

**OSHTEMO CHARTER TOWNSHIP BOARD**  
**7275 West Main Street**  
**Kalamazoo, MI 49009**

**January 9, 2024**

*Refer to page 3 for Virtual Meeting Information*

**REGULAR MEETING**  
**5:30 P.M.**  
**AGENDA**

1. Call to Order
2. Remote Location Identification (for remote attendance when permitted by statute)
3. Pledge of Allegiance
4. Township Mission/Vision/Core Values
5. Public Comment on Non-Regular Session Items
6. Presentation and First Reading of Wellhead Protection Ordinance by Tom Wheat (UPC)
7. Presentation & Consideration Township Hall and Fire Station #1 Roof Replacement
8. Presentation Progressive AE: Oshtemo Streets & Mobility Ordinance
9. Consent Agenda
  - a. Minutes of Regular Meeting December 12, 2023
  - b. Receipts and Disbursements
  - c. 2024 Cemetery Fees
  - d. 2024 Accounting, Auditing, Engineering, Landscape Architect, Legal & Sextant, Traffic Engineering Consultants and Services
10. Resolution for Adoption of Five-Year Parks Master Plan
11. First Reading: Text Amendments to Section 57.80 - Keeping of Livestock & Honeybees
12. First Reading: Rezoning Request for 9177 W. G Avenue - Land Section 5
13. Other Updates & Business
14. Public Comment
15. Board Member Comments
16. 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 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.–1 p.m. 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.

<b>Oshtemo Township Board of Trustees</b>		
<b><u>Supervisor</u></b>		
Cheri Bell	216-5220	<a href="mailto:cbell@oshtemo.org">cbell@oshtemo.org</a>
<b><u>Clerk</u></b>		
Dusty Farmer	216-5224	<a href="mailto:dfarmer@oshtemo.org">dfarmer@oshtemo.org</a>
<b><u>Treasurer</u></b>		
Clare Buszka	216-5260	<a href="mailto:cbuszka@oshtemo.org">cbuszka@oshtemo.org</a>
<b><u>Trustees</u></b>		
Neil Sikora	760-6769	<a href="mailto:nsikora@oshtemo.org">nsikora@oshtemo.org</a>
Kristin Cole	375-4260	<a href="mailto:kcole@oshtemo.org">kcole@oshtemo.org</a>
Zak Ford	271-5513	<a href="mailto:zford@oshtemo.org">zford@oshtemo.org</a>
Michael Chapman	375-4260	<a href="mailto:mchapman@oshtemo.org">mchapman@oshtemo.org</a>

<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>			
Greg McComb	375-0487	<a href="mailto:gmccomb@oshtemo.org">gmccomb@oshtemo.org</a>	
<b><u>Ordinance Enforcement:</u></b>			
Rick Suwarsky	216-5227	<a href="mailto:rsuwarsky@oshtemo.org">rsuwarsky@oshtemo.org</a>	
<b><u>Parks Director:</u></b>			
Vanessa Street	216-5233	<a href="mailto:vstreet@oshtemo.org">vstreet@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 Director:</u></b>			
Anna Horner	216-5228	<a href="mailto:ahorner@oshtemo.org">ahorner@oshtemo.org</a>	

## Zoom Instructions for Participants

### Before a videoconference:

1. You will need a computer, tablet, or smartphone with a speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. If you are going to make a public comment, please use a microphone or headphones with a microphone to cut down on feedback, if possible.
3. Details, phone numbers, and links to videoconference or conference call are provided below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 11-digit Meeting ID.

### To join the videoconference:

1. At the start time of the meeting, click on this link to [join via computer](#). You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](#) on any browser and entering this Meeting ID: **836 7398 7592**

If you are having trouble hearing the meeting or do not have the ability to join using a computer, tablet, or smartphone then you can join via conference call by following instructions below.

### To join the conference by phone:

1. On your phone, dial the teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **836 7398 7592#**

### Participant controls in the lower-left corner of the Zoom screen:



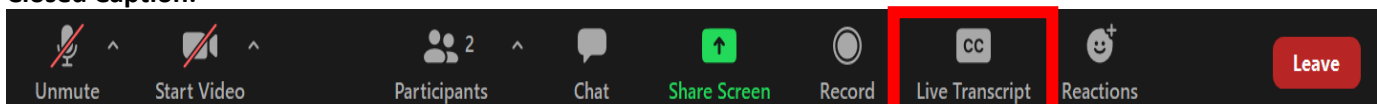
Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- Participants – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand. **This will be used to indicate that you want to make a public comment.**
- Chat – opens pop-up screen that allows participants to post comments during the meeting.

If you are attending the meeting by phone, to use the “Raise Hand” feature **press \*9 on your touchtone keypad.**

Public comments will be handled by the “Raise Hand” method as instructed above within Participant Controls.

### Closed Caption:



### Turn on Closed Caption:

Using the icons at the bottom of the Zoom screen:

1. Click on the “Live Transcription” button.
2. Then select “Show Subtitle”.

## **Mission:**

*To advance the quality of life of all residents through a commitment to responsible growth, and value-driven municipal services that promote the relationships among economic vitality, environmental stewardship, and social equity.*

## **Vision:**

*A sustainable and innovative community built through a legacy of planned, responsible growth and rural preservation.*

## **Core Values:**

### **PUBLIC SERVICE**

- Fair treatment to all people.
- Each customer is welcomed and that their input is wanted.
  - Difficult questions are not marginalized.
- Allow residents to interact directly with the township staff and officials.
- Decisions are made based on the value to our Township and residents.

### **SUSTAINABILITY**

- Meet the needs of the present without compromising future generations.
  - Consider the environment through practices that reduce impacts.
    - Value conscious decision making.
    - Committing to quality Fire and Police protection.

### **INNOVATION**

- Providing the best value-conscious technology currently available.
- Leverage new technologies and ways of doing business to increase accessibility and improve services.

### **PROFESSIONALISM**

- Hire staff with strong core competencies within their given profession.
- Commitment to continuous improvement to government operations.
- Dedicated to open communication to improve productivity and effectiveness.

### **INTEGRITY**

- Decisions are made logically through the collection of evidence, facts, and public input.
  - When promises are made, we follow through.
  - We do not obfuscate – we say what we mean and do what we say.
  - Transparent governmental practices are of the highest priority.

### **FISCAL STEWARDSHIP**

- Ensure that taxpayer investments are spent wisely, effectively and efficiently.

# Memorandum

**Date:** January 3, 2024  
**To:** Township Board  
**From:** Anna Horner, P.E., Public Works Director  
**Subject:** Wellhead Protection Ordinance: Presentation and First Reading

---



## **Objectives**

Introduction of the Wellhead Protection Ordinance by Tom Wheat from Prien & Newhoff and Utility Policy Committee (UPC) member and consideration of First Reading of the same.

PROPOSED MOTION: I make a motion to accept for First Reading the Wellhead Protection Ordinance and set for Second Reading on January 23, 2024 at the regular meeting of Oshtemo Charter Township Board.

## **Background**

As part of the new water services agreement with the Townships and the City of Kalamazoo, Article 13 – Protection Against Contamination, set a requirement was for all the Townships to approve a Wellhead Protection Ordinance. This work is fulfilling that requirement and in the best interest of all users of the public water system.

Excerpt from Water Services Agreement:

### **13.3 – Wellhead Protection**

The City shall establish, and the Townships shall approve, a wellhead protection program and adopt corresponding Wellhead Protection Ordinances subject to Utility Policy Committee input as to form and content.

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

Adopted: \_\_\_\_\_

Effective: \_\_\_\_\_

WELLHEAD PROTECTION ORDINANCE

THE CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO, COUNTY, MICHIGAN  
ORDAINS:

**SECTION I INTENT AND PURPOSE;**

**A. Intent / Purpose**

The intent of the Charter Township of Oshtemo Wellhead Protection Ordinance is to safeguard the health, safety, and welfare of persons served by the Public Water Supply System by protecting groundwater that serves as drinking water, thus providing a safe potable water supply now and for future generations.

**B. Definitions**

The following definitions apply to this ordinance:

Best Management Practices (BMP) means the best available methods, activities, maintenance procedures, technologies, operating methods or management practices for preventing or reducing the quantity of Regulated Substances entering groundwater and surface water from a particular land use activity.

Capture Zone means that area through which water travels below the surface and reaches a municipal well or wellfield within a specified period of time (under specified conditions set by EGLE). This ordinance addresses both a one-year and ten-year time-of-travel capture zone. The capture zones are shown on the Wellhead Protection Ordinance Capture Zone Map, attached to this Ordinance and incorporated herein by this reference.

City means the City of Kalamazoo.

Groundwater means the water below the land surface in a zone of saturation, excluding those waters in underground piping for water, wastewater, or stormwater distribution/collection systems.

Michigan Department of Environment, Great Lakes, and Energy (EGLE) shall include its predecessors and successors.

Performance Standards shall mean those BMPs and engineering controls contained within the document "Performance Standards for Groundwater Protection within Wellhead Protection Capture Zones and Stormwater Quality Management" which is adopted by resolution of the Township Board and which may be amended by resolution of the Township Board as necessary to incorporate new or modified BMPs and engineering controls. The Wellhead Protection Administrator shall maintain the document and shall at times be prepared to consult and distribute the most recently adopted performance standards, a copy of which shall also be retained by the Township Clerk with resolution date indicated thereon.

RCRA means the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580; 42 U.S.C. 6901 et seq.), as amended.

Regulated Substances shall include:

1. Substances for which there is a safety data sheet (SDS), as established by the Globally Harmonized System of Classification and Labelling of Chemicals, and the SDS cites possible health hazards for said substance;
2. Hazardous Waste, as defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended;
3. Hazardous Substance, as defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with the U.S. EPA regulations;
4. Radiological materials; and
5. Biohazards.

Regulated Substances shall not, however, include:

- ~~1. Substances in an amount equal or less than 2200 pounds that are in an area capable of fully containing a total release of said substance or an area that would drain the substance to a wastewater treatment system, excluding septic tanks systems, capable of treating the released substance(s);~~
2. Substances in a parked or stopped vehicle in transit, provided the vehicle is stopped or parked for less than 72 hours;

3. Substances, such as gasoline or oil, in operable motor vehicles or boats so long as used solely for the operation of the vehicle, but not the tanker portion of a tank truck;
4. Pressurized gases such as chlorine, propane, hydrogen, and nitrogen when in a chemical storage tank;
5. Refrigerants contained within equipment and used for on-site air cooling or in household appliances;
6. Substances contained within electrical utility transformers/switches;  
or
7. Substances used in construction for which all necessary permits have been obtained, and in accordance with the "Performance Standards."

Release means the spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of one or more regulated substances upon or into any land or water within a capture zone. Release includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site sewage disposal system, dry-well, catch basin, or landfill. The term "release" when used and applied herein does not include:

1. Disposal in accordance with all applicable legal requirements, including those in RCRA and CERCLA, of hazardous wastes in a Facility that has received and maintained all necessary legal approvals for that purpose;
2. Disposal of any substance in compliance with applicable legal requirements, including without limitation, the terms and provisions of a valid municipal, state, or federal permit;
3. Disposal, in accordance with all legal requirements, of any substance to a sanitary sewer system that has received and maintained all necessary legal approvals for that purpose;
4. Disposal, in accordance with all legal requirements, of "sanitary sewage" to subsurface sewage disposal systems as defined and permitted by the State of Michigan or Kalamazoo County Environmental Health;
5. A release for which there is no obligation to report under Federal, State, or other local regulations that occurs on an impervious ground surface (e.g., building floor or concrete driveway) that is



effectively cleaned up before reaching permeable ground (e.g., unpaved), a dry well, a storm sewer, or surface water body; or

6. The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc. as used in routine agricultural operations and applied under the “Generally Accepted Agricultural Management Practices,” and consistent with label directions approved by the United States Environmental Protection Agency or the Michigan Department of Agriculture and Rural Development (MDARD).

Spill Contingency Plan means a written site-specific plan conforming to the specifications contained in the “Performance Standards,” including the documentation of general site operations; Regulated Substance storage areas; potential for releases of Regulated Substances and an analysis of the potential destination of such releases; and procedures to be followed in the event of a release.

Township means The Charter Township of Oshtemo.

Wellhead is any individual well used for supplying water.

Wellhead Protection Board of Appeals shall be the Charter Township of Oshtemo Planning Commission unless the Township Board by resolution designates a separate Wellhead Protection Board of Appeals.

### **C. Responsibility for Administration**

The Township Board shall, by Resolution, designate a person or persons who shall administer, implement and enforce the provisions of this ordinance. That person shall be known as the Wellhead Protection Administrator.

### **D. Prohibitions within Ten (10) Year Time-of-Travel (TOT) Capture Zone.**

Within a ten-year time-of-travel capture zone, no person shall, nor cause or allow another over whom he or she has control to:

- 1 Release or allow the release of a Regulated Substance, alone or in combination with other materials (such as fill) in such a manner that the substance gains access to the ground, to a storm sewer or surface water or in any other way such that the substance might enter the groundwater if doing so creates a reasonable likelihood of an adverse impact upon the groundwater;
- 2 Possess a Regulated Substance, including fuels (e.g., gasoline, diesel, kerosene, etc.) exceeding fifty-five (55) gallons aggregate

for liquid materials, or four-hundred forty (440) pounds aggregate for dry weights, unless prepackaged and intended for retail sale or for commercial or household use (such as salt used in water softeners, fertilizers, pesticides, herbicides, etc.), or unless engineering controls are designed and implemented consistent with the "Performance Standards," BMPs, the Fire Code, and applicable State of Michigan laws and regulations. The following, however, shall not be considered prohibited activities:

- a. The use of underground oil and water separators and stormwater treatment structures which meet the conditions of the "Performance Standards;
  - b. The use of current hazardous waste storage areas at RCRA permitted facilities;
  - c. Laboratory activities, consistent with all local,, state, and federal regulations.
3. Operate a scrap and recycling yard;
  4. Operate a sanitary / solid waste landfill;
  5. Use oil, waste oil or similar liquid petroleum-type products for dust suppression;
  6. Install a private water well for the purpose of drinking water or irrigation if, in the determination of the Township, public water service is reasonably available;
  7. Install or use a private water well not installed for the purpose of drinking water or irrigation unless it is determined by the Township that the well owner (or representative) has scientifically demonstrated that the well will not cause an adverse impact to the public water supply;
  8. Use any private well if said use is likely to cause an adverse impact to the public water supply;
  9. Excavate, extract, or mine sand, gravel, bedrock or any other type of earth if a permit or site plan review is required unless the property owner has established, to the Township's satisfaction, that the activity will not cause an adverse impact to the public water supply;

10. Allow the presence of an abandoned well, which is defined as any well which has either been discontinued for more than one year, is in such disrepair that its continued use for obtaining groundwater is impractical, has been left uncompleted, is a threat to groundwater resources, or is a health or safety hazard. A well shall not be considered abandoned if it has been properly plugged pursuant to The Groundwater Quality Control Act, Part 127, 1978 PA 368; or
11. Drill for natural gas or petroleum, whether for exploration, production or otherwise.

**E. Prohibitions Within One (1) Year TOT Capture Zone.**

Within a one-year time-of-travel capture zone, no person shall, nor cause or allow another, over whom he or she has control, to:

1. Engage in any activity prohibited in the 10-Year TOT capture zone;
2. Possess Regulated Substances, including fuels (e.g., gasoline, diesel, kerosene, etc.), exceeding fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440) pounds aggregate for dry weights, such as sometimes occurs with activities such as fueling service establishments, motor vehicle repair, body repair; trucking or bus terminals; primary metal product industries; metal plating, polishing, etching, engraving, anodizing or similar processes; lawn, garden, pesticide and agricultural services with on-site bulk mixing or blending of fertilizers, pesticides and other industry-related chemicals for commercial application; and dry cleaning facilities with on-site cleaning service; or
3. Construct or replace any privy, privy vault, septic tank system, cesspool, or other facility intended or used for the disposal of domestic or non-domestic wastewater if in the determination of the Township, a public sanitary sewer is reasonably available.

**F. Well Isolation Distance Restrictions**

Within either capture zone, no person shall cause or allow uses or activities that would violate the terms and conditions set forth in the document "Minimum Well Isolation Distances (From Contamination Sources and Buildings), Part 127, Act 368, P.A. 1978 and Act 399, PA 1976" as prepared by the EGLE, Drinking Water and Environmental Health Division (DWEHD), as it may be amended, which, for the purpose of this section, shall be deemed to apply to all persons, unless approved in writing by the Township Wellhead Protection Administrator.

## **G. Determination of Capture Zone Boundaries**

In determining whether a property is within a capture zone, the following shall apply:

1. Where a capture zone line that delineates the boundary of one or more zones passes through a property, the entire parcel shall be subject to the restrictions that apply to the more restrictive zone.
2. The Township Wellhead Protection Administrator or his or her designee shall have the authority to interpret the capture zone and determine where the boundaries of the different zones fall, if in dispute. Said interpretation may be appealed to the Wellhead Protection Board of Appeals, appointed by the Township Board.

## **H. Continuation of Existing Facilities and Land Uses**

All facilities shall meet the requirements of the "Performance Standards" and/or shall prepare a Spill Contingency Plan within two years from the adoption date of this ordinance.

## **I. Requirements Regarding Release of Regulated Substance**

1. Upon discovery of a release within a capture zone, the owner and person in control of the property on which a release occurred, as well as the person responsible for the release, shall take appropriate reasonable actions to mitigate the potential impact of the release on groundwater and remediate the release. Within 24-hours of such release, the owner or person responsible for the release shall notify the Township and the City of Kalamazoo Public Services Director. Remediation must be conducted in a timely manner and in accordance with applicable law. Wastes generated during remediation of a Regulated Substance release must be handled in accordance with all applicable legal requirements. Storage of these materials for a period of greater than ninety (90) days must be reported to, and approval obtained from, the Township Wellhead Protection Administrator.
2. All releases shall be documented in writing and notice thereof shall be mailed to the Township within ten (10) business days of said incident. Initial release notification shall include, at a minimum, the following:
  - a. Location of the release (address, and name and phone number of property owner);

- b. Reporting party's name, address, email address, and phone(s) (if different from above);
  - c. Emergency contact and phone;
  - d. Description and photographs of the nature of the incident, including date, time, location, and cause of the incident; type, concentration, and volume of substance(s) released;
  - e. Map showing exact release location, and relevant site features (i.e., paved area, storm sewer catch basins/inlets, water features, etc.), scale, and north arrow;
  - f. All measures taken to clean up the release; and
  - g. All measures proposed to be taken to reduce and prevent any future release.
3. The Township Wellhead Protection Administrator or his/her designee shall use the Regulated Substance Release Report to determine if and where any additional investigative work needs to be completed to assess the potential impact of the release. The owner or operator shall retain a copy of the written notice for at least three years.

#### **J. Inactive Operations**

This section applies to any business or other operation ("operation") that is inactive, is within a capture zone, and at which there are regulated substances. For purposes of this section, "inactive" is defined to include those businesses or operations that are unoccupied and have no activity for at least thirty (30) days. Those who own or control such an inactive operation shall do the following:

1. Within 7 days of the operation becoming inactive, take such steps as necessary to secure the site such that vandals and all other persons cannot gain access to the regulated substances;
2. Within 30 days of the operation becoming inactive, provide to the Township Wellhead Protection Administrator a document that identifies the site, the date of inactivity, the regulated substances, quantities and storage conditions that exist on site, and the name, address, email address and phone number(s) of both the owner and the person in control of the site; and
3. Within 6 months of the operation becoming inactive, remove all regulated substances from the site. This does not include those substances used for heating, cooling, or electrical lighting.

#### **K. Enforcement**

1. Whenever the Township determines that a person has violated a provision of this Ordinance, the Township may order compliance by

issuing a written Notice of Violation to the responsible person/facility.

2. If the Township requires abatement of a violation and/or restoration of affected property, the notice shall set forth a deadline by which such action must be completed. Said notice may further advise that, should the violator fail to remediate or restore within the established deadline, the work will be performed by the Township, with the resulting expense thereof charged to the violator.
3. Nothing within this section shall limit the Township's authority to seek injunctive relief and/or a search warrant allowing entry onto the premises and abatement of the violation to protect the public health, safety and welfare.

#### **L. Variance / Appeal Rights**

1. If an owner of property within a capture zone believes the requirements of this ordinance impose an unreasonable burden on the use of the owner's property, the owner may seek a variance from the Township Wellhead Protection Administrator (or his or her designee). Such a request must be in writing with enough detail to allow the Township Wellhead Protection Administrator to understand the situation and proposed variance. If the Township Wellhead Protection Administrator determines that additional information is needed, the request for additional information shall be made within 30 days of the owner's request. Within 30 days of the receipt of such additional information, or, if no such request is made, within 30 days of the owner's request, the Township Wellhead Protection Administrator shall issue a written response to the owner. The response shall grant, deny, or grant partial or different relief than was requested. A grant, partial or complete, may relieve the property owner from strict compliance of this ordinance. Reasonable conditions may be imposed as part of such a grant. The Township Wellhead Protection Administrator shall be guided by the primary goal of protecting the municipal well fields without creating undue hardship upon the property owners affected.
2. Any person receiving a Notice of Violation or whose variance request has been denied in whole or in part may appeal the determination set forth within the Notice or the variance decision to the Township Wellhead Protection Board of Appeals by submitting a written notice of appeal to the Township. The notice of appeal must be received by the Township Wellhead Protection Administrator within 30 days from the date of the Notice of Violation, with enough detail to allow the Township Wellhead

Protection Board of Appeals to understand the situation. Within 30 days of the receipt of such an appeal, the Wellhead Protection Board of Appeals shall set the matter for hearing. Notice of the hearing shall be given in writing to the applicant and to the City of Kalamazoo Department of Public Services Director. The applicant shall be given the opportunity to present evidence at the hearing in person or in writing or by representative. The Board of Appeals shall issue a written decision on the appeal. The Township Wellhead Protection Board of Appeals' response shall affirm, reverse, or modify the Notice of Violation being appealed.

3. If the person who has made an appeal does not agree with the Township Wellhead Protection Board of Appeals' decision, said person may appeal the matter by filing an appeal in the Kalamazoo Circuit Court, which may affirm, reverse or modify the decision being appealed. Such an appeal must be filed within 30 days of the Township Wellhead Protection Board of Appeals' decision.

#### **M. Abatement / Remedial Activities by the Township**

1. Any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense. The Township is authorized to take any legal action necessary to abate, enjoin, or otherwise compel the cessation of such nuisance.
2. The Township may seek authority to enter the premises to take or may contract with others to take reasonable and necessary abatement or remedial activities whenever the Township determines a violation of this Ordinance has occurred and that the responsible party cannot or will not timely correct the violation, or when no known responsible party exists. The responsible party shall reimburse the Township for all reasonable expenses thus incurred by the Township.
3. The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable local, state, or federal law and it is within the discretion of the Township to seek cumulative remedies.

#### **N. Violation & Penalty**

Any violation of this Ordinance or any order made in accordance with this Ordinance constitutes a misdemeanor, punishable by a fine of not more than \$500.00 or imprisonment of not more than 90 days, together with repayment of

costs incurred by the Township in prosecuting the action; in abating the violation or seeking injunctive relief. Each day a violation exists shall be deemed to be a separate violation. A citation under this Ordinance may be issued by a sheriff's deputy, the Township's Ordinance Enforcement Officer or the Township's Wellhead Protection Administrator.

**SECTION II REPEALER:**

All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

**SECTION III SEVERABILITY:**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION IV EFFECTIVE DATE:**

This Ordinance is effective on the 30<sup>th</sup> day following publication of a summary thereof, after adoption by the Township Board.



# Memorandum



**Date:** January 2<sup>nd</sup>, 2024  
**To:** Township Board  
**From:** Greg Fountain, Maintenance Director  
**Subject:** Proposal and Consideration: Roof Replacement  
Township Hall, Sections #1-4, and  
Township Fire Station 5-1, Sections #5-10

PROPOSED MOTION: I make a motion to approve the replacement of the flat roof sections of Township Hall #1-4 and Fire Station 5-1 #5-10 and authorize the Supervisor to sign the contract with Langerak Roof Systems.

---

## Objective

Replace flat roof sections #1-4 of Township Hall and #5-10 of Station 5-1.

### **Township Hall Flat Roof Sections #1 – 4 Existing System**

- Section 1, Township Hall Meeting Room
- Section 2, Township Hall Meeting Room
- Section 3, Sheriff quarters and public restrooms
- Section 4, Hallway

### **Township Fire Station 5-1 Sections #5 – 10 Existing system**

- Section 5, Offices, Sleeping quarters and uniform storage areas
- Section 6, Large apparatus bay
- Section 7, Storage and mechanical rooms
- Section 8, Restrooms and fitness room
- Section 9, Hose drying tower
- Section 10, Small apparatus bay

## Background

The current roofing described above was installed in 1992. It is well past the expected 20-year life span and is now 32 years old. Deficiencies noted:

- Delaminated seams
- Rips and tears
- Tenting along vertical transitions
- Tenting on flat area's
- Ponding of water indicating poor drainage
- Severe water intrusion in section 5 and 7

Water intrusion is obvious and noted in several sections of the roof. A detailed thermographic scan of the roof performed by True Vektor, Inc. in August of 2023 found water intrusion in several of these 10 sections.

## **Information Provided**

Bids were obtained from five vendors.

- Five Star Commercial Roofing, 7290 West 600 South St. New Palestine, IN
- Division 7 Commercial Roofing Specialist, 8179 Neptune Drive, Kalamazoo MI.
- Langerak Roof Systems, 4266 Corporate Exchange Drive, Hudsonville, MI
- Vanbeck's Roofing & Siding, 1121 King Highway, Kalamazoo MI
- The Garland Company, 3800 East 91<sup>st</sup> Street, Cleveland, OH
- Proposals ranged in price from \$100,000 to \$500,000.

The bids were carefully reviewed by the Oshtemo Building and Grounds Committee and were narrowed down for further consideration. A representative from Langerak Roof Systems was brought in to discuss in-depth details of their proposal with the Oshtemo Building and Grounds Committee. A consensus was reached that Oshtemo Township should move forward with Langerak Roof Systems.

- Total estimated costs
  - Township Hall Sections #1-4
    - \$85,708
  - Fire Station 5-1 Sections #5-10
    - \$138,446
  - Additional costs of \$10,000 for appropriate electrical and plumbing adjustments will need to be considered.
- Attachments: True Vektor thermographic scan, Inspector's report, Langerak Roofing Systems proposal.

## **Core Values**

Sustainability, Integrity, Fiscal Stewardship



True Vektor, Inc.  
2612 Champion Way  
Lansing, MI 48910  
(517) 862-9100

# Thermographic Scan Proposal

July 24, 2023

## OVERVIEW

This proposal is prepared for:

**Oshtemo Charter Township**  
**7275 W Main St, Kalamazoo, MI 49009**

The scope of the thermographic scan and report proposed is limited to the roof surface areas highlighted in the image below with an approximate total measurement of 15,800 sqft.



---

## **DELIVERABLE REPORT**

The report to be produced is intended to present images and data collected during the inspection process and to a limited extent the inspector's opinion of the condition of the areas inspected. The findings are based on a specific time/scope in the unique conditions presented at the time of inspection. The inspection is limited to readily accessible systems or components of the property.

No guarantees are implied with respect to future deficiencies or conditions. No engineering, geological, design, environmental, biological, health related or code compliance evaluations of the property will be performed. The information in the report will be prepared exclusively for the named client and/or their authorized representative.

## **WHAT IS THERMOGRAPHY?**

Infrared thermography is the process of acquisition and analysis of thermal information from non-contact thermal imaging devices. The thermal information gathered by the imaging device is a combination of emitted and reflected thermal radiation. Ideal environmental conditions during an infrared thermal scan includes wind speed of less than 15MPH and recent rainfall but not within a 24 hour period prior to the inspection.

On roofing systems the primary purpose of using this method is detection of unwanted water that has made its way past the moisture barrier of a roofing membrane. To identify these 'problem' areas we take advantage of the thermally conductive nature of water, recording apparent temperatures on the structure at or around sunset when the roofing membrane has begun to cool and the moisture therein still holds some heat. The temperature differential between the various elements observed allows us to identify issues a visual inspection is less likely to locate.

## **AGREEMENT**

The scope of work includes on-site thermographic inspection of the area defined in the 'Overview' section of this document and production of a report with findings from the inspection. The following quoted price for services to be rendered can be considered firm for a period of 60 days from the date of this proposal.



*Thank you for considering True Vektor for your thermography needs.*

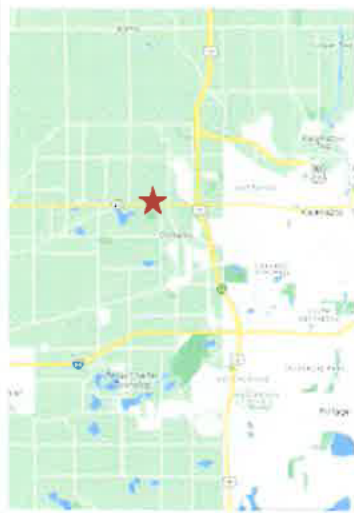
**OVERVIEW**

An inspection of the building was completed in 2019 for Rick Everett. The roofs were installed in 1992 and are well past their expected 20 year life span. This can be attributed to good original details like counterflashing and proper drainage. At the time of the inspection in 2019 we found many of the expected deficiencies of a roof of this age:

- Delaminating Seams
- Rips and Tears
- Tenting Along Vertical Transitions

Since 2019 these conditions have only gotten worse, confirmed by the results of the updated thermal scan.

**LOCATION MAP**



**OSHTEMO CHARTER TOWNSHIP  
ROOF INSPECTION**

7275 W MAIN ST  
KALAMAZOO, MI 49009

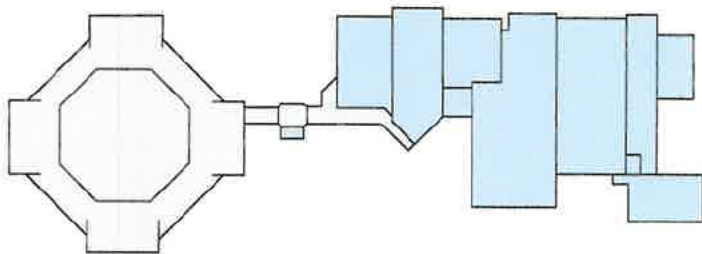


DETAILS AND  
DRAWINGS

**OSHTEMO TOWNSHIP**  
7275 W MAIN ST  
KALAMAZOO, MI 49009

**SITE MAP**

ROOFING SECTIONS INCLUDED IN INSPECTION



**NOTES**

All comments, recommendations, and analysis are the opinions of the individual completing the inspection. They do not constitute the official position of the Garland Company. This report was generated by a manufacturer's representative and not a licensed architect, engineer, or consultant.

All measurements are for reference only. Contractors should verify all measurements and field conditions before bidding on any work.

**DRAWING INDEX**

- A1 - COVER SHEET
- A2 - ROOF PLAN - SYSTEM OVERVIEW
- A3 - DRONE OVERVIEW
- T1 - THERMAL SCAN
- S1 - EPDM SOLUTION OPTIONS
- S2 - LIFECYCLE COSTS

**Existing System**

**EPDM SECTIONS:**  
METAL DECK  
VAPOR BARRIER  
2" POLY ISO INSULATION  
EPDM MEMBRANE

**TPO SECTIONS (6 & 10):**  
METAL DECK  
VAPOR BARRIER  
2" POLY ISO INSULATION  
TPO MEMBRANE

SHEET TITLE:

**COVER SHEET**

SHEET NO.

**A1**



ESTABLISHED 1839  
**Oshtemo**  
CHARTER TOWNSHIP

DETAILS AND DRAWINGS

**OSHTEMO TOWNSHIP**  
7275 W MAIN ST  
KALAMAZOO, MI 49009

SHEET TITLE:

**DRONE**

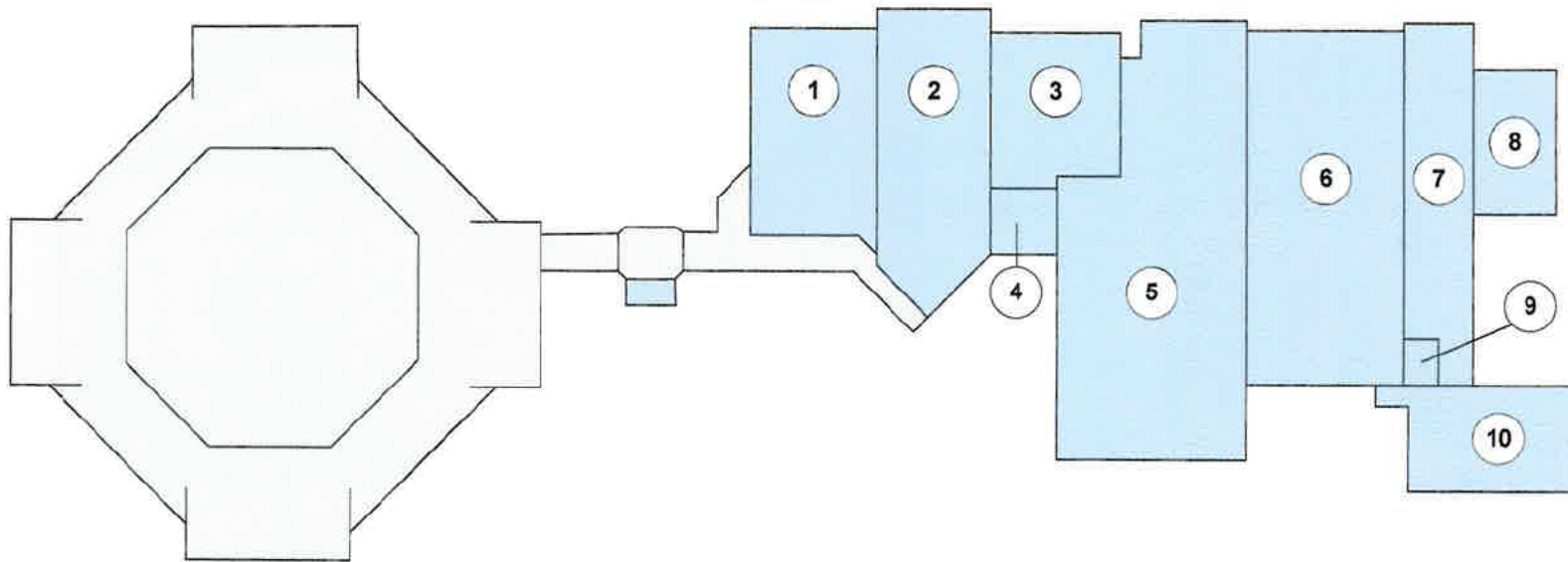
SHEET NO.

**A3**

MICHIGAN IRON INDUSTRY MUSEUM  
ROOF SECTION OVERVIEW

SINGLE PLY

SHINGLE



SECTION 1:	1,500 SF	SECTION 6:	3,250 SF
SECTION 2:	1,900 SF	SECTION 7:	1,200 SF
SECTION 3:	1,000 SF	SECTION 8:	750 SF
SECTION 4:	200 SF	SECTION 9:	125 SF
SECTION 5:	4,000 SF	SECTION 10:	1,100 SF
<b>TOTAL: 15,025 SF</b>			



DETAILS AND DRAWINGS

**OSHTEMO TOWNSHIP**  
7275 W MAIN ST  
KALAMAZOO, MI 49009

SHEET TITLE:  
**ROOF PLAN**

SHEET NO.  
**A2**

## ROOF SECTION THERMAL RESULTS



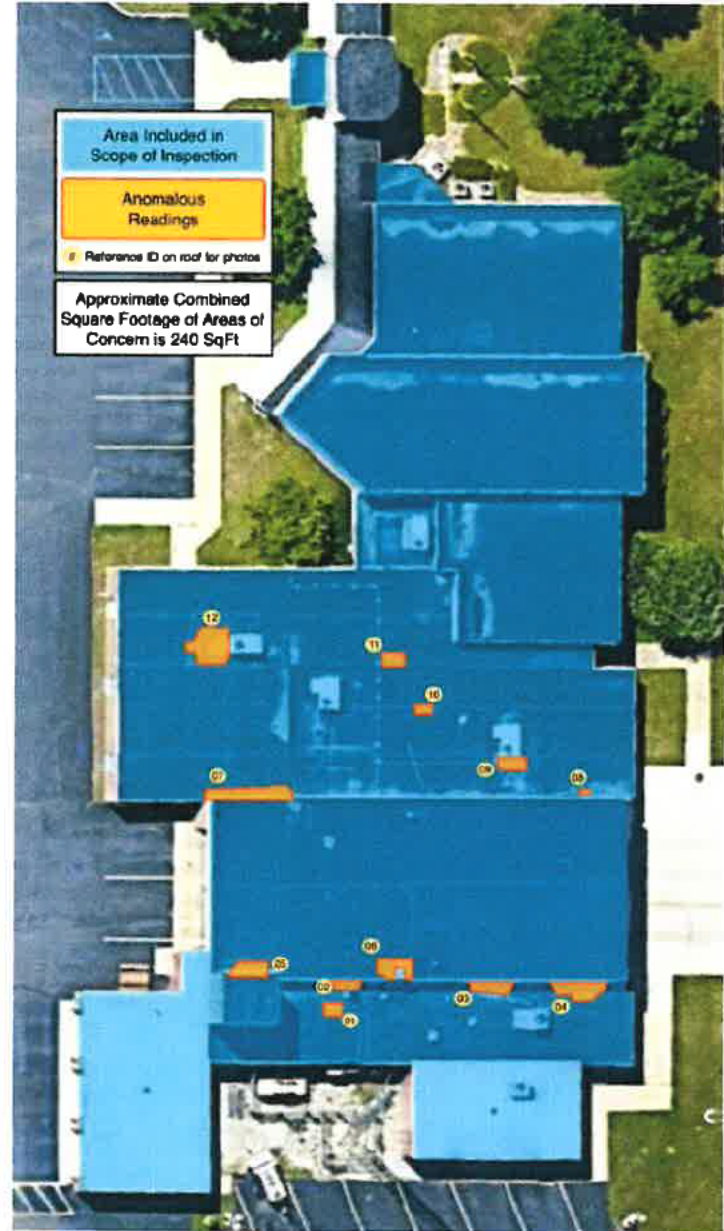
2019 RESULTS

**SUMMARY:**

The building was scanned in 2019 when we completed our first inspection of the flat roofs. At that time there was only 40 sqft of wet Insulation identified.

Since then little to no preventative maintenance has been completed. In that time the wet Insulation has increased to approximately 240 sqft of wet insulation.

This is to be expected as the roof is past it's expected lifespan and continuing to degrade. At this time the wet insulation is still minor enough to consider a fluid applied restoration of the system, but action should be taken as soon as possible. If the wet insulation grows to 1,500 sqft, or greater than 10% of any given roof section, a full tear off and replacement will be necessary.



DETAILS AND DRAWINGS

**OSHTEMO TOWNSHIP**  
7275 W MAIN ST  
KALAMAZOO, MI 49009

SHEET TITLE:  
**THERMAL & CORE ANALYSIS**

SHEET NO.

**T1**



EXISTING ROOFING SYSTEM:



**SOLUTION OPTIONS:**

**MEMBRANE OPTION #1**

**SINGLE PLY REPLACEMENT**

- 1.) Remove the existing roof system down to the existing metal deck
- 2.) Install a new vapor barrier and R-30 base layer of poly iso insulation.
- 3.) Install a tapered insulation system and new drain sumps.
- 4.) Fully adhere a ½" cover board to the field of the roof.
- 5.) Raise all curbs and flashing details to accommodate the new roof depth.
- 6.) Install a new 60 mil KEE membrane system to the field and all flashings.
- 7.) Install new ANSI-SPRI ES1 rated edge metal and counterflashing.

**WARRANTY: 20-YEARS**

**BUDGET: \$500,000 - \$550,000**

NEW ROOFING SYSTEM:



EXISTING ROOFING SYSTEM:



**MEMBRANE OPTION #2**

**SINGLE PLY RETROFIT**

- 1.) Remove the existing EPDM membrane and any damaged insulation.
- 2.) Install a layer of poly iso insulation to reach a minimum R-30.
- 3.) Install a tapered insulation system and new drain sumps.
- 4.) Fully adhere a ½" cover board to the field of the roof.
- 5.) Raise all curbs and flashing details to accommodate the new roof depth.
- 6.) Install a new 60 mil KEE membrane system to the field and all flashings.
- 7.) Install new ANSI-SPRI ES1 rated edge metal and counterflashing.

**WARRANTY: 20-YEARS**

**BUDGET: \$350,000 - \$400,000**

NEW ROOFING SYSTEM:



EXISTING ROOFING SYSTEM:



**MEMBRANE OPTION #3**

**FLUID APPLIED RESTORATION**

- 1.) Clean the existing membrane to remove any debris and carbon buildup
- 2.) Remove and replace any damaged insulation and return the roof to watertight.
- 3.) Repair any deficiencies to the existing membrane per NRCA guidelines
- 4.) Install a fully reinforced Polyurea membrane with at a minimum of 5 gal/sq

**WARRANTY: 20-YEARS**

**BUDGET: \$250,000 - \$300,000**

NEW ROOFING SYSTEM:



DETAILS AND DRAWINGS

**OSHTEMO TOWNSHIP**  
7275 W MAIN ST  
KALAMAZOO, MI 49009

SHEET TITLE:

**OPTIONS**

SHEET NO.

**S1**

NEW ROOFING SYSTEM:



NEW ROOFING SYSTEM:



NEW ROOFING SYSTEM:



**MEMBRANE OPTION #1**      **SINGLE PLY REPLACEMENT**

**WARRANTY:**                      **20-YEARS**  
**INITIAL BUDGET:**                **\$550,000**

Option At End of Life (Year 20)  
 Restore Existing SPM:            \$600,000  
 Repeat Replacement:            \$1,100,000

**Total Cost of Ownership(40 years):      \$1,150,000 - \$1,650,000**

**MEMBRANE OPTION #2**      **SINGLE PLY RETROFIT**

**WARRANTY:**                      **20-YEARS**  
**INITIAL BUDGET:**                **\$400,000**

Option At End of Life (Year 20)  
 Restore Existing SPM:            \$600,000  
 Full Replacement:                \$1,100,000

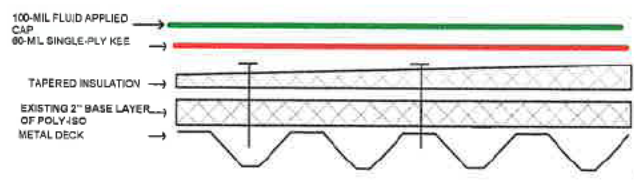
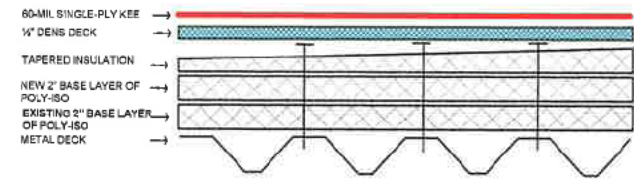
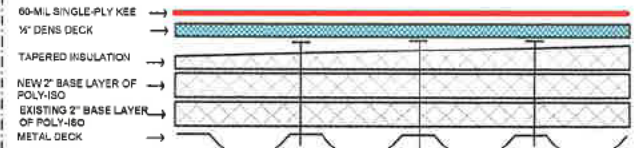
**Total Cost of Ownership(50 years):      \$1,000,000 - \$1,500,000**

**MEMBRANE OPTION #3**      **FLUID APPLIED RESTORATION**

**WARRANTY:**                      **20-YEARS**  
**INITIAL BUDGET:**                **\$300,000**

Option At End of Life (Year 20)  
 Skim Coat Existing System:      \$250,000  
 Retrofit System:                    \$800,000

**Total Cost of Ownership(50 years):      \$550,000 - \$1,100,000**



DETAILS AND DRAWINGS

**OSHTEMO TOWNSHIP**  
 7275 W MAIN ST  
 KALAMAZOO, MI 49009

SHEET TITLE:

**OPTIONS**

SHEET NO.

**S2**



4266 Corporate Exchange Drive  
Hudsonville, MI 49426

Office: (616)-896-1397  
Fax: (616)-896-8690  
www.lrsroof.com



9/29/2023

Mr. Greg Fountain  
Oshtemo Township  
7275 W Main Street  
Kalamazoo, MI 49009

We, at Langerak Roof Systems, Inc., are pleased to offer this roofing proposal for the Roof Sections 1 - 4 Of Your Township Hall Building per the following:

- Remove existing roofing membrane and dispose of properly.
- Re-use the existing insulation.
- Furnish and Install a top layer of 1.5" FIRESTONE/ELEVATE Polyisocyanurate Roof Deck Insulation, fastened to the deck.
- Furnish and Install a **FIRESTONE/ELEVATE** Adhered 60 Mil Rubber Roof System.
- Furnish and Install tapered roof saddles. By adding additional insulation, we will be installing 1' X 1' cant, tapering down to the scuppers. This will lead to some water coming out of the scuppers. Please refer to the taper drawings
- Furnish and Install tapered drain sets at each drain to enhance drainage.
- Furnish and Install roof related equipment flashings.
- Furnish and Install roof related membrane wall flashings.
- Furnish and Install counter flashing where applicable.
- Furnish and Install prefinished metal edging (in standard colors) on perimeters.
- Furnish and Install wood nailers as required to accommodate the height of the new insulation.
- Furnish and Install tie off into existing roof.

A **FIRESTONE/ELEVATE** 20 Year Labor and Material Warranty covering all materials supplied by **FIRESTONE/ELEVATE** and their associated labor. This to be issued for this project upon the roof's completion, after inspection by the **FIRESTONE/ELEVATE** Technical Representative and after receipt of final payment.

**TOTAL PRICE:**

- Section #1. - \$24,305.00 Includes replacing a 4' X 4' pc of wood deck.
- Section #2. - \$28,796.00
- Section # 3 - \$20,465.00
- Section # 4 - \$10,314.00
- If you proceed with all 4 Sections at the same time, you may deduct. \$4,680.00

**BID QUALIFICATIONS:** Our proposal EXCLUDES any (unless otherwise noted) mechanical, decking, structural, carpentry, plumbing, masonry, electrical (including work related to conduits installed in the flutes of the deck), interior dust, debris, moisture, and traffic control, interim or final product protection, more than one mobilization for LRS or any of its trade contractors, and snow removal (if applicable).



4266 Corporate Exchange Drive  
Hudsonville, MI 49426

Office: (616)-896-1397  
Fax: (616)-896-8690  
www.lrsroof.com



Mr. Greg Fountain  
Oshtemo Township  
9/29/2023  
Page 2 of 2

NOTES:

1. **This proposal does include building permits.**
2. This proposal is not to be utilized as a design specification.
3. The price is valid for 30 days from the proposal date.
4. The EIFS will need to be replaced or at the least, resealed.
5. If any deteriorated insulation is found, LRS will replace it for 4.25 per sq ft.
6. If any deteriorated deck is found, LRS will replace it for 8.75 per sq. ft.
7. We are planning on installing a tapered cant sloping down to the scuppers the scuppers. This will allow some water to come out of the scuppers, but it should enable leaving the scuppers where they are. If not, these will need to be adjusted by the owner.

Please note that the "General Conditions" attached are part of the proposal. (If they are not, please request a copy from our office) By accepting the proposal, either by signing below or by issuing a purchase order or otherwise, you agree to these conditions as well as to the terms contained in this proposal.

If you should have any questions, please feel free to contact me at your convenience.

Respectfully,  
LANGERAK ROOF SYSTEMS, INC.

Mike Langerak

ACCEPTED BY:

\_\_\_\_\_

DATED:

\_\_\_\_\_

See Reverse Side for General Conditions



4266 Corporate Exchange Drive  
Hudsonville, MI 49426

Office: (616)-896-1397  
Fax: (616)-896-8690  
www.lrsroof.com



9/29/2023

Mr. Greg Fountain  
Oshtemo Township  
7275 W Main Street  
Kalamazoo, MI 49009

We, at Langerak Roof Systems, Inc., are pleased to offer this roofing proposal for the Roof Sections 5 - 10 Of Your Township Hall Building per the following:

- Remove existing roofing membrane and dispose of properly.
- Re-use the existing insulation.
- Furnish and Install a top layer of ½" or 1.5" or 2" to meet code (R=20) FIRESTONE/ELEVATE Polyisocyanurate Roof Deck Insulation, fastened to the deck.
- Furnish and Install a **FIRESTONE/ELEVATE** Adhered 60 Mil Rubber Roof System.
- Furnish and Install tapered roof saddles. By adding additional insulation, we will be installing 1' X 1' cant, tapering down to the scuppers. This will lead to some water coming out of the scuppers. Please refer to the taper drawings
- Furnish and Install tapered drain sets at each drain to enhance drainage.
- Furnish and Install roof related equipment flashings.
- Furnish and Install roof related membrane wall flashings.
- Furnish and Install counter flashing where applicable.
- Furnish and Install prefinished metal edging (in standard colors) on perimeters.
- Furnish and Install wood nailers as required to accommodate the height of the new insulation.
- Furnish and Install tie off into existing roof.

A **FIRESTONE/ELEVATE** 20 Year Labor and Material Warranty covering all materials supplied by **FIRESTONE/ELEVATE** and their associated labor. This to be issued for this project upon the roof's completion, after inspection by the **FIRESTONE/ELEVATE** Technical Representative and after receipt of final payment.

**TOTAL PRICE:**

- Section #5. - \$44,222.00
  - Section #6. - \$31,653.00
  - Section # 7 - \$21,982.00
  - Section # 8 - \$14,762.00
  - Section # 9 - \$7,183.00
  - Section # 10 \$16,984.00
- If you proceed with all 6 Sections at the same time, you may deduct. \$8,100.00

**BID QUALIFICATIONS:** Our proposal EXCLUDES any (unless otherwise noted) mechanical, decking, structural, carpentry, plumbing, masonry, electrical (including work related to conduits installed in the flutes of the deck), interior dust, debris, moisture, and traffic control, interim or final product protection, more than one mobilization for LRS or any of its trade contractors, and snow removal (if applicable).



4266 Corporate Exchange Drive  
Hudsonville, MI 49426

Office: (616)-896-1397  
Fax: (616)-896-8690  
www.lrsroof.com



Mr. Greg Fountain  
Oshtemo Township  
9/29/2023  
Page 2 of 2

NOTES:

1. **This proposal does include building permits.**
2. This proposal is not to be utilized as a design specification.
3. The price is valid for 30 days from the proposal date.
4. The EIFS will need to be replaced or at the least, resealed.
5. If any deteriorated insulation is found, LRS will replace it for 4.25 per sq ft.
6. If any deteriorated deck is found, LRS will replace it for 8.75 per sq. ft.
7. We are planning on installing a tapered cant sloping down to the scuppers the scuppers. This will allow some water to come out of the scuppers, but it should enable leaving the scuppers where they are. If not, these will need to be adjusted by the owner.

Please note that the "General Conditions" attached are part of the proposal. (If they are not, please request a copy from our office) By accepting the proposal, either by signing below or by issuing a purchase order or otherwise, you agree to these conditions as well as to the terms contained in this proposal.

If you should have any questions, please feel free to contact me at your convenience.

Respectfully,  
LANGERAK ROOF SYSTEMS, INC.

Mike Langerak

ACCEPTED BY:

\_\_\_\_\_

DATED:

\_\_\_\_\_

See Reverse Side for General Conditions



4266 Corporate Exchange Drive  
Hudsonville, MI 49426

Office: (616)-896-1397  
Fax: (616)-896-8690  
www.lrsroof.com



11/9/2023

Mr. Greg Fountain  
Oshtemo Township Hall  
7275 West Main St.  
Kalamazoo, MI 49009

We, at Langerak Roof Systems, Inc., are pleased to offer this roofing proposal for adhering Tan TPO over the existing EFIS where highlighted on the roof diagrams per the following:

Re-use the existing EFIS insulation.

Furnish and Install a **FIRESTONE/ELEVATE** Adhered Tan 45 Mil TPO Roof System to the existing EFIS wall flashing where highlighted on the roof diagrams.

Furnish and Install tie off into existing roofs.

A 2 Year Langerak Roof Systems, Inc. Warranty covering all materials supplied by LRS and their associated labor. This to be issued for this project upon the roof's completion and after receipt of final payment. This installation will not be included in the manufacturer's extended warranty due to EFIS not being an approved substrate. We can furnish and install an approved substrate over the EFIS, but that would add to the cost of the project.

TOTAL PRICE: \$ 16,268.00

BID QUALIFICATIONS: Our proposal EXCLUDES any (unless otherwise noted) mechanical, decking, structural, carpentry, plumbing, masonry, electrical (including work related to conduits installed in the flutes of the deck), interior dust, debris, moisture, and traffic control, interim or final product protection, more than one mobilization for LRS or any of its trade contractors, and snow removal (if applicable).

NOTES:

1. This proposal does include a permit.
2. This proposal is not to be utilized as a design specification.
3. This price will be valid for 30 days from the date of the proposal.

Please note that the "General Conditions" attached are part of the proposal. (If they are not, please request a copy from our office) By accepting the proposal, either by signing below or by issuing a purchase order or otherwise, you agree to these conditions as well as to the terms contained in this proposal.

If you should have any questions, please feel free to contact me at your convenience.

Respectfully,  
LANGERAK ROOF SYSTEMS, INC.

Mike Langerak

ACCEPTED BY:

\_\_\_\_\_

DATED:

\_\_\_\_\_

LANGERAK ROOF SYSTEMS, INC.  
GENERAL CONDITIONS

The following General Conditions are part of every proposal and invoice for work to be performed, or has been performed, by Langerak Roof Systems, Inc. ("LRS"), unless the particular proposal to which they are attached specifically says otherwise. In these General Conditions, "you" means the person or entity to whom the proposal is addressed.

Acceptance. If you accept the proposal, either by signing a copy or by issuing a purchase order or otherwise, you are agreeing to all the terms and conditions described in the proposal and these General Conditions. Nothing contained in any purchase order issued by you, and no modification of the proposal or these General Conditions made by you, shall be part of the contract between you and LRS unless it is accepted in writing by LRS. Any changes made must explicitly reference the LRS Proposal or its General Conditions to be in effect.

Changes. No changes to the contract shall be binding or enforceable unless they are approved in writing by both you and LRS.

The pricing for this quote is based upon the most accurate pricing available to be valid through the time frame above. However, if there are any conditions beyond our control that affect the pricing or availability of materials, labor, etc., the pricing of the proposal may need to be adjusted before the end of the time frame noted above.

Payment. Terms of payment are net 25 days. A finance charge equal to the lesser of 1-1/2 percent per month or the highest rate permitted by law shall be charged on past due payments. The price quoted in the proposal is based on no retainage and monthly progress payments, if applicable, due on the 25th day of each month, including materials stored both onsite and offsite. Final payment is due no later than 25 days after LRS notifies you that its work has been substantially completed. Any claim you may have for alleged defects in the work shall not be grounds for withholding payment of the contract price but shall be subject to the dispute resolution provisions described below.

Warranty. The warranty, if any, described in the proposal is the only warranty provided by LRS as part of the proposal.

Unknown Conditions. Repair or replacement of rotted, rusted, or otherwise compromised roof decking, carpentry, masonry, or other materials discovered after an existing roof is removed will result in additional charges. LRS will not be responsible for dust, debris, ceiling components that may fall from below the roof deck, or electrical conduits pierced that are run in the flutes on the bottom side of the deck, during roofing operations. This includes any resultant delay or interruption of operations during re-roof process.

Limitations on LRS Liability. LRS will indemnify you and defend you against and hold you harmless from any claim, injury, damage, cost, expense, or liability caused by any defective performance of LRS's work or its breach of its contract with you or by any negligence or wrongful act of LRS or its employees. Otherwise, you retain all liability for and are responsible for insuring against any direct, indirect, incidental, or consequential damages (specifically including damages relating to mold, mildew, dry rot, or similar agents) relating to the project.

If a roof membrane is installed over an existing system, LRS shall have no responsibility for water penetration or mold growth that occurs as a result of moisture contained in the old, or former, roofing system.

If a roof tear-off is performed, LRS shall not be responsible for damages caused by (a) water penetration into the building resulting from moisture contained or trapped in or under the existing roof surface that is released during tear-off, and (b) penetration of dust, dirt, or mold spores into the building resulting from the tear-off. Unless written arrangements are made in advance, LRS shall not be responsible for damages from leaks through any area of the existing (present) roof surface where LRS has not performed tear-off surface preparation work.

Environmental Matters. Prior to LRS's commencement of performance of its work, you shall, at your expense, conduct all appropriate tests of substances and materials above and below the roof deck to determine if (a) asbestos or similar hazardous materials or (b) mold of such type or in such quantity as to require remediation ("potentially harmful materials") are present, above or below the roof deck, which could be disturbed or otherwise affected by LRS's work under this contract, and you shall deliver the results of such tests to LRS. If such tests indicate the presence of potentially harmful materials, LRS may, at its option, (a) terminate its contract with you by giving you written notice; (b) delay commencement of performance of its work under this contract until such potentially harmful materials and any hazards connected with them are located and abated, encapsulated, or removed (in which case LRS shall receive an extension of time to complete its work and compensation for delays encountered as a result of such situation and correction); or (c) proceed to locate, abate, encapsulate, and remove such potentially harmful materials and any hazards connected with them for a price to be determined by mutual agreement between you and LRS. If LRS proceeds with its work under this agreement on the assumption that there are not potentially harmful materials present based upon your representation to that effect or upon results of tests conducted prior to beginning work and does in fact encounter any such potentially harmful materials in the course of performing its work, or if such potentially harmful materials are encountered by any other firm performing work at the job site and LRS determines that such potentially harmful materials present a hazard to its employees, LRS shall have the right to discontinue its work and remove its employees from the job site until such potentially harmful materials and any hazards connected with them are located, abated, encapsulated, or removed. In such a case, LRS shall receive an extension of time to complete its work and compensation for delays encountered as a result of the situation.

To the extent permitted by law, you shall defend, indemnify and hold LRS harmless from any and all penalties, actions, liabilities, costs, expenses, and damages arising from or relating to the presence of potentially harmful materials at the work site. You release LRS from all claims and liabilities relating to such potentially harmful materials, including claims for subrogation. If LRS undertakes to locate, abate, encapsulate, or remove any potentially harmful materials present at the work site, provided LRS does so in accordance with applicable requirements established by the relevant governmental agencies, you agree to exonerate, indemnify, defend and hold harmless LRS from and against all claims, demands, and lawsuits and all damages, expenses, and losses incurred by LRS's removal of potentially harmful materials from the work site.

Dispute Resolution. If you have any claim against LRS arising out of work performed by LRS, you shall submit that claim to binding arbitration, pursuant to the rules of the American Arbitration Association, before a single arbitrator in Kent County, Michigan. If you and LRS cannot agree on the arbitrator, then an administrator of the American Arbitration Association shall select an appropriate arbitrator from among arbitrators of the Association with experience in construction. The decision of the arbitrator shall be final, and judgment on the award rendered by the arbitrator may be entered in any court of competent jurisdiction. If you fail to submit your claim to arbitration as provided in this paragraph within 180 days after the alleged claim arose, that failure will constitute a full and complete waiver by you of any right to damages and will forever bar the claim.

Acceptance of this proposal or any work included here in any way provides written authorization for the following: LRS Proposal shall be expressly included in any contract or other approval documents and in the event of any conflict between the LRS proposal and any other subcontract or other "approval to proceed" documents, LRS proposal governs; LRS may subcontract or assign any part of The Work as it so chooses; any approval of any submittal made relating to the work found in this proposal constitutes written approval of any deviation, substitution, or change made from contract documents, express or otherwise, and as such related work shall not be rejected or in any other way disapproved for this reason; LRS is excluded from any damages (liquidated or otherwise), penalties, or any other repercussions detrimental to LRS for not meeting any part of the schedule due to unforeseen events.



# Memorandum

**Date:** January 3, 2024  
**To:** Township Board  
**From:** Anna Horner, P.E., Public Works Director  
**Subject:** Introduction: Streets and Mobility Ordinance

---



## **Objectives**

Introduction of the Draft Streets and Mobility Ordinance to Township Board with presentation by Suzanne Schultz from Progressive AE to review the highlights and overarching concepts within the document.

## **Background**

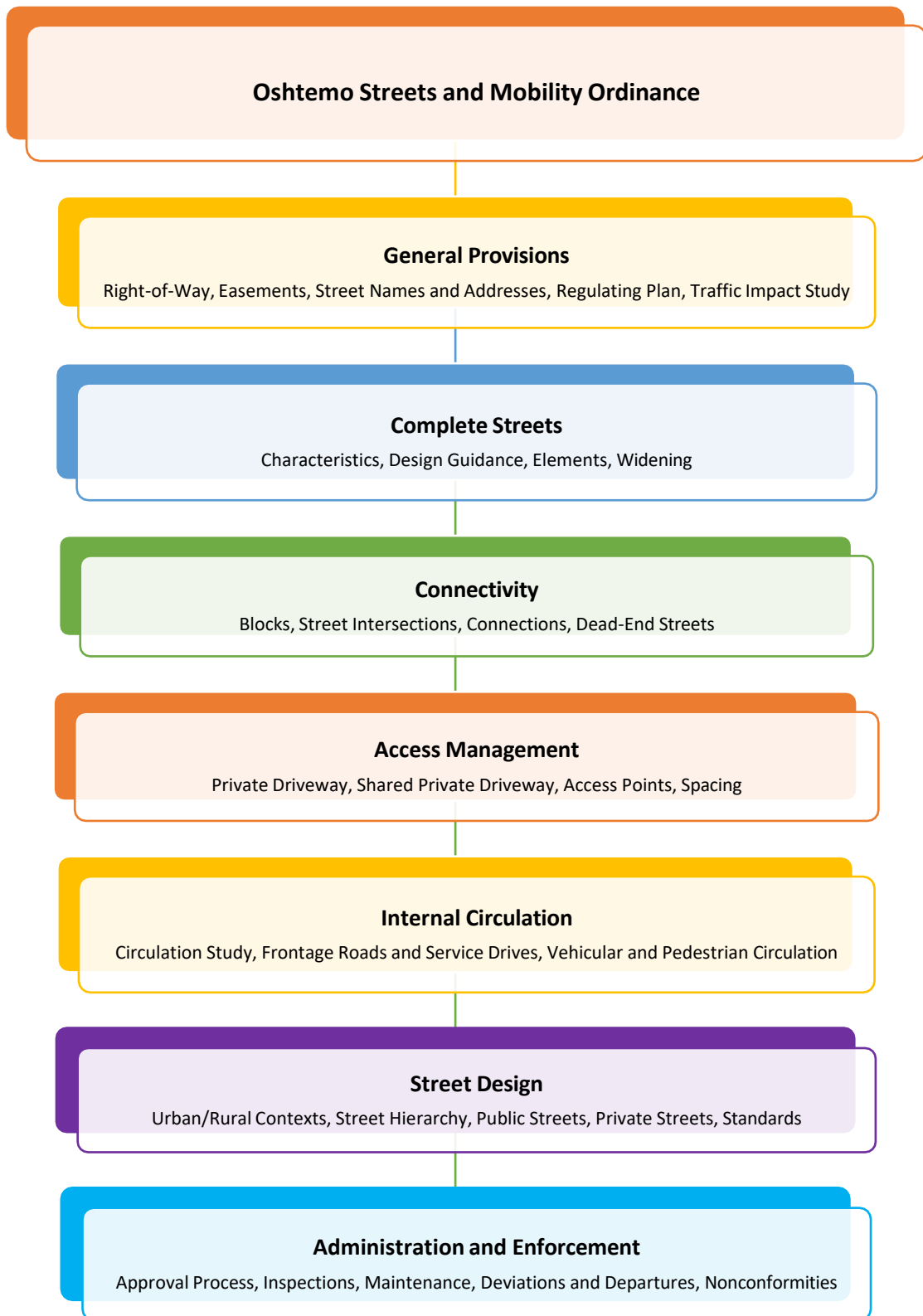
In the [2011 Master Plan](#), Chapter 5 discusses Transportation and Community Services starting on page 75. This section discusses the importance of planning of land use *with* the proper transportation network within the public right-of-way and the symbiotic relationship that these two areas can have to improve the quality of life for Oshtemo residents. With the proper connectivity, access management and network, the optimal street network, for all users, can be achieved.

One of the largest implementation tools of the Master Plan is the Township Zoning Ordinance. Throughout the Zoning Ordinance, there are varying qualifiers and design standards for Private Roads/Streets. Through recent development processes, faults with the various Private Road/Street Standards, or lack thereof, have come to light.

In early 2023, the Board authorized worked with Progressive AE to create a “temporary”, single ordinance Road/Street Ordinance to properly define *where, when and how* a Private Road/Street can be developed as well as a moratorium on private road development while this work occurred. Through-out work with the consultant, stakeholders and Township staff, this ordinance has become much more all-encompassing of many transportation principles and regulations and will be a general ordinance.

Although this is not a zoning ordinance, the Planning Commission has been heavily involved in the review of this document as it pertains to their work as well. Additionally, Progressive AE held a stakeholder meeting with the development community’s during this process for their input and staff has met with the Road Commission of Kalamazoo County for discussion and requested their review as well.

The intent is to have the first reading of this ordinance at the January 23, 2024 regular Board meeting.



# OSHTEMO CHARTER TOWNSHIP STREETS AND MOBILITY ORDINANCE

## Contents

<b>ARTICLE 1 – TITLE, PURPOSE, AND SCOPE.....</b>	<b>5</b>
Section 1.01 Title.....	5
Section 1.02. Authority.....	5
Section 1.03. Purpose and Intent. ....	5
Section 1.04. Effective Date.....	6
Section 1.05. Applicability .....	6
Section 1.06. Relationship to Adopted Plans.....	6
Section 1.07. Relationship to Other Laws and Agreements. ....	6
<b>ARTICLE 2 - DEFINITIONS.....</b>	<b>8</b>
Section 2.01 Rules of Construction and Organization .....	8
Section 2.02. Definitions.....	8
Section 2.03. Measurements.....	12
<b>ARTICLE 3 - GENERAL PROVISIONS .....</b>	<b>13</b>
Section 3.01. Applicability .....	13
Section 3.02. Right-of-Way .....	13
Section 3.03. Easements.....	13
Section 3.04. Street Names .....	13
Section 3.05. Street Addresses.....	14
Section 3.06. Street Signs.....	14
Section 3.07. Clear Vision Area.....	14
Section 3.08. Regulating Plan .....	15
Section 3.09. Traffic Impact Study .....	16
Section 3.10. Infrastructure and Service Needs. ....	18
<b>ARTICLE 4 – COMPLETE STREETS .....</b>	<b>20</b>
Section 4.01. Purpose and Intent. ....	20
Section 4.02. Applicability .....	20
Section 4.03. Characteristics.....	21
Section 4.04. Design Guidance. ....	21
Section 4.05. Elements in Regulating Plan.....	21

---

Section 4.06. Reserved. ....	22
Section 4.07. Widening.....	22
<b>ARTICLE 5 – CONNECTIVITY .....</b>	<b>23</b>
Section 5.01. Purpose and Intent. ....	23
Section 5.02. Applicability .....	23
Section 5.03. Blocks.....	23
Section 5.04. Street Intersections.....	24
Section 5.05. Connections. ....	24
Section 5.06. Dead-End Streets. ....	24
<b>ARTICLE 6 – ACCESS MANAGEMENT .....</b>	<b>26</b>
Section 6.01. Purpose and Intent. ....	26
Section 6.02. General. ....	26
Section 6.03. Private Driveway .....	26
Section 6.04. Shared Private Driveway.....	27
Section 6.06. Access Points. ....	27
Section 6.07. Spacing.....	28
Section 6.08. Emergency Access.....	29
<b>ARTICLE 7 – INTERNAL CIRCULATION .....</b>	<b><u>3130</u></b>
Section 7.01. Purpose and Intent.....	<u>3130</u>
Section 7.02. Applicability .....	<u>3130</u>
Section 7.03. Circulation Study.....	<u>3130</u>
Section 7.04. Frontage Roads and Service Drives.....	<u>3231</u>
Section 7.05. Vehicular Circulation .....	<u>3332</u>
Section 7.06. Pedestrian Circulation .....	<u>3533</u>
Section 7.07. Transit Access and Amenities. ....	<u>3634</u>
Section 7.08. Bicycle Facilities.....	<u>3634</u>
<b>ARTICLE 8 – STREET DESIGN.....</b>	<b><u>3736</u></b>
Section 8.01. Purpose and Intent.....	<u>3736</u>
Section 8.02. Context Zones.....	<u>3736</u>
Section 8.03. Types of Streets.....	<u>3837</u>
Section 8.04. Reserved.....	<u>3837</u>
Section 8.05. Public Streets.....	<u>3837</u>
Section 8.06. Private Streets. ....	<u>4039</u>

Section 8.07. Private Streets Standards.....4140

Section 8.08. Grading .....4241

Section 8.09. Green Infrastructure.....4342

Section 8.10. Sidewalks.....4544

**ARTICLE 9 – ADMINISTRATION AND ENFORCEMENT FOR PRIVATE STREETS .....4746**

Section 9.01. Administration and Interpretation .....4746

Section 9.02. Fees.....4746

Section 9.03. Approval Process.....4746

Section 9.04. Inspections.....5249

Section 9.05. Maintenance.....5349

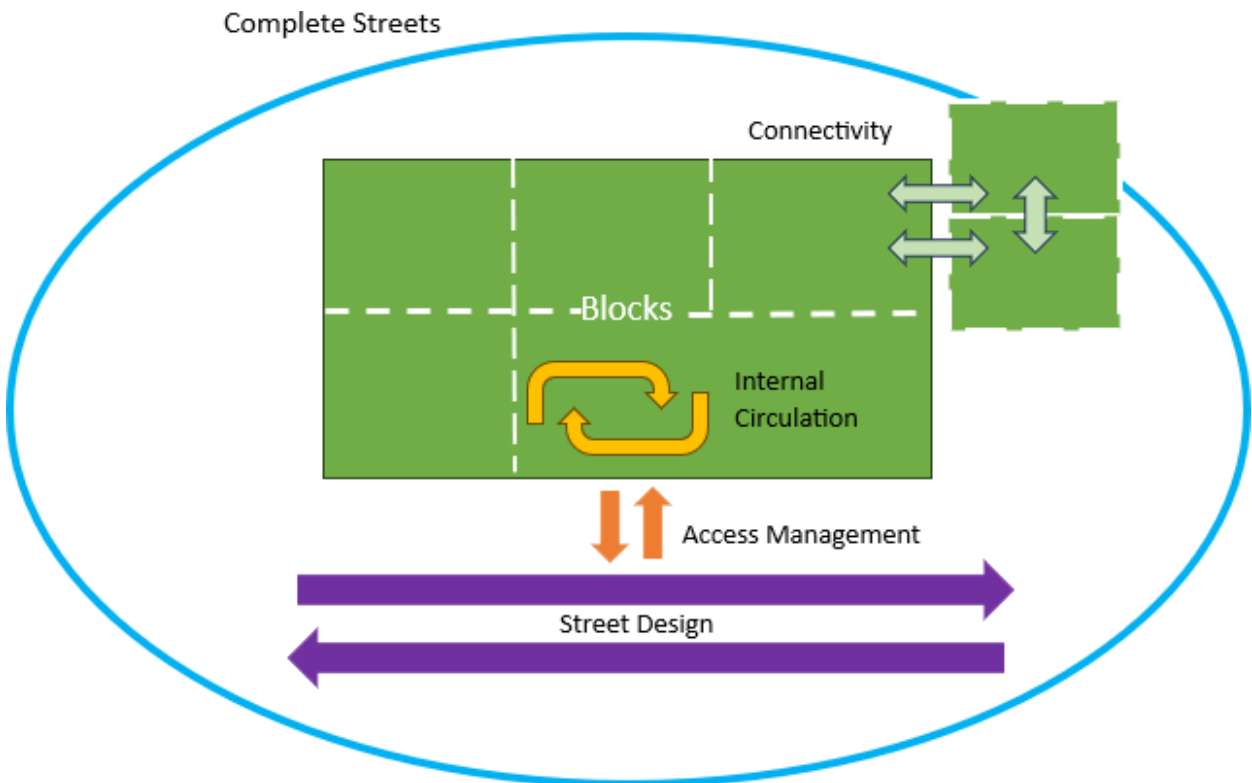
Section 9.06. Deviations.....5450

Section 9.07. Administrative Departures.....5451

Section 9.08. Nonconforming Situations.....5552

Section 9.09. Violation and Penalties.....5652

**ORGANIZING CONCEPT**



## ARTICLE 1 – TITLE, PURPOSE, AND SCOPE

### Section 1.01. Title.

This Ordinance shall be known as the "Transportation and Mobility Ordinance" of Oshtemo Charter Township, Michigan.

### Section 1.02. Authority.

This Ordinance is enacted pursuant to the authority granted by the Michigan Zoning Enabling Act 110 of the Public Acts of 2006, as amended.

### Section 1.03. Purpose and Intent.

- A. In addition to promoting the purposes provided in the Zoning Enabling Act, this Ordinance is necessary to promote the public health, safety, and general welfare of Oshtemo Township as well as to implement the themes, policies and goals contained in officially adopted plans, including the Oshtemo Township Master Plan, Go! Green Oshtemo Plan, Access Management Plan, and Complete Streets Policy.
- B. Oshtemo Township will seek to enhance the safety, access, convenience, and comfort for all users of all ages and abilities through the planning, design, operation, enforcement, and maintenance of the transportation network. To that end, the intent of this Ordinance is to:
  1. Expand an interconnected network of facilities accommodating each mode of travel consistent with the goals identified in the adopted Comprehensive Master Plan and other related planning documents.
  2. Eliminate traffic-related serious injuries and fatalities in keeping with Vision Zero for all people in our community to advance the public's interest in its health, safety, and welfare.
  3. Provide transportation options that are available, affordable, and reliable for all people to meet their daily travel needs regardless of age, ability, race, ethnicity, or economic status.
  4. Recognize that all streets are not the same: streets vary by type and intensity of adjacent land uses (context), number of travel lanes, posted speed limits, traffic volumes, available right-of-way, and other characteristics such as topography, soil types, and vegetation.
  5. Respect the fabric of the community by acknowledging and designing a transportation system best suited for urban and rural contexts, and the residential and commercial nature of uses, which co-exist with streets rights-of-way and street operations.
  6. Improve bicycle and pedestrian movement to reduce reliance on personal vehicle use, provide for improved circulation between and within development sites, create a transit-supportive environment, increase modal choice, and promote transportation options to reduce Vehicle Miles Traveled (VMT) and related vehicle emissions.
  7. Acknowledge the significant cost of "grey" infrastructure (streets and pipes) and the need to optimize the transportation system by avoiding the construction of unnecessarily over-sized streets and encouraging the use of "green" infrastructure (trees and vegetation) as a method to manage stormwater, manage travel speed, and extend the life of street assets.
  8. Facilitate economic development for the purposes of sustaining and increasing tax revenue to support the maintenance and operations of public facilities and increasing property values.

9. Improve public health outcomes and recreational opportunities by promoting and enabling walking, bicycling, and other forms of active transportation to contribute reductions in childhood and adult obesity.
10. Practice responsible land development practices that will sustain Oshtemo Township's high quality of life over time by anticipating growth, appropriately sizing infrastructure, and considering the needs of all people in our community, particularly those who are ~~too~~ ~~old~~elderly, ~~too~~very young, disabled, of limited financial means, ineligible to possess a driver's license, or otherwise choose not to drive and/or own an automobile.
11. Provide for partnerships that establish clear, fair, and efficient development methods for applicants, residents, and community partners.

#### Section 1.04. Effective Date.

This Ordinance shall take effect and be in force on and after **January X, 2024**.

#### Section 1.05. Applicability.

- A. This Ordinance will be used with all planning, design, funding, and approval involving any street construction, reconstruction, resurface, major repair or alteration, or right-of-way acquisition project.
- B. This Ordinance applies to all activities within public or private rights-of-way.
- C. This Ordinance is applicable to all land located within the Township. Mobility and the transportation system affects all properties, every building, structures, and uses.
- D. No street or road, or portion thereof, shall hereafter be designed, constructed, altered, maintained, or used except in conformity with this Ordinance unless otherwise preempted by a recognized Road Authority.

#### Section 1.06. Relationship to Adopted Plans.

The administration, enforcement and amendment of this Ordinance shall be consistent with the Township Comprehensive Master Plan, Go! Green Oshtemo Plan, Access Management Plan, Complete Streets Policy, and any adopted Area Specific Plans, and other plans that may be adopted by the Reviewing Body related to the future development of the Township. In the event this Ordinance becomes inconsistent with those plans, then this Ordinance shall be amended within a reasonable time to become or remain consistent.

#### Section 1.07. Relationship to Other Laws and Agreements.

- A. *Other Public Laws, Ordinances, Regulations or Permits.* This Ordinance is intended to complement other municipal, state, and federal regulations that affect streets, street operations, connectivity, asset management, and land use. Unless otherwise noted in this Ordinance, where conditions, standards or requirements imposed by any provision of this Ordinance are more restrictive than comparable provisions imposed by other regulations, the provisions of this Ordinance shall govern.
- B. *Private Agreements.* This Ordinance is not intended to revoke or repeal any easement, covenant or other private agreement; provided, however, that where this Ordinance imposes a greater restriction or requirement, the provisions of this Ordinance shall control. Nothing in this Ordinance shall modify or repeal any private covenant or deed restriction, but any covenant or restriction shall

not be used to justify a lack of compliance with this Ordinance. The Township shall not be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

- C. *Township Authority.* Oshtemo Charter Township is granted broad police power under Article 7, Section 29 of the 1963 Michigan Constitution. Oshtemo Township contributes to road funding, and while it does not have direct control over public road classification or maintenance, it retains its police authority over the road right-of-way, having adopted the Uniform Traffic Code. It is important for transportation to be planned in a manner that is complementary to, and within the context of, existing and planned land uses in the Township and in consideration of the Township's Complete Streets philosophy.



## ARTICLE 2 - DEFINITIONS

### Section 2.01. Rules of Construction and Organization.

- A. The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Ordinance, except where the context clearly indicates a different meaning.
- B. Rules of Construction: The following rules of construction apply to this Ordinance:
  1. The language of this Ordinance shall be read literally. Regulations are no more or less stringent than stated.
  2. The particular shall control the general. For terms used in this Ordinance, the use of a general or similar term shall not be taken to be the same as the use of any other specific term.
  3. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
  4. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions or events connected by the conjunctions "and," "or" or "either . . . or," the conjunction shall be interpreted as follows:
    - a. "And" indicates that the connected items, conditions, provisions, or events apply.
    - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
    - c. "Either ... or" indicates that the connected items, conditions, provisions, or events apply singly but not in combination.
  5. Any reference to Ordinance, Article, or Section shall mean Ordinance, Article, or Section of Ordinance XX of the Township Code, Streets Ordinance, unless otherwise specified.
  6. Terms not defined in this Ordinance shall be given their ordinary and common meaning. Where not otherwise evident, terms shall have the meaning given in the latest edition of Merriam Webster's Collegiate Dictionary.

### Section 2.02. Definitions.

**ACCESS MANAGEMENT.** A technique to ~~minimize~~optimize land access and/or minimize traffic movement conflicts by reducing the number of access points, typically driveways, along major streets. Shared drives and the use of service roads or alleys, are characteristic access management methods.

**ALLEY.** A dedicated public or private way affording a secondary means of access to abutting property, not intended for general traffic circulation. See **Service Drive**.

**BIKEWAY.** "Bikeway" means a facility that explicitly provides for bicycle travel. A bikeway may vary from a completely separated facility to simple signed streets as follows: (a) "Shared-use path" (Class I Bikeway) is a facility for the exclusive use of bicycles, pedestrians and children's non-motorized vehicles separated from motor vehicle traffic except at bike crossings. (b) "Bike lane" (Class II Bikeway) is a marked lane contiguous to a travel lane within a roadway for the exclusive or semi-exclusive operation of bicycles in the same direction as the adjacent travel lane. The bike lane is physically separated from motor vehicle traffic by painted lines, pavement coloration, curbing, parked vehicles or

other barriers. (c) "Bike route" (Class III Bikeway) utilizes existing streets and roads. No separation of motor vehicle and bicycle traffic is provided as only signs are present to indicate the course of the bike route.

**COMPLETE STREETS.** Streets that meet the needs of all types of users – motorists, pedestrians (including those with disabilities), bicyclists, transit vehicles and users, freight haulers, emergency responders, and people of all ages and abilities. See the Township’s Complete Streets Policy.

**COUNTY DRAIN COMMISSION.** The Drain Commission of Kalamazoo County, Michigan.

**COUNTY ROAD COMMISSION.** The Road Commission of Kalamazoo County (RCKC), Michigan.

**CUL-DE-SAC STREET.** A short minor street having one end permanently terminated by a vehicular turnaround.

**DEAD-END, PERMANENT.** A permanent dead-end street is defined as one which is not reasonably anticipated to be extended.

**FRONTAGE ROAD.** A public or private drive which generally parallels an arterial or collector public street between the right-of-way and the front setback line, linking two or more properties. See also **Service Drive** and **Private Street**.

**LOT.** A single unit or division of land contained in a platted subdivision, whether it be numbered, lettered, or otherwise designated, which has frontage on a public or private street or road.

**MULTIPLE-FAMILY DEVELOPMENT.** A building containing five or more separate dwelling units.

**PATHWAY.** An off-road shared-use, non-motorized path, with paved surface, separate from the public road (though sometimes in the public right-of-way).

**PRIMARY AND SECONDARY STREET.** Where two (2) or more streets are compared for relative rank or importance, the primary arterial is the street with the higher ~~(est)~~ vehicle traffic counts.

**PRIVATE DRIVEWAY.** Any piece of privately owned and maintained property which is used for vehicular ingress and egress but is not open or normally used by the public. Intended to serve no more than one improved lot, parcel, or principal building of a residential or non-residential property.

**PRIVATE SHARED DRIVEWAY.** A privately owned and maintained drive, or any improved or unimproved easement, serving four (4) or fewer dwelling: dwelling units; ~~places of business, lots~~ or parcels; ~~or places of business or~~ principal buildings that are each less than 10,000 square feet in size, and which is not normally used by the public.

**PRIVATE STREET.** A privately owned and maintained drive, street, road, or any improved or unimproved easement, not dedicated to the ~~county road commissio~~ Road Authority as a public road, which provides access to five (5) or more dwelling units, places of business, lots, parcels, or principal buildings, and ~~which~~ is normally open to the public and upon which persons other than the owners located thereon may also travel. Private roads include roads within site condominium projects and those within office or industrial complexes. See also **Frontage Road** and **Service Drive**.

**ROAD AUTHORITY.** Public entity having assigned jurisdiction over specified roads in Oshtemo Township, consisting of either the Michigan Department of Transportation (MDOT), Road Commission of Kalamazoo County (RCKC), City of Kalamazoo, or other Act 51 agency.

**SERVICE DRIVE.** A public or private drive which is located generally behind buildings which have frontage along an arterial or collector street linking two or more properties, including additional lots behind those fronting the arterial street. See also **Frontage Road, Private Street, and Alley.**

**SIDEWALK.** A paved concrete surface, ~~located in a road right-of-way or within a dedicated easement~~ that is designed, constructed, and designated for pedestrian travel.

**STREET.** An existing or planned public or private right-of-way that is designed, dedicated, or used ~~principally~~ for ~~vehicular traffic~~ the movement of people and goods, the provision of services, and providing access to abutting properties. The term street includes avenue, boulevard, circle, court, cul-de-sac, drive, place, road, road, or any other similar term.

**STREETSCAPE.** The various components that make up the street, both in the right-of-way and on private property including pavement, shoulders, gutters, sidewalks, permitted signs, parking spaces, landscaping and street trees, streetlights, etc.

**STREET FRONTAGE.** The distance that a lot line adjoins a public or private street from one (1) lot line intersecting the street to the furthest lot line intersecting the same street.

**STREET FURNISHINGS.** Elements within the Streetscape. Outdoor amenities, including but not limited to tables, chairs, umbrellas, landscape pots, wait stations, valet stations, bicycle racks, planters, benches, bus shelters, kiosks, waste receptacles and other similar items that help to define pedestrian use areas.

**STREET AREAS.** Streets consist of three areas: the travel way area, the parking area, and the pedestrian area.

1. **TRAVEL WAY AREA.** Accommodates vehicles and consists of vehicle travel lanes, bike lanes, ~~turning~~ lanes and medians (if provided).
2. **PARKING AREA.** Consists of vehicle parking lanes, and potentially of public transit elements. Transit facilities would be accommodated by replacing some parking spaces with bus bulbouts.
3. **PEDESTRIAN AREA.** The area between the back of curb and the outside edge of the right-of-way or road easement, although the pedestrian area may extend into an easement on private property depending on the width of the right-of-way and ~~the~~ existing conditions. The pedestrian area is separated into three subareas:
  - a. The edge area is the space adjacent to and including the curb. The minimum width of the edge area should be two and one-half feet to allow for door swings and snow storage. Along Local Roads and Collectors, it may be landscaped.
  - b. The walkway/furnishings area accommodates streets trees, planters, street furniture, outdoor dining, and the clear and unobstructed pedestrian walkway.
  - c. The frontage area is the portion of the walkway at the boundary between the right-of-way and private property. This is the area of the sidewalk that is closest to the building. The frontage area accommodates door openings, window shoppers, and display.

**STREET CLASSIFICATIONS.** A hierarchy of street types that describes the Township’s transportation network, which consists of both existing, new, and planned streets, to provide the public with a connected and efficient circulation system. Functional classification defines the role that a particular roadway plays in serving the flow of vehicular traffic through the network. Roadways are assigned to one of several possible functional classifications within a hierarchy, according to the character of travel service each roadway provides.

1. **ARTERIALS.** A major street of significant continuity, which is intended to serve higher volumes of traffic for both the Township and the region, and which forms the basis around which the circulation system is designed. Typical traffic volumes are more than 10,000 vehicles per day. Arterials in Oshtemo Township include, but are not limited to, West Main, Stadium Drive, KL Avenue, South Ninth Street, Parkview Ave, and Drake Road (north of Parkview).
2. **COLLECTORS.** A street that provides shorter distance movements within the Township, collects traffic from Local Streets and connects them with Arterials. Major collectors distribute and channel trips between locals and arterials ~~usually more than ¼ mile in distance~~, have fewer access points, and may have more travel lanes and higher speed limits. Examples of Major Collectors include streets such as North 9<sup>th</sup> and 10<sup>th</sup> Streets (M-43 to H Avenue), South 6<sup>th</sup> Street (South of Stadium Drive), and West Michigan Drive (Venture Drive to Drake Road). Minor ~~C~~ollectors typically have greater access and lower speeds such as ~~North 2<sup>nd</sup> Street, North 6<sup>th</sup> Street, and Kalamazoo Avenue (8<sup>th</sup> to 4<sup>th</sup> Street)~~ Quail Run Drive and Lodge Lane.
3. **LOCAL STREETS.** Streets that provide direct access to homes, businesses, parking, and other land uses abutting the street right-of-way and serve short travel distances. Most subdivision streets fall in the Local Street classification.

**STREET CONTEXT.** The general land use characteristics, development patterns, access points and connectivity which infer usage of the street by certain transportation modes and users, thereby influencing street facility design. Urban and rural areas have fundamentally different characteristics. The use of context to determine street design criteria is consistent with national best practices and direction, including the 2018 American Association of State Highway and Transportation Officials (AASHTO) Greenbook and the National Cooperative Highway Research Program (NCHRP) Report 855: An Expanded Functional Classification System for Highways and Streets.

1. **URBAN.** A street surrounded by heavy residential, mixed-use, and/or commercial development that serves a wide spectrum of modes and users - oftentimes highly pedestrianized and transit-supportive while also experiencing high vehicular demands. These areas generally include curb and sidewalk sections, often with building fronts adjacent to or near the back of sidewalk. Frequent intersections, crosswalks, street trees, and on-street parking are usually present and operations more closely resemble that of Local Streets.
2. **RURAL.** Small concentrations of developed areas are immediately surrounded by agricultural lands, woodlands, wetlands, and other natural areas with infrequent curb cuts. There tends to be moderate to high posted speeds on streets as a result and few traffic signals. Due to lacking density, travel is more auto-oriented.
3. **RESIDENTIAL.** A street that serves residences and provides an important link for pedestrians and bicyclists in neighborhoods. Construction Trucks, Over-the-Road (OTR) trucking, and other heavy vehicle traffic may be restricted.

4. **COMMERCIAL.** A street that serves mostly non-residential uses including retail, office, and industrial businesses as well as institutional uses such as hospitals or churches. In an urban setting, mixed-use buildings with residential above retail or offices may be present.

**TRAFFIC CALMING.** The combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior, and improve conditions for non-motorized street users to achieve the objectives of slower vehicle travel speeds, reduced collision frequency and severity, reduced cut-through traffic, increased safety and the perception of safety, and enhancing the street environment.

**TRAFFIC CALMING MEASURES.** There are four main types of physical measures used to calm traffic: vertical deflections (speed humps and tables, raised pedestrian crossings), horizontal shifts (chicane, realigned intersections, roundabouts), roadway narrowing (on-street parking, road diets, bump outs), and closures (diagonal diverters, partial or whole closures, medians).

**RIGHT-OF-WAY (ROW).** An area owned or maintained by Oshtemo Charter Township, Kalamazoo County, State of Michigan, federal government, public utility, railroad, or private concern for the placement on, below, or above of utilities or facilities for the passage of vehicles or pedestrians, including roads, streets, pedestrian walkways, utilities, or railroads.

**USERS.** Legal users of the roadways and public right-of-way, including pedestrians, bicyclists, motor vehicle drivers, public transportation riders and drivers, and people of all ages and abilities including children, youth, families, older adults, and individuals with disabilities.

#### Section 2.03. Measurements.

- A. All measures are taken along the street centerline.
- B. Driveway spacing is measured from centerline to centerline of each driveway at the point it crosses the street right-of-way line.
- C. Driveway width measurements shall be made at the point of access where it crosses the right-of-way line.
- D. A cul-de-sac will be measured from the nearest point to the property line.
- E. The distance of a block face shall be the length of the street creating the side of the block between two adjacent intersections.

## ARTICLE 3 - GENERAL PROVISIONS

### Section 3.01. Applicability.

*All Streets.* Standards and requirements for Complete Streets, connectivity, access management, internal circulation, and other street design standards in this Ordinance shall apply to all public and private streets within Oshtemo Township unless indicated otherwise. Such provisions are considered necessary to construct and improve transportation facilities that address safety for all modes, advance self-enforcing design to prioritize vulnerable road users and the general health and well-being of the public, facilitate an efficient road network that balances accessibility and mobility needs, minimize environmental impacts, reduces our carbon footprint, and respects the existing built environment while anticipating future settlement patterns necessary to accommodate Oshtemo Township's growth.

### Section 3.02. Right-of-Way.

- A. Road right-of-way shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.
- B. Easements shall be provided for the entire width and length for all utilities and services as may be necessary to provide all public services to the lots which benefit from the public or private road.
- C. Road right-of-way to be publicly dedicated for public streets will meet the requirements of the Road Commission of Kalamazoo County. Private street right-of-way requirements are found in Article 6, Section 6.06 of this Ordinance.
- D. All Arterial and Collector rights-of-way within or abutting plats hereafter recorded, shall provide a 50-foot half-width. The other half of the Arterial or Collector Street shall be platted with a private easement within such property or tract, or as identified in the Regulating Plan, per Section 3.08. A lesser half-width size may be granted by the Township Public Works Director if the request aligns with the Regulating Plan and the requirements of this Ordinance.

### Section 3.03. Easements.

- A. A private Collector Street shall have a recorded easement permitting passage by the public within the right-of-way, in accordance with the intended function of the street type.
- B. All private streets shall have a recorded permanent easement for the entire length and width of the street, including the frontage on a public road. The easement shall expressly permit public and private utilities and services as necessary to provide all public services to the lots that benefit from the private road. The minimum width shall comply with Table 8.07.
- C. The minimum easement radius ~~for a turn-around~~ shall be of such size that is able to encompass emergency vehicle turn-around.

### Section 3.04. Street Names.

- A. The Township has the authority to assign street names. Except in Part B of this Section, Township staff will refer to the 'Kalamazoo County Street Naming and Addressing Policy, Procedures and Guidelines' and appropriate review procedures and workflow to name streets.
- B. A developer/applicant may propose street names for any proposed streets within a new development as part of the initial application process to establish a subdivision or site condominium.

- C. A letter of approval for street names shall be obtained from the Kalamazoo County Department of Planning and Community Development or appropriate agency, whether proposed by Township staff or a developer/applicant.
- D. Street names shall be finalized prior to final approval of a proposed subdivision or site condominium.
- E. Street names shall be sufficiently different in sound and spelling from other road names in the Township so as not to cause confusion. A street or road name duplicating one already used in Kalamazoo County is prohibited.
- F. Any extension of a street, or planned extension, shall retain the name of the existing street.
- G. All new streets shall be named as follows: Streets with predominant north-south directions shall be named, "Street;" streets with predominant east-west directions shall be named, "Avenue;" meandering streets shall be named, "Drive," "Lane," "Path," "Road" or "Trail," etc., and cul-de-sacs shall be named, "Circle," "Court," "Way" or "Place," etc.

#### Section 3.05. Street Addresses.

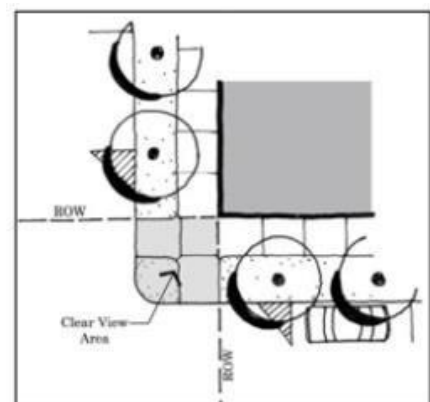
- A. The Oshtemo Township Planning Department will assign all street addresses.
- B. Township staff will refer to the 'Kalamazoo County Street Naming and Addressing Policy, Procedures and Guidelines' and appropriate review procedures and workflow to addressing streets.
- C. A letter of approval for street ~~names~~ addresses shall be obtained from the Kalamazoo County Department of Planning ~~and~~ Community Development
- D. Corner lots will be assigned two addresses, one for each street, the final address for the corner lot will be the direction that the front of the ~~house~~ building faces.

#### Section 3.06. Street Signs.

Signs identifying the intersection of a public and private street shall be paid for, posted, and thereafter maintained by the homeowner's association, condominium association, or other assigned party responsible for maintaining the private street. Intersection signs shall include stop signs on private streets and identifiable street name signs.

#### Section 3.07. Clear Vision Area.

- A. *Requirement.* Clear vision areas are required in locations where an unobstructed view of approaching traffic is necessary for the safety of pedestrians, bicyclists and drivers. A clear vision area is typically, but not exclusively, a triangular area at the intersection of two (2) streets, or a street and a driveway; however, clear vision areas may be required at other locations.
- B. *Public streets.* A clear vision area shall be maintained at all intersections. Nothing shall be located to cause a hazard to vehicular or pedestrian traffic by depriving the pedestrian or driver of a clear and unobstructed view of approaching, intersecting, or merging traffic. The clear vision standards of the Road Authority shall be satisfied where streets or drives intersect with public streets.



- C. *Private Streets.* At the intersection of two (2) streets or the intersection of a private street and a driveway, the required clear vision area shall be established as follows:
1. *Street Corners.* For streets, twenty (20) feet along each lot line starting at the intersection of the lot lines, and connected by a straight line to form a triangular area. In the case of a rounded corner, the measurement shall be taken from the intersection of the front lot lines extended.
  2. *Driveways.* For driveways, ten (10) feet along the lot line and the driveway starting at the intersection of the lot line and the closest edge of the driveway and connected by a straight line to form a triangular area.
  3. *Landscaping.* No plantings, signs, fences, walls, or other structures exceeding thirty (30) inches in height shall be established or maintained in clear vision areas.
  4. *New Buildings or Structures.* The Public Works Director may require alterations ~~reduction~~ in the height or location of a new building or structure where there would be a substantial impact to ensure an adequate clear vision area for driveways and streets. The limitation shall only be required for that portion of the building or structure necessary to provide an adequate clear vision area.
- D. *Administrative Departure.* A new building or structure may be located within a clear vision area on a private street, provided the Public Works Director concurs with the findings of an independent engineering study provided by the applicant that demonstrates that siting of the new building or structure allows proper stopping sight distance as defined in *A Policy on Geometric Design of Highways and Streets*, as amended, by the American Association of State Highway and Transportation Officials (AASHTO).
- E. *Responsibility.* Where any street intersection will involve earth banks or existing vegetation inside any lot or building site corner that would create a traffic hazard by limiting visibility, the property owner shall clear such ground and/or vegetation (including trees) in connection with the grading of the public or private right-of-way to the extent deemed necessary by the appropriate Road Authority.

#### Section 3.08. Regulating Plan.

- A. *Purpose and Intent.* Oshtemo Township has an adopted Master Plan, comprised of multiple sub-area plans and documents which serve as its Regulating Plan. The Regulating Plan defines the location of planned future streets to ensure that the existing street network does not become overwhelmed from additional development that would cause excessive street widening, congestion, delay, and be counterproductive to creating a walkable community that is safe for vulnerable road users. The identification of future streets will ensure improved traffic flow, an enhanced street network, alternative traffic routing, access for emergency services, and comprehensive access management.
1. Streets should be developed consistent with the locations shown on the Regulating Plan. The exact location of streets on a particular site may be varied from those shown on the Regulating Plan to account for site-specific factors such as natural or man-made features provided that the general layout and number of streets and connection points for the continuation of streets on adjacent parcels are consistent with the Regulating Plan.
  2. Additional streets that are not shown on the Regulating Plan may be developed as necessary to create the required block system, and to distribute vehicular and pedestrian traffic.



3. To provide access to properties in conjunction with higher density development, a secondary street network may be developed to distribute traffic. The Regulating Plan will illustrate the street hierarchy and road purposes.
4. Local streets may be removed with the approval of the Reviewing Body provided the proposed development plan continues to maintain the required block system and meets other required standards. Any variations to the location or layout of streets as shown on the Regulating Plan shall require the approval of the Reviewing Body.
5. No land split or permit will be issued for, and no building or structure, or part thereof, shall be erected on any land located within proposed future street right-of-way. The Planning Commission may authorize the granting of a permit for the erection of a building or structure, or part thereof, within the defined area of the proposed public way, upon appeal by the owner of any affected land. Such appeal may be granted, based upon the following findings:
  - a. The entire property of the appellant, located in whole or in part within the lines of such street or public way, cannot yield a reasonable return to the owner unless the permit is granted; and,
  - b. Balancing the interest of the Township in preserving the integrity of the Regulating Plan, and the interest of the owner of the property in the use and benefits of his property, the granting of the permit is required by considerations of justice and equity.
  - c. An alternative plan has been provided, that is demonstrably feasible and identifies any potential benefits and challenges associated with the different approach. The alternative will solve ~~for~~ the reasons that necessitated the deviation from the Regulating Plan and describe why the new route is either equal or superior to the originally planned street.
  - ~~6-d.~~ Before taking any such action, the Reviewing Body shall hold a public hearing, following not less than ten days' prior notice to the appellant by mail at the address specified by the appellant in his petition. The Reviewing Body shall have the power to specify the exact location, alignment, land area, and other details and conditions to be altered or permitted.

#### Section 3.09. Traffic Impact Study.

- A. *Intent.* The intent of conducting a traffic impact study is to understand the potential impact of a proposed development project on the surrounding transportation network, which may include but is not limited to truck routes, emergency routes, State and County roads, non-motorized network(s), and public transit. Information gleaned from the impact study is to assist in determining what, if any, mitigation measures may be necessary to support mobility within the Township and to better understand the choices the Planning Commission, Township staff, and Township Board may need to make as the community continues to develop and grow.
- B. *Applicability.* A Traffic Impact Study (TIS) will be required under one or more of the following circumstances:
  1. A development project is 20-acres or greater in size;
  2. More than 100 housing units are proposed;
  3. More than 100 peak hour trips will be generated;
  4. A drive-through use will generate more than 20 cars per hour;

5. A permanent assembly use will host 150 people or more for ~~an~~ events;
  6. A secondary access point is requested; or
  7. At the discretion of the Public Works Director for circumstances that resemble similar situations to the above given the characteristics of the proposed use, surrounding context, and/or anticipated types of traffic.
- C. *Review.* The TIS shall meet the requirements of the Road Authority’s guidelines for Traffic Impact Studies and Assessments Evaluating Traffic Impact Studies and be conducted by a licensed professional traffic operations engineer.
- D. *Scope.* Prior to commencing a TIS, the Public Works Director or Township-designated Traffic Engineer, in consultation with the Michigan Department of Transportation and Road Commission of Kalamazoo County, will coordinate with the applicant/developer to develop an understanding of the scope of work. Contents may include, but not be limited to, study area limits, existing and proposed traffic volumes, and crash data. Expectations for inputs of forecasted trips and volumes, which may include other approved and pending developments, will be defined. The TIS shall consider the highest proposed use for each designated area within the development site plan. Development that is proximate to a major intersection or interchange shall also include movements into and/or through the intersection or interchange.
- E. *Planning Commission.* Formal review and approval from the Road Authority shall be provided to the Township prior to the formal Planning Commission review of a project request.
- F. *Level of Service.* Declines in the Level of Service (LOS) within the right-of-way shall be reasonably mitigated by proposed solutions during site design phase. LOS is typically defined as a qualitative measure describing operational conditions for vehicular traffic; described in terms of such factors as speed and travel time, traffic interruptions, convenience, and safety. The Township’s Complete Streets approach expands LOS to include “Quality” of service to include the LOS experienced by all users and all modes, not only that of motor vehicles. Slow traffic speeds, for example, may equate to a high-quality environment for pedestrians but may cause delays for cars – presenting as two different LOS scores. Service levels are given letter designations, from A to F, with LOS A representing the best operating conditions and LOS F the worst.
1. A decline in vehicular LOS may be acceptable if improvement(s) to the non-motorized network is the direct cause and improved pedestrian LOS can be shown.
  2. Required operational changes and/or other mitigation measures shall be part of the MDOT and RCKC permit approval process.
  3. Mitigation efforts may be broken into phases tied directly to the corresponding phases of the comprehensive development plan. Phases must be clearly outlined within the phasing plan; item 10 within this Section. Preliminary designs shall be required.
  4. If the required traffic improvements identified within the TIS are already planned as part of an adopted comprehensive plan to be implemented by MDOT, the Kalamazoo County Road Commission, the Kalamazoo Area Transportation Study (KATS) or the Township, some or all of the mitigation requirements may be deferred or coordinated within a reasonable timeline. Any deferments or coordination shall require the support of the Public Works Director or representative. Short term or temporary efforts may be required to ensure the safety of the public during the deferment period. If the required mitigation efforts increase the scope of the already planned improvements by the local agency, the increase in cost to modify the plans

and construct the improvements shall be collected from the applicant. A memorandum of understanding shall be executed and recorded.

5. The Township will work with the developer/applicant in good faith effort to seek solutions and the necessary approvals ~~necessary~~. This does not imply any financial commitment on the Township's part.

### Section 3.10. Infrastructure and Service Needs.

- A. *Purpose and Intent.* The purpose of this Section is to permit development projects the ability to proceed at a faster pace than current Township resources are capable of constructing, installing, modifying, or improving existing infrastructure and/or service capacities to accommodate the development project. The project may itself be the sole reason for the infrastructure and service needs, or it may contribute to a heightened demand for infrastructure and services which are nearing or already at capacity. Inadequately sized infrastructure or insufficient service to the development project would result in one (1) or more declining levels of traffic safety, roadway capacity, reduced Level of Service (LOS) or water, sewer, energy, communications or other utility service reductions in the system. It is the intent of this Section to allow for development while ensuring that the project site and all customers that use and rely upon sufficient infrastructure and services within the community are properly accommodated.
- B. *Basis for Project Denial.* The inability of the Township to provide or enhance the available level of infrastructure or services to accommodate the development project may serve as the basis to deny a project request due to insufficient or increasingly insufficient infrastructure capacity if the project were to be constructed. Project denial due to insufficient infrastructure or services is not a desired outcome as development and redevelopment projects often improve the economic capacity of the community by increasing tax revenue, raising property values, and providing employment opportunities. Alternatives to improve infrastructure and/or service insufficiency are preferable to project denial. In these cases, the Township may offer an alternative to project denial by accepting the offer of voluntary support by the project's owners to undertake or contribute towards the cost of providing the needed infrastructure or service changes for future conditions created or contributed to as a result of the development project.
- C. *Alternatives to Advance.* In general, infrastructure or service changes are quantifiable in terms of capacity and cost. Needed changes may require study, planning, design, phasing or other efforts before being undertaken. In these situations, the Reviewing Body could, by contract with the project's owners, accept contributions to fund the work. The Reviewing Body would set aside the funds for use only to address the particular infrastructure and/or service changes associated with the development project. For example, when area streets and intersections are or will be functioning at low levels, undertaking or funding street and intersection improvements may be appropriate. Sometimes, however, street and intersection improvements may not be practical or may be insufficient to address the concerns. Due to topography, the impracticality of acquiring needed additional right-of-way, area-wide traffic patterns, jurisdictional issues or other limitations, different approaches such as non-motorized improvements, transit service extensions, remote parking, or other approaches may be the only feasible and reasonable alternatives to ameliorate anticipated infrastructure and service burdens imposed by the development upon the public. A particular project may provide the necessary impetus for these alternative approaches, particularly in relation to public health and safety, while itself providing insufficient support or justification.

However, together with reasonably foreseeable additional projects, it may form the basis for addressing the need by these approaches.

- D. *Existing and Future Conditions Evaluation.* If known to the Township, ~~F~~the applicant or property owner ~~sh~~awill be informed of any inadequately sized infrastructure or insufficient services within the proposed project area that currently exists or that will be created or contributed to by the proposed development project. The Township will provide a basis for the determination that a development project, either by itself or in conjunction with other reasonably foreseeable projects, will:
1. Overload infrastructure or municipal services;
  2. Measurably degrade the level of infrastructure or public services to levels that adversely affect public health, safety or quality of life; or
  3. Place additional strains on infrastructure or public services that already are at levels that adversely affect public health, safety or quality of life.
- E. *Alternatives Evaluation.* The applicant may be encouraged to propose particular designs or improvements, cost estimates and other related information to recommend or identify changes on the project site, in the immediate project area or in locations which would assist in supporting the necessary infrastructure or services to sustain the development.
- F. *Determination.* Upon review of the alternatives to support the needed infrastructure and/or services to support the development project, the applicant may:
1. Appeal a determination made by Township staff to the Reviewing Body.
  2. Discontinue the project.
  3. Redesign the project to address the concerns.
  4. If it is acceptable to all Township and other governmental officials of competent jurisdiction, agree to:
    - a. Undertake and construct the needed infrastructure improvements according to plans and specifications approved and overseen by the Township or applicable jurisdiction;
    - b. Fund the needed infrastructure or service improvements pursuant to a written agreement approved by the Reviewing Body with the amount of the payment determined based on the actual costs of the improvements;
    - c. Contribute to a fund to be used by the Township to address the infrastructure or service concerns pursuant to a written agreement approved by the Reviewing Body with the amount of that contribution determined based on what the Reviewing Body reasonably determines to be the applicant's proportionate share of the reasonably anticipated costs of the improvements.

## ARTICLE 4 – COMPLETE STREETS

### Section 4.01. Purpose and Intent.

The purpose of this Article is to establish mobility and circulation standards that give equal treatment to all modes of travel. Improving connectivity between the current and future network of sidewalks, bike lanes, shared use paths, public transit routes, and roadways is important to ensure that Oshtemo Township serves all residents, regardless of age, ability, or income. A well-connected and well-designed network will provide safe access for all users, allow reasonable access to properties, promote healthy living, maintain and/or increase the capacity and efficiency of the roadway network, ensure safe access for emergency vehicles, and reduce negative environmental impacts. It is important that a well-connected network include safe and convenient transitions from one mode of transportation to another and from one jurisdiction to another.

### Section 4.02. Applicability.

- A. *Implementation.* The Township shall endeavor to make complete streets practices a routine part of design, strive to make every street project accessible for all users, and coordinate efforts with other agencies and jurisdictions to achieve complete streets. The Township shall work in partnership with the Kalamazoo County Road Commission and Michigan Department of Transportation to facilitate implementation of Complete Streets to the extent feasible, pursuant to this Ordinance.
- B. *Applicability.* Any project involving the construction, reconstruction, capacity enhancement, or preservation of a roadway, bridge, public parking facility, or other transportation right-of-way within the Township, are subject to these provisions, except as provided in Part ~~CD~~ of this section. All street projects requiring funding and/or approval by the Township Board shall:
1. Evaluate the effect of the proposed project on safe travel by all users.
  2. Identify measures to mitigate potential adverse impacts on travel. Vehicular level of service is not considered to be the only measure for which mitigation would be required, quality of service for pedestrians and other non-motorized users is also important.
  3. Achieve implementation of Complete Street infrastructure to the extent feasible.
- C. *Exclusions.* Infrastructure that supports a Complete Streets approach may be excluded upon agreement of the Township Board and the applicable Road Authority, subject to each agency's powers and duties, where documentation and data indicate that:
1. An affected roadway prohibits a specified user by law, in which case a greater effort shall be made to accommodate those specified users elsewhere.
  2. An alternative route, such as a multi-use trail in the immediate vicinity provides an option for non-motorized transportation.
  3. A wide shared-shoulder designed to accommodate both bicycle and pedestrian use is available in the street right-of-way.
  4. There is insufficient right-of-way to accommodate an improvement at the time. The Township should attempt to acquire the right-of-way to accommodate the Complete Street element.
  5. The activities, such as spot repair or crack seal, are ordinary maintenance activities designed to keep assets in serviceable condition, which meet MDOT's ADA upgrade exceptions.

6. Inclusion of new facilities would be inappropriate when associated with capital preventive maintenance projects such as thin overlays (less than 1.5- inch), micro-seals, and chip seals.
7. Safety projects which are funded only for specific safety features identified by crash patterns, due to the funding parameters of the program.
8. The cost would be excessively disproportionate to the need or probable future use over the long term as documented in the adopted Future Use Plan, or other present and/or anticipated market conditions, indicating an absence of existing or future need (e.g. sparse population).
9. Implementation of Complete Streets infrastructure is not possible due to physical constraints imposed by the project area, such as topography, historic building placement, etc.
10. There will be an adverse impact on existing environmental resources such as wetlands, floodplains, creeks, or historic structures, or the presence of an environmental resource will add significant cost of a project.

#### Section 4.03. Characteristics.

Streets will be capable of accommodating multiple modes of transportation and will facilitate the creation of a public realm designed primarily for people, characterized by:

- A. Pedestrian-friendly design that places a high priority on walking, bicycling, and use of public transit;
- B. Streets and blocks arranged to allow for comfortable walking distances, to disperse traffic and to reduce the length of vehicle trips;
- C. A connection to, and enhancement of, the existing street network;
- D. A recognition of the role of buildings and landscaping that contributes to the physical definition of streets as civic places, and
- E. Residential and business uses that have convenient access to existing and future shared use paths and transit stops, where applicable.

#### Section 4.04. Design Guidance.

The design guidelines promulgated in State standards and guidelines, or as may be required by the funding source, shall be referred to and considered in the construction, rehabilitation, and maintenance of non-motorized transportation facilities and private streets in the Township. Such sources include, but are not limited to, the Michigan Manual on Uniform Traffic Control Devices (MMUTCD), MDOT Best Design Practices for Walking and Bicycling in Michigan, MDOT Bicycle and Pedestrian Resources for Transportation Professionals (2016), [National Association of City Transportation Officials \(NACTO\) Urban Bikeway Design Guide \(2014\)](#), [AASHTO Guide for the Development of Bicycle Facilities \(2012\)](#), [NACTO Urban Street Design Guide \(2013\)](#), [NACTO Transit Street Design Guide \(2014\)](#), [Federal Highway Administration \(FHWA\) Separated Bike Lane Planning and Design Guide \(2015\)](#), [FHWA Small Town and Rural Multimodal Networks \(2016\)](#), [NACTO Designing for All Ages and Abilities \(2017\)](#), and [FHWA Bikeway Selection Guide \(2019\)](#).

#### Section 4.05. Elements in Regulating Plan.

The Regulating Plan of the Township's Comprehensive Master Plan and the Non-Motorized Facilities Plan will include recognized and appropriate Complete Streets elements for implementation into the

Township's street and non-motorized trail network. Transportation improvements will include facilities and other amenities that are recognized as contributing to Complete Streets, which may include, but not necessarily limited to, one or more of the following:

- A. Sidewalks (new construction, gap construction, repair or replacement, and Americans with Disabilities Act (ADA) improvements).
- B. Pedestrian refuge islands or crosswalk improvements.
- C. ~~\_\_~~ Traffic calming measures, ~~where appropriate.~~
- ~~C.D.~~ Traffic safety improvements.
- ~~D.E.~~ Street and/or sidewalk lighting.
- ~~E.F.~~ Multi-use trails.
- F. G. Accessibility improvements consistent with the ADA, particularly around transit.
- G. H. Metro Transit stop improvements.
- H. I. Bicycle facilities, including designated bike lanes, separated facilities, and widened travel lanes.

Section 4.06. Reserved.

~~Section 4.07. Widening.~~

~~Any project that would widen an existing street or intersection shall be submitted to the Planning Commission for review and comment. The Planning Commission will review the proposed plans for compliance with this Ordinance and if any adverse impacts may be anticipated that would affect other legal road users such as pedestrians and bicyclists. If there will be negative effects arising from the widening, mitigation measures will be reviewed and discussed. The Planning Commission will then transmit a report to the Township Township Board.~~

## ARTICLE 5 – CONNECTIVITY

### Section 5.01. Purpose and Intent.

The arrangement of streets shall be interconnected with each other and with streets on abutting properties in a systematic grid pattern. Street connectivity and continuity is necessary to circulate traffic, provide emergency service access, ensure network reliability and redundancy, develop a logical system to facilitate the movement of all transportation system modes and users, and sustainably and efficiently manage uses of land and the provision of utilities and public services. Connectivity, for the purposes of this Ordinance, refers to structure of the transportation network of Oshtemo Township consisting of blocks, intersections, and connecting points.

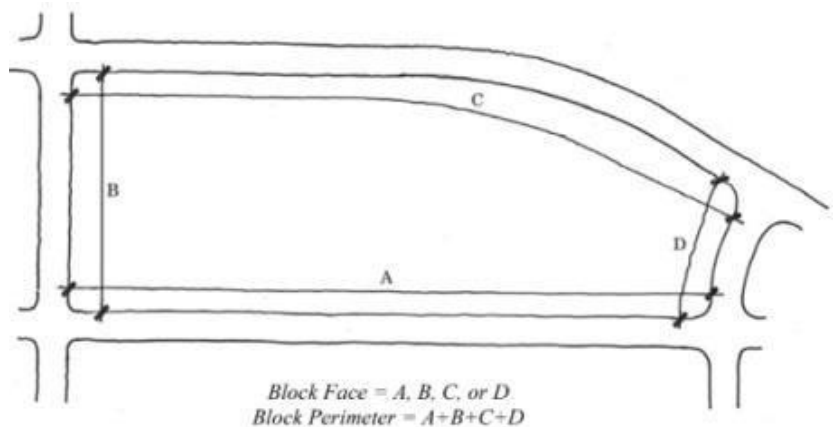
### Section 5.02. Applicability.

Development shall occur using a combination of both the existing street network and new streets added to establish an improved circulation system. Streets may be public or private and be established in a manner consistent with the Township's Master Plan, [Access Management Plan](#), and Regulating Plan. Where existing streets are being improved, these standards along with the other standards overseeing such road development shall guide the design of the improvements.

### Section 5.03. Blocks.

**Requirements.** The following requirements shall apply to ensure that Oshtemo Township's street network develops as an interconnected network of streets.

- A. The street network shall be laid out in defined blocks ~~in an orthogonal manner to intersect as nearly as possible to 90 degrees to connect with one another.~~
- B. Where adjoining areas are not subdivided, the arrangement of streets shall be required to be extended to the boundary line of the project to make provision for the future projection of streets into adjoining areas.
- C. A minimum of one stub street shall be provided for each 660 feet or fraction thereof along such property lines.
- D. No block perimeter, measured along the block face at the public right-of-way or private road easement, shall exceed 2,400 feet.
- E. Blocks should be designed so that at the terminus of street intersections, street alignment, or the curvature of a street produces "terminal vistas" of civic buildings, public art, play fields, meadows, wetlands, or other notable structures or natural features.
- F. Privately-held reserve strips controlling access to streets shall be prohibited.





#### Section 5.04. Street Intersections.

- A. Streets shall intersect as nearly as possible to 90 degrees and in no case less than 80 degrees. Curved streets, intersecting with primary roads, will have a tangent section of centerline 50 feet in length, measured from the right-of-way line of the primary road.
- B. Not more than two streets can intersect at any one point unless specifically approved by the Township in cases of a traffic circle or roundabout.
- C. Where the proposed continuation of a street at an intersection is not in alignment with the existing street, it must not intersect such cross street closer than 200 feet from such opposite existing street, as measured from the centerline of said streets.
- D. Concrete curbing will be installed throughout the entirety of an intersection within the public right-of-way or private street easement. Curb cuts and sidewalk ramps shall be integral to the construction of the concrete curb.

#### Section 5.05. Connections.

- A. When a Collector or Local street will link different land ownerships or different public streets, either currently or in the future, it shall, regardless of whether it is public or private, be constructed and dedicated as a public street or, if approved by the Township, it may be a private street located upon a right-of-way or easement granted to the Township for public ingress and egress.
- B. Private roads shall not interconnect with the public street network in a manner that will preclude the logical, orderly, and efficient development of the overall public street network. In making such a determination, consideration shall be given to the circulation pattern and traffic volumes on nearby public streets, existing and proposed land uses in the general area, trend of development, and the recommendations contained within the Oshtemo Charter Township Comprehensive Master Plan, Regulating Plan, and other plans by Road Authorities, as applicable.
- C. Frontage streets, service drives, private shared driveways, and public or private streets shall connect to existing outlots in adjacent developments and shall provide outlots or other provisions for future connections to adjacent land that is presently undeveloped. This may necessitate the upgrading of a private shared driveway to a private street, per the process described in Article 9 of this Ordinance.
- D. Where adjoining areas are undeveloped and the street must temporarily dead-end, the right-of-way shall be extended to the property line to make provision for the future projection of street.

#### Section 5.06. Dead-End Streets.

- A. A permanent dead-end street shall only be permitted where the topography of the area, lakes, streams, other natural features or existing adjacent development of the area causes practical difficulties or extreme hardship in connection and can be granted without creating any safety concerns. A supportive recommendation from the Public Works Department shall be required in order to be considered by the Reviewing Body. The applicant shall clearly provide evidence of hardship to be considered.
- B. A dead-end public right-of-way or private street easement (whether temporary or permanent) in excess of 660 feet in length, as measured from the nearest public right-of-way or private street easement to the dead-end street, shall be prohibited except upon recommendation from the Public

Works Department and approval from the Reviewing Body for the reasons cited in 5.05.A., and an extension can be granted without creating a safety hazard.

- C. A cul-de-sac turnaround will be provided at the end of a permanent dead-end street or a temporary dead-end street (and associated temporary right-of-way). The Township may require an easement or a reservation of easement to accommodate drainage facilities, pedestrian access, or utilities.
- D. Where a public right-of-way or private street easement is not intended to extend beyond the boundaries of the subdivision/site condominium and its continuation is not required by the Township for access to adjoining properties, its terminus shall be at least 50 feet from such boundary.
- E. *Administrative Departure.* The Public Works Director may find a hammerhead “T” or a continuous loop layout acceptable to terminate a private dead-end street where public or private utilities are unaffected and sufficient space is provided for vehicle maneuvering.

## ARTICLE 6 – ACCESS MANAGEMENT

### Section 6.01. Purpose and Intent.

Access management techniques increase traffic safety by directing traffic to appropriate turning locations, reduce accident frequency and/or severity, provide reasonable access, help maximize road capacity, lessen congestion, encourage orderly development, and protect non-motorized users by limiting driveway crossings. These regulations are based on considerable research in Michigan and nationally and were prepared concurrent with guidelines promoted by the Michigan Department of Transportation (MDOT). The major elements of access management are driveway design (geometrics), limited number of driveways, driveway spacing, shared access, and side street access. This Article addresses the point where private property accesses a public or private road.

### Section 6.02. General.

- A. *Access Management Plan.* The Oshtemo Charter Township Access Management Plan, as amended, should be referenced in conjunction with the provisions of this Ordinance. Where there is a conflict between the two, the provisions of this Ordinance shall apply.
- B. *Nonconforming Driveways.* In the case of expansion, alteration or redesign of an existing development where existing driveways do not comply with the requirements of this Ordinance, the closing, relocation, or redesign of the driveway may be required.
- C. *Access Agreement.* A copy of a written and recorded agreement for shared access between two or more property owners shall be provided to the Township.
- D. *Drainage.* Driveways shall be constructed such that drainage is channeled away from the street right-of-way.
- E. *Driveway Approvals.* A Driveway Permit shall be obtained prior to connecting a driveway to any public or private street. Driveways associated with site plan reviews per Article 64 of the Zoning Ordinance shall follow the Township’s site plan review process. An access determination letter from the corresponding road agency shall be provided to the Township prior to the formal consideration of the project by the Reviewing Body.
- F. *Condo Projects.* Condominium developments and all associated units shall be serviced by an interior transportation network. Individual units shall not have direct access to an arterial or collector street, and must be served by a public or private local street, service drive, frontage road, or private shared driveway.
- G. *Greater Authority.* The appropriate Road Authority may require a more restrictive standard than contained herein.

### Section 6.03. Private Driveway.

- A. *One Premises.* A private driveway may serve only one premises, parcel, unit, or lot.
- B. *Minimum Width.* The improved surface of the driveway shall have a total minimum width of ten (10) feet.
- C. *Approach.* Driveway approaches shall only be installed in conjunction with approved curb cuts and access management spacing requirements.
- D. *Administrative Departures.* A second driveway may be permitted under the following circumstances.

1. Where a development has access to a signalized location, the approach volume of the driveway traffic should be double that shown for unsignalized locations to demonstrate consideration of a second access location. ~~Traffic W~~warrants shall be based on trip generation calculations.
2. For developments that can demonstrate ~~that~~ their combined driveway approach volumes (entering and existing) will exceed 3,000 during an average day (or will be used by 300 vehicle during the peak hour of traffic for either street or the use), and lacking access to a secondary street, a second driveway may be allowed along the major street provided that the additional driveway can meet the spacing requirements.

#### Section 6.04. Shared Private Driveway.

- A. *Number.* One (1) shared private driveway is allowed for ~~up to~~ four (4) or fewer: dwelling units; ~~places of business;~~ lots ~~or;~~ parcels; or places of business; or principal buildings that are each less than 10,000 square feet in size. An “eyebrow” access is allowed as a shared private driveway. See also frontage road and service street.
- B. *Right of Way.* Thirty (30) feet of right-of-way shall be preserved for the shared driveway, with easements granted to all parties for access.
- C. *Minimum Width.* The improved surface of the shared private driveway shall have a total minimum width of sixteen (16) feet.
- C. *D. Location.* The shared private driveway shall be constructed along a joint property line and/or a written easement is provided which allows traffic to travel across parcels for access.
- D. *E. Construction.* An engineered drawing shall be prepared for the review of the Public Works Director that includes information on anticipated vehicle types, traffic volumes, adjacent land uses, stopping locations, cross section(s), material specifications, and other pertinent information that would assist in determining if the plans as proposed will reasonably ensure a durable, long-lasting shared private driveway.
- E. *F. Connections.* Vehicular connections between parking lots and vacant sites for future development should be included in project design where practicable.
- F. *G. Administrative Departures.* A second shared private driveway may be permitted in accordance with Section 6.03.D, a second shared private driveway may be permitted under the following circumstances.
  1. Where a development has access to a signalized location, the approach volume of the driveway traffic should be double that shown for unsignalized locations to warrant consideration of a second access location. Warrants shall be based on trip generation calculations.
  2. For developments that can demonstrate that their combined driveway approach volumes (entering and existing) will exceed 3,000 during an average day (or will be used by 300 vehicle during the peak hour of traffic for either street or the use), and lacking access to a secondary street, a second driveway may be allowed along the major street provided that the additional driveway can meet the spacing requirements.

#### Section 6.05. Reserved.

Section 6.06. Access Points.

- A. *Number.* The number of access points shall be limited to the minimum needed to provide reasonable access. Access points shall be designed and located to minimize conflicts with traffic operations along the street and be placed as far from intersections as practical. Land divisions shall not be permitted that may prevent compliance with the access location standards of this Article.
- B. *Adjoining lands.* Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential out lots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future. Site development shall be done to provide for future cross-access to adjacent lots. A cross access connection or cross-access easement may be required as part of development approval.
- C. *Primary Access.* Where property has frontage or access on more than one roadway, access shall be provided from the lesser traveled street. Where spacing requirements can be met, high traffic volumes will be generated, or the subject side street is inappropriate for non-residential traffic, access onto the main roadway will be considered.
- D. *Arterials.* New access points on Arterials is to be minimized, with internal circulation patters designed to channelize traffic flow via adjacent streets, frontage streets, or service roads, with dedicated access points and signalized intersections that function as gateways.
- E. *25 residential units or less.* A private road cul-de-sac that has only one point of connection to a public road or another private road may provide vehicular access to a maximum of 25 dwelling units.
- F. *Second Access and/or Emergency Access.* Any private street that will serve land uses generating a combined daily volume of traffic of 3,000 trips per day or more or exceeds a length of 1,500 feet shall have at least two means of direct access to public roads. The second means of access may be used for emergency access purposes only with approval from the Reviewing Body. Each access shall be built and maintained to the standards required for private streets.
- G. *Parking Facilities.* Adequate ingress and egress to a parking facility shall be provided by clearly defined driveways. Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can reasonably absorb inbound traffic during a normal peak traffic period.
- H. *Interference with Public Facilities.* No access point shall interfere with municipal facilities such as streetlights, traffic signal poles, signs, fire hydrants, crosswalks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Township is authorized to order the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating such driveways shall be at the expense of the adjoining property owner.

Section 6.07. Spacing.

- A. *Access points.* All spacing of access points on an Arterial or Collector shall comply with appropriate Road Authority standards and the provisions of this Article. Spacing will be based on posted speed limits along the property frontage in accordance with Table 6.07.A.

Posted Speed Limit (MPH)	Driveway Spacing (feet)
30	125
35	150

40	185
45	230
50	275
55 <u>or more</u>	350

- B. *Street Alignment.* Where possible, the approaches of side roads from opposite sides of a through road ~~should~~shall be in direct alignment.
- C. *Driveway Alignment.* Driveways shall be aligned with those from opposite sides of the street. Where this is not possible, driveways shall be offset a minimum of 150 feet, measured from centerline to centerline, to minimize left turn conflicts.
- D. *Crashes.* In areas where accidents and congestion due to left turn movements have created a demonstrated crash pattern where public health and safety are at risk, designs to discourage left turn ingress and/or egress may be considered by the Public Works Director or Road Authority.
- E. *Intersections.* Minimum spacing of access points from intersections, shall comply with Township Public Works and Road Authority standards. Spacing shall be subject to the schedule outlined in Table 6.07.E. Distance is measured from the nearest edge of the driveway throat to the nearest edge of the intersection.

<b>Table 6.07.E. Required Driveway Spacing from Intersections</b>			
	Intersecting Street	Full Movement Driveway (feet)	Channelized for right-in/ right-out turn only (feet)
<b>Driveways Along Arterials</b>			
	Arterial	250	100
	Signalized Non-Arterial	125	75
	Other Street	100	75
<b>Driveways Along Side Streets Intersecting Arterials</b>			
	Arterial	200	100
	Signalized Non-Arterial	100	75
	Other Street	75	75

- F. *Administrative Departure.* If the amount of street frontage is insufficient to meet these criteria, the driveway shall be constructed adjacent to the property line further~~st~~ from the intersection. Prior to granting the Departure, it shall be demonstrated that attempts were made by the property owner to secure an easement, shared access agreement, and/or relocate and create a shared drive between two parcels to avoid establishing an additional driveway.

Section 6.08. Emergency Access.

- A. *Access and Occupancy.* The private street shall be readily accessible to and usable by emergency vehicles in all weather. An occupancy permit required for a dwelling or other building, the primary access to which is to be provided by a private street, shall not be issued until the private street has been constructed with sufficient width, surface, and grade to ensure the safe passage and maneuverability of emergency service vehicles.

- |
- B. *Gated Access.* All gates blocking access to a private road shall have an access code determined by the fire department, and be equipped with a keyed switch which will keep the gate open. The keyed switch must use a Knox Box Key.

## ARTICLE 7 – INTERNAL CIRCULATION

### Section 7.01. Purpose and Intent.

As the Township continues to grow and develop, and large parcels are subdivided into smaller lots, it is within the public interest to ensure that development patterns are accomplished in an orderly and logical way, the function of internal circulation systems work well so as not to overburden the public road network, travel movements are predictable and consistent, and the road hierarchy works as intended. The large scale of modern development patterns requires purposeful intent to provide dignified and safe pathways for those who are ~~too~~ very young, ~~elderly~~ ~~too~~ ~~old~~, physically unable, ~~too poor, or simply cannot afford to own, or simply~~ choose not to drive, a car if Oshtemo ~~Township~~ Township is to provide a high quality of life for all residents.

### Section 7.02. Applicability.

Internal circulation systems are a component of the Township’s street network. It is for this reason that frontage roads and service drives are classified as private Local streets, akin to alleys. Internal site circulation directs a resident, patron, guest, employee, and others literally to the front door of a commercial business, place of assembly, multi-family residential building, mixed-use complex, or other use or structure. All attached single-family and multiple family residential, non-residential, and mixed-use developments shall comply with the following requirements.

### Section 7.03. Circulation Study.

- A. *Intent.* The intent of conducting a circulation study is to understand existing and/or future site operations and the ability of the public to travel to, from, and through any given location safely and efficiently, and how a location interacts with adjoining land uses, structures, and mobility infrastructure within a given context.
- B. *Criteria.* The internal circulation system of existing or proposed development may be reviewed by the Public Works Director ~~or Township-designated Traffic Engineer and Planning Director~~ under one of the following circumstances:
  1. Site plan submittal or an amendment thereto;
  2. Addition of a new driveway or access point;
  3. Increase in the intensity of a land use on the site or on a connecting site with shared access;
  4. When a new or amended cross-access agreement is enacted;
  5. Parking lot repaving/resurfacing; or
  6. Where a concern has been expressed by law enforcement, transit authority, Road Authority, or other entity responsible for public safety associated with vehicular operations.
- C. *Scope.* Prior to commencing an evaluation, the Public Works Director or Township-designated Traffic Engineer, ~~will~~ shall coordinate with the applicant/developer to develop an understanding of the scope of work. The scope shall consider the safety of all users (motorists, pedestrians, transit riders, bicyclists, persons with disabilities) and their ability to travel to/from the front door of the use or structure being served by the parking lot, frontage road, service drive, or other connecting component on the site to nearby uses and buildings, public or private right-of-way, and abutting properties. Direct routes, particularly for non-motorized users, ~~shall~~ will be considered.



- D. *Improvements.* The Public Works Director, upon reviewing the results of the circulation study, shall determine if improvements or modifications are needed to improve the internal circulation system;<sup>7</sup> items may include but not be limited to: parking lot restriping, delineators, fencing, curbing, etc. to ~~modify drive lane alignment or~~ delineate pedestrian walking areas; the installation of ~~a stop~~ permanent signage, refuge areas/islands, sidewalks, or curb ramps; assignment of a left-hand turn-lane or reconfiguration of lanes; and the addition or relocation of a bus stop or shelter, etc.

#### Section 7.04. Frontage Roads and Service Drives.

##### A. *Applicability.*

1. In areas where frontage roads or service drives exist, access to individual properties shall be provided by these drives rather than direct access with cross-access agreements provided between properties.
2. The Reviewing Body may require a frontage road or rear service drive where such facilities can provide access to signalized locations, the number of driveways may be minimized, as a means to ensure that traffic is able to ~~move~~ move efficiently,<sup>7</sup> or provide a greater degree of safe ingress and egress.

- B. *Placement.* Frontage roads and service drives shall be set back as far as reasonably possible from the intersection of the access driveway with the public or private street. A minimum distance that equals the required front yard (setback) or the major road setback, whichever is a greater distance from the right-of-way, shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum fifty (50) feet of throat depth provided at the access point. The Reviewing Body may extend throat length if modeled vehicle queues necessitate expansion.

- C. *Alignment.* The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s).

- D. *Building Arrangement.* Each building or group of buildings used for non-residential purposes, and its parking or service area, shall be physically separated from public streets by a greenbelt, curb, or other suitable barrier against unchanneled motor vehicle access or egress, except for access ways authorized herein.

- E. *Construction and Design.* Frontage roads and service drives shall be constructed and designed in accordance with private road standards for Urban Collector or Urban Local streets, as determined by the Public Works Director and Planning Director based upon the anticipated amount of traffic and its characteristics and in accordance with Article 8 Street Design.

1. *Streetscape.* Major drive aisles and entry drives within and between significant developments and their parking facilities may be required by the Reviewing Body to be treated similarly as public roadways in terms of streetscape. Similar street trees and light fixtures shall be located on those routes designated to carry traffic in, out, and between large development areas and parking lots. This shall be included as part of the landscape plan.
2. *Delineation.* Curbing, signage, islands, or some other means to guide the route of through traffic shall be provided. If a non-conforming situation exists, it shall be remedied when 50% or greater of the total surface area of the parking lot any area abutting the drive location ~~is experiences~~ heavy maintenance or reconstruction over the course of the life of the parking lot.
3. *Driveway Spacing.* Minimum driveway spacing standards shall not apply to frontage roads and service drives.

4. *Parking.* Parking may be allowed along a frontage road or service road so long as it is designed to meet on-street parking standards for urban collector streets.
  5. *Administrative Departure.* In the case of expansion, alteration, or redesign of an existing development where it can be demonstrated that pre-existing conditions prohibit installation of a frontage road or service drive in accordance with this Ordinance, the Reviewing Body may allow alternative cross access between adjacent parking areas through the inter-connection of main circulation aisles.
- F. *Temporary Direct Access.* In cases where a frontage road or service drive will be used for access, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the property owner, when the alternative access system becomes available.
1. The Township may require posting of a financial performance guarantee to ensure compliance.
  2. If the Township approves a provisional access, the developer shall provide an adequate surety bond or other guarantee deemed acceptable to the Township in an amount sufficient to cover construction costs associated with the closing of the provisional road access.
  3. The site plan shall show the proposed layout of the site when the provisional access drive is removed.
- G. *Administrative Departure.* The Planning Department may reduce required lot size and road frontage requirements by up to ten (10) percent under one of the following conditions:
1. A driveway is established to serve two or more parcels, and where such parcels are not served by any other access point.
  2. When a frontage road or service drive is created that serves two or more parcels.
  3. Evidence of a binding cross-access or shared parking agreement regarding two or properties is provided.

#### Section 7.05. Vehicular Circulation.

- A. *Access.* Unobstructed vehicular access to and from a public street will be provided for all off-street parking spaces. Vehicular access shall be provided in such manner as to protect the safety of persons using such access or traveling in the public or private street from which such access is obtained and in such manner as to protect the traffic-carrying capacity of the public or private street from which such access is obtained.
- B. *Circulation Routes.* Parking lots shall provide well-defined circulation routes for vehicles, bicycles and pedestrians.
- C. *Traffic Control Devices.* Standard traffic control signs and devices shall be used to direct traffic where necessary within a parking lot.
- D. *Orientation.* Parking bays shall be perpendicular to the land uses they serve to the maximum extent feasible. Large parking lots shall include walkways that are located in places that are logical and convenient for pedestrians in accordance with Section 7.06.

- E. *Landscape Islands.* To the maximum extent feasible, landscape islands with raised curbs shall be used to define parking lot entrances, the ends of all parking aisles and the location and pattern of primary internal access drives, and to provide pedestrian refuge areas and walkways.
- F. *Points of Conflict.* The lot layout shall specifically address the interrelation of pedestrian, vehicular and bicycle circulation in order to provide continuous, direct pedestrian access with a minimum of driveway and drive aisle crossings.
- G. *User Needs.* Layout and design shall anticipate the needs of users and provide continuity between vehicular circulation, parking, pedestrian and bicycle circulation. Pedestrian drop-off areas shall be provided where needed, especially for land uses that serve children or the elderly.
- H. *Pavement.* All vehicle circulation and off-street parking areas will be surfaced with asphalt or concrete.
- I. *Trucks.* Truck access and circulation routes shall be designed to minimize potential traffic and noise conflicts with adjacent sites, walkways between sidewalks and principal building entrances, and internal circulation routes.
- J. *Drive-Through.* Queuing and a by-pass lane shall be provided for drive-through establishments described in Table 7.05.J. Minimum Queuing Standards.
  - 1. Each queuing space shall be a minimum of ten feet by 20 feet, clearly defined and designed so as not to conflict or interfere with other traffic using the site.
  - 2. Queuing shall be measured from the front of the stopped vehicle located at the point of service to the rear of the queuing lane.
  - ~~3. One additional queuing space shall also be provided after the point of service for all uses.~~
  - 3. A by-pass lane a minimum of ten (10) feet wide shall be provided before or around the point of service, unless the bypass lane also doubles as the fire lane and in that case then the lane width shall be twelve (12) feet wide-
  - 4. Where queuing interrupts access on a public road, the Public Works Director is authorized to require the rerouting of traffic to a service drive or frontage road.

<b>Drive-Through Use</b>	<b>Number of Spaces</b>	<b>Required By-Pass</b>
Financial institution	3	No
Restaurant, low-volume (less than 10/hour)	3	No
Restaurant, higher-volume	7	Yes
Carwash, automatic	5	No
Carwash, self-service	3	Yes
General retail	4	Yes

- K. *Administrative Departure.* A by-pass lane may not be required if the queuing lane is adjacent to a vehicular use area which functions as a by-pass lane.

Section 7.06. Pedestrian Circulation.

- A. *Purpose.* Pedestrian access shall be required for all sites to improve the health, safety and welfare of the public by providing clear pedestrian pathways at perimeter and internal site locations to reduce pedestrian and vehicular conflicts, improve accessibility for persons with disabilities, and establish a multi-modal environment that is supportive of walking, biking and transit use. These requirements are also intended to promote healthier lifestyles by encouraging walking and bicycling over the use of a private vehicle for many daily activities, and to provide the means by which residents and visitor can be more engaged with their neighbors, coworkers, and fellow visitors.
- B. Accessible Walkways. Continuous pedestrian walkways shall be provided to connect off-street surface parking areas and public non-motorized facilities identified in the Oshtemo Township Go! Green Plan with the primary entrances of main buildings. To the maximum extent feasible, pedestrians and vehicles shall be separated through the provision of a sidewalk or walkway.
- ~~C. C. Network Connections. At least one (1) pedestrian walkway with a minimum width of five (5) feet shall be provided from the internal pedestrian walkway network to the public sidewalk or trail system. In the case of corner lots, connections shall be made to the sidewalks of both streets. Where trails exist or are planned, paths or sidewalks shall connect building entries to the trail system. Where connections are provided to adjacent properties, non-motorized facilities shall connect.~~
- ~~1. D. Design. The required walkway(s) must be at least five (5) feet wide, shall not be within a driving aisle, and, where possible, shall be within a landscaped island area running perpendicular and/or parallel to the primary building façade, depending on the parking lot orientation. If parking spaces are adjacent to a sidewalk, the sidewalk must be at least seven (7) feet to allow for vehicular overhang.~~
- ~~D. E. Protected. Dedicated sidewalks ~~will~~ shall be raised above the surface of the parking lot, or, if at the same level as the parking lot, the walkway ~~will~~ shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, or scored/stamped concrete or asphalt. Where the walkway is not protected by a 6' concrete curb, then pinned wheel stops shall be provided.~~
- ~~2. F. Identifiers. To minimize potential hazards and enhance safety, in addition to a change in materials other tactics should be employed such as clearly marked striping, tactile alerts, landscaping, bollards, lighting and other means to clearly delineate pedestrian areas.~~
- ~~E. Network Connections. At least one (1) pedestrian walkway with a minimum width of five (5) feet shall be provided from the internal pedestrian walkway network to the public sidewalk or trail system. In the case of corner lots, connections shall be made to the sidewalks of both streets. Where trails exist or are planned, paths or sidewalks shall connect building entries to the trail system.~~
- F. G. Additional. Each surface parking area that has fifty (50) or more parking spaces, or has any parking spaces more than three hundred fifty (350) feet from the front façade of the main building, shall have at least one (1) pedestrian walkway or sidewalk allowing pedestrians to pass from the row of parking furthest from the main building façade to the primary building entrance.

Section 7.07. Transit Access and Amenities.

- A. *Transit Stops.* Where public transit service is available or planned, convenient access to transit stops shall be provided by means of public or private sidewalks or walkways. Any provided seating shall not obstruct a public sidewalk.
- B. Where transit shelters are provided, they shall be placed in highly visible and well lighted locations for purposes of safety, subject to review by Metro.
- C. *Landscaping.* Landscape and/or plaza areas are encouraged at transit stops.

Section 7.08. Bicycle Facilities.

- A. *Bicycle Parking.* Bicycle parking shall be within fifty (50) feet of the nearest publicly accessible building entrance, in well-lit areas clearly visible from the front door, and on the same lot as the use being served. Facilities may be indoors or outdoors. If indoors, access shall be available to the public during business hours, at a minimum.
  - 1. Bicycle parking and access facilities may be placed in vehicle parking areas but shall not take the place of a required vehicle parking space or conflict with internal parking aisles.
  - 2. A minimum of five (5) bike parking spaces shall be provided.
- B. *Connection to Front Door.* A pedestrian-accessible walkway shall be available between the outdoor bicycle parking area and the primary building entrance. Public sidewalks may be used to meet this requirement. An aisle width of at least five (5) feet shall be provided adjacent to any bicycle parking facilities to allow for maneuvering.
- C. *Bike Racks.* Designs of bicycle racks, docks, posts, and lockers are encouraged to be decorative, unique, and appropriate to the surrounding area or related to the use being served, and shall be maintained in good repair. They will allow a bicycle to be locked to a structure, attached to the pavement, building, or other permanent structure, with two (2) points of contact to an individual bicycle frame.
- D. *Administrative Departure.* Required bicycle parking may be reduced by an Administrative Departure when it is demonstrated that the level of bicycle activity at that location warrants a different amount. In no case shall fewer than two (2) spaces be provided.

## ARTICLE 8 – STREET DESIGN

### Section 8.01. Purpose and Intent.

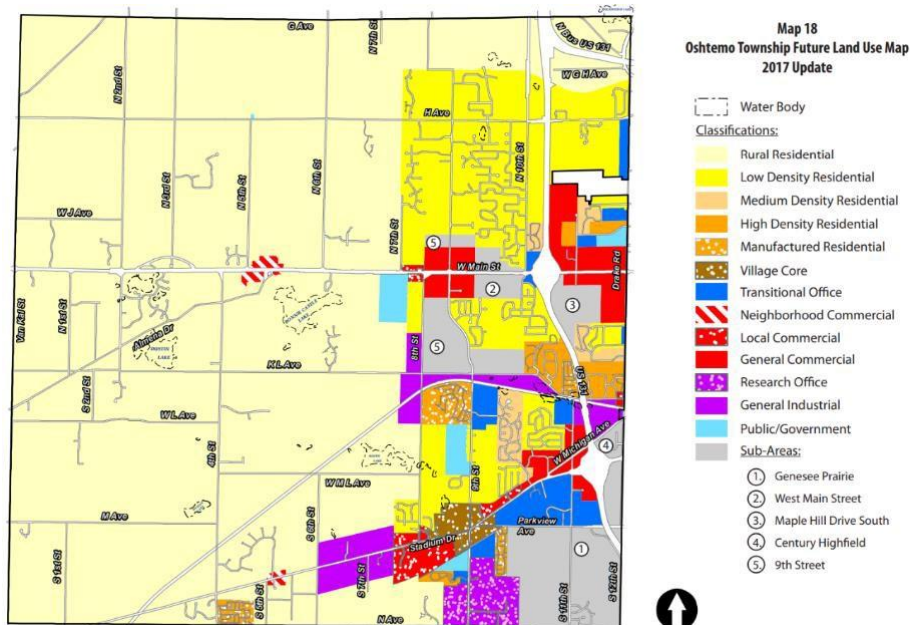
Land use and transportation are inextricably linked. Land uses generate the need for travel and connectivity, and their arrangement dictates travel choices. Compact settings, with a variety of proximate land uses connected by streets that accommodate a variety of modes, will have a higher portion of trips made by walking, biking, or transit. Areas with more dispersed settlement patterns require longer trips and are more auto-dependent. The need to consider context in transportation design has long been recognized. The AASHTO “Green Book” includes two place types, rural and urban.

Street design best practices acknowledge that many factors influence travel speed, crashes, and how a street can support, or conflict, with a community’s vision – affecting economic development, quality of place, and even residents’ physical activity. The Federal Highway Administration has developed “Proven Safety Countermeasures” to reduce roadway fatalities and serious injuries. These strategies support self-regulating design, an approach focused on managing speed, which in turn improves safety. Tactics include reducing street width, carefully setting design speed, road diets, pavement markings and signs, street trees and landscaping, and other tactics that manage driver behavior and street operations.

Oshtemo Township is committed to ensuring the transportation system which serves its residents, businesses, and visitors operates safely and efficiently. Due to the dramatic contrast in the Township’s character from rural residential to intense commercial and residential at the edge of the City of Kalamazoo, we must consider context in street design. In addition, streets serve a variety of different purposes. Street classification allows for a clearer definition of street hierarchy and different modal types that we should be considered in design.

### Section 8.02. Context Zones.

- A. For the purposes of this Streets Ordinance, there are two (2) context zones: “Urban” and “Rural”. The Urban context zone is comprised of all portions of the Township that are not classified as “Rural Residential” on the Oshtemo Township 2017 Future Land Use Map. All other lands identified as “Rural Residential” on the Future Land Use Map are in the Rural context zone.



- B. All streets shall meet the design requirements of this Ordinance within the Urban or Rural context zone as assigned, except as noted in Section 8.04.A.

#### Section 8.03. Types of Streets.

- A. The street network shall consist of three main types of streets: Arterial, Collector, and Local ~~Road~~.
  1. Arterials are the basis around which the circulation system is designed. Arterials are main streets with through movements. Delivery trucks, personal vehicles, transit, pedestrians, and bicyclists use Arterials. All Arterials shall be public.
  2. Collectors provide a connection between Arterials and Local Streets, carrying traffic with trips ending in a specific commercial or residential areas. Collectors may intersect with any street type. All modes of travel use Collectors to get to their destination. Collectors shall be public, unless the criteria in Section 8.07 ~~6.B~~ C is met.
  3. Local Streets provide direct property access to homes, businesses, parking, loading, or other service areas of a site. Local Streets may intersect with any street type, but most often Collectors. Intended to be slow-moving streets where the presence of pedestrians and bicyclists ~~is-are~~ expected. Local Streets may be public or private.

#### Section 8.04. Reserved.

#### Section 8.05. Public Streets.

- A. A public street under Road Authority jurisdiction shall follow the design requirements of that Road Authority (see Table 8.05 Public Streets Standards).
- B. Upon receipt of a developer's preliminary conceptual plan, the Planning Director will ask if a public street is desired. If the answer is in the affirmative, then staff will determine if the project is in the Urban context zone. If it is, then Township staff shall do the following:
  1. Evaluate whether the conceptual plan and design requirements of the Road Authority align with Urban context characteristics, advance the stated purpose and intent of this Ordinance and its provisions, and support self-enforcing design. If it is determined that Road Authority standards support the Township's desired outcomes, then no further action is required ~~and the standard process continues~~.
  2. If the Road Authority's default design requirements do not support the Urban context then, with the consent of the developer, the Public Works Director in partnership with the developer will seek design exceptions in accordance with the Road Authority's rules for those items that would advance the Intents of this Ordinance, the Oshtemo Township Comprehensive Master Plan, and Go! Green Oshtemo Plan. ~~RCKC fees~~ Costs associated with design exception review process will be at the Township's expense.
  - 3.—A report will be prepared at the conclusion of the design exception process by the Public Works Director and transmitted to the Township Board. The report shall contain information concerning the requested design exception(s), associated costs, whether exceptions were granted or denied, and if denied, the justification for denial.

Table 8.05 Public Streets Standards									
		Urban				Rural			
RCKC Designation		Commercial	Commercial	Commercial or Residential	Commercial or Residential	County Primary	County Primary	County Local	
<del>Oshkemo Township</del> Designation <u>National Functional</u> Class		Arterial	DDA	Collector	Local	Arterial	Collector	Local	
Parameters	ROW width	100'	66'	66'	66'	100'	100'	66'	
	ROW w/boulevard	120'	n/a	<del>100</del> - 120'	100 - 120'	<del>n/a</del> 120'	<del>n/a</del> 120'	<del>n/a</del> 100 - 120'	
	Cul de sac ROW	140'	140'	140'	140'	140'	140'	140'	
	Target speed (mph)	25 - 55 mph	<u>25 - 35 mph</u>		25 - 55 mph	<del>25-35</del> - 55	<del>25-35</del> - 55	25 - <del>55</del> <u>35</u>	
	Drainage	curb & gutter	curb & gutter	curb & gutter	c & g or valley	ditches	ditches	ditches	
Street	Lane width w/valley gutter	n/a			12'	n/a	n/a	12'	
	Valley gutter	n/a			2'	n/a	n/a	2'	
	Shoulder	<del>n/a</del> 2'				<u>3' paved, 3' gravel</u> 2'		<u>1' paved, 2' gravel</u>	
	Lane width w/curb	16'			n/a				
	Curb and pan	2'			n/a				
	Vehicle lane width	<u>11'6"-18'</u>			11' - 16'	<u>11'2'</u>	11'	11'	
Cul de sac radius	50'			50'					
Green Infrastr.	Median/ <u>Blvd</u>	-	<u>10'4"-16"</u>	-	<u>10'4"-16"</u>	-	-	11'6"	
	Minimum parkway	10'	w/ sidewalk	6'	6'	12'	10'	6'	
	Tree placement	n/a	6' from curb			n/a			
	Tree spacing	n/a							
Non- Motorized	Bike lanes	<del>n/a</del> not allowed							
	Shared use path	<u>8'-12'</u>	n/a	12'		12'			
	Sidewalk placement	1' from ROW <u>or 6.5' off back of curb in DDA</u>					1' from ROW		
	Sidewalk width	6'	14'	6'	5'	5'			
	Mid-block crossing	n/a					n/a		
Streetscape	On-street parking	n/a	8'	n/a					
	Decorative crosswalk	n/a	red brick paint	n/a					
	Traffic calming	n/a							
	Street furniture	n/a	6' from curb	n/a					
	Outdoor dining	n/a							
	Curb extensions	n/a	allowed	n/a					
	Decorative lighting	n/a	6' from curb	n/a					
Street art	n/a								
n/a - not applicable or not allowed by Road Authority									



Section 8.06. Private Streets.

- A. *Purpose and Intent.* The purpose of this section is to provide access to residential, nonresidential, and site condominium developments, and as tracts of land are divided, sold, and transferred. The Township ~~has~~ determineds it is in the best interest of the public health, safety, and welfare to regulate the design, construction, improvement, extension, relocation, maintenance, and use of private streets to ensure they provide for the safe passage and maneuverability of emergency vehicles and multiple public and private users; and that such streets are constructed of suitable materials to ~~ensure-maximize~~ their durability. Private streets may also help preserve safe and efficient traffic movement by providing reasonable access to public roadways.
- B. *Applicability.* Private streets shall be permitted where there is limited or no opportunity or potential to establish a public street or plat the land, or where the design requirements for creating a public street are particularly incompatible and do not advance the vision and goals of the Oshtemo Township Master Plan and Regulating Plan. The provisions of this Article shall apply to:
1. All private streets designated or constructed on and after the effective date of this Ordinance.
  2. Where access is provided to five (5) or more existing or proposed dwelling units, places of business, lots, parcels, or principal buildings. In commercial areas this may be a service drive or frontage road.
  3. An existing private street, including the portion thereof existing prior to the adoption of this Ordinance, when it is extended by an increase in its length, or if lots or parcels of land with access to the existing private street are added.
- C. *Authorization.* Private streets shall not be constructed, extended or relocated without express written approval by the Public Works Director and Planning Director as deemed necessary attesting that the proposed private street complies with all Township standards (see also Article 9 Administration and Enforcement). If approved as a private street, the Township shall have no obligation or liability for the private street or maintenance thereof.
- D. *Township Agreement.* All improvements installed or constructed as required under the terms of this Ordinance shall be made and maintained at the expense of the property owner(s) or developer. The Township may enter into an agreement with the owner/developer of the private street that would also benefit the public and the Township for reasons of additional access, connectivity, and mobility.
- E. *Street Frontage.* All lots and parcels of land with access to a private street shall have frontage on the approved private street right-of-way equal to the minimum lot width requirement of the Zone District in which the lot is located.
1. A parcel with frontage on both a private and public street shall be considered a corner lot.
  2. The driveways for corner lots shall be constructed on the private road, except in the case of an existing lot or structure or where topography, such as wetlands or steep slopes make such access unfeasible or where prohibited by the Road Commission of Kalamazoo County.

Section 8.07. Private Streets Standards.

- A. *Purpose and Intent.* Private streets offer an alternative to public street design standards . It is the intent of these regulations to offer a greater variety of design choices, provide safe facilities for all road users as appropriate, and allow opportunities for placemaking to encourage economic investment.
- B. *Collector Streets.* A private Collector street shall meet the ~~construction specifications~~pavement design requirements of RKC for public streets (base, asphalt mix, etc.) but may be designed in accordance with the standards provided in Table 8.07. for private streets if an easement is provided to the Township which grants public access within the private street right-of-way to ensure the intended function of the Collector is as represented in exchange for the additional design flexibility offered by these standards.
- C. *Local Streets.* An engineered drawing shall be prepared for the review of the Public Works Director for a private Local street that includes information on anticipated traffic types and volumes, adjacent land uses, and other pertinent information that ~~would~~shall assist in determining if the pavement plans as proposed meet professional standards and will reasonably ensure a durable private street.
- D. *Radii.* Turning radii shall be determined based on Fire Department standards.
- E. *Design Standards.* A private street shall follow the design requirements of this Ordinance, particularly Table 8.07 Required Private Streets Standards. However, the Public Works Director is granted the authority to exercise engineering judgement when appropriate to determine the best design approach for unique situations through the Administrative Departure process.

Oshtemo Township Designation		Urban			Rural			Section
		Collector - Commercial	Collector -- Residential and Local - Commercial	Local - Residential	Collector - Commercial	Collector - Residential	Local	
Parameters	ROW width	66'	66'	50'	66'	66'	50'	
	ROW w/boulevard	100'	80'	66'	100'	80'	66'	
	Cul de sac ROW	60'	50'		60'	50'		
	Target speed	30 mph	<u>25 mph</u>	20 mph	35 mph		25 mph	
	Drainage	curb & gutter		gutter or ditch	gutter or ditch		ditch	
	Grade	Up to <u>5.6%</u>		Up to 8%	Up to 7%		Up to 10%	Section <del>78.08</del>
Street	Vehicle lane width	10'-11'		9'-10'	11'	10'-11'	9'-10'	
	Curb and pan	18"		<u>12-18"</u>	18"		<u>12-18"</u>	
	Valley gutter	n/a	n/a	2'	2'	2'	2'	
	Shoulder	n/a	n/a	n/a	3'		2'	
	Cul-de-sac radius	40'		30'	50'		40'	
Green Infrastr.	Median	10'	8'	6'	12'	10'	6'	
	Min. parkway	6'		6'	8'		6'	
	Tree placement	<u>3' from back of curb</u>			3'		3'	Section <del>78.09</del>
	Tree spacing	25'-40'			25'-40'			
Non-Motorize	Bike lanes	6'	<u>n/a</u>		6'	<u>n/a</u>		
	Shared use path	12'			12'			
	Sidewalk placement	Both sides, w/parkway (may be back of curb)			w/parkway		w/parkway	
	Sidewalk width	6'-14'	6'	5'	5'			Section <del>78.10</del>

Oshtemo Township Designation		Urban			Rural			Section
		Collector - Commercial	Collector - Residential and Local - Commercial	Local - Residential	Collector - Commercial	Collector - Residential	Local	
	Mid-block crossing	allowed		allowed		allowed	allowed	
	On-street parking	allowed		allowed		allowed	allowed	
Streetscape	Decorative crosswalk	allowed		allowed	allowed	-	-allowed	
	Traffic calming	allowed		allowed	-	-	allowed	
	Outdoor seating	allowed		-	-	-	-	
	Curb extensions	allowed		allowed	-	-	-allowed	
	Decorative lighting	allowed		allowed	-	-	-allowed	
	Street art	allowed		allowed	-	-	-	

Section 8.08 Grading for Private Streets.

- A. *Limits.* It is desirable to work with the land to preserve natural features and slopes rather than cause extensive grading during the development process, while still ensuring safe travel and property access.
1. The grade of private streets ~~will~~shall be related appropriately to the original topography but ~~shall~~will not exceed a maximum grade of six percent (6%), unless otherwise granted an exception under Part D of this Section.
  2. Any proposed street approaching an existing or proposed street shall be constructed with the approach profile grade between 0% and 2% for a minimum 50 feet in length, as measured from the edge of the through street. For proposed road grades of 6% to 7%, the 0% to 2% approach profile grade length shall be a minimum 100 feet in length.
  3. The minimum grade for any concrete curb and gutter street shall be 0.75%. The minimum grade for any HMA valley gutter street shall be 1.00%.
  4. A cul-de-sac turnaround shall be constructed to ensure a minimum grade of 1.25% along the flow line of the gutter.
- B. *Curves.* Private streets may curve to provide traffic calming measures so long as road width and other self-enforcing design techniques are used to ensure that travel speeds ~~will~~ remain slow.
1. Ability to maintain the street for snow plowing, trash removal, deliveries, and access for emergencies services must be demonstrated during the design process.
  2. Horizontal and vertical curve alignment shall be equal to the highest standard that is compatible with topographical details and reasonable ROW width. Vertical curve K Values for sags and crests shall be designed according to AASHTO.
- C. *Relationships.* The interplay of the private street to other properties, facilities, buildings, and even door entries is important for a successful built environment.

1. Site grading shall not preclude the ability to align with abutting properties for service roads, non-motorized facilities, or other aspects to facilitate the continued growth and development of the community.
  2. All streets shall be arranged to locate as many lots or building sites as possible at, or above, the grades of the streets. Lots or building sites with grades lower than the street may be allowed provided adequate drainage is demonstrated.
  3. Top of cCurb height shall be below and the finished floor grade of a building shall match with a maximum 2% grade running from the finished floor to the top of curb where a building is located twenty (20) feet or less from the back of curb.
- D. *Administrative Departure.* Notwithstanding the preceding, the Public Works Director may allow a maximum grade of up to ten percent (10%) for a private street if it is reasonably determined that such increased grade meets all of the following standards:
1. The private street will be safe;
  2. The increased grade will not hinder the ability of firefighting equipment, ambulances and other emergency vehicles and personnel to reach all portions of the development;
  3. The private road has a maximum grade of four percent (4%) for a minimum distance of thirty (30) feet from its intersection with a public right-of-way or another private road; and
  4. The developer demonstrates that automobile traffic will be able to easily and safely go up and down the grade at all times of the year, including when ice and snow are present.

#### Section 8.09. Green Infrastructure.

- A. *Purpose and Intent.* Streetscape improvements are intended to mitigate the effect of the built environment on the natural environment and to support a healthy environment for people. Street trees, in particular, provide shade and visual relief, improve air quality, contribute to noise reduction, calm vehicular traffic, reduce stormwater effects, and improve property values.
- B. *Applicability.* Streetscape improvements shall be applicable to all private street construction or reconstruction projects (non-maintenance), development projects requiring a building permit, and/or where sidewalks or other facilities in the right-of-way are to be installed or replaced. Installation of streetscape improvements, particularly street trees, is highly encourage in the public right-of-way.
- C. The design of the storm water management and drainage facilities should seek to be comparable in function and appearance to common natural drainage systems and runoff patterns, including wetlands. The private street shall be constructed with such storm water drainage easements, storm water runoff, culverts, and drainage contours necessary to ensure adequate drainage and runoff.
- D. All areas disturbed by the construction of the private road shall be provided with topsoil, seeded with perennial grass and protected against erosion.
- E. *Green Infrastructure.* The following rules shall apply.
1. At least one (1) small tree shall be planted for each twenty-five (25) feet of lot frontage or any fraction over twenty-five (25) feet. As an alternative, one (1) medium or large tree may be planted for each thirty-five (35) feet of lot frontage or for any fraction of forty (40) feet.

2. Clustering of ornamental, medium, or large trees is permitted when utility conflicts or required clear vision areas prevent compliance with minimum spacing requirements.
3. In addition to the required plantings within the right-of-way, the remainder of the tree lawn shall be landscaped with grass, ground cover, shrubs, and other organic landscape materials.
4. A minimum 6-foot-wide parkway (tree lawn) shall be provided on Collector and Local streets. A minimum 10-foot-wide parkway will be provided on those properties fronting Arterial streets.
5. Street trees located along the same street frontage shall be aligned in a consistent row along the street.
6. Where space permits, cul-de-sacs shall be designed with a central island where vegetation can be preserved/established.
7. 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. *Soil.* Topsoil per Table 8.07 Streetscape Planting Requirements shall be used for tree installation.

Plant Material		Minimum Plant Size	Spacing on Center (ft.)	Soil Volume (cu. ft.)
Canopy/Shade Trees	Small	1.5 in caliper	25 ft.	250
	Medium	2.5 in caliper	35 ft.	500
	Large	2.5 in caliper	45 ft.	750
Ornamental Trees		2.0 in caliper	15 ft.	200
Evergreen Trees		5.0 ft height	15 ft.	200
Shrubs		3.0 ft height	3 ft.	N/A

E. *Root Barrier.* Root barriers shall be installed within areas where there is less than seven (7) feet between the back of curb and the sidewalk to prevent root penetration and destruction of curbs and sidewalks.

F. *Maintenance and Replacement by Property Owner.*

1. The property owner shall be required to maintain street trees for two (2) years after the trees are planted and replace any tree which fails to survive or does not exhibit normal growth characteristics of health and vigor, as determined by the Planning Director. The two (2) year period after the approval of the Planning Director shall begin at each planting and shall recommence as trees are replaced.
2. All street trees must be maintained with a minimum clearance height of 15 feet to the first branch at maturity.

- G. *Administrative Departures.* An Administrative Departure that reduces, modifies, or eliminates landscape improvements may be granted where:
1. The tree lawn is too narrow or is otherwise not conducive to the planting of trees or other streetscape improvements; or
  2. If there are trees growing along but not within the right-of-way which are intended to be preserved and comply with the intent of these regulations; or
  3. The affected area is small in comparison to the overall project, which generally complies with the regulations of this Article, and the modification does not materially impair the public realm.

#### Section 8.10. Sidewalks.

- A. Sidewalks are required on all streets in ~~the designated urban context zone~~ on both sides of the street.
- B. Sidewalks will be a minimum of six (6) feet wide on ~~a~~Arterials and ~~u~~Urban ~~e~~Commercial ~~e~~Connectors and five (5) feet wide on residential or lower volume Local streets, and meet all Federal ADA requirements.
- C. Slopes. Sidewalks shall be aligned horizontally and vertically with existing sidewalks on adjacent properties. and designed to maintain the existing direction and flow of storm water and to avoid damming or flooding ~~and meet ADA requirements. Maximum allowable slope is two percent (2%).~~
- D. *Sidewalks at Driveway Crossings.* The appearance of the sidewalk shall be maintained across the driveway to indicate that the area traversed by a vehicle remains a part of the pedestrian zone and that pedestrians have the right-of-way. The driveway shall retain the elevation of the sidewalk.
- ~~E. *Detectable Warning Surfaces.* Detectable warning surfaces shall be installed wherever a sidewalk or shared use path approaches an intersection with a street or driveway.~~
- ~~F. *In Rural areas, a widened shoulder may substitute for sidewalks on Collector and Local streets.*~~
- G. E.Shared Use Path. A twelve (12)-foot shared-use path, reflective of locations identified in the Regulating Plan contained in the Oshtemo Township Comprehensive Master Plan and the Non-Motorized Facilities Plan, shall be installed within Arterial corridors and Collector streets.
- F. Residential Development. Sidewalks not less than five feet in width shall be included within the dedicated non-pavement portion of the right-of-way on both sides of all roads within a plat, subdivision, site condominium, or multi-family development.
- G. Internal Connectivity. Internal circulation within a development will provide for a clear and continuous path for use by residents.
- H. External Connectivity. Non-motorized connections shall be made to the broader community. Connections will be provided to adjoining neighborhoods, transit stops, and commercial nodes. Stub connections will be provided in locations that would allow for future locations based on the probable layout of abutting development due to natural features, typical lot sizes, etc.

I. *Petition.* Existing residential neighborhoods without sidewalks, and for which public sidewalks are not planned under the Township Master Plan, may petition for sidewalks to be built within the neighborhood.

1. The residents of the neighborhood ~~will~~shall be responsible for initiating the petition and, if successful, present the petition to the Reviewing Body for approval.
2. Upon Reviewing Body approval, the streets of the neighborhood will be added to the list of streets to receive sidewalks and the sidewalks will be built at Township expense according to the Township's Prioritization Policy.
3. Residents can petition to establish a special assessment district to pay for the sidewalk.

J. *Board Action.* The Township Board may determine it is appropriate to require or initiate action that would result in the installation of non-motorized facilities.

1. Within commercial and industrial areas, non-motorized facilities deemed necessary may be installed upon the motion of the Board in accordance with Michigan law with or without the establishment of a special assessment district.
2. The Township, on the motion of the Board, may, at its expense, proceed with sidewalk improvements to fill gaps in the existing sidewalk system as redevelopment and infill development occurs.
3. The Board may, concurrent with capital improvement projects, construct the sidewalks, other non-motorized facilities, and other appropriate safety improvements along primary pedestrian routes to schools, parks, or other activity destinations upon motion of the Board at the Township's expense. The Township will host public meetings to obtain resident input before committing to the Complete Street elements with the capital improvement projects.

K. *Administrative Departure.*

1. The width and location requirements may be adjusted upon finding that another location would be more appropriate because of the location of utilities, existing landscaping or trees, the location of connecting sidewalks or pathways on adjacent parcels, or other site considerations.

~~K.2.~~ In the Rural context zone, a widened minimum five (5)-foot shoulder may substitute for sidewalks on Local streets if there will be twenty-five (25) homes or less connected to the street.

## ARTICLE 9 – ADMINISTRATION AND ENFORCEMENT FOR PRIVATE STREETS

### Section 9.01. Administration and Interpretation.

The Public Works Director and Planning Director will jointly perform or assign the following responsibilities and authorities:

- A. Administer the street standards;
- B. Interpret the provisions of the street standards;
- C. Modify the street standards where special conditions indicate that such modification will best meet the purpose and intent of this Ordinance and provide an adequate and safe street for all users. If there is a conflict between this Ordinance and the individual requirements, the Public Works Director and Planning Director shall determine which requirements control. Should the Public Works Director and Planning Director differ in their opinions, then the Township Supervisor shall make the final determination.

### Section 9.02. Fees.

The Township shall, by resolution of the Township Board, adopt a fee schedule for Private Street Permits. The fees shall be imposed to cover Township administrative costs, as well as engineering review, field inspection, planning review, and legal and other professional services. The Township may also require escrow fees for field inspections. The balance of any escrow amount shall be refunded to the applicant upon final approval. Should the Township's costs exceed the fees submitted and/or the escrow amount, the applicant shall be responsible for payment of such amounts prior to the issuance of the certificate of completion.

### ~~Section 9.03. Approval Process.~~

- ~~A. *Commencement.* No construction shall be commenced on a street (or extension or addition thereto) until and unless all approvals under this Ordinance and any other applicable ordinance sections have been obtained from the Township through the Site Plan Review process as described in Article 65 of the Zoning Ordinance.~~
- ~~B. *Authority.* Only the Township shall have the authority to approve or deny applications for permits for private street construction. Permits issued by other governmental entities shall not serve as a substitute.~~
- ~~C. *Existing Private Streets and Permits.* A Private Street Permit shall not be required for the issuance of a building permit for a principal dwelling on an existing lot or site condominium unit which derives its access from a private street existing as of the effective date of this ordinance.~~
- ~~D. *Process.* Upon receiving plan approval, the applicant may file for a permit for the private street's construction. At such time, the following must be submitted to the Township Clerk:
  - ~~1. The applicant shall deposit with the Township Treasurer a sum of money, bank letter of credit or certified check in the amount sufficient to guarantee that the applicant shall perform the terms and conditions of the permit, including the payment of required fees. Upon issuance of certificate of completion any unused portion of the deposit shall be refunded to the applicant.~~
  - ~~2. Proof that the Road Authority and Drain Commission have reviewed the plan. Proof can be in the form of a letter or permit.~~~~



- ~~3. Proof that an agreement, outlined in Part E, regarding the interconnection, access rights, maintenance and improvements of the right of way, has been recorded with the Kalamazoo County Register of Deeds.~~

~~E. Agreement. An agreement regarding the interconnection, access rights, maintenance and improvements of the right of way and roadway shall be submitted to the Township for review. It will be in a form that will allow it to be recorded with the Kalamazoo County Register of Deeds. Such agreement will address the following:~~

- ~~1. The agreement shall run with the land and specifically address the liability and responsibility of the parties to said agreement to maintain the private street pursuant to the specifications of this article. This shall include but is not limited to provisions for annual maintenance, snow removal, and the eventual repair or reconstruction of the street.~~
- ~~2. The agreement shall include rules regarding voting rights and the responsibilities of parties to the agreement in relation to road maintenance and improvements.~~
- ~~3. The agreement shall include detailed legal descriptions of the private street and all properties allowed to use the road.~~
- ~~4. A method of initiating and financing such road and/or easements improvements in order to keep the road in a reasonably good and usable condition.~~
- ~~5. A workable method of apportioning the costs of maintenance and improvements; including that required by an extension of the private street.~~
- ~~6. Easements to the public for purposes of public and private utilities, emergency and other public vehicles for whatever public services are necessary.~~
- ~~7. A notice that no public funds of Oshtemo Charter Township are to be used to build, repair, or maintain the private street, including road cuts, curbs and gutters that may be required at the entry of the private road onto a public street.~~
- ~~8. A requirement that all future amendments to the maintenance agreement, easement agreement, master deed and/or deed restrictions shall be provided to the Township and recorded with the Kalamazoo County Register of Deeds.~~
- ~~9. Parcel numbers and legal descriptions of all parcels that have legal access to the private road easement.~~
- ~~10. The agreement shall state that "the private street system may be connected to future public or private street networks when stub streets are shown on the approved plan for private roads."~~
- ~~11. The following statement shall be included in any deed or other instrument of conveyance recorded for any lots or other parcels of land served by a private street: "This property does not abut or front upon a public street. If a public street does not abut or serve the property, the street abutting or serving the property is a private street, and it is therefore not required to be maintained by the Road Commission of Kalamazoo County or Oshtemo Charter Township."~~
- ~~12. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to the design standards specified in this ordinance and assess owners of parcels on the private street for the improvements, plus an administrative fee in the amount of 20% of the total cost of the improvements.~~

~~13. A provision that the owners of any and all of the properties using the street shall not prohibit, restrict, limit, or in any manner interfere with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the street.~~

~~F. *Review Standards.* Township staff and/or consultants will review the plans and agreements to assure that the request is in keeping with construction standards of this and other Township ordinances, the Township Comprehensive Master Plan, the intent of this Ordinance, compliance with curb cuts and potential connections, street names, and other applicable provisions. The following review standards shall be applied:~~

- ~~1. The private street will be safe for traffic and pedestrians and advances the Township's priority of Complete Streets.~~
- ~~2. The proposed development will not adversely affect adjacent uses of properties and shall be designed, constructed and maintained in a manner harmonious with the character of adjacent properties and the surrounding area.~~
- ~~3. The private street will not place demands upon public services and facilities in excess of their current capacities.~~

~~G. *Issuance.* Upon receipt of the required funds and information, the Township Clerk shall issue the permit pursuant to the terms established by the Approving Body's resolution.~~

~~H. *Permit Duration.* A permit for private street construction shall be valid for a period of one year, or such longer period as determined by the Approving Body, from the date of issuance of the required improvements. If the improvements have not been completed within the allotted time frame, then the permit shall be null and void and of no force and effect and all deposits shall be forfeited to Oshtemo Charter Township.~~

~~I. *Final Drawings.* Upon completion of construction of a private street (or addition or modification thereof), at least one complete set of record construction drawings signed by a licensed engineer or contractor shall be submitted to the Township indicating that construction of the private street was observed and found to be generally in compliance with the approved plans and other Township approvals. These drawings shall indicate any changes to the original private street plans previously approved by the Township, the correct location, size, etc. of both preexisting and new utilities shall also be specified.~~

~~J. *Building Permits.* A building permit shall not be issued for any building or structure that derives its access from a private street that is subject to this Ordinance unless one of the following has occurred:~~

- ~~1. A Private Street Permit has been issued by the Township and the street has been fully completed in accordance with the approved permit; or~~
- ~~2. The private street has been nearly completed in accordance with the approved permit with the exception of the wearing course of a depth deemed suitable by the Public Works Director, and the applicant has provided the Township with a performance guarantee, cash, or irrevocable letter of credit as described in Part 3, below; or~~
- ~~3. The applicant for the building permit or owner(s) of the private street right of way have provided the Township with cash or irrevocable letter of credit in an amount determined by the Reviewing Body to insure construction of the private street in accordance with the approved~~

~~private street permit within one (1) year from the issuance of the building permit. The letter of credit shall contain a provision that the Township shall have the right to access the letter of credit if such letter is not renewed 30 days before the expiration date of the letter.~~

Section 9.03. Approval Process.

- A. Commencement. No construction shall be commenced on a street (or extension or addition thereto) until and unless all approvals under this Ordinance and any other applicable ordinance sections have been obtained from the Township through the Site Plan Review process as described in Article 65 of the Zoning Ordinance.
- B. Authority. Only the Township shall have the authority to approve or deny applications for permits for private street construction. Permits issued by other governmental entities shall not serve as a substitute.
- C. Existing Private Streets and Permits. A Private Street Permit shall not be required for the issuance of a building permit for a principal dwelling on an existing lot or site condominium unit which derives its access from a private street existing as of the effective date of this Ordinance.
- D. Process. Upon receiving plan approval, the applicant may file for a permit for the private street's construction. At such time, the following must be submitted to the Township Clerk:
1. The applicant shall deposit with the Township Treasurer a sum of money, bank letter of credit or certified check in the amount sufficient to guarantee that the applicant shall perform the terms and conditions of the permit, including the payment of required fees. Upon issuance of certificate of completion any unused portion of the deposit shall be refunded to the applicant.
  2. Proof that the Road Authority and Drain Commission have reviewed the plan. Proof can be in the form of a letter or permit.
  3. Proof that an agreement, outlined in Part E, regarding the interconnection, access rights, maintenance and improvements of the right-of-way, has been recorded with the Kalamazoo County Register of Deeds.
- E. Agreement. An agreement regarding the interconnection, access rights, maintenance and improvements of the right-of-way and roadway shall be submitted to the Township for review. It shall be in a form that allows it to be recorded with the Kalamazoo County Register of Deeds. Such agreement shall address the following:
1. The agreement shall run with the land and specifically address the liability and responsibility of the parties to said agreement to maintain the private street pursuant to the specifications of this Article. This shall include but is not limited to provisions for annual maintenance, snow removal, and the eventual repair or reconstruction of the street.
  2. The agreement shall include rules regarding voting rights and the responsibilities of parties to the agreement in relation to road maintenance and improvements.
  3. The agreement shall include detailed legal descriptions of the private street and all properties allowed to use the road.
  4. A method of initiating and financing such road and/or easements improvements in order to keep the road in a reasonably good and usable condition.
  5. A workable method of apportioning the costs of maintenance and improvements; including that required by an extension of the private street.

6. Easements to the public for purposes of public and private utilities, emergency and other public vehicles for whatever public services are necessary.
  7. A notice that no public funds of Oshtemo Charter Township are to be used to build, repair, or maintain the private street, including road cuts, curbs and gutters that may be required at the entry of the private road onto a public street.
  8. A requirement that all future amendments to the maintenance agreement, easement agreement, master deed and/or deed restrictions shall be provided to the Township and recorded with the Kalamazoo County Register of Deeds.
  9. Parcel numbers and legal descriptions of all parcels that have legal access to the private road easement.
  10. The agreement shall state that "the private street system may be connected to future public or private street networks when stub streets are shown on the approved plan for private roads."
  11. The following statement shall be included in any deed or other instrument of conveyance recorded for any lots or other parcels of land served by a private street: "This property does not abut or front upon a public street. If a public street does not abut or serve the property, the street abutting or serving the property is a private street, and it is therefore not maintained by the Road Commission of Kalamazoo County or Oshtemo Charter Township."
  12. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to the design standards specified in this Ordinance and assess owners of parcels on the private street for the improvements, plus an administrative fee in the amount of 20% of the total cost for the improvements.
  13. A provision that the owners of any and all of the properties using the street shall not prohibit, restrict, limit, or in any manner interfere with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the street.
- F. *Review Standards.* Township staff and/or consultants shall review the plans and agreements to assure that the request is in keeping with construction standards of this and other Township ordinances, the Township Comprehensive Master Plan, the intent of this Ordinance, compliance with curb cuts and potential connections, street names, and other applicable provisions. The following review standards shall be applied:
1. The private street will be safe for traffic and pedestrians and advances the Township's priority of Complete Streets.
  2. The proposed development will not adversely affect adjacent uses of properties and shall be designed, constructed and maintained in a manner harmonious with the character of adjacent properties and the surrounding area.
  3. The private street will not place demands upon public services and facilities in excess of their current capacities.
- G. *Issuance.* Upon receipt of the required funds and information, the Township Clerk shall issue the permit pursuant to the terms established by the Approving Body's resolution.

- H. *Permit Duration.* A permit for private street construction shall be valid for a period of one year, or such longer period as determined by the Approving Body, from the date of issuance of the required improvements. If the improvements have not been completed within the allotted time frame, then the permit shall be null and void and of no force and effect and all deposits shall be forfeited to Oshtemo Charter Township.
- I. *Final Drawings.* Upon completion of construction of a private street (or addition or modification thereof), at least one complete set of record construction drawings signed by a licensed engineer in the State of Michigan shall be submitted to the Township indicating that construction of the private street was observed and found to be generally in compliance with the approved plans and other Township approvals. These drawings shall indicate any changes to the original private street plans previously approved by the Township, the correct location, size, etc. of both preexisting and new utilities shall also be specified.
- J. *Building Permits.* A building permit shall not be issued for any building or structure that derives its access from a private street that is subject to this Ordinance unless one of the following has occurred:
1. A Private Street Permit has been issued by the Township and the street has been fully completed in accordance with the approved permit; or
  2. The private street has been nearly completed in accordance with the approved permit with the exception of the wearing course of a depth deemed suitable by the Public Works Director, and the applicant has provided the Township with a performance guarantee, cash, or irrevocable letter of credit as described in Part 3, below; or
  3. The applicant for the building permit or owner(s) of the private street right-of-way have provided the Township with cash or irrevocable letter of credit in an amount determined by the Reviewing Body to insure construction of the private street in accordance with the approved private street permit within one (1) year from the issuance of the building permit. The letter of credit shall contain a provision that the Township shall have the right to access the letter of credit if such letter is not renewed 30 days before the expiration date of the letter.

#### Section 9.04. Inspections.

- A. All required improvements shall be inspected by the Public Works Director or assignee at various stages of construction as part of the Private Street Permit.
- B. The applicant's engineer shall certify to the Public Works Director, before the final inspection and report thereon are made, that the required improvements were made in accordance with this ~~A~~article and all approved plans.
- C. Upon completion of construction of the leveling course the Public Works Director shall make a final inspection and shall report the results of the final inspection to the ~~Township Clerk~~Zoning Administrator in writing. Upon favorable recommendation from the Public Works Director, the ~~Zoning Administrator~~ ~~Township Clerk~~ shall issue a tentative certificate of completion.
- D. No building permit shall be issued for any lot fronting on a private road unless a tentative certificate of completion has been issued by the Township.
- E. Upon completion of construction of the wearing course, the Public Works Director shall make a final inspection and shall report the results of the final inspection to the Township Clerk in writing. Upon

favorable recommendation from the Public Works Director, the Township Clerk shall issue a final certificate of completion.

#### Section 9.05. Maintenance.

- A. *Responsibilities.* A private street shall be continuously maintained in a manner that it does not constitute a danger to public health, safety, and welfare. All costs associated with the repair of a private street shall be the responsibility of the individuals and/or the property owners association(s) comprised of land owners served by the street. Maintenance activities shall include, but not be limited to:
1. Road surfaces are to be graded and graveled or paved to assure vehicle transit at all times of the year. Private graveled roads are only allowed when created off of a public graveled in the Rural context zone.
  2. Drainage facilities shall be maintained to be open and freely draining.
  3. A clear, unobstructed envelope shall be maintained at a minimum height of at least fourteen (14) feet above the entire minimum required road surface.
  4. Road signs, pavement markings, and traffic control signs, etc. shall be maintained and replaced by the owners/s of the private road.
  - 4.5. If repairs and maintenance are not made, the Township Board may bring the road up to the design standards specified in this Ordinance and assess owners of parcels on the private street for the improvements, plus an administrative fee in the amount of 20% of the total cost for the improvements.
- B. *Snow Removal.* The individuals and/or the property owners association(s) comprised of land owners served by the street shall be responsible for plowing snow when there is two or more inches of accumulation. The private street shall be kept free of ice so that firefighting and emergency vehicles can access all portions of the private street at all times.
1. Snow and ice must be removed ~~from~~ any sidewalk adjacent to a lot or parcel owned by the landowners within 24 hours after the ice and/or snow has formed or fallen.
  2. Snow and ice shall be removed from the entire constructed width and length of the sidewalk.
  3. Failure to comply can result in a municipal civil infraction citation and any associated costs or fines.
- C. *Agreement.* The developer, individuals, and/or the property owners association(s) comprised of land owners served by the street shall produce enforceable documents that the Township may call upon at its option. These documents shall provide that, if the private street is not maintained to the requirements of this Section, all owners shall be deemed to have consented to a special assessment district being created by the Township to maintain or upgrade the private street. The agreement shall also provide that, alternately, the Reviewing Body, at its ~~option~~ discretion, can improve and maintain the private street so that it meets the requirements of this Section, and the Township can charge owners for the reasonable costs thereof, and such costs shall be secured by either placing a property lien or by placing the costs thereof on the tax roll.

Section 9.06. Deviations.

- A. When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, such as topographical and other physical characteristics that cause unusual difficulty, the Planning Commission shall have the power to vary or modify the application of the provisions of this Ordinance when it finds that two (2) or more of the following criteria apply:
1. A proposed private road extension or improvement is of a very modest scale affecting not more than three (3) parcels such that full compliance with construction, design and development standards of this Ordinance would be inordinately burdensome as to be unwarranted.
  2. Construction of a new private street or the extension or improvement of an existing private road in conformance with the standards of this Section would result in severe degradation to important natural features that may be preserved and protected with a lessening of the standards. Provided, that a safe alternative design will still result from such reduced standards.
  3. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formation of a general regulation for such conditions or situations.
  4. That by reason of exceptional narrowness in width, breadth, length or shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary situations or conditions of the land, or of property immediately adjoining the property in question the literal enforcement of the requirements of this Ordinance would involve practical difficulties or would cause undue hardship.
  5. That authorizing such a variance would not be of substantial detriment to adjacent property and would not materially impair the intent and purposes of this Ordinance or the public interest. The possibility of increased financial return shall not of itself be deemed sufficient cause for authorizing a variance.
  6. That practical difficulties or unnecessary hardships would occur if the strict letter of this Ordinance is observed, provided that public safety is secured.
  7. The granting of such waiver will not adversely affect the purpose or intent of the Oshtemo Comprehensive Master Plan or the provisions of this Ordinance.
- B. The Planning Commission may attach reasonable conditions in granting any deviation from any provision of this Article, and the breach of any conditions or the failure of any applicant to comply with the conditions shall void the deviation.
- C. If construction of the road has not commenced within two (2) years from the date that a deviation was granted, then the deviation shall be null and void. The Planning Commission may grant a longer time frame and may grant an extension when so requested by the applicant.

Section 9.07. Administrative Departures.

- A. *Purpose.* Administrative Departures are provided to permit access and/or the development of lots or properties that generally fall within the requirements of this Ordinance, but, due to minor site characteristics or other related conditions, a limited degree of flexibility to meet the spirit and purpose of this Ordinance is appropriate.

- B. It is not intended to be a general waiver or lessening of regulations. Rather, the procedure permits a site-specific plan that is equal to or better than the strict application of a design standard. It is not intended as a substitute for a variance or as a means for relief from requirements of this Ordinance.
- C. *Applicability.* Only those Administrative Departures that are specifically noted may be requested and approved.
- D. *Application Procedure.* Requests for Administrative Departures shall be submitted with the applicable application and shall include the following:
  - 1. Information and materials, as listed in the application form, in sufficient detail to indicate the nature and necessity of the request, and a scaled drawing, if appropriate. Requested Administrative Departures shall be separately listed and clearly noted on the proposed plan.
  - 2. The applicable fee established by resolution of the Approving Body.
- E. *Review Standards.* The Public Works Director and the Planning Director shall consider whether the proposed alternative meets the following standards.
  - 1. *Streets Ordinance.* The proposed Departure is consistent with the purpose and intent of the Ordinance, Article, and Section, and the specific requirements and conditions of the Administrative Departure approval criteria,
  - 2. *Area.* The proposed Departure will be compatible with adjacent properties and the neighborhood,
  - 3. *Environment.* The proposed Departure will retain as many natural features of the landscape as possible and/or cause lesser intrusion into the landscape,
  - 4. *Public Facilities.* The proposed Departure will not place a burden on existing infrastructure and services, and
  - 5. *Other.* The Departure request is necessitated by a condition of the site or structure, and not as a means to reduce costs or inconvenience.
- F. *Decision.* The Public Works Director may approve, approve with conditions, or deny the request. If the Public Works Director determines that the extent of the requested Departure(s) requires additional community review and input, the Engineer may refer the application to the Planning Commission for a public hearing. The fee for the Administrative Departure shall then be applied to the costs of application to the Planning Commission.
- G. *Prior to Other Approval.* Decisions on Administrative Departures shall be made prior to consideration of other approvals required by this Ordinance.
- H. *Appeal.* A decision regarding an Administrative Departure may be appealed to the Zoning Board of Appeals. Individual conditions imposed as part of an Administrative Departure approval cannot be separately appealed.

#### Section 9.08. Nonconforming Situations.

Private roads, legally constructed prior to the adoption of this Aarticle may continue in use subject to the following:

- A. No such road shall be enlarged or extended unless the entire road is brought into compliance with the standards of this Ordinance.



- B. No additional lots or home sites shall be created which are accessed by a nonconforming private road unless the entire road is brought into compliance with the standards of this Ordinance.
- C. Lots lawfully created prior to the adoption of this Streets Ordinance, which are accessed by a nonconforming private road may be used in accordance with the requirements of the Zoning Ordinance.

Section 9.09. Violation and ~~P~~penalties.

Any person who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for a period not to exceed 90 days or by both such fine and imprisonment. Any access which is used in violation of the terms of this ~~A~~article may be abated, restrained, enjoined, and prohibited upon the commencement of an appropriate action in the Circuit Court.

## Applicable Sections

- Village Form-Based Code Overlay Zone (34.70)
- 9<sup>th</sup> Street and West Main Overlay Zone (35.50)
- Planned Unit Development (41.80)
- Residential Condominium Development Standards (42.30)
- Open Space Community (43.50)
- Open Space Preservation Residential Development Option (44.50)
- Conditions for Specified Permitted User (48.100)
- Special Uses (49.200 NOTE: It should be Section 49.180)
- C-R: Local Commercial District, Restricted (21.50)
- Access Management Guidelines Section 51.10
- Definition Of A Private Street Or Road Section 2.20
- Subdivision, Site Condominium, And Land Division Ordinance Section 29.000
- Regulation For The Use Of Public Rights-Of-Way By Telecommunications Providers Section 125.000
- Truck Route Ordinance Section 153.000
- Landscaping Section Section 53.60
- Access Management Plan
- Complete Streets Policy

## Goals

1. Define road types
2. Clear standard for the design, construction, and maintenance of private roads and private streets
3. Clear and distinct construction standards for properly scaled rural and urban contexts, in commercial and residential districts
4. Connectivity
5. Access management standards
6. Complete Streets for all users and all modes, equal access for all users

## Desired Outcomes

1. Network optimization (efficient, effective, and provides ROI)
2. Ensure public health (promote health and well-being), safety (appropriate facilities, lower speed, reduce points of conflict), and welfare (a well-functioning community that provides a high quality of life and serves the common good)
3. Self-enforcing design that prioritizes safety for all users

## Supporting Documents

[2003 Access Management Plan](#)

[2018 Complete Streets Policy](#) (Multi-modal, Context Sensitive, Network Connectivity)

[2019 Go! Green Oshtemo](#)

[2011 Oshtemo Township Master Plan](#) (see Chapter 5 Transportation & Community Services)

2022 [Zoning Ordinance and Subdivision Ordinance](#)

# Memorandum

**Date:** January 9, 2024  
**To:** Township Board  
**From:** **Dusty Farmer, Clerk**  
**Subject:** **2024 Cemetery Fees**

---



## **OBJECTIVE:**

To adopt the 2024 Cemetery Fees.

## **INFORMATION:**

The Township contracts with RI Stafford Excavating for grave opening and foundation setting. To cover administrative costs, the Township adds \$20 to the proposed fee schedule from RI Stafford. Attached are the 2024 rates from RI Stafford, the proposed 2024 rates with a \$20 administrative fee added, and the 2023 rates (for reference).

The Clerk's Office last requested quotes from other excavators in 2023, and all were more expensive than RI Stafford.

RI Stafford remains a strong partner with the Township. He is flexible in scheduling and he is timely. He has also been willing to provide additional services to the Township, including cemetery driveway repair and fence maintenance. He has the historic knowledge of our cemeteries and remains a solid choice. The Clerk's Office recommends that we continue this partnership.

## **Core Values**

Public Service, Fiscal Stewardship

## RI Stafford Excavating Cemetery Rates

Effective January 1, 2024

All burials require **48** hours' notice.  
All burials closed the same day as the funeral service.  
No burial services will be provided on the following holidays:

New Year's Day	Veterans' Day
Martin Luther King Jr. Birthday	Day before Thanksgiving
Washington's Birthday/Presidents' Day	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Juneteenth	Saturday after Thanksgiving
July 4	Christmas Eve
Labor Day	Christmas Day
Columbus Day	Day after Christmas
Day after Columbus Day	

### Weekday Graves:

<u>Type of Service</u>	<u>Rates</u>	<u>Winter Rates</u> <sup>(1)</sup>
Standard Burial .....	\$875.00	\$1,100.00
Child or Infant Burial .....	\$750.00	\$1,000.00
Standard Cremation .....	\$600.00	\$600.00 <sup>(2) &amp; (3)</sup>
Cremation with Large Vault <sup>(4)</sup> .....	\$700.00	\$900.00
Drop-off Cremation .....	\$325.00	\$325.00
Drop-off Cremation with Large Vault <sup>(4)</sup> .....	\$425.00	\$625.00
Service scheduled after 2:30pm .....	\$100.00 additional charge	\$100.00 additional charge

*\*All Monday burials (or Tuesday burials if Monday is a holiday) must be ordered by 12:00pm on the previous Thursday.*

*\*\*Short-notice burial requests are at RI Stafford Excavating's discretion and may be charged extra fees.*

### Saturday Graves:

<u>Type of Service</u>	<u>Rates</u>	<u>Winter Rates</u> <sup>(1)</sup>
Standard Burial .....	\$1,225.00	\$1,450.00
Child or Infant Burial .....	\$1,100.00	\$1,350.00
Standard Cremation .....	\$950.00	\$950.00 <sup>(2) &amp; (3)</sup>
Cremation with Large Vault <sup>(4)</sup> .....	\$1,050.00	\$1,250.00
Service scheduled after 11:30am .....	\$100.00 additional charge	\$100.00 additional charge

<sup>(1)</sup> Winter Rates in effect December 1 thru March 15.

<sup>(2)</sup> If snow plowing is requested for a standard cremation during winter months, there will be an additional charge of \$300.00.

<sup>(3)</sup> If the ground is frozen and the hydraulic hammer is needed to dig the cremation, there will be an additional charge of \$300.00.

<sup>(4)</sup> Large Vault shall be defined as a container with an outside measurement of **12" x 12"** or larger at the base.

- Additional cemetery work with Bobcat will be billed at \$185.00 per hour
- Foundations will be billed at \$0.60 per square inch
- Cemetery is responsible for providing topsoil for topdressing graves
- Cemetery is responsible for seeding graves

## RI Stafford Excavating Cemetery Rates for Green Burials

Effective January 1, 2024

Green burials require a 3-day notice.

No burial services will be provided on the following holidays:

New Year's Day	Veterans' Day
Martin Luther King Jr. Birthday	Day before Thanksgiving
Washington's Birthday/Presidents' Day	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Juneteenth	Saturday after Thanksgiving
July 4	Christmas Eve
Labor Day	Christmas Day
Columbus Day	Day after Christmas
Day after Columbus Day	

### Weekday Graves:

<u>Type of Service</u>	<u>Rates</u>	<u>Winter Rates <sup>(1)</sup></u>
Standard Burial .....	\$1,250.00	\$1,450.00
(with requested closing at time of service)		
Service scheduled after 2:30pm .....	\$100.00 additional charge	\$100.00 additional charge

*\*All Monday burials (or Tuesday burials if Monday is a holiday) must be ordered by 12:00pm on the previous Thursday.*

*\*\*Short-notice burial requests are at RI Stafford Excavating's discretion and may be charged extra fees.*

### Saturday Graves:

<u>Type of Service</u>	<u>Rates</u>	<u>Winter Rates <sup>(1)</sup></u>
Standard Burial .....	\$1,600.00	\$1,850.00
(with requested closing at time of service)		
Service scheduled after 11:30am .....	\$100.00 additional charge	\$100.00 additional charge

<sup>(1)</sup> Winter Rates in effect December 1 thru March 15.

## Grave Openings

### GREEN BURIAL

- *Monday – Friday:*
  - \$1270
  - \$1470 (winter rate)
  - Scheduled after 2:30 PM - \$100 (winter rate \$200)
- *Saturday:*
  - \$1620
  - \$1870 (winter rate)
  - Scheduled after 2:30 PM - \$100 (winter rate \$200)

### STANDARD BURIAL

- *Adult (Monday - Friday):* \$895 (winter rate \$1120)
- *Adult (Saturday):* \$1245 (winter rate \$1470)
- *Child (Monday – Friday):* \$770 (winter rate \$1020)
- *Child (Saturday):* \$1120 (winter rate \$1370)

## Cremation

- *Cremation (Monday - Friday):* \$620
- *Cremation (Saturday):* \$970
- *Cremation w/ Large Vault (12" x 12"): \$720 (winter rate \$920)*
- *Cremation w/ Large Vault (Saturday): \$1,070 (winter rate \$1270)*
- *Standard Drop-Off Cremation:* \$345
- *Large Drop-Off Cremation (12" x 12"): \$445 (winter rate \$645)*
- *Service scheduled after 2:30 PM \$100 (winter rate \$200)*

## Burial Rights Purchase

- *Resident – Lawn Burial:* \$500.00
- *Resident – Green Burial:* \$750.00
- *Non-Resident – Lawn (per Clerk approval):* \$800.00
- *Non-Resident – Green Burial:* \$1,000.00
- *Grave – Cremation (Hill and Genessee Prairie):* \$200.00
- *Transfer of Burial Rights:* \$20.00

*No Sunday Burials. Monday burials (or Tuesday if Monday is a holiday) must be ordered by 12:00 PM on the previous Thursday.*

## Additional Charges

- *Weekday service after 2:30 PM :* \$100
- *Saturday Service, 11:30 am or later :* \$100
- *If Snow Removal is necessary :* \$185/hour if Bobcat is needed
- *If Hydraulic Hammer is needed :* \$300

## RI Stafford Excavating Cemetery Rates

Effective January 1, 2023

All burials require **48** hours' notice.

All burials closed same day as funeral service.

No burial services will be provided on the following holidays:

New Year's Day	Columbus Day
Martin Luther King Jr. Birthday	Veterans' Day
Washington's Birthday/Presidents' Day	Day before Thanksgiving
Memorial Day	Thanksgiving Day
Juneteenth	Day after Thanksgiving
July 4	Christmas Eve
Labor Day	Christmas Day

### Weekday Graves:

<u>Type of Service</u>	<u>Rates</u>	<u>Winter Rates <sup>(1)</sup></u>
Standard Burial .....	\$800.00	\$1,000.00
Child or Infant Burial .....	\$700.00	\$900.00
Standard Cremation .....	\$550.00	\$550.00 <sup>(2) &amp; (3)</sup>
Cremation with Large Vault <sup>(4)</sup> .....	\$650.00	\$850.00
Drop-off Cremation .....	\$300.00	\$300.00
Drop-off Cremation with Large Vault <sup>(4)</sup> .....	\$400.00	\$600.00
Service scheduled after 2:30pm .....	\$100.00 additional charge	\$100.00 additional charge

*\*All Monday burials (or Tuesday burials if Monday is a holiday) must be ordered by 12:00pm on the previous Thursday.*

*\*\*Short-notice burial requests are at RI Stafford Excavating's discretion and may be charged extra fees.*

### Saturday Graves:

<u>Type of Service</u>	<u>Rates</u>	<u>Winter Rates <sup>(1)</sup></u>
Standard Burial .....	\$1,150.00	\$1,350.00
Child or Infant Burial .....	\$1,050.00	\$1,250.00
Standard Cremation .....	\$900.00	\$900.00 <sup>(2) &amp; (3)</sup>
Cremation with Large Vault <sup>(4)</sup> .....	\$1,000.00	\$1,200.00
Service scheduled after 11:30am .....	\$100.00 additional charge	\$100.00 additional charge

<sup>(1)</sup> Winter Rates in effect December 1 thru March 15.

<sup>(2)</sup> If snow plowing is requested for a standard cremation during winter months, there will be an additional charge of \$200.00.

<sup>(3)</sup> If the ground is frozen and the hydraulic hammer is needed to dig the cremation, there will be an additional charge of \$200.00.

<sup>(4)</sup> Large Vault shall be defined as a container with an outside measurement larger than **12" x 12"** at the base.

Additional cemetery work with Bobcat will be billed at \$170.00 per hour.

Foundations will be billed at \$0.55 per square inch.

**RI Stafford Excavating**  
**Cemetery Rates for Green Burials**  
 Effective January 1, 2023

All burials require a 5-day notice if closing at the time of service is requested.

All burials require **48** hours' notice if burials closed same day as funeral service, but not necessarily at time of service.

No burial services will be provided on the following holidays:

- |                                       |                         |
|---------------------------------------|-------------------------|
| New Year's Day                        | Columbus Day            |
| Martin Luther King Jr. Birthday       | Veterans' Day           |
| Washington's Birthday/Presidents' Day | Day before Thanksgiving |
| Memorial Day                          | Thanksgiving Day        |
| Juneteenth                            | Day after Thanksgiving  |
| July 4                                | Christmas Eve           |
| Labor Day                             | Christmas Day           |

**Weekday Graves:**

<u>Type of Service</u>	<u>Rates</u>	<u>Winter Rates <sup>(1)</sup></u>
Standard Burial ..... (with requested closing at time of service)	\$1,150.00	\$1,350.00
Standard Burial .....	\$900.00	\$1,100.00
Service scheduled after 2:30pm .....	\$100.00 additional charge	\$100.00 additional charge

*\*All Monday burials (or Tuesday burials if Monday is a holiday) must be ordered by 12:00pm on the previous Thursday.*

*\*\*Short-notice burial requests are at RI Stafford Excavating's discretion and may be charged extra fees.*

**Saturday Graves:**

<u>Type of Service</u>	<u>Rates</u>	<u>Winter Rates <sup>(1)</sup></u>
Standard Burial ..... (with requested closing at time of service)	\$1,500.00	\$1,750.00
Standard Burial .....	\$1,250.00	\$1,450.00
Service scheduled after 11:30am .....	\$100.00 additional charge	\$100.00 additional charge

<sup>(1)</sup> Winter Rates in effect December 1 thru March 15.



**APPOINTMENT  
OF ACCOUNTING, AUDITING,  
CEMETERY SEXTANT  
SERVICES, CIVIL  
ENGINEERING, LANDSCAPE  
ARCHITURE, LEGAL, &  
TRAFFIC ENGINEERING  
CONSULTANTS**

**2024**

*(Revised 08/01/2023)*

**Accounting**

Siegfried, Crandall P.C. (Primary)  
Vredeveld Haefner LLC (Special Projects)

**Auditing**

SeberTans, PLC

**Cemetery Sextant**

RI Excavating

**Civil Engineering (Site Plan Reviews)**

Prein & Newhof  
Wightman & Associates

**Landscape Architecture**

OCBA, Inc. (Primary)  
Wightman & Associates (Secondary)

**Planning (Site Plan Review)**

McKenna (Primary)

**Legal**

Fahey & Schultz (Litigation)  
Randall L. Brown & Assoc PLC (HR)  
Warner Norcross (Labor)

**Traffic Engineering**

Prein & Newhof (Scott Tezak, PE)  
Midwestern Consulting LLC (James Valenta, PE)

CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN

**RESOLUTION ADOPTING FIVE-YEAR PARKS AND RECREATION COMMUNITY  
PLAN 2024-2028**

**January 9, 2024**

WHEREAS, Oshtemo Charter Township has the authority, pursuant to the Charter Township Act, specifically MCL 42.14, to maintain and operate public parks and their facilities and to exercise the powers and functions both expressed and implied by the grant of such authority including the development of recreational facilities; and

WHEREAS, the Township Board directed its Parks Committee to work with Staff to develop a Five-Year Parks and Recreation Master Plan in accordance with the most recent guidelines developed by the Department of Natural Resources; and

WHEREAS, after undertaking a thorough process of inventory, analysis and public input, the Parks Committee has prepared a Five-Year Parks and Recreation Master Plan 2024-2028 for Oshtemo Charter Township; and

WHEREAS, the Township published the Notice of 30-day Public Review Period and Public Hearing on November 7, 2023, where residents of the Oshtemo Charter Township were provided with a well-advertised opportunity during the development of the draft plan to express opinions, ask questions and discuss all aspects of the recreation plan, and a public hearing was held on December 12, 2023 at the Oshtemo Township Hall as an opportunity for all residents to provide comment on the draft plan.

WHEREAS, the Township Board has sought and received public affirmation at the public hearing of January 9, 2024.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Charter Township of Oshtemo Five-Year Parks and Recreation Master Plan 2024-2028 is hereby adopted and shall remain in effect until further amended by the Township.

A motion was made by \_\_\_\_\_, seconded by \_\_\_\_\_, to adopt the foregoing Resolution.

Upon a roll call vote, the following voted "Aye":

The following voted "Nay":

The following "Abstained":

The Supervisor declared that the Resolution has been adopted.

---

DUSTY FARMER, Clerk  
Oshtemo Charter Township

\*\*\*\*\*

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of an Excerpt of the Minutes of a meeting of the Oshtemo Charter Township Board, held on January 9, 2024, at which meeting \_\_\_\_\_ members were present and voted upon the same as indicated in said Minutes; that said meeting was held in accordance with the Open Meetings Act of the State of Michigan.

---

DUSTY FARMER, Township Clerk

# MEMORANDUM



**Date:** December 20, 2023  
**To:** Township Board  
**From:** James Porter  
**Subject:** First Reading re Text Amendments to 57.80 – Keeping of Livestock & Honeybees

---

## Objectives

To accept for First Reading the Text Amendments to 57.80 – Keeping of Livestock & Honeybees and set for Second Reading.

## Recommended Motion

I make the motion to accept for First Reading the Text Amendments to 57.80 – Keeping of Livestock & Honeybees and set for Second Reading on January 23, 2024.

## Background

There had been some confusion as to how Article 57, Section 80, Keeping of Livestock and Honeybees of the Township Zoning Ordinance, should be read. This section was amended to make it clear that the number of animal units was cumulative for each size of animal.

## Information Provided

I have attached a copy of the Recommendation from the Planning Commission, Meeting Minutes of Public Hearing held on December 14, 2023, and the Proposed Ordinance for review.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION RESULTING FROM PUBLIC HEARINGS CONDUCTED ON DECEMBER 14, 2023

The Oshtemo Charter Township Planning Commission hereby recommends APPROVAL of the following amendments to the Township Zoning Ordinance:


The amendment to Article 57, Section 80, Keeping of Livestock and Honey Bees of the Township Zoning Ordinance, to read, in summary, as follows

SEE ATTACHMENT

A copy of the Planning Commission Staff Report and Meeting Minutes from the December 14, 2023 Public Hearing are attached to this Recommendation.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

Date: December 19, 2023

By:   
Iris Lubbert  
Township Planning Director

Final Action by Oshtemo Charter Township Board

- APPROVED \_\_\_\_\_
- DENIED \_\_\_\_\_
- REFERRED BACK TO PLANNING COMMISSION

**OSHTEMO TOWNSHIP PLANNING COMMISSION**

**DRAFT MINUTES OF A MEETING HELD DECEMBER 14, 2023**

---

**Agenda**

**PUBLIC HEARING – REZONING – 9177 WEST G AVENUE**

Consideration of a request from James and Robert Endres, on behalf of the James A and Marilyn C. Endres Trust to rezone approximately 15 acres of 9177 West G Avenue from AG: Agricultural District to RR: Rural Residential District.

**PUBLIC HEARING – SPECIAL USE AND SITE PLAN – LONG JOHN SILVERS**

Long John Silvers was requesting site plan and special exception use approval to redevelop 5481 W. Main Street with one 2,288 square foot building to serve as a fast food restaurant with drive-through.

**PUBLIC HEARING – ORDINANCE AMENDMENT – KEEPING OF LIVESTOCK AND HONEY BEES**

Consideration to adopt amendments to 57.80 – Keeping of Livestock and Honey Bees for recommendation to the Township Board.

**WORK SESSION**

- a. Continued Discussion: Private Street Ordinance (Oshtemo Streets and Mobility Ordinance)

---

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, December 14, 2023, commencing at approximately 6:05 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

**ALL MEMBERS**

**WERE PRESENT:**

Phil Doorlag, Chair  
Deb Everett  
Zak Ford, Board Liaison  
Scot Jefferies  
Micki Maxwell, Vice Chair  
Scott Makohn  
Alistair Smith

Also present: Iris Lubbert, Planning Director, Jim Porter, Township Attorney, Leanna Harris, Zoning Administrator, Martha Coash, Recording Secretary, and Suzanne Schulz, of Progressive AE.

Several guests were also in attendance.

**Call to Order and Pledge of Allegiance**

Chairperson Doorlag called the meeting to order at 6:05 p.m. and invited those present to join in the Pledge of Allegiance.

**Approval of Agenda** Mr. Ford **made a motion** to approve the Agenda as presented. Mr. Smith **seconded the motion.** The **motion was approved** unanimously.

Chairperson Doorlag determined there were no changes to the agenda and asked for a motion.

**Public Comment on Non-Agenda Items**

There were no comments on non-agenda items.

**Approval of Minutes: November 27, 2023**

Chairperson Doorlag asked if there were additions, deletions, or corrections to the Minutes of the Special Meeting of November 27, 2023.

Hearing none, he asked for a motion.

Mr. Ford **made a motion** to approve the Minutes of the Special Meeting of November 27, 2023 as presented. Ms. Maxwell **seconded the motion.** The **motion was approved** unanimously.

Chairperson Doorlag moved to the next agenda item on the agenda.

**PUBLIC HEARING – REZONING – 9177 WEST G AVENUE**

**Consideration of a request from James and Robert Endres, on behalf of the James A and Marilyn C. Endres Trust to rezone approximately 15 acres of 9177 West G Avenue from AG: Agricultural District to RR: Rural Residential District.**

**PROJECT SUMMARY:**

Ms. Leeanna Harris, Zoning Administrator, said the applicants, James and Robert Endres, on behalf of the James A and Marilyn C Endres Trust, were requesting to rezone approximately 15 acres of 9177 West G Avenue from AG: Agricultural District to RR: Rural Residential District. The rezoning area under consideration begins approximately 1,112 feet from the west property line and is about 1,112 feet wide and 600 feet deep. The parent parcel has a property area of approximately 120 acres with roughly 1,700 feet of frontage on North 3<sup>rd</sup> Street and about 2,500 feet on West G Avenue. 9177 West G Avenue currently serves an agricultural land use.

The applicants' intent was to rezone the desired area and to split these 15 acres from the parent parcel to create two new parcels. This parent parcel went through a previous rezoning request in 2020 and they proposed to continue two of the divisions as outlined in the survey document. However, due to the minimum area requirement of 40 acres for AG: Agricultural District properties, a split would not be possible without the rezoning to RR: Rural Residential. Staff completed a preliminary review of the proposed land division and determined it would meet Township requirements for newly created parcels within the RR: Rural Residential zoning classification. However, since the request is for a rezoning, those materials will be formally considered when the applicant submits a land division application for Township review and approval.

## **CONSIDERATIONS:**

Ms. Harris said the Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that a Planning Commission must consider when reviewing a rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. She outlined these considerations along with staff's analysis:

### **1. Master Plan Designation**

The Township's adopted 2017 Future Land Use Map designates 9177 West G Avenue and the surrounding properties in this portion of the Township as RR: Rural Residential. According to the Township's Master Plan, Rural Residential includes developments such as low-density housing on scattered sites. The Future Land Use Map identifies that the subject property is within an area that is intended to transition to Rural Residential from its present agricultural zoning. The proposed rezoning would be consistent with the site's current activity, Future Land Use Map, and the Township's Zoning Ordinance. Rezoning this site would follow the Township's vision in terms of land use for this area.

### **2. Consistency of the Zoning Classification in the General Area**

Rezoning 15 acres of 9177 West G Avenue from AG: Agricultural District to RR: Rural Residential District would be consistent with current zoning in nearby parcels. The site is currently adjacent to several other properties which serve low density land uses. These uses of land include single-family dwellings as well as areas used for farmland.

### **3. Consistency and Compatibility with General Land Use Patterns in the Area**

On both sides of West G Avenue, a pattern of residences or farmlands have been established. With the request being consistent and compatible with land use patterns in the area, and this use being in accordance with the Future Land Use map, the rezoning will allow the property to match the established character of the area.

### **4. Utilities and Infrastructure**

Neither public water nor sewer are present along N 3<sup>rd</sup> Street or West G Avenue in this part of the Township, and the extension of such is not planned at any point in the near future. Given the anticipated low intensity residential use for the area subject to this rezoning request and the nature of uses permitted within the RR district, the absence of utilities here should not negatively affect reasonable land use. Regarding the transportation network, the intersection to the west at West G Avenue and North 3<sup>rd</sup> Street is a 4-way stop. The next intersection to the east where West G Avenue crosses North 6<sup>th</sup> Street is a 4-way stop as well. Staff is of the opinion that if this rezoning is approved, it will not negatively affect the area or add undue burden to the existing infrastructure than what is currently experienced.

### **5. Reasonable Use under Current Zoning Classification**

The property is currently zoned AG: Agricultural District. The existing subject parcel is actively farmed and can continue according to the Michigan Right-to-Farm Act. Given the amount of road frontage and acreage present, as well as the restrictions currently in place for AG zoned properties, reasonable use is still possible without the rezoning. However, given the applicant's desire to complete a land division in order to accommodate two single-family homes and the Township's minimum 40-acre size for agriculturally zoned parcels, these opportunities are limited. The rezoning achieves the Township's goals for this area and fits the applicant's vision for the site.

### **6. Effects on Surrounding Property**



Staff did not anticipate any negative impacts occurring onto surrounding properties if the subject site were rezoned to the RR: Rural Residential District. All properties adjacent to the subject site are similar as each property consists of an existing primary residence, farmland, or a combination of these. Although the applicants indicated single-family homes would be built on the rezoned area, agricultural use of the parent property would not change. With there being an existing pattern of rural character and uses in the area, the rezoning would complement adjacent zoning districts and their present land uses.

**RECOMMENDATION:**

Ms. Harris said staff recommended the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of the area of 9177 West G Avenue noted in this staff report from the AG: Agricultural District to the RR: Rural Residential District for the following reasons:

1. The proposed rezoning is in accordance with the Township's Future Land Use Plan.
2. The requested rezoning is consistent and compatible with the surrounding land uses and adjacent zoning classifications.
3. Existing infrastructure and utilities can easily accommodate the expected future residential land use.
4. Township staff do not anticipate any negative impacts on surrounding properties as a result of the rezoning.

Chairperson Doorlag thanked Ms. Harris for her report, determined there were no questions from Commissioners, and that the applicant did not wish to speak. He opened a public hearing, and noted there were no members of the public who wished to comment.

He closed the hearing and moved to Board Deliberations.

Mr. Ford felt the request made sense and was compatible with the area.

Mr. Jefferies asked if the agricultural access would be impacted if this request was approved.

Ms. Lubbert said it would not restrict access to the agricultural site, noting there are two roads that access the site.

Hearing no further comments, the Chair asked for a motion.

Mr. Smith **made a motion** to recommend approval to the Township Board for the rezoning of the area of 9177 West G Avenue noted in the staff report from the AG: Agricultural District to the RR: Rural Residential District for the following reasons recommended by staff:

1. The proposed rezoning is in accordance with the Township's Future Land Use Plan.
2. The requested rezoning is consistent and compatible with the surrounding land uses and adjacent zoning classifications.
3. Existing infrastructure and utilities can easily accommodate the expected future residential land use.
4. Township staff do not anticipate any negative impacts on surrounding properties as a result of the rezoning.

Mr. Ford **seconded the motion.** **The motion was approved** unanimously.

Chairperson Doorlag moved to the next agenda item and asked Ms. Lubbert for her report.

**PUBLIC HEARING – SPECIAL USE AND SITE PLAN – LONG JOHN SILVERS**

**Long John Silvers was requesting site plan and special exception use approval to redevelop 5481 W. Main Street with one 2,288 square foot building to serve as a fast food restaurant with drive-through.**

**PROJECT SUMMARY:**

Ms. Lubbert reported Long John Silvers was requesting site plan and special exception use approval to redevelop the site with one 2,288 square foot building to serve as a fast food restaurant with drive through located at 5481 W Main Street. The applicant was seeking to upgrade the property through a complete reconstruction of the site in order to revitalize it and bring it up to code. The approximate half-acre site is located on the corner of W Main Street and Maple Hill Drive, immediately east of US-131.

The subject project site falls within the C: Local Business District zoning designation. Drive through services for businesses are considered a special exception use within the C: Local Business District. Any proposed special exception use is subject to review and approval from the Oshtemo Township Planning Commission.

**ANALYSIS:**

When reviewing this request, there are two sets of criteria that need to be considered: the general site plan review criteria outlined in Section 64 and the general special use review criteria outlined in Section 65.30. She provided an analysis of the proposal against these two code sections and said overall, most of the requirements of Section 64 and Section 65.30 have been met.

**Section 64: Site Plan Review**

**General Zoning Compliance:**

*Zoning:* The proposed Long John Silvers' site abuts a strip mall to the south, a fast food restaurant to the east, a standard sit down restaurant to the west, and a tire service shop to the north. Zoning wise, C: Local Business District is adjacent to the north, south, east, and west. Restaurants providing drive through services are considered a special exception use within the C: Local Business District. All general zoning requirements have been met.

**Access and Circulation**

*Access:* The subject property currently has a private service drive traveling east/west that intersects through the north end of the property. The main point of access, however, is through the curb cut located in the northwest corner of the site adjacent to Maple Hill Drive. Additionally, the site can also be accessed through the property to the south as one-way access into the site has been provided. Most of the circulation aisle widths are proposed to be 20' wide, which is the minimum width required under Section 52.50 of the zoning ordinance for one-way travel. **There are still some issues with striping and other pavement markings located within the circulation aisles. Staff was confident that such issues can be addressed administratively and plans be submitted to the Township for review and approval post the pending decision by the Oshtemo Township Planning Commission.**

*Drive through:* The drive through component of this request was proposed to be primarily located along the south and east sides of the building. A majority of the drive through is proposed to be made up of concrete material. Drive throughs servicing a restaurant use are required by Section 52.90 of the zoning ordinance to provide a minimum of five

stacking spaces from each individual point of service. A total of ten stacking spaces throughout the drive through have been provided, five from the order station on the south side of the building where the menu board is located and five from the service window on the east side of the building where the food is picked up. All drive through stacking spaces were proposed to be 10' x 20', which meets the required minimum dimensions outlined in Section 52.90 of the zoning ordinance. Although most drive-through requirements have been satisfied, there are some issues with striping as well. **As a condition of approval, the entire drive-thru lane, including areas necessary for stacking spaces, shall be demarcated and striping be shown on the civil site plan drawings.**

*Parking:* A total of 16 parking spaces are currently proposed to be located on the Long John Silvers' site, two of which are ADA accessible. All parking stalls are proposed to be 10' x 20'. Restaurant uses are required to provide one parking space for every 70 square feet of net floor area plus one per each employee on the largest shift OR one parking space per each three persons allowed within the maximum occupancy load as established by the Township building code plus one per each employee on the largest shift, whichever is greater. After calculating the parking needed for the proposed use on-site with the number for square footage being greater than based on occupancy load, a total of 31 parking spaces would be required. Although the site itself is short by 15 parking spaces, there is a cross parking easement agreement in place between the Long John Silvers' lot and the property to the south, which provides Long John Silvers' access to the south property's northerly 19 parking spaces. With the cross parking easement agreement in place, the applicant was able to meet such parking requirements by proposing a combined total of 35 parking spaces, which is shown on the site plan and is well under the maximum number of spaces allowed for sites of this nature.

*Easements:* A cross parking easement agreement exists with the strip mall property to the immediate south which provides additional parking to the Long John Silvers' property. Easements for public water and sewer are also present along the northern property line.

*Sidewalk:* The Township's adopted Non-motorized Plan does identify a sidewalk adjacent to the subject site on the south side of W Main Street. This stretch of W Main Street already offers a 5' wide sidewalk. Additionally, a sidewalk connector from said non-motorized facility to the principal building is proposed in the northeast corner of the site in order to provide pedestrian access. With said non-motorized facility already having been installed, and the applicant proposing a sidewalk connection from the principal building on-site to said existing non-motorized facility, no further action on this item is needed.

### **Building Design**

*Building Information:* The proposed 2,288 square foot, one-story restaurant building will be located in the center of the property and is approximately 20' in height. The exterior materials for the proposed building will consist of blue, white, and brown fiber cement siding and panels. An elevation sheet was submitted with the site plan.

*Lot Dimensions:* The overall project site is about a half-acre in size and is located within the Elk's Plat No. 1. The subject lot possesses approximately 250' of road frontage adjacent to Maple Hill Drive and 135' of road frontage adjacent to W Main Street. The lot

exceeds both the property area (min. 13,200 square feet) and frontage (min. 120') requirements for Commercial lots located in a plat and serviced by public water and sewer. **The site's dimensions satisfy zoning ordinance requirements.**

**Setbacks:** Per Section 50.60.C of the zoning ordinance, properties located within Commercial zoning districts are required to have a minimum front yard setback of 70'. If properties are located along a designated highway within the Township, they are subject to additional setback requirements if greater than what is outlined for the underlying zoning district. The subject property possesses two front yards, one along Maple Hill Drive, and the other along W Main Street, which happens to be a designated highway. The minimum front yard setback from the edge of the Maple Hill Drive right-of-way is 70'. The minimum setback requirement from W Main Street is 170' from the center of the street right-of-way. However, there is a provision in the zoning ordinance which allows for a reduction in the front yard setback based on the setback of existing buildings in proximity to the subject site. The Firestone Tire Shop, which has a front yard setback of 100' measured from the center of the W Main Street right-of-way, is located between 175' and 300' away from the subject site. Per Section 50.60.A of the zoning ordinance, staff is allowed to take their front yard setback of 100' and add  $\frac{2}{3}$  of the difference between the prescribed setback distance of 170' and the setback of the existing building of 100'.  $\frac{2}{3}$  of 70' is 46.2'.  $100' + 46.2' = 146.2'$ . Therefore, the minimum permitted front yard setback is 146.2' from the center of the W Main Street right-of-way. The building is setback 70' from the front property line along Maple Hill Drive and 153' from the center of the street right-of-way on W Main Street. Properties zoned as Commercial are also subject to have a minimum side and rear yard setback of 20' or equal to the height of the abutting side of the building at its highest point as measured from the grade of the property line, whichever is greater. The height of the building is 20' tall, which requires a minimum setback in the side and rear yards of 20', which is met. **The minimum setbacks for the front yard, side yard, and rear yard are satisfactory.**

**Screening:** The applicant was proposing to install a 7'6" tall dumpster enclosure in the southwest corner of the site, made of concrete block with steel metal tube doors. The color is proposed to match the building. With respect to fences, other than installing temporary tree protection fencing along the west property line, no fences were proposed.

**Lighting:** A photometric plan was provided and meets most zoning ordinance requirements; however, there are issues regarding the placement for some of the pole mounted lights which will require repositioning. **Staff was confident that a revised lighting plan can be reviewed and approved administratively and recommended the Planning Commission include such as a condition of approval.**

**Signs:** One-way directional signs are being added to the site. Any future additional signage will require a sign permit application be submitted to the Township for review and approval.

**Landscaping:** A number of details are still missing on the landscaping plan. **An updated landscaping plan meeting all applicable requirements of Article 53 of the zoning ordinance shall be submitted to the Township and be reviewed and approved administratively.**

**Engineering:** Prein & Newhof and the Oshtemo Public Works Department have reviewed the proposal and have noted that there are some engineering concerns that have not yet been addressed. **However, the remaining engineering concerns are minor enough to be reviewed and approved administratively and recommend the Planning Commission include such as a condition of approval.**

**Fire Department:** The Fire Marshal reviewed the site plan and is happy overall with the proposed site plan. The Fire Marshal mentioned the circulation for fire apparatus throughout the subject property has improved.

Overall, Ms. Lubbert said the proposed site plan meets requirements with a few minor tweaks that can be addressed administratively. She moved to the Special Use portion of the request and provided the following information.

**Section 65.30: Special Use Review Criteria**

- A. Master Plan/Zoning Ordinance: The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the District in which the use is located.**

The Township's Future Land Use Plan categorizes this area—west of Drake Road, east of Maple Hill Drive, and south of W Main Street, as *General Commercial*. Restaurants with drive through services are permissible with special use approval from the Planning Commission under the C: Local Business District zoning classification. This property is currently zoned C: Local Business District. From a zoning perspective, the proposed use would be consistent with the most recent use on-site and is in accordance with the Township's Zoning Ordinance.

- B. Site Plan Review: The Site Plan Review Criteria of Section 64**

A site plan has been provided. See evaluation under Section 64: Site Plan Review.

- C. Impacts:**

- 1. The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.**

Although no longer in use, a fast food restaurant formerly operated by Long John Silvers already exists on-site. Several other fast food restaurants are within a close perimeter of a couple hundred feet from the subject property, which include Wendys, Burger King, McDonalds, Starbucks, and Steak 'n Shake. With the proposed use continuing to operate as it has in prior years, is in proximity of other fast food restaurant uses, and being in accordance with the Zoning Ordinance, staff did not foresee that the proposed use will negatively affect neighboring uses.

- 2. Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.**

Staff did not foresee a significant impact of the proposed use on neighboring properties. The proposed use is an allowable use within the zoning district it is planned for. A restaurant with a drive through service has operated at the subject property in the past. Entrances on the site will continue to be used in a similar fashion. The proposed site plan meets the minimum setback and parking

requirements. Adequate screening, buffers, and more are provided and discussed further in the Site Plan Review section of this staff report.

**3. The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, or visual clutter.**

A restaurant providing drive through services has occupied the site for nearly 20 years. Although the existing building will be demolished and the property will be revamped, the use will remain the same. Best construction practices and guidelines will be followed, and the site will be built to satisfy building code and zoning ordinance requirements. The amount of traffic will be consistent with what the subject site has produced in the past. The current conditions on-site include a boarded up, vacant building with overgrown vegetation. The revitalization of the site will benefit the property itself, surrounding businesses, and the community. Staff anticipates that the proposed project will not generate such negative impacts on adjacent properties.

**D. Environment: The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.**

The proposed site modifications, as presented in the site plan, will minimally impact the existing natural features on the site. The subject site is currently well built out since it previously served as a fast food restaurant. The only type of greenspace that is present now are the canopy trees along the northern and western property lines, which will remain intact. Additional landscaping including understory canopy trees and shrubbery are proposed to be located at the north and west ends of the site. The stormwater basin proposed in the southeast corner of the site also includes plantings as well.

**E. Public Facilities: Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.**

Public water and sewer are located on the north and east ends of the site and are both available. Regarding the transportation network, the intersection to the immediate west at Maple Hill Drive and W Main Street is controlled by a traffic signal. If the special exception use request is granted, it will not negatively affect the area as the use is not changing from what was previously there. A 5' wide sidewalk connecting the existing 5' wide non-motorized facility adjacent to W Main Street to the newly proposed fast food restaurant building on-site is proposed.

**F. Specific Use Requirements: The Special Use development requirements of Article 49.**

No specific use requirements exist for drive-through services for businesses. Therefore, this section does not apply.

**RECOMMENDATION:**

Ms. Lubbert said Planning Department staff recommended the Planning Commission approve the proposed site plan and special exception use for a 2,288 square foot restaurant with drive through located at 5481 W Main Street with the following conditions:

- 1) A Soil Erosion and Sedimentation Control (SESC) permit from the Kalamazoo County Drain Commissioner's Office will be required prior to building permit issuance.

- 2) The engineer's seal shall be provided on an updated set of civil site plan drawings and submitted to the Township prior to building permit issuance.
- 3) The parcel ID for the subject site and lot size information shall be noted under general project and site data on Sheet T-1.0 of the plan set prior to building permit issuance.
- 4) Finalization of striping, pavement markings, and drive through details shall be subject to the administrative review and approval of the Township Planning Department prior to building permit issuance.
- 5) Finalization of grading details, site drainage, and any other engineering details shall be subject to the administrative review and approval of the Township Engineer prior to building permit issuance.
- 6) An updated landscaping plan meeting the requirements outlined in Section 53 of the Zoning Ordinance shall be submitted to the Township for review and approval prior to building permit issuance.
- 7) A revised lighting plan meeting the requirements outlined in Section 54 of the Zoning Ordinance shall be submitted to the Township for review and approval prior to building permit issuance.
- 8) The watermain connection shall be coordinated with the City of Kalamazoo Department of Public Services – Anna Crandall (269) 337-8055. Once approved by the City of Kalamazoo, the plans and a copy of the permit for final approval shall be provided to the Township prior to construction.
- 9) Copies of any necessary recorded easements shall be provided to the Township prior to issuing a certificate of occupancy.

Chairperson Doorlag thanked Ms. Lubbert for the presentation and asked if Commissioners had questions.

Mr. Jefferies had questions regarding current site access and the impact approving this request would have on increased traffic.

Ms. Lubbert noted MDOT is currently studying the corridor and looking for ways to address those types of issues.

In answer to questions regarding whether the parking lot would be repaved and whether the ingress and egress would be the same, Ms. Lubbert said the parking lot would be repaved, but not the access road in the front.

Mr. Greg Minshell, Matrix Consulting Engineers, said the ingress/egress would remain the same and noted they have a shared access agreement. He noted condition #1 requires that a soil erosion permit be obtained from the county, but they may not be able to do that as the rules do not apply to properties of less than one acre. They will follow the procedures and comply with the intent.

Ms. Lubbert indicated as long as there is a letter outlining that from the county, it would be acceptable.

Attorney Porter noted the whole development was subdivided years ago and the cross access parking agreement would not interfere with current operations.

Hearing no further questions from the Commission, Chairperson Doorlag opened the public hearing.

Curt Aardema, on behalf of the property owner to the south, questioned the cross access agreement. He noted that per his records this easement has expired.

Attorney Porter noted he had reviewed the document and confirmed the cross access parking agreement was updated on December 24, 1987 and is still definitive.

With no other members of the public who wished to comment, the Chairperson Doorlag closed the hearing and moved to Board Deliberations.

There was discussion regarding the cross access easement and what could be done to ensure property rights were protected. Mr. Porter advised that a condition of approval could be added to ensure that the easement provided was still in effect.

Hearing no further questions, Chairperson Doorlag asked for a motion.

Mr. Smith **made a motion** to approve Long John Silvers' request to approve the site plan and special exception use request to redevelop 5481 W. Main Street with one 2,288 square foot building to serve as a fast food restaurant with drive-through as requested, subject to the nine following conditions recommended by staff and one additional condition based on public comment.

- 1) A Soil Erosion and Sedimentation Control (SESC) permit from the Kalamazoo County Drain Commissioner's Office will be required prior to building permit issuance.
- 2) The engineer's seal shall be provided on an updated set of civil site plan drawings and submitted to the Township prior to building permit issuance.
- 3) The parcel ID for the subject site and lot size information shall be noted under general project and site data on Sheet T-1.0 of the plan set prior to building permit issuance.
- 4) Finalization of striping, pavement markings, and drive through details shall be subject to the administrative review and approval of the Township Planning Department prior to building permit issuance.
- 5) Finalization of grading details, site drainage, and any other engineering details shall be subject to the administrative review and approval of the Township Engineer prior to building permit issuance.
- 6) An updated landscaping plan meeting the requirements outlined in Section 53 of the Zoning Ordinance shall be submitted to the Township for review and approval prior to building permit issuance.
- 7) A revised lighting plan meeting the requirements outlined in Section 54 of the Zoning Ordinance shall be submitted to the Township for review and approval prior to building permit issuance.
- 8) The watermain connection shall be coordinated with the City of Kalamazoo Department of Public Services – Anna Crandall (269) 337-8055. Once approved by the City of Kalamazoo, the plans and a copy of the permit for final approval shall be provided to the Township prior to construction.
- 9) Copies of any necessary recorded easements shall be provided to the Township prior to issuing a certificate of occupancy.
- 10) The applicant shall confirm that the cross access easement provided is still in effect.

Mr. Ford **seconded the motion. The motion was approved unanimously.**

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



**PUBLIC HEARING – ORDINANCE AMENDMENT – KEEPING OF LIVESTOCK AND HONEY BEES**

Consideration to adopt amendments to 57.80 – Keeping of Livestock and Honey Bees for recommendation to the Township Board.

Ms. Lubbert indicated while responding to an inquiry about the number and type of livestock permitted on a property, Staff became aware that the relevant Ordinance section was not clear and was open to interpretation. To clarify and ensure consistent interpretation, the Planning Dept. and Legal Dept. were recommending Section 57.80 be amended as presented.

**57.80 KEEPING OF LIVESTOCK AND HONEY BEES**

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

- A. Activities shall be for the private enjoyment of the property owners conducted for noncommercial purposes.
- B. Acreage requirements. Acreage requirements are cumulative for each animal size, excluding honey bees, meaning the property must have the minimum required acreage for all animals onsite.
  - 1. Large animals. 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 moderate-sized animal (35 to 200 pounds at maturity), including sheep, goats, or similar animals.
  - 3. Small animals. All parcels, lots, and building sites up to one acre shall be permitted up to five small animals (under 35 pounds at maturity), including chickens, ducks, turkeys, rabbits, or similar animals. One additional small animal shall be permitted for each additional one-quarter acre of property.
  - 4. Honey bees. The maximum allowed number of colonies permitted on a lot, parcel, or building site shall be limited as follows:

Lot, Parcel, or Building site Acreage	Maximum number of colonies permitted
Up to ¼ acre	2
¼ acre to ½ acre	4
½ to 1 acre	6

- 5. For a Lot, Parcel, or Building Site over an acre, 8 colonies are allowed plus 1 additional colony for each additional one-quarter acre.

Chairperson Doorlag thanked Ms. Lubbert and moved to a public hearing. As there were no public comments, he asked for a motion.

Mr. Ford made a **motion** to approve the 57.80 – Keeping of Livestock and Honey Bees for recommendation to the Township Board. Mr. Smith **seconded the motion**. The **motion was approved** unanimously.

The Chair moved to the next agenda item.

**WORK SESSION**

**b. Continued Discussion: Private Street Ordinance (Oshtemo Streets and Mobility Ordinance)**

Ms. Lubbert said that although this proposed general ordinance was not under the Planning Commission's jurisdiction, it is so broad she wanted the Commission to be involved because it is such an important document. She introduced Ms. Suzanne Schulz of Progressive AE, who presented an updated version of the Private Street Ordinance, now the Oshtemo Streets and Mobility Ordinance, for Commissioners' feedback and endorsement.

Ms. Schulz walked through and had a lengthy discussion with Commissioners regarding the document. She answered questions, addressed their comments and corrections and when the changes suggested are complete, will provide them with an updated draft.

**OTHER UPDATES AND BUSINESS**

Mr. Smith shared a discussion of large buildings by the Zoning Board of Appeals in light of requests for variances regarding signage size and placement requirements that have been approved recently.

Attorney Porter indicated a sign ordinance revision that will include changes to required size and placement will be brought to the Planning Commission early in 2024.

Mr. Ford informed the group the Township Board had adopted the housing plan. He also noted that tonight was Ms. Lubbert's and Ms. Coash's last Planning Commission meeting.

Ms. Lubbert thanked Commissioners for a good, productive year. She also told them she would be leaving her position at the Township later in December, and had enjoyed her time with the Township. She also noted this was the last meeting for Martha Coash who was retiring, and also the last meeting for Ms. Maxwell whose term with the Planning Commission is ending. She presented Ms. Maxwell with a certificate of appreciation.

Commissioners expressed their appreciation to all three and noted they would be missed.

**ADJOURNMENT**

With there being no further business to consider, Chairperson Doorlag adjourned the meeting at approximately 9:32 p.m.

Minutes prepared:  
December 15, 2023

Minutes approved:  
\_\_\_\_\_, 2023

## 57.80 KEEPING OF LIVESTOCK AND HONEY BEES

---

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

- A. Activities shall be for the private enjoyment of the property owners conducted for noncommercial purposes.
- B. Acreage requirements. Acreage requirements are cumulative for exclusive of each animal size, excluding honey bees, meaning the property must have the minimum required acreage for each animals onsite.
  - 1. Large animals. 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 moderate-sized animal (35 to 200 pounds at maturity), including sheep, goats, or similar animals.
  - 3. Small animals. All parcels, lots, and building sites up to one acre shall be permitted up to five small animals (under 35 pounds at maturity), including chickens, ducks, turkeys, rabbits, or similar animals. One additional small animal shall be permitted for each additional one-quarter acre of property.
  - 4. Honey bees. The maximum allowed number of colonies permitted on a lot, parcel, or building site shall be limited as follows:

Lot, Parcel, or Building site Acreage	Maximum number of colonies permitted
Up to ¼ acre	2
¼ acre to ½ acre	4
½ to 1 acre	6

- 5. For a Lot, Parcel, or Building Site over an acre, 8 colonies are allowed plus 1 additional colony for each additional one-quarter acre.

...

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

Adopted: \_\_\_\_\_

Effective: \_\_\_\_\_

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance, Article 57, Section 80, Keeping of Livestock and Honey Bees, of the Oshtemo Charter Township Zoning Ordinance. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

SECTION I. AMENDMENT TO ARTICLE 57, SECTION 80, KEEPING OF LIVESTOCK AND HONEYBEES: The amendment to Article 57, Section 80, Keeping of Livestock and Honey Bees of the Township Zoning Ordinance, to read, in summary, as follows :

**57.80 KEEPING OF LIVESTOCK AND HONEY BEES**

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

- A. Activities shall be for the private enjoyment of the property owners conducted for noncommercial purposes.
- B. Acreage requirements. Acreage requirements are cumulative for each animal size, excluding honey bees, meaning the property must have the minimum required acreage for all animals onsite.
  - 1. Large animals. 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 moderate-sized animal (35 to 200 pounds at maturity), including sheep, goats, or similar animals.
  - 3. Small animals. All parcels, lots, and building sites up to one acre shall be permitted up to five small animals (under 35 pounds at maturity), including chickens, ducks, turkeys, rabbits, or similar animals. One additional small animal shall be permitted for each additional one-quarter acre of property.
  - 4. Honey bees. The maximum allowed number of colonies permitted on a lot, parcel, or building site shall be limited as follows:

Lot, Parcel, or Building site Acreage	Maximum number of colonies permitted
Up to ¼ acre	2
¼ acre to ½ acre	4
½ to 1 acre	6

5. For a Lot, Parcel, or Building Site over an acre, 8 colonies are allowed plus 1 additional colony for each additional one-quarter acre.

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

# MEMORANDUM



**Date:** December 20, 2023  
**To:** Township Board  
**From:** James Porter  
**Subject:** First Reading re Rezone of 9177 West G Ave.

---

## **Objectives**

To accept for First Reading the Rezoning Request for 9177 West G Ave and set for Second Reading.

## **Recommended Motion**

I make the motion to accept for First Reading the Rezoning Request for 9177 West G Ave and set for Second Reading on January 23, 2024.

## **Background**

Consideration to for approval under Article 4 and Article 5 of the Township Zoning Ordinance, to rezone approximately 15 acres of parcel located on 9177 West G Ave from AG: Agricultural District to RR: Rural Residential District.

## **Information Provided**

I have attached a copy of the Recommendation from the Planning Commission, Meeting Minutes of Public Hearing held on December 14, 2023 and the Proposed Ordinance for review.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP PLANNING  
COMMISSION RESULTING FROM A PUBLIC HEARING CONDUCTED ON  
DECEMBER 14, 2023

The Oshtemo Charter Township Planning Commission hereby recommends APPROVAL of the request to rezone roughly 15 acres of 9177 W G Avenue, from AG, Agricultural District to the RR, Rural Residential District of the Oshtemo Charter Township Zoning Ordinance. The subject are for the requested rezoning is located within Parcel No. 05-05-230-012, and is more particularly described as follows:

Part of the Northeast one-quarter of Section 05, Town 02 South, Range 12 West, Oshtemo Township, Kalamazoo County, Michigan, described as follows: COMMENCING at the North one-quarter comer of said Section 5; thence S 88°53'10" E 1112.00 feet along the North line of said section to the POINT OF BEGINNING; thence continuing S 88°53'10" E 556.00 feet along the North line of said section; thence S 01°07'09" W 600.00 feet; thence N 88°53'10" W 556.04 feet parallel with the North Line of said section; thence N 01°07'23" E 600.00 feet to the point of beginning. Parcel contains 7.66 acres including road right of way.


AND

Part of the Northeast one-quarter of Section 05, Town 02 South, Range 12 West, Oshtemo Township, Kalamazoo County, Michigan, described as follows: COMMENCING at the North one-quarter comer of said Section 5; thence S 88°53'10" E 1668.00 feet along the North line of said section to the PONT OF BEGINNING; thence continuing S 88°53'10" E 556.00 feet along the North line of said section; thence S 01°06'55" W 321.32 parallel with the East line of said section; thence N 88°53'05" W 4.90 feet; thence S 01°06'55" W 46.93 parallel with the East line of said section; thence S 88°53'05" E 4.90 feet; thence S 01° 06'55" W 231 .75 parallel with the Eastline of said section; thence N 88°53'10" W 556.04 feet parallel with the North Line of said section; thence N 01°07'09" E 600.00 feet to the point of beginning. Parcel contains 7.66 acres including road right of way.

A copy of the Planning Commission Staff Report and the Draft Meeting Minutes from the December 14, 2023 Public Hearing are attached to this Recommendation.

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

Date: December 18, 2023

By:   
Iris Lubbert, AICP  
Township Planning Director

Final Action by Oshtemo Charter Township Board

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

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

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



**OSHTEMO TOWNSHIP PLANNING COMMISSION**

**DRAFT MINUTES OF A MEETING HELD DECEMBER 14, 2023**

---

**Agenda**

**PUBLIC HEARING – REZONING – 9177 WEST G AVENUE**

Consideration of a request from James and Robert Endres, on behalf of the James A and Marilyn C. Endres Trust to rezone approximately 15 acres of 9177 West G Avenue from AG: Agricultural District to RR: Rural Residential District.

**PUBLIC HEARING – SPECIAL USE AND SITE PLAN – LONG JOHN SILVERS**

Long John Silvers was requesting site plan and special exception use approval to redevelop 5481 W. Main Street with one 2,288 square foot building to serve as a fast food restaurant with drive-through.

**PUBLIC HEARING – ORDINANCE AMENDMENT – KEEPING OF LIVESTOCK AND HONEY BEES**

Consideration to adopt amendments to 57.80 – Keeping of Livestock and Honey Bees for recommendation to the Township Board.

**WORK SESSION**

- a. **Continued Discussion: Private Street Ordinance (Oshtemo Streets and Mobility Ordinance)**
- 

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, December 14, 2023, commencing at approximately 6:05 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

**ALL MEMBERS**

**WERE PRESENT:**

Phil Doorlag, Chair  
Deb Everett  
Zak Ford, Board Liaison  
Scot Jefferies  
Micki Maxwell, Vice Chair  
Scott Makohn  
Alistair Smith

Also present: Iris Lubbert, Planning Director, Jim Porter, Township Attorney, Leanna Harris, Zoning Administrator, Martha Coash, Recording Secretary, and Suzanne Schulz, of Progressive AE.

Several guests were also in attendance.

**Call to Order and Pledge of Allegiance**

Chairperson Doorlag called the meeting to order at 6:05 p.m. and invited those present to join in the Pledge of Allegiance.

**Approval of Agenda** Mr. Ford **made a motion** to approve the Agenda as presented. Mr. Smith **seconded the motion**. The **motion was approved** unanimously.

Chairperson Doorlag determined there were no changes to the agenda and asked for a motion.

**Public Comment on Non-Agenda Items**

There were no comments on non-agenda items.

**Approval of Minutes: November 27, 2023**

Chairperson Doorlag asked if there were additions, deletions, or corrections to the Minutes of the Special Meeting of November 27, 2023.

Hearing none, he asked for a motion.

Mr. Ford **made a motion** to approve the Minutes of the Special Meeting of November 27, 2023 as presented. Ms. Maxwell **seconded the motion**. The **motion was approved** unanimously.

Chairperson Doorlag moved to the next agenda item on the agenda.

**PUBLIC HEARING – REZONING – 9177 WEST G AVENUE**

**Consideration of a request from James and Robert Endres, on behalf of the James A and Marilyn C. Endres Trust to rezone approximately 15 acres of 9177 West G Avenue from AG: Agricultural District to RR: Rural Residential District.**

**PROJECT SUMMARY:**

Ms. Leeanna Harris, Zoning Administrator, said the applicants, James and Robert Endres, on behalf of the James A and Marilyn C Endres Trust, were requesting to rezone approximately 15 acres of 9177 West G Avenue from AG: Agricultural District to RR: Rural Residential District. The rezoning area under consideration begins approximately 1,112 feet from the west property line and is about 1,112 feet wide and 600 feet deep. The parent parcel has a property area of approximately 120 acres with roughly 1,700 feet of frontage on North 3<sup>rd</sup> Street and about 2,500 feet on West G Avenue. 9177 West G Avenue currently serves an agricultural land use.

The applicants' intent WAs to rezone the desired area and to split these 15 acres from the parent parcel to create two new parcels. This parent parcel went through a previous rezoning request in 2020 and they proposed to continue two of the divisions as outlined in the survey document. However, due to the minimum area requirement of 40 acres for AG: Agricultural District properties, a split would not be possible without the rezoning to RR: Rural Residential. Staff completed a preliminary review of the proposed land division and determined it would meet Township requirements for newly created parcels within the RR: Rural Residential zoning classification. However, since the request is for a rezoning, those materials will be formally considered when the applicant submits a land division application for Township review and approval.

## **CONSIDERATIONS:**

Ms. Harris said the Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that a Planning Commission must consider when reviewing a rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. She outlined these considerations along with staff's analysis:

### **1. Master Plan Designation**

The Township's adopted 2017 Future Land Use Map designates 9177 West G Avenue and the surrounding properties in this portion of the Township as RR: Rural Residential. According to the Township's Master Plan, Rural Residential includes developments such as low-density housing on scattered sites. The Future Land Use Map identifies that the subject property is within an area that is intended to transition to Rural Residential from its present agricultural zoning. The proposed rezoning would be consistent with the site's current activity, Future Land Use Map, and the Township's Zoning Ordinance. Rezoning this site would follow the Township's vision in terms of land use for this area.

### **2. Consistency of the Zoning Classification in the General Area**

Rezoning 15 acres of 9177 West G Avenue from AG: Agricultural District to RR: Rural Residential District would be consistent with current zoning in nearby parcels. The site is currently adjacent to several other properties which serve low density land uses. These uses of land include single-family dwellings as well as areas used for farmland.

### **3. Consistency and Compatibility with General Land Use Patterns in the Area**

On both sides of West G Avenue, a pattern of residences or farmlands have been established. With the request being consistent and compatible with land use patterns in the area, and this use being in accordance with the Future Land Use map, the rezoning will allow the property to match the established character of the area.

### **4. Utilities and Infrastructure**

Neither public water nor sewer are present along N 3<sup>rd</sup> Street or West G Avenue in this part of the Township, and the extension of such is not planned at any point in the near future. Given the anticipated low intensity residential use for the area subject to this rezoning request and the nature of uses permitted within the RR district, the absence of utilities here should not negatively affect reasonable land use. Regarding the transportation network, the intersection to the west at West G Avenue and North 3<sup>rd</sup> Street is a 4-way stop. The next intersection to the east where West G Avenue crosses North 6<sup>th</sup> Street is a 4-way stop as well. Staff is of the opinion that if this rezoning is approved, it will not negatively affect the area or add undue burden to the existing infrastructure than what is currently experienced.

### **5. Reasonable Use under Current Zoning Classification**

The property is currently zoned AG: Agricultural District. The existing subject parcel is actively farmed and can continue according to the Michigan Right-to-Farm Act. Given the amount of road frontage and acreage present, as well as the restrictions currently in place for AG zoned properties, reasonable use is still possible without the rezoning. However, given the applicant's desire to complete a land division in order to accommodate two single-family homes and the Township's minimum 40-acre size for agriculturally zoned parcels, these opportunities are limited. The rezoning achieves the Township's goals for this area and fits the applicant's vision for the site.

### **6. Effects on Surrounding Property**

Staff did not anticipate any negative impacts occurring onto surrounding properties if the subject site were rezoned to the RR: Rural Residential District. All properties adjacent to the subject site are similar as each property consists of an existing primary residence, farmland, or a combination of these. Although the applicants indicated single-family homes would be built on the rezoned area, agricultural use of the parent property would not change. With there being an existing pattern of rural character and uses in the area, the rezoning would complement adjacent zoning districts and their present land uses.

**RECOMMENDATION:**

Ms. Harris said staff recommended the Planning Commission forward a recommendation of approval to the Township Board for the rezoning of the area of 9177 West G Avenue noted in this staff report from the AG: Agricultural District to the RR: Rural Residential District for the following reasons:

1. The proposed rezoning is in accordance with the Township's Future Land Use Plan.
2. The requested rezoning is consistent and compatible with the surrounding land uses and adjacent zoning classifications.
3. Existing infrastructure and utilities can easily accommodate the expected future residential land use.
4. Township staff do not anticipate any negative impacts on surrounding properties as a result of the rezoning.

Chairperson Doorlag thanked Ms. Harris for her report, determined there were no questions from Commissioners, and that the applicant did not wish to speak. He opened a public hearing, and noted there were no members of the public who wished to comment.

He closed the hearing and moved to Board Deliberations.

Mr. Ford felt the request made sense and was compatible with the area.

Mr. Jefferies asked if the agricultural access would be impacted if this request was approved.

Ms. Lubbert said it would not restrict access to the agricultural site, noting there are two roads that access the site.

Hearing no further comments, the Chair asked for a motion.

Mr. Smith **made a motion** to recommend approval to the Township Board for the rezoning of the area of 9177 West G Avenue noted in the staff report from the AG: Agricultural District to the RR: Rural Residential District for the following reasons recommended by staff:

1. The proposed rezoning is in accordance with the Township's Future Land Use Plan.
2. The requested rezoning is consistent and compatible with the surrounding land uses and adjacent zoning classifications.
3. Existing infrastructure and utilities can easily accommodate the expected future residential land use.
4. Township staff do not anticipate any negative impacts on surrounding properties as a result of the rezoning.

Mr. Ford **seconded the motion. The motion was approved** unanimously.

Chairperson Doorlag moved to the next agenda item and asked Ms. Lubbert for her report.

## PUBLIC HEARING – SPECIAL USE AND SITE PLAN – LONG JOHN SILVERS

Long John Silvers was requesting site plan and special exception use approval to redevelop 5481 W. Main Street with one 2,288 square foot building to serve as a fast food restaurant with drive-through.

### PROJECT SUMMARY:

Ms. Lubbert reported Long John Silvers was requesting site plan and special exception use approval to redevelop the site with one 2,288 square foot building to serve as a fast food restaurant with drive through located at 5481 W Main Street. The applicant was seeking to upgrade the property through a complete reconstruction of the site in order to revitalize it and bring it up to code. The approximate half-acre site is located on the corner of W Main Street and Maple Hill Drive, immediately east of US-131.

The subject project site falls within the C: Local Business District zoning designation. Drive through services for businesses are considered a special exception use within the C: Local Business District. Any proposed special exception use is subject to review and approval from the Oshtemo Township Planning Commission.

### ANALYSIS:

When reviewing this request, there are two sets of criteria that need to be considered: the general site plan review criteria outlined in Section 64 and the general special use review criteria outlined in Section 65.30. She provided an analysis of the proposal against these two code sections and said overall, most of the requirements of Section 64 and Section 65.30 have been met.

### Section 64: Site Plan Review

#### **General Zoning Compliance:**

*Zoning:* The proposed Long John Silvers' site abuts a strip mall to the south, a fast food restaurant to the east, a standard sit down restaurant to the west, and a tire service shop to the north. Zoning wise, C: Local Business District is adjacent to the north, south, east, and west. Restaurants providing drive through services are considered a special exception use within the C: Local Business District. All general zoning requirements have been met.

#### **Access and Circulation**

*Access:* The subject property currently has a private service drive traveling east/west that intersects through the north end of the property. The main point of access, however, is through the curb cut located in the northwest corner of the site adjacent to Maple Hill Drive. Additionally, the site can also be accessed through the property to the south as one-way access into the site has been provided. Most of the circulation aisle widths are proposed to be 20' wide, which is the minimum width required under Section 52.50 of the zoning ordinance for one-way travel. **There are still some issues with striping and other pavement markings located within the circulation aisles. Staff was confident that such issues can be addressed administratively and plans be submitted to the Township for review and approval post the pending decision by the Oshtemo Township Planning Commission.**

*Drive through:* The drive through component of this request was proposed to be primarily located along the south and east sides of the building. A majority of the drive through is proposed to be made up of concrete material. Drive throughs servicing a restaurant use are required by Section 52.90 of the zoning ordinance to provide a minimum of five

stacking spaces from each individual point of service. A total of ten stacking spaces throughout the drive through have been provided, five from the order station on the south side of the building where the menu board is located and five from the service window on the east side of the building where the food is picked up. All drive through stacking spaces were proposed to be 10' x 20', which meets the required minimum dimensions outlined in Section 52.90 of the zoning ordinance. Although most drive-through requirements have been satisfied, there are some issues with striping as well. **As a condition of approval, the entire drive-thru lane, including areas necessary for stacking spaces, shall be demarcated and striping be shown on the civil site plan drawings.**

*Parking:* A total of 16 parking spaces are currently proposed to be located on the Long John Silvers' site, two of which are ADA accessible. All parking stalls are proposed to be 10' x 20'. Restaurant uses are required to provide one parking space for every 70 square feet of net floor area plus one per each employee on the largest shift OR one parking space per each three persons allowed within the maximum occupancy load as established by the Township building code plus one per each employee on the largest shift, whichever is greater. After calculating the parking needed for the proposed use on-site with the number for square footage being greater than based on occupancy load, a total of 31 parking spaces would be required. Although the site itself is short by 15 parking spaces, there is a cross parking easement agreement in place between the Long John Silvers' lot and the property to the south, which provides Long John Silvers' access to the south property's northerly 19 parking spaces. With the cross parking easement agreement in place, the applicant was able to meet such parking requirements by proposing a combined total of 35 parking spaces, which is shown on the site plan and is well under the maximum number of spaces allowed for sites of this nature.

*Easements:* A cross parking easement agreement exists with the strip mall property to the immediate south which provides additional parking to the Long John Silvers' property. Easements for public water and sewer are also present along the northern property line.

*Sidewalk:* The Township's adopted Non-motorized Plan does identify a sidewalk adjacent to the subject site on the south side of W Main Street. This stretch of W Main Street already offers a 5' wide sidewalk. Additionally, a sidewalk connector from said non-motorized facility to the principal building is proposed in the northeast corner of the site in order to provide pedestrian access. With said non-motorized facility already having been installed, and the applicant proposing a sidewalk connection from the principal building on-site to said existing non-motorized facility, no further action on this item is needed.

### **Building Design**

*Building Information:* The proposed 2,288 square foot, one-story restaurant building will be located in the center of the property and is approximately 20' in height. The exterior materials for the proposed building will consist of blue, white, and brown fiber cement siding and panels. An elevation sheet was submitted with the site plan.

*Lot Dimensions:* The overall project site is about a half-acre in size and is located within the Elk's Plat No. 1. The subject lot possesses approximately 250' of road frontage adjacent to Maple Hill Drive and 135' of road frontage adjacent to W Main Street. The lot

exceeds both the property area (min. 13,200 square feet) and frontage (min. 120') requirements for Commercial lots located in a plat and serviced by public water and sewer. **The site's dimensions satisfy zoning ordinance requirements.**

*Setbacks:* Per Section 50.60.C of the zoning ordinance, properties located within Commercial zoning districts are required to have a minimum front yard setback of 70'. If properties are located along a designated highway within the Township, they are subject to additional setback requirements if greater than what is outlined for the underlying zoning district. The subject property possesses two front yards, one along Maple Hill Drive, and the other along W Main Street, which happens to be a designated highway. The minimum front yard setback from the edge of the Maple Hill Drive right-of-way is 70'. The minimum setback requirement from W Main Street is 170' from the center of the street right-of-way. However, there is a provision in the zoning ordinance which allows for a reduction in the front yard setback based on the setback of existing buildings in proximity to the subject site. The Firestone Tire Shop, which has a front yard setback of 100' measured from the center of the W Main Street right-of-way, is located between 175' and 300' away from the subject site. Per Section 50.60.A of the zoning ordinance, staff is allowed to take their front yard setback of 100' and add  $\frac{2}{3}$  of the difference between the prescribed setback distance of 170' and the setback of the existing building of 100'.  $\frac{2}{3}$  of 70' is 46.2'.  $100' + 46.2' = 146.2'$ . Therefore, the minimum permitted front yard setback is 146.2' from the center of the W Main Street right-of-way. The building is setback 70' from the front property line along Maple Hill Drive and 153' from the center of the street right-of-way on W Main Street. Properties zoned as Commercial are also subject to have a minimum side and rear yard setback of 20' or equal to the height of the abutting side of the building at its highest point as measured from the grade of the property line, whichever is greater. The height of the building is 20' tall, which requires a minimum setback in the side and rear yards of 20', which is met. **The minimum setbacks for the front yard, side yard, and rear yard are satisfactory.**

*Screening:* The applicant was proposing to install a 7'6" tall dumpster enclosure in the southwest corner of the site, made of concrete block with steel metal tube doors. The color is proposed to match the building. With respect to fences, other than installing temporary tree protection fencing along the west property line, no fences were proposed.

*Lighting:* A photometric plan was provided and meets most zoning ordinance requirements; however, there are issues regarding the placement for some of the pole mounted lights which will require repositioning. **Staff was confident that a revised lighting plan can be reviewed and approved administratively and recommended the Planning Commission include such as a condition of approval.**

*Signs:* One-way directional signs are being added to the site. Any future additional signage will require a sign permit application be submitted to the Township for review and approval.

*Landscaping:* A number of details are still missing on the landscaping plan. **An updated landscaping plan meeting all applicable requirements of Article 53 of the zoning ordinance shall be submitted to the Township and be reviewed and approved administratively.**

**Engineering:** Prein & Newhof and the Oshtemo Public Works Department have reviewed the proposal and have noted that there are some engineering concerns that have not yet been addressed. **However, the remaining engineering concerns are minor enough to be reviewed and approved administratively and recommend the Planning Commission include such as a condition of approval.**

**Fire Department:** The Fire Marshal reviewed the site plan and is happy overall with the proposed site plan. The Fire Marshal mentioned the circulation for fire apparatus throughout the subject property has improved.

Overall, Ms. Lubbert said the proposed site plan meets requirements with a few minor tweaks that can be addressed administratively. She moved to the Special Use portion of the request and provided the following information.

**Section 65.30: Special Use Review Criteria**

- A. Master Plan/Zoning Ordinance: The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the District in which the use is located.**

The Township's Future Land Use Plan categorizes this area—west of Drake Road, east of Maple Hill Drive, and south of W Main Street, as *General Commercial*. Restaurants with drive through services are permissible with special use approval from the Planning Commission under the C: Local Business District zoning classification. This property is currently zoned C: Local Business District. From a zoning perspective, the proposed use would be consistent with the most recent use on-site and is in accordance with the Township's Zoning Ordinance.

- B. Site Plan Review: The Site Plan Review Criteria of Section 64**

A site plan has been provided. See evaluation under Section 64: Site Plan Review.

- C. Impacts:**

- 1. The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.**

Although no longer in use, a fast food restaurant formerly operated by Long John Silvers already exists on-site. Several other fast food restaurants are within a close perimeter of a couple hundred feet from the subject property, which include Wendys, Burger King, McDonalds, Starbucks, and Steak 'n Shake. With the proposed use continuing to operate as it has in prior years, is in proximity of other fast food restaurant uses, and being in accordance with the Zoning Ordinance, staff did not foresee that the proposed use will negatively affect neighboring uses.

- 2. Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.**

Staff did not foresee a significant impact of the proposed use on neighboring properties. The proposed use is an allowable use within the zoning district it is planned for. A restaurant with a drive through service has operated at the subject property in the past. Entrances on the site will continue to be used in a similar fashion. The proposed site plan meets the minimum setback and parking



requirements. Adequate screening, buffers, and more are provided and discussed further in the Site Plan Review section of this staff report.

**3. The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, or visual clutter.**

A restaurant providing drive through services has occupied the site for nearly 20 years. Although the existing building will be demolished and the property will be revamped, the use will remain the same. Best construction practices and guidelines will be followed, and the site will be built to satisfy building code and zoning ordinance requirements. The amount of traffic will be consistent with what the subject site has produced in the past. The current conditions on-site include a boarded up, vacant building with overgrown vegetation. The revitalization of the site will benefit the property itself, surrounding businesses, and the community. Staff anticipates that the proposed project will not generate such negative impacts on adjacent properties.

**D. Environment: The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.**

The proposed site modifications, as presented in the site plan, will minimally impact the existing natural features on the site. The subject site is currently well built out since it previously served as a fast food restaurant. The only type of greenspace that is present now are the canopy trees along the northern and western property lines, which will remain intact. Additional landscaping including understory canopy trees and shrubbery are proposed to be located at the north and west ends of the site. The stormwater basin proposed in the southeast corner of the site also includes plantings as well.

**E. Public Facilities: Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.**

Public water and sewer are located on the north and east ends of the site and are both available. Regarding the transportation network, the intersection to the immediate west at Maple Hill Drive and W Main Street is controlled by a traffic signal. If the special exception use request is granted, it will not negatively affect the area as the use is not changing from what was previously there. A 5' wide sidewalk connecting the existing 5' wide non-motorized facility adjacent to W Main Street to the newly proposed fast food restaurant building on-site is proposed.

**F. Specific Use Requirements: The Special Use development requirements of Article 49.**

No specific use requirements exist for drive-through services for businesses. Therefore, this section does not apply.

**RECOMMENDATION:**

Ms. Lubbert said Planning Department staff recommended the Planning Commission approve the proposed site plan and special exception use for a 2,288 square foot restaurant with drive through located at 5481 W Main Street with the following conditions:

- 1) A Soil Erosion and Sedimentation Control (SESC) permit from the Kalamazoo County Drain Commissioner's Office will be required prior to building permit issuance.

- 2) The engineer's seal shall be provided on an updated set of civil site plan drawings and submitted to the Township prior to building permit issuance.
- 3) The parcel ID for the subject site and lot size information shall be noted under general project and site data on Sheet T-1.0 of the plan set prior to building permit issuance.
- 4) Finalization of striping, pavement markings, and drive through details shall be subject to the administrative review and approval of the Township Planning Department prior to building permit issuance.
- 5) Finalization of grading details, site drainage, and any other engineering details shall be subject to the administrative review and approval of the Township Engineer prior to building permit issuance.
- 6) An updated landscaping plan meeting the requirements outlined in Section 53 of the Zoning Ordinance shall be submitted to the Township for review and approval prior to building permit issuance.
- 7) A revised lighting plan meeting the requirements outlined in Section 54 of the Zoning Ordinance shall be submitted to the Township for review and approval prior to building permit issuance.
- 8) The watermain connection shall be coordinated with the City of Kalamazoo Department of Public Services – Anna Crandall (269) 337-8055. Once approved by the City of Kalamazoo, the plans and a copy of the permit for final approval shall be provided to the Township prior to construction.
- 9) Copies of any necessary recorded easements shall be provided to the Township prior to issuing a certificate of occupancy.

Chairperson Doorlag thanked Ms. Lubbert for the presentation and asked if Commissioners had questions.

Mr. Jefferies had questions regarding current site access and the impact approving this request would have on increased traffic.

Ms. Lubbert noted MDOT is currently studying the corridor and looking for ways to address those types of issues.

In answer to questions regarding whether the parking lot would be repaved and whether the ingress and egress would be the same, Ms. Lubbert said the parking lot would be repaved, but not the access road in the front.

Mr. Greg Minshell, Matrix Consulting Engineers, said the ingress/egress would remain the same and noted they have a shared access agreement. He noted condition #1 requires that a soil erosion permit be obtained from the county, but they may not be able to do that as the rules do not apply to properties of less than one acre. They will follow the procedures and comply with the intent.

Ms. Lubbert indicated as long as there is a letter outlining that from the county, it would be acceptable.

Attorney Porter noted the whole development was subdivided years ago and the cross access parking agreement would not interfere with current operations.

Hearing no further questions from the Commission, Chairperson Doorlag opened the public hearing.

Curt Aardema, on behalf of the property owner to the south, questioned the cross access agreement. He noted that per his records this easement has expired.

Attorney Porter noted he had reviewed the document and confirmed the cross access parking agreement was updated on December 24, 1987 and is still definitive.

With no other members of the public who wished to comment, the Chairperson Doorlag closed the hearing and moved to Board Deliberations.

There was discussion regarding the cross access easement and what could be done to ensure property rights were protected. Mr. Porter advised that a condition of approval could be added to ensure that the easement provided was still in effect.

Hearing no further questions, Chairperson Doorlag asked for a motion.

Mr. Smith **made a motion** to approve Long John Silvers' request to approve the site plan and special exception use request to redevelop 5481 W. Main Street with one 2,288 square foot building to serve as a fast food restaurant with drive-through as requested, subject to the nine following conditions recommended by staff and one additional condition based on public comment.

- 1) A Soil Erosion and Sedimentation Control (SESC) permit from the Kalamazoo County Drain Commissioner's Office will be required prior to building permit issuance.
- 2) The engineer's seal shall be provided on an updated set of civil site plan drawings and submitted to the Township prior to building permit issuance.
- 3) The parcel ID for the subject site and lot size information shall be noted under general project and site data on Sheet T-1.0 of the plan set prior to building permit issuance.
- 4) Finalization of striping, pavement markings, and drive through details shall be subject to the administrative review and approval of the Township Planning Department prior to building permit issuance.
- 5) Finalization of grading details, site drainage, and any other engineering details shall be subject to the administrative review and approval of the Township Engineer prior to building permit issuance.
- 6) An updated landscaping plan meeting the requirements outlined in Section 53 of the Zoning Ordinance shall be submitted to the Township for review and approval prior to building permit issuance.
- 7) A revised lighting plan meeting the requirements outlined in Section 54 of the Zoning Ordinance shall be submitted to the Township for review and approval prior to building permit issuance.
- 8) The watermain connection shall be coordinated with the City of Kalamazoo Department of Public Services – Anna Crandall (269) 337-8055. Once approved by the City of Kalamazoo, the plans and a copy of the permit for final approval shall be provided to the Township prior to construction.
- 9) Copies of any necessary recorded easements shall be provided to the Township prior to issuing a certificate of occupancy.
- 10) The applicant shall confirm that the cross access easement provided is still in effect.

Mr. Ford **seconded the motion. The motion was approved unanimously.**

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

**PUBLIC HEARING – ORDINANCE AMENDMENT – KEEPING OF LIVESTOCK AND HONEY BEES**

Consideration to adopt amendments to 57.80 – Keeping of Livestock and Honey Bees for recommendation to the Township Board.

Ms. Lubbert indicated while responding to an inquiry about the number and type of livestock permitted on a property, Staff became aware that the relevant Ordinance section was not clear and was open to interpretation. To clarify and ensure consistent interpretation, the Planning Dept. and Legal Dept. were recommending Section 57.80 be amended as presented.

**57.80 KEEPING OF LIVESTOCK AND HONEY BEES**

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

- A. Activities shall be for the private enjoyment of the property owners conducted for noncommercial purposes.
- B. Acreage requirements. Acreage requirements are cumulative for each animal size, excluding honey bees, meaning the property must have the minimum required acreage for all animals onsite.
  - 1. Large animals. 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 moderate-sized animal (35 to 200 pounds at maturity), including sheep, goats, or similar animals.
  - 3. Small animals. All parcels, lots, and building sites up to one acre shall be permitted up to five small animals (under 35 pounds at maturity), including chickens, ducks, turkeys, rabbits, or similar animals. One additional small animal shall be permitted for each additional one-quarter acre of property.
  - 4. Honey bees. The maximum allowed number of colonies permitted on a lot, parcel, or building site shall be limited as follows:

Lot, Parcel, or Building site Acreage	Maximum number of colonies permitted
Up to ¼ acre	2
¼ acre to ½ acre	4
½ to 1 acre	6

- 5. For a Lot, Parcel, or Building Site over an acre, 8 colonies are allowed plus 1 additional colony for each additional one-quarter acre.

Chairperson Doorlag thanked Ms. Lubbert and moved to a public hearing. As there were no public comments, he asked for a motion.

Mr. Ford made a **motion** to approve the 57.80 – Keeping of Livestock and Honey Bees for recommendation to the Township Board. Mr. Smith **seconded the motion**. The **motion was approved** unanimously.

The Chair moved to the next agenda item.

**WORK SESSION**

**b. Continued Discussion: Private Street Ordinance (Oshtemo Streets and Mobility Ordinance)**

Ms. Lubbert said that although this proposed general ordinance was not under the Planning Commission's jurisdiction, it is so broad she wanted the Commission to be involved because it is such an important document. She introduced Ms. Suzanne Schulz of Progressive AE, who presented an updated version of the Private Street Ordinance, now the Oshtemo Streets and Mobility Ordinance, for Commissioners' feedback and endorsement.

Ms. Schulz walked through and had a lengthy discussion with Commissioners regarding the document. She answered questions, addressed their comments and corrections and when the changes suggested are complete, will provide them with an updated draft.

**OTHER UPDATES AND BUSINESS**

Mr. Smith shared a discussion of large buildings by the Zoning Board of Appeals in light of requests for variances regarding signage size and placement requirements that have been approved recently.

Attorney Porter indicated a sign ordinance revision that will include changes to required size and placement will be brought to the Planning Commission early in 2024.

Mr. Ford informed the group the Township Board had adopted the housing plan. He also noted that tonight was Ms. Lubbert's and Ms. Coash's last Planning Commission meeting.

Ms. Lubbert thanked Commissioners for a good, productive year. She also told them she would be leaving her position at the Township later in December, and had enjoyed her time with the Township. She also noted this was the last meeting for Martha Coash who was retiring, and also the last meeting for Ms. Maxwell whose term with the Planning Commission is ending. She presented Ms. Maxwell with a certificate of appreciation.

Commissioners expressed their appreciation to all three and noted they would be missed.

**ADJOURNMENT**

With there being no further business to consider, Chairperson Doorlag adjourned the meeting at approximately 9:32 p.m.

Minutes prepared:  
December 15, 2023

Minutes approved:  
\_\_\_\_\_, 2023

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

Adopted: \_\_\_\_\_

Effective: \_\_\_\_\_

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance by the rezoning of Parcel No. 3905-05-230-012, for approval under Article 4 and Article 5 of the Township Zoning Ordinance, to rezone approximately 15 acres of parcel located on 9177 West G Ave from AG: Agricultural District to RR: Rural Residential District. This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

SECTION I. AMENDMENT TO LAND SECTION 5: The Oshtemo Charter Township Zoning Ordinance is hereby amended to rezone 9177 West G Ave, Parcel No. 3905-05-230-012, from AG: Agricultural District to RR: Rural Residential District, District of the Oshtemo Charter Township Zoning Ordinance.

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