence or wall.
 - g. Screening. Opaque screening, consisting of an earth berm, evergreen screen, or an obscuring wall or fence, shall be provided near the primary public activity areas on those sides abutting or adjacent to a residential use. The use of natural landscape materials is encouraged. The Planning Commission may waive the screening requirement in specific cases where cause can be shown that the distance between the agritourism and residential use would not require screening.
 - h. Restroom facilities. Public restroom facilities, temporary or permanent, shall be provided on site.
 - i. Maximum capacity. The Fire Marshall or Building Official shall establish a maximum capacity for special activities or events which shall be appropriate to the site and facilities in terms of safe capacity in buildings, parking area and sanitation limitations of the site.
5. Special Events or Activities.
- a. A maximum of 10 special events shall be permitted annually, beginning January 1st of each year.
 - b. Each special event may not last more than three consecutive days, with a minimum of 14 days between events unless otherwise approved by the Planning Commission.
 - c. For special events with an expected attendance exceeding 100 hundred individuals, the on-site manager or owner shall notify all adjacent neighbors bordering the subject property in writing of the date, time, duration and description of the event. Notification shall occur at least five business days prior to the beginning of the event.
 - d. Hours of operation. Hours of operation for the special event or activities must be provided by the applicant. The Planning Commission may alter the requested hours of operation for the agritourism uses, or specific elements thereof, consistent with the character of the land uses

in the vicinity and may further approve an enforcement mechanism to ensure ~~that~~ adherence to the established hours of operation.

6. Prohibited uses.

- a. Motorized off-road vehicle racing or other similar motor vehicle activities.
- b. Other uses that the Planning Commission determines would disturb the general peace and enjoyment of the rural and/or residential character of the surrounding area due to excessive traffic, noise, smoke, odors, or visual clutter.

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

**2019 MEETING DATES
Second and Fourth Thursday of the month
6:00 PM**

Submitted December 05, 2018

Month	1st meeting	2nd meeting
January	10	24
February	14	28
March	14	28
April	11	25
May	09	23
June	13	27
July	11	25
August	08	22
September	12	26
October	10	24
November	14	*
December	12	*

**JOINT MEETING DATES
Tuesday at 6:00 pm**

April 16th
October 15th