

**OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION**

**MINUTES OF A MEETING HELD AUGUST 8, 2019**

---

**Agenda**

**PUBLIC HEARING: ARTICLE 54 – LIGHTING ORDINANCE  
CONSIDERATION OF THE DRAFT LIGHTING ORDINANCE FOR  
RECOMMENDATION TO THE TOWNSHIP BOARD**

**ANY OTHER BUSINESS**

- a. **Planning Commission By-laws – Draft**
  - b. **Keeping of Animals and Bees Ordinance - Draft**
  - c. **Landscape Ordinance – Draft**
- 

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, August 8, 2019, commencing at approximately 6:30 p.m. at the Oshtemo Charter Township Hall.

**MEMBERS PRESENT:**

Bruce VanderWeele, Chair  
Ollie Chambers  
Ron Commissaris  
Dusty Farmer, Secretary

**MEMBERS ABSENT:**

Keisha Dickason  
Micki Maxwell  
Mary Smith, Vice Chair

Also present were, Julie Johnston, Planning Director, James Porter, Township Attorney, and Martha Coash, Meeting Transcriptionist. One other person was in attendance.

**Call to Order and Pledge of Allegiance**

Chairperson VanderWeele called the meeting to order at approximately 6:30 p.m. and invited those present to join in reciting the “Pledge of Allegiance.”

**Agenda**

The Chair determined no changes were needed and requested a motion.

Mr. Chambers made a motion to approve the agenda as presented. Ms. Farmer supported the motion. The motion was approved unanimously.

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

No one provided comment on non-agenda items.

## **Approval of the Minutes of July 25, 2019**

Chairperson VanderWeele asked if there were any additions, deletions or corrections to the Minutes of July 25, 2019. Hearing none, he asked for a motion.

Ms. Farmer made a motion to approve the Minutes of July 25, 2019 as presented. Mr. Commissaris supported the motion. The motion was approved unanimously.

## **PUBLIC HEARING: ARTICLE 54 – LIGHTING ORDINANCE CONSIDERATION OF THE DRAFT LIGHTING ORDINANCE FOR RECOMMENDATION TO THE TOWNSHIP BOARD**

Chairperson VanderWeele asked Ms. Johnston for her review of the draft Lighting Ordinance.

She said work on the draft Lighting Ordinance began in January after receiving a directive from the Township Board. In September of 2018, the Township Board held a work session on lighting after hearing requests from local business owners on permitting LED string lighting within the Township.

The Planning Commission drafted the Lighting Ordinance over a six-month period, utilizing the Dark Sky Society and Illuminating Engineer Society model ordinances and other township and city lighting ordinances as examples. In addition, the draft Ordinance was reviewed by a lighting provider, Circuit Electric, who assisted with amendments to the ordinance language.

Ms. Johnston said the Ordinance was ready for public review and possible recommendation to the Township Board. Staff sent letters to those businesses that were contacted in 2018 regarding string LED lighting, letting them know the public hearing on the draft Ordinance had been scheduled.

Chairperson VanderWeele opened the public hearing and asked if there were comments from the public.

Mr. Brian DeDoes, 7543 W. G Avenue, asked how intensity and brightness were determined.

Attorney Porter said the determinations were based on the reasonable person standard under Michigan law.

In response to a question from Mr. DeDoes about the prohibition of unshielded luminous tubes under section 54.50 F, Ms. Johnston explained the previous ordinance was silent on that issue and so unshielded luminous tubes were already prohibited.

The Chair noted the ordinance addresses architectural, not signage lighting.

Ms. Johnston explained section 54.50 F addresses what type of lighting is being employed and that unshielded luminescent and fluorescent lighting used to highlight buildings are prohibited.

Hearing no further comments, Chairperson VanderWeele closed the public hearing. He asked whether Commissioners had comments.

Ms. Farmer indicated the public was notified of this public hearing in the July 18 issue of the Kalamazoo Gazette consistent with open meetings and zoning laws. In addition notification was sent to all property owners who received an enforcement letter in 2018 or who came to public meetings to discuss the proposed ordinance.

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

Ms. Farmer made a motion to approve the Article – 54 Lighting Ordinance as presented and to recommend approval to the Township Board. Mr. Commissaris supported the motion. The motion was approved unanimously.

### **ANY OTHER BUSINESS**

There was no other business to address.

### **OLD BUSINESS**

Chairperson VanderWeele asked Ms. Johnston for her presentation on by-laws.

#### **a. Planning Commission By-laws – Draft**

Ms. Johnston said at the conclusion of the July 25<sup>th</sup> meeting, the Planning Commission recommended the amended By-Laws be approved by the Township Board. Staff sent a copy to the Township Supervisor for review. Based on her comments/questions, staff felt some additional changes might be needed to the document. The suggested changes were incorporated.

She said the main change concerned Section 1.6: Secretary. By placing the secretary position under the Officers section of the By-Laws, a person not seated on the Commission could possibly be made an “officer.” The language allowed the Commission to designate a secretary, who could be an employee or contractor of the Township. Instead, the “secretary” position was changed to Recorder of Minutes under

Section 3.0: Minutes. By placing it under this section, the Commission can appoint staff or a contractor without unintentionally making them an “officer.”

She said if the Planning Commission was comfortable with the final changes, a recommendation to the Township Board for final approval was needed.

Chairperson VanderWeele asked for clarification regarding the process for removal of members of the Planning Commission as described under section 6.2.

Attorney Porter explained the process was a statutory requirement. He noted in his 33 years of association with Oshtemo Township, such an issue has never been raised.

He added that a secretary (recorder of minutes) would need to be appointed at the next Planning Commission meeting by vote and that an annual appointment thereafter would be needed when officers are elected.

Ms. Farmer made a motion to approve the Planning Commission By-Laws as amended and to recommend approval to the Township Board. Mr. Chambers supported the motion. The motion was approved unanimously.

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

#### **b. Keeping of Animals and Bees Ordinance - Draft**

Ms. Johnston indicated the updated draft Ordinance included changes requested at the July 25<sup>th</sup> Planning Commission meeting. Amendments included:

- The title of the Section was changed back to “The Keeping of Livestock and Honey Bees.”
- Removed “less than a commercial scale” under subsection A. Commercial scale has not been defined, making this difficult to interpret and enforce. Language was instead included that indicates for animals can be kept for noncommercial purposes.
- Subsection E now includes language that fencing must prohibit animal trespass on neighboring properties.
- A new subsection in Prohibitions was added related to undomesticated and dangerous animals.

After a brief discussion of a minor additional change was made.

Ms. Farmer said she was glad the original purpose for considering updating this ordinance, bee keeping, was addressed.

Mr. Commissaris made a motion to approve 57.80 Keeping of Livestock and Honey Bees as presented and amended and to set a public hearing for the first Planning Commission meeting in September, 2019. Mr. Chambers supported the motion. The motion was approved unanimously.

The Chair moved to the next agenda item.

### **c. Landscape Ordinance - Draft**

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

Ms. Johnston stated the Ordinance was never adopted. Now that the reorganized Zoning Ordinance has been approved and codified by the Township, the draft Landscape Ordinance could be reconsidered. She provided a copy for discussion and possible changes.

The group discussed a number of items. Ms. Johnston will make the resulting changes and return the updated document for further discussion at the next work session of the Planning Commission.

### **PLANNING COMMISSIONER COMMENTS**

Ms. Johnston said the Township received a letter from Texas Township informing them of the Master Plan updated they are developing. State statute requires them to provide a copy of the update to surrounding townships for review and comment, once drafted.

Mr. Commissaris referred to the Village Theme Development plan issue and the need for further discussion on that plan, commenting it is easier to plan before the "horse is out of the barn."

Chairperson VanderWeele added that is why no one is coming forward to develop in the village area, since the restrictions in place are a hindrance.

Ms. Johnston pointed out there is a "sunset" deadline for the DDA and that the only way to encourage new development is to achieve more funding.

**ADJOURNMENT**

Hearing no further comments, Chairperson VanderWeele adjourned the meeting at approximately 7:40 p.m.

Minutes prepared:  
August 10, 2019

Minutes approved:  
August 22, 2019