



7275 W. MAIN STREET, KALAMAZOO, MI 49009-9334
269-216-5220 Fax 375-7180 TDD 375-7198
www.oshtemo.org

**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION - REGULAR MEETING**

**MEETING WILL BE HELD IN PERSON
AT OSHTEMO TOWNSHIP HALL
7275 W MAIN STREET**

Masks Are Now Optional in Oshtemo Township Buildings

(Meeting will be available for viewing through <https://www.publicmedianet.org/qavel-to-qavel/oshtemo-township>)

**THURSDAY, JULY 28, 2022
6:00 P.M.**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: July 12th, 2022
6. **Special Use and Site Plan Extension Request, Hampton Plaza**
On August 26, 2021 the Planning Commission reviewed and approved with conditions the Special Use and Site Plan request to construct a 7,488 square foot multi-tenant commercial building with a drive-thru at 6297 W Main Street. Oshtemo's period of approval is one year. The applicant is requesting an 12-month extension of their Special Use and Site Plan approval.
7. Importance of Master Planning, Access Management, and Road Connections
8. Implementation of the 2019 Village Theme Development Plan - Amendments to Article 19 and Article 34
9. Other Updates and Business
10. Adjournment

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

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

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

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

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

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

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

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

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

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

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Clare Buszka	216-5221	cbuszka@oshtemo.org
<u>Trustees</u>		
Cheri L. Bell	372-2275	cbell@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Kizzy Bradford	375-4260	kbradford@oshtemo.org

Township Department Information			
<u>Assessor:</u>			
Kristine Biddle	216-5225	assessor@oshtemo.org	
<u>Fire Chief:</u>			
Mark Barnes	375-0487	mbarnes@oshtemo.org	
<u>Ordinance Enf:</u>			
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org	
<u>Parks Director:</u>			
Karen High	216-5233	khigh@oshtemo.org	
Rental Info	216-5224	oshtemo@oshtemo.org	
<u>Planning Director:</u>			
Iris Lubbert	216-5223	ilubbert@oshtemo.org	
<u>Public Works:</u>			
Marc Elliott	216-5236	melliott@oshtemo.org	

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION
DRAFT MINUTES OF A MEETING HELD JULY 14, 2022**

Agenda

UPDATE: Raw Data from the 5G Survey

PLANNING COMMISSION WORK SESSION: Maple Hill South Mixed-Use Overlay

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, July 14, 2022, commencing at approximately 6:05 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

ALL MEMBERS
WERE PRESENT:

Bruce VanderWeele, Chair
Micki Maxwell, Vice Chair
Kizzy Bradford
Deb Everett
Alistair Smith
Anna Versalle
Chetan Vyas

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, Martha Coash, Recording Secretary and five guests.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:05 p.m. Those in attendance joined in reciting the Pledge of Allegiance.

Approval of Agenda

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

PUBLIC COMMENT ON NON-AGENDA ITEMS

The Chair asked if anyone present wished to speak on non-agenda items. As no one responded, he moved to the next agenda item.

Approval of the Minutes of the Meeting of June 23, 2022

Chairperson VanderWeele asked for additions, deletions, or corrections to the Minutes of the Meeting of June 23, 2022. Hearing none, the Chair asked for a motion.

Ms. Versalle **made a motion** to approve the Minutes of the Meeting of June 23, 2022, as presented. Ms. Maxwell **seconded the motion**. The **motion was approved unanimously**.

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

UPDATE: RAW DATA FROM THE 5G SURVEY

Ms. Lubbert said the survey received 401 responses, which was excellent and the feedback will be helpful as we move forward. A representative from McKenna, the consultant on this project, will attend the first August Planning Commission meeting to analyze the data, talk through ordinance changes/code amendments, and the next steps they are proposing. She listed several places 5G information will be available to the public and asked Commissioners to let her know if they had additional suggestions.

Chairperson VanderWeele moved to a work session at 6:10 p.m. to discuss next steps for drafting of ordinance to implement the Maple Hill Drive South Sub Area Plan.

PLANNING COMMISSION WORK SESSION: MAPLE HILL SOUTH MIXED-USE OVERLAY

The Chair asked Ms. Lubbert for her presentation.

She distributed a draft of the document that had been worked on prior to her time as Planning Director. She also provided a sample ordinance document from another community similar to what she is interested in pursuing. Her recommendation was to develop a mixed-use zone of sorts, that would be a combination of rezoning and a PUD. The previous draft has good information that can be reformatted and expanded on to build a new ordinance, which would replace the overlay zone concept. She noted that one of her goals is that the mixed use zone could be used for implementing multiple sub area plans rather than having to create a separate overlay district for each.

She proposed moving toward a draft of a new mixed-use zoning district with the goal of completing a final draft by the end of the year. She added that the Township's Master Plan is good, but we currently have about 12 documents which should be updated and combined into one document to cover everything. A Master Plan update could follow. To achieve that goal, the Commission would likely hold work sessions and special meetings. She expects to incorporate heavy community and board involvement in the whole process.

Commissioners felt a special meeting to focus on this project would allow due diligence on this whole new package.

Ms. Lubbert noted the Oshtemo Downtown Development Authority (DDA) was in the process of drafting an update to ordinance language to mirror the 2019 Village Theme Development Plan to be more realistic for further development since the character envisioned could not be met due to the established roadway traffic speed, which is out not in their control. The update to the form-based code will be brought to the next Planning Commission meeting which will include a density bonus provision. The update was drafted with the assistance of the consultant who worked closely with her and the DDA board.

She acknowledged AVB was requesting to not go in the mixed-use rezoning direction and instead wished to move forward with the already developed overlay draft with amendments as needed. She asked Commissioners for “marching orders.”

Chairperson VanderWeele indicated if the Commission goes in the direction Ms. Lubbert was suggesting, the previous work would not be lost. We would blend the new document with much of what was developed previously, resulting in a uniform plan that could be used anywhere in the Township. He noted the 9th St. overlay was too difficult and never worked.

After some discussion of how a mixed-use plan would function, Ms. Lubbert walked through the sample mixed-use district ordinance to give the group a better idea of what she was proposing.

The Chair suggested Ms. Lubbert be tasked with blending the 2019 draft document with the mixed-use concept to be brought back to the Commission for consideration.

Ms. Lubbert said she might also pull from the draft of the Village Core Area language. She could work on the language during August and bring a draft to the Planning Commission in September.

Mr. Joe Gesmundo asked from what city the mixed-use sample document was taken.

Ms. Lubbert said it was from Cedar Falls, Iowa. She will also look for other examples. The Cedar Falls document was linked to a new area that was greenfield and it mirrors the intent of the Maple Hill plan.

Mr. Gesmundo suggested involving AVB and a consultant who has practical experience in lots of communities and with mixed-use plans who might brainstorm in sessions with staff instead of at a number of PC meetings.

Ms. Lubbert said her recommendation was that an open format be utilized to avoid a negative perspective from residents and noted a mixed-use district would apply to other areas as well. She said it would be easier for her to draft the document and return it to the Planning Commission for review, followed by stakeholder meetings and then return the draft with any resulting changes to the Planning Commission for further consideration.

Attorney Porter agreed with that approach.

Two residents who were in attendance spoke, both with a concern for transparency, the opportunity to see the big picture rather than bits and pieces to avoid rumors, and the desire for a chance for input from the community during this process.

Ms. Lubbert said it was her intention to meet with stakeholders to solicit their wishes through specific feedback. Transparency is her goal.

Chairperson VanderWeele said we will be creating a concept draft. It is not the Commission's role to develop actual plans. Even when finished we will not have a concrete development plan until AVB, or other developer, returns with one for The Prairies property.

Ms. Lubbert said full presentations to show at stakeholder meetings that provide the opportunity for feedback are important so we can all pull ahead together. She noted the Township is in the process of obtaining a Communications Specialist and hopes that will help in improving communication.

In response to a question from Mr. Rich MacDonald, Ms. Lubbert noted that existing overlay zones would not disappear with the creation of the mixed-use district. She however added that she is not a fan of overlays, as they complicate reviews. The Planning Commission could discuss this more.

The Chair said he felt there was confusion about terminology, that we are working through that and shouldn't get locked into terms. The 9th St. overlay has not worked. Part of the concern is that we don't want to go down that road again.

Mr. Curt Aardema said the reason the Maple Hill Sub Area plan was developed was due to the need for a special district for the unique area.

Ms. Lubbert said that is why referencing the Master Plan documents is important. The overlay zone was the known tool previously. Mixed-use is a newer type of tool. Going that route does not go against the intent of the Master Plan. The uniqueness of the area can still be accommodated.

She confirmed for Mr. MacDonald that if there is inconsistency with the Master Plan, the ordinance prevails.

Attorney Porter noted the ordinance should follow the Master Plan as much as possible.

Ms. Lubbert acknowledged that the mixed-use district is a completely new concept for Oshtemo. She will draft a document to consider and feels very confident it will work with and implement the Master Plan effectively.

She said if one owned property in a multiple zoning districts and wanted to rezone it, that if it falls within the Master Plan and is viable, it could be approved under this new designation. Amendments would be allowed after approval.

Mr. Aardema said this sounds like what we have done previously, but with current verbiage. A lot of work and a lot of pieces discussed are already drafted.

Ms. Lubbert agreed and said we will use the current draft, that basically this will be a reformatting. She felt it could be turned around fairly quickly. The mixed-use district applies to the golf course and could be used for any sub area plan in the future and amended as needed.

Ms. VerSalle felt the mixed-use vs. overlay plan cleans up the process and makes it much easier for the property owner in terms of flexibility to create their vision.

The Chair agreed, as long as the vision follows the Master Plan.

Mr. Gesmundo noted one of the things the Planning Commission identified is areas of density east of 131 and large acreage. Only one or two pieces fit that criteria. Also, a property owner would have to want to rezone. If one got to the point that it just was not workable, they could also back out.

Ms. Lubbert agreed no one would be forced to rezoning using the Mixed use district; it would be voluntary. Density bonuses could work in such a project and are important. She noted that there was a need for more structure. She likes the DDA work done in exploring density bonuses. The Planning Commission could build off that earlier work by reviewing it and making changes.

Chairperson VanderWeele said over time mixed-use might be used out Stadium Drive or West Main St; it sets a good basis. He thanked everyone for attending and participating in a good discussion.

ADJOURNMENT

With no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 8:03 p.m.

Minutes prepared:
July 15, 2022

Minutes approved:
_____, 2022

DRAFT



July 21, 2022

Mtg Date: July 28, 2022
To: Planning Commission
From: Iris Lubbert, AICP, Planning Director
Subject: Special Use and Site Plan Extension Request, Hampton Plaza

Objective:

The Planning Commission is asked to approve or deny, with a formal motion, the 12-month Site Plan and Special Use extension request for the Hampton Plaza project at 6297 W Main Street submitted by Carroll Development & Management LLC; see attached letter. Staff recommends the Planning Commission grant the requested 12-month extension.

Background:

On August 26, 2021 the Planning Commission reviewed and approved with conditions the Special Use and Site Plan request to construct a 7,488 square foot multi-tenant commercial building with a drive-thru at 6297 W Main Street. An excerpt from the August 26th Minutes and the original staff report for this item are attached to this memo for reference.

Per Section 64.90 A and 65.60 of the Ordinance, if a property which was subject to a Special Use and/or Site Plan approval has not obtained a building permit and on-site development has not commenced within one year, Site Plan approval and/or Special Use approval becomes void. Extensions may be granted by the approving body if requested prior to the expiration of the one-year validity period. The one-year validity period for this project ends on August 26, 2022; the applicant is requesting a 12-month extension.

The Planning Commission has the authority to grant an extension of a Special Use where the applicant satisfies any of the following existing circumstances:

1. The delay in commencement or completion of the project subject to the Special Use approval was beyond the control of the applicant and the applicant has in good faith attempted to meet the foregoing time schedule.
2. The project is in the process of being developed for the Special Use purpose and has reasonably progressed towards completion.
3. The complexity or size of the project requires additional time for either commencement or completion of construction, which commencement and completion appear feasible and probable if permitted. Under this circumstance, the Planning Commission shall have the authority to grant an initial longer period for commencement and/or completion at the time of approving the original Special Use.

4. Successive extensions of time may be granted by the Planning Commission for such periods of time as said Planning Commission determines to be reasonable and proper under the foregoing criteria.
5. Where a Special Use is terminated by lapse of time, any new application for a Special Use shall be heard and determined anew based upon circumstances then existing.

Per the applicant's letter: "The process to obtain final approvals from the Michigan Department of Transportation (MDOT) as well as the Department of Environment, Great Lakes and Energy (EGLE) to extend public utilities to the parcel has taken longer than expected and is the reason for the development delay. We need to have the utilities installed to the parcel before we can start development and at this time, that process will not be complete before our original approval period has ended". Based on the timing of the MDOT and EGLE approvals, the applicant anticipates that site development will begin in either later 2022 or early 2023. Based on the coordination completed to date and the details outlined in the applicant's letter, circumstances permitting the Planning Commission to grant an extension have been met. Staff recommends the Planning Commission grant the requested 12-month extension.

Attachments: Letter requesting extension from Applicant, excerpt from the 8/26/2021 Planning Commission meeting minutes, 8/26/2021 Hampton Plaza staff report



Carroll Development & Management LLC.
146 Gethings Circle
Battle Creek, MI 49015
269-962-0461

June 27, 2022

Re: Hamptons Plaza – Oshtemo Township

Mr. Colten Hutson
Oshtemo Charter Township
7275 W. Main Street
Kalamazoo, Michigan 49009

Dear Mr. Hutson:

We are writing to formally request a one-year extension to the Special Land Use approval that was granted by the Oshtemo Township Planning Commission in August 2021 for the Hamptons Plaza commercial development located at 6297 W. Main Street. The process to obtain final approvals from the Michigan Department of Transportation (MDOT) as well as the Department of Environment, Great Lakes and Energy (EGLE) to extend public utilities to the parcel has taken longer than expected and is the reason for the development delay. We need to have the utilities installed to the parcel before we can start development and at this time, that process will not be complete before our original approval period has ended.

We are expecting to have all our approvals granted and start construction of the public utilities in mid-July. After utility construction is complete, we will begin the process of site development which may begin in late 2022 or early 2023 depending on market conditions.

Thank you for considering this request and if you have any questions or need additional information, please feel free to reach out to our engineer, Justin Longstreth, at (616) 299-0654

Sincerely,

Tom Carroll

Mr. Smith **made a motion** to approve the Minutes of August 12, 2021, as presented with the correction noted. Ms. Maxwell **seconded the motion**. The **motion was approved** unanimously by roll call vote.

PUBLIC HEARING: SITE PLAN AND SPECIAL USE, HAMPTON PLAZA BOTINAC, LLC, WAS SEEKING SPECIAL USE AND SITE PLAN APPROVAL FROM THE PLANNING COMMISSION TO CONSTRUCT A 7,488 SQUARE FOOT MULTI-TENANT COMMERCIAL BUILDING WITH A DRIVE-THRU AT 6297 W. MAIN STREET.

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

Ms. Lubbert explained Botinac, LLC, was seeking Special Use and Site Plan approval from the Planning Commission to construct Hampton Plaza, a 7,488 square foot multi-tenant commercial building with a drive-thru at 6297 W Main Street, parcel number 05-14-405-054, within the R2: Residence District; 9th Street and West Main Overlay Zone.

She said 6297 W Main Street is a 1.7 acre parcel located on the south side of W Main Street, just west of the N 10th Street intersection. The proposed 7,488 square foot commercial building will have five tenant spaces, one with a drive-thru. The overlay is an optional overlay zone, meaning property owners have the option to either continue to use their property in the manner permitted in the underlying district or elect to become subject to the standards and procedures of the Overlay District in order to take advantage of the opportunities allowed by the overlay. The applicant elected to utilize the 9th Street and West Main Overlay Zone to propose this commercial development.

She noted the 9th Street and West Main Overlay Zone implements both the 9th Street and West Main Street Sub Area Plans adopted by the Township in 2011. The proposed project site falls within the West Main Commercial designation of the plan and through the overlay is permitted to develop as a commercial site. New construction of a Special Use requires the review and approval of the Planning Commission (Section 64.20). In addition to the general site plan review criteria and additional conditions outlined in the 9th Street and West Main Overlay Zone (Section 35), when reviewing a request for a Special Use the proposal needs to also be evaluated against the general Special Use review criteria outlined in Section 65.30 and the specific requirements for the use in question outlined under Section 49. In this case, Section 49 does not apply as the code does not contain any specific requirements for this use.

The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance (65.30), including the district in which the use is located. Oshtemo's adopted West Main Sub-Area Plan shows the property in question within the West Main Commercial area. The intent for the West Main Commercial area is to reflect "a commercial and non-residential vision along West Main Street that would

complement the rural nature of the Township as a whole. Uses in this land use designation may consist of office buildings and low intensity commercial, similar to what has already developed along the West Main Street frontage between 9th and 10th Streets. (Oshtemo 2011 Master Plan, page 174). The proposed multi-tenant commercial building meets the intent of this designation.

She indicated from a zoning standpoint, the subject property is governed by the 9th Street and West Main Commercial Overlay, within which retail businesses are permitted uses and drive-through services for businesses are permitted as a special use. The proposed use is consistent with the zoning ordinance. However, it should be noted the zoning ordinance does not permit drive-thrus for restaurants within the 9th Street and West Main Commercial Overlay.

The proposal generally meets site plan requirements. She noted the proposed development will utilize the existing curb cut on the neighboring parcel to the east to access this site. The owner of the neighboring parcel, who also owns the property for this development, was proposing a private street at this location with the intent that it one day be extended and made public to allow for the development of the land further south. This proposed street does follow the vision of this sub area which is to limit access points onto W Main Street and promote an internal network to support the development in this area. Details for how this private street will connect with W Main will need to be coordinated with MDOT. The private street has been designed so that it could transition to a public road in the future.

She also pointed out the Ordinance requires internal parking/access aisles within a site plan be 24 feet wide for two-way traffic and 20 feet wide for one-way traffic. Overall the proposed site plan meets these requirements. However, the south most parking aisle is one-way and is shown with a width of 24 feet. The applicant requested a deviation from the Planning Commission to allow this parking aisle to be an additional 4 feet wide in order to safely accommodate emergency vehicle circulation onsite. The Fire Marshall reviewed and supported this request.

The proposed drive-thru is on the east side of the building. Drive-thrus for non-food service establishments require a minimum of three 10 foot by 20 foot stacking spaces. Three stacking spaces, dimensions need to be added to the plan, were proposed and will be separated by a four-foot-wide raised landscape island from the general parking aisle. Both the Township's Engineering and Fire department are comfortable with the proposed design.

Trees along the west property line will be preserved. All trees along West Main are proposed to be removed. A report from OCBA Landscape Architects determined there is no existing native vegetation of high quality and health that need to be protected and remain on the site within the West Main buffer area during and following construction. The Township's Park Director has visited the site and agrees with OCBA's analysis.

The landscaping plan includes a 6 foot tall fence and provides canopy, evergreen, and understory trees to meet the requirement for screening between land uses. However, the 30 foot wide buffer required between different land uses is not provided where the parking lot is adjacent to the southern property line. In this area the buffer width varies from 18.5 feet to 20.3 feet. The applicant requested a deviation from the Planning Commission from the 30 foot landscaping buffer on the south side of the site with the reasoning that the property to the south is undeveloped and that per the sub area plan a road is to be installed adjacent to this parcel. In this situation, staff believed the request to be reasonable.

The proposed plan is governed by the 9th Street and West Main Commercial Overlay and is consistent with the zoning ordinance, Section 65.30. The applicant has acknowledged the end unit in the proposed development with the drive-thru cannot be a restaurant and has designed the drive-thru accordingly. A condition of approval to document this requirement was added.

The 9th Street and West Main Overlay has specific development requirements for new construction, including but not limited to: native landscaping; a natural features preservation plan; open space; building setbacks and landscape buffers designed as naturalized green spaces; incorporation of sustainable stormwater management features; and that the design of storm water management systems shall respond to the natural drainage patterns of the area and should incorporate Low Impact Development standards. Overall, the requirements of this section have been met.

A Natural Features Preservation Plan was provided. The only natural features proposed to be preserved on site are in the dedicated open space on the west side of the site. She noted this property is not located within the Township's Natural Features Protection District. A report from OCBA Landscape Architects was provided which determined that there is no existing native vegetation that is of high quality and health to be protected and remain on the site within the West Main buffer area during and following construction. The Township's Park Director visited the site and agreed with OCBA's analysis.

The West Main Overlay also requires that at least 5% of the site be set aside as perpetual open space. The proposed site plan indicates that 46% of the parcel will be open space. The applicant has identified 5%, 3,907 square feet, to be set aside as perpetual open space per the ordinance requirements. The ordinance notes that the designated open space shall be set aside through an irrevocable conveyance through one of the following methods:

- a. recorded deed restrictions
- b. covenants that run perpetually with the land
- c. a conservation easement
- d. land trusts.

One of these irrevocable conveyance instruments will need to be provided.

Ms. Lubbert recommended the Planning Commission approve the proposed Special Use and Site Plan for the construction the 7,488 square foot multi-tenant commercial building and drive-thru at 6297 W Main Street, with the conditions outlined below, noting the conditions could be resolved with the applicant administratively.

1. The drive-thru shall not serve a restaurant/food establishment.
2. An approved driveway permit from MDOT shall be provided prior to building permit issuance.
3. Grant the parking aisle width deviation request to allow the one-way parking aisle on the south side of the building to be 24 feet wide instead of the 20 feet required by the ordinance.
4. Dimensions for the three 10' by 20' stacking spaces shall be added to the site plan prior to building permit issuance.
5. Grant the landscaping buffer deviation request to allow the landscaping buffer on the south side of the building to be smaller than the 30 feet required by code as shown on the site plan.
6. An updated photometric plan is provided and approved prior to building permit issuance.
7. Applications for signage are submitted and approved. It should be noted that the signage shown in the submitted plan set and architectural drawings may change as they are not part of this approval.
8. The designated 5% open space on the site plan shall be set aside through an irrevocable conveyance per Section 35 of the ordinance prior to building permit issuance.

Chairperson VanderWeele thanked Ms. Lubbert for her presentation and asked whether there were questions from Commissioners.

Commissioners had questions about the location shown for optional outdoor dining as it was right in the area of the proposed drive-thru.

Mr. Justin Longstreth, project architect, indicated the applicant is comfortable with the staff's recommended conditions of approval. He explained if a restaurant were to fill the end unit, the drive-thru would be eliminated and replaced with outdoor seating. Both options were shown on the plan as they do not yet know who the tenant will be for that space and wanted to show flexibility. He noted there have been discussions with multiple tenants, but nothing has been firmed up yet. Once the building is completed, they will look to fill all the spaces.

Hearing no further comments or questions, Chairperson VanderWeele opened a public hearing.

Ms. Angela Shannon, who owns the building housing Farm Bureau Insurance, adjacent to the proposed project property, was concerned about higher traffic and congestion, including on the shared easement. A drive-thru coffee shop would be

particularly problematic as the proposed drive-thru faces and is just next to her building, which is a low traffic office area. She said there is already a high level of traffic, sirens, and the proposed development would only make it worse. She indicated she would have to grant the applicant access to the easement.

Attorney Porter said he had reviewed the easement documents as well as those for her property and does not feel the applicant needs her consent. At any rate that would be a private issue and Commissioners should consider the site plan as presented.

Mr. Smith asked who owns the piece of property that contains the access drive.

Attorney Porter indicated it is owned by the applicant. When the easement was granted, the right was reserved to transfer it to any third party.

Ms. Lubbert said MDOT will be looking at the safety of the access point.

Ms. Everett noted the current driveway is on the applicant's property; the insurance property has an easement to allow them to use the driveway.

Attorney Porter concurred that is correct.

Hearing no further comments, Chairperson VanderWeele closed the hearing and moved to Board Deliberations.

Ms. Maxwell noted Angela is her insurance agent and confirmed with Attorney Porter that she could be fair and impartial and thus could vote on this issue.

Chairperson VanderWeele asked for a motion.

Ms. VerSalle **made a motion** to approve the special use and site plan as presented, for construction of a 7,488 square foot multi-tenant commercial building with a drive-thru at 6297 W. Main Street, contingent on the eight conditions recommended by staff:

1. The drive-thru shall not serve a restaurant/food establishment.
2. An approved driveway permit from MDOT shall be provided prior to building permit issuance.
3. Grant the parking aisle width deviation request to allow the one-way parking aisle on the south side of the building to be 24 feet wide instead of the 20 feet required by the ordinance.
4. Dimensions for the three 10' by 20' stacking spaces shall be added to the site plan prior to building permit issuance.
5. Grant the landscaping buffer deviation request to allow the landscaping buffer on the south side of the building to be smaller than the 30 feet required by code as shown on the site plan.
6. An updated photometric plan is provided and approved prior to building permit issuance.

7. Applications for signage are submitted and approved. It should be noted that the signage shown in the submitted plan set and architectural drawings may change as they are not part of this approval.
8. The designated 5% open space on the site plan shall be set aside through an irrevocable conveyance per Section 35 of the ordinance prior to building permit issuance.

Ms. Everett **seconded the motion**. The **motion was approved** unanimously by roll call vote.

PUBLIC COMMENT ON NON-AGENDA ITEMS

As there were no public comments, Chairperson VanderWeele moved to the next agenda item.

OTHER UPDATES AND BUSINESS

There were no updates or further business.

ADJOURNMENT

With no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 6:35 p.m.

Minutes prepared:
August 27, 2021

Minutes approved:
September 9, 2021



August 20, 2021

Mtg Date: August 26, 2021

To: Oshtemo Township Planning Commission

From: Iris Lubbert, Planning Director

Applicant: Botinac, LLC

Owner: Botinac, LLC

Property: 6297 W Main Street, Parcel numbers 05-14-405-054

Zoning: R2: Residence District; 9th Street and West Main Overlay Zone

Request: Site Plan and Special Use approval to construct a multi-tenant commercial building with a drive-thru

Section(s): 35 - 9th Street and West Main Overlay; 65 - Special Uses

Project Name: Hampton Plaza

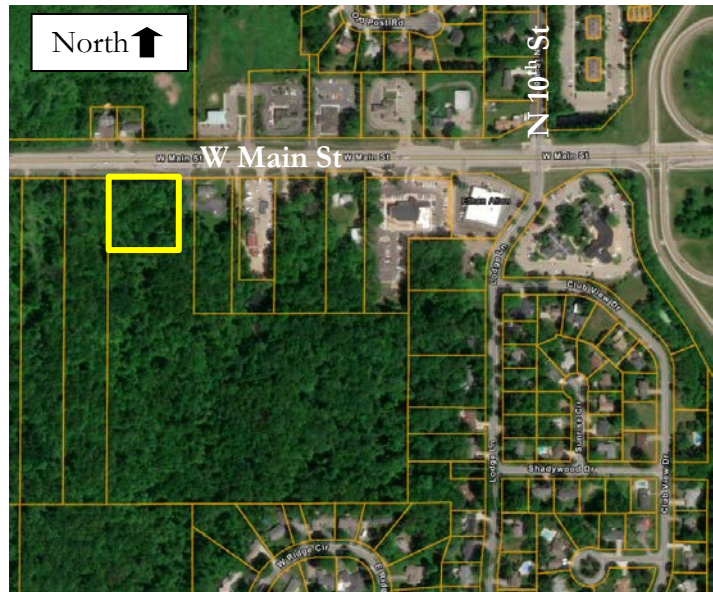
PROPOSAL:

Botinac, LLC, is seeking Special Use and Site Plan approval from the Planning Commission to construct a 7,488 square foot multi-tenant commercial building at 6297 W Main Street. The project site under consideration is outlined in yellow in the map excerpt below.

OVERVIEW:

6297 W Main Street is a 1.7 acre parcel located on the south side of W Main Street, just west of the N 10th Street intersection. The proposed 7,488 square foot commercial building will have five tenant spaces, one with a drive – thru.

6297 W Main Street is located within the R-2 residence district and the 9th Street and West Main Overlay Zone. The overlay is an optional overlay zone, meaning that property owners have the option to either continue to use their property in the manner permitted in the underlying district or elect to become subject to the standards and procedures of the Overlay District in order to take advantage of the



opportunities allowed by the overlay. The applicant has elected to utilize the 9th Street and West Main Overlay Zone in order to propose this commercial development.

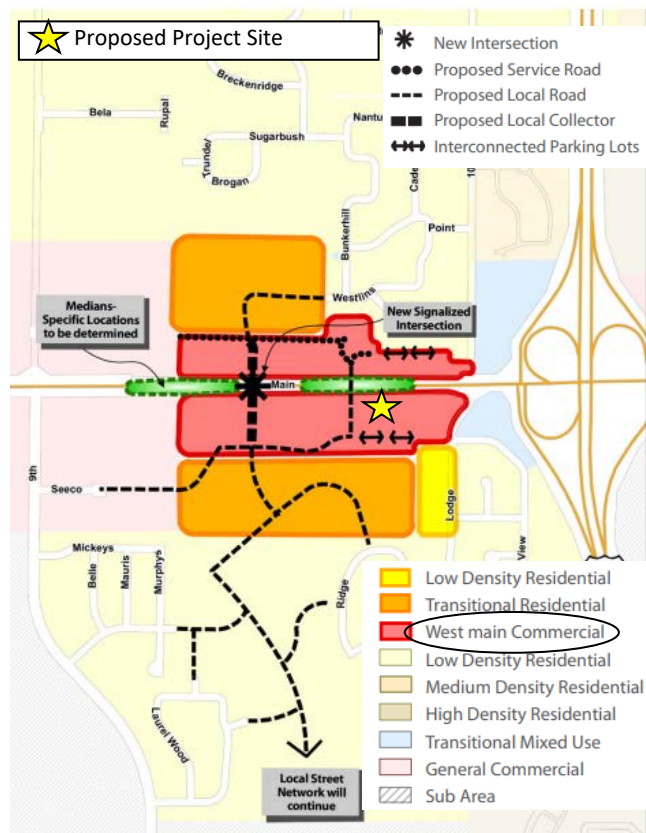
ANALYSIS:

The 9th Street and West Main Overlay Zone implements both the 9th Street and West Main Street Sub Area Plans adopted by the Township in 2011. The proposed project site falls within the West Main Commercial designation of the plan and through the overlay is permitted to develop as a commercial site. New construction of a Special Use requires the review and approval of the Planning Commission (Section 64.20). In addition to the general site plan review criteria and additional conditions outlined in the 9th Street and West Main Overlay Zone (Section 35), when reviewing a request for a Special Use the proposal needs to also be evaluated against the general Special Use review criteria outlined in Section 65.30 and the specific requirements for the use in question outlined under Section 49. In this case, Section 49 does not apply as the code does not contain any specific requirements for this use. Below is an analysis of the proposal against Ordinance Sections 65.30, 64, and 35.

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.

Oshtemo’s adopted West Main Sub-Area Plan shows the property in question within the West Main Commercial area, see map excerpt to the right. The intent for the West Main Commercial area is to reflect “a commercial and non-residential vision along West Main Street that would complement the rural nature of the Township as a whole.... Uses in this land use designation may consist of office buildings and low intensity commercial, similar to what has already developed along the West Main Street frontage between 9th and 10th Streets” (Oshtemo 2011 Master Plan, page 174). The proposed multi-tenant commercial building meets this intent of this designation.



From a zoning standpoint, the subject property is governed by the 9th Street and West Main Commercial Overlay, within which retail businesses are permitted uses and drive-through services for businesses are permitted as a special use. The proposed use is consistent with the zoning ordinance.

It should be noted that the zoning ordinance does not permit drive-throughs for restaurants within the 9th Street and West Main Commercial Overlay. The applicant has acknowledged that

the end unit in the proposed development with the drive-thru cannot be a restaurant and has designed the drive-thru accordingly. A condition of approval to document this requirement has been added.

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.**

The property in question falls within the West Main Commercial designation; the Master Plan notes that “Uses in this land use designation may consist of office buildings and low intensity commercial, similar to what has already developed along the West Main Street frontage between 9th and 10th Streets” (Oshtemo 2011 Master Plan, page 174). Uses already along West Main Street frontage between 9th and 10th Streets include, but are not limited to: Ethan Allen, Latitude 42, Chemical Bank, Lake Michigan Credit Union, Advia Credit Union, and Sharp & Associates Law Firm. A number of drive-in service windows or drive-through services for businesses are already established in the area; Chemical Bank across the street being the closest example. With drive-thrus already existing in the area and with it being consistent with the intent of both the Master Plan and the Zoning Ordinance, the proposed use is harmonious and appropriate with the existing uses and planned character of adjacent properties.

- 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 does not foresee a significant impact of the proposed use on neighboring properties. The proposed site plan does not propose any new access connection points, provides the required parking, and exceeds minimum setbacks.

- 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.**

Given the nature of the West Main Street corridor staff anticipates that the proposed drive-thru to 6297 W Main Street will have no such negative impacts on adjacent properties. The subject use is very much in accordance with the area’s character.

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 site is currently undeveloped and completely wooded. Existing vegetation on site will need to be cleared in order for the proposed 7,488 square foot multi-tenant commercial building and drive – thru to be constructed. The only natural features proposed to be preserved on the site are in the dedicated open space on the west side of the site.

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.

There is adequate public infrastructure in place to service this proposed development. In order for the proposed development to utilize the existing curb cut to W Main Street, the change in use and increase of intensity of this site will require the review and approval of The Michigan Department of Transportation (MDOT). Per MDOTs review, to ensure traffic safety, additional modifications to the entrance of the site may be required.

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

Article 49 of the Zoning Ordinance dictates no specific considerations for drive-in service windows or drive-through services for businesses.

Section 64: Site Plan Review

General Zoning Compliance:

Zoning: 6297 W Main Street is zoned R-2, Residence District and falls within the 9th Street and West Main Overlay Zone. All properties surrounding this property are also within the 9th Street and West Main Overlay Zone. Within the 9th Street and West Main Commercial Overlay, retail businesses are permitted uses and drive-through services for businesses, not to include restaurants, are permitted as special uses.

Lot Dimensions: Parcels within the R-2, Zoning District require a minimum area of 50,000 square feet and frontage of 200 feet (Section 50.10 (A)). 6297 W Main Street has approximately 330 feet of frontage along West Main Street and an area of 74,052 square feet.

Setbacks: Buildings within the 9th Street and West Main Street Overlay shall be set back a minimum of 140 feet from the ROW. The proposed commercial building has a front setback of 140.9 feet. The ordinance requires that the side and rear setback for the building is 20 feet or the height of the abutting side of the building at its highest point. The proposed building is just under 27 feet. Proposed side and rear setbacks for the building all exceed 70 feet.

Access and Circulation

Access: The proposed development will utilize the existing curb cut on the neighboring parcel to the east to access this site. See site plan excerpt on the next page. The owner of the neighboring parcel, who also owns the property for this development, is proposing a private street at this location with the intent that it one day be extended and made public to allow for the development of the land further south. This proposed street does follow the vision of this sub area which is to limit access points onto W Main Street and promote an internal network to support the development in this area. Details for how this private street will connect with W Main will need to be coordinated with MDOT. The private street has been designed so that it could transition to a public road in the future.

Dumpster

A dumpster is proposed on the south west side of the site with a 6-foot high, wood fence trash enclosure. The location and design meet code standards.

Landscaping

Trees along the west property line will be preserved. All trees along West Main are proposed to be removed. A report from OCBA Landscape Architects was provided which determined that there is no existing native vegetation that is of high quality and health to be protected and remain on the site within the West Main buffer area during and following construction. The Township's Park Director has visited the site and agrees with OCBA's analysis.

The landscaping plan includes a 6 foot tall fence and provides canopy, evergreen, and understory trees to meet the requirement for screening between land uses. However, the 30 foot wide buffer required between different land uses is not provided where the parking lot is adjacent to the southern property line. In this area the buffer width varies from 18.5 feet to 20.3 feet. The applicant requests a deviation from the Planning Commission from the 30 foot landscaping buffer on the south side of the site with the reasoning that the property to the south is undeveloped and that per the sub area plan a road is to be installed adjacent to this parcel. In this situation, staff finds the request reasonable.

Photometric Plan

A photometric plan and lighting cut sheets have been provided. Three 20 foot tall pole mounted lights are proposed and three wall mounted lights. All proposed lights are cut off fixtures. Lighting requirements have generally been met but there are two items that need to be addressed.

1. Confirmation that the pole lights do not exceed 20,000 lumens and that the wall lights do not exceed 8,000 lumens.
2. Per the ordinance site and area lighting of nonresidential properties shall be designed such that light levels do not exceed 0.1 foot-candles at any point along the perimeter of the property adjacent to residential zoning. Some areas along the southern property line show 0.2 foot-candles. The lighting plan will need to be adjusted.

Signage

One pylon sign and five walls signs are proposed (one for each tenant space). Signage will be reviewed in detail if this development is approved and once sign permit applications are submitted.

Engineering

Prein & Newhof, the Township's civil engineering agent, has reviewed the project site plan. All onsite concerns have been addressed.

Fire Department

The Township Fire Marshal has reviewed the project site plan. All onsite concerns have been addressed.

Section 35: 9th Street and West Main Commercial Review

The 9th Street and West Main Overlay has specific development requirements for new construction, including but not limited to: native landscaping; a natural features preservation plan; open space; building setbacks and landscape buffers designed as naturalized green spaces, incorporation of sustainable storm water management features; and that the design of storm water management systems shall respond to the natural drainage patterns of the area and should incorporate Low Impact Development standards. Overall, the requirements of this section have been met.

A Natural Features Preservation Plan has been provided. The only natural features proposed to be preserved on the site are in the dedicated open space on the west side of the site. It should be noted that this property is not located within the Township's Natural Features Protection District. A report from OCBA Landscape Architects was provided which determined that there is no existing native vegetation that is of high quality and health to be protected and remain on the site within the West Main buffer area during and following construction. The Township's Park Director has visited the site and agrees with OCBA's analysis.

The West Main Overlay also requires that at least 5% of the site be set aside as perpetual open space. The proposed site plan indicates that 46% of the parcel will be open space. The applicant has identified 5%, 3,907 square feet, to be set aside as perpetual open space per the ordinance requirements. The ordinance notes that the designated open space shall be set aside through an irrevocable conveyance through one of the following methods:

- a. recorded deed restrictions
- b. covenants that run perpetually with the land
- c. a conservation easement
- d. land trusts.

One of these irrevocable conveyance instruments will need to be provided.

RECOMMENDATION:

Staff recommends that the Planning Commission approve the proposed Special Use and Site Plan for the construction the 7,488 square foot multi-tenant commercial building and drive-thru at 6297 W Main Street, with the conditions outlined below.

1. The drive-thru shall not serve a restaurant/food establishment.
2. An approved driveway permit from MDOT shall be provided prior to building permit issuance.
3. Grant the parking aisle width deviation request to allow the one-way parking aisle on the south side of the building to be 24 feet wide instead of the 20 feet required by the ordinance.
4. Dimensions for the three 10' by 20' stacking spaces shall be added to the site plan prior to building permit issuance.
5. Grant the landscaping buffer deviation request to allow the landscaping buffer on the south side of the building to be smaller than the 30 feet required by code as shown on the site plan.
6. An updated photometric plan is provided and approved prior to building permit issuance.
7. Applications for signage are submitted and approved. It should be noted that the signage shown in the submitted plan set and architectural drawings may change as they are not part of this approval.
8. The designated 5% open space on the site plan shall be set aside through an irrevocable conveyance per Section 35 of the ordinance prior to building permit issuance.

Attachments: Application, Site Plan, Photometric Plan, Architectural Rendering, Report from OCBA



July 21, 2022

Mtg Date: July 28, 2022

To: Planning Commission

From: Iris Lubbert, AICP, Planning Director

Subject: Importance of Master Planning, Access Management, and Road Connections

At the Planning Commission's regular July 28th meeting, Oshtemo's Public Works Director and the Planning Director will give a presentation on the importance of master planning for access management and road connections. The Planning Commission will be asked to discuss and provide feedback on the level of Township involvement they deem appropriate to implement projects/connections identified in the Master Plan.

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July 21, 2022

Mtg Date: July 28, 2022
To: Planning Commission
From: Iris Lubbert, AICP, Planning Director
Subject: Implementation of the 2019 Village Theme Development Plan - Amendments to Article 19 and Article 34

In 2019 the Township adopted the 2019 Village Theme Development Plan as an update to the original 2006 Oshtemo Township Village Theme Development Plan. This 2019 Update represents a critical review of the original Village Theme Development Plan and seeks to consider and accomplish the following:

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

The 2019 Village Theme Development Plan can be found on the Township website: <https://www.oshtemo.org/files/assets/public/planning/documents/village-theme-development-plan-2019-update.pdf>. The 2019 Village Theme Development Plan recommends a number of changes to the ordinances that regulate the Village Theme Development Area: specifically Article 19 VC: VILLAGE COMMERCIAL DISTRICT and Article 34 VILLAGE FORM-BASED CODE OVERLAY ZONE.

To assist in implementing the 2019 Village Theme Development Plan the Downtown Development Authority (DDA) hired a consultant to work with a DDA subcommittee and Oshtemo's Planning staff to draft amendments to Articles 19 and 34. After multiple reviews the DDA board felt the text was ready to submit to the Planning Commission to consider. A "big picture" summary of the amendments is provided below:

1. New and/or revised definitions for the various building types allowed (storefront mixed-use building, townhouse building, etc.) have been prepared to provide clarity. A new building type – single-use building – has been defined and specific design requirements for single-use buildings have been established.

2. The current Regulating Plan Map in Article 34 will be replaced by the updated Regulating Plan Map from the 2019 Village Theme Development Plan.
3. Added flexibility is provided to the Planning Commission to allow for “modifications” to certain development requirements without the need to secure a variance from the Zoning Board of Appeals.
4. New build-to-line standards are proposed, including the potential for the Planning Commission to allow front yard parking (one row only). Criteria for the Planning Commission to use when considering whether to allow front yard parking has been established.
5. The proposed amendments would allow limited residential use within the ground floor of mixed-use buildings.
6. A new density bonus scheme has been established giving the Planning Commission the authority to grant density bonuses for projects that achieve certain public benefits.
7. Greater flexibility has been established with regard to street walls, including an allowance for natural materials as a substitute for street walls in certain circumstances.
8. Amendments are proposed to largely eliminate the existing street type standards, given that the Township does not have jurisdiction for design of public streets within the DDA. The street type standards would only apply to private street design.
9. Amendments are proposed to allow drive-through windows within the side yard. For corner lots, amendments are proposed to allow drive-through windows within the side yard fronting a collector or local street.
10. Amendments to Article 19, VC Village Commercial District. This is the “underlying” zoning district for the Stadium Drive and 9th Street business district. Because development requirements within the underlying zoning are superseded by those found in the Village Form-Based Code Overlay, amendments to Article 19 are proposed to eliminate redundant and/or conflicting development requirements. All that is proposed to remain in Article 19 are the use allowances (permitted and special uses).

The Planning Director will introduce the project and then walk through as many of the proposed changes at the July 28th Planning Commission meeting as time allows. Work sessions at future Planning Commission meetings will most likely be necessary.

Attachments: Proposed amendments to Article 19, Proposed amendments to Article 34

Proposed Amendments to Article 19 (Village Commercial District) of the Oshtemo Township Zoning Ordinance

Prepared by the Oshtemo Township Downtown Development Authority
with the Assistance of Wade Trim

May 27, 2022 CLEAN DRAFT

Key: Text to be deleted Text to be added
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ARTICLE 19

19 – VC: VILLAGE COMMERCIAL DISTRICT

Contents:

- 19.10 STATEMENT OF PURPOSE
- 19.20 PERMITTED USES
- 19.30 PERMITTED USES WITH CONDITIONS
- ~~19.40 ADMINISTRATIVE REVIEW USES~~
- 19.40 SPECIAL USES
- 19.50 DEVELOPMENT STANDARDS
- ~~19.70 EXISTING BUILDINGS~~
- ~~19.80 SITE IMPROVEMENT PHASING.~~

19.10 STATEMENT OF PURPOSE

This district is designed to promote **the development of** a village atmosphere allowing for **small-scale** mixed land uses and satisfying the land needs for convenience, specialty and personal service establishments primarily serving residents **of the Oshtemo Village area.** ~~in the immediate a nearby residential areas of the Township. The district is not intended for the location of multiple retail tenant structure which could be classified as community wide or regional in scale.~~

19.20 PERMITTED USES

A. Private one, two ~~and three~~ **and four**-family dwellings.

B. Courtyard apartments and stoop townhouses, as regulated in Article 34.

- C. Generally recognized retail businesses, which supply commodities on the premises, such as, but not limited to groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.
- D. Personal service establishments such as, but not limited to, repair shops (watches, radios, television, shoes, etc.), tailor shop beauty parlors or barber shops, studios or galleries, self-service laundries, flower shops and photocopy shops.
- E. Retail dry cleaning establishments or pick-up stations, central dry-cleaning plants serving more than one retail outlet are prohibited.
- F. Business offices such as, but not limited to, banks, loan companies, insurance offices and real estate offices.
- G. Professional offices, including legal, financial, medical, and similar or allied professionals.
- H. Restaurants, excluding drive-in or drive-thru service.
- I. Houses of worship.
- J. Accessory structures and uses customarily incidental to the uses permitted in this Article.
- K. Accessory buildings as regulated in Article 34.40.B.4.

19.30 PERMITTED USES WITH CONDITIONS

- A. Home occupations.
- B. Temporary outdoor events (not lasting more than one day).

19.40 ADMINISTRATIVE REVIEW USES

Administrative review of the following uses, when established within preexisting nonresidential buildings, subject to the right of the Planning Director or designee to refer review to the Planning Commission.

- A. Generally recognized retail businesses, which supply commodities on the premises, such as, but not limited to groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.
- B. Service establishments such as, but not limited to, repair shops (watches, radios, television, shoes, etc.), tailor shop beauty parlors or barber shops, studios or galleries, self service laundries, flower shops and photocopy shops.
- C. Retail dry cleaning establishments or pick up stations, central dry cleaning plants serving more than one retail outlet are prohibited.
- D. Business establishments such as, but not limited to, banks, loan companies, insurance offices and real estate offices.
- E. Professional services, including legal, financial, medical, and similar or allied professionals.
- F. Restaurants, excluding drive-in or drive-thru service.
- G. Houses of worship.

19.40 SPECIAL USES

- ~~A. All new construction, additions, conversions of buildings to nonresidential use, and exterior facade changes other than routine maintenance.~~
- A. Outdoor sales or activities accessory to permitted retail uses.
- B. Filling stations, Mini-Food-Mart Stations, and auto glass repair shops, excluding body and engine repair and service garages.
- C. Pet shops, veterinarians.
- D. Child Care Centers or Adult Care Centers.
- E. Public and Private Schools.
- F. Indoor recreational facilities and health clubs.
- G. Drive-in service window or drive-through service for businesses, ~~not to include restaurants.~~
- H. Other uses which are determined by the Planning Commission to be similar to those uses permitted in Section 19.20 through 19.4030.
- I. Mixed uses allowing both residential and nonresidential uses within the same building.
- J. Buildings and regulator stations for essential services.
- K. Temporary outdoor events (lasting more than one day).
- L. Brewpub.
- M. Microbrewery.
- N. Wine tasting room.
- O. Craft food and beverage production facility, less than 8,000 square feet gross floor area.
- P. Communication towers.
- Q. Private streets.
- R. Wind energy conversion systems.

19.50 DEVELOPMENT STANDARDS

The site development standards **of Article 34, Village Form-Based Code Overlay Zone, shall apply to all development within the VC, Village Commercial District.** ~~shall include by reference the Design Recommendations as set forth in Chapter VII Design Recommendations of the Village Theme Development Plan and the following area, setback, frontage, signs, and open space requirements for this district.~~

~~A. Minimum lot, parcel or building site frontage on a public right-of-way:~~

65 feet	Where driveway placement satisfies access management plan and guidelines and/or shared access*.
230 feet	Where driveway placement does not satisfy requirements of Access Management Plan and Guidelines.
* If shared access is proposed, provision for and documentation of shared access must be provided at time of site development and/or land subdivision for immediate or future cross-access between adjacent properties. Said documentation is subject to Township review and approval.	

~~B. Maximum Height — 35 feet or 2½ stories, whichever is the lesser.~~

C. ~~Setback requirements:~~

Front*:	Minimum of 5 feet and maximum of 20 feet (from the right of way line)
Side:	Minimum of 0 feet
Rear:	Minimum of 15 feet.
* Reviewing body may grant a deviation from the above setback requirement when full compliance is not achievable due to physical limitations specific to the subject property, building placement on neighboring properties would support a different front setback and said deviation is found to be in keeping with the spirit and intent of this Article and the Village Focus Area Development Plan. In no event shall the front setback exceed 70 feet from the street right of way line.	

~~D. Public sanitary facilities shall be provided as part of the site development. This shall not apply to single family dwelling where public sanitary facilities are not available.~~

~~E. Sidewalks and/or Pedestrian Linkages shall be provided between parking areas and buildings on the same site. Where they do not exist, sidewalks shall also be provided along lot, parcel or building site frontage, and may be within the public right of way.~~

~~F. Parking. No parking or loading areas may be located between the building and the front property line. Corner properties shall be considered to have two front property lines.~~

~~Regardless of building placement, no more than 30 percent of the parking may be placed within the side setback area(s) established between the building and the property's side property line(s).~~

~~Upon written request, the reviewing body may grant a deviation to allow up to 30% of parking between the building and the front property line. In considering whether to grant a deviation, the reviewing body shall consider the layout and parking placement on neighboring properties and their conformance with current standards as well as the likelihood of redevelopment of same. The reviewing body shall further consider if full compliance is not readily achievable on the subject site due to physical limitations specific to the subject property and said deviation is found be in keeping with the spirit and intent of this Article and the Village Focus Area Development Plan.~~

~~G. Parking and access. Shared parking and cross access are encouraged.~~

~~Compliance with the Access Management Guidelines outlined in Article 51 and the Access Management Plan required.~~

~~Site development shall be designed in consideration of the internal street network of the Village Focus Area Development Plan and the planned service drives contained within the Access Management Plan.~~

~~Where feasible and appropriate, shared access between sites to reduce the number of driveways and/or driveway placement to facilitate future shared access between properties, and/or closure of an existing driveway will encouraged.~~

~~Parking must satisfy the off street parking provisions of Article 52. However, the reviewing body may grant approval allow reduced parking if it is demonstrated that sufficient~~

parking spaces are available in a shared and/or adjacent facility during the principal operating hours of all uses to share said parking and access is shared.

Documentation of the cross-access and/or shared parking agreement between property owners is required at time application for approval to allow reduced parking; and,

Sidewalks or other defined and paved pedestrian linkages must be provided between shared parking areas that are not physically connected to each other or the building served.

H. Maximum gross floor area for a single building shall not exceed 15,000 square feet. Floor area ratio (F.A.R.) shall not exceed 0.20 for a single building and 0.25 for multiple buildings. Floor area ratio shall be determined as follows:

$$\text{F.A.R.} = \frac{\text{Total gross floor area of building(s)} * \text{Total lot, parcel or building site area}}{\text{Total lot, parcel or building site area}}$$

*including garages and accessory buildings.

I. All new buildings and structures shall be so designed to incorporate the following architectural design features:

1. Roof Shape. All roofs shall be so designed to include a pitched roof.
2. Exterior Building Materials. Exterior materials must project a natural appearance. The exterior shall be constructed using horizontal wood siding, wood, stone, brick, brick veneer or masonry. The use of vinyl or aluminum siding acceptable provided it simulates the appearance of horizontal wood siding.
3. Building Orientation. Buildings shall be oriented to face the front property line. In the case of a corner property, a building shall be oriented toward that front property line most in keeping with other buildings in the vicinity of said property.
4. Building Facade. For every 30 feet in length of a building wall, a visual or physical break in the facade (for purpose of adding depth and dimension to the building), shall be provided. Elevation drawings shall be provided demonstrating compliance for review by the reviewing body as part of the Site Plan review process.
5. At least 30% of the exterior front facade must be windows.
6. When side or rear facades are visible from a public street, they shall be visually compatible with the front facade.

J. In addition to the provisions contained in Article 55, with the exception of Sections 55.70-55.100, the following signs are permitted in the "VC" Village Commercial District.

1. The following wall sign options are available:
 - a. Each building wall may have one (1) 50 square foot wall sign or marquee or one (1) 32 square foot canvas awning/canopy sign, OR
 - b. In the event that the building has commercial establishments, each commercial establishment will be permitted one wall sign per exterior wall of the tenant premises, maximum of two (2) (must be located upon premises tenant). Each sign may have an area equal to one square foot for each lineal foot of tenant space width not exceed a sign length of more than two-thirds the subject tenant space width and a sign area of 20 square feet. Tenant sign(s) may be canvas awning/canopy sign.

2. One (1) freestanding permanent sign per lot, parcel or building site. Regardless of the number of commercial establishments, buildings or tenants per lot, parcel or building site, only one (1) such sign shall be permitted a shall not exceed a total sign area of 24 square feet unless it is in compliance with the table below:

Setback (feet)	Sign Area (square feet)	Height (feet)
0*	24	6
5	30	7
10	40	7
15+	50	8

Note: For setbacks different than those listed above, select the sign area and height that corresponds to the next lower setback. Setbacks are measured from the right of way line.
* Signs shall not be located within the right of way.

3. Window signs or displays, provided window sign(s) shall not cover more than 25 percent of the total window surface.
4. One (1) directory wall sign per building, not to exceed 20 square feet in total sign area.
5. Banners, seasonal and decorative in nature and theme that do not advertise a product, service or business and which pertain to holidays and/or community-wide or governmental events. Banners must be attached to light poles.
6. Directional signs up to two (2) square feet in sign area and four (4) feet in height. Each lot, parcel or building site shall not have more than two (2) directional signs.
7. Flags. A lot, building site or parcel shall be limited to three (3) flags. For lots, building sites and parcels with pub street frontage in excess of 200 feet, three (3) additional flags are permitted for every additional 200 feet continuous public street frontage. Flag pole height may not exceed 30 feet.
8. One (1) Special Event Sign, not to exceed 32 square feet, shall be permitted for up to fourteen (14) calendar da per year per lot, building site or parcel. A Sign Permit must be obtained prior to displaying a Special Event Sign.

K. Landscaping. Sites shall be landscaped as indicated below.

In order to enhance the streetscape within the village area, front setback areas shall be landscaped with two understory trees per 100 linear feet of frontage with a minimum of one. Street trees tolerant of a built environment must be used. A list of recommended species is on file at the Township office.

Internal Site Landscaping. Landscaping shall be provided for in all internal areas of parking lots to provide visual a climatic relief, pursuant to Article 52.

Portions of property not devoted to floor area, parking, access ways or pedestrian use, shall be appropriate landscaped with live plant material and maintained in a neat and orderly manner.

19.70 EXISTING BUILDINGS

Exterior modifications to existing buildings and structures in accordance with 19.60 must be made at the time expansion reconstruction or remodeling activity occurs.

19.80 SITE IMPROVEMENT PHASING.

When the provisions of Section 19.60 apply to an existing building, structure or facility, the improvements may be completed in phases for the required physical site changes dictated in this Article.

Upon written request, the reviewing body may grant a deviation allowing a grace period of up to two years for the installation of physical site improvements when full compliance is not readily achievable due to physical limitations specific to the subject property and said deviation is found to be in keeping with the spirit and intent of this Article and the Village Focus Area Development Plan.

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Proposed Amendments to Article 34 (Village Form-Based Code Overlay Zone) of the Oshtemo Township Zoning Ordinance

Prepared by the Oshtemo Township Downtown Development Authority
with the Assistance of Wade Trim

May 27, 2022 CLEAN DRAFT

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ARTICLE 34

34 – VILLAGE FORM-BASED CODE OVERLAY ZONE

Contents:

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

34.10 STATEMENT OF PURPOSE

A. Intent of the Form-Based Code.

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

Village Overlay District evolves into new, mixed-use neighborhoods with the following characteristics:

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

Oshtemo Charter Township seeks to create an area based upon traditional standards for urban planning and place making. In March, 2006, the Township Downtown Development Authority (DDA) created the vision for the Form-Based Code Overlay District through the Village Theme Development Plan. **The DDA prepared an update to the Village Theme Development Plan that was adopted in April, 2020.** The process of creating **and updating** this Plan involved the entire community and a team of planning and design professionals. This Form-Based Code Overlay applies to those areas planned for in the Village Theme Development Plan. Traditional urban design conventions have been applied to create a palette of street types available for redevelopment in this area. The Village area is divided into four distinct sub-districts: the Village Core, the Village Fringe, the Corridor-East/**West**, and the Corridor-South. There are also three distinct street types that run through each of these sub-districts: arterials, collectors, and local roads.

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

B. How to Use This Code.

1. Look at the Regulating Plan **Map in Section 34.30** and determine whether your location falls within the Village Core, Village Fringe, Corridor-East/**West**, or Corridor-South sub-district.
- 2. Using the Regulating Plan Map in Section 34.30, determine what street type your lot fronts.**
3. Based on the standards in Section 34.40, determine whether your desired use and/or building type is permitted (or permitted as a Special Use) within that particular sub-district.
- ~~4. Using the Regulating Plan determine what street type your lot fronts. Street types are defined and described in Section 34.70. (If you have a corner lot, the primary space or street will be based on the hierarchy in Section 34.70.A).~~

4. Review the specific Development Standards in Section 34.40 that apply to your location based on the sub-district and street type on which your lot is located.
5. Review the specific Building Standards in Section 34.50 that apply to the building type you desire to build to determine specific standards that apply to each building.
6. Review the Architectural Standards in Section 34.60, which contain specific rules for buildings in each sub-district.
7. Depending on the type of development being proposed, review the Street standards in Section 34.70 for the various street types.
8. Review Sections 34.80 and 34.90 that include general provisions and administrative procedures.

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

1. Regulating Plan. The Regulating Plan is like a "zoning map" for the Village area, which provides specific information for the disposition of each property or lot. The Regulating Plan shows how each building contributes to the larger community and shows the arrangement of the public space (streets, greens, parks, greenbelts, etc.) in relation to private space. A proposed circulation plan is also shown on the regulating plan illustrating the opportunity and potential for creating new neighborhoods and linkages within the Village.
2. Development Standards. The goal of the Development Standards is to shape the interaction between the public realm (sidewalks, streets, etc.) and private space (yards and gardens). The Development Standards set the basic parameters governing building form, including the envelope for building placement (in three dimensions) and certain required and permitted building elements, such as porches, balconies, and fences. They establish both the boundaries within which things may be done and specific things that must be done.
3. Building Type Standards. This section identifies the various types of buildings that are permitted for development within the Village Overlay District. Each building type is clearly defined and standards are provided to guide the development of each building type across the various sub-districts. The definitions and standards are applied to establish consistency and form within the District, but the language is general enough to be inclusive of most traditional forms of development.
4. Architectural Standards. The goal of the Architectural Standards is a coherent and pleasing architectural character that is appropriate for a traditional, small, Midwestern town center, as provided for in the Oshtemo Charter Township Village Theme Development Plan. The Architectural Standards govern a building's architectural elements and set the parameters for materials, configurations, and construction techniques. Equivalent or better products than those specified are always encouraged.

5. Street Standards. This section provides standards for what should occur within the area of the street - lane width, bike lanes, sidewalks, street trees, street lamps, furniture, etc. Three street types are provided and standards vary depending on the sub-district in which the street is located. However, all of the standards are tied together to create a consistent treatment and theme throughout the entire Village area.
6. General Provisions. The adoption of this Overlay District entails changes to the Zoning Ordinance. The Overlay District is intended to be prescriptive rather than proscriptive - it states what is desired instead of what is not wanted.

D. Existing Nonconforming Buildings. Improvements to existing nonconforming buildings or structures shall be regulated by Section 34.90.C.3.

34.20 DEFINITIONS

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

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

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

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

BASE. The lowermost portion of a building Facade.

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

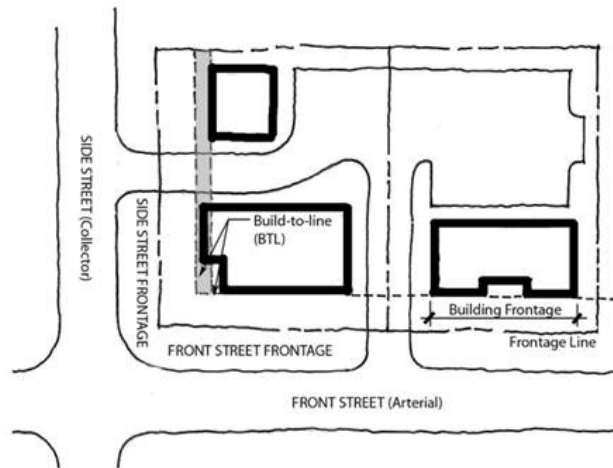
BLOCK. An area of land that is surrounded by road rights-of-way or private road easements on all sides.

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

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

BUILD-TO-LINE (BTL). The required line or area on or within which the Building Frontage of a primary structure must be located. The building shall be constructed so that the majority of the Facade of the structure is located at the Build-To-Line, as determined based on the standards in Section 34.40.A.2.b The BTL is a requirement, not a permissive minimum as is a set-back. The

BTL for each site is determined based on the street and sub-district for each parcel shown on the Regulating Plan. (See illustration on following page.)



BUILDING TYPE. A category that is determined by a building's height, scale, use, and location with respect to the Frontage Line. **The following Building Types are established by this Article. Where a question arises in the determination of use categories, final authority is given to the Planning Commission.**

Courtyard Apartments. This residential Building Type is also sometimes referred to as garden apartments. Multiple dwelling units are contained in a building with other dwelling units and are arranged to share one or more common green space areas, parking areas, recreation space, or similar type of courtyard. Units are accessed from the courtyard via a common access point.

Duplex/Triplex/Quadplex Building. A residential Building Type including attached residential units of two, three, or four units each. Each unit has its own exterior access but shares common interior walls. A duplex/triplex/quadplex building may be located on a lot by itself or multiple buildings may be on a lot.

Front Yard House. A residential Building Type representing a detached single-family house set back from the street to provide a front yard and located on a lot by itself.

Single Use Building. A non-residential Building Type where occupancy consists of a single use. The building may have one occupant or a group of occupants of the same use category. For the purposes of this definition, the retail use category includes retail sales, personal service and restaurant uses, the office use category includes executive, administrative, medical, professional and similar offices, and the institutional use category includes educational, civic, religious and social uses.

Stoop/Townhouse Building. A residential Building Type with each building having its own entrance from a porch or stoop. Units are two to three stories and arranged

in rows, with the ground floor required to be elevated three to four feet above the surrounding grade.

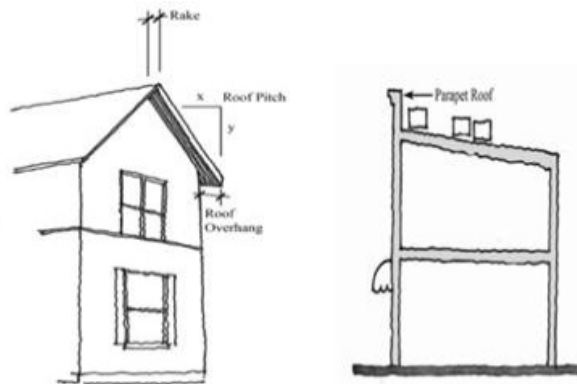
Storefront Mixed-Use Building. A mixed-use Building Type that may include retail, restaurant, personal service and civic uses on the ground floor, while any of these, in addition to residential and offices uses, are permitted on upper floors. Limited residential use may also be allowed on the ground floor in accordance with Section 34.50.

Workplace Mixed-Use Building. A mixed-use Building Type that is similar to Storefront Mixed-Use Buildings, but has an employment emphasis rather than a retail/entertainment emphasis. Workplace Mixed-Use Buildings may include office, studio, public and civic uses on the ground floor, while any of these, in addition to residential uses, are permitted on upper floors. Limited residential use may also be allowed on the ground floor in accordance with Section 34.50.

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

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

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

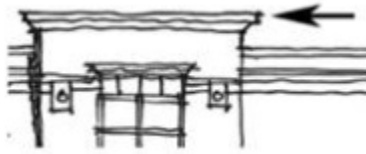


CIVIC. A term defining a use, organization, or space operated on a not-for-profit basis and dedicated to the arts, culture, education, recreation, government, or transit.

CLOSE. See RESERVE SPACE.

CORNER PLAZA. See RESERVE SPACE.

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



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

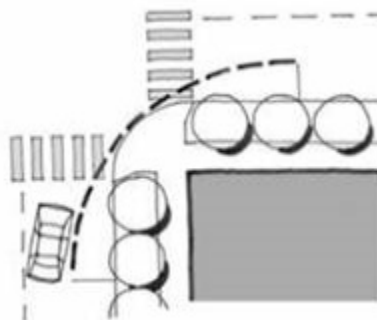
CROSSWALK. A path clearly delineated on a Street to indicate where pedestrians should cross.

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

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

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

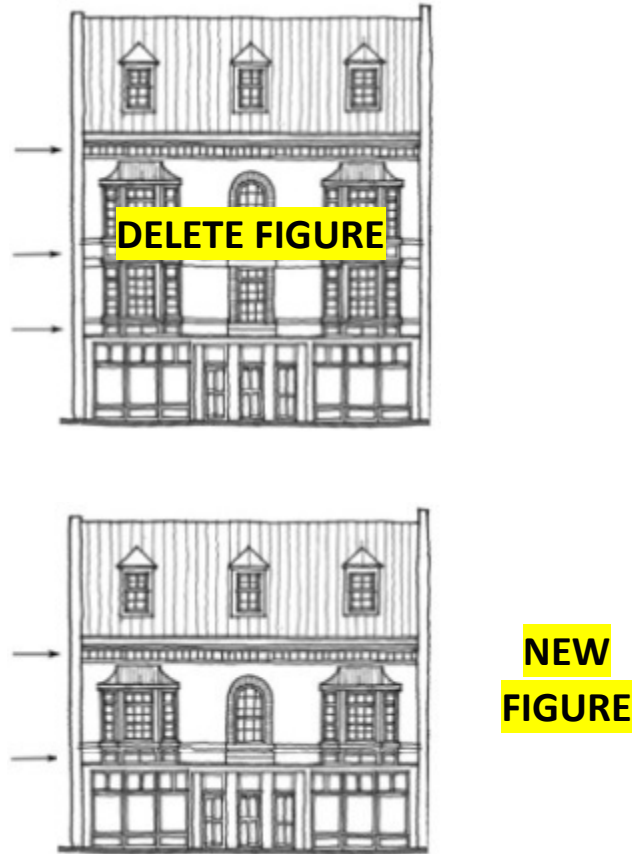
EFFECTIVE TURNING RADIUS. The minimum radius appropriate for turning from a through travel lane on an approach street to an appropriate lane on the receiving street. (See illustration below.)



Effective turning radius for an automobile.

EXPRESSION LINE. A decorative linear element, either horizontal or vertical, on the exterior of a building that typically delineates the floors or bays of a building. Expression Lines impact

the perceived scale of a building by dividing it into more human-scaled pieces. (See illustration below.)



The arrows point to the Expression Lines on the building.

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

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

FRONT PLAZA. See RESERVE SPACE.

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

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

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

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

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

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

GREEN. See RESERVE SPACE.

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

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

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

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

PARAPET. See CAP TYPE.

PARK. See RESERVE SPACE.

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

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

PITCHED ROOF. See CAP TYPE.

PLAYGROUND. See RESERVE SPACE.

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

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

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

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

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

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

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

SQUARE. See RESERVE SPACE.

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

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

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

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

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

STREET WALL. A wall or other barrier constructed to define outdoor spaces, screen the street from the private realm, and/or provide screening of parking lots, trash cans, gardens, and equipment.

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

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

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

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

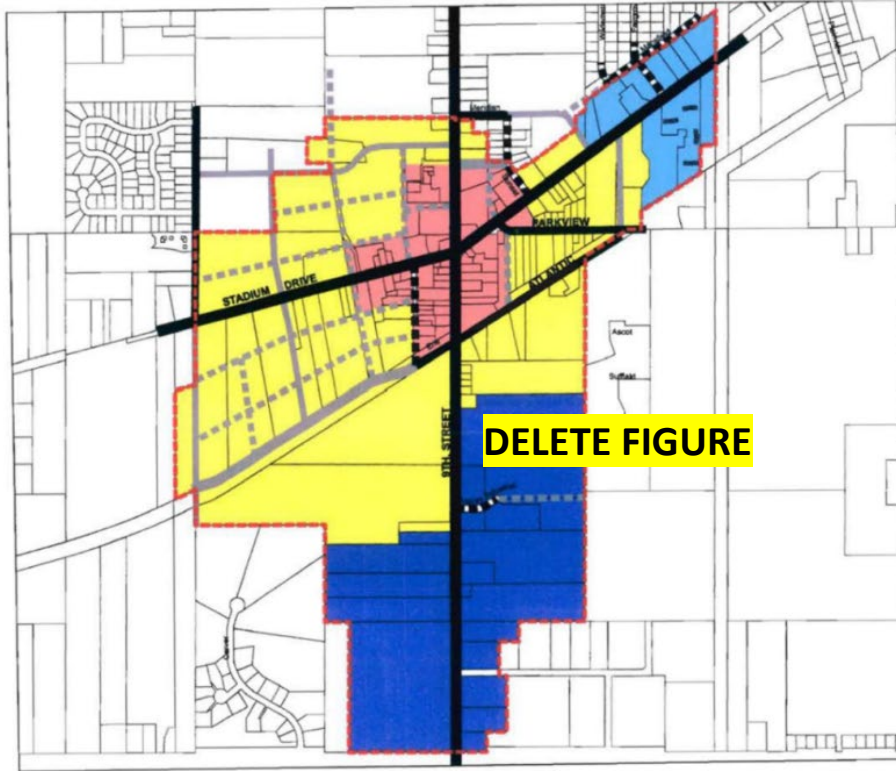
~~**WORKPLACE BUILDING.** Workplace Buildings may be Mixed Use or strictly commercial structures designated primarily for allowing office, retail, studio, public, or civic uses. Upper floors may be used for any of these uses and residential purposes. A Workplace Building will probably not have as dynamic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

34.30 REGULATING PLAN.

A. Understanding the Regulating Plan.

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

5. The three street types - Arterial, Collector, and Local Roads - establish a hierarchy of street types in existing and future locations to be provided in all future development.
- B. Regulating Plan. The Regulating Plan is the Zoning Map for the Village Form Based Code Overlay. The Village Area consists of four sub-districts:
1. **Village Core.** The purpose of the Village Core is to provide a pedestrian oriented area with a mixture of commercial, retail, and residential uses integrated horizontally or vertically at a greater intensity than the surrounding area. It is the intent to provide an integrated mix of uses in close proximity to provide an innovative and stimulating environment and encourage walking, biking, and transit use while also accommodating the automobile and boosting the market for commercial goods and services. This is the heart of the Village and should be the focus of most redevelopment/development efforts.
 2. **Village Fringe.** The Village Fringe sub-district is an extension of the Village Core sub-district. The sub-district is pedestrian oriented including a network of streets and pedestrian connections. Off the major roads, the Fringe area is a place for residential neighborhoods and other predominately residential uses. There are many areas within the Village Fringe that are or could be available for development or redevelopment. While the Core is the heart of the Village, the Fringe is where the greatest transformation may occur.
 3. **Corridor-East/West.** The purpose and intent of the Corridor-East/West sub-district is to provide an area that allows for a diversified base of commercial and higher density residential uses. Some expansion of the road network is suggested with pedestrian connections in order to ease traffic burdens and make additional land accessible for development. As this is the gateway to the Village Area from ~~the east and US-131~~ **both the west and east along Stadium Drive,** it is important that it create a welcoming transition into the Village area.
 4. **Corridor-South.** The Corridor-South sub-district consists of a variety of uses - commercial, industrial, office - which are likely to remain in place and not redevelop in the near future. However, expansion of the road network is recommended to allow for additional development opportunities. As a result, extensive form improvements may not be feasible. But streetscape and landscaping can help establish a welcoming character in this gateway to the Village from the south and I-94. Therefore, many of the requirements in the Overlay District do not apply in this portion of the planning area. There are already regulations in place under the I-R zoning district regulations to provide for quality development in this area. Here, the overlay will work to ensure quality street networks and streetscape design and defer to the underlying zoning for other development standards and regulations.



Regulating Plan

Oshtemo Charter Township,
Kalamazoo County, Michigan

Legend

- Village Core
- Village Fringe
- Corridor East
- Corridor South
- Existing Arterial Road
- Existing Collector
- Existing Local Road
- Proposed Arterial Road
- Proposed Collector
- Proposed Local Road
- DDA Boundary

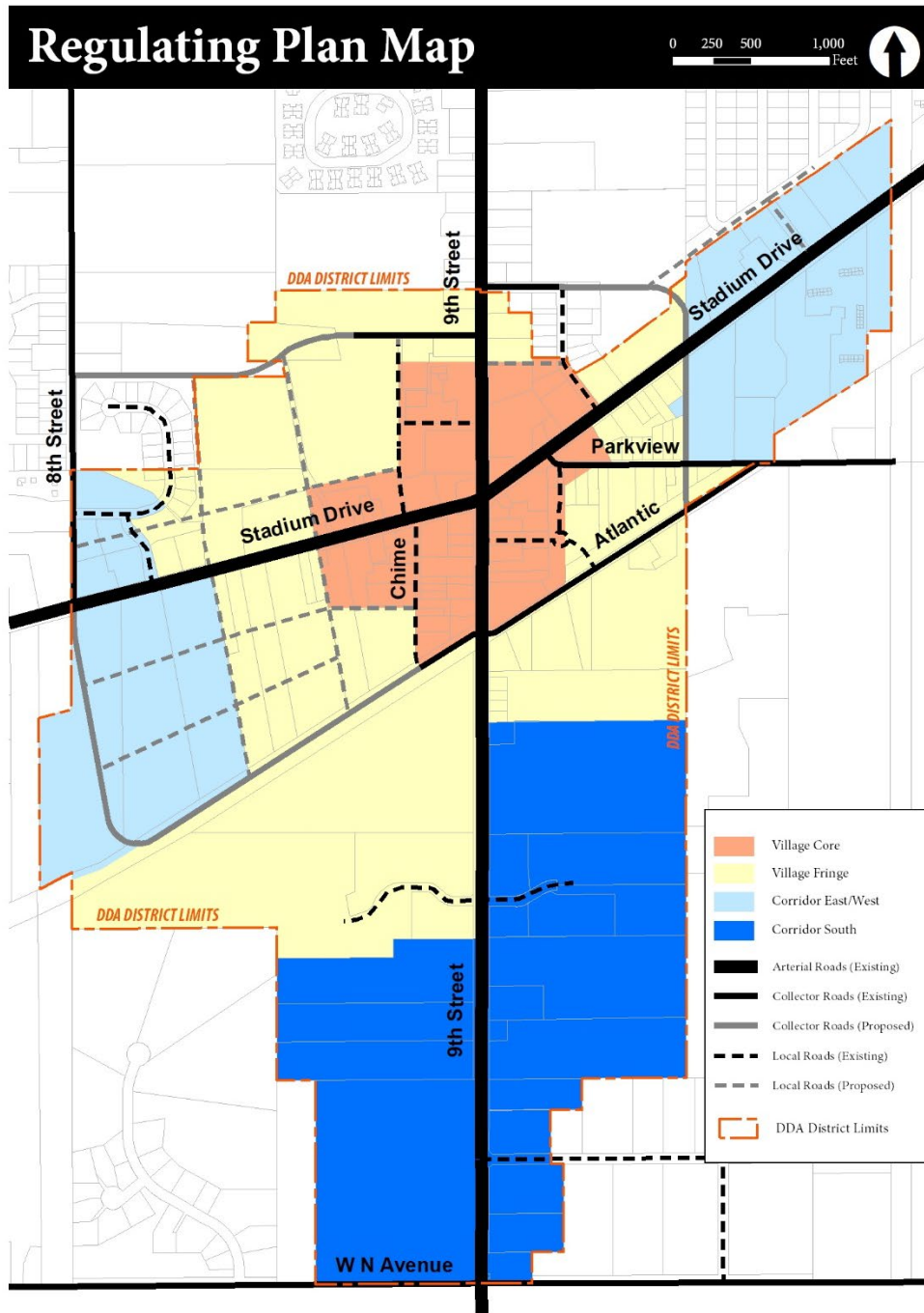
Data Source: Oshtemo Charter Township, 2005



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C. **Transitioning.** Parcels, lots, or units located within 100 feet of a boundary line separating sub-districts on the Regulating Plan shall be considered transitional parcels. A transitional parcel shall be required to adhere to the various development and design standards of this Overlay District assigned to the sub-district in which it is located. However, the Planning Commission may accept the use of the development and design standards of the adjacent sub-district on a transitional parcel in order to improve the

transition between areas and blend in the overall district. The resulting development shall be of equal or higher quality than could have been achieved under the regulator sub-district standards, shall blend in with adjacent development, and shall not have an adverse impact on the public health, safety, and welfare.

34.40 DEVELOPMENT STANDARDS

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

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

A. Building frontage and placement.

1. Building Frontage. Street frontages in the Village Overlay District must have buildings fronting on a certain percentage of the street frontage, as prescribed by the standards in Table 34.1 below. The minimum building frontage standard shall be applied to each lot individually. **Minimum building frontage standards may be modified per the procedures and standards of Refer to Section 34.90.B for modification criteria.**

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

2. Building Placement and Setbacks.

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

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

Notes:

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

Table 34.2 – Build-to-Line (BTL) Standards (in feet) NEW TABLE			
Street Types			
	Arterial	Collector	Local
Village Core	0 Footnote (1), (2)	10 Footnote (2)	10 Footnote (2)
Village Fringe	15 Footnote (2)	15 Footnote (2)	15 Footnote (2)
Corridor East/West	80-120	20 Footnote (2)	20 Footnote (2)

Notes:

1. Build-to-line may be increased to no more than 10' to accommodate outdoor dining or entryways.
2. Build-to-line may be increased to no more than 80' to accommodate front yard parking, where permitted by the Planning Commission in accordance with Section 34.80.B.5.

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

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

Note: The Planning Commission may approve a zero-foot side yard setback for building subject to Building Code requirements.

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

1. Village Core

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

2. Village Fringe

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

3. Corridor East/**West**

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

4. Accessory Buildings

- a. ~~Accessory buildings shall be permitted in the Village Overlay District as set forth in Section 57.100 of this Ordinance unless otherwise stated herein.~~
- a. All **accessory** buildings shall **be approved through the Site Plan and Special Use process require approval in accordance with Section 64.20.**
- b. Accessory buildings shall not be permitted in the Village Core.
- c. Accessory buildings in the Village Fringe shall be permitted in the rear yard only. Accessory buildings in the Corridor East/**West** sub-district shall be permitted in the side or rear yards.
- d. Where permitted **in the side or rear yard, nonresidential** accessory buildings shall adhere to all location and placement standards for a primary building **in accordance with Table 34.3 on that property. Where permitted, residential accessory buildings shall adhere to the requirements of Section 57.100 of this Ordinance.**
- e. The accessory building shall be of a similar design, character, materials, and appearance as the primary structure and shall not exceed the size of the primary structure.

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

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

34.50 BUILDING TYPE STANDARDS.

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

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

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

- Buildings are oriented to the Street.
- Buildings form and protect private open space. Private open space is an important complement to the public space of the neighborhood.
- Buildings are designed for the Village theme, and buildings are designed to be sited in a Village setting.
- Vehicle storage, garbage, and mechanical equipment are away from the street. Architectural standards in Section 34.60 include further architectural details.

A. **Storefront Mixed-Use Buildings. See Section 34.20, Building Type definitions.**

~~Storefront buildings are mixed-use buildings that are active both during the day and at night, on the weekends and on weekdays. Storefront buildings are two to three stories in height and may contain retail and lobby uses on the ground floor (only non-residential uses are permitted on the ground floor fronting on arterials). The upper stories contain residential or office uses. The facade of the building facing the street has a high level of transparency, allowing for "eyes on the street" 24 hours a day and creating a safe and comfortable pedestrian area along the street.~~

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

1. Permitted Uses. Retail, **restaurant, personal** service, and civic uses are permitted on the ground floor, while **all any of these uses, in addition to residential and office uses,** are permitted on upper floors. ~~In no case may a non-residential use be located on the same floor as or above a residential use. The inclusion of ground~~

floor residential use facing a collector or local street may be allowed as follows:

- a. No more than twenty-five percent (25%) of ground floor space within buildings fronting an arterial street.
- b. No more than fifty percent (50%) of ground floor space within buildings fronting a collector or local street.

However, in no case shall a non-residential use be located above a residential use.

2. Residential Densities. For mixed-use buildings, dwelling unit density shall be determined based on the standards in Section 48.100.C. densities up to eight (8) units per acre shall be permitted.
3. Density Bonus. A density bonus may be granted in accordance with Section 34.50.I.
4. Build-to zone. Refer to Table 34.2 in Section 34.40. Storefront buildings must be located zero to five feet from the front street frontage line (and side street frontage line for corner lots) for all street types. This may be increased five feet to provide room for outdoor dining or entry ways. In the Village Fringe sub-district, Storefront Buildings must be located five to ten feet from the front street frontage line (and side street frontage line for corner lots) for all street types. In the Corridor East sub-district, Storefront Buildings must be located ten to 20 feet from the front street frontage line (and side street frontage line for corner lots). Refer to Section 34.90.B for modification criteria.
5. Encroachments. Awnings, eaves, bays, balconies and other encroachments may extend up to six feet beyond the face of the building even if this extends beyond the build-to line provided the encroachment is located a minimum of nine feet above the finished grade below. However, the encroachment may not extend into the street without permission from the appropriate body. Proof of such permission shall be submitted prior to Site Plan review by the Planning Commission.

5. Parking. Parking as required by Section 34.80.B may be at-grade, underground or in parking garages.

- a. **Parking Garages** Internal parking. Structured internal parking is permitted within buildings. Parking may also be located underground. Internal Structured parking on the ground floor of a building must be located behind occupied uses fronting an arterial. The driveway into any structured internal parking area shall be from a collector, local road, or alley, and must be separated at least 50 feet from the frontage line on the front street. Internal Parking garages shall be no higher than the height of the building at the build-to line.
6. Facade segmentation. The front facade shall be divided into segments not more than 50 feet wide by the use of vertical expression lines. Horizontal expression lines shall define the base and cap of buildings and should also distinguish the ground floor and upper floors.

7. Facade transparency. Transparency refers to the percentage of a facade that is occupied by windows. See Section 34.60.D for window standards. The street level facade shall have a minimum transparency of 75 percent measured between two feet and eight feet above the sidewalk. Upper story facades shall have no less than 30 percent transparency for each floor measured from floor to floor.
8. Building entrances. One building entrance shall be provided for each 75 feet of building frontage.
9. Building height. Storefront **mixed-use** buildings should have the appearance of being at least two stories in height. ~~One story buildings shall provide a false front giving the appearance of having a second story.~~ Buildings shall be no more than three stories.
10. Cap type. Storefront buildings shall have either a flat roof with parapet cap type or a pitched roof.
11. Floor height. The minimum floor height for ground stories, measured from the floor of the ground story to the floor of the story above, is 15 feet.

Note regarding building height for mixed-use buildings:

The Village Theme Development Plan recommends a maximum height of 3 stories. As part of the development of these amendments, the DDA's Zoning Amendments Subcommittee would like the Planning Commission to consider allowing a potential 4th story, provided an appropriate "stepped-back" design scheme be employed. The allowance of a 4th story is likely necessary, in the opinion of the Subcommittee, to make a mixed-use project financially feasible.

B. Workplace Mixed-Use Buildings. See Section 34.20, Building Type definitions.

Workplace buildings are similar to storefront buildings, but they have an employment emphasis rather than a retail/entertainment emphasis. The facade will not be as transparent and the buildings will not cover as much of the block frontage as storefronts. The building is brought towards the street and located in a narrow band near the sidewalk.

1. Permitted uses. Office, retail, studio, or public and civic uses are permitted on the ground floor, while all uses **any of these uses** are permitted on upper floors **in addition to residential**. ~~In no case may a non-residential use be located on the same floor as or above a residential use.~~ **The inclusion of ground floor residential use facing a collector or local street may be allowed as follows:**
 - a. **No more than twenty-five percent (25%) of ground floor space within buildings fronting an arterial street.**
 - b. **No more than fifty percent (50%) of ground floor space within buildings fronting a collector or local street.**

However, in no case shall a non-residential use be located above a residential use.

2. Residential densities. For mixed-use buildings, dwelling unit density shall be determined based on the standards in Section 48.100.C. **densities up to eight (8) units per acre shall be permitted.**
 3. **Density Bonus. A density bonus may be granted in accordance with Section 34.50.I.**
 4. **Build-to zone. Refer to Table 34.2 in Section 34.40.** Workplace Buildings must be located zero to five feet from the front street frontage line (and side street frontage line for corner lots) in the Village Core. In the Village Fringe, Workplace Buildings must be located five to ten feet from the front street frontage line (and side street frontage line for corner lots). In the Corridor East, Workplace Buildings must be located ten to 20 feet from the front street frontage line (and side street frontage line for corner lots). Refer to Section 34.90.B for modification criteria.
 5. ~~Encroachments. Awnings, eaves, bays, balconies and other encroachments may extend up to six feet beyond the face of the building even if this extends beyond the build-to line provided the encroachment is located a minimum of nine feet above the finished grade below. However, the encroachment may not extend into the street without permission from the appropriate body. Proof of such permission shall be submitted prior to Site Plan review by the Planning Commission.~~
- 5. Parking. Parking as required by Section 34.80.B may be at-grade, underground or in parking garages.**
- a. **Parking Garages. Internal parking.** Structured internal parking is permitted within buildings. ~~Parking may also be located underground.~~ **Internal Structured** parking on the ground floor of a building must be located behind occupied uses fronting an arterial. The driveway into any **structured internal** parking area shall be from a collector, local road, or alley, and must be separated at least 50 feet from the front property line on the primary frontage. ~~Internal~~ **Parking garages** shall be no higher than the height of the building at the frontage build-to zone.
 6. Facade segmentation. The front facade shall be divided into segments not more than 50 feet wide by the use of vertical expression lines. Horizontal expression lines shall define the base and cap of buildings and should also distinguish the ground floor and upper floors.
 7. Facade transparency. Transparency refers to the percentage of a facade that is occupied by windows. See Section 34.60.D for window standards. The street level facade shall have a minimum transparency of 50 percent measured between two feet and eight feet above the finished grade. Upper story facades shall have no less than 30 percent transparency for each floor measured from floor to floor.
 8. Building entrances. One building entrance shall be provided for each 75 feet of building frontage.
 9. Building height. Workplace **mixed-use** buildings should have the appearance of being at least two stories in height. ~~One story buildings shall be designed and built in such a manner to give the impression that it is two stories. (With a high-pitched~~

roof, tall ceilings, false windows, parapet wall or similar technique) Buildings shall be no more than three stories.

10. Cap type. Workplace **mixed-use** buildings shall have either a flat roof with parapet cap type or a pitched roof.
11. Floor height. The minimum floor height for ground stories, measured from the floor of the ground story to the floor of the story above, is 12 feet.

C. **Courtyard Apartments.** See Section 34.20, **Building Type definitions.** Courtyard apartments, also sometimes referred to as garden apartments, are a conventional apartment or condominium development. A group of dwelling units are arranged to share one or more common courtyards, parking lots, recreation areas, and other facilities. Dwellings are accessed via the courtyard from a common drive to the front street. Dwelling configuration occurs as townhouses, flats, or flats located over or under flats or townhouses. The courtyard is intended to be a semi-public space that is an extension of the public realm.

1. Permitted uses. Multiple-family residential uses shall be permitted in Courtyard Apartments.
2. **Residential Densities.** The permitted density shall be based on the requirements of the R-4 zoning district (**Article 9 Section 48.100**).
3. **Density Bonus.** A density bonus may be granted in accordance with **Section 34.50.I.**
4. Build-to zone. **Refer to Table 34.2 in Section 34.40.** Courtyard apartments shall be located a minimum of ten feet from the front and side street frontage line in the Village Fringe, a minimum of 15 feet from the front and side street frontage line in the Corridor East sub-district, and a maximum of 70 feet in both sub-districts. Refer to Section 34.90.B for modification criteria.
5. Building orientation. Courtyard apartment buildings located along the front street shall be oriented to the front street with entrances opening toward the street.
6. ~~Encroachments. Awnings, eaves, bays, balconies and other encroachments may extend up to six feet beyond the building face provided the encroachment is located a minimum of nine feet above the finished grade below. However, the encroachment may not extend into the street without permission from the appropriate body. Proof of such permission shall be submitted prior to any approvals.~~
6. Parking. **Required Parking as required by Section 34.80.B** may be at-grade or underground. No parking shall be provided along the road frontage in the front yard or between the road frontage and the building, unless the building has a significant setback and the parking is well screened. See Section 34.60.H.4 and 34.80.B.5.
7. Services and equipment. Where an alley is present, services, including all utility access and trash container areas, shall be located in the alley. Where an alley is not present, above ground equipment and trash container areas should be located at least ten feet behind the facade of the building and be completely screened from view of the street.
8. Facade transparency. Transparency refers to the percentage of a facade elevation that is occupied by windows. See Section 34.60.D for window standards. The

street level facade shall have a minimum transparency of 20 percent measured from floor to floor. There is no standard for upper floors.

9. Building height. Courtyard apartments shall be a maximum of three stories in height. ~~One story buildings shall have the appearance of being at least two stories in height through the use of pitched roofs, dormers, elevated ceilings, and other design techniques.~~
10. Cap type. Courtyard apartments shall have a residential appearance with a pitched roof or parapet roof.

D. Stoop/Townhouse Buildings. See Section 34.20, Building Type definitions. The Stoop/Townhouse Building type is a residential building with each unit having its own exterior entrance from a porch or stoop. Stoop buildings are two to three stories in height, with the ground floor required to be elevated three to four feet above the surrounding grade. The slightly raised base allows some privacy for the residents of the building from passing pedestrians, while at the same time providing an appropriate level of transparency on the building to create a comfortable pedestrian environment on the street.

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

1. Permitted uses. Residential uses are permitted in stoop building types.
2. Residential densities. ~~For Stoop/Townhouse Buildings, dwelling unit density shall be limited to a maximum unit density of eight units per acre. The permitted density shall be based on the requirements of the R-4 zoning district (Section 48.100).~~
3. **Density Bonus. A density bonus may be granted in accordance with Section 34.50.I.**
4. Build-to zone. **Refer to Table 34.2 in Section 34.40. Stoop/Townhouse Buildings shall be located five to ten feet from the front street frontage line (and side street frontage line for corner lots) in the Village Core; five to 15 feet from the front street frontage line (and side street frontage line for corner lots) in the Village Fringe.; and 15 to 25 feet from the front street frontage line (and side street frontage line for corner lots) in the Corridor East. Refer to Section 34.90.B for modification criteria.**
5. Ground floor elevation. The ground floor of a stoop building type facing the street shall be elevated a minimum of three feet and a maximum of four feet above the elevation of the sidewalk along the front street in front of the stoop. Accessible units may be provided at grade at building corners or on side street frontage.
6. Facade segmentation. Each dwelling unit shall be differentiated with a vertical expression line on the front facade elevation. The use of different building materials or building material colors in addition to vertical expression lines is also an acceptable technique. Horizontal expression lines shall define the base and cap of the buildings and should distinguish the upper floor and lower floor.
7. Facade transparency. Transparency refers to the percentage of a facade elevation that is occupied by windows. See Section 34.60.D for window standards. The street level or ground floor shall have windows and openings satisfying the

standards of Section 34.60.D, and they shall be larger than the windows and openings on the upper floors.

8. Building height. Stoop/Townhouse buildings shall be a maximum of three stories in height and a minimum of two stories in height.
9. Cap type. Stoop buildings shall have a pitched roof cap type **or parapet roof type.**
10. Parking. **Required Parking as required by Section 34.80.B** may be at-grade or underground. No parking shall be provided along the road frontage between the building face and the road.
11. Detached garages. Any detached garage proposed in conjunction with a stoop building shall have a maximum height of 22 feet and shall be located in the rear yard of the building.
12. Attached garages. Stoop building types may include attached garages; however, the garage door may not face a front street. Attached garages shall be accessed from a side street or through an alley. Where garages are proposed to face a side street, the total width of garage doors may not exceed 50 percent of the total width of the building located at the build-to line along the side street frontage.

E. **Duplex, Triplex, Quadplex. See Section 34.20, Building Type definitions. This building type includes buildings containing two, three, or four dwelling units located upon a common lot. Each dwelling unit is individually accessed directly from the street, but they share a common wall or walls.**

1. Permitted uses. Residential uses are permitted in duplex, triplex, and quadplex building types.
2. **Residential densities. For Duplex, Triplex and Quadplex buildings, dwelling unit density shall be limited to a maximum unit density of eight (8) units per acre.**
3. **Density Bonus. A density bonus may be granted in accordance with Section 34.50.I.**
4. **Build-to zone. Refer to Table 34.2 in Section 34.40. Duplex, triplex, and quadplex buildings must be located 15 to 25 feet from the front street frontage line (and side street frontage line for corner lots). Refer to Section 34.90.B for modification criteria.**
5. Ground floor elevation. The ground floor of a duplex, triplex, or quadplex building type shall be elevated at least two to three feet above the elevation of the sidewalk along the front street. This requirement may be waived in order to provide accessible units.
6. Facade segmentation. Building elevations should be designed to provide at least one horizontal and/or vertical offset of a minimum three feet to give the appearance of multiple homes rather than one large home.
7. Porch/stoop. Each dwelling unit in a duplex, triplex, or quadplex shall be accessed from the outside and shall have a porch or stoop.
8. Cap type. Duplex, triplex, or quadplex buildings shall have a pitched roof cap type.
9. Parking/garages. One of the required parking spaces provided for each dwelling unit shall be within a garage **(see Section 34.80.B)**. If possible, attached garages shall be accessed from the rear or side of the unit. Attached garages facing the

front lot line shall be located at least 20 feet behind the front wall of the dwelling unit. On corner lots, if a side-loading attached garage is oriented to open towards the side street, the garage shall be recessed behind the building line, and, if practical, screened by a half wall.

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

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

F. **Front Yard House.** See Section 34.20, Building Type definitions. Whether large or small, front yard houses are the standard of any Village or neighborhood in America. Their front porches, stoops, and front yards contribute to the life and texture of the street. Careful building placement provides the Front Yard House with a comfortable, generous and private back yard, even on a very small lot.

1. Permitted uses. Residential uses are permitted in front yard house building types.
2. Residential densities. For Front Yard House buildings, minimum lot area shall be 7,260 square feet.
3. Density Bonus. A density bonus may be granted in accordance with Section 34.50.I for a multiple-lot residential development.
4. Build-to zone. Refer to Table 34.2 in Section 34.40. Front yard houses shall be located 15 to 25 feet from the front or side street frontage line.
5. Ground floor elevation. The ground floor of a front yard house shall be elevated at least two to three feet above the elevation of the sidewalk along the front street. This requirement may be waived in order to provide accessible units within the development.
6. Porch/stoop. Each front yard house shall have a porch or stoop.
7. Cap type. Front yard houses shall have a pitched roof cap type.
8. Parking/garages. Two off-street parking spaces as required by Section 34.80.B shall be provided for each dwelling unit. At least one parking space shall be provided within a garage. If possible, attached garages shall be accessed from the rear or side of the unit. Attached garages facing the front lot line shall be located at least 20 feet behind the front wall of the dwelling unit. On corner lots, if a side-loading attached garage is oriented to open towards the side street, the garage shall be recessed behind the building line, and, if practical, screened by a half wall.

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

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

G. **Single Use Large-Footprint Buildings.** See Section 34.20, Building Type definitions. Buildings with a footprint greater than 25,000 square feet may be approved provided they satisfy the following criteria in addition to the other standards and conditions within this Ordinance:

1. **Permitted Uses.** Retail, personal service, restaurant, office, public and civic uses are permitted.
2. **Building Height.** Buildings must be at least two or a maximum of three stories in height. One-story buildings may be permitted, provided they have the appearance of being at least two stories in height. if they are at least 24 feet in height. This may be accomplished with liner buildings, higher ceiling heights, and/or parapets.
3. **Facade segmentation.** The front facade shall be divided into segments not more than 50 feet wide by the use of vertical expression lines. Horizontal expression lines shall define the base and cap of buildings.
4. **Facade transparency.** Transparency refers to the percentage of a facade that is occupied by windows. See Section 34.60.D for window standards. The street level facade shall have a minimum transparency of 50 percent measured between two feet and eight feet above the sidewalk.
5. **Building entrances.** One building entrance shall be provided for each individual tenant in multi-tenant buildings. Building entrances shall be orientated toward the front street or at a corner.
6. **Roof Design:** To provide additional visual character to single use buildings, use of decorative roof elements shall be required for buildings wider than 80 feet in width across the building frontage. Decorative towers and cupolas may be used as additional roof design elements. Gables shall have a minimum depth of eight (8) feet and parapet walls that abut a corner shall extend around to the side elevation to a minimum depth of twelve (12) feet. All decorative roof elements shall be proportional to the building design, mass, and form, and roof appurtenances, such as dormers, roof monitors, light wells, and mechanical vents should receive decorative detailing including the use of gables, hipped, or shed designs and should appear as functional elements, not just aesthetic conceits.
7. **Parking.** Parking as required by Section 34.80.B may be at-grade, underground or in parking garages.
 - a. **Parking Garages.** Structured parking is permitted within buildings. Structured parking on the ground floor of a building must be located behind occupied uses fronting an arterial. The driveway into any structured parking area shall be from a collector, local road, or alley, and must be separated at least 50 feet from the front property line on the primary frontage. Parking garages shall be no higher than the height of the building at the frontage build-to zone.

8. **Pedestrian circulation.** To encourage use by pedestrians and decrease the need for solely auto-oriented patronage, ~~large-footprint single use~~ buildings must reinforce the character of the Village Overlay District **with interior walkways that shall connect to the adjacent public sidewalk network and adjacent private networks, where appropriate** and shall therefore continue a connected system of walkable street frontages.
9. **Services and equipment.** Loading docks, service areas, and trash disposal facilities shall not face streets, parks, squares, or significant pedestrian spaces **and shall be screened by landscaping or decorative walls. All roof-mounted equipment shall be opaquely screened by architectural detailing including parapet walls and decorative roof elements that are part of the overall building design.**

H. **Additional Building Types.** The Planning Commission may approve a building type not ~~identified in Section 34.40.A~~ **defined in Section 34.20** or described within **Section 34.50**, provided that the building type is pedestrian oriented and meets the intent of the Village Overlay District.

I. **Density Bonuses.** For Building Types which reference this subsection, a density bonus may be granted by the Planning Commission upon a demonstration that the project would achieve public benefits in accordance with Table 34.7. The Table first outlines potential public benefits, each having a designated point value, if achieved. The Table then indicates the minimum points needed to qualify for a density bonus and the maximum allowable density bonus by Building Type.

The Planning Commission shall, in its determination, consider the physical characteristics of the site which may make increased densities appropriate or inappropriate in the particular location.

Table 34.7 – Density Bonus NEW TABLE	
Public Benefit Criteria	
Public Benefit Criteria	Point Value
1. The project incorporates mixed-use development that results in a range of housing opportunities through varied housing types or accommodates a mix of compatible and complementary residential and non-residential land uses.	1, 2 or 3 points, based on the formula outlined in Footnote A to this Table
2. The project results in the redevelopment of an underutilized site.	1 point; 2 points if the site is a State designated brownfield
3. The project results in the preservation and/or redevelopment of a historic building.	1 point; 2 points if it is a State or Nationally registered historic building

4. The project includes significant use of sustainable building and site design features such as stormwater filtration landscaping, low impact stormwater management, optimized energy performance, on-site renewable energy, passive solar heating, use of reused/recycled/renewable materials, indoor air quality mechanisms or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards.	1 to 3 points at the discretion of the Planning Commission
5. Additional open space, beyond that required, is provided and is to be used as a park or playground and which is free and open to the public with no obstructions or restrictions on use; or, the project provides a connection to or proposes the enhancement of an adjacent public park or recreational facility.	1 to 3 points at the discretion of the Planning Commission
6. The project includes implementation of the proposed street network as outlined in the Regulating Plan Map in Section 34.30.	1 to 3 points at the discretion of the Planning Commission
7. The applicant may propose other measures, not listed above, to achieve a public benefit, which may be considered by the Planning Commission.	1 point at the discretion of the Planning Commission

Density Bonus Levels by Building Type		
Building Type (Density Level)	Public Benefit Point Value Achieved	Maximum Density
Storefront Mixed-Use & Workplace Mixed-Use Buildings:		
<i>Level 1 Bonus</i>	3 – 4 points	Up to 12 dwelling units per acre
<i>Level 2 Bonus</i>	Minimum 5 points	Up to 15 dwelling units per acre
Courtyard Apartments	Minimum 3 points	Up to 12 dwelling units per acre
Stoop/Townhouse Buildings	Minimum 3 points	Up to 12 dwelling units per acre
Duplex, Triplex, Quadplex	Minimum 3 points	Up to 12 dwelling units per acre
Front Yard House	Minimum 3 points	Up to 8 dwelling units per acre for a multiple-lot residential development

Footnote A:

For the purpose of determining the public benefit point value for the incorporation of residential use within a mixed-use project, the following formula shall apply. A low-income unit is defined as a unit reserved for households earning up to 80% of the Area Median Income (AMI). A moderate-income unit is defined as a unit reserved for households earning 80% to 120% of the AMI. A market rate unit is any other unit which does not meet the definition of moderate-income units or low-income units.

$$\frac{(1 \times \text{each market rate unit}) + (2 \times \text{each moderate-income unit}) + (3 \times \text{each low-income unit})}{\text{divided by the total number of units}}$$

Where the above formula results in a fraction, any fraction of 0.5 or greater shall be rounded up to the nearest whole value while any fraction less than 0.5 shall be rounded down to the nearest whole value.

34.60 ARCHITECTURAL STANDARDS.

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

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

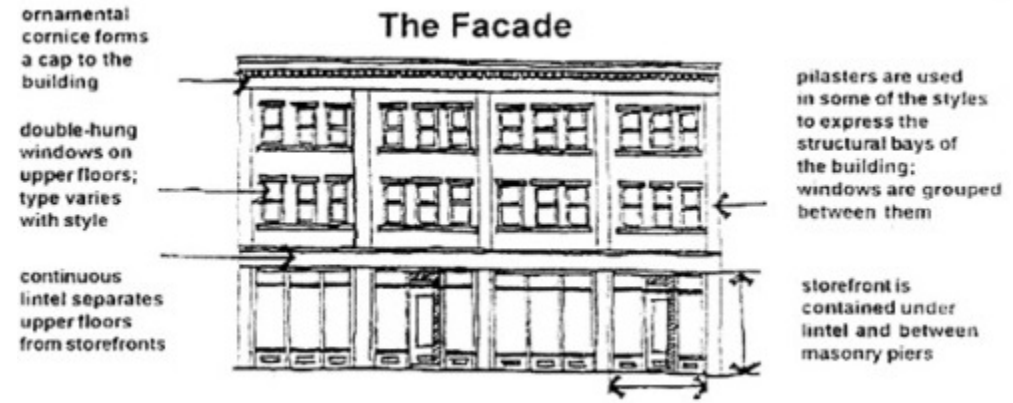
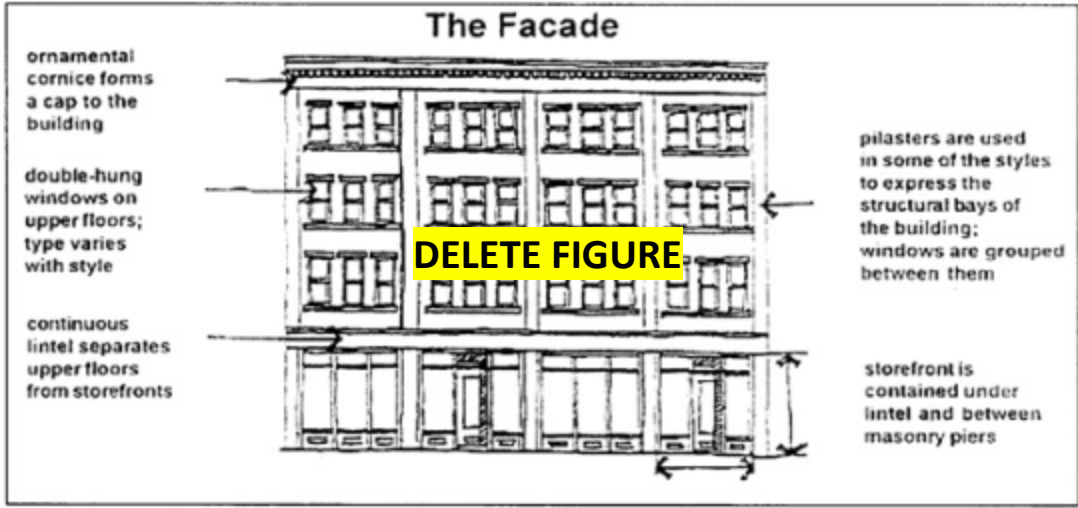
A. General Principles

1. Tradition

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

2. Simplicity

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



NEW FIGURE

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

3. Equivalent or Better

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

4. Where Clearly Visible from the Street.

a. Many requirements of this Village Overlay District, especially the Architectural Standards, apply only where the subject is "clearly visible

from the street." Note that the definition of "street" includes reserve space, parking lots and all public space except alleys, as defined herein. The intent here is to restrict control to the public realm where it has significance and limit public interference in the private realm.

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

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

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

1. Materials: The following materials are permitted:
 - a. Brick and tile masonry.
 - b. Split-faced block (only for piers, foundation walls, and chimneys).
 - c. Pre-cast masonry (for trim and cornice elements only).
 - d. Native stone (or synthetic equivalent).
 - i. Brick, block, stone and similar materials must be properly detailed and in appropriate load-bearing configurations.
 - e. Stucco (cement-like finish).
 - i. Smooth or sand only, no rough or "cake icing" finish.
 - f. Gypsum Fiber Reinforced Concrete (GFRC - for trim elements only).
 - g. Exterior Insulating and Finish Systems (EIFS - for trim elements only).
 - h. Metal (for beams, lintels, trim elements and ornamentation only).
 - i. Wood lap siding.
 - i. Smooth finish only (no rough-sawn).
 - ii. Must be painted or stained.
 - j. Hardie-Plank equivalent or better siding.
 - k. Vinyl or aluminum (architectural quality, heavy gauge: .040-.050 for vinyl or .019-.026 for aluminum)
2. Configurations and Techniques: The following configurations and techniques are permitted:

- a. Vertical wall openings shall not span more than one story.
- b. Wall openings shall be as tall as or taller than they are wide.
- c. Material changes shall be made logically - as where an addition (of a different material) is built onto the original building or where a building turns a corner.



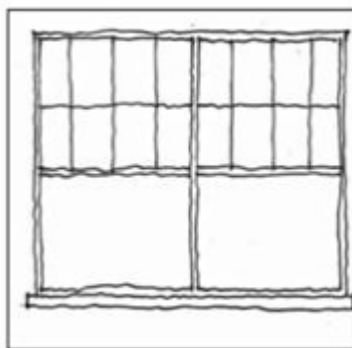
Use of brick and stone materials are permitted.



Use of brick and stone materials are permitted.



Wood lap siding



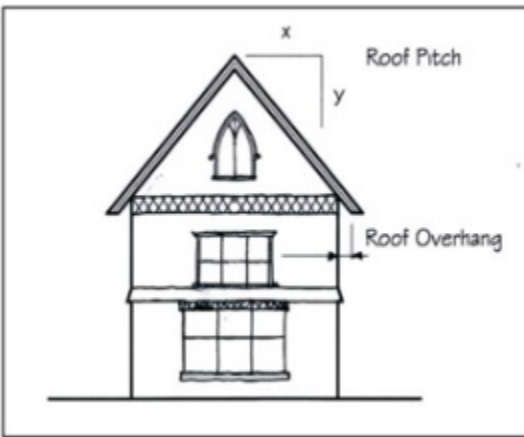
Window and wall openings shall have a vertical orientation. If the opening is wide, they can be divided to appear vertical.

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

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

- 1. Pitched roofs.
 - a. Pitch (exclusive of roofs behind parapet walls).

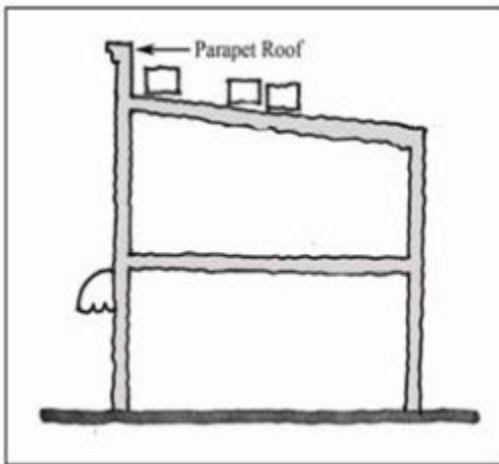
- i. Simple hip and gable roofs shall be symmetrically pitched between 6:12 and 12:12.
 - ii. Shed roofs, attached to the main structure, shall be pitched between 4:12 and 7:12.
- b. Overhang.
- i. Eaves and rakes (gable end) shall overhang between six inches and 24 inches on the primary structure in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



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



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



A large overhanging eave with a wood soffit is above.

Parapet roof screening equipment on a flat roof building.

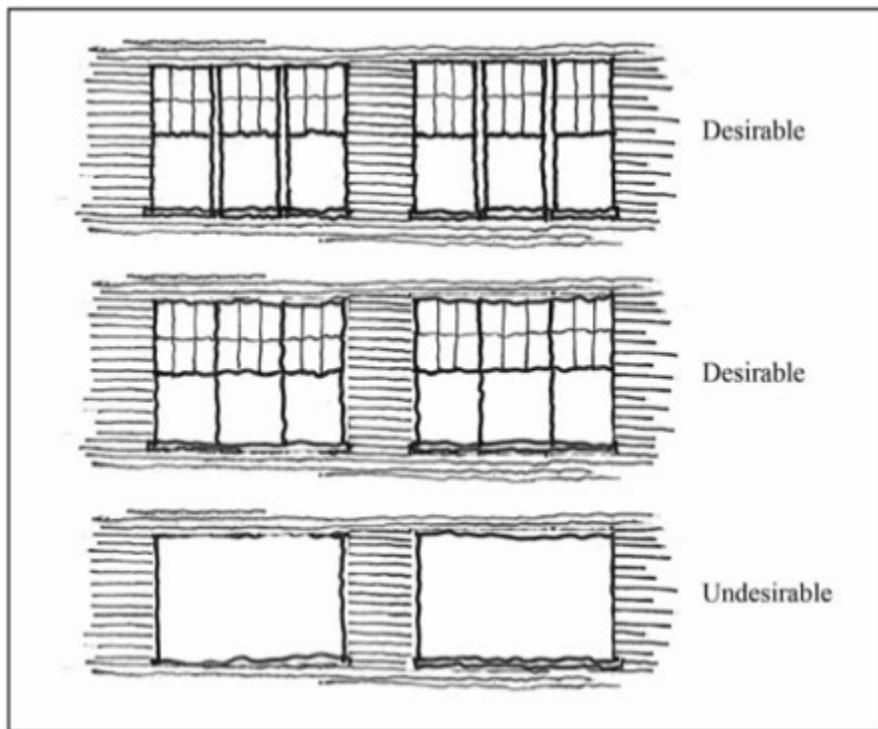
2. Parapet roofs.
 - a. Permitted on Courtyard Apartments, Storefront **Mixed-Use** and **Workshop Workplace Mixed-Use** Buildings only. May be used to screen roof material from any adjacent street. (Parapet roofs may be required on side walls by Building Codes for fire protection.)
 - b. Buildings without visible roof surfaces and overhanging eaves shall provide a cornice projecting horizontally to screen rooftop equipment from view when standing across the street.
 - c. Skylights, roof vents, and rooftop mechanical equipment are permitted only on the roof plane opposite the front street or when shielded from Street view by the parapet wall.
 - d. Ornamentation which contributes to the character of the building is encouraged. Overly elaborate, "post-modern" designs are discouraged.

D. Windows, Doors and Awnings. Windows and doors should be simple in both design and placement. Larger windows should be divided by mullions into multiple panes of glass. This helps the window "hold" the surface of the facade, rather than appearing like a "hole" in the wall, an effect that is produced by a single sheet of glass.

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

1. Materials: The following materials are permitted:
 - a. Window and door frames shall be made of anodized or painted aluminum, wood, clad wood, vinyl, or steel.
 - b. Window glass must be clear, with at least 90 percent light transmission at the ground story and at least 75 percent light transmission for the upper stories (modification as necessary shall be permitted to meet any applicable building code requirements.)
 - c. Specialty windows may utilize stained, opalescent, or glass block (one per facade maximum).
 - d. Doors shall be of wood, clad wood, fiberglass, glass, aluminum, and/or steel.
2. Configurations and Techniques: The following configurations and techniques are permitted:
 - a. Windows, frames, and doors shall coordinate with overall architecture and design.
 - b. For all windows:
 - i. Openings for windows, windowpanes, and doors shall be at least as tall as or taller than they are wide. Transom windows are not included in the measurements for this requirement.
 - ii. Windows may be ganged horizontally (maximum three per group) if subdivided by a mullion that is at least five inches wide.

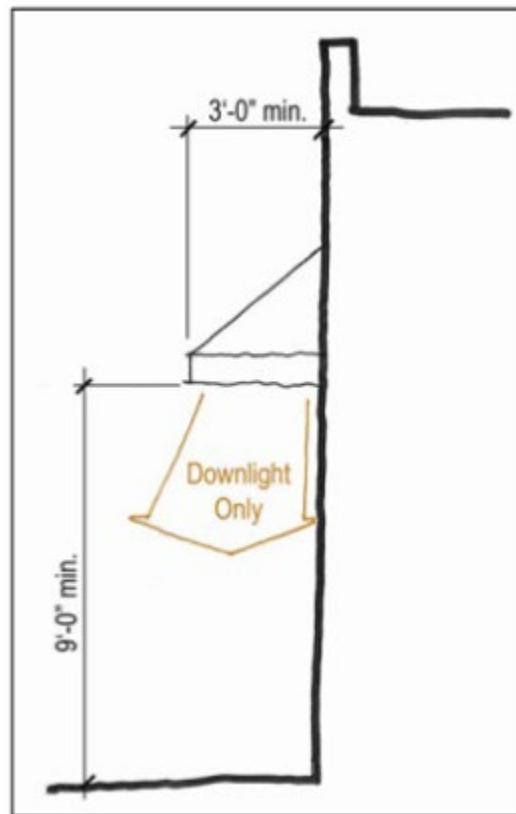
- iii. Windows shall be no closer than 36 inches to building corners.
- iv. Exterior shutters, if utilized, shall be sized and mounted appropriately for the window ($\frac{1}{2}$ the width), even if inoperable.
- c. Upper-story windows:
 - i. Double-Hung, Single-Hung, and Casement Windows shall be required.
 - ii. Windows shall have vertical proportions.
- d. Ground floor windows and doors on Storefront building types:
 - i. Windows shall have vertical proportions. Wide ground floor windows shall be divided to give the appearance of separate windows, each having vertical proportions.
 - ii. Ground floor windows shall not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space) and shall allow a minimum 60 percent of surface view into the building (to at least a 20-foot depth).
 - iii. Storefronts may extend up to 24 inches beyond the facade with a projecting window or building feature.



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

- 3. Awnings and Overhangs. When an awning or overhang is incorporated into a building, the following requirements must be met:
 - 1. Minimum nine feet clear height above sidewalk, minimum three feet depth out from the building facade.

2. An awning or overhang may not extend into the street without obtaining permission from the appropriate body. Proof of permission shall be submitted prior to Site Plan review. Along private roads, awnings or overhangs may encroach into the easement but may extend no further than the street trees.
3. Canvas cloth or equivalent (no glossy or reflective materials), metal or glass.
4. No internal illumination of the awning or overhang. Downward lighting is permitted.
5. Lettering on awning limited to five inches tall on vertically hanging fabric at curb side of awning.
6. No one-quarter cylinder configurations.



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

- E. Lighting and Mechanical Equipment. Materials and equipment chosen for lighting fixtures should be durable, energy efficient, and weather well. Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration. However, lighting that is too bright creates intense glare, hinders night vision, and creates light pollution.

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

1. Lighting.
 - a. Street lighting shall be consistent with an approved streetscape design plan (when completed) to ensure consistency.
 - b. If alleys are constructed, street lighting shall be provided in alleys upon their development.
 - c. Pole-mounted lighting in the Overlay District shall be limited to a height of 20 feet and be downward directed.
 - d. Lighting in the Village Overlay District shall comply with the standards in Section 54.10 to 48.60 of the Zoning Ordinance in addition to those requirements stated below.
 2. Mechanical Equipment.
 - a. The following shall be placed away from the front street or side street frontage lines and be screened from view from the street: air compressors, air conditioners, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans (except those located per the public streetscape program), storage tanks, generators and similar units unless approved as necessary for a permitted essential service.
 - b. Roof-mounted equipment shall be placed away from the frontage line and be screened from view from the street.
 - c. New utility lines and utility leads for individual units shall be placed underground. As opportunities arise, existing overhead lines shall be placed underground as well.
- F. Street Walls. Street walls may be used to establish clear edges where buildings do not. The Village Overlay District standards provide for masonry walls that define outdoor spaces, screen the street from the private realm, and/or provide screening (parking lots, trash cans, gardens, and equipment). Street walls required within the Village Overlay District for these purposes shall be constructed in accordance with these standards. All street wall facades shall be as carefully designed as the building facade. Where the built form does not need to be as clearly defined or in more residential settings, fences can serve similar purposes.

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

1. Materials. The following materials are permitted:
 - a. Native or regional stone and equivalent imitation stone.
 - b. Brick.
 - c. Stucco on concrete block (or poured) only with brick or stone coping.
 - d. Metal (wrought iron, welded steel and/or black aluminum), for gates and detailing purposes only.
 - e. A combination of materials (e.g., stone piers with brick infill panels).
 - f. Natural materials, such as a landscaped hedge, maintained functionally equivalent to a wall, may be approved by the Planning Commission, where determined that the building form does not need**

to be as clearly defined or may benefit from a more naturalized appearance.

2. Configurations and Techniques. The following configurations and techniques are permitted:

1. Street walls along any unbuilt required building line shall be built to a height between 36 inches and 72 inches above the adjacent ground depending on the location of the wall and the purpose it is serving.
2. Walls for screening equipment, adjacent higher intensity uses, and similar impacts shall be near the maximum height.
3. Walls in front yards or adjacent to pedestrian areas (used for screening parking areas) shall be limited to 42 inches in height.
4. Stucco street walls shall have a hardy species of climbing vine planted along them. Landscaping along other street walls is encouraged to soften the appearance.
5. The street wall shall be designed so as not to create an imposing presence or fortress-like appearance. The Planning Commission may adjust these standards as necessary to avoid this situation (such as **allowing natural materials in lieu of a wall**, requirements for relief, articulation, materials changes, and/or design elements in the wall plans.)
6. Walls used for parking lot buffers shall also be subject to the criteria of Section 34.60.H.4.



A street wall used to screen the adjacent parking lot.

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

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

1. Approval. Signs shall be approved in accordance with the permitting requirements of Article 55. However, all new buildings and/or remodeled facades that will have a signage component shall demonstrate that sufficient space has been provided in

the building design for future signage and that signage placed in that location will not conflict with the overall building design.

2. Design and Materials.

- a. Exterior materials, finishes, and colors should be the same or similar to those used on the principal building.
- b. Signs should be professionally constructed using high-quality materials such as metal, stone, hardwood, and brass.
- c. The use of exposed neon tubing in conjunction with other types of materials to emphasize the business name, logo, or to indicate if open or closed is permitted; however, neon tubing within a sign cabinet that creates internal illumination or any other use of neon tubing is prohibited.
- d. Internally lit plastic letters or plastic box signs are prohibited.
- e. To minimize irreversible damage to masonry, all mounting and supports should be inserted into mortar joints and not into the face of the masonry.

3. Sign Lighting.

- a. Internal Sign Illumination Prohibited. Internally illuminated signs are prohibited in the Village Overlay District. The only exceptions are signs with cut-out lettering where the internal light shines through the cut-out sign copy but not the opaque sign face.



Reverse Channel Illumination

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




Gooseneck Light Fixtures

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

Table 34.7 – Sign Summary

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

1. WALL SIGNS

Regulations:		
<p>Definition: A sign that is mounted flush and fixed securely to or painted on a building wall, projecting no more than 12 inches beyond the face of a building wall and not extending sideways beyond the building face or above the highest line of the building to which it is attached.</p> 	i.	Wall signs should be located on the upper portion of the storefront and should not exceed 2/3 the width of the building or tenant frontage.
	ii.	Wall signs shall not exceed a ratio of 1 square foot of area per linear foot of building width or tenant space width up to a maximum of 24 square feet per sign.
	iii.	One wall sign shall be permitted for each 24 linear feet of building or tenant frontage on the front of the building (partial measurements will be rounded down; minimum of one sign per tenant or building frontage for single user buildings). Wall signs shall be distributed evenly on the building or complement the overall architecture and design, including the arrangement of bays and openings. For buildings and tenants with frontage and/or access on the side or rear, one additional wall sign may be permitted for each additional exposure to be no greater than 20 square feet.
	iv.	Wall signs shall be placed in a clear signable area, which is an architecturally continuous area uninterrupted by doors, windows, or architectural details such as grillwork, piers, pilasters, or other ornamental features.
	v.	For multiple-tenant uses, the size and number of signs for ground floor tenants shall be based on the standards above.
	vi.	A wall sign shall not be used in conjunction with a projecting sign.
	vii.	See Section 34.60.G.4 for more information regarding wall signs on multiple story buildings.

2. PROJECTING SIGNS

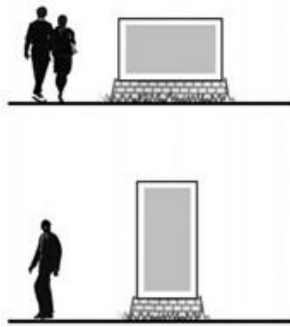
Regulations:	
i.	Projecting signs, including all brackets and hardware, shall not be mounted above the second-floor window sill in multi-story buildings.
ii.	Projecting signs shall be small in scale and provide a minimum vertical clearance of 9 feet between the lowest point of the sign and the sidewalk.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

Definition: A sign that is affixed to the face of a building or structure that projects in a perpendicular manner from the wall surface of a building.





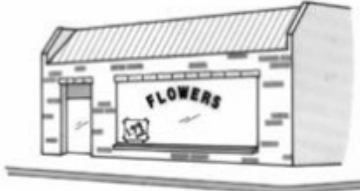

3. MONUMENT SIGNS

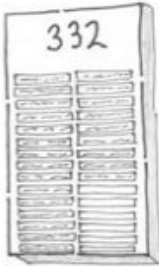


Definition: A freestanding sign. Monument signs are typically used for a building or series of buildings that are separated from adjacent streets by substantial setbacks. The base of the monument sign is typically brick or other masonry material and is approximately the same width as the sign face.



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

4. AWNING & CANOPY SIGNS		
<p>Definition: A sign that is printed on, painted on, or attached to an awning or canopy above a business door or window. Such signs are generally oriented toward pedestrians on the opposite side of the street.</p> 	Regulations:	
	i.	Lettering and graphics up to five inches tall may be placed on the vertically hanging fabric of an awning on the side facing the curb.
	ii.	Awnings or canopies with back-lit graphics or other kinds of interior illumination are prohibited.
	iii.	One sign per awning or canopy.
	iv.	An awning or canopy sign may be used in conjunction with a projecting sign or wall sign.
	v.	Signage, lettering, graphics, and logos are prohibited on the upper, sloped portion of the awning and shall be located on the vertical flap.
5. HANGING SIGNS		
<p>Definition: A hanging sign is similar to a projecting sign, except that it is suspended below a marquee, awning or canopy. Hanging signs are smaller than projecting signs due to their lower mounting height.</p> 	Regulations:	
	i.	Hanging signs shall fit within an imaginary rectangle with a maximum area of 4 square feet (excluding supporting rods, chains, or similar hangers).
	ii.	Hanging signs shall maintain a minimum vertical clearance of 9 feet between the lowest point of the sign and the sidewalk.
	iii.	One sign shall be permitted per canopy or overhang.
	iv.	A hanging sign may not be used in conjunction with a projecting sign.

6. WINDOW SIGNS		
<p>Definition: A window sign is painted, posted, displayed, or etched on an interior translucent or transparent surface, including windows or doors.</p> 	Regulations:	
	i.	Window signs, both temporary and permanent, shall not exceed 25% of the window area so that visibility into and out of the window is not obscured.
	ii.	Sign copy shall not exceed 8 inches in height.
	iii.	Window signs should be applied directly to the interior face of the glazing or hung inside the window to conceal all mounting hardware and equipment.
7. A-FRAME SIGNS		
<p>Definition: A-Frame signs are designed to stand on their own either on private or public property. Such signs are portable and are usually placed along public sidewalks to attract pedestrians to adjacent businesses.</p> 	Regulations:	
	i.	A-frame signs may have a maximum area of 6 square feet and a maximum height of 42 inches. The sign area is calculated on one side only.
	ii.	A-frame signs may only be located in the frontage or walkway/furnishings areas of the pedestrian area along a street. The sign shall be located near the building to ensure sufficient space (at least 5 feet) is provided for pedestrian passage.
	iii.	A-frame signs may not be permanently affixed to any object, structure, or the ground.
	iv.	A-frame signs shall not be illuminated.
	v.	A-frame signs may only be displayed during business hours and shall be removed when the business to which they are accessory is closed.
	vi.	Each ground floor business with frontage on a street may have a maximum of one A-frame sign. Businesses without ground floor frontage may not have an A-frame sign. The sign must be located adjacent to the business to which it is accessory.

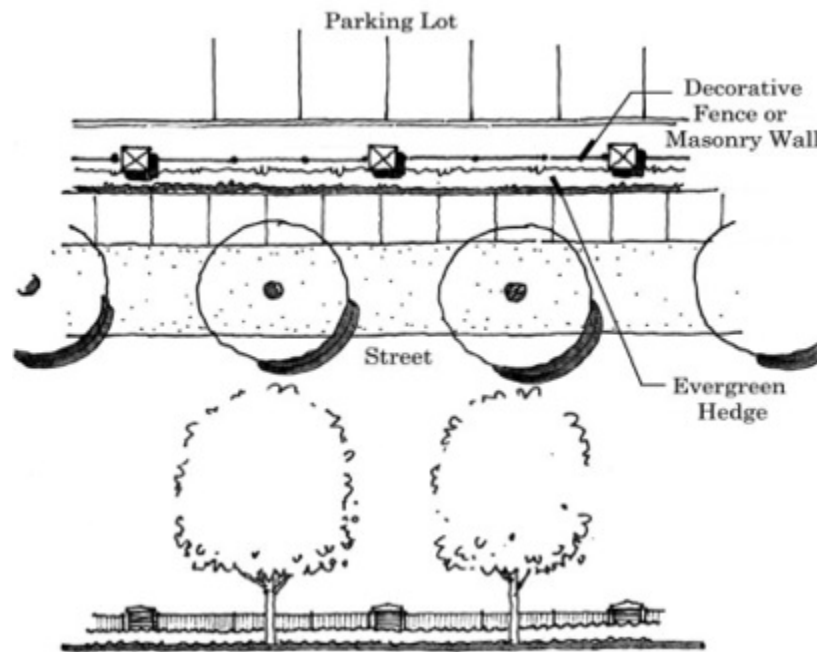
8. TENANT DIRECTORY SIGNS		
<p>Definition: A tenant directory sign is used to identify tenants and businesses in a multi-tenant building, often for tenants that do not have direct frontage on a public street. Such tenants can be located in second story space, or in portions of the building without a ground floor entry in the front. Tenant directory signs are oriented toward the pedestrian.</p> 	Regulations:	
	i.	Tenant directory signs shall fit into an imaginary rectangle with a maximum area of 8 square feet.
	ii.	Tenant directory signs shall be mounted flat against a solid wall proximate to a common building entrance serving tenants listed on the directory sign.
	iii.	Tenant directory signs may include the following: building or project name, project logo, address, business tenant names, and suite numbers or letters.
	iv.	A maximum of one tenant directory sign shall be approved per building unless proven otherwise necessary to the satisfaction of the Planning Commission.
9. PLAQUE SIGNS		
<p>Definition: A plaque sign is a small version of a wall sign that is attached to surfaces adjacent to store entries or tenant entries.</p> 	Regulations:	
	i.	Plaque signs shall fit into an imaginary rectangle with a maximum area of 2 square feet.
	ii.	Plaque signs may project a maximum of 3 inches from wall surfaces.
	iii.	Only one plaque sign shall be permitted per use.
10. RESTAURANT MENU SIGNS		
<p>Definition: A restaurant menu sign is a sign that incorporates a menu for a restaurant. The purpose of restaurant menu signs is to assist customers in finding a restaurant they would like to patronize.</p> 	Regulations:	
	i.	The maximum area for menu signs is 6 square feet.
	ii.	Menu signs shall be located in a permanently mounted display box on the surface of the building adjacent to the entry.
	ii.	Restaurant menu signs shall be permitted for all restaurants with table service.
iv.	Only one restaurant menu sign shall be permitted per use.	

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

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

1. Reserve space. Reserve Space may be required in accordance with the requirements in Section 34.80.A. Where Reserve Space is required, the space and the required landscaping within the space shall be clearly demonstrated on the Landscaping Plan.
2. Interior parking lot landscaping. Interior parking lot landscaping shall be provided in accordance with Section ~~53.70~~ **53.50** of the Township Zoning Ordinance. In addition, parking lot islands shall be protected by concrete curbs or similar permanent means.
- 3. Interior site landscaping. Interior site landscaping shall be provided in accordance with Section 53.70 of the Township Zoning Ordinance.**
4. Street trees. Street trees shall be provided along each front and side street frontage as provided in Section 34.70.D.5.e. of this Ordinance. Street trees shall be canopy deciduous trees, specially selected to survive in this environment, and planted in a consistent row between two and three feet of the curb line.
5. Parking lot buffers. All parking lots shall be separated from the street frontage by a building or a parking lot buffer. A parking lot buffer is required when a parking lot is located within 30 feet of a road right-of-way or road easement. This landscape buffer shall consist of:
 - a. A minimum five-foot-wide buffer.
 - b. A decorative masonry wall, street wall, or decorative wrought-iron appearing aluminum fence with a height between 36 and 42 inches from the ground. If a fence is proposed, decorative masonry pillars shall be used to connect fence panels with a minimum of one pillar being provided every 20 to 25 feet.
 - c. A minimum four-foot-wide planting strip adjacent to the wall including evergreen plantings disposed to form a continuous hedge of small deciduous and evergreen shrubs in between the fence and the street right-of-way or road easement (see figure 34.1).

Figure 34.1 – Parking Lot Buffer



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

34.70 STREET TYPES AND STANDARDS

Street standards for the development of new public arterial, collector, and local roads within the Village Overlay District shall meet the design requirements of the Kalamazoo County Road Commission. The development of new private collector and local roads shall meet the Future Circulation Plan detailed in the most current Village Theme Development Plan. The use of private roads shall be subject to Planning Commission approval and shall meet the requirements found within this section.

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

A. Street network.

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

variations to the location or layout of streets as shown on the Regulating Plan shall require the approval of the Planning Commission.

3. Street hierarchy. In order to determine which side is the front and which is the side on corner lots, a hierarchy of street types is used. The higher street type is considered the front for zoning purposes. This hierarchy may be used for other purposes as well. The street types in order from first level to third level are as follows:
 - a. Arterial.
 - b. Collector.
 - c. Local Road.

A. Street design standards.

1. Street areas. Streets consist of three areas: the travel way area, the parking area, and the pedestrian area. The elements that are included in each street area are described as follows (See Figure 34.2):
 - a. The vehicle travel way area consists of vehicle travel lanes, turning lanes, and medians (if provided).
 - b. The parking area consists of vehicle parking lanes, bike lanes, and potentially of public transit elements. Bicycle travel lanes, where provided, shall be clearly marked and located between the travel way area and the vehicle parking lane. While transit elements are not required, they can be accommodated in the parking area where transit is available in the Village area. Transit facilities would be accommodated by replacing some parking spaces with transit stops.
 - c. The pedestrian area consists of the area between the curb and the edge of the right-of-way or road easement, although the pedestrian area may extend into an easement on private property depending on the width of the right-of-way and the existing conditions. The pedestrian area is separated into three subareas (See Figure 34.3):
 - i. The edge area is the space adjacent to and including the curb. The edge area is necessary to allow the doors of cars parked along the street to open and close freely and must remain clear of obstructions. The edge area also provides a place for snow to pile when plowed from the street. The minimum width of the edge area should be two and one-half feet to allow for this space. Along Local roads and Collectors, where a wider edge area is provided, it shall be landscaped and provide a tree lawn area.
 - ii. The walkway/furnishings area accommodates amenities such as street trees, planters, and sidewalk furniture as well as the pedestrian walkway. Where there is no tree lawn, street trees shall be planted in planting strips or, if necessary, tree grates within the paved walkway/furnishings area.

This area also includes the pedestrian walkway, which is the basic sidewalk area where pedestrians walk. The walkway area must

remain clear of obstructions to pedestrian travel. No permanent structures or uses are permitted in the designated walkway portion.

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

Figure 34.2 – Street Areas

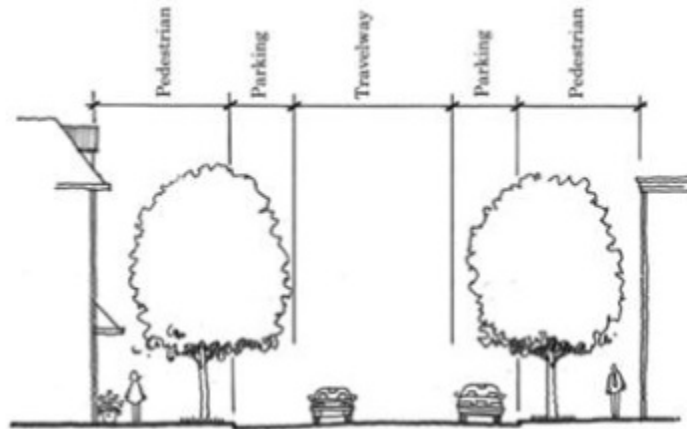
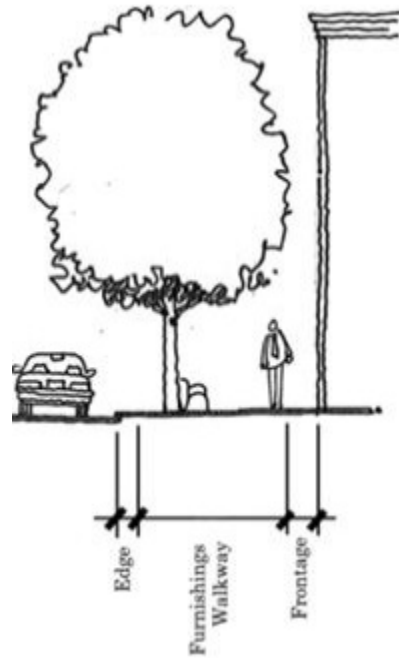


Figure 34.3 – Pedestrian Areas

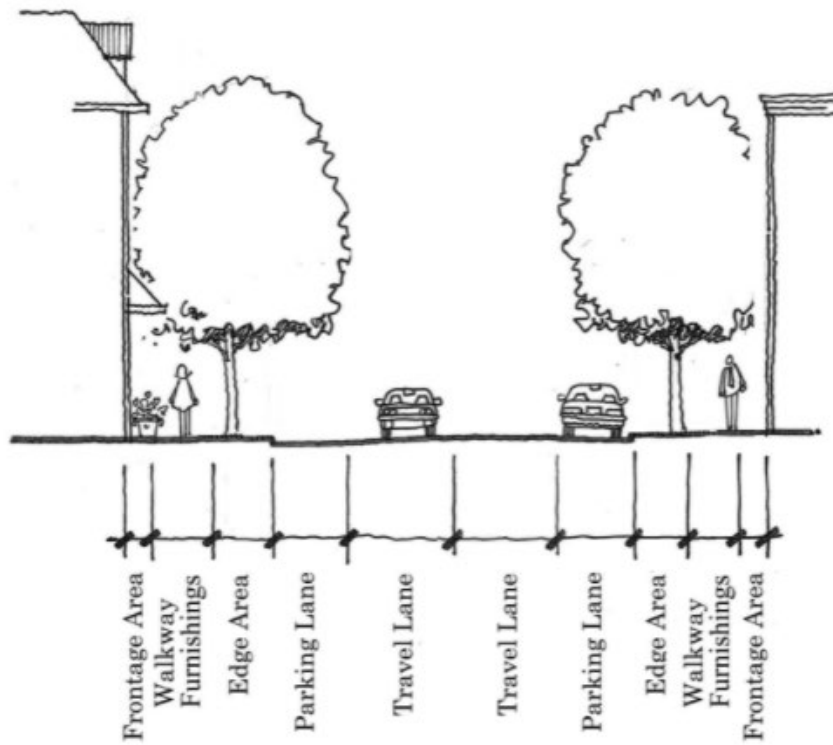


B. Street templates.

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

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

Figure 34.4 – Local Road



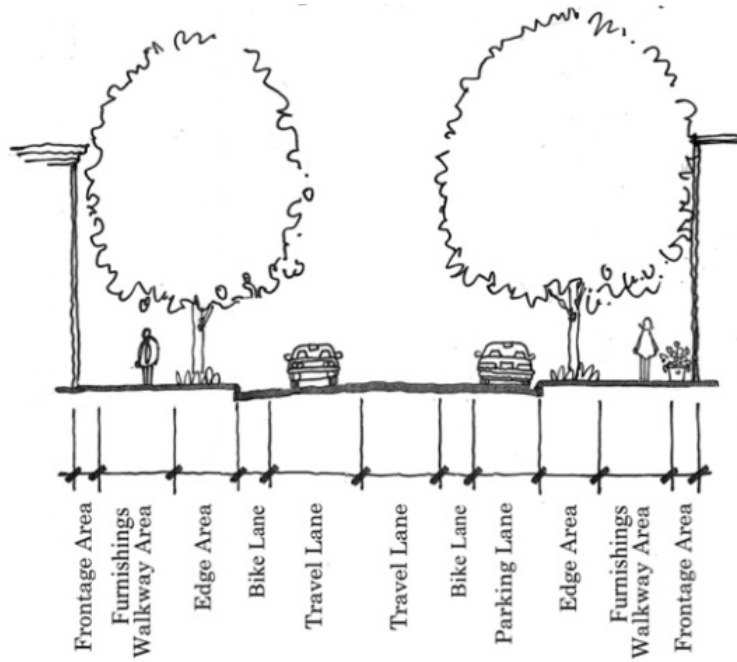
Right-of-way/Road Easement Width: 66 feet

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

Notes:

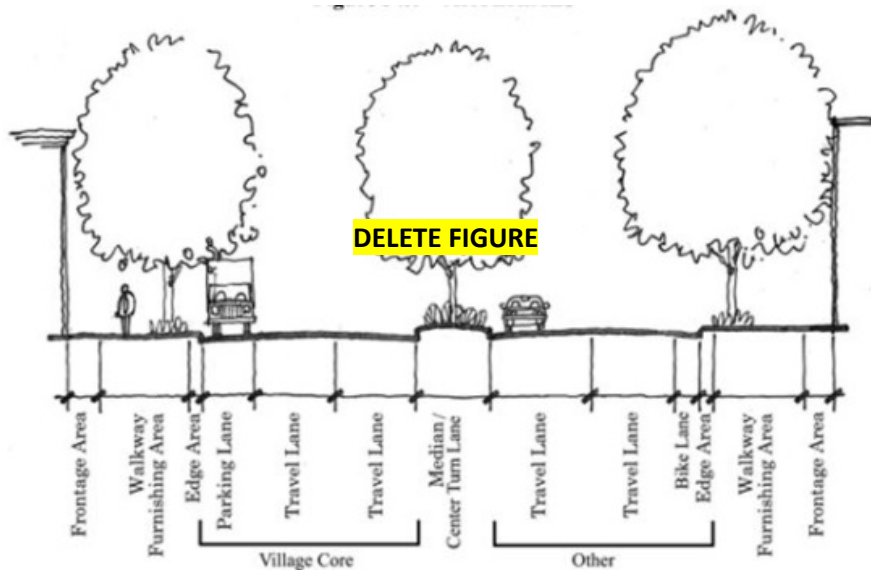
Where a center or left turn is needed, a minimum of one parking lane shall be removed and the edge area shall be reduced to 3.5 feet in width on both sides.

Figure 34.5 - Collector



Right-of-way/Road Easement Width: 66 feet

Figure 34.6 - Arterials



Right of way/Road Easement Width: 100 feet

Travel Area		Parking Area		Pedestrian Area	
Travel Lanes:	5	Parking Lane Width:	8'	Total Width:	14.5' ⁴
Travel Lane Width:	11'	Parking Lanes:	2	Edge Area Width:	2.5' ⁴
Center or Left Turn Lane ¹ :	Yes	Bike Lane Width:	4'	Walkway/Furnishings Area Width:	10'
Median Width:	11'			Frontage Area Width:	2'

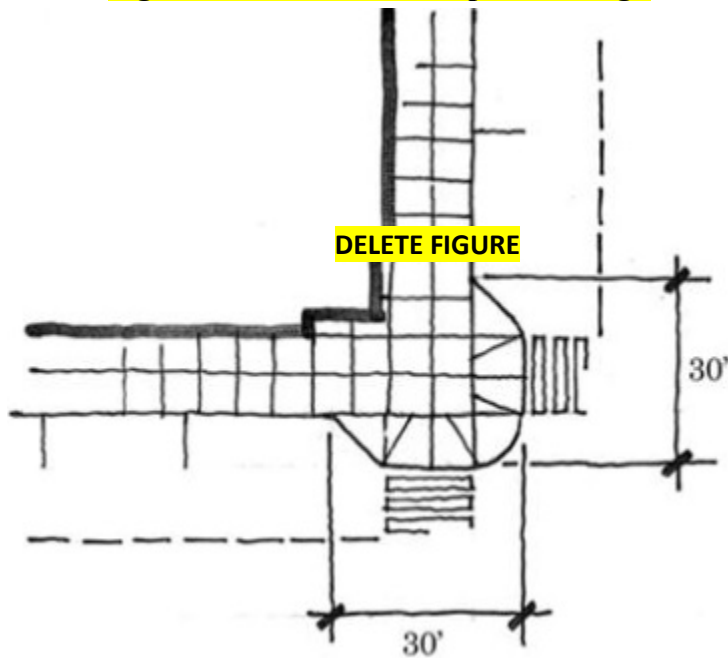
Notes:

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

C. Other street design standards.

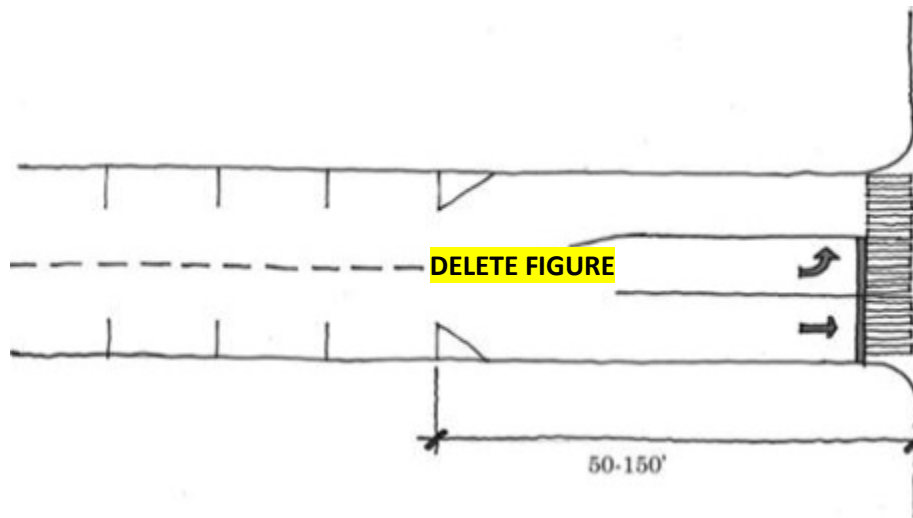
1. Sidewalk design. Sidewalks, access ramps, and driveway crossings shall be designed in accordance with the Township Sidewalk/Multi-Purpose Path Construction Standards, unless otherwise required in this Ordinance.
2. Outdoor eating areas. Outdoor eating areas shall be permitted immediately adjacent to permitted establishments serving food in either the frontage and/or furnishings/walkway areas. If located in the furnishings/walkway area, a minimum of five feet clear walkway must remain for pedestrians to pass. The furniture shall not be permanently attached to the ground and shall be stored out of sight when the outdoor seating area is not in season.
3. **Adjustments to the street templates. The Planning Commission may permit adjustments to the Street Templates included in this Section 34.70.C if the applicant can provide evidence that the adjustment is warranted by specific site layout problems, by existing conditions not created by themselves, or if required by other governmental agencies such as the Kalamazoo County Road Commission. Such an adjustment shall only be approved if the requested adjustment will still achieve the goals of this Ordinance and will not negatively impact the utility of any of the three street types or the health, safety, and welfare of the users of the Street(s). The street templates may be adjusted to incorporate any of the following items, subject to Planning Commission approval or at the direction of the Planning Commission:**
 - a. ~~Corner bump-outs. Corner bump-outs may be provided at street corners in the Village Core only. Parking spaces shall be eliminated to provide the additional area necessary to accommodate a corner bump-out. A corner bump-out may have a maximum dimension of 30 feet, measured from the intersecting curb line (see figure 34.7).~~

Figure 34.7— Corner Bump-Out Design



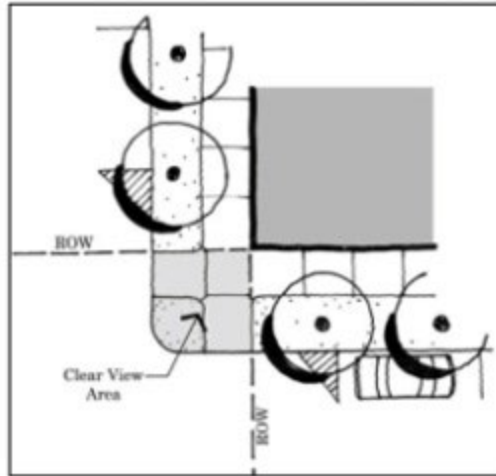
- b. Mid block bump-outs. Mid block bump-outs may be provided on blocks with a length greater than 500 feet to provide pedestrian crosswalks and/or additional landscaping area. Parking spaces shall be eliminated to provide the necessary area to accommodate a mid block bump out. A mid block bump out may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

Figure 34.8—Left Turn Lane Design



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

4. Design standards applicable to all streets.
 - a. Curb radius. Curb radius standards shall satisfy Kalamazoo County Road Commission minimum requirements as well as any additional standards established by Oshtemo Charter Township.



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

- b. Clear vision area. A clear vision area shall be maintained at all intersections. Nothing shall be located to cause a hazard to vehicular or pedestrian traffic by depriving the pedestrian or driver of a clear and unobstructed view of approaching, intersecting, or merging traffic. The clear vision standards of the Kalamazoo County Road Commission shall also be satisfied where streets or drives intersect with public streets.
- c. Parallel parking stalls. Parallel parking stalls shall have a minimum length of 23 feet. Pavement markings shall be provided for the entire width of the parking stall to demark the location of parallel parking stalls.
- d. Sidewalks at driveway crossings. When a sidewalk crosses a vehicle driveway, the driveway shall retain the elevation of the sidewalk. The appearance of the sidewalk shall be maintained across the driveway to indicate that the area traversed by a vehicle remains a part of the pedestrian zone and that pedestrians have the right-of-way.
- e. Crosswalks. In the Village Core, pedestrian crosswalks shall be distinguished by decorative pavement (such as brick pavers or integrally colored scored concrete), **if permitted by the Kalamazoo County Road Commission**. In all other sub-districts, the pedestrian crosswalks shall be distinguished from the travel way and parking areas through the use of pavement striping, although decorative pavement may be used if desired.
- f. Pedestrian pass-throughs.
 - i. When parking is located behind buildings, one pedestrian pass-through may be proposed by the applicant or required by the Planning Commission for every 450 feet of frontage along a block face. Pedestrian pass-throughs are subject to Planning Commission approval if proposed by the applicant.
 - ii. Pedestrian pass-throughs shall have a minimum width of ten feet, be designed so they cannot be enclosed or locked, and shall be designed to be safe and visually interesting for pedestrians. Appropriate measures shall be taken to prevent vehicular access in

this area. Security lighting sufficient to maintain a minimum light level of one foot-candle measured one foot above grade level shall be provided in pedestrian pass-throughs.

- iii. Where feasible, pedestrian pass-throughs shall coordinate with mid-block bump-outs and/or lot line boundaries.
- g. Curbs. Vertical curbs with a minimum height of four inches are required along all streets. The curb is included in the edge subarea of the pedestrian area.
- h. Medians. Where median islands are proposed on public rights-of-way, the median must satisfy the design and maintenance standards of the Kalamazoo County Road Commission.

5. All streetscape improvements shall ensure consistency with the Oshtemo DDA Streetscape Plan, as adopted by the Oshtemo Township Planning Commission.

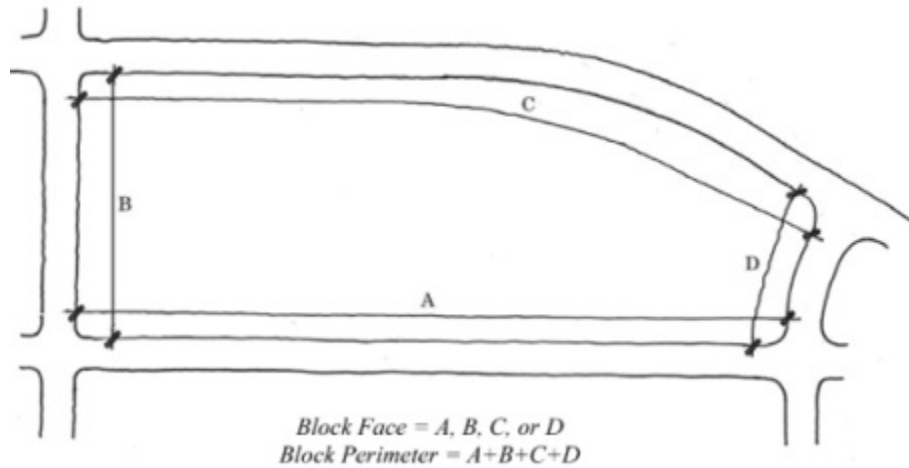
Required streetscape improvements. The following streetscape improvements may be required to be provided with new development in the Village area as determined by the Planning Commission based on the size of the area being developed and the amount of street frontage unless otherwise provided through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

- a. Street lights must be provided at a pedestrian scale and in a coordinated fashion. They shall be located every 50 feet on center in the Village Core and Village Fringe and every 75 feet on center in the Corridor East and Corridor South. Streetlights shall be located in the edge area of the pedestrian area.
- b. Trash receptacles must be provided at street corners with one additional trash receptacle provided in the furnishings area of the pedestrian zone along each side of the street every 300 feet for Arterials. Trash receptacles shall be provided at intersections for Collectors and Local Roads. Trash receptacles shall be located in the pedestrian area.
- c. A minimum of one bicycle rack sufficient to accommodate four or more bicycles shall be provided every 400 feet for Arterials. Bicycle racks shall be located in the furnishings area of the pedestrian zone. Bicycle racks shall not be required in the Corridor South sub-district.
- d. A minimum of one bench shall be provided for every 200 feet along an Arterial. Benches may be clustered instead of being provided at regular 200-foot intervals. In the Corridor South sub-district, the spacing shall be increased to one bench for every 500 feet. Benches should be located in the furnishings area of the pedestrian zone.

- e. ~~Street trees shall be provided in an organized and coordinated fashion throughout the Village area. They shall be located at least every 50 feet on center in the Village Core and Village Fringe and at least every 75 feet on center in the Corridor East and Corridor South. Street trees shall be located within a lawn area that either extends for the length of the block or connects every other street tree; tree grates may be used where a lawn area cannot be accommodated due to a lack of space. Street trees located along the same street frontage shall be aligned in a consistent row along the street. All street trees must be maintained with a minimum clearance height of 15 feet to the first branch at maturity.~~
- f. ~~Inter-development driveways. Major drive aisles and entry drives within and between significant developments and their parking facilities may be required by the Planning Commission to be treated similarly as public roadways in terms of streetscape. Similar street trees and light fixtures shall be located on those routes designated to carry traffic in, out, and between large development areas and parking lots in the Overlay District. This shall be included as part of the landscape plan.~~

- 6. Termination of streets. All streets shall terminate only at an intersection with another street, with the exception of temporary stub streets at property lines intended for future street connections. Refer to Section 34.90.B for modification criteria.
- 7. Block length and block perimeter. The street network shall be laid out to define blocks according to the following standards (see figure 34.9). Refer to Section 34.90.B for modification criteria.
 - a. The distance of a block face shall be the length of the street creating the side of the block between two adjacent intersections. The distance shall not exceed 1,000 feet.
 - b. No block perimeter, measured along the block face at the right-of-way or private road easement, shall exceed 2,400 feet.

Figure 34.9 – Block Face and Block Perimeter



8. Street connectivity. Collectors and Local Roads shall extend to property lines so that they may be connected to streets on adjacent properties when those properties develop and streets are constructed there. One stub street shall be provided for each 1,000 feet or fraction thereof along such property lines.

D. Driveways and access management.

1. Management. Where applicable, driveways and access points in the Village Overlay District shall satisfy the requirements of Article 51 of this Ordinance and the Township Access Management Plan.
- ~~2. Access to Arterials. Intersections with Arterials (9th Street and Stadium) should occur only as illustrated on the Regulating Plan. Only Collectors and Local Roads may intersect with Arterials. No permanent access points for individual properties shall be permitted along Arterials in the Village Core and Village Fringe sub-districts. (Existing nonconforming access points shall be permitted to remain until a rear access or shared driveway system is created.) The intersections shown on the Regulating Plan may be shifted to the north or south, or east or west; however, no additional intersections may be constructed than are shown on the Regulating Plan. The exact location of intersections with the Arterial road system is subject to Planning Commission approval.~~
2. Network of Collectors and Local Roads. In order to provide access to properties, a secondary street network must be developed to distribute traffic onto the various parcels that are located in the Village Overlay District from Stadium Drive and 9th Street. The Regulating Plan for the District illustrates the location of Arterials, which are the primary streets in the area. It also illustrates proposed locations for many new Collectors and Local Roads. These locations may be shifted and rearranged but must satisfy the street standards identified above and meet the approval of the Planning Commission.

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

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

34.80 GENERAL PROVISIONS

A. Reserve space.

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

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

Table 34.8 – Reserve Space Requirements		
Building Type	Reserve Space Required ¹	Permitted Reserve Space Types
Storefront Mixed-Use	5% of gross floor area of building(s)	Close, Corner Plaza ² , Green, Square, Front Plaza
Workplace Mixed-Use	5% of gross floor area of building(s)	Close, Corner Plaza ² , Green, Square, Front Plaza
Single Use Buildings	10% of gross floor area of building(s)	Close, Corner Plaza², Green, Square, Front Plaza
Courtyard Apartment	250 sq. ft./dwelling unit	Green, Park, Playground
Stoop/Townhouse	250 sq. ft./dwelling unit	Green, Park, Playground

Duplex, Triplex, Quadplex ³	10% of development area	Green, Park, Playground
Front Yard House ³	10% of development area	Green, Park, Playground

Notes:

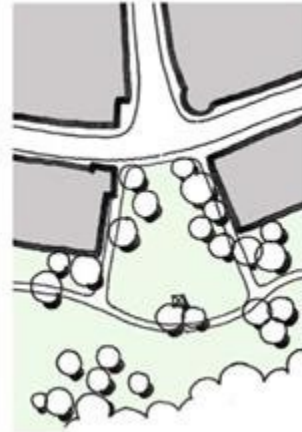
1. The gross floor area of the building includes the area of upper floors. In a mixed-use building, any residential units on upper stories are included in the gross floor area for purposes of calculating required reserve space instead of requiring reserve space per residential dwelling unit. For example,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

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

Types of Reserve Space

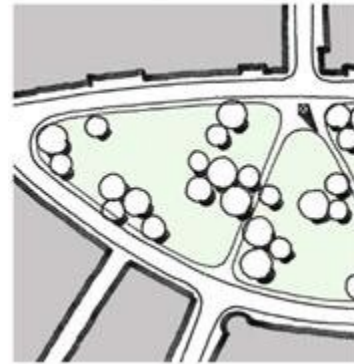
Park.

A reserve space usually created around an existing natural feature such as a river, corridor, lake, or forested area. It is the largest type of open space and is the most natural in character. A park does not have a minimum area; however, it must contain a natural feature of some kind, such as a woodlot, water channel or water feature, or wetland.



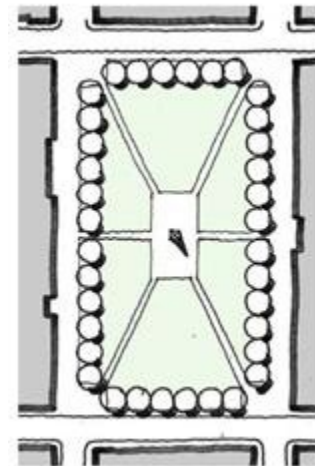
Green.

A reserve space type that is spatially defined by adjacent rights-of-way, private road easements, or building facades. A green contains a grassy center that may have hard surfaced pedestrian pathways crossing the lawn area. The edges of the green are usually defined by formal tree plantings or landscaped planters that surround the grassy center. A green typically has a minimum area of one acre, and a minimum dimension of 150 feet.



Square.

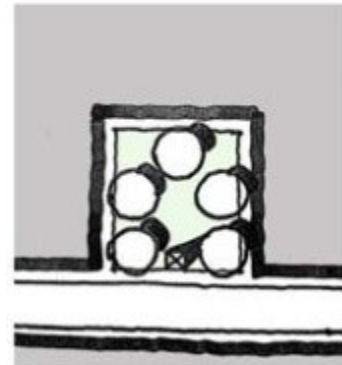
A larger, central reserve space type defined by adjacent building facades, public road rights-of-way, or private road easements. It has a mix of pavement and formally designed landscaping. Monuments and artwork are commonly included in its design. A square is defined on at least one side by a street. A square typically has a minimum area of 15,000 square feet and a maximum area of one acre as well as a minimum dimension of 100 feet.



Types of Reserve Space

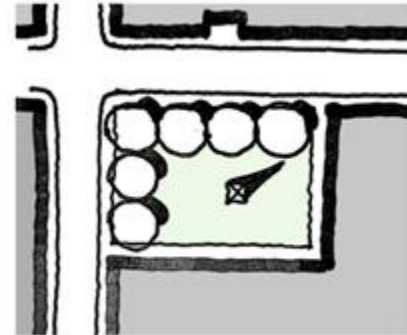
Close.

A type of reserve space that is fronted by buildings on three sides and a street on the fourth side. The Planning Commission may approve a close as an internal courtyard surrounded primarily by buildings on all four sides with no street frontage, except perhaps an access point. A close is typically hard surfaced with landscaping mainly provided in islands and planters. Landscaping should be designed to provide a respite from the surrounding built environment. A typical close has a minimum area of 2,000 square feet and a maximum area of 15,000 square feet and has a minimum dimension of 50 feet.



Corner Plaza.

A type of reserve space located at the corner of two streets. A corner plaza is created by shifting the build-to zone along one street back from the frontage line of the lot to create an open space area in between the building and the street. A corner plaza is fronted by buildings on two sides and by streets on two sides. A typical corner plaza has a minimum area of 1,000 square feet and a maximum area of 6,000 square feet as well as a minimum dimension of 30 feet. When a corner plaza is proposed, the build-to zone is shifted to the edge of a corner plaza.



Playground.

A reserve space type that can be paved or landscaped and includes play equipment, recreational facilities such as tennis courts or basketball courts, and/or recreational fields, depending on the size of the playground. Typically, the area is found in primarily residential areas. However, active recreational areas shall be appropriately located and/or buffered to minimize potential impacts on adjacent neighbors. A playground shall have a minimum area of 5,000 square feet.

Front Plaza.

A reserve space created in areas where buildings are built to or near the right of way line. The plaza is created when the building or a portion of the building is moved back no more than ten feet from the required build-to-line creating a front plaza area for gathering, eating, waiting on transit, or otherwise enjoying the outdoors. This must be public space, although portions of it can be reserved for outdoor dining purposes. As indicated, the depth shall be no more than 10 feet with a maximum area of 1,000 square feet. Landscaping should be provided as necessary to support the use and design of the space.

Note regarding off-street parking formulas:

As part of the development of these amendments, the DDA's Zoning Amendments Subcommittee suggests that the Planning Commission conduct a general review of the off-street parking formulas currently found in Section 52.100 (Minimum Required Parking Spaces). This review should consider the efficiencies that exist within the Oshtemo Village business district due its compact nature and diverse mixture of uses, including residential uses, where vehicular trips and the need for off-street parking is lessened.

B. Parking

1. [Standards.] All developments proposed in the Village Overlay District shall satisfy the standards of Article 52 of the Township Zoning Ordinance unless otherwise provided here or elsewhere in this Section.
2. Minimum and Maximum Parking Required. Parking must be provided in accordance with the requirements of Article 52.
 - a. On-street parking shall be counted towards the minimum parking requirement.
 - b. Required parking shall be provided within 500 feet of the building or site that it serves.
3. Shared parking. Shared parking may be permitted per the requirements of Section 52.70.
4. Parking on other properties. Only parking spaces on properties that contain the required blanket cross-access and cross-parking easement agreement may be counted toward the required parking.
5. Parking setbacks.
 - a. Front street setbacks.
 - i. Off-street parking **is encouraged to** shall be located in the rear yard **only** in the Village Core **and Village Fringe districts. One row of parking, with spaces on one or both sides, may be permitted within the front street setback if the applicant provides at least one public amenity as listed in subsection e, below. These amenities shall be clearly presented on the site plan and approved by the Planning Commission during the Site Plan Review process.**
 - ~~ii. No more than one row of parking may be located to the side of the building in the Village Fringe provided it is setback at least ten feet behind the front face of the primary building and screened appropriately. The one row of vehicles shall be oriented to face the building.~~
 - ii. In the Corridor East/**West** sub-district, one row of parking, **with spaces on one or both sides,** may be permitted on the front street side of the building frontage. **The one row of parking shall be perpendicular to the right of way and positioned to face the building. The drive aisle shall be a minimum of ten feet from the front street frontage line.**
 - b. Side street setback. Same as for front streets.

- c. Interior side yards. A five-foot minimum setback shall be provided with appropriate screening adjacent to an off-street parking facility in an interior side yard. The Planning Commission may reduce this to zero feet where a connection is being provided between adjacent parking facilities or where adjacent uses are sharing a parking facility. If the latter, the facility must still provide sufficient interior parking lot landscaping as required by this Ordinance.
 - d. Rear yard setback. Off-street parking lots shall be located a minimum of ten feet from the rear property line. The Planning Commission may reduce this to zero feet where a connection is being provided between adjacent parking facilities or where adjacent uses are sharing a parking facility. If the latter, the facility must still provide sufficient interior parking lot landscaping as required by this Ordinance.
 - e. ~~[Subterranean parking.] Subterranean parking shall not extend beyond the building footprint.~~
 - e. **To permit parking within the front or side street setback within the Village Core or Village Fringe, the developer shall provide at least one of the following amenities:**
 - i. **Installation of streetscape furnishings, of a sufficient quality and quantity as determined by the Planning Commission, consistent with the Oshtemo DDA Streetscape Plan, as adopted by the Oshtemo Township Downtown Development Authority, including street trees, tree grates, decorative lighting, or street furniture.**
 - ii. **Installation of amenities that enhance pedestrian and bicycle safety and convenience and promote walking or bicycling as an alternative means of transportation, of a sufficient quality and quantity as determined by the Planning Commission, including bicycle racks, drinking fountains, shade canopies and similar furniture.**
 - iii. **Through-block pedestrian connections providing a continuous walkway accessible to the public (covered or open).**
 - iv. **Other public amenities as deemed appropriate by the Planning Commission.**
 - f. **Streetwalls in accordance with Section 34.60.F shall be required for the screening of all parking lots located within the front or side street setback.**
6. Drive-throughs. In underlying districts where allowed, drive-through windows and drive-up facilities shall only be provided in the Village Overlay District ~~as a Special Use in accordance with~~ **after demonstrating compliance with** the following requirements:
- a. The drive-through window or drive-up facility shall be located in the rear of the building **or in the side yard** and may not be located within **20 feet of the front elevation of the building** ~~40 feet of a road right of way,~~

~~except for an alley.~~ Vehicle stacking areas may not be located in between the drive-through window or drive-up facility and the street.

- b. On a corner lot where the side street frontage is a collector or local street, a drive-through window or drive-up facility may be permitted in such side street yard by the Planning Commission as a modification in accordance with the procedures and standards of Section 34.90.B.**
- c. The drive-through window, drive-up facility, and vehicle stacking area shall be screened from view from the street by buildings, an opaque evergreen landscape screen between three and four feet in height above the surrounding grade, or a ~~hardscape feature having a height of three to four feet above the surrounding grade such as a decorative screen wall or planter box~~ **streetwall in accordance with Section 34.60.F.**
- d. A maximum of one drive-through window or drive-up facility ~~for non-restaurant uses~~ shall be permitted per ~~use~~ **business** in the Village Core.
- e. Stacking spaces shall be provided for drive-throughs as required by Section 52.90.**

34.90 ADMINISTRATION

- A. Application and approval procedures.
 - 1. Approval process. Any proposed development in the Village Overlay District shall require prior approval pursuant to Township ordinances.
 - 2. Site Plan approval. All applications in the Village Overlay District shall be reviewed by the Planning Commission unless administrative review is allowed under the ordinance. Site Plan approval shall follow the procedures and be required in accordance with the requirements of Article 64 and Article 34 of this Ordinance. Site Plans must contain all of the information listed in Article 64 as well as in Article 34, as applicable, unless otherwise required for the particular type of application.
 - 3. Site condominium and subdivision development. Any proposed site condominium or subdivision in the Village Overlay District shall be reviewed following the procedures contained in the Township site condominium or subdivision control ordinance with the exception that any design requirement contained in the Village Overlay District shall take precedence over any similar design requirement contained in the condominium or subdivision control ordinance.
- B. Modifications. The requirements of this Article 34 are comprehensive in scope and detailed in nature. The regulations have been designed to establish specific design criteria for the Village Overlay District, while still allowing for flexibility in site layout and design, architecture, and landscaping. However, unique site conditions or other factors may justify modifications from the development standards of the Village Overlay District standards. It is the intent of this Section 34.90.B to establish a procedure by which the Planning Commission may modify certain development standards of this Article 34. Relief from any standard or provision of this ordinance not specifically identified as a modifiable standard shall require a variance from the Zoning Board of Appeals following the procedures of Article 69.

1. Modification procedure. The Planning Commission shall be the approving body for any requested modification to the modifiable standards of this Article 34. In reviewing a requested modification, the Planning Commission shall consider all of the following:
 - a. The proposed development will still meet the purpose and intent of the Village Overlay District as identified in Section 34.10.A if the requested modification is approved.
 - b. The applicant shall submit evidence demonstrating that compliance with the strict standards of the Village Overlay District makes development impractical on the site, and that the modification is reasonably necessary to develop in accordance with the standards of this Article 34.
 - c. The applicant shall demonstrate that the requested modification is the smallest modification necessary.
 - d. The modification will permit innovative design.

2. Modifiable standards. Unless otherwise referenced in this Article 34, only the standards and regulations specifically identified below may be modified. If the reference refers to a subsection, only the identified standards of that subsection may be modified. If the reference refers to an entire section, any standard in the section may be modified.
 - a. Relief from the building frontage and placement requirements of Subsection 34.40.A.1.**
 - b. Relief from the architectural standards of Section 35.60, which shall be granted only if the applicant is able to demonstrate that the requested modification meets the intent of the Village Overlay District and its Architectural Standards to establish and retain a unique architectural character of the district.**
 - c. Termination of streets. See **Subsection 34.70.D.6.**
 - d. The block length and block perimeter standards may be modified to permit larger or smaller block perimeters. See **Subsection 34.70.D.7.**
 - e. Potential allowance for a drive-through within the side street yard on a corner lot per Subsection 34.80.B.6.b.**
 - ~~e. The build-to zone and the building frontage requirements of the development standards. In general, only small modifications to build-to zone or building frontage standards should be approved. See Sections 34.40.A., 34.50.A., 34.50.B., 34.50.C., 34.50.D., and 34.50.E.~~
 - ~~d. Architectural standards. See Section 34.60.~~

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

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

C. Nonconforming uses and structures. This section establishes regulations for nonconforming uses and nonconforming structures. This section is intended to allow nonconforming uses and structures to continue to the extent consistent with the health, safety and public welfare purposes of this Ordinance. However, the ultimate goal is to bring such nonconforming uses and structures into compliance with the Ordinance.

1. Nonconforming uses. Nonconforming uses in the Village Overlay District shall be subject to the regulations contained in Article 63 of this Zoning Ordinance.
2. Nonconforming lots. Lots which are nonconforming as to width or area may be adjusted or subdivided provided the resulting reconfiguration brings the nonconforming lot (and resulting lot(s) if applicable) into, or closer to, conformity with the requirements of this Ordinance.
3. Nonconforming buildings or structures. Buildings or other structures that are nonconforming as to placement, frontage, height, design, or other zoning regulations contained in these Overlay standards or elsewhere in this Ordinance may be repaired, replaced, or added to, only to the extent permitted by this section:
 - a. Additions. A nonconforming building or other structure may be added to, provided that the portion of the building or other structure comprising such addition complies with all requirements of this Article 34.
 - b. Restoration of building or other structure. If a nonconforming building or structure is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy, structural alterations, or other repairs for purposes of reconstruction may be carried out so long as the cost of repair or reconstruction does not exceed 50 percent of the total replacement cost of the building or structure unless it results in conformity with these standards. Single-family homes within the Village Core sub-district may be rebuilt subject to the criteria of Section 34.50.F insofar as possible.
 - c. Other repair. Repair and maintenance of nonconforming buildings or other structures, other than structural alterations and other repairs required for restoration of damaged or partially destroyed buildings, may be carried out provided that no structural alterations or design modifications may be carried out unless those structural alterations are determined by the building official to be required for protection of the public health, safety, and welfare.
 - d. Demolition and construction/reconstruction. Notwithstanding any provisions of the above-listed standards, in any instance where a person proposes to, or commences to, alter, expand, or add to an existing

nonconforming building or structure and nonconforming portions of the nonconforming building or structure are demolished in the course of such alterations, expansions, or additions, all nonconforming portions of the building or structure so demolished shall be reconstructed in compliance with all requirements of Article 34. This requirement shall apply regardless of whether such demolition is determined by the building official to be necessary to comply with the Building Code or required for the protection of the public health and safety.

- e. Remodeling and aesthetic improvements. Improvements to a nonconforming building or structure resulting in modifications to design, architectural, aesthetic, or similar site elements referenced in this Article 34 shall be made in compliance with all requirements of Article 34, to the extent practicable considering the nonconforming status of the structure. Where the remodeling or alteration involves significant interior alterations (the annual cost exceeds 50 percent of the value of the structure), the structure shall be brought into conformance with the standards of Article 34.