

# **OSHTEMO CHARTER TOWNSHIP BOARD**

**7275 West Main Street  
Kalamazoo, MI 49009  
269.375.4260**

**February 11, 2020  
BOARD WORK SESSION  
6:00 p.m.  
AGENDA**

- A. Call to Order
- B. Public Comment
- C. Update from Kalamazoo County
- D. Discussion on Zoning Ordinance Amendments
  - a. Landscape Ordinance
  - b. Article 57 - Livestock and Honeybees
- E. Other Updates and Business

## **REGULAR MEETING 7:15 p.m. AGENDA**

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Public Comment on Non-Agenda Items
- 4. Consent Agenda
  - a. Approve Minutes – January 14, 2020 Regular and January 28, 2020 Work Session
  - b. Receipts & Disbursements Report
  - c. Oshtemo Downtown Development Authority Budget Amendment
  - d. Public Water Mandatory Connection Summary
  - e. Public Water Connection Fees Amendment
  - f. Fire Department SUV Response Vehicles Purchase
  - g. Update on Fire Bay Door Repairs
- 5. Discussion on Public Sewer Debt Service Fee
- 6. Discussion on Sewer Hardship Policy
- 7. Village Theme Develop Plan – Public Hearing
- 8. 2020 Sidewalk & ADA Parking/Access Routes Inspection Fees
- 9. Other Township Business
- 10. Public Comment
- 11. Board Member Comments
- 12. Adjournment

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

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

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

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

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

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

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

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

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

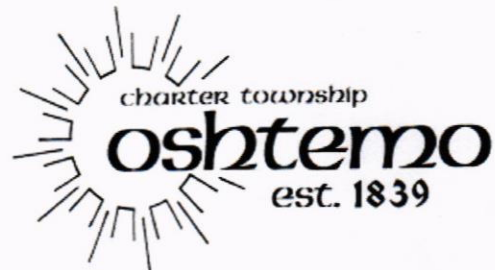
Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions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

Oshtemo Township Board of Trustees		
<b><u>Supervisor</u></b>		
Libby Heiny-Cogswell	216-5220	<a href="mailto:libbyhc@oshtemo.org">libbyhc@oshtemo.org</a>
<b><u>Clerk</u></b>		
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Grant Taylor	216-5221	<a href="mailto:gtaylor@oshtemo.org">gtaylor@oshtemo.org</a>
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<b>Township Department Information</b>		
<b><u>Assessor:</u></b>		
Kristine Biddle	216-5225	<a href="mailto:assessor@oshtemo.org">assessor@oshtemo.org</a>
<b><u>Fire Chief:</u></b>		
Mark Barnes	375-0487	<a href="mailto:mbarnes@oshtemo.org">mbarnes@oshtemo.org</a>
<b><u>Ordinance Enf:</u></b>		
Rick Suwarsky	216-5227	<a href="mailto:rsuwarsky@oshtemo.org">rsuwarsky@oshtemo.org</a>
<b><u>Parks Director:</u></b>		
Karen High	216-5233	<a href="mailto:khigh@oshtemo.org">khigh@oshtemo.org</a>
Rental Info	216-5224	<a href="mailto:oshtemo@oshtemo.org">oshtemo@oshtemo.org</a>
<b><u>Planning Director:</u></b>		
Iris Lubbert	216-5223	<a href="mailto:ilubbert@oshtemo.org">ilubbert@oshtemo.org</a>
<b><u>Public Works:</u></b>		
Marc Elliott	216-5236	<a href="mailto:melliott@oshtemo.org">melliott@oshtemo.org</a>



# Memo



**To:** Oshtemo Charter Township Board  
**From:** Julie Johnston, AICP  
Planning Consultant  
**Date:** February 2, 2020  
**Mtg Date:** February 11, 2019  
**Subject:** Draft Landscape Ordinance

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## **OBJECTIVE**

Discussion of the draft Landscape Ordinance, which would replace the current Landscaping Ordinance.

## **BACKGROUND**

In 2016, the Planning Commission worked for several months developing a new Landscape Ordinance. Time was spent in the field reviewing the landscaping at existing developed sites and other community ordinances were examined for comparisons. A revised draft Landscape Ordinance was developed, which staff applied to existing sites around Oshtemo for the Commission to review.

At the conclusion of the draft ordinance review, the Planning Commission began working on revising and reorganizing the entirety of the Zoning Ordinance. It was decided to table the new Landscape Ordinance to become a part of that project instead of holding the public hearings for adoption. As time constraints persisted, the revised/reorganized Zoning Ordinance project was reduced to being primarily a "reorganization" project. Sweeping changes to the Ordinance, which were originally envisioned, were tabled until after the reorganization was complete.

The Planning Commission resumed its review of the Landscape Ordinance in July of 2019. Several meetings were held where additional amendments were completed. As this is a complete rewrite of the current ordinance the typical red and strikethrough language has not been employed.

The draft Ordinance that was presented at the Planning Commission public hearing differs from the Township's existing ordinance in the following ways:

1. The draft Ordinance requires an overall percentage of the site have interior landscaping as opposed to the linear buffers along each property line. The result of this is that landscaping increases proportional to the size of the site. Smaller properties are not burdened with the same 10 – 20-foot buffers along each property line as larger sites.

2. However, parking lot landscaping has increased for sites that having 1 – 50 parking spaces, helping to deter large areas of pavement by requiring more green space.
3. The current ordinance is very specific where landscaping must occur – at the property lines and in parking lots. The draft ordinance requires landscaping in the parking lots and along public and private rights-of-way but allows the design professional to determine where the rest of the required landscaping will be planned on the site.
4. The total number of required trees is slightly less than the current ordinance, which will hopefully allow tree species a better opportunity to survive on the site.
5. There are very specific requirements for opaque screening between incompatible land uses in the recommended ordinance, which can include a variety of berms, fences, walls, landscape materials, etc. But the screening must be six feet in height and opaque. The current ordinance requires larger buffer zones between incompatible uses, but the plant materials are generally trees, which do not provide much screening when the lower branches reach a height beyond five feet.
6. For certain landscape plans, the seal of on architect is required in the recommended ordinance. This is to ensure that if someone is requesting tree credits or wishes to submit an alternate approach to the landscaping requirements, a landscape design professional is creating the plans.

Further comparison of the two ordinances is detailed below:

	Existing Ordinance	Draft Ordinance
<b>Interior Landscaping</b>	No	10 percent
<b>Screening</b>	No	Between nonresidential and residential and between multi-family and single-family. 6-foot opaque visual barrier.
<b>Buffer zones</b>	At every property line. Size dependent on adjacent uses.	30 feet between nonresidential and residential and between multi-family and single-family.
<b>Parking lots</b>	Percentage based on number of spaces. Percentage requirement has tiers, the more spaces the higher the square footage per space. A 50-space lot must have 15 square feet of landscaping for every space or 750 square feet.	25 square feet per parking lot space (for lots over 10 spaces). A 50-space lot must have 1,250 square feet of landscaping.
<b>Street Rights of Way</b>	Part of buffer zone around site	Yes – 20 feet for public, 15 for private.



As stated, the Planning Commission reviewed the draft Ordinance against existing developed sites. The table below provides a comparison of the Wal Mart property on 9<sup>th</sup> Street:

<b>Wal Mart Site</b>	<b>Existing Ordinance</b>	<b>Draft Ordinance</b>
Total Landscaped Area	83,990 square feet	152,355 square feet
Total Landscape Materials	634	503
Canopy Trees	198	199
Understory Trees	98	70
Shrubs	338	234

After receiving public input at the December 12, 2019 meeting, the Planning Commission motioned to forward the draft Landscape Ordinance to the Township Board with a recommendation of approval.

**INFORMATION PROVIDED**

Existing Landscape Ordinance  
Draft Landscape Ordinance  
Planning Commission minutes excerpt – 12/12/19

## ARTICLE 53

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### 53 – LANDSCAPING

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#### Contents:

53.10 STATE OF PURPOSE

53.20 SCOPE

53.30 GENERAL PROVISIONS

53.40 DEFINITIONS

53.50 GREENSPACE AREAS

53.60 SUBDIVISIONS / SITE CONDOMINIUMS

53.70 PARKING AREA LANDSCAPING

53.80 OTHER SITE LANDSCAPING REQUIREMENTS

53.90 MATERIAL REQUIREMENTS AND MAINTENANCE

53.100 PRESERVATION CREDITS

53.110 INCENTIVES FOR RESTORING PRE-SETTLEMENT VEGETATION

53.120 TREE PROTECTION DURING CONSTRUCTION

53.130 PROVISIONS FOR EXISTING SITES

53.140 EXCEPTIONS

#### 53.10 STATE OF PURPOSE

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The purpose of this Article is to assist all land uses requiring Site Plan review in meeting desired landscaping objectives and to set forth minimum yet flexible standards for required landscape areas. The objectives and functions of the landscape requirements are to:

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

#### 53.20 SCOPE

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All uses subject to Site Plan review shall be landscaped in accordance with a plan meeting the requirements of this Article.

#### 53.30 GENERAL PROVISIONS

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- A. Portions of the site not devoted to floor area, parking, access ways or pedestrian use shall be appropriately landscaped with live plant material consisting of deciduous canopy and coniferous trees, understory trees, shrubs, ground cover, and grasses and maintained in a neat and orderly manner.
- B. A landscaping plan drawn to scale shall be submitted detailing the location, type and size of all plant material, berms, walls and fences, and their relationship to existing and proposed facilities, structures, pavement, and access points. It must be of sufficient detail for the reviewing body to determine if it conforms with this Article. Plans shall be reviewed pursuant to this Article and Article 64.
- C. Landscaping material and structures shall be placed in such a manner so as to not interfere with cross-visibility, public safety, or the safe movement of vehicles and pedestrians.
- D. Completion of landscaping shall coincide with the completion of the building or structure unless a later date is permitted in writing by the Township and a performance guarantee is provided, pursuant to Section 64.110.
- E. Any areas that become disturbed for any reason shall be restored in accordance with the original landscape plan unless approved otherwise in writing by the Township.
- F. Corner Lots - For the purpose for this Article a corner lot is considered as having two front yards and appropriate landscaping shall be provided for each.

### 53.40 DEFINITIONS

- Greenspace** - Landscaped area around the perimeter of a parcel, lot, or site.
- Ground Cover** - Plant material that normally reaches a maximum height of not more than 18 inches.
- Tree - Canopy** - Tall woody plant of a species that normally grows to an overall height of at least 50 feet, usually with one main trunk and many branches.
- Tree - Understory** - woody plant of a species that normally grows to an overall height of at least 25 feet, usually with one main trunk and many branches. May be of an ornamental nature.
- Tree - Evergreen** - woody plant of a species with foliage that remains green year-round, usually with one main trunk and many branches. Normally grows to a height of at least 25 feet.
- Shrub - Deciduous** - A woody plant with several stems, smaller than a tree, that sheds its foliage at the end of the growing season. Mature height ranges from three to 13 feet.
- Shrub - Evergreen** - A woody plant with several stems, smaller than a tree, with foliage that remains green year-round. Mature height ranges from three to 13 feet.
- Shrub - Low growing** - A woody plant with several stems, sometimes referred to as dwarf, usually evergreen. Mature height ranges from 1½ to three feet.
- Viewshed**. The natural environment that is visible from one or more viewing points.

### 53.50 GREENSPACE AREAS

A. Table 53-A indicates the Greenspace Type required on properties based upon zoning or road classification. The letter designations indicated in Table 53-A refer to the requirements and standards stated in Table 53-B.

Table 53-A Greenspace Type															
Adjacent Zoning or Road															
Zoning of Subject Site <sup>1</sup>	AG RR R-1 R-2	R-3	R-4	R-5	R-C	VC C	C-R	BRP	I-R	I-1	I-2 I-3	HOZ <sup>3,4</sup>	Arterial, Collector or Local <sup>2</sup>	Highway	Private Street Easement
AG, RR, R-1, R-2, R-3 <sup>3</sup>	C	C	A	A	C	A	B	B	B	B	B	E	C/C+	B	H
R-4	F	F	D	D	F	A	A	B	B	B	B	F	C/C+	B	H
R-5	F	F	D	D	F	A	A	B	B	B	B	F	C/C+	B	H
R-C	F	F	D	D	F	A	A	B	B	B	B	F	C/C+	B	H



Table 53-A Greenspace Type															
Adjacent Zoning or Road															
Zoning of Subject Site <sup>1</sup>	AG RR R-1 R-2	R-3	R-4	R-5	R-C	VC C	C-R	BRP	I-R	I-1	I-2 I-3	HOZ <sup>3,4</sup>	Arterial, Collector or Local <sup>2</sup>	Highway	Private Street Easement
C	F	F	F	F	F	A	A	C	C	C	C	F	C/C+	C	H
C-R	F	F	F	F	F	A	A	C	C	C	C	F	C/C+	C	H
BRP	F	F	F	F	F	E	E	A	A	C	C	F	C/C+	C	H
I-R	F	F	F	F	F	E	E	A	A	C	C	F	C/C+	C	H
I-1	F	F	F	F	F	E	E	C	C	A	C	F	C/C+	C	H
I-2, I-3	G	G	G	G	G	E	E	C	C	C	A	G	C/C+	C	H

Note: Refer to Article 19 for properties in the VC, Village Commercial District.

- Greenspace type for Special Uses may be increased by the Planning Commission based upon review of the criteria of Article 65.
- C+ applies when the required non-motorized facility and/or utilities are accommodated partially or entirely in the greenspace area due to inadequate space within the public street right-of-way.
- Criteria apply to permitted uses other than single- or two-family dwellings or uses accessory thereto.
- Greenspace width shall be applied from the nearest boundary of an HOZ. In the event that the boundary of the HOZ is "x" feet short of a property line, "x" feet shall be subtracted from the prescribed greenspace width of the developing property. Where a lesser greenspace width is permitted, the number of required plantings shall be reduced based on the ratio of permitted width over prescribed width. For example, if an HOZ ends ten feet short of a property line, a prescribed 40-foot width would become 30 feet, and 75% of the prescribed plantings would be required. Where other provisions of the Zoning Ordinance require a more intense greenspace, those provisions shall apply.

B. The following table (Table 53-B) indicates greenspace requirements stated in terms of width of the greenspace as measured from the property line or right-of-way line, whichever is applicable, and the number and type of plant units required per 100 linear feet of greenspace. The clustering of plant material within a greenspace is encouraged.

Table 53-B									
Width of Greenspace and Quantity of Plant Material per 100 Linear Feet									
Greenspace Type	A	B	C	C+	D	E	F	G	H
Minimum width of greenspace (ft.)	10	10	20	30	25	30	35	40	15
Canopy tree	1	2	2	2	3	4	4	6	1
Understory tree	2	4	3	3	6	6	2	4	2
Shrubs	-	-	4	4	9	12	18	24	-
Evergreen/ Conifer tree	-	2	-	-	-	2	6	10	-

C. Berms - Landscaped undulating earthen berms not exceeding six feet in height, as measured from the grade of the abutting paved area, either existing or proposed, of the subject site, and 3:1 slope may be permitted within a required greenspace. Credit of up to 25 percent may be received against the required plantings in a greenspace by the use of berms three feet in height or greater in said greenspace.

D. No off-street parking, storage, outdoor commercial ground activities, or structures shall be permitted in greenspace areas.

### 53.60 SUBDIVISIONS / SITE CONDOMINIUMS

A. Street trees along internal roadways. Each lot or building site within a subdivision or site condominium shall be required to have at least one canopy tree for every 50 feet of road frontage or portion thereof. The planting of additional canopy trees along streets is encouraged. Trees shall be planted near the street but outside of the right-of-way of all internal roadways. Required street trees shall be planted when the lot or building site is developed, prior to issuance of a Certificate of Occupancy.



- B. **Greenspace** along external roadways. In order to preserve **viewsheds** on Township roads, Type "C" greenspace and plant materials shall be required along all external roadways. See Section 53.50 for width and planting requirements in Type "C" greenspace.
- C. Existing trees and vegetation. To the extent feasible, existing trees and vegetation shall be left undisturbed through the course of development. Existing canopy trees may be credited toward satisfying tree planting requirements. See Section 53.100 for guidelines on credits for existing trees. Existing trees may be used to satisfy the street tree requirement if located near the right-of-way. Existing vegetation may be used to satisfy the tree and shrub requirement if located within a required greenspace area.
- D. Replacement. Required trees and plantings shall be maintained to ensure their survival. At the discretion of the Planning Commission, a performance guarantee may be required to ensure that proposed landscaping is maintained for a period of at least 18 months per Section 53.90.H. Such guarantee may take the form of an irrevocable letter of credit, cash escrow, or performance bond.

**53.70 PARKING AREA LANDSCAPING**

Landscaping shall be designed and situated to define safe access and circulation ways, provide shade and visual relief, and diminish the scale of large **lots**.

- A. Perimeter. The visual impact of parking lots shall be minimized through the use of landscaping, berms, walls, and/or decorative **fences** in such a manner as to interrupt or screen the areas from view.
- B. Interior. Landscape features including end islands, peninsulas, and strips shall be installed in the interior of parking lots to delineate on-site circulation, ensure adequate sight distance at the intersection of aisles and interior roadways, and to prevent diagonal vehicular movement through parking lots. Features shall be designed with sufficient radii to ensure drivers are able to make 90 degree right turns without encroaching upon landscaping or adjacent traffic lanes.
  - 1. Area Requirements based on the number of parking spaces are indicated in Table 53-C.

Table 53-C Interior Landscaping Area Requirements for Parking Lots		
a.	Parking lots containing up to 50 parking spaces	15 square feet of land area per space
b.	Parking lots containing between 51 and 99 parking spaces	25 square feet of land area per space
c.	Parking lots containing 100 or more parking spaces	30 square feet of land area per space

- 2. Minimum size. The minimum size of any internal landscaped area shall be 200 square feet, with a minimum width of ten feet.
- 3. Protection of Landscaping. Interior landscape areas shall be protected by the installation of a raised concrete or asphalt curb, anchored landscape timbers around the border, bumper blocks, other suitable means. A minimum distance of three feet shall be established between proposed tree and shrub plantings and the backside of the curb or timbers to facilitate snow storage while protecting the plantings.
- 4. Required Plantings. The number and type of plantings shall be determined at a rate of one deciduous canopy tree and two low growing shrubs per 200 square feet of interior landscape area.

**53.80 OTHER SITE LANDSCAPING REQUIREMENTS**

**A. Loading Areas**

Loading areas shall be landscaped in such a manner as to screen the area from view of adjacent property, public right-of-way or private access easement. Plants, berms, walls, and/or solid decorative fencing may be used. When loading areas are adjacent to residentially zoned land, the screening must be a minimum of six feet high at installation.

**B. Shopping Cart Storage**

Any area used for shopping cart containment as may be provided adjacent to the **building** shall be screened by a minimum four-foot-high masonry wall compatible with the building exterior facade and architecture.

**C. Rubbish Disposal and Recyclable Facilities**



Rubbish disposal facilities including dumpsters and other commercial containers for waste and recyclable material shall be situated on a hard surface and enclosed by a solid wall or solid fence no less than six (6) feet in height on three sides. In addition, if the front of the disposal facility is visible from an adjacent property, public right-of-way or private access easement, six (6) foot high metal view obstructing doors shall be installed. Enclosure structures and gates shall be maintained in good repair at all times. The use of chain-link fencing with or without interwoven slats is not permitted. Recyclable materials, such as pallets and bales, shall be situated and enclosed as described above.

D. Storm Water Retention Areas

Any fenced areas that are visible from an adjacent property, public right-of-way or private access easement shall be landscaped to screen them from view.

Storm water management utilizing the design criteria stated in Section 56.20.C, is encouraged. Credit of up to 10 percent may be received against the required plant material in a greenspace when the design criteria stated in Section 56.20.C is used for storm water management within said greenspace.

**53.90 MATERIAL REQUIREMENTS AND MAINTENANCE**

- A. Native Plants. Native plants are well adapted to local conditions, therefore requiring little maintenance once established. They eliminate or significantly reduce the need for fertilizers and water. They also often attract beneficial insects, which prey on pests, decreasing the need for pesticides. Native plants are less expensive to maintain, they promote biodiversity, and maintain our natural heritage and our community's character. At least 75 percent of required canopy trees shall be native to lower Michigan. At least 30 percent of all other required landscape material within each Plant Material Type shall be native to lower Michigan. For a listing of species native to lower Michigan, see MICHIGAN FLORA ONLINE at [www.michiganflora.net](http://www.michiganflora.net).
- B. Hardy Plant Materials. All landscaping material shall be hardy to the area and appropriate to the situation in which it is proposed, free of disease and insects, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen.
- C. Minimum Plant Size. Plant materials shall meet the minimum plant size requirements contained in Table 53-D. Height of a plant is measured from the top of the root ball or top of the container soil to the top of the leader, the primary stem of the plant.

Table 53-D Minimum Size	
Plant Material Type	Size
Canopy Tree - Single Stem	2" caliper*
Canopy Tree - Multi-stem - Clump	10 feet (height)
Understory Tree	8' to 10' (height)
Evergreen Tree	5 feet (height)
Shrub - Deciduous	24 inches (height)
Shrub - Evergreen	18 inches (height)
Shrub - Low growing	2-gallon pot
*2" caliper as measured in conformance with the American Standard for Nursery Stock	

D. Monoculture. The use of a single species is prohibited to increase the rate of plant survival. Except for plantings used for evergreen screening, no one species of tree or shrub may make up more than 50% of the total amount within each Plant Material Type.

E. Not Permitted.

- 1. Species not permitted as required street tree plantings and that should be used with caution when placed in proximity to any existing or proposed building, structure, walkway, or parking area are listed below. These species may be appropriate in buffer areas or for landscape restoration.

Species Appropriate for Buffer Areas or Landscape Restoration	
Botanical Name	Common Name
<i>Acer negundo</i>	Box Elder



Species Appropriate for Buffer Areas or Landscape Restoration	
Botanical Name	Common Name
<i>Acer saccharinum</i>	Silver Maple
<i>Aesculus hippocastanum</i>	Horse Chestnut
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Catalpa speciosa</i>	Catalpa
<i>Ginkgo biloba (Female)</i>	Female Ginkgo
<i>Populus spp.</i>	Poplars, Cottonwood, Aspen
<i>Liquidambar styraciflua</i>	Sweet Gum
<i>Salix spp.</i>	Willows
<i>Ulmus spp.</i>	Elms

2. Any species known to have structural weakness or excessive bearing of fruit or nuts should not be used in areas of vehicular or pedestrian traffic.

F. Invasive species. To protect species indigenous to the Township, the use of invasive species which naturalize is not permitted. Those invasive species not permitted are listed on the Midwest Invasive Species Information Network at <http://www.misin.msu.edu/>.

G. Maintenance. Landscape areas shall be maintained in a neat and orderly manner including mowing, fertilizing, pruning, and irrigation to promote optimum condition.

H. Replacement. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season later.

I. Groupings. Shrubs shall be grouped within the required greenspace and parking lot landscape areas when appropriate for aesthetic value and ease of maintenance.

J. Greenspace within the public right-of-way/private access easements. The land area lying between the required greenspace in the front yard of properties and the edge of pavement of a public or private access easement shall be neatly maintained with grass or groundcover.

### 53.100 PRESERVATION CREDITS

A. Preservation of Existing Trees. Credit shall be awarded for preserving canopy trees. By preserving canopy trees, tree planting requirements can be significantly reduced. The number of credits awarded for tree preservation shall be in accordance with the table presented below. Trees intended to be preserved shall be indicated on the landscape plan and type and size shall be noted. Tree protection fencing shall be required according to Section 53.120.

Tree preservation credits	
Diameter of Preserved Tree*	Number of Trees credited
Over 24 inches	4
12 inches to 24 inches	3
8 inches to 11.9 inches	2
2 inches to 7.9 inches	1
*Diameter measured at 4' above ground level	

B. Preservation of existing native vegetation. Credit shall be awarded for preserving existing vegetation native to lower Michigan, including shrubs and grassland species. By preserving existing native vegetation, tree and shrub planting requirements can be significantly reduced. The number of credits awarded shall be determined by Township planning staff based on existing species and the intended function of the required tree and shrub plantings.

### 53.110 INCENTIVES FOR RESTORING PRE-SETTLEMENT VEGETATION

A. Oshtemo Township's pre-settlement vegetation types were primarily Oak Savanna, Oak Forest, and Beech-Sugar Maple Forest, with smaller areas of Prairie, Marsh, Bur Oak Opening, and Southern Swamp Forest. A map of pre-settlement



vegetation showing the geographic location of these vegetation types is on file in the Township office. It includes a description of the predominant plant species for each vegetation type. This information is also available online at [wmich.edu/planning/WebSites/GeogMap/KalCountyVegetationMapEntire.htm](http://wmich.edu/planning/WebSites/GeogMap/KalCountyVegetationMapEntire.htm).

- B. To encourage restoration of pre-settlement vegetation, all uses subject to Site Plan review may opt to submit a landscape restoration plan in lieu of a landscape plan. A landscape restoration plan shall use native vegetation types to meet the intent of screening and buffering requirements while at the same time strive to restore the pre-settlement vegetation of the immediate area. Even though the exact number of each landscape element may not be provided, approval of such a plan shall be granted so long as the overall intent is satisfied. Prior approval of the landscape restoration plan by Township Planning staff is required.

### 53.120 TREE PROTECTION DURING CONSTRUCTION

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- A. Before development, the developer or builder shall erect tree protection fencing that will shield and protect all trees designated to be preserved. Fencing should be placed no closer than ten feet from the trunk of a tree or five feet beyond the drip line of a tree or group of trees, whichever is greater.
- B. Fencing shall be a minimum of 48 inches high.
- C. Tree protection fencing shall be maintained during construction and all construction materials, supplies, and equipment shall be kept out of the protected areas.
- D. Location of tree protection fencing must be shown on the approved landscape plan.

### 53.130 PROVISIONS FOR EXISTING SITES

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- A. Perimeter and parking area landscape requirements shall apply to all expansions, renovations, or alterations that increase the gross floor area. Each increase in gross floor area of one percent shall require the installation of a minimum of five percent of the landscaping for the total site.
- B. Landscape requirements for Parking Areas, Section 53.70 shall apply when expansions increase the number of parking spaces by 20 percent or at least ten parking spaces.
- C. When parking lots not in conformance with Article 53 are milled and resurfaced landscaping in accordance with Section 53.70 is encouraged.

### 53.140 EXCEPTIONS

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- A. **Additional Planting Requirements** - For reason of conflicting uses, unfavorable topography, or other unique or extenuating physical circumstances, the reviewing body may increase required landscape plantings in any required greenspace if in its determination an increase is found necessary to reasonably achieve the spirit, purpose and intent of this Article.
- B. **Reductions and Substitutions of Plantings** - If a physical hardship exists or existing topography and vegetation are determined by the reviewing body to provide equal or better landscape and buffering effect, the reviewing body may approve modifications only to the planting requirements of Section 53.50. The reviewing body may require such alternate plantings and visual screens as hedges, fences, walls, and/or combination thereof which it deems necessary to ensure compliance with the spirit, purpose and intent of this Article.



## ARTICLE 53: LANDSCAPING AND SCREENING

### 53.10 Intent

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

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

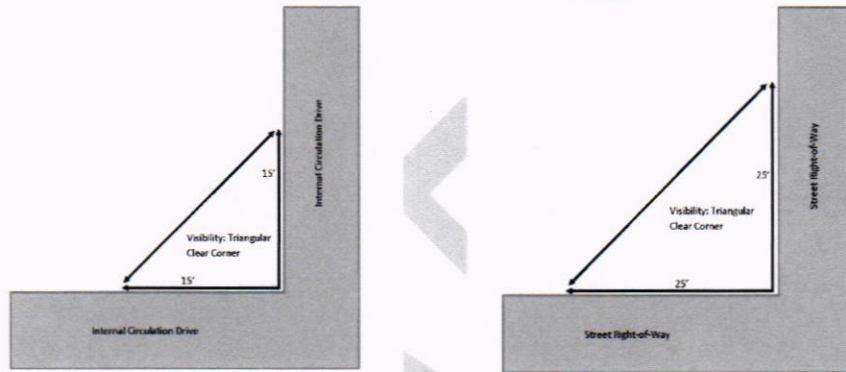
### 53.20 Application of Requirements

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

### 53.30 General Provisions

- A. **Minimum Requirements** - The requirements in this Article are minimum requirements and shall not preclude the developer and the Township from mutually agreeing to additional landscaping.
- B. **Landscape plan preparation** – Landscape plans are required for all developments requiring site plan approval. However, site plans that meet one or more of the following must submit a Landscape Plan that is sealed by a landscape architect:
  - 1. 70 or more parking spaces
  - 2. Screening between land uses
  - 3. Request tree preservation credits
  - 4. Request credits for preserving native vegetation
  - 5. Request to submit an alternative landscape plan to restore pre-settlement vegetation
- C. **Site coverage** – Developed portions of the site not devoted to building floor area, parking, access ways or pedestrian use shall be appropriately landscaped with live plant material and maintained in a neat and orderly manner. Developed portions of the site shall mean the physical extension and/or construction of any man-made change or alteration to an improved or unimproved property.

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



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



2. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.
3. Landscaping required by this Article shall be maintained in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.
4. Any areas that become disturbed for any reason shall be restored in accordance with the original landscape plan unless approved otherwise in writing by the Township.

#### 53.40 Screening Between Land Uses

- A. A landscape buffer shall be constructed to create a visual screen between the following land use types:
  1. Nonresidential land use or zoned property along all adjoining boundaries of a residential land use or zoned property.
  2. Multi-family or manufactured home community along all adjoining boundaries of a residential land use or zoned property.
- B. The landscape buffer shall be a minimum of 30 feet in width.
- C. The landscape buffer must create a visual barrier at least six (6) feet in height that provides opacity to the adjacent property owner.
- D. The landscape buffer must contain two (2) canopy trees, two (2) evergreen trees and (2) understory trees for every 100 linear feet of required buffer length. Evergreens may be substituted for canopy and understory trees at a 1:1 ratio.
- E. The landscape buffer must also include a combination of one or more of the following to provide the required 6-foot opaque visual barrier:
  1. Berms – landscaped undulating earthen berms with varying heights as measured from the grade of the abutting property.
  2. Walls or fences – Walls or fences must be a minimum of six (6) feet in height as measured on the side of the proposed wall or fence having the higher grade. A required wall or fence shall be located on the lot line except where underground utilities interfere and except in instances where conformity with front yard setback is required. Upon review of the landscape plan, the reviewing body may approve an alternate location of a wall or fence. The Planning Department shall review and the Zoning Board or Appeals or Planning Commission shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels, stone, or wood. Chain link fences with opaque slats are not permitted.

3. Plant materials – Landscape planting materials may consist of a variety of materials but must provide opacity to the adjacent property. For plant materials, the height requirement is based upon reasonably anticipated growth over a period of three (3) years.
- F. Where there is a need to provide a greater noise or dust barrier or to screen more intense development as determined by the reviewing body, a solid wall or fence with additional landscape materials shall be required.

#### 53.50 Parking Lot Landscaping

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

#### 53.60 Street Rights-of-Way Greenbelts

- A. Greenbelts shall be 20 feet wide along public rights-of-way and 15 feet wide along private rights-of-way, measured from the right-of-way line.



- B. The greenbelt shall be landscaped with a minimum equivalent of one (1) canopy tree and two (2) understory trees for every 100 linear feet, or fraction thereof, of frontage abutting a street right-of-way.
- C. Parking lots adjacent to street rights-of-way shall provide shrubs at a ratio of 1.5 shrubs for every one (1) parking space. Shrubs that reach a mature height of at least three (3) feet shall be utilized and they shall be in groupings spaced at least three (3) feet on center to screen the parking lot from the right-of-way.
- D. In addition to the required plantings within the greenbelt, the remainder of the greenbelt shall be landscaped with grass, ground cover, shrubs, and other organic landscape materials.
- E. Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the linear dimension used to determine the minimum number of trees required.
- F. The clear view zone outlined in Section 53.30.D must be met for all access drives.
- G. Trees may be placed in groupings within the greenbelt.

#### 53.70 Interior Site Landscaping

- A. In addition to the parking lot and greenbelt landscaping, a minimum of 10 percent of the developed area of the parcel, lot or building site must be landscaped. The developed area of the parcel, lot or building site shall mean the physical extension and/or construction of any man-made change or alteration to an improved or unimproved property.
- B. Interior site landscaping shall be located adjacent to buildings and in at least one side or rear yard distributed throughout the developed area of the parcel, lot or building site.
- C. In addition to the other tree requirements outlined herein, one (1) canopy tree will be required for every 1,500 square feet and one (1) understory tree will be required for every 2,500 square feet of the interior site landscaping.
- D. Interior site landscaping shall be provided to enhance the appearance of the site and screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air conditioning units, and loading areas.

#### 53.80 Loading/Unloading Areas

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

#### 53.90 Screening of Trash and Recycling Containers

- A. Outside trash and recycling disposal containers shall be screened on all sides with an opaque fence or wall and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of material that is compatible with the architectural materials used

in the site development. The Planning Commission or Zoning Board or Appeals, at its discretion, may approve alternative methods of screening that meet the intent of this Article.

- B. Containers and enclosures shall be located away from public view insofar as possible, and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
- C. Screening and gates shall be of a durable construction. Chain link fences with opaque slats are not permitted.

53.100 Landscape Elements

A. Native plant materials – At least 75 percent of required trees shall be native to Lower Michigan. At least ~~30~~ 50 percent of all other required landscape material within each Plant Material Type shall be native to Lower Michigan. For information on native plants and lists of trees and shrubs, see the following websites:

- 1. [www.nativeplants.msu.edu](http://www.nativeplants.msu.edu)
- 2. [www.plant.native.org](http://www.plant.native.org)
- 3. [www.wildflower.org/collections/Michigan](http://www.wildflower.org/collections/Michigan)

B. Composition -

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

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



Botanical Name	Common Name
Salix spp.	Willows
Ulmus spp.	Elms
Fraxinus	Ash

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

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

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

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

Landscape materials may consist of a variety of plantings that provide generally consistent screening of the fence. For plant materials, the height requirement is based upon reasonably anticipated growth over a period of three (3) years.

53.110 Tree Preservation Credits

- A. Tree preservation credits shall be given for trees preserved within the developed portion of a parcel, lot or building site. The location of preserved trees shall determine which specific landscape requirement shall be reduced.
- B. Credit shall be awarded for preserving canopy trees. The number of credits awarded for tree preservation shall be in accordance with the table presented below. Trees intended to be preserved shall be indicated on the landscape plan and type and size shall be noted.

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

\*Diameter measured at 4' above ground level.

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

53.120 Tree Protection prior to and during Construction.

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



#### 53.130 Preservation of Existing Native Vegetation.

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

#### 53.140 Incentives for Restoring Pre-Settlement Vegetation

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

#### 53.150 Provisions for Existing Sites

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

#### 53.160 Modifications or Reductions

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

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

DRAFT



**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A REGULAR MEETING HELD DECEMBER 12, 2019**

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**Agenda**

**PUBLIC HEARING: THIRD WALL SIGN**

**CONSIDERATION OF A THIRD WALL SIGN FOR COMMERCIAL TENANT AT 5095 CENTURY AVENUE, IN A PLANNED UNIT DEVELOPMENT**

**PUBLIC HEARING: LANDSCAPE ORDINANCE**

**CONSIDERATION OF THE DRAFT LANDSCAPE ORDINANCE TO REPEAL AND REPLACE THE EXISTING ARTICLE 53, FOR RECOMMENDATION TO THE TOWNSHIP BOARD**

**PUBLIC HEARING: RESIDENTIAL SETBACK ORDINANCE**

**CONSIDERATION OF THE AMENDMENTS TO SECTION 50.60: SETBACKS FOR RECOMMENDATION TO THE TOWNSHIP BOARD**

**Old Business**

- a. Livestock and Honey Bees Ordinance - Draft Review
- b. Lighting Ordinance - Discussion

**Other Business**

- a. BTR 2.0 Design Guidelines – Consideration of Approval
- b. Accessory Buildings Ordinance - Draft Review
- c. 2020 Meeting Dates

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

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, Julie Johnston, Consultant, and Martha Coash, Meeting Transcriptionist. Four 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."

### **Approval of Agenda**

The Chair determined there were no changes to the agenda and let it stand as distributed.

### **Public Comment on Non-Agenda Items**

Chairperson VanderWeele asked if anyone in the audience cared to address the Board on a non-agenda item. As no one came forward, he moved to the next item.

### **Approval of the Minutes of the Meeting of October 24, 2019**

The Chair asked if there were additions, deletions or corrections to the Minutes of the Meeting of October 24, 2019. Hearing none, he asked for a motion.

Mr. Chambers made a motion to approve the Minutes of the Meeting of October 24, 2019 as presented. Ms. Dickason supported the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next agenda item.

### **PUBLIC HEARING: THIRD WALL SIGN** **CONSIDERATION OF A THIRD WALL SIGN FOR COMMERCIAL TENANT AT 5095 CENTURY AVENUE, IN A PLANNED UNIT DEVELOPMENT**

Ms. Lubbert indicated RWL Sign, on behalf of Spectrum, was requesting Planning Commission consideration to allow three wall signs where only two are permitted by the Zoning Ordinance. The building in question is located within the Corner@Drake Planned Unit Development (PUD), to the east of the outdoor patio area that separates the Trader Joe's building from this multi-tenant structure. Spectrum now occupies one of the two suites in this building and has installed their two allotted wall signs—one facing west and the other north—but would also like a third sign facing Stadium Drive.

She noted the subject building has visibility from three roadways—Stadium Drive, Century Avenue, and Drake Road. The applicant is requesting approval for three wall signs where only two are permitted per Section 55.80: *Commercial and office land uses*



of the Oshtemo Township Zoning Ordinance. This section controls signage in commercially-zoned areas and states that multi-tenant commercial structures are only allowed two wall signs per tenant space. In contrast to this, standalone buildings are allowed up to four wall signs.

She explained Section 41.50 of the Zoning Ordinance allows the Planning Commission to consider a departure from the dimensional requirements of the Zoning Ordinance for Planned Unit Developments. To grant such *non-variance* relief, the Commission must find that the proposed departure from the ordinance "meets the purpose of a planned unit development set forth in section 41.60 and 41.70." These two sections, and indeed the entirety of *Article 41: Planned Unit Development*, discuss how PUDs might benefit from dimensional departures from the ordinance in order to create a more cohesive, unified, and socially beneficial development through the construction of clustered structures, the creation of large open spaces, and other treatments that might not otherwise be possible while observing strict compliance with the Zoning Ordinance.

For context, Ms. Lubbert noted the Planning Commission previously approved the following signage departures from the Zoning Ordinance, under the standards of section 41.50, at the Corner@Drake development:

- Three wall signs for Trader Joe's at 5099 Century Avenue. (9/14/2017)
- Three wall signs for Mod Pizza at 5099 Century Avenue, Suite 500. (8/9/2018)
- Three wall signs for Olga's Kitchen at 5095 Century Avenue, Suite D (abutting the Spectrum store in the same building) and an enlarged multi-tenant sign for the PUD. (10/11/2018)

She added that these three approved signage deviations were for corner units, like the building under consideration tonight, and allowing a third sign for this property would be consistent with how the other units with three exterior walls in the PUD have been treated.

Township staff felt approving this request would be in keeping with the Planning Commission's general approach to implementing Section 41.50 of the PUD regulations. Substantial justice will be observed; the public health, safety, and general welfare will not be compromised if the third sign is approved. Ms. Lubbert added that the proposed wall sign also meets the other standards of the Zoning Code.

Given these findings, Ms. Lubbert recommended the Planning Commission approve the request for a third wall sign for the Spectrum store within the Corner@Drake PUD.

Chairperson VanderWeele asked if board members had questions on the application.

Ms. Smith confirmed there is no actual customer entry on the side of the building where the new sign would be installed, just a service entry door.

Hearing no further questions, the Chair moved to Public Hearing and determined no one wished to address the Board. He asked if the applicant wished to speak.

Mr. Jayson Headly, of RWL Sign, explained Spectrum wished to add the third wall sign, which will face Stadium Drive, for visibility in order to increase store traffic. He indicated the building will be a customer service center.

Mr. Curt Aardema, AVB, developers of the Corner@Drake project said the standpoint of this business is unique as the site sits above Stadium Drive and there is only one convenient entrance, from Drake Road. The third sign requested is critical for customers to be able to find the store from Drake, Stadium Drive, and Century Ave. The retail and service center currently has stores on Sprinkle Road and Westledge Avenue. He noted there are few spots for new development left at Corner@Drake and successful development of businesses will encourage interest from future ones.

Ms. Farmer asked if there are plans for the area between Trader Joes and Field and Stream.

Mr. Aardema said he had nothing to report currently, but plans are in the works.

Chairperson VanderWeele moved to Board Deliberations.

Ms. Farmer noted the request was consistent with others approved previously.

Ms. Smith said she wishes to avoid gratuitous advertising and questioned the value of a third sign for local traffic as there is no customer entrance on that side of the building. She was not sure it would direct customers to the front of the building. She noted after several months Olga's still has banners and flags in place that were intended to be temporary.

Ms. Lubbert said she would speak with the ordinance enforcement officer; Ms. Johnston indicated the property managers had been alerted about the flags and banners.

Mr. Aardema said the ordinance within the development itself is largely consistent with Township ordinance and that AVB can also enforce complaints regarding infractions if the complaints come to them.

Hearing no further comment, the Chair requested a motion.

Ms. Farmer made a motion to approve the proposed departure from ordinance to authorize the third sign for Spectrum as presented, based on staff's rationale that approving this request would be in keeping with the Planning Commission's general



approach to implementing Section 41.50 of the PUD regulations substantial justice will be observed and that the public health, safety, and general welfare will not be compromised. Ms. Maxwell supported the motion. The motion was approved unanimously.

**PUBLIC HEARING: LANDSCAPE ORDINANCE**  
**CONSIDERATION OF THE DRAFT LANDSCAPE ORDINANCE FOR**  
**RECOMMENDATION TO THE TOWNSHIP BOARD**

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

At the conclusion of the draft ordinance review, staff knew the Planning Commission would be working on revising and reorganizing the entirety of the Zoning Ordinance and therefore, decided to table the new Landscape Ordinance to become a part of that project instead of holding the public hearings for adoption. As time constraints persisted, the revised/reorganized Zoning Ordinance project was reduced to being primarily a "reorganization" project. Sweeping changes to the Ordinance, which were originally envisioned, were tabled until after the reorganization was complete.

She noted the Planning Commission resumed its review of the Landscape Ordinance in July of this year. Several meetings were held where additional amendments were completed. The proposed document will repeal and replace the current landscaping ordinance.

The draft Ordinance presented for public hearing differs from the Township's existing ordinance in the following ways:

1. The draft Ordinance requires an overall percentage of the site be landscaped, which is generally slightly less in square footage than the current ordinance landscaping requirements.
2. The current ordinance is very specific where landscaping must occur – at the property lines. The draft ordinance requires landscaping in the parking lots and along public and private rights-of-way but allows the design professional to determine where the rest of the required landscaping will be planned on the site.
3. The total number of required trees is slightly less than the current ordinance, which will hopefully allow tree species a better opportunity to survive on the site.
4. There are very specific requirements for opaque screening between incompatible land uses in the recommended ordinance, which can include a variety of berms,

fences, walls, landscape materials, etc. But the screening must be six feet in height and opaque. The current ordinance requires larger buffer zones between incompatible uses, but the plant materials are generally trees, which do not provide much screening when the lower branches reach a height beyond five feet.

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

Ms. Johnston indicated two changes were made to the draft Ordinance since the Planning Commission's review at their October 10<sup>th</sup> meeting. The first was a modification within the parking lot landscaping section, returning to the use of canopy trees instead of understory trees within the required landscaped areas. The concern with understory trees was that very small trees could be planted (maximum growth at 8 to 10 feet), which would not provide the desired visual aesthetic we are trying to reach or provide shade within the parking lot areas.

The second change was to the native planting requirements. The amendment increased native plantings for all other landscape material to 50 percent where 30 percent was previously required. The 75 percent native planting requirement for trees remained the same.

She said the three main objectives of the new ordinance were 1) to allow a smaller buffer zone between buildings, 2) allow for more flexibility, and 3) provide for more/improved screening between residential and non-residential properties.

Ms. Johnston noted staff applied the new requirements to actual existing large and small locations within the Township and found the new requirements could be easily accommodated.

She indicated after receiving public input, staff was recommending approval of the draft Landscaping Ordinance to be forwarded to the Township Board for approval.

The Chair opened a Public Hearing, but closed it and moved to Board Deliberations after determining no members of the public wished to comment.

Ms. Farmer indicated she was in support of the proposed ordinance. After determining there were no further Board comments, the Chair requested a motion.

Ms. Dickason made a motion to approve the proposed ordinance as presented and to forward it to the Township Board for their consideration and approval. Mr. Commissaris supported the motion. The motion was approved unanimously.



Chairperson VanderWeele asked Ms. Johnston for her presentation on the next agenda item.

**PUBLIC HEARING: RESIDENTIAL SETBACK ORDINANCE**  
**CONSIDERATION OF THE DRAFT RESIDENTIAL SETBACK ORDINANCE FOR**  
**RECOMMENDATION TO THE TOWNSHIP BOARD**

Ms. Johnston reported there was concern recently about how the Township was regulating accessory buildings on residential properties, specifically, where they were permitted to be located on a parcel, lot, or building site. After a careful review of the Accessory Buildings and Setback Ordinances, it was determined some amendments were needed to ensure the two regulations worked in concert.

She explained a goal was to make the ordinance more readable and that the main changes proposed were:

- The term "primary structure" was added to the setback requirements. Without this clarification, it was ambiguous as to whether accessory structures would be allowed in the front yard.
- The term "structure" as added to the setback regulations for accessory uses. A structure is clearly defined in the Zoning Ordinance, assisting with clarity.
- A reference to Section 57.100 was added to assist readers with understanding there are additional requirements for accessory buildings.

The amended ordinance was reviewed by the Township Attorney and Zoning Administrator to ensure the changes resolved the regulatory concerns for accessory buildings. The Planning Commission reviewed the amendments at their October 10<sup>th</sup> meeting. No additional changes were requested at that time.

Ms. Johnston said at the conclusion of the public hearing the Planning Commission might consider a motion to forward the amended Ordinance to the Township Board.

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

Ms. Smith asked for clarification of 1. B.

Ms. Johnston explained the goal was to maintain uniformity in setbacks for structures in existence on the effective date of this ordinance even if they don't meet the required 30 foot setback.

She indicated “primary structure” in the R zoning code means “principal building” which could be a barn if no home is on the property. She also clarified setback in agricultural and residential circumstances is measured from the road right-of-way.

Hearing no further comments from board members, Chairperson VanderWeele opened a public hearing. After determining there were no members of the public who wished to address this issue, and that there were no further comments from board members, he asked for a motion.

Ms. Maxwell made a motion to approve the draft of the Setback Provisions Ordinance 50.60 as presented and to forward it to the Township Board. Ms. Farmer supported the motion. The motion was approved unanimously.

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

## **OLD BUSINESS**

### **a. Draft Livestock and Honey Bees Ordinance review**

Ms. Johnston said at the Township Board first reading of the amended Keeping of Livestock and Honey Bees Ordinance, two questions were posed:

1. How large can the bee hives be?
2. Why can't hives be placed in the front yard?

After some discussion among Board members, it was decided the draft Ordinance should be returned to the Planning Commission to allow them to consider these questions and any potential amendments.

She explained staff made the following changes for the Planning Commission to deliberate:

1. The term “colonies” was inserted to replace “hives” in the acreage requirement for bees. One colony will likely live in three hive boxes, making the use of the term “hive” difficult when determining how many are allowed per property.
2. The acreage requirement for bee colonies was removed from the acreage requirements for animals and given its own subheading. The acreage allowances for animals has minimum requirements for each animal. As an example, a 5-acre parcel would allow 2 acres for 2 horses, 1.5 acres for six sheep, and 1.5 acres for seven chickens. We did not expect bee colonies to fall into these acreage exclusion requirements. On 5 acres, a property owner could have the animals noted above, plus the allotted number of hives.
3. All buildings and structures would now be required to follow the Accessory



Buildings Ordinance, which does not permit these types of structures in the front yard, unless approved by the Planning Director or the Zoning Board of Appeals. This would stop someone from placing a chicken coop in the front yard unless it was deemed appropriate by either the Planning Director or the ZBA.

4. Language has been added to allow hives within the front yard, but with a 100-foot setback. This number was used to discourage the placement of hives in the front yard of parcels, lots, or building sites that aren't at least an acre in size.
5. Hive size has been added to the Ordinance. Based on staff research, the Langstroth hive is the most popular hive configuration, which is stacked boxes of various heights that come in three depths: deep, medium, and shallow, and two widths: 10-frame or 8-frame. In order to cover all possible hive configurations, we have included language that would allow a maximum of three 10-frame deep hive boxes per colony.

Ms. Johnston recommended discussion of these potential changes and consideration of a motion to move the draft Ordinance with any amendments to the Township Board. She noted a public hearing would not be necessary; the amendments will be considered by the Township Board in a public forum.

After discussion, it was agreed it would be appropriate to move D. 1 language, adding it to E. 4 for clarification regarding hive placement.

In answer to questions, Ms. Johnston clarified the wording regarding hive size and confirmed the size listed would be the biggest that would be used. She also confirmed a hive is an accessory use, not a structure or a shelter as they are not attached to the ground.

Although a public hearing was not required, Chairperson VanderWeele asked if there were comments from anyone in the audience.

Ms. Amanda Lentz, librarian at the Oshtemo Branch of the Kalamazoo Public Library, told the board the branch library received a grant for an indoor observation hive. The bees would have access to the outdoors through a window to the south lawn where there are wildflowers. Before implementation, the ordinance amendments must first be passed. She hoped the board would approve the amended ordinance so the children visiting the library can learn about bees and their importance to the environment.

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

Ms. Farmer made a motion to approve the draft of Keeping Livestock and Honey Bees, 57.80 as presented with the one change to move hive placement language from D. 3. to E. 4. and to forward it to the Township Board. Ms. Dickason supported the motion. The motion was approved unanimously.



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

**b. Lighting Ordinance – Discussion**

Ms. Lubbert noted recent concern about how the newly implemented Outside Lighting Standards Ordinance (Section 54.60) could be interpreted; specifically the Ordinance's intent and the general usage of outdoor upward lighting. This discussion was triggered by the recently installed blue upward lighting at the Holiday Inn Express at 1315 Westgate Drive. The current Lighting Ordinance permits this type of upward lighting with the Planning Commission's approval. However, this lighting was not part of the approved lighting plan reviewed by the Planning Commission with the Holiday Inn Express' 2017 Site Plan and has accordingly been turned off. While reviewing this case, staff was made aware that the upward lighting standards were unclear and open to subjective interpretation. Prior to the adoption of our current Lighting Ordinance on September 10th, 2019 upward lighting of this nature was strictly prohibited. □

Ms. Lubbert noted that in September of 2018 the Township Board held a work session on lighting after hearing requests from local business owners on permitting LED string lighting within the Township. After receiving a directive from the Township Board, the Planning Commission drafted the Lighting Ordinance over a six-month period, utilizing the Dark Sky Society and Illuminating Engineer Society model ordinances and other township and city lighting ordinances as examples. In addition, the draft Ordinance was reviewed by a lighting provider, Circuit Electric, who assisted with amendments to the ordinance language. After discussion and multiple public meetings, the Lighting Ordinance was adopted by the Township Board on September 10, 2019.

Ms. Lubbert requested the Commission revisit Section 54.60 Outdoor Lighting Standards to clarify the intent of the regulations pertaining to upward lighting and determine if and what amendments may be needed to further clarify the intent before additional cases arise.

Extended discussion followed, centered on what standards, if any, for upward lighting might be allowed in amendments to the Outdoor Lighting Standards Ordinance.

Chairperson VanderWeele sought consensus among board members regarding several questions about upward lighting. Their responses indicated most did not want to totally eliminate upward lighting, did want limits on the height of upward lighting to 14 or 15 feet, wanted a significant architectural feature for upward lighting cut-off, and wanted to consider lower allowable foot candles for upward lighting.

The group also felt more information was needed before a decision could be made as to whether any color beyond white should be allowed, and whether upward lighting, strictly for advertising should be allowed.



The Chair asked Ms. Lubbert to look into these questions further, taking the board's comments into account, and to return to the Planning Commission with more information and guidance for their further consideration.

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

## **OTHER BUSINESS**

### **a. BTR 2.0 Design Guidelines – Consideration of Approval**

Ms. Johnston said the BRP: Business and Research Park District requires a set of design guidelines be created for any coordinated development on property zoned this classification. The Western Michigan University (WMU) Business Technology and Research Park (BTR 2.0) located at the northwest corner of Drake Road and Parkview is zoned under this District.

Throughout much of 2016 and 2017, WMU worked with the Township and interested citizens to create the development plan for BTR 2.0. This plan was not required to be approved by the Township due to state laws related to property owned by universities. However, the University worked closely with Township staff to ensure a plan that met Ordinance requirements.

To comply with Section 20.50.B of the BRP District, WMU provided a set of design and maintenance standards for the park. Staff had the following recommendations:

1. Consider adding the Township Planning Director to the membership of the Design Review Committee. This should be an ad-hoc position as the Planning Director has no authority to approve plans which will ultimately be presented to the Planning Commission. However, by allowing the Planning Director on the Committee, they can be informed on upcoming projects, provide information on zoning related requirements, provide insight on any potential concerns, but not vote on the plans directly.
2. The Site Design Standards section has a section related to Landscaping. The first standard includes language that native plant materials shall be used to the greatest extent practical to minimize water and fertilizer requirements. The Landscape Ordinance has specific requirements related to native landscaping as follows:

*“At least 75 percent of required canopy trees shall be native to lower Michigan. At least 30 percent of all other required landscape material within each Plant Material Type shall be native to lower Michigan.”*

They recommended this section be changed to *“Native trees, shrubs, plants, and low maintenance turf grasses must, at a minimum, meet Oshtemo Township Zoning Ordinance requirements for native plantings, and be used to the greatest extent practicable to minimize water and fertilizer requirements.”*

3. The landscape standards go on to say that one tree shall be required for every 10 parking spaces. Staff was not sure if this condition is in addition to the parking lot landscaping required by the Township Zoning Ordinance. If not, then the guideline would not have met Ordinance requirements, which are one canopy tree and two shrubs for every 200 square feet of required landscaping. We asked that they consider the following calculations:

Township Zoning Ordinance Requirements:

50 space parking lot = 1,250 square feet of parking lot landscaping

1,250 square feet of landscaped area = 6 canopy trees and 12 shrubs

BTR 2.0 Design Guidelines:

50 space parking lot = 10 trees and no shrubs

We asked language be added to this section clarifying whether the parking lot trees required by the Guidelines are in addition to the Township Zoning Ordinance, or the language should be changed to reflect Township Landscape Ordinance requirements.

4. In the Site Design Standards there were guidelines for items that have Zoning Ordinance implications. In most of these sections, language was added that the Oshtemo Township Zoning Ordinance requirements must be met. This language was not found in the Landscaping section. We recommended adding "*Landscaping shall conform to the requirements of the Oshtemo Township Zoning Ordinance*" to the end of the Landscaping section.
5. The Architectural Design Standards has a section related to mechanical and electrical equipment. The language read:

*"Mechanical and electrical equipment, whether on a roof or next to a building, should be screened from view..."*

We recommended strengthening this language to "shall be screened." The term "should" indicates that it is not required. If mechanical equipment is placed on the ground, we recommended some landscape screening, at minimum.

6. Page 23 of the Design Guidelines has requirements for Step 3 approval. Staff recommended the following amendments:

*"After approval of the Preliminary Plan, a refined plan shall be prepared to illustrate greater detail; two copies shall be submitted to the BTR Park Phase 2 Representative on the Design Review Committee. Because Site Plan Review and approval will be required from Oshtemo Township, this plan shall contain all information required **for site plan submittal per** ~~in the Site Plan, Landscape, and BRP District chapters~~ of the Oshtemo Township Zoning Ordinance..."*



Ms. Johnston said all of the staff recommended changes, except for adding the Township Planner to the membership of the Design Review Committee were met. They agreed instead to notify the Planning Director, which is acceptable to staff.

She felt the BTR 2.0 Design Guidelines, as revised to include all the Township staff recommendations but one was acceptable for approval by the Commission.

Chairperson VanderWeele asked for comments. Hearing none, he asked for a motion.

Mr. Commissaris made a motion to adopt the BTR 2.0 Design Guidelines as revised. Ms. Farmer supported the motion. The motion was approved unanimously.

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

**b. Accessory Buildings Ordinance - Draft Review**

Ms. Johnston reported that recently, there was some concern about how the Township was regulating accessory buildings on residential properties, specifically, where they were permitted to be located on a parcel, lot, or building site. After a careful review of the Accessory Buildings and Setback Ordinances, it was determined some amendments were needed to ensure the two regulations worked in concert. The Planning Commission reviewed and approved the Setback Ordinance amendments earlier in this meeting.

She provided a copy of the draft Accessory Buildings Ordinance, *Section 57.100: Accessory Buildings* and said the primary recommended changes to relate to where accessory building shall be permitted on the parcel, lot, or building site; when accessory buildings require an extra level of review through a required plan; and, the criteria in which those accessory buildings will be reviewed. The intent of the amendments is to assist staff with approval procedures for those accessory buildings which do not fit the norm or exceed ordinance standards.

Ms. Johnston noted the amended ordinance was reviewed by the Township Attorney and Zoning Administrator to ensure the changes resolved the regulatory concerns of placement of accessory structures. She requested Planning Commission review of the recommended changes.

Chairperson VanderWeele expressed concern regarding the height restriction on accessory buildings; for example, a pole building would not be allowed if it exceeded the height of a ranch house. He agreed it would not be desirable to have the primary structure overwhelmed by the accessory building. He suggested a formula might be developed that would take into account the accessory building's distance from the house and the number of feet in height the accessory building exceeded the height of the house.

Ms. Johnston said other factors in a formula might include the property, maybe zoning; a difference between sub-divisions and rural area.

Ms. Hubbert suggested that she develop some further information for consideration, including a comparison of the size of lots in different areas.

Chairperson VanderWeele agreed the draft be returned to Ms. Lubbert to further development for a second round of review by the board at a later date.

**c. 2020 Meeting Dates**

Ms. Lubbert presented a draft of 2020 meeting dates for the Planning Commission. The draft included several moves to fifth Thursdays from fourth Thursdays of the month, in an effort from staff to implement a more efficient Schedule of Applications which would require that the Planning Commission meetings would fall in the same weeks as Zoning Board of Appeals'.

Board members indicated they were willing to try that for 2020. They also confirmed they will continue the pattern of only one meeting in the months of November and December and removed both second meetings from the proposed schedule.

Ms. Farmer made a motion to adopt the following 2020 Schedule of Meeting Dates with the agreed upon revisions. Ms. Dickason supported the motion. The motion was approved unanimously.

**Second and Fourth Thursday of every month @ 6PM**

**2020 Meeting Dates**

<i>2<sup>nd</sup> Thursday of the Month</i>	<i>4<sup>th</sup> Thursday of the Month</i>
01/09	01/30*
02/13	02/27
03/12	03/26
04/09	04/30*
05/14	05/28
06/11	06/25
07/09	07/30*
08/13	08/27
09/10	09/24
10/08	10/29*
11/12	<del>11/25</del> *
12/10	<del>12/23</del> *
01/14/21	01/28/21

\*Dates shifted to avoid holidays or for consistency with the Development Schedule of Applications.



## **PLANNING COMMISSIONER COMMENTS**

Chairperson VanderWeele noted both Mr. Chambers and Ms. Dickason were leaving the Planning Commission Board and that this was their final meeting. He presented them each with a certificate of appreciation and thanked them for their service. Mr. Chambers will be moving to the Zoning Board of Appeals.

## **ADJOURNMENT**

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 8:35 p.m.

Minutes prepared:  
November 13, 2019

Minutes approved:  
January 9, 2020

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. \_\_\_\_

Adopted: \_\_\_\_\_, 2020

Effective: \_\_\_\_\_, 2020

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance by the deletion and replacement of Article 53 Landscaping and Screening. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

SECTION I. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 53 LANDSCAPING AND SCREENING. Article 53 Landscaping and Screening is hereby deleted and replaced to read as follows:

53.10 Intent

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

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

53.20 Application of Requirements

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

53.30 General Provisions

- A. Minimum Requirements - The requirements in this Article are minimum requirements and shall not preclude the developer and the Township from mutually agreeing to additional landscaping.

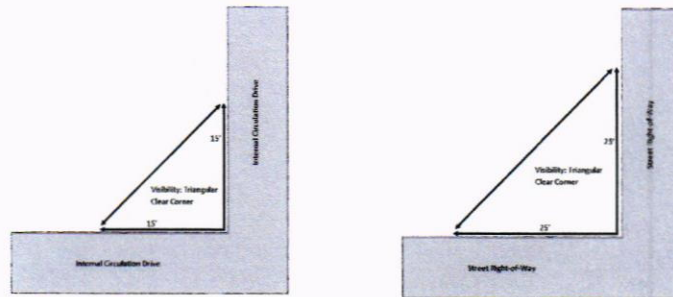


B. Landscape plan preparation – Landscape plans are required for all developments requiring site plan approval. However, site plans that meet one or more of the following must submit a Landscape Plan that is sealed by a landscape architect:

1. 70 or more parking spaces
2. Screening between land uses
3. Request tree preservation credits
4. Request credits for preserving native vegetation
5. Request to submit an alternative landscape plan to restore pre-settlement vegetation

C. Site coverage – Developed portions of the site not devoted to building floor area, parking, access ways or pedestrian use shall be appropriately landscaped with live plant material and maintained in a neat and orderly manner. Developed portions of the site shall mean the physical extension and/or construction of any man-made change or alteration to an improved or unimproved property.

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



E. Land clearing - Land clearing shall be limited to that needed for the construction of buildings, structures, parking lots, street right(s)-of-way, drainage and utility areas, other site improvements, and any grading necessary to accommodate such construction. No grading or removal of the following trees shall be permitted in the area of the parcel, lot or building site not developed:

1. Trees that are native to Michigan with a diameter of 2-inches or greater at 4-feet in height.
2. Trees that are not native to Michigan with a diameter of 8-inches or greater at 4-feet in height.

F. Public right-of-way/private easement greenspace – the land area lying between the paved portion of a public right-of-way/private easement and the property line shall be neatly maintained with grass or groundcover.

G. Maintenance – installation, maintenance, and completion

1. All landscaping required by this Article shall be planted before obtaining a certificate of occupancy or the appropriate financial guarantee such as cash placed in an escrow account, letter of credit, and/or performance bond in the amount of the cost of landscaping to be released only after landscaping is completed.

2. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.
3. Landscaping required by this Article shall be maintained in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.
4. Any areas that become disturbed for any reason shall be restored in accordance with the original landscape plan unless approved otherwise in writing by the Township.

#### 53.40 Screening Between Land Uses

- A. A landscape buffer shall be constructed to create a visual screen between the following land use types:
  1. Nonresidential land use or zoned property along all adjoining boundaries of a residential land use or zoned property.
  2. Multi-family or manufactured home community along all adjoining boundaries of a residential land use or zoned property.
- B. The landscape buffer shall be a minimum of 30 feet in width.
- C. The landscape buffer must create a visual barrier at least six (6) feet in height that provides opacity to the adjacent property owner.
- D. The landscape buffer must contain two (2) canopy trees, two (2) evergreen trees and (2) understory trees for every 100 linear feet of required buffer length. Evergreens may be substituted for canopy and understory trees at a 1:1 ratio.
- E. The landscape buffer must also include a combination of one or more of the following to provide the required 6-foot opaque visual barrier:
  1. Berms – landscaped undulating earthen berms with varying heights as measured from the grade of the abutting property.
  2. Walls or fences – Walls or fences must be a minimum of six (6) feet in height as measured on the side of the proposed wall or fence having the higher grade. A required wall or fence shall be located on the lot line except where underground utilities interfere and except in instances where conformity with front yard setback is required. Upon review of the landscape plan, the reviewing body may approve an alternate location of a wall or fence. The Planning Department shall review and the Zoning Board or Appeals or Planning Commission shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels, stone, or wood. Chain link fences with opaque slats are not permitted.
  3. Plant materials – Landscape planting materials may consist of a variety of materials but must provide opacity to the adjacent property. For plant materials, the height requirement is based upon reasonably anticipated growth over a period of three (3) years.
- F. Where there is a need to provide a greater noise or dust barrier or to screen more intense development as determined by the reviewing body, a solid wall or fence with additional landscape materials shall be required.



53.50 Parking Lot Landscaping

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

53.60 Street Rights-of-Way Greenbelts

- A. Greenbelts shall be 20 feet wide along public rights-of-way and 15 feet wide along private rights-of-way, measured from the right-of-way line.
- B. The greenbelt shall be landscaped with a minimum equivalent of one (1) canopy tree and two (2) understory trees for every 100 linear feet, or fraction thereof, of frontage abutting a street right-of-way.
- C. Parking lots adjacent to street rights-of-way shall provide shrubs at a ratio of 1.5 shrubs for every one (1) parking space. Shrubs that reach a mature height of at least three (3) feet shall be utilized and they shall be in groupings spaced at least three (3) feet on center to screen the parking lot from the right-of-way.
- D. In addition to the required plantings within the greenbelt, the remainder of the greenbelt shall be landscaped with grass, ground cover, shrubs, and other organic landscape materials.
- E. Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the linear dimension used to determine the minimum number of trees required.
- F. The clear view zone outlined in Section 53.30.D must be met for all access drives.
- G. Trees may be placed in groupings within the greenbelt.

53.70 Interior Site Landscaping

- A. In addition to the parking lot and greenbelt landscaping, a minimum of 10 percent of the developed area of the parcel, lot or building site must be landscaped. The developed area of the parcel, lot or building site shall mean the physical extension and/or construction of any man-made change or alteration to an improved or unimproved property.
- B. Interior site landscaping shall be located adjacent to buildings and in at least one side or rear yard distributed throughout the developed area of the parcel, lot or building site.
- C. In addition to the other tree requirements outlined herein, one (1) canopy tree will be required for every 1,500 square feet and one (1) understory tree will be required for every 2,500 square feet of the interior site landscaping.
- D. Interior site landscaping shall be provided to enhance the appearance of the site and screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air conditioning units, and loading areas.

53.80 Loading/Unloading Areas

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

53.90 Screening of Trash and Recycling Containers

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

53.100 Landscape Elements

- A. Native plant materials – At least 75 percent of required trees shall be native to Lower Michigan. At least 50 percent of all other required landscape material within each Plant Material Type shall be native to Lower Michigan. For information on native plants and lists of trees and shrubs, see the following websites:

- 1. [www.nativeplants.msu.edu](http://www.nativeplants.msu.edu)
- 2. [www.plant.native.org](http://www.plant.native.org)
- 3. [www.wildflower.org/collections/Michigan](http://www.wildflower.org/collections/Michigan)

- B. Composition -

- 1. The use of a single species is prohibited. Except for plantings used for evergreen screening, no one species of tree or shrub may make up more than 50 percent of the total amount of required landscaping material.
- 2. Any species known to have structural weakness or excessive bearing of fruit or nuts shall not be used in areas of vehicular or pedestrian traffic.



3. Species not permitted within street rights-of-way greenbelts and should be used with caution when placed in proximity to any existing or proposed building, structure, walkway, or parking area are listed in the below table:

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

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

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

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

- D. Berms – Any proposed berms shall be constructed with slopes not to exceed a one to three (1:3) gradient. Berm slopes shall be protected with sod, seed, or other form of natural ground cover.
- E. Coordination with utilities - Provision shall be made to coordinate landscaping with existing and proposed underground and overhead utility lines so as to avoid interference with plant growth.
- F. Storm water retention and detention ponds - The integration of storm water retention and detention ponds in the overall landscape concept is recommended. Ponds with a natural or free form shape, rather than square or rectangular design and appearance, shall be required. If site constraints dictate a more engineered shape, the design and

appearance must be approved by the reviewing body. Any fenced areas that are visible from an adjacent property, public right-of-way or private access easement shall be landscaped to screen them from view. Landscape materials may consist of a variety of plantings that provide generally consistent screening of the fence. For plant materials, the height requirement is based upon reasonably anticipated growth over a period of three (3) years.

53.110 Tree Preservation Credits

- A. Tree preservation credits shall be given for trees preserved within the developed portion of a parcel, lot or building site. The location of preserved trees shall determine which specific landscape requirement shall be reduced.
- B. Credit shall be awarded for preserving canopy trees. The number of credits awarded for tree preservation shall be in accordance with the table presented below. Trees intended to be preserved shall be indicated on the landscape plan and type and size shall be noted.

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

\*Diameter measured at 4' above ground level.

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

53.120 Tree Protection prior to and during Construction.

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

53.130 Preservation of Existing Native Vegetation.

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



53.140 Incentives for Restoring Pre-Settlement Vegetation

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

53.150 Provisions for Existing Sites

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

53.160 Modifications or Reductions

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

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

SECTION II.

EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, CLERK  
OSHTEMO CHARTER TOWNSHIP

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP PLANNING  
COMMISSION RESULTING FROM A PUBLIC HEARING CONDUCTED ON  
DECEMBER 12, 2019

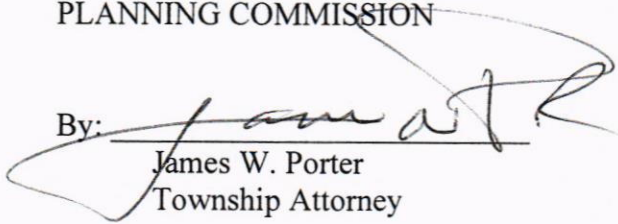
The Oshtemo Charter Township Planning Commission hereby recommends APPROVAL of the deletion and replacement of Article 53 Landscaping and Screening of the Township Zoning Ordinance, to read, in summary, as follows:

SEE ATTACHMENT

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

Date: December 12, 2019

By: \_\_\_\_\_

  
James W. Porter  
Township Attorney

Final Action by Oshtemo Charter Township Board

\_\_\_\_\_ APPROVED \_\_\_\_\_

\_\_\_\_\_ DENIED \_\_\_\_\_

\_\_\_\_\_ REFERRED BACK TO PLANNING COMMISSION



## ATTACHMENT

### ARTICLE 53: LANDSCAPING AND SCREENING

#### 53.10 Intent

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

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

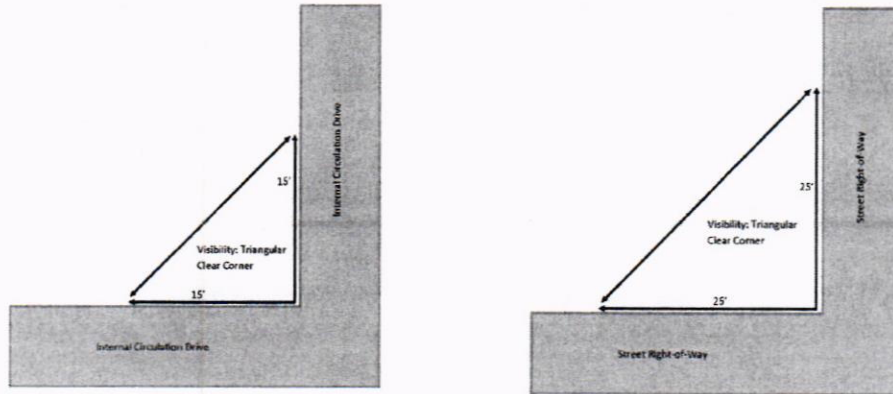
#### 53.20 Application of Requirements

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

#### 53.30 General Provisions

- A. Minimum Requirements - The requirements in this Article are minimum requirements and shall not preclude the developer and the Township from mutually agreeing to additional landscaping.
- B. Landscape plan preparation – Landscape plans are required for all developments requiring site plan approval. However, site plans that meet one or more of the following must submit a Landscape Plan that is sealed by a landscape architect:
  - 1. 70 or more parking spaces
  - 2. Screening between land uses
  - 3. Request tree preservation credits
  - 4. Request credits for preserving native vegetation
  - 5. Request to submit an alternative landscape plan to restore pre-settlement vegetation
- C. Site coverage – Developed portions of the site not devoted to building floor area, parking, access ways or pedestrian use shall be appropriately landscaped with live plant material and maintained in a neat and orderly manner. Developed portions of the site shall mean the physical extension and/or construction of any man-made change or alteration to an improved or unimproved property.

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



- E. Land clearing - Land clearing shall be limited to that needed for the construction of buildings, structures, parking lots, street right(s)-of-way, drainage and utility areas, other site improvements, and any grading necessary to accommodate such construction. No grading or removal of the following trees shall be permitted in the area of the parcel, lot or building site not developed:
1. Trees that are native to Michigan with a diameter of 2-inches or greater at 4-feet in height.
  2. Trees that are not native to Michigan with a diameter of 8-inches or greater at 4-feet in height.
- F. Public right-of-way/private easement greenspace – the land area lying between the paved portion of a public right-of-way/private easement and the property line shall be neatly maintained with grass or groundcover.
- G. Maintenance – installation, maintenance, and completion
1. All landscaping required by this Article shall be planted before obtaining a certificate of occupancy or the appropriate financial guarantee such as cash placed in an escrow account, letter of credit, and/or performance bond in the amount of the cost of landscaping to be released only after landscaping is completed.
  2. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.
  3. Landscaping required by this Article shall be maintained in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting



period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.

4. Any areas that become disturbed for any reason shall be restored in accordance with the original landscape plan unless approved otherwise in writing by the Township.

#### 53.40 Screening Between Land Uses

- A. A landscape buffer shall be constructed to create a visual screen between the following land use types:
  1. Nonresidential land use or zoned property along all adjoining boundaries of a residential land use or zoned property.
  2. Multi-family or manufactured home community along all adjoining boundaries of a residential land use or zoned property.
- B. The landscape buffer shall be a minimum of 30 feet in width.
- C. The landscape buffer must create a visual barrier at least six (6) feet in height that provides opacity to the adjacent property owner.
- D. The landscape buffer must contain two (2) canopy trees, two (2) evergreen trees and (2) understory trees for every 100 linear feet of required buffer length. Evergreens may be substituted for canopy and understory trees at a 1:1 ratio.
- E. The landscape buffer must also include a combination of one or more of the following to provide the required 6-foot opaque visual barrier:
  1. Berms – landscaped undulating earthen berms with varying heights as measured from the grade of the abutting property.
  2. Walls or fences – Walls or fences must be a minimum of six (6) feet in height as measured on the side of the proposed wall or fence having the higher grade. A required wall or fence shall be located on the lot line except where underground utilities interfere and except in instances where conformity with front yard setback is required. Upon review of the landscape plan, the reviewing body may approve an alternate location of a wall or fence. The Planning Department shall review and the Zoning Board or Appeals or Planning Commission shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels, stone, or wood. Chain link fences with opaque slats are not permitted.
  3. Plant materials – Landscape planting materials may consist of a variety of materials but must provide opacity to the adjacent property. For plant materials, the height requirement is based upon reasonably anticipated growth over a period of three (3) years.
- F. Where there is a need to provide a greater noise or dust barrier or to screen more intense development as determined by the reviewing body, a solid wall or fence with additional landscape materials shall be required.

### 53.50 Parking Lot Landscaping

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

### 53.60 Street Rights-of-Way Greenbelts

- A. Greenbelts shall be 20 feet wide along public rights-of-way and 15 feet wide along private rights-of-way, measured from the right-of-way line.
- B. The greenbelt shall be landscaped with a minimum equivalent of one (1) canopy tree and two (2) understory trees for every 100 linear feet, or fraction thereof, of frontage abutting a street right-of-way.
- C. Parking lots adjacent to street rights-of-way shall provide shrubs at a ratio of 1.5 shrubs for every one (1) parking space. Shrubs that reach a mature height of at least three (3) feet shall be utilized and they shall be in groupings spaced at least three (3) feet on center to screen the parking lot from the right-of-way.



- D. In addition to the required plantings within the greenbelt, the remainder of the greenbelt shall be landscaped with grass, ground cover, shrubs, and other organic landscape materials.
- E. Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the linear dimension used to determine the minimum number of trees required.
- F. The clear view zone outlined in Section 53.30.D must be met for all access drives.
- G. Trees may be placed in groupings within the greenbelt.

#### 53.70 Interior Site Landscaping

- A. In addition to the parking lot and greenbelt landscaping, a minimum of 10 percent of the developed area of the parcel, lot or building site must be landscaped. The developed area of the parcel, lot or building site shall mean the physical extension and/or construction of any man-made change or alteration to an improved or unimproved property.
- B. Interior site landscaping shall be located adjacent to buildings and in at least one side or rear yard distributed throughout the developed area of the parcel, lot or building site.
- C. In addition to the other tree requirements outlined herein, one (1) canopy tree will be required for every 1,500 square feet and one (1) understory tree will be required for every 2,500 square feet of the interior site landscaping.
- D. Interior site landscaping shall be provided to enhance the appearance of the site and screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air conditioning units, and loading areas.

#### 53.80 Loading/Unloading Areas

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

#### 53.90 Screening of Trash and Recycling Containers

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

### 53.100 Landscape Elements

- A. Native plant materials – At least 75 percent of required trees shall be native to Lower Michigan. At least 50 percent of all other required landscape material within each Plant Material Type shall be native to Lower Michigan. For information on native plants and lists of trees and shrubs, see the following websites:

1. [www.nativeplants.msu.edu](http://www.nativeplants.msu.edu)
2. [www.plant.native.org](http://www.plant.native.org)
3. [www.wildflower.org/collections/Michigan](http://www.wildflower.org/collections/Michigan)

B. Composition -

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

Botanical Name	Common Name
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4. Invasive species - To protect species indigenous to the Township, the use of invasive species which naturalize are prohibited. Those invasive species not permitted are listed on the Midwest Invasive Species Information Network at [www.misin.msu.edu](http://www.misin.msu.edu).
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- C. Minimum size requirements - Where landscaping is required, the following minimum size requirements for representative landscape materials shall be applicable. Height of a plant is measured from the top of the root ball or top of the container soil to the top of the leader, the primary stem of the plant.

Plant Material Type	Size
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\*Diameter measured at 4' above ground level.

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

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- B. Fencing shall be a minimum of 48 inches high.
- C. Tree protection fencing shall be maintained during construction and all construction materials, supplies, and equipment shall be kept out of the protected areas.
- D. Paving, or other site improvements, shall not encroach upon the dripline of the existing trees to be preserved.
- E. Location of tree protection fencing must be shown on the approved landscape plan.

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

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



### 53.150 Provisions for Existing Sites

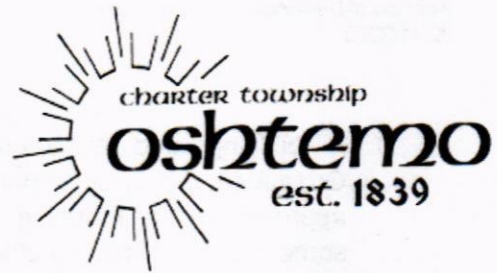
- A. Street rights-of-way greenbelts and screening between land uses shall be required for any existing site where the renovation, expansion or alteration increases the structure by more than 25 percent of the existing floor area or is greater than 2,000 square feet.
- B. Landscape requirements for parking lots shall apply when expansions increase the number of parking spaces by 25 percent or at least eleven (11) parking spaces. Parking lot landscaping requirements shall be based on, and only apply to, the new spaces developed.
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### 53.160 Modifications or Reductions

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

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

# Memo



**To:** Oshtemo Charter Township Board  
**From:** Julie Johnston, AICP  
Planning Consultant  
**Date:** February 2, 2020  
**Mtg Date:** February 11, 2019  
**Subject:** Draft Keeping of Livestock and Honey Bees Ordinance

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## OBJECTIVE

Discussion of the amended draft Keeping of Livestock and Honey Bees Ordinance.

## BACKGROUND

At the November 12, 2019 Township Board meeting for first reading of the draft Keeping of Livestock and Honey Bees Ordinance, two questions were posed:

1. How large can the bee hives be?
2. Why can't hives be placed in the front yard?

After some discussion amongst the Township Board members, it was decided the draft Ordinance should be returned to the Planning Commission to allow them to consider these questions and any potential amendments.

Staff made several changes to the draft Ordinance, which are delineated by blue text. The Planning Commission reviewed the following amendments at their December 12<sup>th</sup> meeting:

1. The term "colonies" has been inserted to replace "hives" in the acreage requirement for bees. One colony will likely live in three hive boxes, making the use of the term "hive" difficult when determining how many are allowed per property.
2. The acreage requirement for bee colonies was removed from the acreage requirements for animals and given its own subheading. The acreage allowances for animals has minimum requirements for each animal. As an example, a 5-acre parcel would allow 2 acres for 2 horses, 1.5 acres for six sheep, and 1.5 acres for seven chickens. We did not expect bee colonies to fall into these acreage exclusion requirements. On 5 acres, a property owner could have the animals noted above, plus the allotted number of colonies.



3. All buildings and structures would now be required to follow the Accessory Buildings Ordinance, which does not permit these types of structures in the front yard, unless approved by the Planning Director or the Zoning Board of Appeals. This would stop someone from placing a chicken coop in the front yard unless it was deemed appropriate by either the Planning Director or the Zoning Board of Appeals.
4. Language has now been added to allow colonies within the front yard, but with a 100-foot setback. This number was used to discourage the placement of hive boxes in the front yard of parcels, lots, or building sites that weren't at least an acre in size.
5. Hive size has now been added to the Ordinance. Based on staff research, the Langstroth hive is the most popular hive configuration, which is stacked boxes of various heights that come in three depths: deep, medium, and shallow, and two widths: 10-frame or 8-frame. In order to cover all possible hive configurations, we have included language that would allow a maximum of three 10-frame deep hive boxes per colony.

After discussion at the December meeting, the Planning Commission motioned to forward the draft Ordinance with the changes noted above back to the Township Board for consideration.

#### **INFORMATION PROVIDED**

Draft Keeping of Livestock and Honey Bees Ordinance  
Planning Commission minutes excerpt – 12/12/19

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

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

- A. Activities shall be ~~conducted on less than a commercial scale~~ for the private enjoyment of the property owners ~~conducted for noncommercial purposes~~.
- B. Acreage requirements. Acreage requirements are exclusive of each animal size, meaning the property must have the minimum required acreage for each animal.
  1. Large animals. ~~There shall be a minimum of~~ One acre for each large animal (more than 200 pounds at maturity), including horses, cattle, and swine, or similar animals.
  2. Moderate-sized animals. One-quarter acre for each ~~small~~ moderate-sized animal (under 35 to 200 pounds at maturity), including sheep, goats, or similar animals.
  3. Small animals. ~~exclusive of those set forth above and for chickens, ducks, turkeys, and rabbits (collectively referred [to] herein as specified animals). All parcels, lots, and building sites shall be permitted up to five specified animals; roosters are prohibited. Parcels, lots, and building sites larger than one acre shall be permitted one additional specified animal for each one-quarter acre in excess of one acre.~~ All parcels, lots, and building sites up to one acre shall be permitted up to five small animals (under 35 pounds at maturity), including chickens, ducks, turkeys, rabbits, or similar animals. One additional small animal shall be permitted for each additional one-quarter acre of property.
- C. Acreage requirements for honey bees. All parcels, lots, and building sites up to one-quarter acre shall be permitted two ~~hives~~ colonies to a maximum of six ~~hives~~ colonies for the first acre. One additional ~~hive~~ colony is allowed for each additional one-quarter acre of property in excess of one acre.
- D. Structure requirements and location.
  1. ~~At minimum, a fenced in enclosure, other than the residence, shall be placed for the housing of animals~~ A structure or shelter is required based on the Generally Accepted Agricultural Management Practices (GAAMPS) for the care of animals.
  2. All buildings and structures must meet the requirements of Section 57.100: Accessory Buildings.
  3. ~~All buildings, structures, or other enclosures, or hives shall be within either the side or rear yards and may not be within the required front setback yard for the subject property.~~
  3. The size of a single bee hive, which shall accommodate one bee colony, shall be a maximum of three 10-frame deep boxes measured at 19 7/8 inches in length, 16 3/4 inches in width, and 9 5/8 inches in depth.



E. **Building setbacks.** A building, other than the residence, structure, shelter, or hive used to shelter for animals or bees and/or any area used to store, dispose of, or compost manure, other than the primary residential dwelling, shall not be located closer than comply with the following setbacks:

1. **Large animals.** 50 feet for large or small animals from any property line and 150 feet to from any pre-existing dwelling on an adjacent premise property. under different ownership.
2. **Moderate-sized animals.** 50 feet from any property line and 100 feet from any pre-existing dwelling on an adjacent property.
3. **Small animals.** and ten feet or the height of the building, whichever is greater, for specified animals to any property line and not nearer than 150 feet for large or small animals and 20 feet for specified animals to any preexisting dwelling on adjacent premises under different ownership. 25 feet from any property line and 50 feet from any pre-existing dwelling on an adjacent property.
4. **Honey bees.** Hives may be placed in the front yard of a parcel, lot, or building site if the hives can be setback a minimum of 100 feet from the public right-of-way. In addition, all hives shall be placed a minimum of 15 feet away from any rear or side property line and shall be at least 50 feet from any pre-existing dwelling on an adjacent property.

F. **Fenced enclosure requirements.**

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

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

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

1. Hives shall be placed in such a way that the hive entrance is positioned internal to the property so that bees must fly across the property.

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

#### H. Prohibitions.

1. ~~The keeping of poultry, swine, horses, or livestock~~ **Animals** ~~is further~~ **are** prohibited where conditions of maintenance are such to cause:
  - a. Unpleasant odors to be generated sufficiently strong to be discernible upon property of others for continuous periods of longer than six days, ~~or~~
  - b. Noise to be generated sufficiently loud to penetrate indoors upon property of others for continuous periods in excess of four hours, ~~or~~
  - c. Flies, insects or rodents to be attracted to the place where said animals and/or fowl are kept and are thereafter permitted to multiply and escape upon adjoining property.
2. Said animals or fowl, alive or dead, or any refuse therefrom ~~shall not~~ **to** trespass or be carried upon adjoining property.
3. Roosters ~~that crow~~ **are prohibited**.
4. **Any undomesticated animal or dangerous animal classified as wild, which includes, but is not limited to alligators, bears, monkeys, wolves, coyotes, venomous or constrictor reptiles, panthers, cougars, tigers, lions, and other wild felines. It shall also include any hybrid between a wild animal and a domesticated animal, such as a dog and a wolf or a cat and a bobcat.**



**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A REGULAR MEETING HELD DECEMBER 12, 2019**

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**Agenda**

**PUBLIC HEARING: THIRD WALL SIGN**

**CONSIDERATION OF A THIRD WALL SIGN FOR COMMERCIAL TENANT AT 5095 CENTURY AVENUE, IN A PLANNED UNIT DEVELOPMENT**

**PUBLIC HEARING: LANDSCAPE ORDINANCE**

**CONSIDERATION OF THE DRAFT LANDSCAPE ORDINANCE TO REPEAL AND REPLACE THE EXISTING ARTICLE 53, FOR RECOMMENDATION TO THE TOWNSHIP BOARD**

**PUBLIC HEARING: RESIDENTIAL SETBACK ORDINANCE**

**CONSIDERATION OF THE AMENDMENTS TO SECTION 50.60: SETBACKS FOR RECOMMENDATION TO THE TOWNSHIP BOARD**

**Old Business**

- a. Livestock and Honey Bees Ordinance - Draft Review
- b. Lighting Ordinance - Discussion

**Other Business**

- a. BTR 2.0 Design Guidelines – Consideration of Approval
- b. Accessory Buildings Ordinance - Draft Review
- c. 2020 Meeting Dates

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

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, Julie Johnston, Consultant, and Martha Coash, Meeting Transcriptionist. Four 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."

**Approval of Agenda**

The Chair determined there were no changes to the agenda and let it stand as distributed.

**Public Comment on Non-Agenda Items**

Chairperson VanderWeele asked if anyone in the audience cared to address the Board on a non-agenda item. As no one came forward, he moved to the next item.

**Approval of the Minutes of the Meeting of October 24, 2019**

The Chair asked if there were additions, deletions or corrections to the Minutes of the Meeting of October 24, 2019. Hearing none, he asked for a motion.

Mr. Chambers made a motion to approve the Minutes of the Meeting of October 24, 2019 as presented. Ms. Dickason supported the motion. The motion was approved unanimously.

Chairperson VanderWeele moved to the next agenda item.

**PUBLIC HEARING: THIRD WALL SIGN**  
**CONSIDERATION OF A THIRD WALL SIGN FOR COMMERCIAL TENANT AT 5095 CENTURY AVENUE, IN A PLANNED UNIT DEVELOPMENT**

Ms. Lubbert indicated RWL Sign, on behalf of Spectrum, was requesting Planning Commission consideration to allow three wall signs where only two are permitted by the Zoning Ordinance. The building in question is located within the Corner@Drake Planned Unit Development (PUD), to the east of the outdoor patio area that separates the Trader Joe's building from this multi-tenant structure. Spectrum now occupies one of the two suites in this building and has installed their two allotted wall signs—one facing west and the other north—but would also like a third sign facing Stadium Drive.

She noted the subject building has visibility from three roadways—Stadium Drive, Century Avenue, and Drake Road. The applicant is requesting approval for three wall signs where only two are permitted per Section 55.80: *Commercial and office land uses*



of the Oshtemo Township Zoning Ordinance. This section controls signage in commercially-zoned areas and states that multi-tenant commercial structures are only allowed two wall signs per tenant space. In contrast to this, standalone buildings are allowed up to four wall signs.

She explained Section 41.50 of the Zoning Ordinance allows the Planning Commission to consider a departure from the dimensional requirements of the Zoning Ordinance for Planned Unit Developments. To grant such *non-variance* relief, the Commission must find that the proposed departure from the ordinance "meets the purpose of a planned unit development set forth in section 41.60 and 41.70." These two sections, and indeed the entirety of *Article 41: Planned Unit Development*, discuss how PUDs might benefit from dimensional departures from the ordinance in order to create a more cohesive, unified, and socially beneficial development through the construction of clustered structures, the creation of large open spaces, and other treatments that might not otherwise be possible while observing strict compliance with the Zoning Ordinance.

For context, Ms. Lubbert noted the Planning Commission previously approved the following signage departures from the Zoning Ordinance, under the standards of section 41.50, at the Corner@Drake development:

- Three wall signs for Trader Joe's at 5099 Century Avenue. (9/14/2017)
- Three wall signs for Mod Pizza at 5099 Century Avenue, Suite 500. (8/9/2018)
- Three wall signs for Olga's Kitchen at 5095 Century Avenue, Suite D (abutting the Spectrum store in the same building) and an enlarged multi-tenant sign for the PUD. (10/11/2018)

She added that these three approved signage deviations were for corner units, like the building under consideration tonight, and allowing a third sign for this property would be consistent with how the other units with three exterior walls in the PUD have been treated.

Township staff felt approving this request would be in keeping with the Planning Commission's general approach to implementing Section 41.50 of the PUD regulations. Substantial justice will be observed; the public health, safety, and general welfare will not be compromised if the third sign is approved. Ms. Lubbert added that the proposed wall sign also meets the other standards of the Zoning Code.

Given these findings, Ms. Lubbert recommended the Planning Commission approve the request for a third wall sign for the Spectrum store within the Corner@Drake PUD.

Chairperson VanderWeele asked if board members had questions on the application.

Ms. Smith confirmed there is no actual customer entry on the side of the building where the new sign would be installed, just a service entry door.

Hearing no further questions, the Chair moved to Public Hearing and determined no one wished to address the Board. He asked if the applicant wished to speak.

Mr. Jayson Headly, of RWL Sign, explained Spectrum wished to add the third wall sign, which will face Stadium Drive, for visibility in order to increase store traffic. He indicated the building will be a customer service center.

Mr. Curt Aardema, AVB, developers of the Corner@Drake project said the standpoint of this business is unique as the site sits above Stadium Drive and there is only one convenient entrance, from Drake Road. The third sign requested is critical for customers to be able to find the store from Drake, Stadium Drive, and Century Ave. The retail and service center currently has stores on Sprinkle Road and Westnedge Avenue. He noted there are few spots for new development left at Corner@Drake and successful development of businesses will encourage interest from future ones.

Ms. Farmer asked if there are plans for the area between Trader Joes and Field and Stream.

Mr. Aardema said he had nothing to report currently, but plans are in the works.

Chairperson VanderWeele moved to Board Deliberations.

Ms. Farmer noted the request was consistent with others approved previously.

Ms. Smith said she wishes to avoid gratuitous advertising and questioned the value of a third sign for local traffic as there is no customer entrance on that side of the building. She was not sure it would direct customers to the front of the building. She noted after several months Olga's still has banners and flags in place that were intended to be temporary.

Ms. Lubbert said she would speak with the ordinance enforcement officer; Ms. Johnston indicated the property managers had been alerted about the flags and banners.

Mr. Aardema said the ordinance within the development itself is largely consistent with Township ordinance and that AVB can also enforce complaints regarding infractions if the complaints come to them.

Hearing no further comment, the Chair requested a motion.

Ms. Farmer made a motion to approve the proposed departure from ordinance to authorize the third sign for Spectrum as presented, based on staff's rationale that approving this request would be in keeping with the Planning Commission's general



approach to implementing Section 41.50 of the PUD regulations substantial justice will be observed and that the public health, safety, and general welfare will not be compromised. Ms. Maxwell supported the motion. The motion was approved unanimously.

**PUBLIC HEARING: LANDSCAPE ORDINANCE**  
**CONSIDERATION OF THE DRAFT LANDSCAPE ORDINANCE FOR**  
**RECOMMENDATION TO THE TOWNSHIP BOARD**

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

At the conclusion of the draft ordinance review, staff knew the Planning Commission would be working on revising and reorganizing the entirety of the Zoning Ordinance and therefore, decided to table the new Landscape Ordinance to become a part of that project instead of holding the public hearings for adoption. As time constraints persisted, the revised/reorganized Zoning Ordinance project was reduced to being primarily a "reorganization" project. Sweeping changes to the Ordinance, which were originally envisioned, were tabled until after the reorganization was complete.

She noted the Planning Commission resumed its review of the Landscape Ordinance in July of this year. Several meetings were held where additional amendments were completed. The proposed document will repeal and replace the current landscaping ordinance.

The draft Ordinance presented for public hearing differs from the Township's existing ordinance in the following ways:

1. The draft Ordinance requires an overall percentage of the site be landscaped, which is generally slightly less in square footage than the current ordinance landscaping requirements.
2. The current ordinance is very specific where landscaping must occur – at the property lines. The draft ordinance requires landscaping in the parking lots and along public and private rights-of-way but allows the design professional to determine where the rest of the required landscaping will be planned on the site.
3. The total number of required trees is slightly less than the current ordinance, which will hopefully allow tree species a better opportunity to survive on the site.
4. There are very specific requirements for opaque screening between incompatible land uses in the recommended ordinance, which can include a variety of berms,



fences, walls, landscape materials, etc. But the screening must be six feet in height and opaque. The current ordinance requires larger buffer zones between incompatible uses, but the plant materials are generally trees, which do not provide much screening when the lower branches reach a height beyond five feet.

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

Ms. Johnston indicated two changes were made to the draft Ordinance since the Planning Commission's review at their October 10<sup>th</sup> meeting. The first was a modification within the parking lot landscaping section, returning to the use of canopy trees instead of understory trees within the required landscaped areas. The concern with understory trees was that very small trees could be planted (maximum growth at 8 to 10 feet), which would not provide the desired visual aesthetic we are trying to reach or provide shade within the parking lot areas.

The second change was to the native planting requirements. The amendment increased native plantings for all other landscape material to 50 percent where 30 percent was previously required. The 75 percent native planting requirement for trees remained the same.

She said the three main objectives of the new ordinance were 1) to allow a smaller buffer zone between buildings, 2) allow for more flexibility, and 3) provide for more/improved screening between residential and non-residential properties.

Ms. Johnston noted staff applied the new requirements to actual existing large and small locations within the Township and found the new requirements could be easily accommodated.

She indicated after receiving public input, staff was recommending approval of the draft Landscaping Ordinance to be forwarded to the Township Board for approval.

The Chair opened a Public Hearing, but closed it and moved to Board Deliberations after determining no members of the public wished to comment.

Ms. Farmer indicated she was in support of the proposed ordinance. After determining there were no further Board comments, the Chair requested a motion.

Ms. Dickason made a motion to approve the proposed ordinance as presented and to forward it to the Township Board for their consideration and approval. Mr. Commissaris supported the motion. The motion was approved unanimously.



Chairperson VanderWeele asked Ms. Johnston for her presentation on the next agenda item.

**PUBLIC HEARING: RESIDENTIAL SETBACK ORDINANCE**  
**CONSIDERATION OF THE DRAFT RESIDENTIAL SETBACK ORDINANCE FOR**  
**RECOMMENDATION TO THE TOWNSHIP BOARD**

Ms. Johnston reported there was concern recently about how the Township was regulating accessory buildings on residential properties, specifically, where they were permitted to be located on a parcel, lot, or building site. After a careful review of the Accessory Buildings and Setback Ordinances, it was determined some amendments were needed to ensure the two regulations worked in concert.

She explained a goal was to make the ordinance more readable and that the main changes proposed were:

- The term "primary structure" was added to the setback requirements. Without this clarification, it was ambiguous as to whether accessory structures would be allowed in the front yard.
- The term "structure" was added to the setback regulations for accessory uses. A structure is clearly defined in the Zoning Ordinance, assisting with clarity.
- A reference to Section 57.100 was added to assist readers with understanding there are additional requirements for accessory buildings.

The amended ordinance was reviewed by the Township Attorney and Zoning Administrator to ensure the changes resolved the regulatory concerns for accessory buildings. The Planning Commission reviewed the amendments at their October 10<sup>th</sup> meeting. No additional changes were requested at that time.

Ms. Johnston said at the conclusion of the public hearing the Planning Commission might consider a motion to forward the amended Ordinance to the Township Board.

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

Ms. Smith asked for clarification of 1. B.

Ms. Johnston explained the goal was to maintain uniformity in setbacks for structures in existence on the effective date of this ordinance even if they don't meet the required 30 foot setback.

She indicated "primary structure" in the R zoning code means "principal building" which could be a barn if no home is on the property. She also clarified setback in agricultural and residential circumstances is measured from the road right-of-way.

Hearing no further comments from board members, Chairperson VanderWeele opened a public hearing. After determining there were no members of the public who wished to address this issue, and that there were no further comments from board members, he asked for a motion.

Ms. Maxwell made a motion to approve the draft of the Setback Provisions Ordinance 50.60 as presented and to forward it to the Township Board. Ms. Farmer supported the motion. The motion was approved unanimously.

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

## **OLD BUSINESS**

### **a. Draft Livestock and Honey Bees Ordinance review**

Ms. Johnston said at the Township Board first reading of the amended Keeping of Livestock and Honey Bees Ordinance, two questions were posed:

1. How large can the bee hives be?
2. Why can't hives be placed in the front yard?

After some discussion among Board members, it was decided the draft Ordinance should be returned to the Planning Commission to allow them to consider these questions and any potential amendments.

She explained staff made the following changes for the Planning Commission to deliberate:

1. The term "colonies" was inserted to replace "hives" in the acreage requirement for bees. One colony will likely live in three hive boxes, making the use of the term "hive" difficult when determining how many are allowed per property.
2. The acreage requirement for bee colonies was removed from the acreage requirements for animals and given its own subheading. The acreage allowances for animals has minimum requirements for each animal. As an example, a 5-acre parcel would allow 2 acres for 2 horses, 1.5 acres for six sheep, and 1.5 acres for seven chickens. We did not expect bee colonies to fall into these acreage exclusion requirements. On 5 acres, a property owner could have the animals noted above, plus the allotted number of hives.
3. All buildings and structures would now be required to follow the Accessory



Buildings Ordinance, which does not permit these types of structures in the front yard, unless approved by the Planning Director or the Zoning Board of Appeals. This would stop someone from placing a chicken coop in the front yard unless it was deemed appropriate by either the Planning Director or the ZBA.

4. Language has been added to allow hives within the front yard, but with a 100-foot setback. This number was used to discourage the placement of hives in the front yard of parcels, lots, or building sites that aren't at least an acre in size.
5. Hive size has been added to the Ordinance. Based on staff research, the Langstroth hive is the most popular hive configuration, which is stacked boxes of various heights that come in three depths: deep, medium, and shallow, and two widths: 10-frame or 8-frame. In order to cover all possible hive configurations, we have included language that would allow a maximum of three 10-frame deep hive boxes per colony.

Ms. Johnston recommended discussion of these potential changes and consideration of a motion to move the draft Ordinance with any amendments to the Township Board. She noted a public hearing would not be necessary; the amendments will be considered by the Township Board in a public forum.

After discussion, it was agreed it would be appropriate to move D. 1 language, adding it to E. 4 for clarification regarding hive placement.

In answer to questions, Ms. Johnston clarified the wording regarding hive size and confirmed the size listed would be the biggest that would be used. She also confirmed a hive is an accessory use, not a structure or a shelter as they are not attached to the ground.

Although a public hearing was not required, Chairperson VanderWeele asked if there were comments from anyone in the audience.

Ms. Amanda Lentz, librarian at the Oshtemo Branch of the Kalamazoo Public Library, told the board the branch library received a grant for an indoor observation hive. The bees would have access to the outdoors through a window to the south lawn where there are wildflowers. Before implementation, the ordinance amendments must first be passed. She hoped the board would approve the amended ordinance so the children visiting the library can learn about bees and their importance to the environment.

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

Ms. Farmer made a motion to approve the draft of Keeping Livestock and Honey Bees, 57.80 as presented with the one change to move hive placement language from D. 3. to E. 4. and to forward it to the Township Board. Ms. Dickason supported the motion. The motion was approved unanimously.



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

**b. Lighting Ordinance – Discussion**

Ms. Lubbert noted recent concern about how the newly implemented Outside Lighting Standards Ordinance (Section 54.60) could be interpreted; specifically the Ordinance's intent and the general usage of outdoor upward lighting. This discussion was triggered by the recently installed blue upward lighting at the Holiday Inn Express at 1315 Westgate Drive. The current Lighting Ordinance permits this type of upward lighting with the Planning Commission's approval. However, this lighting was not part of the approved lighting plan reviewed by the Planning Commission with the Holiday Inn Express' 2017 Site Plan and has accordingly been turned off. While reviewing this case, staff was made aware that the upward lighting standards were unclear and open to subjective interpretation. Prior to the adoption of our current Lighting Ordinance on September 10th, 2019 upward lighting of this nature was strictly prohibited.

Ms. Lubbert noted that in September of 2018 the Township Board held a work session on lighting after hearing requests from local business owners on permitting LED string lighting within the Township. After receiving a directive from the Township Board, the Planning Commission drafted the Lighting Ordinance over a six-month period, utilizing the Dark Sky Society and Illuminating Engineer Society model ordinances and other township and city lighting ordinances as examples. In addition, the draft Ordinance was reviewed by a lighting provider, Circuit Electric, who assisted with amendments to the ordinance language. After discussion and multiple public meetings, the Lighting Ordinance was adopted by the Township Board on September 10, 2019.

Ms. Lubbert requested the Commission revisit Section 54.60 Outdoor Lighting Standards to clarify the intent of the regulations pertaining to upward lighting and determine if and what amendments may be needed to further clarify the intent before additional cases arise.

Extended discussion followed, centered on what standards, if any, for upward lighting might be allowed in amendments to the Outdoor Lighting Standards Ordinance.

Chairperson VanderWeele sought consensus among board members regarding several questions about upward lighting. Their responses indicated most did not want to totally eliminate upward lighting, did want limits on the height of upward lighting to 14 or 15 feet, wanted a significant architectural feature for upward lighting cut-off, and wanted to consider lower allowable foot candles for upward lighting.

The group also felt more information was needed before a decision could be made as to whether any color beyond white should be allowed, and whether upward lighting, strictly for advertising should be allowed.



The Chair asked Ms. Lubbert to look into these questions further, taking the board's comments into account, and to return to the Planning Commission with more information and guidance for their further consideration.

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

## **OTHER BUSINESS**

### **a. BTR 2.0 Design Guidelines – Consideration of Approval**

Ms. Johnston said the BRP: Business and Research Park District requires a set of design guidelines be created for any coordinated development on property zoned this classification. The Western Michigan University (WMU) Business Technology and Research Park (BTR 2.0) located at the northwest corner of Drake Road and Parkview is zoned under this District.

Throughout much of 2016 and 2017, WMU worked with the Township and interested citizens to create the development plan for BTR 2.0. This plan was not required to be approved by the Township due to state laws related to property owned by universities. However, the University worked closely with Township staff to ensure a plan that met Ordinance requirements.

To comply with Section 20.50.B of the BRP District, WMU provided a set of design and maintenance standards for the park. Staff had the following recommendations:

1. Consider adding the Township Planning Director to the membership of the Design Review Committee. This should be an ad-hoc position as the Planning Director has no authority to approve plans which will ultimately be presented to the Planning Commission. However, by allowing the Planning Director on the Committee, they can be informed on upcoming projects, provide information on zoning related requirements, provide insight on any potential concerns, but not vote on the plans directly.
2. The Site Design Standards section has a section related to Landscaping. The first standard includes language that native plant materials shall be used to the greatest extent practical to minimize water and fertilizer requirements. The Landscape Ordinance has specific requirements related to native landscaping as follows:

*“At least 75 percent of required canopy trees shall be native to lower Michigan. At least 30 percent of all other required landscape material within each Plant Material Type shall be native to lower Michigan.”*

They recommended this section be changed to *“Native trees, shrubs, plants, and low maintenance turf grasses must, at a minimum, meet Oshtemo Township Zoning Ordinance requirements for native plantings, and be used to the greatest extent practicable to minimize water and fertilizer requirements.”*

3. The landscape standards go on to say that one tree shall be required for every 10 parking spaces. Staff was not sure if this condition is in addition to the parking lot landscaping required by the Township Zoning Ordinance. If not, then the guideline would not have met Ordinance requirements, which are one canopy tree and two shrubs for every 200 square feet of required landscaping. We asked that they consider the following calculations:

Township Zoning Ordinance Requirements:

50 space parking lot = 1,250 square feet of parking lot landscaping  
1,250 square feet of landscaped area = 6 canopy trees and 12 shrubs

BTR 2.0 Design Guidelines:

50 space parking lot = 10 trees and no shrubs

We asked language be added to this section clarifying whether the parking lot trees required by the Guidelines are in addition to the Township Zoning Ordinance, or the language should be changed to reflect Township Landscape Ordinance requirements.

4. In the Site Design Standards there were guidelines for items that have Zoning Ordinance implications. In most of these sections, language was added that the Oshtemo Township Zoning Ordinance requirements must be met. This language was not found in the Landscaping section. We recommended adding "*Landscaping shall conform to the requirements of the Oshtemo Township Zoning Ordinance*" to the end of the Landscaping section.
5. The Architectural Design Standards has a section related to mechanical and electrical equipment. The language read:

*"Mechanical and electrical equipment, whether on a roof or next to a building, should be screened from view..."*

We recommended strengthening this language to "shall be screened." The term "should" indicates that it is not required. If mechanical equipment is placed on the ground, we recommended some landscape screening, at minimum.

6. Page 23 of the Design Guidelines has requirements for Step 3 approval. Staff recommended the following amendments:

*"After approval of the Preliminary Plan, a refined plan shall be prepared to illustrate greater detail; two copies shall be submitted to the BTR Park Phase 2 Representative on the Design Review Committee. Because Site Plan Review and approval will be required from Oshtemo Township, this plan shall contain all information required **for site plan submittal per** ~~in the Site Plan, Landscape, and BRP District chapters~~ of the Oshtemo Township Zoning Ordinance..."*



Ms. Johnston said all of the staff recommended changes, except for adding the Township Planner to the membership of the Design Review Committee were met. They agreed instead to notify the Planning Director, which is acceptable to staff.

She felt the BTR 2.0 Design Guidelines, as revised to include all the Township staff recommendations but one was acceptable for approval by the Commission.

Chairperson VanderWeele asked for comments. Hearing none, he asked for a motion.

Mr. Commissaris made a motion to adopt the BTR 2.0 Design Guidelines as revised. Ms. Farmer supported the motion. The motion was approved unanimously.

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

**b. Accessory Buildings Ordinance - Draft Review**

Ms. Johnston reported that recently, there was some concern about how the Township was regulating accessory buildings on residential properties, specifically, where they were permitted to be located on a parcel, lot, or building site. After a careful review of the Accessory Buildings and Setback Ordinances, it was determined some amendments were needed to ensure the two regulations worked in concert. The Planning Commission reviewed and approved the Setback Ordinance amendments earlier in this meeting.

She provided a copy of the draft Accessory Buildings Ordinance, *Section 57.100: Accessory Buildings* and said the primary recommended changes to relate to where accessory building shall be permitted on the parcel, lot, or building site; when accessory buildings require an extra level of review through a required plan; and, the criteria in which those accessory buildings will be reviewed. The intent of the amendments is to assist staff with approval procedures for those accessory buildings which do not fit the norm or exceed ordinance standards.

Ms. Johnston noted the amended ordinance was reviewed by the Township Attorney and Zoning Administrator to ensure the changes resolved the regulatory concerns of placement of accessory structures. She requested Planning Commission review of the recommended changes.

Chairperson VanderWeele expressed concern regarding the height restriction on accessory buildings; for example, a pole building would not be allowed if it exceeded the height of a ranch house. He agreed it would not be desirable to have the primary structure overwhelmed by the accessory building. He suggested a formula might be developed that would take into account the accessory building's distance from the house and the number of feet in height the accessory building exceeded the height of the house.

Ms. Johnston said other factors in a formula might include the property, maybe zoning; a difference between sub-divisions and rural area.

Ms. Hubbert suggested that she develop some further information for consideration, including a comparison of the size of lots in different areas.

Chairperson VanderWeele agreed the draft be returned to Ms. Lubbert to further development for a second round of review by the board at a later date.

**c. 2020 Meeting Dates**

Ms. Lubbert presented a draft of 2020 meeting dates for the Planning Commission. The draft included several moves to fifth Thursdays from fourth Thursdays of the month, in an effort from staff to implement a more efficient Schedule of Applications which would require that the Planning Commission meetings would fall in the same weeks as Zoning Board of Appeals'.

Board members indicated they were willing to try that for 2020. They also confirmed they will continue the pattern of only one meeting in the months of November and December and removed both second meetings from the proposed schedule.

Ms. Farmer made a motion to adopt the following 2020 Schedule of Meeting Dates with the agreed upon revisions. Ms. Dickason supported the motion. The motion was approved unanimously.

**Second and Fourth Thursday of every month @ 6PM**

**2020 Meeting Dates**

<i>2<sup>nd</sup> Thursday of the Month</i>	<i>4<sup>th</sup> Thursday of the Month</i>
01/09	01/30*
02/13	02/27
03/12	03/26
04/09	04/30*
05/14	05/28
06/11	06/25
07/09	07/30*
08/13	08/27
09/10	09/24
10/08	10/29*
11/12	<del>11/25*</del>
12/10	<del>12/23*</del>
01/14/21	01/28/21

\*Dates shifted to avoid holidays or for consistency with the Development Schedule of Applications.



## **PLANNING COMMISSIONER COMMENTS**

Chairperson VanderWeele noted both Mr. Chambers and Ms. Dickason were leaving the Planning Commission Board and that this was their final meeting. He presented them each with a certificate of appreciation and thanked them for their service. Mr. Chambers will be moving to the Zoning Board of Appeals.

## **ADJOURNMENT**

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 8:35 p.m.

Minutes prepared:  
November 13, 2019

Minutes approved:  
January 9, 2020

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. \_\_\_\_

Adopted: \_\_\_\_\_, 2020

Effective: \_\_\_\_\_, 2020

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance by the amendment to Article 57 Miscellaneous Protection and Requirements, Section 57.80. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

SECTION I. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 57 MISCELLANEOUS PROTECTION AND REQUIREMENTS, SECTION 57.80. Article 57 Miscellaneous Protection and Requirements, Section 57.80 is hereby retitled as "Keeping of Livestock and Honey Bees" and is further amended to read as follows:

ARTICLE 57: MISCELLANEOUS PROTECTION AND REQUIREMENTS

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

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

- A. Activities shall be ~~conducted on less than a commercial scale~~ for the private enjoyment of the property owners ~~conducted for noncommercial purposes~~.
- B. Acreage requirements. Acreage requirements are exclusive of each animal size, meaning the property must have the minimum required acreage for each animal.
  1. Large animals. ~~There shall be a minimum of~~ One acre for each large animal (more than 200 pounds at maturity), including horses, cattle, and swine, or similar animals.
  2. Moderate-sized animals. One-quarter acre for each ~~small~~ moderate-sized animal (under 35 to 200 pounds at maturity), including sheep, goats, or similar animals.
  3. Small animals. ~~exclusive of those set forth above and for chickens, ducks, turkeys, and rabbits (collectively referred [to] herein as specified animals). All parcels, lots, and building sites shall be permitted up to five specified animals; roosters are prohibited. Parcels, lots, and building sites larger than one acre shall be permitted one additional specified animal for each one-quarter acre in excess of one acre. All parcels, lots, and building sites up to one acre shall be permitted up to five small animals (under 35 pounds at maturity), including chickens, ducks, turkeys, rabbits, or similar animals. One additional small animal shall be permitted for each additional one-quarter acre of property.~~
- C. Acreage requirements for honey bees. All parcels, lots, and building sites up to one-quarter acre shall be permitted two hives colonies to a maximum of six hives colonies for the first acre. One additional hive colony is allowed for each additional one-quarter acre of property in excess of one acre.



D. Structure requirements and location.

1. ~~At minimum, a fenced-in enclosure, other than the residence, shall be placed for the housing of animals~~ A structure or shelter is required based on the Generally Accepted Agricultural Management Practices (GAAMPS) for the care of animals.
2. All buildings and structures must meet the requirements of Section 57.100: Accessory Buildings.
3. The size of a single bee hive, which shall accommodate one bee colony, shall be a maximum of three 10-frame deep boxes. Each 10-frame box shall be a maximum of ~~measured at~~ 19 7/8 inches in length, 16 3/4 inches in width, and 9 5/8 inches in depth.

E. Building setbacks. A building, ~~other than the residence, structure, shelter, or hive used to shelter for animals or bees~~ and/or any area used to store, dispose of, or compost manure, ~~other than the primary residential dwelling, shall not be located closer than~~ comply with the following setbacks:

1. ~~Large animals. 50 feet for large or small animals from any property line and 150 feet to from any pre-existing dwelling on an adjacent premise property. under different ownership.~~
2. ~~Moderate-sized animals. 50 feet from any property line and 100 feet from any pre-existing dwelling on an adjacent property.~~
3. ~~Small animals. and ten feet or the height of the building, whichever is greater, for specified animals to any property line and not nearer than 150 feet for large or small animals and 20 feet for specified animals to any preexisting dwelling on adjacent premises under different ownership. 25 feet from any property line and 50 feet from any pre-existing dwelling on an adjacent property.~~
4. ~~Honey bees. Hives may be placed in the front yard of a parcel, lot, or building site if the hives can be setback a minimum of 100 feet from the public right-of-way. In addition, all hives shall be placed a minimum of 15 feet away from any rear or side property line and shall be at least 50 feet from any pre-existing dwelling on an adjacent property.~~

F. Fenced enclosure requirements.

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

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

G. Additional requirements for the keeping of honey bees.

1. ~~Hives shall be placed in such a way that the hive entrance is positioned internal to the property so that bees must fly across the property.~~
2. ~~A flyaway barrier at least six feet in height shall shield any part of the property line that is within~~

25 feet of a bee hive. Such flyaway barrier must consist of a solid fence per Section 57.60, dense vegetation, or combination thereof to redirect a bee's flight pattern to be above six feet in height at the property line. The Planning Director may approve an additional barrier type if it meets the intent of assisting the bees to gain altitude before leaving the property.

3. A constant supply of water shall be provided to all hives.

H. Prohibitions.

1. ~~The keeping of poultry, swine, horses, or livestock~~ Animals ~~is further~~ are prohibited where conditions of maintenance are such to cause:
  - a. Unpleasant odors to be generated sufficiently strong to be discernible upon property of others for continuous periods of longer than six days, ~~or~~
  - b. Noise to be generated sufficiently loud to penetrate indoors upon property of others for continuous periods in excess of four hours, ~~or~~
  - c. Flies, insects or rodents to be attracted to the place where said animals and/or fowl are kept and are thereafter permitted to multiply and escape upon adjoining property.
2. Said animals or fowl, alive or dead, or any refuse therefrom shall not trespass or be carried upon adjoining property.
3. Roosters ~~that crow~~ are prohibited.
4. Any undomesticated animal or dangerous animal classified as wild, which includes, but is not limited to alligators, bears, monkeys, wolves, coyotes, venomous or constrictor reptiles, panthers, cougars, tigers, lions, and other wild felines. It shall also include any hybrid between a wild animal and a domesticated animal, such as a dog and a wolf or a cat and a bobcat.

SECTION II. EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, CLERK  
OSHTEMO CHARTER TOWNSHIP



OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION RESULTING FROM A PUBLIC HEARING CONDUCTED ON SEPTEMBER 12, 2019, AND A SUBSEQUENT RECONSIDERATION ON DECEMBER 12, 2019.

The Oshtemo Charter Township Planning Commission, after referral of this matter back to the Planning Commission by the Township Board on October 22, 2019, and after further deliberation and modification, hereby recommends APPROVAL of the following amendment of the Oshtemo Charter Township Zoning Ordinance, in summary, as follows:

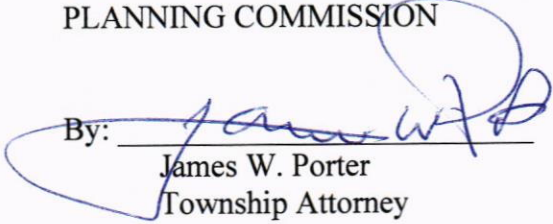
Consideration of the amendment to the Township Zoning Ordinance, Article 57, Miscellaneous Protection Requirements, Section 57.80 Keeping of Livestock and Honey Bees, which would read as follows:

SEE ATTACHMENT

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

Date: December 12, 2019

By: \_\_\_\_\_

  
James W. Porter  
Township Attorney

Final Action by Oshtemo Charter Township Board

\_\_\_\_\_ APPROVED \_\_\_\_\_

\_\_\_\_\_ DENIED \_\_\_\_\_

\_\_\_\_\_ REFERRED BACK TO PLANNING COMMISSION

## ATTACHMENT

### ARTICLE 57: MISCELLANEOUS PROTECTION AND REQUIREMENTS

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

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

- A. Activities shall be ~~conducted on less than a commercial scale~~ for the private enjoyment of the property owners ~~conducted for noncommercial purposes~~.
- B. Acreage requirements. Acreage requirements are exclusive of each animal size, meaning the property must have the minimum required acreage for each animal.
  1. Large animals. ~~There shall be a minimum of~~ One acre for each large animal (more than 200 pounds at maturity), including horses, cattle, and swine, or similar animals.
  2. Moderate-sized animals. One-quarter acre for each ~~small~~ moderate-sized animal (under 35 to 200 pounds at maturity), including sheep, goats, or similar animals.
  3. Small animals. ~~exclusive of those set forth above and for chickens, ducks, turkeys, and rabbits (collectively referred [to] herein as specified animals). All parcels, lots, and building sites shall be permitted up to five specified animals; roosters are prohibited. Parcels, lots, and building sites larger than one acre shall be permitted one additional specified animal for each one-quarter acre in excess of one acre.~~ All parcels, lots, and building sites up to one acre shall be permitted up to five small animals (under 35 pounds at maturity), including chickens, ducks, turkeys, rabbits, or similar animals. One additional small animal shall be permitted for each additional one-quarter acre of property.
- C. Acreage requirements for honey bees. All parcels, lots, and building sites up to one-quarter acre shall be permitted two ~~hives~~ colonies to a maximum of six ~~hives~~ colonies for the first acre. One additional ~~hive~~ colony is allowed for each additional one-quarter acre of property in excess of one acre.
- D. Structure requirements and location.
  1. ~~At minimum, a fenced-in enclosure, other than the residence, shall be placed for the housing of animals~~ A structure or shelter is required based on the Generally Accepted Agricultural Management Practices (GAAMPS) for the care of animals.
  2. All buildings and structures must meet the requirements of Section 57.100: Accessory Buildings.
  3. The size of a single bee hive, which shall accommodate one bee colony, shall be a maximum of three 10-frame deep boxes. Each 10-frame box shall be a maximum of ~~measured at~~ 19 7/8 inches in length, 16 3/4 inches in width, and 9 5/8 inches in depth.
- E. Building setbacks. A building, ~~other than the residence,~~ structure, shelter, or hive ~~used to shelter~~ for animals or bees and/or any area used to store, dispose of, or compost manure, ~~other than the primary residential dwelling,~~ shall ~~not be located closer than~~ comply with the following setbacks:



1. **Large animals.** 50 feet from any property line and 150 feet from any pre-existing dwelling on an adjacent property, under different ownership.
2. **Moderate-sized animals.** 50 feet from any property line and 100 feet from any pre-existing dwelling on an adjacent property.
3. **Small animals.** and ten feet or the height of the building, whichever is greater, for specified animals to any property line and not nearer than 150 feet for large or small animals and 20 feet for specified animals to any pre-existing dwelling on adjacent premises under different ownership. 25 feet from any property line and 50 feet from any pre-existing dwelling on an adjacent property.
4. **Honey bees.** Hives may be placed in the front yard of a parcel, lot, or building site if the hives can be setback a minimum of 100 feet from the public right-of-way. In addition, all hives shall be placed a minimum of 15 feet away from any rear or side property line and shall be at least 50 feet from any pre-existing dwelling on an adjacent property.

**F. Fenced enclosure requirements.**

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

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

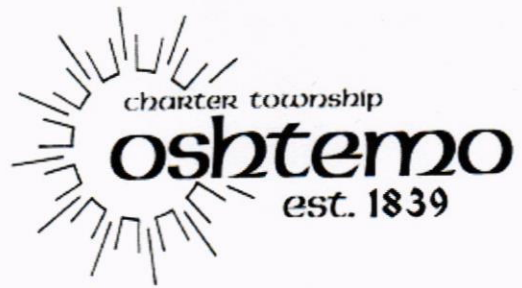
**G. Additional requirements for the keeping of honey bees.**

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

## H. Prohibitions.

1. ~~The keeping of poultry, swine, horses, or livestock~~ **Animals** ~~is further~~ **are** prohibited where conditions of maintenance are such to cause:
  - a. Unpleasant odors to be generated sufficiently strong to be discernible upon property of others for continuous periods of longer than six days, ~~or~~
  - b. Noise to be generated sufficiently loud to penetrate indoors upon property of others for continuous periods in excess of four hours, ~~or~~
  - c. Flies, insects or rodents to be attracted to the place where said animals and/or fowl are kept and are thereafter permitted to multiply and escape upon adjoining property.
2. Said animals or fowl, alive or dead, or any refuse therefrom **shall not** ~~to~~ trespass or be carried upon adjoining property.
3. Roosters **that crow** ~~are prohibited~~.
4. **Any undomesticated animal or dangerous animal classified as wild, which includes, but is not limited to alligators, bears, monkeys, wolves, coyotes, venomous or constrictor reptiles, panthers, cougars, tigers, lions, and other wild felines. It shall also include any hybrid between a wild animal and a domesticated animal, such as a dog and a wolf or a cat and a bobcat.**





# Memo

**To:** Oshtemo Charter Township Board

**From:** Iris Lubbert, AICP  
Planning Director

**Date:** February 3, 2020

**Mtg. Date:** February 11, 2020

**Subject:** Downtown Development Authority Budget Amendment

**OBJECTIVE**

Approval of an amendment to the Downtown Development Authority's 2020 budget in the amount of \$380,000.00 for the corner site improvement project.

**BACKGROUND**

Currently, the Downtown Development Authority's (DDA's) budget does not include any funds for the "Corner site improvement construction" project which was part of the 2019 budget. The installation of the corner site improvements is close to complete, however there are several invoices that are anticipated before closeout of the project. It has also come to staff's attention that the owner of the remainder of the site, the Oshtemo United Methodist Church, is still interested in development and further exploring a partnership with the DDA. The DDA is currently waiting on written confirmation and further details from the property owner. The Township Board will be kept updated.

On January 16, 2020, the DDA approved a motion for the Township Board to consider carrying over \$380,000.00 from the DDA's fund equity balance to the appropriate line items in their 2020 budget for expenses related to corner property development. It is intended that these funds will cover any remaining invoices for the ongoing corner site project as well as the anticipated further development of this site.

**INFORMATION PROVIDED**

DDA 2020 Budget Amendment Request  
DRAFT DDA Minutes – January 16, 2020





**OSHTEMO CHARTER TOWNSHIP  
DOWNTOWN DEVELOPMENT AUTHORITY  
BOARD OF DIRECTORS**

**DRAFT MINUTES OF THE MEETING HELD JANUARY 16, 2020**

The Oshtemo Charter Township Downtown Development Authority (DDA) Board of Directors held a meeting on Thursday, January 16, 2020. The meeting was called to order at approximately 12:00 p.m. at the Oshtemo Community Center, 6407 Parkview.

Members present: Grant Taylor, Bill Cekola, Themis Corakis, Rich MacDonald, Jack Siegel, Dick Skalski and Ryan Wieber.

Members absent: Bruce Betzler, Libby Heiny-Cogswell, Julie Hite, and Mike Lutke.

Also present: Iris Lubbert, Planning Director, Josh Owens, Assistant Supervisor, and Martha Coash, Meeting Transcriptionist

**Approval of Agenda**

Chairperson Taylor called the meeting to order and asked for a motion to approve the agenda.

Mr. MacDonald moved to approve the agenda as presented. Mr. Skalski seconded the motion. The motion passed unanimously.

**Election of Officers: Chair, Vice Chair, Secretary and Treasurer**

Chairperson Taylor indicated he and the other current officers were willing to continue in their same capacities for 2020.

Hearing no other nominations, the Chair asked for a motion.

Mr. Skalski moved to approve the following slate of officers for 2020:

Mr. Taylor, Chair  
Mr. MacDonald, Vice Chair  
Mr. Corakis, Treasurer  
Mr. Betzler, Secretary

Mr. MacDonald supported the motion. The motion was approved unanimously.

**Approval of Minutes**

Chairperson Taylor asked if there were additions or corrections to the minutes of the Regular Meeting of November 21, 2019. Hearing none, he asked for a motion.

Mr. Cekola moved to approve the Minutes of the Regular Meeting of November 21, 2019 as presented. Mr. Skalski seconded the motion. The motion carried unanimously.

**a. Treasurer's Report for November - December, 2019 (unaudited)**

Ms. Lubbert reported the main expenditures for this two-month period were related to the corner property improvements (\$2,376.95) and the Stadium Drive sidewalk (\$7,122.71). Expenditures this period also included the second invoice request from Wade Trim for the DDA Village Theme Plan Review, invoices for staff and accounting services, and the monthly lawn service invoices from S & T Lawn Service, Inc.

The DDA received additional revenue from interest earned in the amount of \$976.09.

She indicated a budget amendment would be needed to provide funds for 2020 invoices for corner property expenses.

Mr. Skalski moved to approve the Treasurer's Reports for November - December, 2019 as presented. Mr. Siegel seconded the motion. The motion carried unanimously.

**b. 2020 Budget and Proposed Amendment**

Ms. Lubbert noted the 2020 DDA budget did not include funds for the "corner site improvement construction" project which was part of the 2019 budget. There are several invoices anticipated before the closeout of the project.

In addition, the owner of the remainder of the site has indicated the church is still interested in development and further exploring a partnership with the DDA is highly likely in the near future. They plan to send a "letter of intent." She recommended utilizing the available balance from 2019, \$381,706.18 from the fund equity, for 2020 to cover any remaining expenses for the ongoing corner site project as well as for any future development at this overall location. If approved the budget amendment would go to the Township Board for approval.

In response to a question from Mr. Skalski, Chairperson Taylor indicated street lighting is not currently included in the 2020 budget and will require a budget amendment at a later date to pay the Township back for expenses if needed.

Mr. Corakis confirmed additional work at the corner lot will be postponed until there is a thaw. He also mentioned issues with glare from the lights at the corner that have been brought to the attention of the Ordinance Enforcement Officer. Visors are being considered to alleviate that problem.



Chairperson Grant said OCBA will facilitate what is needed for the Road Commission regarding right-of-way at the corner property.

The group discussed several criticisms received from the public regarding the new permanent Oshtemo Village sign. It was agreed that the sign will be considered for changes next summer after the project, including plantings, is completed.

Mr. Skalski moved to approve a budget amendment to move \$380,000 from the carryover balance to the appropriate line items in the 2020 budget for expenses related to corner property development and possible further development opportunities with the church. Mr. Corakis seconded the motion. The motion carried unanimously.

### **Streetscape Update**

#### **a. Corner Property Development**

Ms. Lubbert reported that although the property line re-description was finalized for reimbursement for the car wash demolition by the church, it was discovered that the legal description was incorrect and has to be redone.

She said she had a congenial conversation with the church's representative, Mr. Selkirk, who indicated he will be talking with the church about moving forward with the original plan.

Chairperson Taylor said when the plan was discussed previously; responsibility for the storm drain was a problem for the church we will see if they decide to move forward.

#### **b. Seasonal Banners Contract with SignArt, Inc.**

Ms. Lubbert indicated in the past the DDA has had a gentleman's agreement with SignArt, Inc. to install, rotate, and store the DDA's four seasonal banners. In the last year the banners were not rotated in a timely manner. It was agreed with SignArt that entering into a contract would be the best approach to avoid this issue in the future. SignArt provided a sample contract for Board consideration. She recommended rotation dates be included in a one year contract to be signed by the Chair. SignArt reported the current banners are in very good condition and will not need replacement any time soon.

After discussion it was agreed the banners should be changed each year in January, April, June, and November.

Mr. MacDonald moved to authorize Chairperson Taylor to sign the one year contract with SignArt, Inc. as proposed, not to exceed \$2,000.00, and specifying timely



rotation of seasonal signs in January, April, June and November. Mr. Skalski seconded the motion. The motion carried unanimously.

### **Village Theme Development Plan Update**

Ms. Lubbert said the Village Theme Development Plan Update will be taken to the Township Board for a public hearing at their first meeting in February and that Ms. Julie Johnston will be present to answer any questions. She indicated it would be beneficial for DDA members to be present at the hearing. She will send a reminder of the date.

Mr. MacDonald said he attended several previous meetings when the Plan was discussed and plans to attend the hearing in the role of DDA member, business owner, and property owner.

### **Setting Dates and Times for the 2020 Open Houses**

Chairperson Taylor reported new requirements mandate the DDA to hold open houses twice a year for which dates needed to be established.

Ms. Lubbert explained state law requires transparency regarding what the DDA is doing with their funds. Two Open House formatted events of two hours minimum length are needed. This will be a good avenue for disseminating information. They would likely need just Mr. Taylor and Ms. Lubbert to be present.

The Chair suggested the open houses be held in May with focus on the corner site plan, and in September regarding the sidewalk project.

Ms. Lubbert said she would bring a plan for consideration to the March DDA meeting regarding how to communicate the open house as well as general information to the public, targeting the DDA district.

### **Announcements and Adjournment**

Mr. Skalski reported on a meeting with Consumers Energy regarding conversion of street lights within the DDA area.

Conversion has already been done on Stadium Drive from the east boundary west of U.S. 131 to at least 4<sup>th</sup> Street. He has requested a breakdown of cost for just Stadium Drive. 9<sup>th</sup> Street to Atlantic Ave. is included, but should be completed to I-94. He is asking for a cost for conversion as far as N Ave.

Chairperson Taylor noted 6-7 posts are already in place on 9<sup>th</sup> Street to N Ave., and at a ballpark cost of \$100 each for lights, the total cost should be about \$600-700.



Mr. Corakis added the new LED lights are rated to last 5 times longer and use 1/3 the amount of electricity as those being replaced.

The Chair said the Township Board is asking whether the DDA might be interested in funding a bus stop structure in front of Hite House. There was support for an initial investigation of feasibility.

In addition, a possible structure at Wally's, and whether the addition of bus structures could be tied into the sidewalk construction project were mentioned.

Ms. Lubbert suggested the open houses would be excellent venues to collect public input/feedback via survey and comment on various topics, including the addition of bus stops.

Mr. Corakis noted a survey should include a question determining if the responder is a property owner, tenant or business owner to better assess their points of view.

There being no further business, Chairperson Taylor adjourned the meeting at 12:51p.m.

Oshtemo Charter Township  
Downtown Development Authority

Minutes Prepared: January 18, 2020

Minutes Approved:



# Memorandum

**Date:** 6 February 2020  
**To:** Township Board  
**From:** Libby Heiny-Cogswell  
**Subject:** Public Water Mandatory Connection Policy – Board Discussion Summary

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**Objective**

Herein is provided a summary of the Township Board January 28<sup>th</sup> discussion on the Oshtemo public water mandatory connection ordinance.

**Background**

A Township resident spoke to public works staff and to the Supervisor, making a request for a change to the public water mandatory connection ordinance. The resident felt that if the property owner paid the water connection fees to the Township, that payment covers the Township capital expense of the water line construction. Following such payment, he felt that the property owner should be able to choose whether to connect to municipal water or to drill another private well.

Given this is a matter of Township Board policy set via ordinance, the Supervisor brought the resident request for consideration to the Township Board.

A summary of the main Board discussion points follows:

Increasing the number of users on the public line decreases the time the water is in the pipe. This decreased time is important since the water treatment decays over time. Other Township residents have experienced the problem of decay in some less dense rural areas.

The surcharge on the water bill helps support the overall system operations. The connection charges pay for the capital cost to construct the water line. On an ongoing basis the surcharge helps to support the overall system.

Municipal water system engineers and managers have serious concern for cross-contamination between municipal lines and private systems (wells). If private wells and municipal systems are operating simultaneously on a property, there is a greater likelihood of cross contamination in the future with home remodel, etc.

Following the Board member discussion with the Public Works Director, the Board determined to provide a summary back to the Board and to the resident. The Board consensus was to not pursue making this change to the public water mandatory connection ordinance.





# Memorandum

**Date:** 06 February 2020  
**To:** Township Board  
**From:** Josh Owens, Assistant to the Supervisor  
**Subject:** Public Water Connection Fees Amendment

**Objective**

Board consideration to approve the Amended and Restated Water Connection Fees regarding installment payment mortgage agreements.

**Background**

Attached you will find the proposed changes to the attached Amended and Restated Water Connection Fees, Section I, Paragraph 4.

During the January 28, 2020 meeting the Township Board approved an amendment to the Water Main Connection Charges that changed the standard Installment Payment Mortgage Agreement interest rate from prime to Fannie Mae in order to be more akin to a standard mortgage or a home equity loan.

This amendment to the Water Connection Fees will mirror the Sewer Main Connection Charges, moving away from prime being the interest rate indicator to Fannie Mae rates plus 1%. This rate will still be set at the beginning of each year.

CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN

**MOTION TO APPROVE  
AMENDED AND RESTATED WATER CONNECTION FEES**

**February 11, 2020**

WHEREAS, the Charter Township of Oshtemo has heretofore adopted the Public Water Service Ordinance, being Ordinance No. 508; and

WHEREAS, pursuant to Sections 2, 4 and 5 of said Ordinance, the Township Board is required to establish appropriate fees for public water main connections, private water main connections, user fees and other charges, from time to time, to reflect the changes in construction costs and to maintain a uniformity between current projects and special assessment districts; and

WHEREAS, it is the desire of the Township Board to treat all persons similarly benefitted and similarly situated in an equal manner with respect to water service charges.

NOW, THEREFORE, until further modification by the Township Board, water connection fees and construction charges within the Charter Township of Oshtemo shall be as follows.

Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_ to adopt the foregoing Amended and Restated Water Connection Fees.

The following voted "Aye":



The following voted "Nay":

The following "Abstained":

The following was absent:

The Supervisor declared that the Motion carried, and duly adopted.

---

Dusty Farmer, Clerk  
Oshtemo Charter Township

\*\*\*\*\*

CERTIFICATE

I, Dusty Farmer, the duly elected and acting Clerk of the Charter Township of Oshtemo, hereby certify that the foregoing Motion to Approve the Amended and Restated Water Connections Fees was adopted by the Township Board of said Charter Township at a regular meeting of said Board held on February 11, 2020, at which meeting a quorum was present, and the Motion was approved and ordered to take effect on February 11, 2020.

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Dusty Farmer, Township Clerk  
Oshtemo Charter Township

**CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN**

**AMENDED AND RESTATED WATER CONNECTION FEES**

**EFFECTIVE: JANUARY 1, 2020**

I.

**CONNECTION FEES**

**A. Public Water Main Connection and Benefit Fees.**

1. All property connecting to a public water main shall pay a water main connection Fee unless the property has been assessed as part of a water main special assessment district or is part of a development wherein the developer paid the full cost of water main installation, in which case, there shall be no water main connection fee charged.
2. The public water main connection fee is to be calculated as follows:
  - a. Assessable front foot \$55.00
  - b. Lineal foot (measured along center line of main) \$80.00
  - c. Boring under existing road, additional hydrant to existing main, topsoil, and surface restoration as required Actual Cost + 15%
  - d. Assessable frontage and lineal foot charges shall only be collected for the first 200 feet\* for private single and two-family residential properties with only one residential building thereon.

\* New parcels, lots or building sites which are split from property already connected to the public water system shall pay the fees as set forth above, except to the extent that a portion of the new lot, parcel or building site front footage or lineal footage was part of the first 200 feet for which the front foot or lineal foot charge has already been levied and paid.



All commercial development, industrial development, residential plat or site condominium, as well as multi-family residential development, shall pay the applicable footage charge without limitation.

- e. All property connecting to a public water main shall also pay a Benefit Fee unless the property was assessed as part of a special assessment district, in which case, the subject property shall be entitled to a credit for one benefit fee. Any additional benefit unit charges shall be calculated and paid in accordance with Section V.
3. The assessable front foot connection charge shall apply when a property borders the water main right-of-way, and the lineal foot charge shall apply when the water main right-of-way is located in the interior of a parcel.
4. Installment payment mortgage agreements shall not exceed 20 years to be charged at the rate of interest equal to ~~prime rate as of January 1 of the current year plus 1%~~, the home mortgage rate set up by Fannie Mae on January 1 of each year plus .5%, not to exceed the maximum rate allowed by law.
5. Hydrants shall be placed at intervals of approximately 1,000 feet on all new installation as determined by the Township Engineer. All hydrants are subject to review and approval of the Township Fire Department and may be required at intervals less than 1,000 feet.

**B. Water Service Connections and Connection Fees.**

On January 1, 2019, the work to install residential water main taps and curb stop valves is planned to transition from Oshtemo to the City of Kalamazoo. Fees and scope of water connection work are dependent upon policies established separately by the City of Kalamazoo (utility service provider) and Oshtemo Township. When an application for water service is received, Oshtemo shall identify the necessary installation service and the organization responsible for providing the water service. For non-residential or non-standard service sizes the City may allow the developer's contractor to complete the service at a private cost under the City's oversight. If required, an agreement between the City of Kalamazoo and the customer will be necessary to initiate this work. If the above described transition is not completed and Township does a portion of the work, the fee for the work by Oshtemo is described herein. If provided, Oshtemo's work is limited to the public right of way. The remaining service line extent shall be privately installed with oversight by the City of Kalamazoo. All private contractors require pre-approval by the Township or its agent, the City of Kalamazoo. The following service line installation fees are established by Oshtemo:

1. The service connection is that pipe from the public water distribution main that delivers water to the curb stop which, in turn, delivers water to the property being serviced. The customer pays for the installation of this service based upon size unless the same was previously installed by the Developer. In the event that the Township has previously installed the curb-stop, or one will need be installed, the charge for a standard connection is as follows:
  - a. 1¼" tap with installation of line and curb box installed by Oshtemo or its construction agent - \$2,700.00.
  - b. 1¼" tap to existing line and curb box previously installed by Oshtemo Township - \$1,515.00.
  - c. 1¼" tap with installation of line and curb box installed by City of Kalamazoo or its contractors – see City of Kalamazoo fee schedule.
  - d. Special services, 2" – Contact City of Kalamazoo
2. Upon payment of Fees to the Township, the water service applicant (owner) shall be issued a Permit by Oshtemo to receive public water service. This Permit will need to be presented to the City of Kalamazoo in order to establish a service billing account and initiate the water service installation/inspection.
3. The water customer (private owner) is responsible for paying the City of Kalamazoo construction inspection fees. This fee is currently \$350.00 for a residential service, but is subject to the City of Kalamazoo's fee schedule. The work observed by the Township's agent for operation and maintenance includes the water main tap, the curb-stop valve installation, and installation of the service line from the curb box to the water meter.
4. Once Oshtemo and City fees are paid, the property owner or owner's contractor will need to initiate work coordination and scheduling. All inspections will need to be scheduled by the Township's agent for operation and maintenance, as will the Township's construction participation – if a portion of work is to be completed by the Township. If known, the agent/contractor that will be completing the work will be identified in conjunction with the Township's issuance of a Permit to connect to the water utility.



5. Ditches will be left in reasonable condition: Any exceptional lawn work is the owner's responsibility. Extra charges for winter construction may be added when the service is installed at the customer's insistence at times and places when the frost is over 12" thick. Emergency connectors to be made in less than 48 hours may also result in extra charges.

II.

USER FEES

- A. Monthly or quarterly user fees shall be billed to each customer connected to the Oshtemo Township water system as provided in the Water Service Agreement between Oshtemo Charter Township and the City of Kalamazoo dated February 8, 1965.

III.

BENEFIT UNIT CHARGES

- A. Benefit Unit Charges. Each benefit unit charge shall be \$800.00 and the number of benefit units to be charged for each connection shall be determined by the following Benefit Unit Schedule:

<u>Connected Use or Activity</u>	<u>Benefit Units</u>	<u>Benefit Unit Factor</u>
Auto Dealer - New and/or Used	1.00	Per premise plus 0.25 per 1,000 square feet of building including service area
Auto Repair/Collision	1.00	Same as above
Auto Wash (coin operated do-it-yourself, 10 gallons or less per car)	1.00	Per stall
Auto Wash (Mechanical - over 10 gallons per car - recycled)	5.00	Per stall or production line including approach and drying area

Auto Wash (Mechanical - over 10 gallons per car - not recycled)	10.00	Per stall or production line including approach and drying area
Bar	4.00	Per 1,000 square feet
Barber Shop	1.00	Per shop plus 0.1 per chair after 2
Beauty Shop	1.00	Per shop plus 0.1 per booth
Bowling Alley (No bar)	1.00	Per premise plus 0.2 per alley
Campground Facilities - recreation vehicle, tents, trailers under 12 feet	0.35	Per pad or site plus picnic facilities
Campground Facilities - trailer park or trailers in excess of 12 feet	0.50	Per pad or site plus picnic facilities
Church	0.25	Per 1,000 square feet minimum of 1
Cleaners (pick-up only)	1.00	Per shop
Cleaners (cleaning and pressing facilities)	1.00	Per premise plus 0.5 per 500 square feet
Clinic (medical or dental)	1.00	Per premise plus 0.5 per exam room
Convalescent or boarding home	1.00	Per premise plus 0.25 per bedroom
Convent	1.00	Per premise plus 0.25 per bedroom
Convenience store	1.50	Per premise plus 0.8 per 1,000 square feet



Country club and athletic club	1.50	Per 1,000 square feet of clubhouse plus restaurant, bar and pro shop as retail store
Drug store	1.00	Per premise plus snack bar
Factory (office and production)	0.75	Per 1,000 square feet
Factory (wet process)		Based on metered flow
Funeral home	1.50	Per 1,000 square feet plus residence to be computed separately
Grocery store and supermarket	1.00	Per premise plus 0.8 per 1,000 square feet
Hospital	1.10	Per bed
Hotel and motel	0.40	Per bedroom plus restaurant and bar
Laundry (self-serve)	1.00	Per premise plus 0.5 per washer
Marina - per boat docking Space	.06	Per space under 25 feet in length
	.10	Per space over 25 feet in length
Mobile home (free standing)	1.00	Per unit
Mobile home (park or division)	0.75	Per pad or site at indirect connection rate plus laundry, community buildings and office to be computed separately per schedule

<b>Multiple-family residence</b>		
Duplex, row house or townhouse	1.00	Per dwelling unit
Apartment residence self-contained unit including laundry facilities in apartment	1.00	Per dwelling unit
Apartment residence - other than self-contained unit - not having laundry facilities in apartments	0.80	Per dwelling unit
Fraternity or sorority house	0.50	Per 1,000 square feet of floor area
<b>Park, recreation facilities, campground</b>		
Picnic facilities - no bathing or overnight accommodations	0.20	Per parking space
Picnic facilities - with bathing privileges or swimming pool	0.35	Per parking space
Post office	1.00	Per 1,000 square feet
Professional office	0.25	Per 500 square feet minimum 1
Public institution	0.75	Per 1,000 square feet
Restaurant (meals only)	2.5	Per 1,000 square feet excluding restrooms, public areas not in regular use and unfinished areas
Restaurant (meals and drinks)	3.5	Per 1,000 square feet excluding restrooms, public areas not in regular use and unfinished areas



Restaurant (public area, auxiliary dining room, dance floor or ballroom which are not in regular use)	0.5	Per 1,000 square feet
Retail store (other than listed)	1.0	Per premise plus 0.1 per 1,000 square feet
School	1.0	Per classroom
Service station	1.5	Per 1,000 square feet of building area
Single-family residence	1.0	Per residence
Snack bar, drive-in, etc.	2.5	Per 1,000 square feet
Theater, drive-in	0.04	Per car space
Theater	0.0068	Per seat
Two-family residential	1.0	Per unit
Veterinary facility	1.5	Per facility
Veterinary facility with kennel	1.5	Per facility plus 0.5 per 5 kennels
Warehouse and storage	0.2	Per 1,000 square feet

- B. For those uses not specifically identified above, the Supervisor or his or her designee shall determine the benefit unit factor applicable by identifying the proposed use with that use listed above which is most similar. As a further guide in such determination, each 250 gallons of average daily flow or fraction thereof estimated to be applicable shall constitute one (1) benefit unit.

- C. In no event shall a connected use or activity be charged less than one (1) benefit unit.
- D. The benefit unit charge is predicated upon an assumed average daily flow for a single-family residence of 250 gallons.
- E. All prior resolutions are hereby repealed.

IV.

**REGULATIONS APPLYING TO SERVICE CONNECTIONS**

- A. SERVICE APPLICATIONS: Applications for service are taken at the Township offices at 7275 West Main Street, Kalamazoo, Michigan.
- B. PAYMENT: All service installation charges will be paid in advance. Customers requesting special services, 2" and above, are required to apply at the City of Kalamazoo Water Department, 415 Stockbridge Avenue.
- C. INSTALLATION AND MAINTENANCE: All service installations and maintenance are under the control of the Township or its designated representatives, at the request of the property owner or his authorized representative. However, any changes to the site or building subsequent to the installation which hamper the operation or maintenance of their service, shall be rectified at the expense of the owner; the Township is not liable for any resultant damage. No buildings or structures are permitted on top of the service.
- D. SERVICE AND METER LOCATIONS: The location of the service and meter is subject to the approval of the water utility. ALL SERVICE INSTALLATIONS MUST MEET THE DESIGN REQUIREMENTS OF THE DEPARTMENT OF PUBLIC UTILITIES OF THE CITY OF KALAMAZOO.
- E. PLUMBING CONNECTIONS: The water utility will supervise work on the water service ends at the valve on the discharge side of the meter. Future maintenance is the responsibility of the customer. If you have a well or jet-operated sump, THAT MUST BE DISCONNECTED AND REMAIN PHYSICALLY SEPARATE FROM THE WATER SERVICE. ABSOLUTELY NO "CROSS CONNECTION" CAN BE MADE TO THE SYSTEM.
- F. SYSTEM PRESSURE: During the time of installation, the distribution system pressure will be checked. If the distribution system pressure exceeds the International Plumbing Code Standard of 80 PSI, a red tag will be attached to the meter. THE CUSTOMER IS RESPONSIBLE FOR INSTALLING A PRESSURE REDUCING VALVE AT THE DISCHARGE SIDE OF METER.



V.

DEVELOPER CONSTRUCTION CONTRACT / WATER MAIN  
EXTENSION AGREEMENT

- A. A developer may contract with the Township to extend a public water main to and through a property subject to the following requirements:
1. The design of the water main extension including hydrant placement, roadway borings, topsoil and surface restoration must be in accordance with the current Township standards and approved by the Township Engineer. Generally, construction will be undertaken by or under the control of the Township (water main extension agreement). If, however, pursuant to the approval and authorization of the Supervisor, construction is undertaken by the developer (developer construction contract), then all construction must be inspected and approved by the Township Engineer and/or City of Kalamazoo prior to any use of the system addition.
  2. All construction and related costs including administrative fees shall be paid by the developer and deposited with the Township prior to commencement of construction. Said costs shall be calculated at the lineal foot rate for new water main. In the event the Township has authorized the developer to undertake the construction, 7% of the costs shall be paid to the Township.
  3. The Township will collect from property owners for all property outside the development connecting to the water main extension the appropriate connection fee, and pursuant to a written agreement with the developer, will refund to the developer during the next ensuing 10-year period following completion of construction, 80% of the assessable front foot fee. The amount of the refund, however, shall in no case exceed the total construction cost.
- B. All water main extensions shall be extended to the far boundary of the property served so as to allow for future extension through adjoining property.

VI.

ANNUAL REVIEW

These fees are to be reviewed annually.



# Memo



**To:** Libby Heiny-Cogswell, Township Supervisor.  
**From:** M. Barnes, Fire Chief  
**Date:** January 21, 2020  
**Re:** Update Memo - Replacement SUV Vehicle Decision Making.

This memo is being provided to meet the requirements of our purchasing policy item #3 (page 3). OFD utilized its 7-member "truck" committee to compare the Chevrolet Suburban/Tahoe and the Ford Interceptor Utility (a.k.a. Explorer). The Dodge Durango was not considered since they are not used in this county and do not have a proven positive maintenance history. The Interceptor was the choice for our EMS response vehicles (2) while the Suburban is best suited for Fire Marshal duties (1). The rationale is as follows:

1. Cost: The Ford Interceptor Utility is far less expensive, falling in the \$37,000 range and has a majority of emergency lighting and other wiring already built into the vehicle. The Chevrolet Suburban/Tahoe starts around \$46,000 with no emergency vehicle prep-work.
2. Emergency Service: The Ford Interceptor Utility is designed for the emergency services. It has improved suspension for handling evasive maneuvers, upgraded brakes, the seat material is denser and a lower center of gravity. This smaller vehicle will be easier for crews to navigate thru traffic, tight neighborhood streets and narrow residential driveways.
3. Heavy Duty: The Chevrolet Suburban is no longer produced as a "Special Service Vehicle" (SSV). This SSV package is only reserved for the Tahoe & Interceptor. The SSV package gives you the emergency wiring already installed in the vehicle. The Suburban will need that wiring installed.
4. Cabin Space: The cabin space and rear cargo area is very similar between the Tahoe & Interceptor.
5. Safety: The Ford Interceptor Utility is the only emergency service vehicle rated for 75-mph rear end collision.
6. Service Durability: According to our mechanic, who services police vehicles at his shop, the Ford Interceptor Utility is in for service less than the Suburban/Tahoe from various police agencies. He stated that the Ford Interceptor Utility is a purpose-built emergency vehicle, compared to the Suburban which has to be converted to an emergency vehicle.
7. Theft Deterrent: The Ford Interceptor has an engine idle feature. This allows the driver to press a button near the headlight switch, remove the ignition key as they exit and lock the doors. The engine stays running, with its emergency lights active, but keeps intruders from getting into the vehicle. This has not been an issue for us yet, but we prefer to remain proactive than reactive on this issue.

The Chevrolet Suburban vehicle will be used primarily by our Fire Marshal. Those duties needed the additional interior space provided by the Chevrolet Suburban for task related equipment such as shovels, rakes, evidence photograph and other investigative equipment.

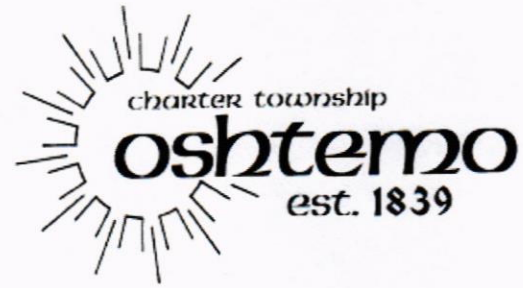
## Appendix

*Michigan State Police conduct a Police Vehicle Evaluation annually. The following link is to their latest test, for 2019. You will see the two vehicles that we compared for Oshtemo Fire, Chevrolet Tahoe 5.3L 4WD (Currently Chief and Deputy Chief vehicles) and the Ford Police Interceptor Utility 3.3L AWD. The Chevrolet Suburban was not tested by MSP because it does not come in a Special Service Vehicle package.*

[https://www.michigan.gov/documents/msp/2019MYPoliceVehicleEvaluationTestBook\\_639203\\_7.pdf](https://www.michigan.gov/documents/msp/2019MYPoliceVehicleEvaluationTestBook_639203_7.pdf)



# Memorandum



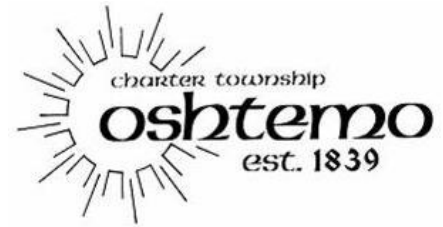
**To:** Oshtemo Township Board  
**From:** Rick Everett  
**Date:** February 3, 2020  
**Subject:** 5-1 Apparatus Bay Front Door Repairs

**Repair the Front Apparatus Bay Door of Station 5-1** Recent emergency repairs to the front apparatus bay door of Fire Station 5-1 precluded the investigation to the continued durability of the mechanicals of the front door operator.

**Evaluation** The front door consists of four springs to counterbalance the door in operation. One of these springs recently broke and needed to be temporarily repaired. In review of that failure it was noted that all the springs are about 17 years old. Spring breakage is commonly due to the end-of-life cycle of metal fatigue caused by the tensioning and un-tensioning (use) of the springs in daily usage. All four springs are the same age and therefore assumed to be near their end-of-life cycle.

**Cost and Scope of Repairs** Kalamazoo Overhead Dorr services the overhead doors in the township and are familiar with our facilities and needs. The project will also include the replacement of the attaching parts, i.e., the shafts, bearings, pulleys and cables. The estimate of repairs is in range of \$3000 to \$3500 dependent of the actual parts and amount of labor required.

**Board Consideration** No Board action is required at this time. This memo is notification of major repairs performed within the budget. The budget is developed knowing that there will be repairs necessitated by the normal usage of facilities. Historical data is used in determining these costs, but the actual costs and number of repairs are only estimated. This repair is within the scope of the budget, but if there are future needs and the corresponding line item is depleted, a request to the Board to amend the budget will need to be presented. My concern is that it is early in the year and difficult to know the future annual repairs and expenses for rest of the budget period, therefore I want the Board to be fully aware of the above repairs and know that a budget request may be made at the time it is determined if numerous repairs depletes this budget line item.



# Memorandum

**Date:** 6 February 2020  
**To:** Township Board  
**From:** Libby Heiny-Cogswell  
**Subject:** Township Board Update on the USDA Low Interest Loan Repayment (Item 5)

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## **Objective**

Township Board Update on the USDA low interest loan cash flow schedules, including sanitary sewer debt service fee.

## **Background**

The Township's municipal advisors from Bendzinski & Company will attend the Board meeting to update and discuss with the Board the sanitary sewer expansion cash flow for USDA bond repayment.

## **Information Provided**

Cash Flow Tables for 40 Year USDA Rural Development Phases 1 and 2.



\$27,828,000  
 Oshtemo Charter Township  
 County of Kalamazoo, State of Michigan  
 General Obligation Limited Tax Bonds

**ANNUAL HOUSEHOLD COST**

**40 Rural Development Issue**  
 (Assumes connection in 2020 with 40 yrs to pay)

**Connection Fees**

<b>Year</b>	<b>Annual Surcharge</b>	<b>Principal</b>	<b>Interest</b>	<b>Total Annual Charge</b>	<b>Total Monthly Charge</b>
2020	\$ 65.31	\$ 275.00	\$ 371.25	\$ 711.56	\$ 59.30
2021	67.27	275.00	361.97	704.24	58.69
2022	69.29	275.00	352.69	696.97	58.08
2023	26.17	275.00	343.41	644.57	53.71
2024	26.95	275.00	334.13	636.08	53.01
2025	30.28	275.00	324.84	630.13	52.51
2026	31.19	275.00	315.56	621.76	51.81
2027	32.13	275.00	306.28	613.41	51.12
2028	33.09	275.00	297.00	605.09	50.42
2029	36.93	275.00	287.72	599.64	49.97
2030	38.03	275.00	278.44	591.47	49.29
2031	42.19	275.00	269.16	586.34	48.86
2032	43.45	275.00	259.88	578.33	48.19
2033	44.76	275.00	250.59	570.35	47.53
2034	46.10	275.00	241.31	562.41	46.87
2035	47.48	275.00	232.03	554.51	46.21
2036	48.91	275.00	222.75	546.66	45.55
2037	50.37	275.00	213.47	538.84	44.90
2038	51.89	275.00	204.19	531.07	44.26
2039	53.44	275.00	194.91	523.35	43.61
2040	55.05	275.00	185.63	515.67	42.97
2041	52.65	275.00	176.34	503.99	42.00
2042	54.23	275.00	167.06	496.29	41.36
2043	55.85	275.00	157.78	488.63	40.72
2044	57.53	275.00	148.50	481.03	40.09
2045	59.26	275.00	139.22	473.47	39.46
2046	61.03	275.00	129.94	465.97	38.83
2047	62.86	275.00	120.66	458.52	38.21
2048	64.75	275.00	111.38	451.12	37.59
2049	61.56	275.00	102.09	438.66	36.55
2050	63.41	275.00	92.81	431.22	35.94
2051	65.31	275.00	83.53	423.84	35.32
2052	67.27	275.00	74.25	416.52	34.71
2053	69.29	275.00	64.97	409.26	34.10
2054	71.37	275.00	55.69	402.05	33.50
2055	73.51	275.00	46.41	394.91	32.91
2056	75.71	275.00	37.13	387.84	32.32
2057	71.49	275.00	27.84	374.33	31.19
2058	73.63	275.00	18.56	367.19	30.60
2059	75.84	275.00	9.28	360.12	30.01
<b>\$</b>	<b>2,176.82</b>	<b>\$ 11,000.00</b>	<b>\$ 7,610.63</b>	<b>\$ 20,787.45</b>	

Connection Fee \$ 11,000  
 Interest Rate 3.375%

**17000 Kercheval Ave., Suite 230**  
**Grosse Pointe, Michigan 48230**  
**PHONE: (313) 961-8222 FAX: (313) 961-8220**

The information contained herein was derived from sources generally recognized as reliable and does not make any representations as to correctness or completeness and has in no way been altered except to the extent that some information may be summarized, and is in no way intended to be a solicitation for orders.

\$27,828,000  
 Oshtemo Charter Township  
 County of Kalamazoo, State of Michigan  
 General Obligation Limited Tax Bonds

**SCHEDULE OF CONNECTION FEES, DEBT SERVICE REQUIREMENTS AND COVERAGE**

Year	Projected <sup>1</sup>		Projected Flow (Cubic Meters)	City of Kalamazoo		Total Charge from the City of Kalamazoo	Oshtemo Debt Service Charge (Percentage) <sup>5</sup>	Oshtemo Debt Service Charge (Dollars)	Revenue from <sup>3</sup> Conn Fees	Revenue from <sup>4</sup> Gen. Fund	Total Revenue		Debt <sup>6</sup> Service Requirements	Bond <sup>7</sup> Reserve Requirement	Annual Surplus (Deficit)	Surplus (Deficit) Cumulative
	REU's	Total <sup>2</sup> REU's		Charge per Cubic Meter	Total Revenue Before Debt Service Charge						Total Revenues					
2020	0	6,738	1,536,264	0.95	\$ 1,466,840.23	30.0%	\$ 440,052.07	\$ -	\$ 250,000	\$ 250,000	\$ 690,052	\$ 99,109	\$ 31,400	\$ 559,543	\$ 559,543	
2021	72	6,810	1,552,680	0.98	1,526,989.82	30.0%	458,096.95	46,047	250,000	296,047	754,144	581,100	106,900	66,144	625,687	
2022	368	7,178	1,636,584	1.01	1,657,790.74	30.0%	497,337.22	283,215	250,000	533,215	1,030,552	917,434	106,900	6,218	631,905	
2023	469	7,647	1,743,516	1.04	1,819,091.61	11.0%	200,100.08	585,546	250,000	835,546	1,035,646	920,232	106,900	8,514	640,419	
2024	0	7,647	1,743,516	1.07	1,873,664.36	11.0%	206,103.08	577,014	250,000	827,014	1,033,117	922,817	106,900	3,400	643,820	
2025	0	7,647	1,743,516	1.11	1,929,874.29	12.0%	231,584.91	568,482	250,000	818,482	1,050,607	926,179	106,900	16,988	660,808	
2026	0	7,647	1,743,516	1.14	1,987,770.51	12.0%	238,532.46	559,950	250,000	809,950	1,048,483	929,307	106,900	12,276	673,084	
2027	0	7,647	1,743,516	1.17	2,047,403.63	12.0%	245,688.44	551,418	250,000	801,418	1,047,107	932,201	106,900	8,005	681,089	
2028	0	7,647	1,743,516	1.21	2,108,825.74	12.0%	253,059.09	542,886	250,000	792,886	1,045,945	934,862	106,900	4,183	685,272	
2029	0	7,647	1,743,516	1.25	2,172,090.51	13.0%	282,371.77	534,354	250,000	784,354	1,066,726	938,277	106,900	21,549	706,821	
2030	0	7,647	1,743,516	1.28	2,237,253.23	13.0%	290,842.92	525,822	250,000	775,822	1,066,665	979,973	75,500	11,193	718,014	
2031	0	7,647	1,743,516	1.32	2,304,370.82	14.0%	322,611.92	517,290	250,000	767,290	1,089,902	1,080,888	-	9,015	727,028	
2032	0	7,647	1,743,516	1.36	2,373,501.95	14.0%	332,290.27	508,758	250,000	758,758	1,091,049	1,081,474	-	9,574	736,603	
2033	0	7,647	1,743,516	1.40	2,444,707.01	14.0%	342,258.98	500,226	250,000	750,226	1,092,485	1,080,796	-	11,690	748,292	
2034	0	7,647	1,743,516	1.44	2,518,048.22	14.0%	352,526.75	491,694	250,000	741,694	1,094,221	1,080,851	-	13,370	761,662	
2035	0	7,647	1,743,516	1.49	2,593,589.66	14.0%	363,102.55	483,162	250,000	733,162	1,096,265	1,081,620	-	14,645	776,307	
2036	0	7,647	1,743,516	1.53	2,671,397.35	14.0%	373,995.63	474,630	250,000	724,630	1,098,626	1,081,102	-	17,524	793,831	
2037	0	7,647	1,743,516	1.58	2,751,539.27	14.0%	385,215.50	466,098	250,000	716,098	1,101,314	1,081,297	-	20,017	813,848	
2038	0	7,647	1,743,516	1.63	2,834,085.45	14.0%	396,771.96	457,566	250,000	707,566	1,104,338	1,081,194	-	23,144	836,992	
2039	0	7,647	1,743,516	1.67	2,919,108.02	14.0%	408,675.12	449,034	250,000	699,034	1,107,710	1,081,784	-	25,926	862,918	
2040	0	7,647	1,743,516	1.72	3,006,681.26	14.0%	420,935.38	440,502	250,000	690,502	1,111,438	1,082,054	-	29,383	892,301	
2041	0	7,647	1,743,516	1.78	3,096,881.69	13.0%	402,594.62	431,971	250,000	681,971	1,084,565	1,082,006	-	2,559	894,860	
2042	0	7,647	1,743,516	1.83	3,189,788.14	13.0%	414,672.46	423,439	250,000	673,439	1,088,111	1,081,639	-	6,472	901,332	
2043	0	7,647	1,743,516	1.88	3,285,481.79	13.0%	427,112.63	414,907	250,000	664,907	1,092,019	1,081,943	-	10,076	911,408	
2044	0	7,647	1,743,516	1.94	3,384,046.24	13.0%	439,926.01	406,375	250,000	656,375	1,096,301	1,081,907	-	14,394	925,802	
2045	0	7,647	1,743,516	2.00	3,485,567.63	13.0%	453,123.79	397,843	250,000	647,843	1,100,966	1,082,520	-	18,446	944,248	
2046	0	7,647	1,743,516	2.06	3,590,134.66	13.0%	466,717.51	389,311	250,000	639,311	1,106,028	1,081,784	-	24,244	968,492	
2047	0	7,647	1,743,516	2.12	3,697,838.70	13.0%	480,719.03	380,779	250,000	630,779	1,111,498	1,082,688	-	28,810	997,303	
2048	0	7,647	1,743,516	2.18	3,808,773.86	13.0%	495,140.60	372,247	250,000	622,247	1,117,387	1,083,209	-	34,179	1,031,481	
2049	0	7,647	1,743,516	2.25	3,923,037.08	12.0%	470,764.45	363,715	250,000	613,715	1,084,479	1,084,337	-	142	1,031,623	
2050	0	7,647	1,743,516	2.32	4,040,728.19	12.0%	484,887.38	355,183	250,000	605,183	1,090,070	1,085,061	-	5,009	1,036,632	
2051	0	7,647	1,743,516	2.39	4,161,950.03	12.0%	499,434.00	346,651	250,000	596,651	1,096,085	1,085,382	-	10,703	1,047,335	
2052	0	7,647	1,743,516	2.46	4,286,808.53	12.0%	514,417.02	338,119	250,000	588,119	1,102,536	1,086,288	-	16,248	1,063,583	
2053	0	7,647	1,743,516	2.53	4,415,412.79	12.0%	529,849.53	329,587	250,000	579,587	1,109,436	1,086,769	-	22,667	1,086,250	
2054	0	7,647	1,743,516	2.61	4,547,875.17	12.0%	545,745.02	321,055	250,000	571,055	1,116,800	1,087,815	-	28,985	1,115,235	
2055	0	7,647	1,743,516	2.69	4,684,311.43	12.0%	562,117.37	312,523	250,000	562,523	1,124,640	1,088,414	-	36,226	1,151,461	
2056	0	7,647	1,743,516	2.77	4,824,840.77	12.0%	578,980.89	303,991	250,000	553,991	1,132,972	1,089,557	-	43,415	1,194,876	
2057	0	7,647	1,743,516	2.85	4,969,585.99	11.0%	546,654.46	295,459	250,000	545,459	1,092,113	1,090,232	-	1,882	1,196,757	
2058	0	7,647	1,743,516	2.94	5,118,673.57	11.0%	563,054.09	286,927	250,000	536,927	1,099,981	1,091,429	-	8,552	1,205,310	
2059	0	7,647	1,743,516	3.02	5,272,233.78	11.0%	579,945.72	278,395	250,000	528,395	1,108,341	1,092,137	-	16,204	1,221,514	
2060	0	7,647	1,743,516	3.11	5,430,400.80	11.0%	597,344.09	269,863	250,000	519,863	1,117,207	1,093,346	-	23,862	1,245,375	
2061	0	7,647	1,743,516	3.21	5,593,312.82	11.0%	615,264.41	261,331	250,000	511,331	1,126,596	1,085,411	-	41,184	1,286,559	
		<u>318,959</u>					<u>\$ 17,710,618</u>	<u>\$ 16,843,365</u>	<u>\$ 10,500,000</u>	<u>\$ 27,343,365</u>	<u>\$ 45,053,983</u>	<u>\$ 42,698,424</u>	<u>\$ 1,069,000</u>	<u>\$ 1,286,559</u>		

**Notes**

<sup>1</sup> See Schedule of REU's

<sup>2</sup> Includes existing REU's of 6,738

<sup>3</sup> See Schedule of Connection Fees, assumes that each connection costs residents \$11,000 to be paid within 40 years with interest of 3.375%

<sup>4</sup> Assumes a flat payment of \$250,000 will be paid from the General Fund

<sup>5</sup> Oshtemo will receive a debt service charge from Kalamazoo that is added to Oshtemo customer's bills at the discretion of Oshtemo Township. This debt service charge has been calculated at the level needed each year to service the Township's debt.

<sup>6</sup> See Schedule of Debt Service Requirements, 40 year term and 2.375% interest rate

<sup>7</sup> Rural Development Bonds require a bond reserve, see Rural Development Bond Reserve Calculation

**17000 Kercheval Ave., Suite 230, Grosse Pointe, Michigan 48230**  
**PHONE: (313) 961-8222 FAX: (313) 961-8220**

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\$27,828,000

Oshtemo Charter Township  
 County of Kalamazoo, State of Michigan  
 General Obligation Limited Tax Bonds

**RURAL DEVELOPMENT BOND RESERVE CALCULATION**

	<b>Phase 1</b>	<b>Phase 2</b>
Total Debt Service	\$ 12,537,258	\$ 30,161,166
Financing Term (Years)	40	40
Total Bond Reserve (rounded up to nearest thousand)	\$ 314,000	\$ 755,000
Bond Reserve Term (Years)	10	10
Annual Bond Reserve (Years 1 through 10)	\$ 31,400	\$ 75,500

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\$27,828,000  
Oshtemo Charter Township  
County of Kalamazoo, State of Michigan  
General Obligation Limited Tax Bonds

**SCHEDULE OF DEBT SERVICE REQUIREMENTS**

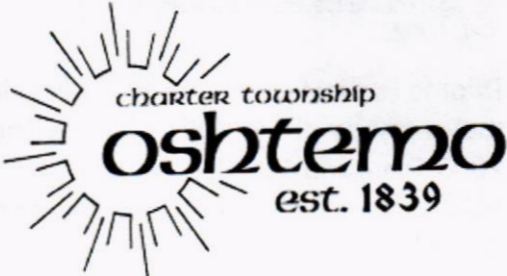
Year	Phase 1 Dated 4/1/20 \$8.346M				Phase 2 Dated 4/1/2021 \$19.482M				Total Principal Due April 1	Total Interest Due April 1	Total Interest Due October 1	Total Principal & Interest Requirements
	Principal Due April 1	Interest Rate	Interest Due April 1	Interest Due October 1	Principal Due April 1	Interest Rate	Interest Due April 1	Interest Due October 1				
	April 1	Rate	April 1	October 1	April 1	Rate	April 1	October 1				
2020	\$ -	2.375%	\$ -	\$ 99,109	\$ -	2.125%	\$ -	\$ -	\$ -	\$ -	\$ 99,109	\$ 99,109
2021	178,000	2.375%	99,109	96,995	-	2.125%	-	206,996	178,000	99,109	303,991	581,100
2022	178,000	2.375%	96,995	94,881	135,000	2.125%	206,996	205,562	313,000	303,991	300,443	917,434
2023	178,000	2.375%	94,881	92,768	145,000	2.125%	205,562	204,021	323,000	300,443	296,789	920,232
2024	178,000	2.375%	92,768	90,654	155,000	2.125%	204,021	202,374	333,000	296,789	293,028	922,817
2025	178,000	2.375%	90,654	88,540	166,000	2.125%	202,374	200,611	344,000	293,028	289,151	926,179
2026	178,000	2.375%	88,540	86,426	177,000	2.125%	200,611	198,730	355,000	289,151	285,156	929,307
2027	178,000	2.375%	86,426	84,313	188,000	2.125%	198,730	196,733	366,000	285,156	281,045	932,201
2028	178,000	2.375%	84,313	82,199	199,000	2.125%	196,733	194,618	377,000	281,045	276,817	934,862
2029	179,000	2.375%	82,199	80,073	210,000	2.125%	194,618	192,387	389,000	276,817	272,460	938,277
2030	218,000	2.375%	80,073	77,484	222,000	2.125%	192,387	190,028	440,000	272,460	267,513	979,973
2031	218,000	2.375%	77,484	74,896	334,000	2.125%	190,028	186,479	552,000	267,513	261,375	1,080,888
2032	218,000	2.375%	74,896	72,307	347,000	2.125%	186,479	182,793	565,000	261,375	255,099	1,081,474
2033	218,000	2.375%	72,307	69,718	359,000	2.125%	182,793	178,978	577,000	255,099	248,696	1,080,796
2034	218,000	2.375%	69,718	67,129	372,000	2.125%	178,978	175,026	590,000	248,696	242,155	1,080,851
2035	218,000	2.375%	67,129	64,541	386,000	2.125%	175,026	170,924	604,000	242,155	235,465	1,081,620
2036	218,000	2.375%	64,541	61,952	399,000	2.125%	170,924	166,685	617,000	235,465	228,637	1,081,102
2037	218,000	2.375%	61,952	59,363	413,000	2.125%	166,685	162,297	631,000	228,637	221,660	1,081,297
2038	218,000	2.375%	59,363	56,774	427,000	2.125%	162,297	157,760	645,000	221,660	214,534	1,081,194
2039	218,000	2.375%	56,774	54,186	442,000	2.125%	157,760	153,064	660,000	214,534	207,249	1,081,784
2040	218,000	2.375%	54,186	51,597	457,000	2.125%	153,064	148,208	675,000	207,249	199,805	1,082,054
2041	218,000	2.375%	51,597	49,008	472,000	2.125%	148,208	143,193	690,000	199,805	192,201	1,082,006
2042	218,000	2.375%	49,008	46,419	487,000	2.125%	143,193	138,019	705,000	192,201	184,438	1,081,639
2043	218,000	2.375%	46,419	43,831	503,000	2.125%	138,019	132,674	721,000	184,438	176,505	1,081,943
2044	218,000	2.375%	43,831	41,242	519,000	2.125%	132,674	127,160	737,000	176,505	168,402	1,081,907
2045	218,000	2.375%	41,242	38,653	536,000	2.125%	127,160	121,465	754,000	168,402	160,118	1,082,520
2046	217,000	2.375%	38,653	36,076	553,000	2.125%	121,465	115,589	770,000	160,118	151,666	1,081,784
2047	217,000	2.375%	36,076	33,499	571,000	2.125%	115,589	109,523	788,000	151,666	143,022	1,082,688
2048	217,000	2.375%	33,499	30,923	589,000	2.125%	109,523	103,264	806,000	143,022	134,187	1,083,209
2049	217,000	2.375%	30,923	28,346	608,000	2.125%	103,264	96,804	825,000	134,187	125,150	1,084,337
2050	217,000	2.375%	28,346	25,769	627,000	2.125%	96,804	90,143	844,000	125,150	115,911	1,085,061
2051	217,000	2.375%	25,769	23,192	646,000	2.125%	90,143	83,279	863,000	115,911	106,471	1,085,382
2052	217,000	2.375%	23,192	20,615	666,000	2.125%	83,279	76,203	883,000	106,471	96,818	1,086,288
2053	217,000	2.375%	20,615	18,038	686,000	2.125%	76,203	68,914	903,000	96,818	86,952	1,086,769
2054	217,000	2.375%	18,038	15,461	707,000	2.125%	68,914	61,402	924,000	86,952	76,863	1,087,815
2055	217,000	2.375%	15,461	12,884	728,000	2.125%	61,402	53,667	945,000	76,863	66,551	1,088,414
2056	217,000	2.375%	12,884	10,308	750,000	2.125%	53,667	45,698	967,000	66,551	56,006	1,089,557
2057	217,000	2.375%	10,308	7,731	772,000	2.125%	45,698	37,496	989,000	56,006	45,226	1,090,232
2058	217,000	2.375%	7,731	5,154	795,000	2.125%	37,496	29,049	1,012,000	45,226	34,203	1,091,429
2059	217,000	2.375%	5,154	2,577	818,000	2.125%	29,049	20,358	1,035,000	34,203	22,934	1,092,137
2060	217,000	2.375%	2,577	-	842,000	2.125%	20,358	11,411	1,059,000	22,934	11,411	1,093,346
2061	-	2.375%	-	-	1,074,000	2.125%	11,411	-	1,074,000	11,411	-	1,085,411
	<b>\$ 8,346,000</b>		<b>\$ 2,095,629</b>	<b>\$ 2,095,629</b>	<b>\$ 19,482,000</b>		<b>\$ 5,339,583</b>	<b>\$ 5,339,583</b>	<b>\$ 27,828,000</b>	<b>\$ 7,435,212</b>	<b>\$ 7,435,212</b>	<b>\$ 42,698,424</b>

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# Memo



**To:** Oshtemo Charter Township Board

**From:** Julie Johnston, AICP  
Planning Consultant

**Date:** February 2, 2020

**Mtg Date:** February 11, 2020

**Subject:** Draft Village Theme Development Plan Public Hearing

**OBJECTIVE**

Public hearing and consideration of approval of the draft Village Theme Development Plan.

**BACKGROUND**

Prior to the construction of the interstate highways that border Oshtemo, 9th Street and Stadium Drive served as the major access roads for the Township. A historic village developed at the junction of these roads and was often referred to as the Oshtemo Village, although it never incorporated as such. In 2004, the Downtown Development Authority (DDA) was established in this area with boundaries that incorporated the historic village.

In 2006, the Township approved the Village Theme Development Plan, which provided a vision for the DDA district. The essential goal of the Plan was to recreate the aesthetics of an historic village, which was lost overtime as redevelopment occurred in this area.

The Village Form-Based Code Overlay, developed and approved in 2008, was a result of the Village Theme Development Plan. This ordinance regulates new development within the Village area, requiring traditional urban design standards like build-to lines close to the road right-of-way, opacity of building facades, no parking in the front yards, two story building heights, etc.

In 2016, the DDA began to become concerned with the lack of new construction within the Village. Development seemed to be occurring in earnest in other areas of the Township, but not within the 9<sup>th</sup> Street and Stadium Drive area. Discussions related to the Village Form-Based Code Overlay and its possible impact on new development was outlined as a primary concern.

Prior to requesting the Township consider any possible changes to the Form-Based Code, the DDA felt that a review of the 2006 Plan was needed. Public input was garnered as part of the creation of the 2006 Plan and 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.

A request was presented to the Township Board in late 2016 to complete this project and Wade Trim, a planning consulting firm, was hired to assist with the review and possible updates of the 2006 Plan. In addition, a subcommittee of four members from the DDA and Planning Commission was formed in early 2017 to help guide the public input process, review the draft plans, and make recommendations on possible changes.

The Plan review process was designed 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 draft Update. 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 owners, business owners, and real estate/development community representatives. The interviews were designed to gather input on the effectiveness of the 2006 Village Theme Development Plan and Village Form-Based Codes.

Two workshops were also held. The first occurred in June of 2017, which was focused on visioning exercises for the Village area. Participants were asked the following questions:

1. Whether the vision from the Village Theme Development Plan continues to reflect local values, desires and needs.



2. Whether the Form Based Code for Oshtemo Village, which was adopted after the Plan, has been successful and results in quality development.
3. Whether changes to the Village Theme Development Plan are needed.
4. Whether changes to the Form Based Code/zoning requirements are needed.

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. In addition, development principles were reviewed, to see if the Village design guidelines were still considered applicable to the area today. The intent was to get a sense of the design and development aesthetic desired in the Village area.

At the conclusion of the public process in October of 2017, the draft of the 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 draft 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. This change in the Plan, which would and ultimately inform changes to the Form-Based Code, could alter the desired appearance of the Village area by permitting some distance between the buildings and the street right-of-way. As is often seen in traditional downtowns, buildings are constructed immediately adjacent to the sidewalk, which is part of the road right-of-way.

At the conclusion of the joint meeting, it was decided that the Village Theme Development Plan should be included in the Planning Commission's work plan. It was determined that 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 and other ongoing projects, the draft Plan had not been included on the Commission's agenda for some time. However, in July of this year, the DDA requested the Planning Commission review the Plan, make any possible changes/additions needed, and forward to the Township Board for consideration of approval.

The Planning Commission began their review at the September 12<sup>th</sup> regular meeting. Discussion was held about the impacts of allowing the Form-Based Code to ultimately be altered if the Village Theme Development Plan was adopted. At the conclusion of the meeting, additional information was requested on the effect of the possible zoning changes recommended by the draft Village Theme Development Plan. This information was provided at their September 26<sup>th</sup> meeting.

In addition, a request was made related to the two new projects that have developed within the Form-Based Code Overlay area – the residential memory care center on Stadium Drive and the veterinary hospital on Parkview Avenue. Specifically, they were interested in the number and type of deviations from the Form-Based Code that were provided as part of site plan approval. This information was provided for Planning Commission review.

Final changes to the draft Village Theme Development Plan based on Planning Commission input was presented at their October 10, 2019 meeting, as follows:

- The acknowledgements page was updated.
- Information from the *GO!* Green Oshtemo Plan was included on page 18.
- The DDA streetscape plan information was updated on page 19.
- The zoning amendment recommendations were added to page 49.

After a review of these amendments, the Planning Commission felt the goals and objectives of the draft Plan were needed to encourage new economic growth in the Village area. They voted to set the Plan public hearing, which was held on October 24, 2019. At the conclusion of the public hearing, the Planning Commission motioned to forward the draft Village Theme Development Plan to the Township Board for approval. The motion was approved unanimously.

The Township Board discussed the draft Plan at the December 10, 2019 meeting. No additional changes were requested that evening and the Board moved the project forward to consideration of final approval. If the Board chooses to adopt the Village Theme Development Plan at the February 11<sup>th</sup> meeting, it would become an official document of the Township allowing staff to move forward with the Plan goals.

### **INFORMATION PROVIDED**

The draft Village Theme Development Plan can be found as part of the digital Township Board agenda packet at the following link:

<https://www.oshtemo.org/wp-content/uploads/2019/12/Village-Theme-Development.pdf>

The 2006 Village Theme Development Plan can be found on the Oshtemo Township Planning Department webpage or at the following link:

<https://www.oshtemo.org/wp-content/uploads/2017/10/Village-Theme-Development-Plan.pdf>





## Memorandum

**Date:** 08 January 2020  
**To:** Oshtemo Charter Township Board  
**From:** Colten Hutson, Public Works Technical Specialist  
Rick Suwarsky, Ordinance Enforcement Officer  
**Subject:** 2020 Public Sidewalk Inspection Fees

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### Objective

Board consideration to increase Sidewalk Inspection Fees for 2020.

### Discussion

The Public Works Department, with the assistance of the Ordinance Enforcement Department, is responsible for conducting sidewalk inspections throughout various developments in the 36 square mile Charter Township. Newly constructed public sidewalks are inspected via a Sidewalk Permit process, requiring a pre-pour inspection of the sand base, concrete form placement and slopes, followed by a final acceptance inspection upon construction completion. Often, Township Staff performs more than two inspections per site per sidewalk permit.

The current Sidewalk Permit fee of \$50.00 was established in 2015, intended to cover Township staff time for two (2) sidewalk inspections, but with no provision to charge for additional sidewalk site inspections. Public Works and Ordinance Enforcement recommend increasing the Sidewalk Permit fee to \$60.00, which includes two (2) inspections: 1) pre-pour, and 2) final. Staff additionally recommends a \$30.00 fee for each additional sidewalk inspection required to achieve final sidewalk permit approval and acceptance by the Township.