

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

NOTICE OF ZONING PUBLIC HEARING

TO: THE RESIDENTS AND PROPERTY OWNERS OF OSHTEMO CHARTER TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Oshtemo Charter Township Planning Commission will conduct a public hearing on Thursday, September 13, 2012, commencing at 7:00 p.m. at the Oshtemo Charter Township Hall, 7275 West Main Street, within the Township, as required under the provisions of the Michigan Zoning Enabling Act.

PLEASE TAKE FURTHER NOTICE that the items to be considered at said public hearing include, in brief, the following:

1. Consideration of the application of New Wonders Discovery Center to expand its special exception use for a child care facility pursuant to Section 33.305 of the Township Zoning Ordinance to include Suite F at 7000 Stadium Drive, Kalamazoo, MI, within the "VC" Village Commercial District classification. Parcel Number 3905-35-102-011.
2. Consideration of the amendment of Section 11 entitled, Definitions, to add Subsections 11.241.1 Clear cutting, 11.514.1 Pre-settlement vegetation, 11.575.1 Viewshed, and 11.578 Wooded area to read as set forth in the Ordinance.
3. Consideration of the amendment of Section 75.000 Landscaping to add Subsection 75.135 to read, in summary, as follows:

75.135 Subdivisions/Site Condominiums.

The following section applies to all subdivisions and site condominiums:

- A. Street trees along internal roadways: Each lot or building site within a subdivision or site condominium shall be required to have at least one canopy tree for every 50 feet of road frontage or portion thereof.
 - B. Greenspace along external roadways: Type "C" greenspace and plant materials shall be required along all external roadways.
 - C. Existing trees and vegetation: To the extent feasible, existing trees and vegetation shall be left undisturbed through the course of development. Existing trees may be used to satisfy the street tree requirement if located near the right of way.
 - D. Replacement: Required trees and plantings shall be maintained to ensure their survival.
4. Consideration of amendment of Section 75.000 Landscaping to amend Subsection 75.180 to read, in summary, as follows:

75.180 Material requirements and maintenance.

- A. At least 30 percent of all other required landscape material within each Plant Material Type shall be native to lower Michigan. For a listing of species native to lower Michigan.
 - D. Monoculture – The use of a single species is prohibited to increase the rate of plant survival.
 - E. Species not permitted as required street tree plantings may be appropriate in buffer areas or for landscape restoration.
5. Consideration of amendment of Section 75.000 Landscaping to amend Subsection 75.200 to read, in summary, as follows:

75.200 Preservation of existing trees.

Credit shall be awarded for preserving canopy trees. The number of credits awarded for tree preservation shall be in accordance with the table set forth in the Ordinance.

6. Consideration of amendment of Section 75.000 Landscaping to amend and add Subsections 75.201, 75.202 and 75.203 to read, in summary, as follows:

75.201 Preservation of existing native vegetation.

Credit shall be awarded for preserving existing vegetation native to lower Michigan, including shrubs and grassland species.

75.202 Incentives for restoring pre-settlement vegetation.

- A. Oshtemo Township’s pre-settlement vegetation types were primarily Oak Savanna, Oak Forest, and Beech-Sugar Maple Forest.
- B. To encourage restoration of pre-settlement vegetation, all uses subject to site plan review may opt to submit a landscape restoration plan in lieu of a landscape plan.

75.203 Tree protection prior to and during construction.

- A. The developer or builder shall erect tree protection fencing.
- B. Fencing shall be a minimum of 48 inches high.
- C. Tree protection fencing shall be maintained during construction.
- D. Tree protection fencing must be shown on the approved landscape plan.

7. Consideration of amendment of Section 78.000 Miscellaneous Protection Requirements to amend Subsection 78.500 to read, in summary, as follows:

78.500 Stormwater management, erosion control and clear cutting.

Statement of purpose. The purpose of the Section shall be to:

- : Protect the public health, safety, welfare and property;
- : Promote the efficient use of land and water resources;

- : Provide for cost-effective stormwater management;
- : Prevent soil erosion and sediment runoff;
- : Encourage the use of natural drainage systems for runoff;
- : Encourage multiple-purpose stormwater management;
- : Allow the use of wetlands for stormwater management;
- : Allow for off-site and/or common stormwater systems;
- : Allow for designs consistent with the character of the area;
- : Allow for Township review of clear cutting;
- : Encourage minimal clearing, grading and land disturbance;
- : Discourage the clear cutting of vegetation without restoration;
- : Encourage the preservation of existing trees and vegetation.

8. Consideration of amendment of Section 78.000 Miscellaneous Protection Requirements to amend Subsection 78.530 to read, in summary, as follows:

78.530 Soil erosion control.

- a. The natural topography and vegetation of a site shall be preserved to the maximum extent possible.

9. Consideration of amendment of Section 78.000 Miscellaneous Protection Requirements to add Subsections 78.610, 78.615 and 78.620 to read, in summary, as follows:

78.610 Clear cutting permit.

- A. Any activity that involves the clear cutting of one or more acres of land shall be required.
- B. Exemptions: A permit is not required for the following activities:
 - 1. Clear cutting of less than one acre of land.
 - 2. Clear cutting on a developed residential parcel of two acres or less.
 - 3. Clear cutting for a development that has received site plan approval.
 - 4. Clearing of land located for agricultural purposes.
 - 5. Clearing for the maintenance of existing roads.
- C. Application requirements: Applicants proposing to clear cut more than one acre of land shall be required to submit the following information:
 - 1. Name, address, and contact information of the applicant;
 - 2. Written consent of the owner(s) of the land;
 - 3. A site plan of the property, drawn to scale;
 - 4. Amount of land to be cleared (in acres);
 - 5. A statement of the purpose of the clear cutting;
 - 6. Location and dimension of required buffer areas;
 - 7. Location and description of proposed erosion-control devices;
- D. The Township planning staff shall inspect the site and review the application.
- E. If the application is in compliance, the permit shall be approved administratively.
- F. Stormwater management and soil erosion control plans shall be subject to review and comment by the Township Engineer.

- G. All sites shall be subject to inspection for compliance.
- H. Fee: An application fee may be established by resolution of the Township Board.

78.615 General provisions of clear cutting permit.

The following provisions will apply to all clear cutting governed by this Section:

- A. The site plan shall demonstrate that the proposed use of the clear cut area is achieved with judicious effort to preserve the integrity of the land.
- B. To preserve viewsheds along roadways and buffer adjoining properties, a 20 foot wide buffer area of undisturbed vegetation shall be maintained.
- C. During clear cutting, sediment controls shall be designed and implemented.
- D. The plans shall comply with Sections 78.520 and 78.530.
- E. Tree protection fencing shall be installed around trees to be preserved in the required buffer areas.

78.620 Enforcement and penalties.

- A. Any clear cutting in violation of this Section shall be considered a violation.
- B. Where specific trees are designated to be preserved, each such tree that is removed shall constitute a separate offense.

- 10. Consideration of amendment of Section 82.000 Site Plan Review, Subsection 82.600 to add Paragraph (c)(4)(p) to read, in summary, as follows:

82.600 Application procedure.

- (c)(4)(p) A line demarcating the limits of land clearing on a site. Land clearing shall be limited to that needed for the construction of buildings, structures, parking lots, street right(s) of way, drainage and utility areas, other site improvements, and any grading necessary to accommodate such construction.

- 11. Consideration of amendment of Section 82.000 Site Plan Review, Subsection 82.800 to amend Paragraph (c) to read, in summary, as follows:

82.800 Criteria for review.

- (c) That as many features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes.

- 12. All Ordinances or parts of Ordinances inconsistent with this amendment are hereby repealed. This Ordinance shall take effect eight (8) days after publication.

- 13. Such other and further matters as may properly come before the Planning Commission at the public hearing.

You are invited to attend this hearing. If you are unable to attend, written comments may be submitted in lieu of a personal appearance by writing to the Planning Commission at the Township Hall, 7275 W. Main Street, Kalamazoo, MI 49009, up to the date of the hearing and may be further received by the Planning Commission at said hearing. In addition, all materials relating to these requests may be examined at the Oshtemo Township Hall during normal business hours.

Oshtemo Charter Township will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seven (7) days' notice to the Oshtemo Charter Township. Individuals with disabilities requiring auxiliary aids or services should contact the Oshtemo Charter Township by writing or calling the Township.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

By: Kitty Gelling, Chairperson
(269) 216-5223