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NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

Thursday, May 12, 2016
7:00 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 – April 28, 2016

6. Old Business
    a. Parking lot drive aisle widths – Section 68.300

7. Any Other Business
    a. Schedule of area, frontage and/or width requirements – Section 66.201
    b. Off-Street parking of motor vehicles – residential uses – Section 68.000
    c. Temporary signs – Section 76.190
    d. Recycling in multi-family developments – Section 24.205

8. Planning Commissioner Comments

9. Adjournment

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

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

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official to respond at a later date.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be board discussion prior to call for a motion.

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

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

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

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

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

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

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

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

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

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

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

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

MINUTES OF A MEETING HELD APRIL 28, 2016

Agenda

<u>PUBLIC HEARING: STEP 1 SITE CONDOMINIUM REVIEW (MYSTIC HEIGHTS)</u>
PLANNING COMMISSION CONSIDERATION OF AN APPLICATION FROM SCOTT CARLSON, ON BEHALF OF VAN KAL PARTNERSHIP, LLC, FOR A SITE CONDOMINIUM, UNDER STEP 1 TENTATIVE PLAN APPROVAL FOR A 40-UNIT RESIDENTIAL SITE CONDOMINIUM DEVELOPMENT NAMED MYSTIC HEIGHTS. THE SUBJECT PROPERTY IS LOCATED AT 3839 SOUTH VAN KAL AVENUE IN THE RR: RURAL RESIDENTIAL DISTRICT. (PARCEL # 3905-31-155-030)

<u>PUBLIC HEARING: NON-CONFORMING USES, STRUCTURES AND LAND</u>
PLANNING COMMISSION REVIEW OF PROPOSED AMENDMENTS TO CHAPTER 62 OF THE TOWNSHIP ZONING ORDINANCE REGARDING THE REGULATION OF NON-CONFORMING USES, STRUCTURES AND LAND.

<u>PUBLIC HEARING: DRIVE-THROUGH STACKING SPACES</u>
PLANNING COMMISSION REVIEW OF PROPOSED AMENDMENTS TO CHAPTER 68 OF THE TOWNSHIP ZONING ORDINANCE REGARDING OFF-STREET PARKING OF MOTOR VEHICLES, SPECIFICALLY SECTION 68.300, PARAGRAPH G, CONCERNING DRIVE-THROUGH STACKING SPACES.

<u>PUBLIC HEARING: AREA REQUIREMENTS</u>
PLANNING COMMISSION REVIEW OF PROPOSED AMENDMENTS TO CHAPTER 66 OF THE TOWNSHIP ZONING ORDINANCE REGARDING AREA REQUIREMENTS, DWELLING STANDARDS, AND RESIDENTIAL OCCUPANCY, SPECIFICALLY SECTION 66.201: DIMENSIONAL REQUIREMENTS FOR PARCELS, LOTS AND BUILDINGS SITES IN THE RR: RURAL RESIDENTIAL DISTRICT.

A meeting of the Oshtemo Charter Township Planning Commission was held on Thursday, April 28, 2016, commencing at approximately 7:00 p.m. at the Oshtemo Charter Township Hall.

MEMBERS PRESENT: Millard Loy, Chair
Fred Antosz
Kimberly Avery
Wiley Boulding Sr.
Dusty Farmer
Mary Smith

MEMBER ABSENT: Pam Jackson

Also present were Julie Johnston, Planning Director, James Porter, Attorney, and Martha Coash, Meeting Transcriptionist. Approximately 40 other persons were in attendance.

Call to Order and Pledge of Allegiance

The meeting was called to order by Chairperson Loy at approximately 7:00 p.m., and the "Pledge of Allegiance" was recited.

Agenda

Chairperson Loy asked if there were any additions, deletions or corrections to the Agenda. Hearing none, he asked for a motion for approval.

Mr. Antosz made a motion to approve the agenda as presented. Ms. Smith supported the motion. The motion passed unanimously.

Public Comment on Non-Agenda Items

Chairperson Loy asked if anyone from the audience cared to comment on non-agenda items. Hearing no one, he moved to the next item on the agenda.

Approval of the Minutes of April 14, 2016

The Chairperson asked if there were any additions, deletions or corrections to the minutes of April 14, 2016.

Hearing none, Chairperson Loy asked for a motion to approve the minutes as presented.

Mr. Antosz made a motion to approve the minutes of April 14, 2016. Ms. Smith supported the motion. The motion was approved unanimously.

PUBLIC HEARING: STEP 1 SITE CONDOMINIUM REVIEW (MYSTIC HEIGHTS) PLANNING COMMISSION CONSIDERATION OF AN APPLICATION FROM SCOTT CARLSON, ON BEHALF OF VAN KAL PARTNERSHIP, LLC, FOR A SITE CONDOMINIUM, UNDER STEP 1 TENTATIVE PLAN APPROVAL FOR A 40-UNIT RESIDENTIAL SITE CONDOMINIUM DEVELOPMENT NAMED MYSTIC HEIGHTS. THE SUBJECT PROPERTY IS LOCATED AT 3839 SOUTH VAN KAL AVENUE IN THE RR: RURAL RESIDENTIAL DISTRICT. (PARCEL # 3905-31-155-030)

Chairperson Loy moved to the next item on the agenda, review of the application for the 40-unit site condominium development named Mystic Heights, located at 3839 South Van Kal Avenue in the RR: Rural Residential District, Parcel #3905-31-155-030.

Ms. Johnston indicated the Township's Insurance Attorney recommended the Board meet in Closed Session prior to holding the public hearing on this item since it is currently in litigation.

Ms. Smith made a motion to move to Closed Session. Ms. Farmer supported the motion. The motion was approved unanimously.

Attorney Porter told the audience the Board would return to Open Session to consider the application and hold a public hearing after the Closed Session.

The Board moved to Closed Session at 7:07 p.m.

Ms. Smith made a motion to return to Open Session. Ms. Avery supported the motion. The motion was approved unanimously.

The Board returned to Open Session at 7:35 p.m.

Chairperson Loy asked Ms. Johnston to review the application.

Ms. Johnston said the proposed development is a 40 unit residential site condominium located on the east side of Van Kal Avenue. It is situated on 40 acres of land between Stadium Drive and M Avenue in the southwest corner of the Township. The proposed building sites vary between 24,550 square feet (0.56 acres) and 56,150 square feet (1.29 acres) in size, with an average of around 31,700 square feet (.73 acres). There is no minimum lot or building site size in the RR: Rural Residential District; the density is limited to one unit per acre without public water.

She provided the following history of the project, saying the Mystic Heights Site Condominium (formerly Van Kal Site Condominium) was presented to the Planning Commission between April and May of 2015 and was finally denied by the Planning Commission on May 28, 2015 by a four to three vote.

April 9th – Planning Commission held a public hearing for Step 1 of the site condominium process. Concerns were raised at the meeting with regarding to the design of the project and its lack of consideration for the topography and natural features of the site. In addition, there was some concern about the distribution of the public hearing notice. The Planning Commission tabled the application until the May 14, 2015 meeting to provide the applicant an opportunity to address their concerns and to allow the Township to re-notice the public hearing.

May 14th – The applicant requested the Planning Commission table the public hearing until the May 28th meeting to allow them to continue making alterations to the site condominium plan. The public in attendance was allowed to speak under the agenda item "Public Comment on Non-Agenda Items."

May 11th – Attorney Porter provided an ordinance interpretation to the Planning Commission regarding the Statement of Purpose in the RR: Rural Residential District.

May 28th – The applicant presented a revised site condominium plan at the May 28th Planning Commission meeting. The loop street was changed from a rectangle shape to a more pentagon shape to better reflect the topography of the site. The sizes and shapes of the building sites altered slightly to accommodate this new street shape, but the number of units proposed remained the same. In addition, two limited common elements were placed at the northeast and southeast corners of the site where no development will occur. These corner elements are to assist with the protection of natural features and steep slopes. These areas are also portions of the site that cannot be incorporated into adjacent units due to the 4:1 depth to width ratio requirement for lots. (Units cannot be four times deeper than they are wide.) The protection and preservation of these areas will need to be defined in the condominium documents.

The Planning Commission denied the application, indicating that the development maximizes the greatest number of building sites at the expense of the natural features on the site. Section 290.005.D.3.d.(2) of the Site Condominium Ordinance indicates that "*existing natural features which add value to residential developments and enhance the attractiveness of the community should be preserved, insofar as possible, in the design of the condominium project*." The Planning Commission did not feel the design of the site condominium met the intent of this ordinance.

Ms. Johnston said at the conclusion of this process, meetings were held between the applicant and representatives from the Township to discuss how to bring the tentative preliminary plan more into compliance with the intent of the ordinance. At the conclusion of these discussions, the applicant submitted the current site condominium plan for Mystic Heights for the Planning Commission's consideration.

She noted the difference between the current and previous condominium plans is the addition of wording to protect trees and to provide some landscape buffer areas. The new plan provides a 20-foot buffer along the rear property line of building sites 1 - 9 and 19 - 20, where trees will not be removed. This will provide some buffering to the property owners to the north and south of the subject site.

Also, she said there will be a restriction to preserve trees over a 12-inch diameter, except in the building envelope, as necessary for the construction of improvements, and/or as necessary to facilitate drainage. Finally, the two limited

common elements are also areas where no development will occur. The two areas combined total approximately 1.75 acres in size and have been set aside for protection of natural features and preservation of steep slopes.

Ms. Johnston concluded by saying the applicant has made some revisions to the proposed layout and provided some protections with regard to tree preservation on the site. The Commission will need to consider whether or not the proposed amendments to the plan satisfy the criteria of the Ordinance and respond to the concerns raised at the previous public hearings. Based on these considerations, she said there appeared to be three possible courses of action the Planning Commission may take, as follows:

1. Make a recommendation to the Township Board approving the tentative preliminary plan for the Mystic Heights Site Condominium, as presented.

2. Make a recommendation to the Township Board to approve the tentative preliminary plan for the Mystic Heights Site Condominium, with the following conditions:

    a. As the project develops, each individual building site will submit a grading plan as part of their building permit application that will be reviewed and approved by the Township Engineer. The grading plans will include 2-foot contours.

    b. A 20-foot natural preservation area will be required along all building sites, including drainage basins, which abut the subject site property lines.

3. Deny the request based on the previous concerns of the Planning Commission, indicating that the current plan does not do enough to satisfy Section 290.005.D.3.d.(2) of the Site Condominium Ordinance, which states that "*existing natural features which add value to residential developments and enhance the attractiveness of the community should be preserved, insofar as possible, in the design of the condominium project*."

However, Ms. Johnston noted the applicant does not want to move forward under the second choice, so the Board would need to proceed with either option 1 or 3.

Chairperson Loy asked whether Board Members had questions for Ms. Johnston.

In answer to a question from Mr. Antosz, Ms. Johnston said grading for the septic tile fields for each site would need approval by the County. The County will have an opportunity to review the plan during Step 2 of the process.

Ms. Smith noted the applicant said 17 of the sites have greater than a 10 foot differential from front to back of the lot. She wondered who would monitor the builders when they bulldoze, especially on the eastern side.

Ms. Johnston said that would be addressed in Step 2 of the process. Engineering drawings would go to the Township Board. Each builder would submit building plans to KABA who would make sure drainage won't affect neighbors. They often consult with the Township Engineer who will look at the overall plan when it is submitted for Step 2 approval.

Attorney Porter noted the Township Engineer provides a very good and thorough process, and if concerned will visit the site.

There were no further questions from the Board. Chairperson Loy asked if the applicant wished to speak.

Mr. Patrick Lennon, representative of Van Kal Partnership, said the process for application for the site condominium project began over a year ago with submission of the first plan. Since the original plan was not embraced by either the Commission or the community they worked hard to develop a better plan even though the original plan met the Township Ordinance requirements.

He said the plan was denied by one vote in May of 2015. At that point the applicant initiated a legal process but did not give up on their commitment to the project. They specifically targeted the greatest areas of concern for improvement, focusing on buffering the project from other properties. They tried to limit the clearing and changed the drainage swales approach to a meandering ditch, which preserves more trees. They feel the plan preserves vegetation and satisfies the targeted areas of concern.

Mr. Lennon said the lawsuit was adjourned while they hope for approval on the revised plan. He said they are doing their best to make the plan compatible with the community and sensitive to their concerns. He said the plan meets the requirements of the Ordinance, respectfully requested the Board approve the application, and looked forward to working through Step 2 of the process.

Ms. Smith asked who has jurisdiction over environmental issues, including flora and fauna and whether petition has been made for any studies. She also asked if there is a forestry management plan.

Mr. Lennon said decisions on environmental issues are made by the state. The applicant has done informal surveys of the property. They are willing to consider a formal study as part of Step 2. To date, a forestry management plan has not been done.

Ms. Farmer noted the number of homes has not changed from 40 from the original plan and wondered if any consideration had been given to that.

Mr. Lennon did not feel the number of homes was a particular issue in the feedback that was received and noted the Ordinance allows this number of lots.

Mr. Antosz and Ms. Farmer disagreed, saying the applicant had been encouraged to look at fewer homes as an alternative. Ms. Smith concurred, noting the applicant had responded by saying fewer lots could not be economically justified.

Mr. Lennon said it was a matter of degree, that preservation and drainage were their understanding of primary challenges. Retention areas will act as open spaces and they feel the plan is balanced.

Ms. Farmer said 40 homes on 40 acres is within the Ordinance, but fewer lots might have been able to fulfill other parts of the Ordinance.

Ms. Smith commented she had hoped for a more sensitive use of the land, mentioning Snake Hill, but noted the applicant is within their legal rights.

Chairperson Loy moved to a Public Hearing on this matter and asked if there were audience members who cared to address the Board.

Ms. Jan Thomas, 45537 Winchester Circle, Mattawan, thanked the Board for hearing the public's concerns and commented 40 additional homes will result in destruction of the environment. She saw no sign of any changes made to the proposal. She referenced a letter resubmitted to the Board in opposition to the project and signed by 41 residents of the area. Her concerns included stripping of the land to accommodate 40 homes, that the meandering ditch can't save trees, how the project will be monitored, how it will affect the water table and the quality and quantity of water. She noted the dried up pond in the area, that the area from Red Arrow Hwy to 44th Street includes 21 homes, most with acreage and that 40 additional homes will mean 80 additional vehicles traveling on Van Kal which is already a problem. The project does not fit the RR designation and peace and tranquility will be gone.

Mr. Art Diani, 4115 Van Kal, said his property is on the south edge of the proposed project and will be bordered by 10 of the new homes. He read from the RR: Statement of Purpose and said the project does not fit the criteria and the property is not suitable for a traditional subdivision, citing 290.2. He said the plan does not preserve, it destroys. All the drain fields that will be needed will require demolition of the hills on the property. He doubted trees will be preserved and wondered what preserving trees over 12" in diameter means. He did not feel the plan for buffering was sufficient, said the project would destroy the environment and quality of life, and asked the Commission to vote the project down again.

Mr. Derrick Millard, 22192 Salisbury Drive, expressed his concern regarding drainage and contamination. He felt development should only be done where city water and sewers are present. The developers care only about dollars in their pockets, not about those living in the area. If the plan were for 10 houses it would be fantastic, but with one house per acre, pressure on drainage and roads will be greatly increased. He said pressure is on the Planning Commission so developers can make a lot of money.

Mr. Wade Lawrence, 10749 West N Avenue, said his property borders the north boundary of the property and he shares the concern about 40 additional wells sharing the same aquifer and the effect that will have on the ability to get water when the Pond View pond no longer exists. 40 septic systems will be uphill from his water source. He was also concerned about the increased traffic on Van Kal. He wants to live in an area where he can see the stars and listen to the birds sing but these concerns carry no legal weight. He referred to the Statement of Purpose for RR, saying the project is out of character with other residences and not in keeping with the residential character. 20 foot buffer zones are not sufficient. He asked the Commission to reject the application.

Mr. William Nederhoed, 45960 Van Kal (22nd St.), said he had been an electrical inspector for years and lives across from the proposed plat. He pointed out the area is served by Midwest Energies, that it is not within the jurisidiction of Consumers Power Co. They are at the end of the line and experience a lot of power outages and he was concerned whether there is an adequate line to add the 20 more 200 amp services that would be required. He is concerned with brown/black outs if the system cannot accommodate the additional needed amperage.

Ms. Kim Case-Lawrence, 10249 West MN Avenue, was concerned, as a veterinarian, regarding alteration of the environment. According to the CDC, parasitism such as Lyme disease becomes more of a problem in areas where people build that haven't been inhabited before. Clear cut areas cause deer and mice to live in more concentrated areas and she was worried about the long lasting impact. She thanked the Commission for their consideration.

Ms. Judy Diani, 4115 Van Kal, said the site condominium plan still has 40 home squished together with a marginal 20 foot buffer around the perimeter, which does not seem to follow the intent of the RR: Statement of Purpose. Because of the 80 foot rise on the property the development will become a major earth moving project; leveling and changing the topography does not meet the RR District intent and should not be allowed. The plan is still a traditional, urban style subdivision, suitable for flat open land and does not respect the site's rural character and natural features. The meandering ditch for drainage will destroy the natural area as trees and vegetation are removed; adjacent tree roots will probably be killed in the digging process which will further kill vegetation in the so-called preserved natural area. The ditch will not be sufficient to protect adjacent property on either side from runoff of an 80 foot hill, causing overflow or washout. She researched properties in Oshtemo Township that border Van Kal from Red Arrow Highway to L Avenue, a stretch of 2 miles. The average lot or dwelling size on Van Kal is 10.3 acres. The proposal is for lots that average .73 acres. Clearly these subdivision lots do not fit in with the surrounding rural residential dwelling sites or lifestyle. She said when you add the intent of the Subdivision Ordinances and RR: Statement of Purpose to the quantitative property data, it becomes compelling the project doesn not fit and does not follow the Ordinance or RR: Statement of Purpose, which will have consequences now and in the future for this beautiful rural residential area. She urged the Commission to reject the project.

Mr. Ted Boyer, 45732 Van Kal (22nd St.), lives across from the proposed development. As a teacher for more than 30 years he wants life to be better for children. He asked why the applicants want to disrupt lives and destroy the environment and concluded it was not their purpose to make society better but to make money. He asked the Commission to reflect on this when they vote.

Ms. Victoria Bronson, 3848 S. 1st Street, lives on 10 acres due west of the proposed site on a heavily wooded lot that includes wild orchids, trillium and other protected plants, toads and butterflies. She cares for wild birds and watches the stars at night. If this project goes forward the area will be destroyed. It is about the bottom line, not about preserving the environment. Air quality will be destroyed with tree removal. She feels sorry for generations to come.

Mr. Michael Foley, 4000 S. 1st Street, said the Ordinance does not satisfy what is stated in the Master Plan. The goal is to preserve the RR: character. He cited pages 69 and 93 in the Master Plan and said the high density of the project, 40 homes on 40 acres, should be served by public sewer and water.

Mr. Ed Bartz, 4235 Van Kal (22nd St.), said the design of this project was meant for a corn field, not a heavily wooded area. He urged Commissioners to vote no..

Mr. Larry Westrate, 22055 Salisbury Drive, told the Board he had not received official notification of this meeting and though he may not be within 300 feet of the proposed project, he lives across the street from it and should have been notified. He agreed with previous speakers in urging the Board to deny approval to the applicant. He was concerned with an increase in traffic, saying Van Kal is a truck route and currently has lots of traffic due to the substation, which is providing an example of what the future holds. Although the speed limit is 45 mph, it is not obeyed and people ignore the three bus stops. He was also concerned about water table levels especially since he put in a new well a few years ago and had to go from 25 to 55 feet. 40 additional septic tanks will also be a problem. He asked Commissioners to deny the proposal.

Mr. Chad Houston, 1814 N. VanKal (22nd St.), spoke about the character, natural features, and forest community that will be destroyed by this project. He said if developers simply leave a few oaks the community will be gone. When they start cutting oaks, disease caused could easily wipe out every oak on the property. There is not a good meld between governmental agencies to address the Endangered Species Act. Wild Lupine used to cover 25% of the Township. There are endangered butterflies in this area. Whippoorwills, who require oak forest with intact leaf litter, Eastern Box Turtles and Blue Curls populations are all a concern. He wondered if anyone will look to see what endangered species will be impacted before the habitat is illegally destroyed.

Mr. Kevin VanDyke, 3795 Van Kal (22nd St.), said he supported what has already been said and that although he lives right there, he feels he has no voice in the process. He purchased his property for a quiet place to raise his family and this change threatens his mental health. He said the plan looks a little different from the previous one, but

feels it has just been rebranded for marketing purposes. He wished the developer's response showed they really care about the community but doesn't see it.

Mr. John Robyn, 3517 Van Kal (22nd St.), said the plan does not look different than the first one, is a travesty and is a disaster environmentally. The land will be clear cut. 40 – 80 cars coming out of a single drive will be the cause of a traffic death. The developers are not concerned about residents or the environment, only about money. He asked how in good conscience the Board could allow this to continue.

Ms. C. Boyer, 45732 Van Kal (22nd St.) said the project needs to be defeated. The land is too precious and should be preserved at all cost. She cited *National Geographic* statistics regarding how much of the earth's forest is being lost every day. This is not just about Oshtemo Township, but the whole planet. We have to leave something for future generations. Trees absorb greenhouse gases in our complex, fragile ecology, and must not be destroyed. Conservancy should not be in the hands of developers; once trees are gone, they are gone.

There were no further comments from the public. Chairperson Loy closed the Public Hearing and moved to Commissioner Comments.

Attorney Porter applauded people for reading the RR classification and Statement of Purpose documents and referred to his May 11 memo to the Planning Commission regarding Ordinance interpretation, explaining the language of the Ordinance could not be bypassed. He said he did not disagree with some of the statements from audience members that the Ordinance does not carry out the stated purpose of the Master Plan, but asked the Commission to apply the Ordinance and only the Ordinance. He said that was the Commission's responsibility and they need to stick to that.

Chairperson Loy noted the Commission had received letters from Ms. Jan Thomas and Ronald and Pat Sims and a memo from Attorney Porter on interpretation.

Ms. Smith told the audience she appreciated all the people who turned out to express their concerns. It is obvious there need to be changes to the Ordinance. She encouraged attendance at the second meeting of each month, on fourth Thursdays, when the Board considers changes to the Ordinance.

Ms. Farmer agreed and said she appreciated the Ordinance is not reflective of the Master Plan. She said she looks forward working on that in the future but it could not be done in the middle of this issue. She appreciated the sense of community over this issue and said it is like pulling teeth to have a relationship with developers. An issue like this can be divisive and can tear a community apart. Her decision tonight will be based on knowing it will go to the Township Board after having been dealt with by the Planning Commission for a year.

Mr. Antosz said he understood residents' concerns, but the Commission has no control over traffic or animal species, and has to base their decision on the Ordinance. He would have liked to see the applicant propose a smaller community and hopes they will abide by the 20 foot buffer zone wherever they can.

Mr. Boulding, Sr. said he appreciated the thoughts and concerns of neighbors and that the development will affect him as well, since he has lived in the area since 1992 and also enjoys the nature there. The Board's action must be tempered by the Ordinance, palatable or not. He thanked everyone for coming and assured them their voices would be welcome in the future. If a change can be made in the Ordinance that is beneficial to all it is time to do that.

Chairperson Loy said this was not an easy decision to make, and he feels for the neighbors, but the Board has to go by the Ordinance. He noted sewer, septic and roads are handled by the County and it is up to them that lots are capable of handling septic – each lot will need to be submitted to the County for approval. He echoed Ms. Smith's invitation to attend meetings in the future. He has been on boards over many years and they try to do the best they can with what they have. This decision has to be made in accordance with what the Ordinance stated at the time the property was purchased.

Ms. Farmer felt if no one attends their meetings they must be doing something right, but clearly tonight is a reflection of a failure regarding the Statement of Purpose and Master Plan. She said she understood that is not helpful now.

Ms. Smith said the Township faces expensive problems in Westport and Country Club Estates due to the wells and septic systems and needs to address problems to the west edge of the Township. She reiterated her invitation to attend Planning Commission meetings held on the 4th Thursday of every month.

Hearing no further comments, Chairperson Loy asked if there was a motion to approve the Site Condominium as presented.

Ms. Farmer made a motion to recommend approval to the Township Board of the Mystic Heights Site Condominium at 3839 South Van Kal Avenue as proposed. Mr. Antosz supported the motion. The motion was approved unanimously.

PUBLIC HEARING: NON-CONFORMING USES, STRUCTURES AND LAND PLANNING COMMISSION TO REVIEW PROPOSED AMENDMENTS TO CHAPTER 62 OF THE TOWNSHIP ZONING ORDINANCE REGARDING THE REGULATION OF NON-CONFORMING USES, STRUCTURES AND LAND.

Chairperson Loy moved to the next item on the agenda and asked Ms. Johnston to review the proposed amendments to Chapter 62 of the Township Zoning Ordinance regarding the regulation of non-conforming uses, structures and land for the Board.

Ms. Johnston noted the Planning Commission reviewed the proposed amendments at previous meetings.

She said currently, *Section 62: Nonconforming Uses* does not address parcels or lots that were lawfully recorded but no longer meet out Zoning Ordinance requirements. Instead, these nonconforming lots are regulated by *Section 66.200: Dimensional requirements for parcels, lots and building sites* found in *Section 66.000: Area Requirements.*

Often these parcels or lots do not meet the width requirements for frontage on a public right-of-way, making them nonconforming and unbuildable. Many communities provide language within their zoning ordinance to address these types of parcels or lots. In some instances, denying the use of a lawfully recorded property could be considered a "taking." Staff recommended language be added to this Section to address these types of properties.

In addition, she said, the Section has been reorganized to address more clearly all of the different types of nonconformity: land, uses and structures. She recommended the Commission recommend approval to the Township Board of the proposed amendment to Chapter 62 of the Township Ordinance concerning regulation of Non-Conforming Uses, Structures and Land.

Chairperson Loy asked if there were any comments from the public. Hearing none, he moved to Board Deliberations. Hearing no comments from Commissioners, the Chair asked for a motion.

Mr. Antosz made a motion to recommend approval to the Township Board of the amendments to Chapter 62 of the Township Ordinance regarding the regulation of non-conforming uses, structures and land as proposed. Ms. Smith supported the motion. The motion was approved unanimously.

PUBLIC HEARING: DRIVE-THROUGH STACKING SPACES
PLANNING COMMISSION REVIEW OF PROPOSED AMENDMENTS TO CHAPTER 68 OF THE TOWNSHIP ZONING ORDINANCE REGARDING OFF-STREET PARKING OF MOTOR VEHICLES, SPECIFICALLY SECTION 68.300, PARAGRAPH G CONCERNING DRIVE-THROUGH STACKING SPACES.

Chairperson Loy moved to the next item on the agenda and asked Ms. Johnston to review the proposed amendments to Chapter 68 of the Township Zoning Ordinance.

Ms. Johnston said the current Off-Street Parking Ordinance does not address the number of stacking spaces a drive through window should provide. Given the number of facilities recently reviewed requesting drive through facilities, Planning Staff felt some regulatory control over drive-through lanes should be considered.

She said at the March 24 meeting, the suggested amendment was presented to require five stacking spaces for each drive through window, each space measuring 10 feet by 20 feet. During discussion, a suggestion was made to delineate between restaurants and all other establishments that might utilize a drive through lane. The requested change was made to include a minimum of five 10 foot by 20 foot stacking spaces, measured from the serving window for food establishments and a minimum of three 10 foot by 20 foot stacking spaces for all other drive through establishments.

Ms. Johnston requested the Commission recommend approval to the Township Board of the proposed amendment to Chapter 68 of the Township Zoning Ordinance regarding off-street parking, specifically Section 68.300, paragraph G, concerning drive-through stacking spaces.

Chairperson Loy asked if there were any comments from the public. Hearing none, he moved to Board Deliberations.

Ms. Smith asked Ms. Johnston to clarify from where the stacking spaces at drive-through windows are measured.

Ms. Johnston said they are measured back from the food service window and can typically hold seven cars.

Chairperson Loy felt that would help relieve the pressure. Hearing no further comments from Commissioners, the Chair asked for a motion.

Ms. Smith made a motion to recommend approval to the Township Board of the proposed amendments to Chapter 68 of the Township Ordinance regarding off-street parking of motor vehicles, specifically section 68.300, Paragraph G concerning drive-through stacking spaces. Ms. Avery supported the motion. The motion was approved unanimously.

PUBLIC HEARING: AREA REQUIREMENTS
PLANNING COMMISSION TO REVIEW PROPOSED AMENDMENTS TO CHAPTER 66 OF THE TOWNSHIP ZONING ORDINANCE REGARDING AREA REQUIREMENTS, DWELLING STANDARDS, AND RESIDENTIAL OCCUPANCY, SPECIFICALLY SECTION 66.201: DIMENSIONAL REQUIREMENTS FOR PARCELS, LOTS AND BUILDINGS SITES IN THE RR: RURAL RESIDENTIAL DISTRICT.

Chairperson Loy moved to the next item on the agenda and asked Ms. Johnston to review the proposed amendments to Chapter 66 of the Township Zoning Ordinance.

Ms. Johnston said the Plan very clearly indicates that while public utilities, specifically public water, have been provided in portions of the Rural Residential area down West Main Street, it was not done to spur development but to resolve a specific environmental problem. But the Township Zoning Ordinance is contradictory to this

statement because density in the RR District depends on whether a site has public water.

The current Ordinance language essentially states that if your site has public water and you either subdivide or develop a site condominium, a density of 1.5 dwelling units per acre is allowed. As an example, a parcel with a total of 30 acres would be allowed to build 45 units if the site topography allowed. This calculation is based on gross acreage for the site.

Ms. Johnston said in an effort to better support the Oshtemo Township Master Land Use Plan and the original intent when the RR: Rural Residential District was first adopted, Staff recommended the area requirements be amended to require any density higher than 1.5 acre lots be required to develop under the open Space Community Special Exception Use.

She noted the Planning Commission will have an opportunity to make any final changes to the requested amendments at the public hearing and requested the amendment be forwarded to the Township Board with a recommendation of approval.

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

Ms. Smith thought there should be different standards for the east vs. west side of the Township to acknowledge the different rural residential density on the west side. She wondered if it could be by street delineation or tied to the presence of a sewer system.

Ms. Johnston said something could be included as part of the Master Plan update in the next 12 months. This issue can be a focus of the update. She said it might be necessary to create a RR1 and RR2, depending on lot and parcel sizes, character of area and septic/city water.

Attorney Porter agreed with Ms. Johnston that the issue needs to be looked at as a community and urged a careful look at what other communities do. He felt the Township is moving in the right direction – this change in the Ordinance helps in the interim while we do an investigation. This can be one of the main topics in the Master Plan update.

Ms. Smith asked how we can assure our Ordinances keep up with the Master Plan since they are the law that must be followed and wondered if this change will be in effect temporarily.

Ms. Johnston said we have to make sure any Ordinance that needs to be changed so that the Master Plan translates to code is done – we have to rely on code. This change will allow development but in a way that is sensitive.

Ms. Smith wondered if RR1 and RR2 should be done first.

Ms. Johnston said we need to investigate and be very thoughtful – we cannot be too onerous in regulations in order to avoid lawsuits. More than density and number of units is involved.

Ms. Smith asked if the Ordinance could be changed after Phase 1 of a project.

Attorney Porter said if a total development of four phases was approved it would lock in to current law. If the phases were approved separately, then it would depend on what Ordinance requirements were in effect at the time of approval of each phase, although there may be established rights with continued development.

Ms. Avery wondered about higher density if a well is present.

Ms. Johnston said cautiousness would be needed assigning density and infrastructure. A future land use plan would need to work well with the code.

Attorney Porter agreed and said whatever is developed would need to be affordable and dependable.

Chairperson Loy asked for public comment.

Mr. Chad Houston, 1814 Van Kal, said it was unfortunate others in the audience did not stay since this item directly impacts the previous topic. He wagered if the residents in the western third of the Township were polled, most would be in favor of a larger minimum lot size. He liked the idea of two RR districts as you travel east to west in the Township and thought utility availability as a criterion made sense. He would like to see a better grasp in the Ordinance of what a “natural feature” is. Rather than saving trees in isolation he would like more focus on terms such as “”Forest Community” or “Oak Savannah” or “Beech Natural Forest.”

Hearing no further public or Board comments, Chairperson Loy asked for a motion.

Mr. Antosz made a <u>motion</u> to recommend approval to the Township Board of the proposed amendments to Chapter 66 of the Township Ordinance regarding area requirements, dwelling standards, and residential occupancy, specifically Section 66.201, dimensional requirements for parcels, lots and building sites in the RR: Rural Residential District. Mr. Boulding, Sr. <u>supported the motion</u>. <u>The motion was approved unanimously.</u>

<u>Old Business</u>

Since there was no old business to consider, Chairperson Loy moved to the next agenda item.

Any Other Business

Ms. Johnston indicated the next two items were a continuation of the minor Ordinance amendments the Planning Department would like to discuss with the Planning Commission.

a. Parking lot aisle widths – Section 68.300

Ms. Johnston said the Fire Chief requested the Planning Department present an ordinance amendment to the Planning Commission requiring all drive aisle widths (regardless of traffic direction) within parking lots to be 24 feet. The current ordinance language requires 24 feet for two-way and 20 feet for one-way traffic. The request stems from the size of their fire truck and the attached equipment when it is completely employed.

She said from Staff research, it was determined the total width of the fire equipment utilized by the Oshtemo Fire Department is18 feet. Research was conducted of neighboring jurisdictions and jurisdiction that have similarities to Oshtemo Township to compare drive aisle widths. Oshtemo's requirements were found to be at the high end of the jurisdictions surveyed. In addition, a small number of communities require a "fire lane" to be shown on the site plan, but most don't require a specific dimension for this lane.

Staff's primary concern with this request is the increase in asphalt on a site. The change in the code would require all lanes to be 24 feet in width but the Fire Department would not need to access all parking aisle drive lanes on the site. We would therefore be requiring additional asphalt in areas where it may not be needed. An alternative may be to have the Fire Marshall determine the best location for a fire lane and ensure that this drive aisle meets the 24-foot requirement.

After some discussion the Planning Commission felt the needs of the Fire Department and the concern with adding more asphalt could be achieved by drafting new language that would:

1. Maintain the current 20-foot requirements for one-way traffic lanes.

2. Have the Fire Marshal delineate 24 foot fire lanes on site plans regardless of the directional traffic of the drive aisle.

Ms. Johnston will draft language to reflect this compromise.

b. Business Research Park open space requirements – Section 39.406

Ms. Johnston said during the discussion with Western Michigan University regarding the development of the Business Technology Research Park (BTR) 2.0, concerns were raised about the Business Research Park (BRP) District language

related to open space. The current requirement refers to total ground coverage per individual site, as follows:

39.406 Development Standards.

(d) Total ground coverage shall not exceed 50 percent of the individual site.

The difficulty with phrasing the requirement in this way is two-fold:

1. The Township Zoning Ordinance does not have a definition for ground coverage. While seemingly self-explanatory, ground coverage is defined differently in many ordinances. Some include sidewalks and some do not, some define it as any impervious surface while some just count the building, etc. Without a definition, we would have to count everything that is not naturally occurring on the site, which could considerably reduce the buildable footprint.

2. By regulating through "ground coverage" on individual sites, we are precluding, or making it extremely difficult, to provide dedicated public open space within a BRP development. For example, the current design for BTR 2.0 has approximately 16 acres set aside as dedicated public open space, meaning the land will be owned and maintained by the condominium association separate from the individual buildable sites. Based on the current ordinance language, none of this land could be counted toward the open space requirements of the individual sites. Each individual buildable site would continue to be required to have 50 percent open space, limiting the overall buildable area of each site and the entire development.

Based on these concerns, Planning staff recommended changing the development standard to the following:

50 percent of the entire development shall be retained as open space. This open space can be developed as dedicated open space that is owned and maintained by an association, or provided on each individual parcel, lot or building site within the development, or a combination of these options. In no case, shall an individual parcel, lot or building site have less than 20 percent open space.

Ms. Johnston said the revised language will provide some flexibility within the regulation to allow each developer an opportunity to plan open space as either dedicated to public use or as natural features on the individual sites. It also provides some continued requirements on each individual buildable site, eliminating the possibility of an entire parcel, lot or buildable site being 100 percent covered. She asked if the Commission was comfortable with presenting this proposed change in the development standard at a Public Hearing.

It was the consensus of the Board that this proposed change should be brought to a Public Hearing.

Next, Ms. Johnston provided two updates to the Board.

Existing Signs in the Village Form-Based Code Overlay District

She said at the March 24th meeting, Planning staff presented a request to amend the Village Form-Based Code Overlay District that would allow the continuation of otherwise prohibited signs on nonconforming buildings until such time as the structure comes into compliance with the Architectural Standards of the Overlay District. Essentially, signs on existing structures that currently do not conform to the Architectural Standards would be allowed to continue, including changing out panels for internally lit box signs, until such time that the building is renovated and comes into compliance with all of the requirements of the Overlay District.

There was extensive discussion at the meeting regarding the desire for compliance with the sign requirements, but acknowledging the significant differences between the Village Core and the East Corridor, South Corridor and Village Fringe. Planning staff is working on revised language that would take this discussion into consideration. In addition, staff will discuss the concerns with the Downtown Development Authority at their May meeting, to have revised language back to the Planning Commission for the May 26th meeting.

Landscape Ordinance

Ms. Johnston said planning staff has completed the recommended amendments to *Section 75: Landscaping*. Staff has also authored an alternate approach to landscaping for the Planning Commission's consideration. These two amendments are not included in this packet of information because staff wanted an opportunity to create a landscaping plan utilizing both approaches to compare and contrast the options. Also, the creation of a landscape plan will help to provide a visual outcome of the Ordinance regulations. These plans are currently in the process of being developed and will be ready for the May 26th meeting.

PLANNING COMMISSIONER COMMENTS

Mr. Antosz thought it would be helpful to have a work session in order to learn more about the DDA.

Ms. Johnston will bring that up at the next DDA meeting in May.

ADJOURNMENT

Having exhausted the agenda, and with there being no further business to discuss, Chairperson Loy adjourned the Planning Commission meeting at approximately 9:46 p.m.

Minutes prepared:
April 30, 2016

Minutes approved:
_____, 2016

May 5, 2016

Mtg Date: May 12, 2016

To: Planning Commission

From: Julie Johnston, AICP

Subject: Ordinance Amendments

The information provided below is a continuation of the minor Ordinance amendments the Planning Department would like to discuss with the Planning Commission.

Schedule of Area, Frontage and/or Width Requirements

With the recent changes recommended by the Planning Commission to the Township Board on Section 62.000 Nonconforming Uses, Structures and Land, a change needed to be made to Section 66.201, which deals with area, frontage and width requirements of parcels, lots and building sites. Currently Section 66.201 states the following:

> *Any parcel, lot or building site existing prior to March 31, 1997 shall be considered buildable if the only dimensional nonconformity is a depth to width ratio exceeding four-to-one subject to the Planning Director in his/her discretion to require the dedication of a 66-foot-wide easement for future access to interior lands.*

The changes to the Nonconforming section of the Zoning Ordinance allows all parcels, lots or building sites that were lawfully created to be buildable. To ensure these two sections of the code work well together, staff is recommending the following language:

> **Parcels, lots or building sites which meet the regulations of Section 62: Nonconforming Uses, Structures and Land may be issued a building permit provided all other requirements of this Ordinance are met.**

Off-Street Parking of Motor Vehicles – Residential Uses

The current ordinance language that deals with residential driveways is difficult to interpret and does not provide much flexibility on individual residential lots. In addition, there are no real limitations to the amount of impervious surface that can be placed on a lot. However, it does limit where you can park. Essentially, allowing the entire front yard to be paved, but only allowing parking on 22 feet of that pavement. The Zoning Administrator and Ordinance Enforcement Officer have expressed difficulties in administering the current code.

Working with these two staff members, new ordinance language has been developed that mirrors the requirements of the Road Commission for Kalamazoo County in relation to driveway access and width of drives permitted in the road rights-of-way. It also provides some specific requirements to where drives are permitted and includes some setback requirements from property lines. Finally, the amended language permits one additional parking space on a parcel, lot or building site, which was not permitted in the previous ordinance.

On additional change to the Parking Ordinance includes a definition of how parking is calculated for nonresidential and multi-family uses. The Ordinance does not currently address how parking should be calculated. Staff has been using the standard planning practice of 70 percent of gross floor area, but this was never codified. The recommended change would clearly define this practice in the Ordinance.

The recommended ordinance language is attached. Staff will provide visual diagrams and pictures of driveways at the meeting to illustrate the intent of the amendments.

Temporary Signs

A reoccurring request has been made to the Planning Department to allow temporary business signs during the rehabilitation or reconstruction of a building, when the business will still be active. For example, a commercial center is completing façade improvements to update the look of the building. The planned improvements are not internal so construction will not require the businesses in the center to close. However, the improvements will require the removal of the permanent business signs. The request made to the Planning Department is to allow temporary banner signs during construction.

The current Sign Ordinance does not permit this type of sign in the Temporary Sign section of the code. The amended language, which is attached, would permit these types of signs for the duration of the construction period. The recommendation is to allow temporary banner signs, 32 square feet in area, for each business that may be effected by the construction.

Recycling in Multi-Family Developments

A request was made by a Township Trustee to promote recycling in multi-family developments within the Township. The R-4 District, which allows multi-family projects by right, has some specific requirements for development. To encourage residents within any new multi-family development to recycle, receptacles will need to be made available. Requiring these receptacles within Dumpster enclosures is within the purview of zoning and can be included within these requirements.

The recommended language is as follows:

> **Recycling. Dumpster enclosures shall be designed large enough to contain both a standard trash receptacle and a recycling receptacle. Recycling shall be made available in all Dumpster enclosures.**

In addition to adding the language above, some minor organizational changes are recommended to address consistency within this section.

UPDATE – Drive Aisle Widths

Prior to the May 12th meeting, staff will be meeting with the Fire Chief and the Fire Marshall to discuss their request to change the drive aisle width standards in parking lots to 24 feet. As you may remember from the April 28th meeting, a request was made to see if the Fire Chief would be willing to designate fire lanes on sites as opposed to requiring all drive aisles be 24 feet in width.

Thank you.

66.200 - Dimensional requirements for parcels, lots and building sites.

66.201 - SCHEDULE OF AREA, FRONTAGE, AND/OR WIDTH REQUIREMENTS

No building permit shall be issued therefore, and no buildings constructed, placed, or moved upon any parcel, lot, or building site less than the area and frontage requirements as specified in this Section; nor where the same would be located upon a parcel, lot, or building site of land with an area of ten acres or less having a depth of greater than four times the width of said parcel, lot or building site.

All parcels must have the frontage specified in this Section on a dedicated public road or street with the width of said required frontage maintained until at least the required building setback line.

All lots or building sites must be situated on a public road or street with the width at building setback line as specified in this Section.

Building sites within nonresidential site condominiums must be situated on a public road or street or a private street easement with the width at building setback as specified in this Section.

~~Any parcel, lot or building site existing prior to March 31, 1997 shall be considered buildable if the only dimensional nonconformity is a depth to width ratio exceeding four-to-one subject to the Planning Director in his/her discretion to require the dedication of a 66-foot-wide easement for future access to interior lands.~~

Parcels, lots or building sites which meet the regulations of Section 62: Nonconforming Uses, Structures and Land may be issued a building permit provided all other requirements of this Ordinance are met.

68.000 - OFF-STREET PARKING OF MOTOR VEHICLES

68.150 - Agricultural and Residential ~~Zones~~ **Uses**.

Off-street parking or storage of vehicles, motor homes, recreational vehicles, boats, snowmobiles, camping trailers, or other similar equipment shall be **permitted in the front and side yards of parcels, lots, and building sites with the following conditions:** ~~prohibited in the required setback areas between buildings and the abutting public or private street right-of-way or easement on all residential lot, parcel or building sites, in an "AG", "RR", "R-1", "R-2", "R-3", "R-4", or R-C zoning district classifications where residences or buildings are located within 200 feet of one another. This prohibition shall be subject to the following exception:~~

~~A. Such parking shall be permitted within private driveways not exceeding 22 feet in width located within such setback areas, provided such driveways are for the principal purpose of access to a garage or entryway to a dwelling or other permitted use and are not for the principal purpose of off-street parking or storage.~~

A. Off-street parking spaces shall consist of a driveway, garage, carport, or combination thereof, and shall be located on the premises they are intended to serve.

B. That portion of the driveway that lies within the road right-of-way shall not exceed 20 feet in width except for the point where the driveway intersects with the paved portion of the right-of-way, which may add tapers at the intersection not to exceed 34 feet, per the standards of the Road Commission of Kalamazoo County.

C. The driveway may expand beyond 20 feet outside of the road right-of-way to allow entrance to garage bays or carports, but in no case shall the drive exceed the width of the garage or carport structure, except as permitted herein.

D. In addition to the width of the drive intended for a garage bay or carport, a parking space up to 200 square feet shall be permitted, outside of the road right-of-way.

E. A minimum 3-foot wide lawn or landscape strip shall be required between the edge of any parking area and all property lines to provide adequate room for drainage, snow storage and/or privacy screening.

F. Lawns and yard areas, other than those designated for parking as defined herein, shall not be utilized for off-street parking.

G. At no time shall parking within the driveway block or impede pedestrian traffic on sidewalks or other non-motorized paths.

H. Drives and off-street parking in the R-1, R-2, R-3 and R-4 Districts shall be on prepared surfaces, such as concrete, asphalt, concrete pavers, natural stone, or other pervious or impervious surfaces.

I. Parking of motor vehicles in the agricultural or residential zones, except those used for farming or recreational purposes, shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type not to exceed one ton rated load carrying capacity.

68.300 - Requirements for parking spaces and parking lots.

Requirements for all parking spaces and parking lots (except those for single- and two-family dwellings, for mobile homes or single- or two-family dwellings in a mobile home subdivision, or for farms) shall be as follows:

K. Maximum number of spaces **for nonresidential and multi-family**. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of stormwater runoff, no parking lot shall have parking spaces totaling more than 110% of the minimum parking space requirements except as may be approved by the reviewing body.

L. Net parking calculations. Number of parking spaces shall be determined based on 70 percent of the gross floor area or through the review of a floor plan that provides the net usable floor area.

68.500 - ~~Off-street parking, storage or~~ **S**ales of **vehicles or similar motorized equipment**.

~~Off-street parking or storage of vehicles, motor homes, recreational vehicles, boats, snowmobiles, camping trailers, or other similar equipment shall be prohibited in the required setback areas between buildings and the abutting public or private street right-of-way or easement on all residential lot, parcel or building sites, in an "AG", "RR", "R-1", "R-2", "R-3", "R-4", or R-C zoning district classifications where residences or buildings are located within 200 feet of one another. This prohibition shall be subject to the following exception:~~

~~A. Such parking shall be permitted within private driveways not exceeding 22 feet in width located within such setback areas, provided such driveways are for the principal purpose of access to a garage or entryway to a dwelling or other permitted use and are not for the principal purpose of off-street parking or storage.~~

~~B.~~

Not more than two vehicles, boats, snowmobiles, camping trailers or similar equipment, in any combination, and owned by the property's occupant may be placed for sale on a lot, parcel or building site. Said items may be placed for a period of no longer than 90 days in a calendar year per item. All said vehicles, boats, snow mobiles, camping trailers or similar equipment shall not be displayed in any portion of the public right-of-way or private street easement.

76.190 - Temporary signs.

Throughout the Township, the requirements of Schedule D shall govern the use, area, type, height, and number of temporary signs, in addition to the requirements elsewhere in this Ordinance. (See also Section 76.130 Definitions for descriptions of each of the sign types below.)

SCHEDULE D - TEMPORARY SIGNS

Sign Type	Standard	Requirement
Construction Sign	Number	One per street frontage
	Area	Maximum 32 square feet
	Height	Maximum 5 feet
	Duration	30 days prior to beginning construction to 30 days following issuance of certificate of occupancy but not more than two years from beginning of construction
	Permit	Required
Real Estate Sign	Number	One per lot, building site, or parcel
	Area	Maximum 6 square feet (residential) Maximum 24 square feet (non-residential)
	Height	Maximum 5 feet
	Other	Must be non-illuminated
	Permit	Not required
Development Sign	Number	One per subdivision, condominium, apartment, or manufactured housing development on the site where it is being developed.
	Area	Maximum 32 square feet
	Height	Maximum 5 feet
	Duration	Not to exceed 2 years
	Permit	Required
Community Event Sign	Number	One sign per event per lot, building site, or parcel
	Area	Maximum 16 square feet
	Height	Maximum 5 feet
	Duration	No more than 2 weeks prior to 1 week following event
	Location	May not be located in Right of Way and must have property owner's permission
	Permit	Not required
Special Event Sign	Number	One per lot, building site, parcel, or tenant in a multi-tenant commercial center during each six month period identified below
	Area	Maximum 32 square feet

Sign Type	Standard	Requirement
	Height	Maximum 5 feet if mounted on ground Maximum 20 feet if located on a building wall or if a balloon sign Maximum 12 feet for Feather Flag Signs
	Duration	Maximum 14 days from January 1 to June 30 Maximum 14 days from July 1 to December 31
	Permit	Required
	Other	At a multi-tenant commercial center, only one such sign may be on display at a time
A-frame Sign	Number	One per lot, building site, parcel, or business within a multi-tenant commercial center
	Area	Maximum 6 square feet
	Height	Maximum 42 inches
	Duration	May be on display during day but must be stored indoors when business is not in operation
	Location	Must be within 10 feet of customer entry door to business it serves without disturbing pedestrian or emergency access. A minimum of 5 feet clearance shall be provided for pedestrian passage.
	Permit	Not required
Commercial Banner Signs	**Number**	**1 per business**
	Area	**32 square feet**
	Height	**8 feet, maximum**
	Duration	**During construction period**
	Location	**Building wall**
	Permit	**Not required**

24.200 - Permitted uses.

24.205 Multiple-family dwellings excluding hotels and motels, subject to the following conditions and limitations:

(a) **Density.**

1. Dwelling unit density for any portion of a multiple family dwelling site located within 200 feet of property in an "AG", "RR", "R-1" or "R-2" zoning classification shall be limited to a maximum unit density of six units per acre. In addition, to the extent that parking areas, community buildings or open space recreational areas are located within said 200-foot area, such facilities shall be so situated and designed as to, in the judgement of the Zoning Board of Appeals at the time of site plan review, minimize adverse effects therefrom to owners and occupants of the properties located in the higher zoning classification.

2. Dwelling unit density for any portion of a multiple family dwelling site located more than 200 feet from property in an "AG", "RR", "R-1" or "R-2" Zoning Classification shall be limited to a maximum unit density of eight units per acre.

(b) **Drives.** All two-way interior drives within a multiple-family dwelling development shall be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 21 feet exclusive of any area used for parking. All one-way interior drives within a multiple-family development shall also be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 13 feet exclusive of any area used for parking. When an interior drive would service as a connecting link between different land ownerships or different public roads, either currently or within the foreseeable future, it shall, regardless of whether it is a public or private road, be constructed in accordance with the public road specifications of the Kalamazoo County Road Commission and be located upon a reserved right-of-way of not less than 66 feet in width.

(c) Sidewalks. Sidewalks shall be provided on both sides of any access drive leading into a multi-family development from a public street.

(d) Access streets. A multiple-family development shall be furnished with a minimum of two access streets connecting the same to a public highway or highways unless the Zoning Board of Appeals grants a variance from such requirements where, in the opinion of said Board, the additional access or accesses would not improve traffic safety because of the peculiar characteristics of the proposed development. A stop sign shall be provided at every intersection of an access street with a public highway.

(e) Utilities. Public water, sanitary sewer and storm drainage facilities shall be provided as part of the site development. All electric and telephone transmission wires shall be placed underground.

(f) Open space requirements.

1. All multiple-family dwellings shall be established on a lot, parcel, or building site in such a manner that there is at least one contiguous area of open space suitable for recreational purposes and equal to not less than five percent of the total area of the lot, parcel, or building site on which the multiple-family dwelling is located. The Zoning Board of Appeals shall have the authority to grant variances from this requirement to accommodate alternative open space arrangements consistent with the purpose of this provision.

2. Subject to Section 66.400.

(g) **Building separation**. The minimum separation between buildings shall be 40 feet (except buildings accessory thereto). Separation shall be measured in the same manner as a building setback.

(h) **Recycling. Dumpster enclosures shall be designed large enough to contain both a standard trash receptacle and a recycling receptacle. Recycling shall be made available in all Dumpster enclosures.**