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

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION MEETING

OSHTEMO TOWNSHIP HALL
7275 WEST MAIN STREET

THURSDAY, OCTOBER 22, 2026
6:00 P.M.

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Approval of Minutes: October 8, 2026 Meeting (Pg 3)
5. **Public Hearing: Rezoning Drobny (4385 North 2nd Street)**
   Planning Commission to consider request of Chad and Sally Drobny to rezone 5.74-acres of an 80-acre parcel from AG: Agricultural District to RR: Rural Residential District. (Parcel 3905-06-280-015). (Pg 9)
6. **Work Item: Zoning Ordinance Update**
   Planning Consultant to present suggested updates to the lighting, parking and landscaping provisions, examples of various setbacks for the forthcoming neighborhood mixed use district and a preliminary zoning map reflecting new zoning district names per the Comprehensive Plan Place Types Map. (PG 19)
7. Public Comment
8. Planning Commissioner Comments
9. Adjournment

Broadcast Notice:
This meeting is being streamed live on the Township's Facebook page and on the Public Media Network website and app and recorded for watching on-demand. It is also broadcast on Spectrum and AT&T community access channels.

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 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.–1 p.m. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, 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

Supervisor		
Cheri Bell	216-5220	cbell@oshtemo.org
Clerk		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
Treasurer		
Clare Buszka	216-5260	cbuszka@oshtemo.org
Trustees		
Neil Sikora	760-6769	nsikora@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Michael Chapman	375-4260	mchapman@oshtemo.org

Township Department Information

Assessor:		
Kristine Biddle	216-5225	assessor@oshtemo.org
Fire Chief:		
Greg McComb	375-0487	gmccomb@oshtemo.org
Ordinance Enforcement:		
Alan Miller	216-5230	amiller@oshtemo.org
Parks Director:		
Vanessa Street	216-5233	vstreet@oshtemo.org
Rental Info	216-5224	oshtemo@oshtemo.org
Planning Director:		
Jodi Stefforia	375-4260	jstefforia@oshtemo.org
Public Works Director:		
Anna Horner	216-5228	ahorner@oshtemo.org

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION
MINUTES OF A MEETING HELD OCTOBER 8, 2026

AGENDA

ACCESSORY DWELLING UNIT - (8170/8195 FRIE AVENUE)

WORK ITEM: DRAFT ONE - ENERGY SYSTEMS ORDINANCE

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, October 8, 2026, commencing at 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

MEMBERS PRESENT:	Michael Chapman, Township Board Liaison Grace Engels (*arrived 6:30*) Deb Everett, Vice Chair Scot Jefferies Alistair Smith, Chair Ron Ver Planck
MEMBERS ABSENT:	Jeremiah Smith

Also present were Jodi Stefforia, Planning Director; James Porter, Township Attorney; Colten Hutson, Zoning Administrator; Leeanna Harris, Planning and Zoning Administrator and approximately 12 members of the public.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE
At 6:00 p.m., Chair A. Smith called the meeting to order. Those in attendance joined in reciting the Pledge of Allegiance.

APPROVAL OF AGENDA
Chair A. Smith asked if there were any additions or modifications to the agenda. There were none.

Commissioner Jefferies **made a motion** to approve the agenda as presented. Commissioner Ver Planck **supported the motion**. The **motion passed** unanimously.

APPROVAL OF THE MINUTES FROM THE MEETING OF SEPTEMBER 24, 2026
Chair A. Smith asked if there were any additions, deletions, or corrections to the minutes of the September 24, 2026, meeting. There were none.

Vice Chair Everett **made a motion** to approve the Minutes of the September 24, 2026, meeting as presented. Commissioner Ver Planck **supported the motion**. The **motion passed** unanimously.

ACCESSORY DWELLING UNIT - (8170/8195 FRIE AVENUE)

Zoning Administrator Colten Hutson presented Colin and Martia Metcalf's request to retain the original dwelling at 8170/8195 Frie Avenue, parcel 05-33-402-005, as an accessory dwelling unit (ADU). The Rural Residential property contains a 708-square-foot bungalow built around 1920 and a 2,904-square-foot principal dwelling built in 2017. Mr. Hutson noted that a previously recorded deed restriction limits the property to one dwelling until one of the structures is removed or the property is divided.

Mr. Hutson explained that the bungalow does not meet three current ADU standards. The required 30-foot setback from Frie Avenue is not met: the bungalow is approximately two to three feet from the right-of-way and sits in front of the principal dwelling. It is approximately eight feet from the east property line, rather than the required 14.6 feet. It is also approximately 17 feet closer to a dwelling on an adjacent parcel than to the principal dwelling on the subject property. The bungalow is smaller than the minimum dwelling size for the Rural Residential district.

Staff noted that the bungalow predates current zoning requirements and that relocating it would be burdensome. Staff also noted that allowing the bungalow to remain in use would not change the established character of the property. The lot's area and frontage could support a land division, although the applicants had not proposed one. Staff presented several options for the Commission to consider, with conditional approval as the final option. Under that option, approval would be subject to three conditions: the Kalamazoo County Environmental Health Unit confirming adequate capacity for the well and septic systems; the Building Official inspecting the property and verifying correction of any code deficiencies before a certificate of occupancy is issued; and the applicants executing and recording the required ADU affidavit and deed restriction before occupancy.

Mr. Metcalf said he and his wife purchased the property in August 2024 and initially considered removing the bungalow because of its condition. After having it professionally evaluated, they decided to retain and renovate it. The original floor plan remained, while the roof, siding, furnace, other building systems, and finishes were replaced. He said the bungalow was not being occupied as a dwelling and was being used as an office and personal space while Township approval and inspections were pending. The property had been listed for sale to test the market.

In response to Commission questions, Mr. Metcalf shared that the applicants had considered dividing the property, but the 200 feet of frontage required for a division would create an undesirable configuration for the principal residence. He said the bungalow has separate well and septic facilities that had been inspected and were functioning. The renovated building had not yet passed final Township inspections, and work remained on the chimney or furnace vent.

Chair A. Smith opened the floor for public comment. One person spoke in support of the Township's approach to accessory dwelling units and commented on land division and property value.

Chair A. Smith closed the public comments.

The Commission inquired as to if it had its own well and septic which the owner confirmed it does. The Commission discussed the bungalow's proximity to the neighboring dwelling, screening along the east property line, and whether approval could set a precedent. Mr. Porter explained that the request would be considered in light of the circumstances of this existing structure and would not authorize new accessory dwellings that fail to meet the ordinance. Mr. Metcalf said arborvitae and seasonal vegetation provide screening and that the neighboring owner had requested that a fence not be placed. Commissioners distinguished the request because the bungalow has occupied the site since approximately 1920 and the requested deviations arise from the location of an existing structure, rather than a new building.

Vice Chair Everett **made a motion** to approve the accessory dwelling unit request for 8170/8195 Frie Avenue subject to the three conditions in the staff report. Trustee Chapman **supported the motion**. The **motion passed** unanimously.

WORK ITEM: DRAFT ONE - ENERGY SYSTEMS ORDINANCE

The Commission resumed its line-by-line review of Draft One of the Energy Systems Ordinance. Commissioners, staff, and counsel reviewed the remaining provisions, including annual reporting, recertification, pollution-liability insurance, hybrid systems, and private accessory solar, wind, and energy-storage systems.

For the annual report, the Commission directed that total energy discharged and battery-module health and capacity degradation be reported without the phrases "if metered" or "if available." It also simplified complaint reporting to include all written complaints received from the public. Staff reviewed the separate complaint-resolution process, including designated contacts and response deadlines. The Commission agreed that complaints could be submitted at any time and summarized in the annual report. It also directed that an updated emergency-response plan be approved by the Fire Department and submitted to the Township Clerk.

Commissioners discussed how the annual report would account for changes in ownership, operators, emergency contacts, and other information during the year. Staff and counsel explained that the ordinance separately requires prompt notice of specified changes and incidents, while the annual report would provide a year-end summary that could be checked against Township records. The Commission discussed clarifying the language so the reporting period and changes during that period were clear.

The pollution-liability discussion covered the scope and amount of coverage. The Commission agreed that coverage should address environmental impacts generally, rather than only contamination of private wells, and remain in effect until the site was fully decommissioned and restored. Discussion included cleanup of soil and groundwater; temporary and permanent water replacement; agricultural and other water uses; property impacts; inflation; bankruptcy; whether the proposed $10 million minimum was sufficient; and whether separate policies could be required for owners and operators. Mr. Porter said additional research and consultation with the Township's insurance agent were needed before the language could be finalized.

For hybrid systems, the draft would apply the requirements for each energy technology in a project, with the stricter provision controlling when requirements conflict. During review of private accessory solar systems, commissioners questioned whether the proposed 10-foot limit for ground-mounted arrays could restrict solar canopies over parking areas or systems on commercial property. Staff explained that accessory structures are subject to the applicable district height limit. The Commission flagged the 10-foot provision for further review.

For private accessory wind systems, commissioners discussed roof, wall, and ground-mounted equipment and questioned the draft's requirement that wiring between a system and the principal use or electrical grid be underground. They noted that underground wiring may be appropriate between detached structures but may not be feasible for roof- or wall-mounted equipment. The Commission favored relying on applicable electrical-code requirements and requested revised language.

The private accessory energy-storage discussion focused on capacity thresholds and the classification of residential and commercial systems. The draft defines a private accessory energy-storage system as an accessory use primarily intended to meet the needs of the property, and states that a system with capacity greater than 200 kW is considered a principal use. Separately, the draft subjects on-site battery energy storage with aggregate capacity greater than 600 kWh to additional applicable fire-code and UL 9540 requirements and requires supporting documentation with building or electrical permit applications. Commissioners questioned how the draft would address mid-sized commercial installations and requested further review of the thresholds and classifications.

The Commission completed its first reading of the draft ordinance and recessed for approximately ten minutes. After reconvening, Chair A. Smith noted that Appendix A, Sound Report Requirements, had been distributed that evening and asked commissioners to review it before the next discussion. Additional appendices will be provided as they are completed. No formal action was taken.

PUBLIC COMMENT

Chair A. Smith opened the floor for public comment. Six individuals spoke. Topics included technical expertise, compliance enforcement, insurance adequacy, sound testing, independent certification, and neighborhood impacts.

Chair A. Smith closed public comment.

PLANNING COMMISSIONER COMMENTS
Trustee Chapman apologized for being unable to attend the previous meeting because of Air Force training.

Ms. Stefforia reviewed the anticipated schedule for upcoming work, including the return of Progressive Companies and the final portion of the environmental regulations at the next meeting, a rezoning and a PUD concept review anticipated for November 5, and continued energy-ordinance work. She stated that written comments would be reviewed before Draft Two is prepared and the entire ordinance carefully reviewed so that revisions do not create conflicts and identified mapping exercises as a likely step before the next draft. The Commission also discussed the year-end expiration and possible extension of the Township's energy-system moratorium.

ADJOURNMENT
There being no further business, Chair A. Smith adjourned the meeting at 8:10 p.m.

Minutes Prepared: October 11, 2026
Minutes Approved:

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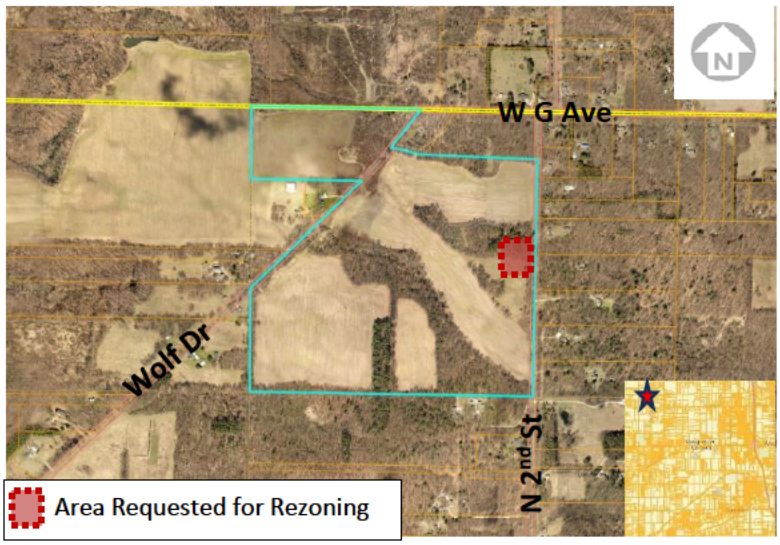
Staff Report

Meeting Date:	October 22, 2026
To:	Oshtemo Township Planning Commission
From:	Planning Department
Applicant:	**Chad and** Sally Drobny
Owner:	Drobny Brothers, LLC
Property:	4385 North 2nd Street, Parcel #05-06-280-015
Zoning:	AG: Agricultural District
Request:	Rezone to RR: Rural Residential District
Section(s):	Section 4 – Agricultural District Section 5 – RR: Rural Residential District

Planning & Zoning Department Report:

Proposal:

Chad and Sally Drobny, on behalf of the property owner, Drobny Brothers, LLC, are requesting to rezone 5.74 acres of land at 4385 North 2nd Street from AG: Agricultural District to RR: Rural Residential District. The property in question is outlined in blue, with the portion of land proposed to be rezoned outlined in red.



Overview:

In September of 2025, a building permit was issued for a new single-family home to be constructed on the 80-acre parcel located at 4385 North 2nd Street. The subject parcel is agriculturally zoned and is presently owned by Drobny Brothers, LLC. The applicants, who also are members of the Limited Liability Company, reached out to the Planning and Zoning Department and expressed their desire to divide 5.74 acres of land in efforts to keep the portion of property where the home lies separate from the farm so the

5.74 acres can be put in their names. With the property being agriculturally zoned, a minimum area of 40 acres is required per division. To avoid the parent parcel losing substantial acreage, and to transfer the ownership of the home from Drobny Brothers, LLC to the applicants, the applicants have chosen to submit application to rezone 5.74 acres of land to RR: Rural Residential District, within which district a minimum area of 1.5 acres is required for a land division.

Staff completed a preliminary review of the applicant's proposed land division and determined it would meet Township requirements for newly created parcels located within the RR: Rural Residential District zoning designation.

Considerations:

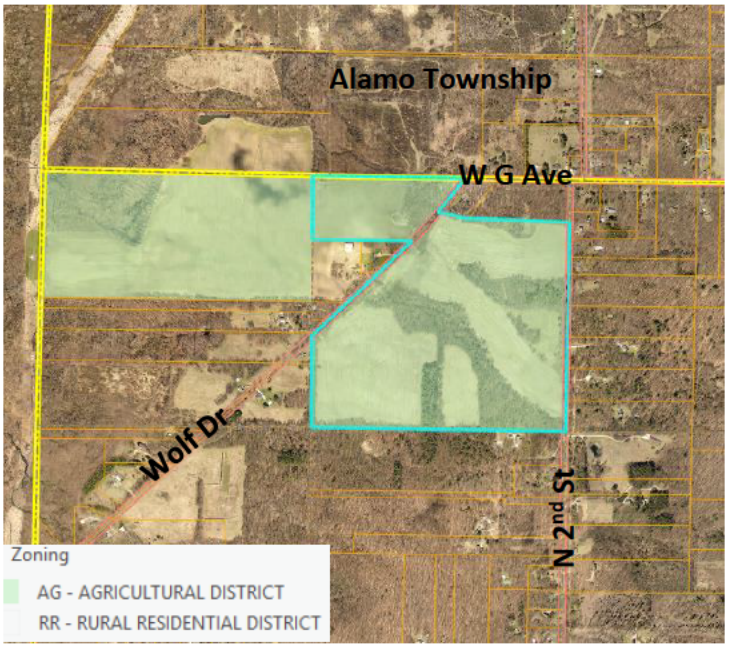
The Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that a Planning Commission must consider when reviewing a rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. These considerations are as follows:

1. *Comprehensive Plan Designation*

   The Future Place Types Map detailed in the 2045 Oshtemo Comprehensive Plan identifies this area of North 2nd Street as *Countryside Residential*, which is comprised of large properties consisting of single unit residences and low density housing. The proposed rezoning would be consistent with the site's current activity, the 2045 Future Place Types Map, and the Township's Zoning Ordinance. Should approval for the rezoning be granted, it would follow the Township's vision in terms of land use for this area.

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

   Rezoning 5.74 acres of property from AG: Agricultural District to RR: Rural Residential District would be consistent with current zoning of nearby parcels. Properties with a RR: Rural Residential District zoning classification abut to the south, west, and east. The area to be rezoned is adjacent to several other properties which serve low density residential land uses. These uses of land include single-family dwellings as well as woodland and farmland. On the north side of West G Avenue, it transitions into Alamo Township, which resembles the same land uses and character present to the south within Oshtemo.



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

   A rural pattern exists on North 2nd Street, where large parcels occupied by single-family homes are prevalent. The rezoning request is consistent and compatible with land use patterns in the area.

4. *Utilities and Infrastructure*

   Public water and sewer are not available in the northwest corner of the Township. The existing homes sit on several acres of land and are serviced by private well and septic. Regarding the transportation network, North 2nd Street between West G Avenue and West H Avenue adequately accommodates the existing agricultural and residential land uses in the area. Staff is of the opinion that if this rezoning is approved, it will not negatively affect the area.

5. *Reasonable Use under Current Zoning Classification*

   Reasonable use of the property will be maintained if the rezoning request were to be denied. However, through rezoning 5.74 acres of land, the applicant would be able to successfully split the acreage and subsequently transfer ownership of the property from Drobny Brothers, LLC, the ownership entity which operates the overall farm on the parent parcel, to Chad and Sally Drobny, private citizens. The rezoning would not only allow Chad and Sally Drobny to now own the land that the home is located upon, it is also necessary so that the parent parcel is able to retain significantly more agricultural land.

6. *Effects on Surrounding Property*

   No negative impacts onto surrounding properties are anticipated if the subject area is rezoned to RR: Rural Residential District. Adjacent properties consist of a residence, farmland, woodland, or a combination thereof. A single-family residence is located on the proposed 5.74 acre split. Single-family homes are permitted by right in both AG: Agricultural District and RR: Rural Residential District zones. The residential use is harmonious with the rural character of the area. The rezoning would complement adjacent zoning districts and present land uses.

Next Steps:

The Planning Commission must review the information provided in this report, the application and supplemental attachments, listen to the applicant's presentation, have an open dialogue with the applicant, consider public comment, if any, and then make a finding as to whether the rezoning request conforms to the standards and recommendations of the 2045 Oshtemo Comprehensive Plan and meets the generally recognized factors considered for a rezoning.

Subsequent to the public hearing and deliberation, the Planning Commission may forward a recommendation of approval, approval with conditions, or denial of the rezoning request to the Township Board.

Attachments: Application, Narrative, Survey, Photos and Dimensions of Home, and Annotated Aerial Image

Planning Department
7275 W. Main Street
Kalamazoo, MI 49009
Phone: 269.216.5223
planning@oshtemo.org

PLANNING & ZONING APPLICATION

1. Instructions & Fee Information

- Complete this application providing the requested supplemental documentation described herein, including the fee, and submit to the Planning Department for review. Incomplete applications will not be accepted.

2. Applicant Information

Name: Chad and Sally Drobny		
Mailing Address: 4385 N 2nd Street	City, State: Kalamazoo MI	Zip Code: 49009
Email: [redacted]	Phone: [redacted]	

3. Property Owner Information

Name: Drobny Brothers LLC		
Mailing Address: 8760 N 2nd Street	City, State: Kalamazoo MI	Zip Code: 49009
Email: [redacted]	Phone: [redacted]	

4. Project Information

Project Name: Drobny home	
Project Address: 4385 N 2nd Street	Parcel Number: part of parent #05-06-280-015 (child PPN tbd)
Email: [redacted]	

Property Legal Description (use attachments if necessary):

see attached Child (labeled Parcels A/B combined)

Current Zoning: agricultural	Current Use: agricultural	Area of Property: 5 acres

Type of Request (check all that apply):

- ☐ Site Plan Review (type, if applicable):
  - ☐ Pre-Application
  - ☐ Administrative
- ☐ Plat/Site Condo
- ☒ Rezoning
- ☐ Zoning Variance
- ☐ Special Exception Use
- ☐ Clear Cutting
- ☐ Text Interpretation
- ☐ Accessory Building/Dwelling Unit
- ☐ Other: _____

Statement of Intent: Briefly describe your request (use attachments, if necessary).

We are asking that the new Child 5-acre parcel with the recently built home be rezoned rural residential to enable the split.

5. Required Documents for Site Plan Review

Required Documents for Site Plan Review (complete and attach to this application):

- ☐ Environmental Permits Checklist
- ☐ Hazardous Substance Reporting Form
- ☒ Site Plan, if applicable
- ☐ Access predetermination form RCKC or MDOT, if applicable

6. Signatures

Names & addresses of all other persons, corporations, or firms having a legal or equitable interest in the property:

Names(s)	Address(es)
Drobny Brothers LLC	8760 N 2nd St
Chad & Sally Drobny	4385 N 2nd St

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge, true and accurate.

I (we) acknowledge that we have received the Township's Disclaimer regarding Sewer and Water Infrastructure.

I (we) understand the incomplete applications will not be accepted. If the application is found to be incomplete after submission, formal review and approval may be delayed. Significant revisions to an application or its attachments may result in requiring the submission of additional fees and/or additional escrow.

By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

Applicant Signature — Date: 8/31/26

Property Owner Signature — Date: 8/31/26

8/31/26

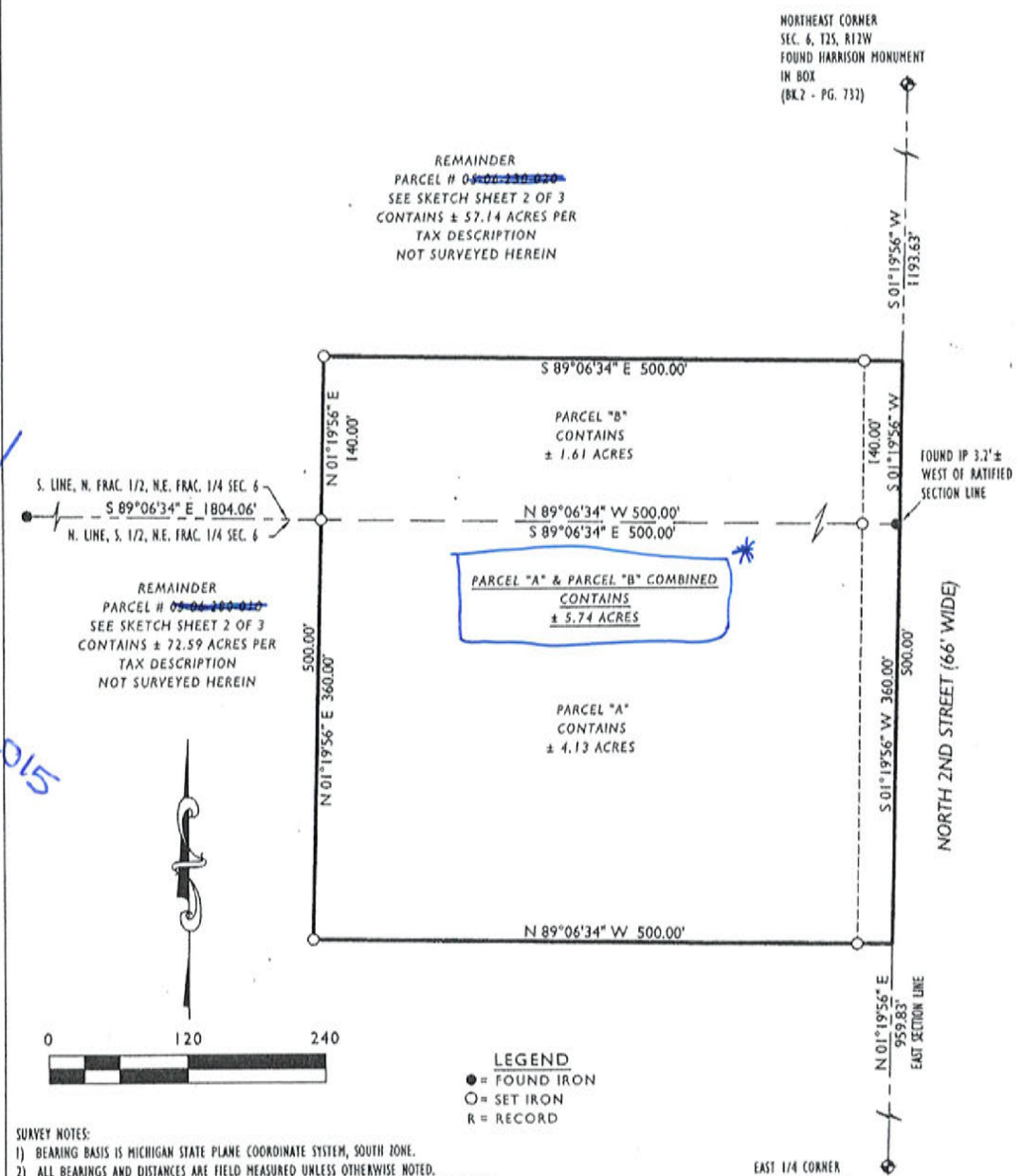
Drobny Rezoning – Child Parcel of 05-06-280-015
Project Narrative

Chad and Sally Drobny are building a new home on the future child parcel of 05-06-280-015. Chad Drobny is one of the brothers of Drobny Brothers LLC, the ownership entity for the farm that Chad operates. Chad and Sally planned to live "on the farm" at this location, but because Chad is not the sole owner of the farm, they need to split the house parcel from the farm. This is an appropriate plan for a variety of practical purposes including the utilities, taxes, and other expenses being separate, in addition to long term planning, like estate planning.

Chad and Sally would be permitted to build the home on the farm parcel without the rezone, but this rezoning is required for the split of the new child parcel to allow the parcel to be this size. It would be unproductive to require a large parcel like the agricultural zoning requires. Rezoning this new child parcel as rural residential is consistent with the future use plan and other objectives of the Township. Also, there is no detrimental impact of rezoning a small portion of this Agricultural parcel to rural residential. The house/use would be allowed regardless of the rezone, so it is not a change in use. The resultant child parcel is much larger than the minimum rural residential dimensions so it will remain consistent with the Township's long-term objectives for rural residential zoned areas, like maintaining the rural character of the area. Allowing farmers to build their homes on large parcels adjacent with their farms is in line with rural character, which is the objective of Chad and Sally.

LAND DIVISION IN THE NORTHEAST FRACTIONAL 1/4 OF SECTION 6, T2S, R12W, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN

REGISTER OF DEEDS
STAMP & FILE NUMBER



combined in late 2025 into 39-05-06-280-015

LEGEND
● = FOUND IRON
○ = SET IRON
R = RECORD

SURVEY NOTES:
1) BEARING BASIS IS MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.
2) ALL BEARINGS AND DISTANCES ARE FIELD MEASURED UNLESS OTHERWISE NOTED.
3) ACT 591, P.A. 1997 SHOULD BE CHECKED TO VERIFY THAT ANY PROPERTY CONVEYANCE DOES NOT VIOLATE THAT ACT.
4) REVISED 7-30-2026 - ADDED COMBINED DESCRIPTION OF PARCEL "A" AND PARCEL "B".
5) REVISED 8-18-2026 - ADDED COMBINED ACREAGE OF PARCEL "A" AND PARCEL "B" TO MAP. REVISED EXCEPTION IN REMAINDER DESCRIPTION TO PARCEL "A" AND PARCEL "B" COMBINED.

OTTO LAND SURVEYING
11263 U.S. HWY 31
BERRIEN SPRINGS, MI 49103
WWW.OTTOLANDSURVEYING.COM
269.635.0117

CLIENT: DROBNY BROS. LLC
ADDRESS: 4461 WOLF DR.
KALAMAZOO, MI

DATE OF SURVEY: 5-27-2025
DATE OF CERT.: 6-5-2025
DRAWN BY: S. THORNTON

SCALE: 1" = 120'
JOB #: 25134-2

I, DUSTIN J. OTTO, A PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE MAPPED AND DESCRIBED PROPERTY, AND THAT THIS MAP COMPLIES WITH SECTION 3 (A-F) ACT 132, P.A. 1970

DUSTIN J. OTTO PS - 62696

OFFICIAL SEAL
STATE OF MICHIGAN
Dustin J. Otto
PROFESSIONAL SURVEYOR
62696
LICENSED PROFESSIONAL SURVEYOR

PARCEL "A" & PARCEL "B" COMBINED:

PART OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 6, TOWN 2 SOUTH, RANGE 12 WEST, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 6; THENCE NORTH 01°19'56" EAST ALONG THE EAST LINE OF SAID SECTION 6 A DISTANCE OF 959.83 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE NORTH 89°06'34" WEST PARALLEL WITH THE NORTH LINE OF THE SOUTH HALF OF THE NORTHEAST FRACTIONAL QUARTER OF SAID SECTION 6 A DISTANCE OF 500.00 FEET; THENCE NORTH 01°19'56" EAST PARALLEL WITH SAID EAST SECTION LINE 500.00 FEET; THENCE SOUTH 89°06'34" EAST PARALLEL WITH SAID NORTH LINE 500.00 FEET TO SAID EAST SECTION LINE; THENCE SOUTH 01°19'56" WEST ALONG SAID EAST SECTION LINE 500.00 FEET TO THE POINT OF BEGINNING. CONTAINING 5.74 ACRES OF OR LESS.

OTTO LAND SURVEYING

11263 U.S. HWY 31
BERRIEN SPRINGS, MI 49103
WWW.OTTOLANDSURVEYING.COM
269.635.0117

CLIENT: DROBNY BROS. LLC
ADDRESS: 4461 WOLF DR.
KALAMAZOO, MI

DATE OF SURVEY: 5-27-2025
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DRAWN BY: S. THORNTON

SCALE: 1" = 120'
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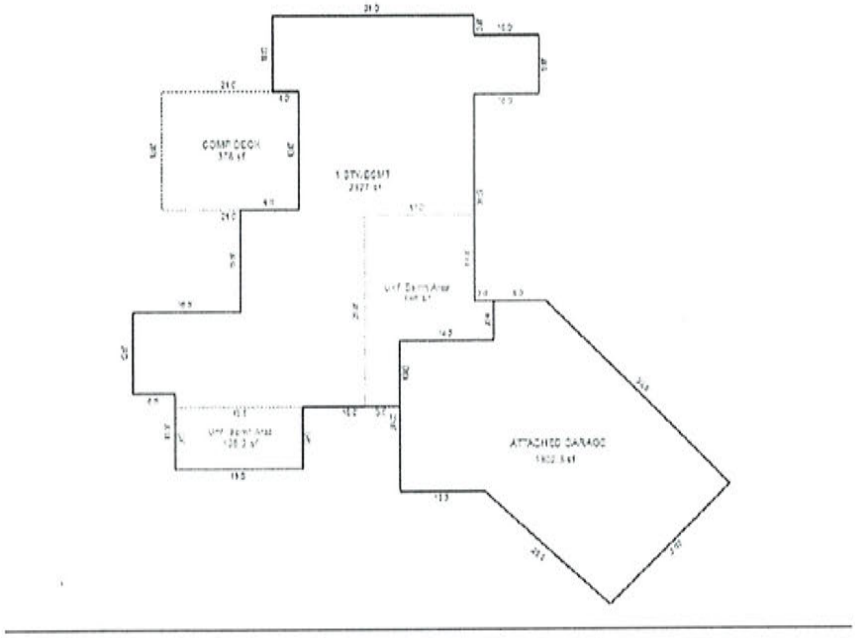
I, DUSTIN J. OTTO, A PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE MAPPED AND DESCRIBED PROPERTY, AND THAT THIS MAP COMPLIES WITH SECTION 3 (A-F) ACT 132, P.A. 1970

DUSTIN J. OTTO PS - 62696

OFFICIAL SEAL

SITE PLAN – Drobny home





Kalamazoo County GIS

Site plan



8/31/2026, 10:40:08 AM

Street Centerlines

County Primary Road

County Local Road

Parcels 2026

Lakes

1:9,028

0 0.05 0.1 0.2 mi

0 0.07 0.15 0.3 km

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

Kalamazoo County

This map is for reference purposes only and does not represent a survey or legal document. Data layers on this map are compiled from various individual local sources. The County makes no representation regarding the accuracy or reliability of the data contained herein.

PROGRESSIVE COMPANIES

Memo

To: Oshtemo Township Planning Commission

From: Jason Ball, AICP
Senior Planner

Date: October 14, 2026

Re: Zoning Ordinance Update Meeting #4

Now that we have worked our way through uses and dimensional standards, we start to review specific articles. This month we are reviewing parking, landscaping, and lighting. Our parking lot items that remain include:

- A final zoning map that includes parks, natural areas and greenspace.
- Regulations for short-term rentals (e.g., Airbnb and VRBO).
- Establishing a use for food trucks (use established, conditions pending).
- Addressing feedback on the NMU district, specifically prohibiting parking in front yards and providing more graphics and illustrations.

During the meeting on October 22nd, we review proposed amendments to three articles, and discuss the overall scheduling for completing the zoning ordinance update. We will also review a proposed approach to address our "parking lot" item regarding the NMU district from the previous meeting.

NEIGHBORHOOD MIXED USE SETBACKS & PARKING

In follow-up to our discussion regarding appropriate setbacks and an approach to addressing the relationship between buildings and the street in the NMU district, we will review current setbacks and dimensions for existing buildings and talk through a recommended approach. Based on feedback from this discussion, the draft NMU article presented during the September meeting will be revised and resubmitted to the Planning Commission for review in November. The presentation we will review together is included within the meeting packet.

PARKING ARTICLE

Recommended changes to the parking article are relatively limited thanks to the township's recent updates to incorporate maximum parking requirements along with the Transportation and Mobility Ordinance. Recommended changes include:

- The addition of a table to summarize dimensional requirements for off-street parking lots, along with the reduction of the minimum dimensions of a parking space from 9.5 feet to 9 feet, reduction of minimum aisle width from 16 feet to 15 feet, and other minor reductions. Reducing the space required for parking lots reduces the amount of impervious surface required and has the added benefits of slowing vehicle traffic within lots, making them safer.
- Removal of the requirement for barrier-free spaces to be constructed of concrete rather than asphalt. According to staff, administration of this standard has presented challenges and the different rates at which the materials age has created maintenance issues.
- Updated references to the Transportation and Mobility Ordinance.
- Clarified waiver provisions with different standards for design requirements versus parking space maximums.
- Clarified requirements related to storage of vehicles and recreational equipment.

LANDSCAPING ARTICLE

More amendments were made to the landscaping article to allow it to serve as a “one stop shop” for required visual buffer standards along with other requirements that were included in other portions of the ordinance previously. Graphics have also been added to illustrate the various requirements.

Key changes to the article include:

- Revised screening between land uses to reduce the overall width of the required buffer in some circumstances and provide a more significant buffer between residential and commercial or industrial land uses.
- Modified standards for parking lot landscaping to make it easier to enforce. The minimum area for a parking lot landscape feature was also increased.
- Added an option for engineered or covered soil landscape areas to accommodate more innovative development projects along with a graphic.
- Included recent amendments as part of review of environmental regulations.
- Clarified the language regarding modifications or reductions.
- Consider whether to replace requirements related to specific tree species with a reference to the Michigan DNR’s Tree Species Selection Guide.

LIGHTING ARTICLE

The lighting article was recently updated, and consequently modifications are for clarification and consistency with the overall ordinance update only.

- Removed language stating that nonconforming lights are exempt.
- Moved requirements for specific uses (service stations and outdoor dining) to the special and use or use conditions articles.

NEXT STEPS

During our next meeting we will review the standards for overlay zoning districts, Planned Unit Developments, and other special zoning districts. We will also review use standards for special land uses and conditions for specific permitted uses.

NMU Setback Review

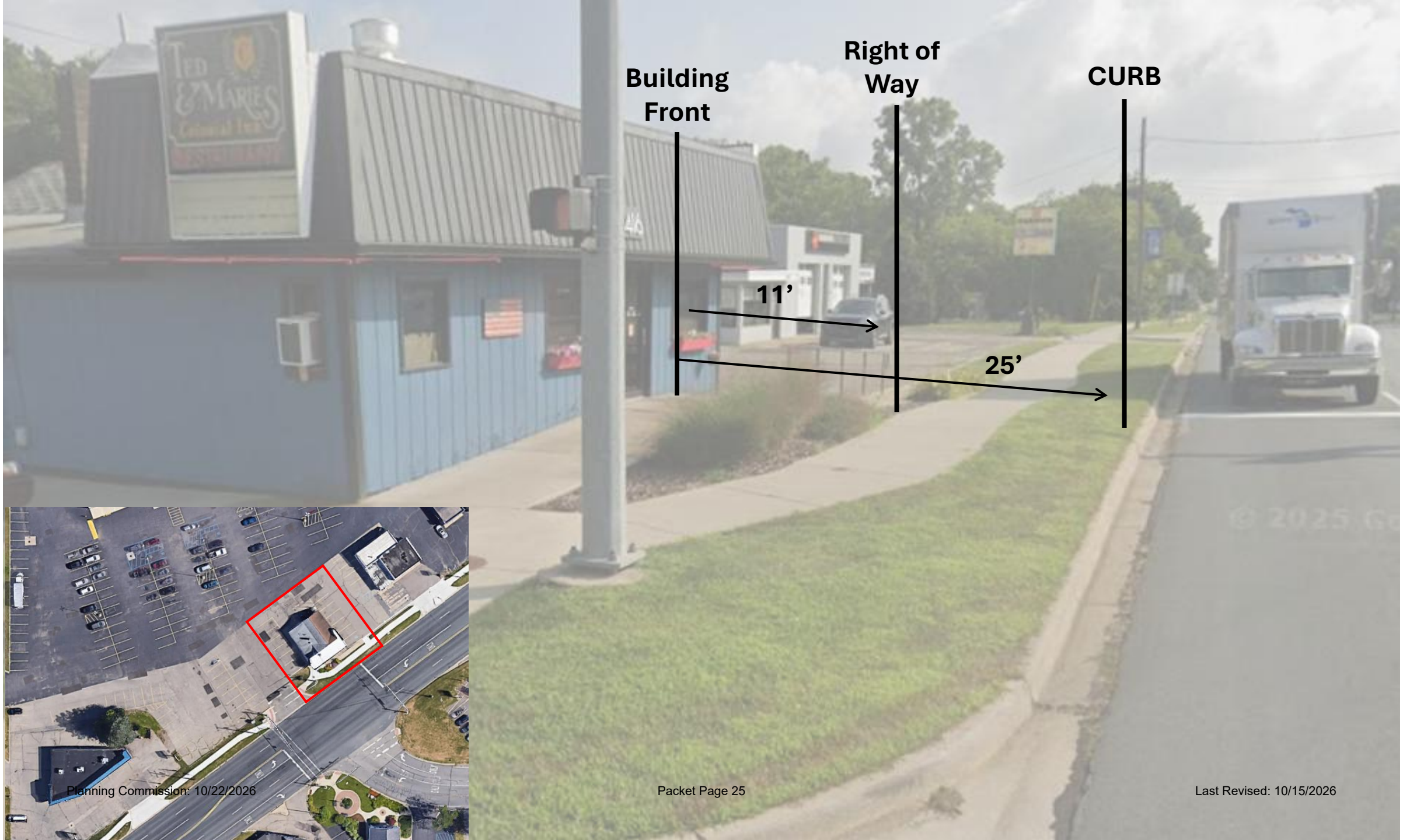
Precedents, measurements & recommendations

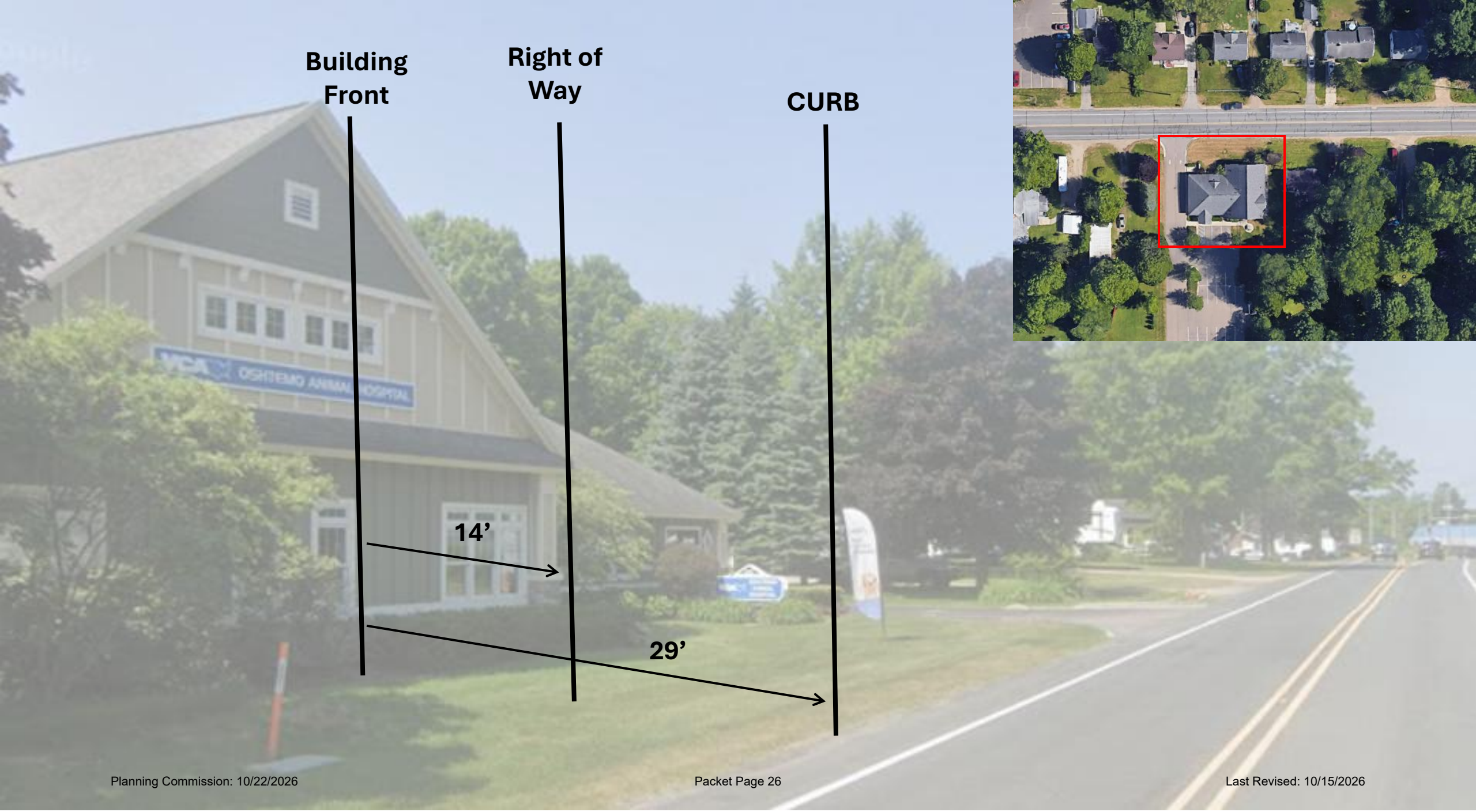
October 22, 2026


Frankenmuth
FUDGE KITCHEN
WILLKOMMEN
SAVING THE
PAST
FOR THE
FUTURE
HISTORICAL MUSEUM

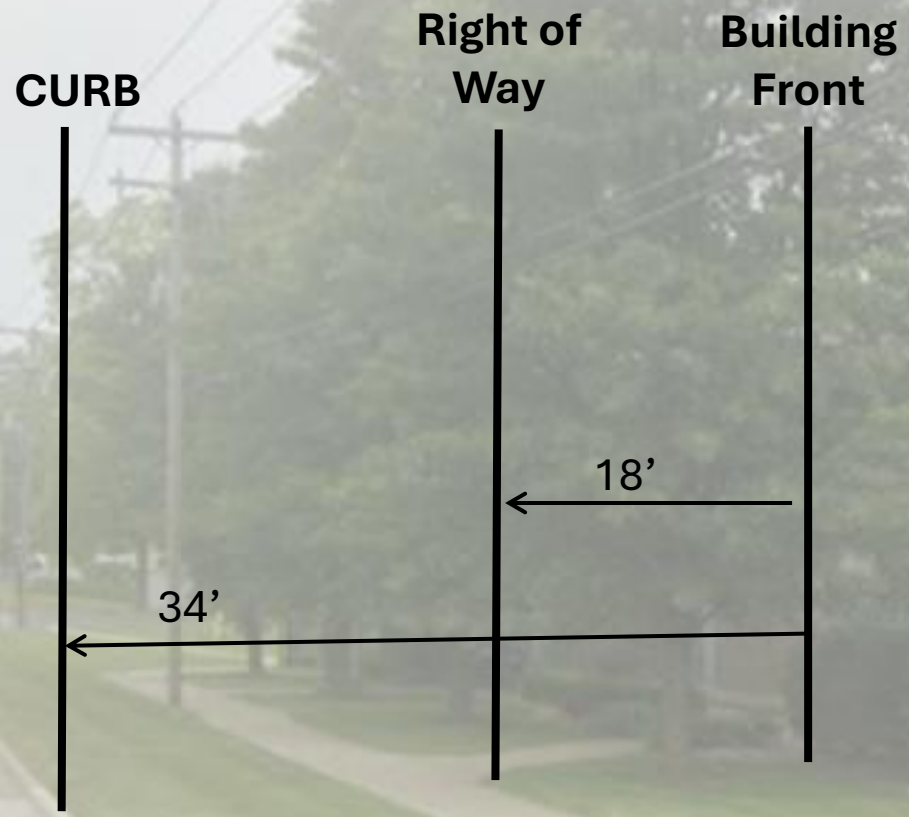

Closer to the Curb is not necessarily better...
6’
Leonard St NW
ONLY


Closer to Curb is not necessarily better...
18’
Walgreens
WEST SIDE


Building Front
Right of Way
CURB
11’
25’

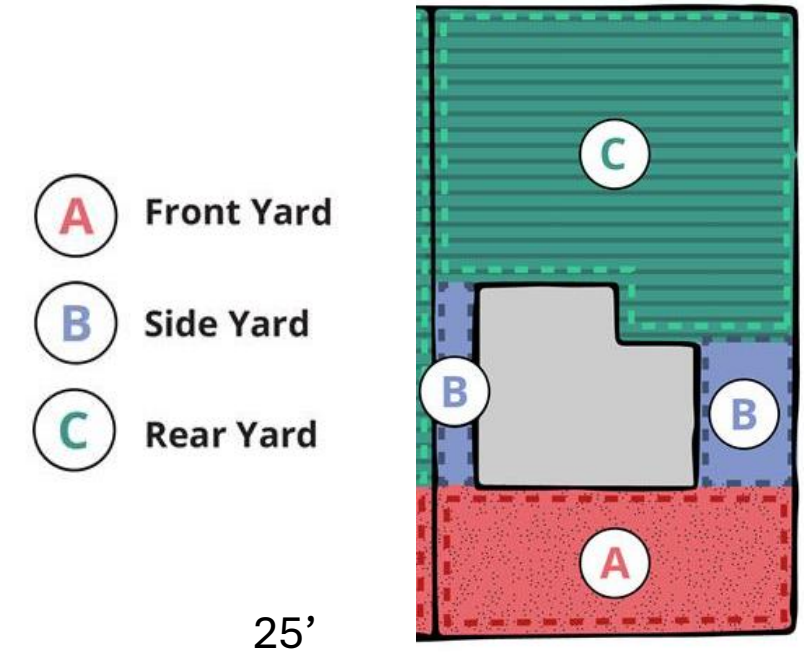

Building Front
Right of Way
CURB
14’
29’

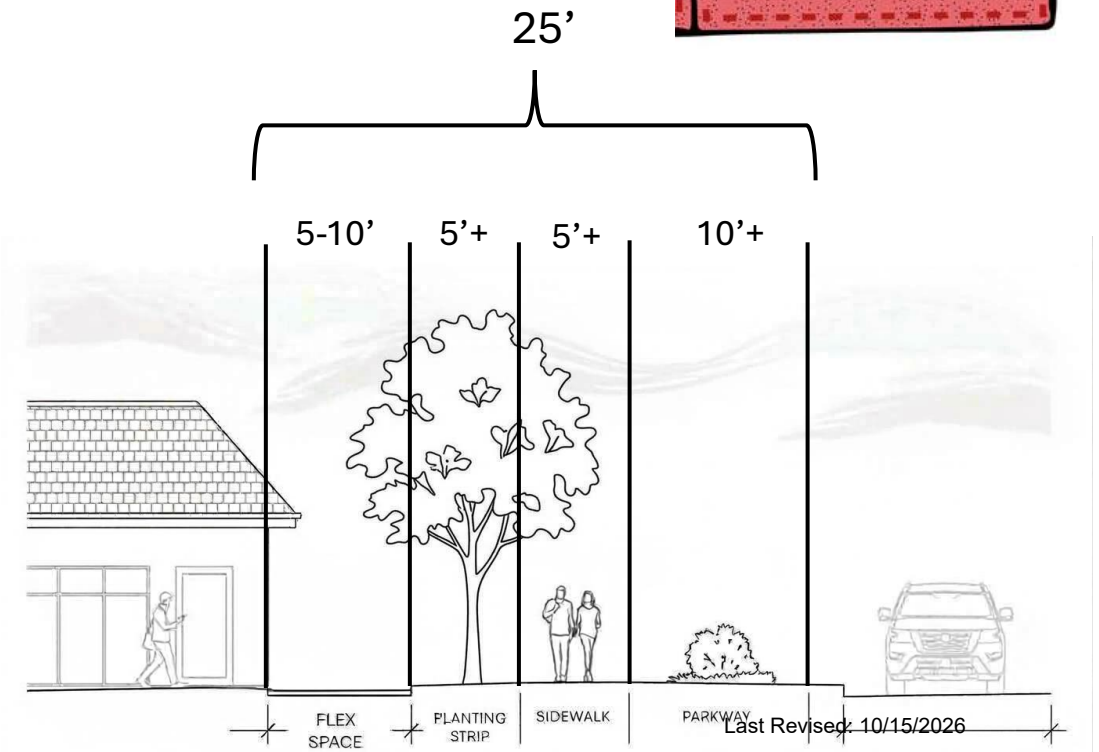



CURB
Right of Way
Building Front
18’
34’

Revised Recommendations

- Minimum setback from curb of 25’ and 15’ from right of way.
- Maximum setback from curb of 40’ or 30’ from right of way.
- Allow for waiver to permit 70’ setback from right of way.
- No parking in front yard (area between building and right of way).
- Drive aisle with Special Land Use.
- Allow for planters or green buffer to create separation between storefront and roadway.
- Require taller buildings?





ALAMO TOWNSHIP

ALMENA TOWNSHIP

KALAMAZOO TOWNSHIP

CITY OF KALAMAZOO

TEXAS TOWNSHIP

Preliminary Zoning Map

Oshtemo Township, Kalamazoo County, MI

Legend

- Water Bodies
- Oshtemo Township Boundary
- Conditional Rezoning

Preliminary Zoning

- AG - Agriculture
- RR -Rural Residential
- NR - Neighborhood Residential
- MFR - Multi-Family Residential
- MHD - Mobile Home District
- NMU - Neighborhood Mixed Use
- MU - Mixed Use
- C - Regional Commercial
- II - Innovation & Industry

Conditional Rezonings		
Ordinance	**Current Zoning**	**Proposed Zoning**
552	CRZ	C
576	CRZ	II
583	CRZ	MFR
588	CRZ	C
649	CRZ	C & NR
663	C&RR	C&RR

N

0 0.25 0.5 1 1.5 Miles

Data Source: Oshtemo Township; State of Michigan Geographic Data Library

Last Revised: 10/15/2026

ARTICLE 52

52 – OFF-STREET PARKING AND ACCESS ~~OF MOTOR VEHICLES~~

52.10 PURPOSE

The purpose of this Article is to permit and regulate off-street parking of motor vehicles and the off-street loading and unloading of vehicles in all zoning districts while prioritizing all forms of mobility to ensure accessibility and thoughtful circulation.

52.20 PROVISION AND MAINTENANCE

Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto in each district for all occupants, employees and patrons of said property. Parking space shall be provided in the manner herein specified.

52.30 AGRICULTURAL AND RESIDENTIAL ZONES

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 two-ton rated load carrying capacity. Except as otherwise specified herein, one and two- family dwellings and farms shall be exempt from the off-street parking requirements that follow.

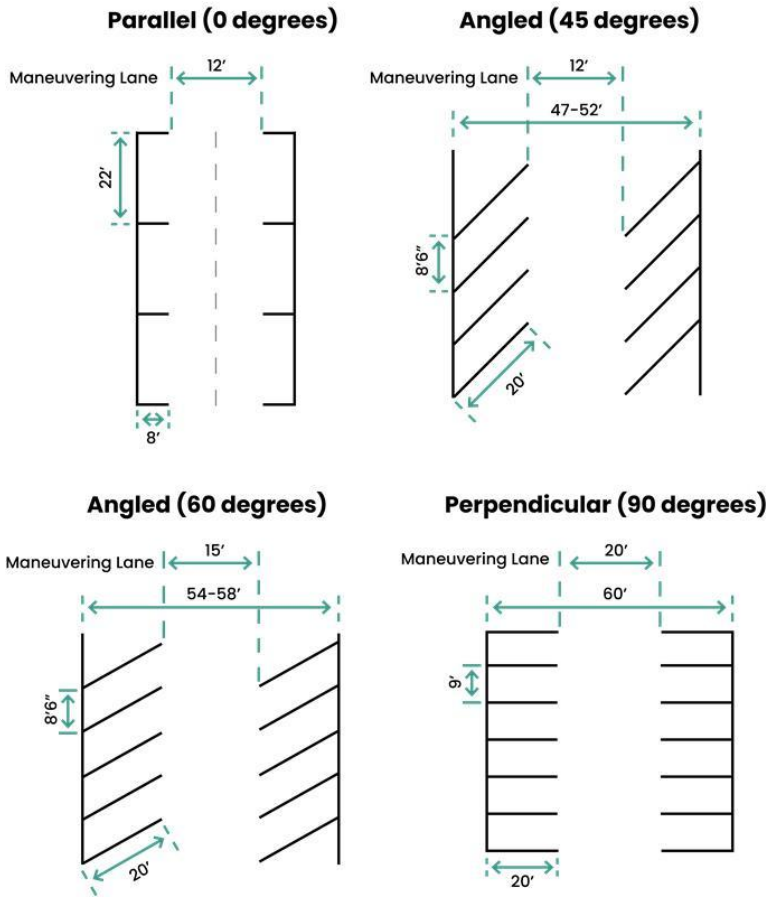
52.40 COMMERCIAL DISTRICTS AND INDUSTRIAL DISTRICTS

A. The overnight parking of semi-trucks and/or semi-trailers in commercial, or industrial districts shall be permitted only when incidental and accessory to the principal use being conducted on the premises, unless permitted elsewhere in the Ordinance. No overnight parking of semi-trucks and/or semi-trailers shall be permitted in the Village Commercial district.

B. Vehicle, trucks and trailers with a business name or logo thereon shall be parked away from the right-of-way, and if space is available, behind the building within which the business is located.

52.50 OFF-STREET PARKING AND SITE CIRCULATION REQUIREMENTS

Parking Pattern	Maneuvering Lane Width	Minimum Parking Space Width	Parking Space Length	Total Width of Two Tiers of Spaces Plus Maneuvering Lane(1)	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° (Parallel)	12 feet	8 feet	22 feet	--	--
45°	12 feet	8 feet + 6 in.	20 feet	47 feet	52 feet
60°	15 feet	8 feet + 6 in.	20 feet	54 feet	58 feet
90°	20 feet	9 feet	20 feet	60 feet	--
(1) Measured from the centerlines of the parking stall borders (See Figure below.) (2) The required maneuvering lane width may be reduced where parking space width is sufficiently large to allow for movement into parking spaces.					



Additional ~~R~~requirements for all parking spaces, parking lots, and drive aisles, unless expressly exempted, shall be as follows:

A. ~~Space size. Each automobile parking space shall not have a width less than 9.5 feet or a length less than 18 feet, nor be larger than 200 total square feet, exclusive of driveway and aisle space.~~ Abutting Sidewalks. Automobile spaces, other than parallel parking spaces, that abut sidewalk shall be measured from the face of curb or the sidewalk and the sidewalk shall be 7 feet in width to accommodate vehicle overhang.

~~B. Parking aisles. Aisles for two-way traffic shall be a minimum of 20 feet wide, but no greater than 24 feet wide; aisles for one-way traffic shall be a minimum of 16 feet wide, but no greater than 20 feet wide. Consideration will be given to alternate widths for one-way aisles in conjunction with angled parking other than 75 to 90 degrees.~~

~~C.~~B. Circulation aisles. Internal site circulation shall not primarily occur within or impact use of the public right-of-way. ~~Aisles for the general vehicular circulation of the public for two-way traffic shall be a minimum of 20 feet wide, but no greater than 24 feet wide; aisles for one-way traffic shall be a minimum of 16 feet wide, but no greater than 20 feet wide.~~ One 26-foot-wide aisle is permitted when designated as the fire lane through site plan review.

~~D.~~C. Pavement. ~~Reference Transportation and Mobility Ordinance.~~ All vehicle circulation and off-street parking areas will be surfaced with asphalt, concrete, or a similar material. Use of permeable materials, similar to a paved surface, is encouraged in the appropriate setting. (See Section 7.05. Vehicular Circulation in the Transportation and Mobility Ordinance)

~~E.~~D. Accessible accommodations. Any new, resurfaced, or relocated barrier free parking spaces~~, or~~ accessible loading aisles, or other related infrastructure ~~between said spaces~~ shall be designed and constructed in accordance with the most recent Americans with Disabilities Act design standards. ~~Barrier free parking spaces, accessible loading aisles between said spaces, and ramps shall be constructed of aggregate cement concrete or a similar, preapproved hard surface alternate, subject to Township Staff approval. Flexible paving is not allowed.~~

~~F.~~E. Bicycle parking. Reference Transportation and Mobility Ordinance. (Section 7.08 Bicycle Facilities)

~~G.~~F. Reserved.

~~H.~~G. Reserved.

52.60 LOADING AND UNLOADING

Space for all necessary loading and unloading operations must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the side or rear yard of the lot, parcel or building site, on a paved surface and shall not interfere with pedestrian or vehicular movement.

52.70 MIXED USES IN THE SAME BUILDING OR COMMON PARKING FACILITIES

In the case of mixed uses in the same building or common parking facilities for several uses in the same vicinity, the maximum parking space requirement is the sum of the individual requirements for each use at the same time of day. The maximum requirement will be less than the total individual requirements if the peak needs for the uses occur at distinctly different times of the day.

52.80 ACCESS MANAGEMENT

Access management shall be as referenced in the Transportation and Mobility Ordinance (Article 6) ~~and Access Management Plan~~.

Effective on: 7/24/2025

52.85 DRIVEWAYS AND ACCESS

See Section 6 of the Transportation and Mobility Ordinance

52.90 DRIVE THROUGH WINDOWS

Design of drive-through stacking spaces shall be as referenced in the Transportation and Mobility Ordinance (Section 7.05. Vehicular Circulation, J.). Stacking spaces shall not be considered parking spaces.

52.100 REQUIRED RESIDENTIAL PARKING SPACES

52.100 Minimum Required Parking Spaces	
Land Use	**Minimum Number of spaces Per Unit of Measure**
Residential	
Three or four-family	1.5 per dwelling unit
Multi-family	1.5 per dwelling unit
Retirement Community/Elderly housing	1.5 per dwelling unit plus 1 per employee on the largest shift
Manufactured Housing Community	In accordance with Section 49.150.G, accessory uses calculated separately

52.105 REQUIRED NON-RESIDENTIAL PARKING SPACES

52.105 Maximum Required Parking Spaces	
Land Use	**Maximum Number of spaces Per Unit of Measure**
Office	
General Office (i.e. Medical or Dental Facility, Veterinary Office, Bank, etc.)	1 per each 150 s.f. of net floor area
Business & Commercial	
Retail sales in an individual establishment with a gross floor area over 100,000 square feet	1 per each 250 s.f. of gross floor area

52.105 Maximum Required Parking Spaces	
Land Use	**Maximum Number of spaces Per Unit of Measure**
Retail sales (except as otherwise specified herein)	1 per each 150 s.f. of gross floor area
Automotive or Vehicle Service; Car Wash	3 spaces per bay; plus 1 per each 300 s.f. of gross floor area
Vehicle Fueling Station	1 per fuel pump, plus amount required for accessory uses
Personal Services including Dry Cleaners, Shoe Repair, Beauty Salon, or Barber Shop	1 per each 300 s.f. of gross floor area with a minimum of 4 spaces required
Motel/Hotel	1 per each guest room, plus 1 per each employee on largest shift, plus amount required for accessory uses
Eating and/or Drinking Establishment	1 per each 70 s.f. of net floor area plus 1 per each employee on the largest shift OR 1 per each 3 persons allowed within the maximum occupancy load as established by the Township Fire Marshal plus 1 per employee on the largest shift, whichever is greater
Showrooms for Furniture, Appliances, Household Equipment, Motor Vehicle, and Machinery Sales	1 per each 400 s.f. of gross floor area
Wine Tasting Room, Winery, Craft Food and Beverage Production Facility	For those portions of the facility dedicated to retail sales and services, 1 space per 150 s.f. of gross floor area For those portions of the facility dedicated to manufacturing, assembly, processing, warehousing, distribution, and/or similar operations, 1.5 spaces per each 1,000 s.f. of net floor area OR 1 per employee on largest shift, whichever is greater

52.105 Maximum Required Parking Spaces	
Land Use	**Maximum Number of spaces Per Unit of Measure**
Industrial	
General Industrial or Manufacturing	1.5 per each 1,000 s.f. of net floor area plus the required parking devoted to other uses OR one per employee, whichever is greater, plus parking necessary for general operations (trucks, trailers, etc.)
Warehouse or Distribution/Fulfillment Center	1 per each 1,500 s.f. of net floor area plus the required parking devoted to other uses OR one per employee, whichever is greater, plus parking necessary for general operations (trucks, trailers, etc.)
Institutional	
Houses of Worship	1 per each 3 seats or 6 feet of pew in the main place of assembly, whichever is greater, plus 1 per employee, plus amount required for accessory uses
Day Care Center	1 per each employee, plus 1 for each 5 children
Elementary & Middle Schools	1 per each staff member, plus 1 for each 3 seats or 6 feet of bench of the maximum seating capacity for the indoor place of assembly having the greatest seating capacity, whichever is greater
High Schools	1 per each staff member, plus 1 for each 4 students, plus 1 per each 3 seats or 6 feet of bench of the maximum seating capacity for the indoor place of assembly having the greatest seating capacity, whichever is greater
Recreation & Entertainment	
Meeting rooms, Assembly & Convention Halls, Private Clubs and Lodges	1 space per each 3 persons allowed within the maximum occupancy load as established by the Township Fire Marshal

52.105 Maximum Required Parking Spaces	
Land Use	**Maximum Number of spaces Per Unit of Measure**
Health and Exercise Center	1 per each 200 s.f. of net floor area, plus 1 per each employee on the largest shift
Participant entertainment (i.e. roller/ice skating rink, bowling alley, mini golf course, etc.)	1 space per for each 3 persons allowed within the maximum occupancy load as established by the Township Fire Marshal, plus 1 per each employee at largest shift
Spectator entertainment (i.e. theaters, sports arena, auditoriums, etc.)	1 per 3 fixed seats or 6 feet of bench, plus 1 per each employee at largest shift

52.110 OTHER USES

A. Commercial center. Parking shall be calculated based on a definitive breakdown of the uses within the center as presented by the developer. If no definitive breakdown is presented, parking shall be calculated assuming that one-half of the square footage of the center will be used for retail sales and one-half for restaurant use.

B. Accessory uses. Accessory uses may require additional parking as determined by the Planning Director.

C. Other. For those uses not specifically mentioned, or for an existing developed property, the requirement for off-street parking facilities will be based upon uses similar in terms of parking demand as determined by the Planning Director.

52.115 ~~DEVIATION~~WAIVER

~~Upon application, the reviewing body is hereby given the right to grant a deviation where there are practical difficulties or unnecessary hardship in the way of carrying out strict compliance;~~The reviewing body may grant a waiver from the following requirements of this article:

A. Off Street Parking and Site Circulation Requirements:~~-~~ W~~w~~here unique features of a property present a practical difficulty in complying with circulation or design

requirements the reviewing body may grant the minimum waiver necessary to accommodate the unique features of the property.

~~A.~~B. Required Residential and Non-Residential Parking Spaces: ~~or b~~Additional parking spaces exceeding the parking maximum may be permitted when an applicant provides ~~ased upon~~ documented evidence of actual use and demand that necessitates additional parking spaces ~~provided by the applicant,~~ and where ~~said deviation is~~~~is~~ the reviewing body finds the additional parking to ~~found to~~ be ~~in keeping with the~~consistent with the spirit and intent of this Article and the Comprehensive Plan. ~~, when the following is requested:~~.

~~B. Additional parking allowance than would be allowed according to parking maximums.~~

~~C. Reduced or increased parking space size.~~

~~D. Reduced or increased circulation aisle widths.~~

~~E. Reduced or increased drive aisle widths.~~

~~F.~~C. When considering a waiver, ~~T~~the reviewing body shall also consider the following impacts on the property and surrounding properties ~~such as~~:

1. Overall site circulation,
2. Access to public rights-of-way,
3. Public safety,
4. Volume of traffic,
5. Visibility,
6. Location of nonmotorized traffic,
7. Grade and slope of the drive,
8. Natural features,
9. Other site considerations which may impact general circulation,
10. Written approval from the Oshtemo Fire Marshal.

52.120 UNDERUTILIZED PARKING AREAS/EXCESS PAVEMENT

As a means of avoiding greater amounts of parking spaces and impermeable surface than are essential to serve a particular use~~, while still ensuring site adequacy,~~ removal and replacement or restoration of parking areas and impermeable surfaces with one of the techniques below may be required by the reviewing body as a part of site plan review and approval ~~for underutilized parking areas or areas with excess pavement~~:

A. Replacement of excess impermeable surface with ~~Green infrastructure, such as~~ lawn areas, including landscaping areas and ~~plants, or~~ trees.

B. Low-impact stormwater management ~~development~~ techniques, such as rain gardens, bioswales, bioretention, or permeable pavement.

~~C. Pre-settlement native vegetation such as oak savanna, prairie, and oak, beech, and maple forests.~~

~~D.~~C. Design features that improve delineation of parking areas and drive aisles such as islands, bulb-outs, and curbing.

52.130 OFF-STREET PARKING OR STORAGE

Front yard. Off-street parking or storage of vehicles, motor homes, recreational vehicles, boats, snowmobiles, camping trailers, or other similar equipment shall be prohibited in the front yard between buildings and the abutting public or private street right-of-way or easement in all residential zoning districts. This prohibition shall be subject to the following exceptions:

A. All Residential Zoning Districts. ~~Such p~~Parking or storage of vehicles, recreational vehicles, and similar equipment less than 20 feet in length shall be permitted in the front yard ~~shall be permitted~~ within private driveways not exceeding 30 feet in width provided each of the following standards is met:

1. ~~such d~~The driveway~~s~~ has~~ve~~ an improved gravel or paved surface~~,~~

2. ~~are~~The driveway is ~~-~~for the principal purpose of access to a garage or entryway to a dwelling or other permitted use

~~1.~~3. ~~, and~~ The driveway is ~~are~~ not for the principal purpose of off-street parking or storage.

B. Unplatted Parcels. ~~For unplatted parcels, such parking~~Parking or storage of vehicles, recreational vehicles, and similar equipment in the front yard of unplatted parcels shall be~~is~~ permitted provided each of the following standards is met:

1. The vehicle(s) is parked ~~in the front yard,~~ outside the required setback area.~~,~~
2. The vehicle is parked on a ~~provided it is within the~~ driveway or on an improved gravel or paved surface.

Side and rear yard. Off-street parking or storage of vehicles, motor homes, recreational vehicles, boats, snowmobiles, camping trailers, or other similar equipment ~~longer than~~less than 20 feet long ~~shall~~ is ~~be~~ permitted ~~rohibited~~ in side and rear yard setback areas on all residential lots or building sites in ~~the~~ residential zoning districts. ~~Vehicles ma~~ A length exceeding~~y exceed~~ 20 feet ~~in length~~ is allowed within the ~~, with the exception of the~~ Agricultural and Rural Residential zoning district.

52.135 OFF-STREET PARKING FOR SALES

No~~t~~ 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, provided the following conditions are met: ~~.~~

A. The items for sale must be owned by the property's occupant.

B. ~~Said i~~Items may be placed for a period of no longer than 30 days in a calendar year per item.

~~A.~~C. ~~All said v~~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.

ARTICLE 53

53 - LANDSCAPING

53.10 INTENT

The intent of this Article is to promote the public health, safety, and welfare and improve the visual appearance of the Township by requiring landscaping for each development for which site plan review is required. It is further the intent of this Article to achieve the following:

- Increase compatibility between uses and provide buffering between dissimilar land uses.
- Improve the overall aesthetics and appearance of public rights-of-way.
- Improve air quality and provide shade.
- Decrease wind velocity, reduce soil erosion and increase surface water retention.
- Reduce glare from buildings, cars, night lighting, and other sources.
- Screen unattractive features.
- Reduce noise.
- Define safe access and circulation.
- Enhance or focus attention toward a feature (building, entrance, sign, etc.)
- Provide visual relief from monotonous features such as building walls, large parking lots and streets.
- Add natural color and texture and provide habitat for wildlife.
- Enhance and maintain the natural character and appearance of the community.

53.20 APPLICATION OF REQUIREMENTS

These requirements shall apply to all uses subject to site plan review as defined in Article 64.00 of this Ordinance. No site plan shall be approved unless a landscape plan is provided which meets the requirements set forth herein. Landscape plans may also be required for other types of approvals under this ordinance by the reviewing body.

53.30 GENERAL PROVISIONS

A. Minimum Requirements - The requirements in this Article are minimum requirements and shall not preclude the developer and the Township from mutually agreeing to additional landscaping.

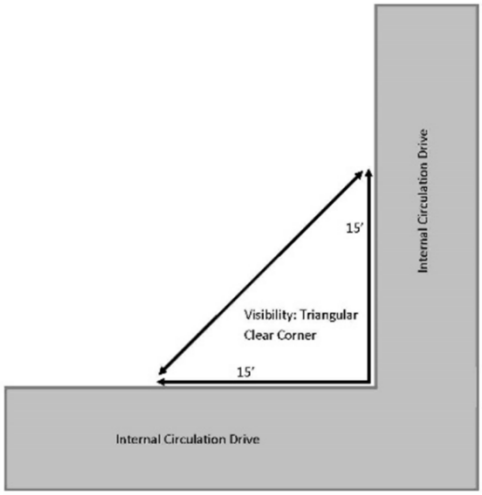
B. Landscape plan preparation – Landscape plans are required for all developments requiring site plan approval. However, site plans that meet one or more of the following must submit a Landscape Plan that is sealed by a landscape architect:

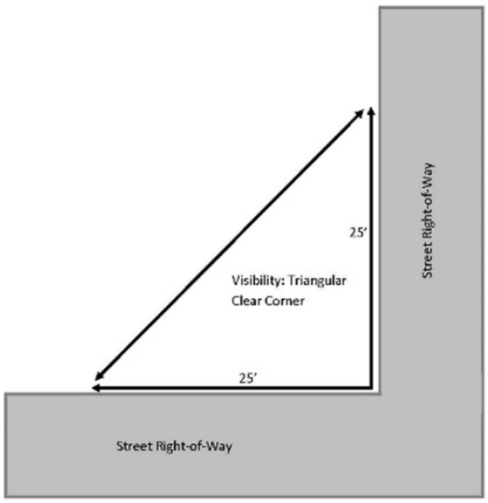
   1. 70 or more parking spaces.
   2. Screening between land uses.
   3. Request tree preservation credits.
   4. Request credits for preserving native vegetation.
   5. Request to submit an alternative landscape plan to restore pre-settlement vegetation.

C. Site coverage – Developed portions of the site not devoted to building floor area, parking, access ways or pedestrian use shall be appropriately landscaped with live plant material and maintained in a neat and orderly manner. Developed portions of the site shall mean the physical extension and/or construction of any man-made change or alteration to an improved or unimproved property.

D. Visibility - Landscaping material and structures shall be placed in such a manner to not interfere with cross-visibility, public safety, or the safe movement of vehicles and pedestrians. A triangular clear view zone area shall be established at the intersections of street rights-of-way and internal circulation drives intended for continued movement within a site and between properties. The clear zone shall be 25 linear feet for street rights-of-way and 15 linear feet for internal circulation drives drawn along each right-of-way from their point of intersection, creating a triangular clear corner. No plant materials above a height of two feet, at maturity, from the

established street grades shall be permitted within the clear view zone area.





E. Land clearing - 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. No grading or removal of the following trees shall be permitted in the area of the parcel, lot or building site not developed:

   1. Trees that are native to Michigan with a diameter of 2-inches or greater at 4-feet in height.

   2. Trees that are not native to Michigan with a diameter of 8-inches or greater at 4-feet in height.

F. Public right-of-way/private easement greenspace – the land area lying between the paved portion of a public right-of-way/private easement and the property line shall be neatly maintained with grass or groundcover.

G. Maintenance – installation, maintenance, and completion

   1. All landscaping required by this Article shall be planted before obtaining a certificate of occupancy or the appropriate financial guarantee such as cash placed in an escrow account, letter of credit, and/or performance bond in the amount of the cost of landscaping to be released only after landscaping is completed.

   2. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.

3. Landscaping, fences, and other site improvements required by this Article shall be maintained in a reasonably healthy condition, free from refuse and debris, and in good repair. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.

4. Any areas that become disturbed for any reason shall be restored in accordance with the original landscape plan unless approved otherwise in writing by the Township.

53.40 SCREENING BETWEEN LAND USES

A. A landscape buffer shall be constructed to create a visual screen between residential uses and other land uses that create possible nuisances in the form of light, noise, glare and other impacts that can be mitigated by vegetative or physical screens. ~~the following as identified in the land use typestable below.~~ Landscape buffer type A is only required to buffer single and two-family uses from non-residential uses permitted within residential zoning districts, whereas landscape buffers B and C are required to buffer any residential use adjacent to one of the identified use types.

~~1. Nonresidential land use or zoned property along all adjoining boundaries of a residential land use or zoned property~~

~~2. Multi-family or manufactured home community along all adjoining boundaries of a residential land use or zoned property.~~

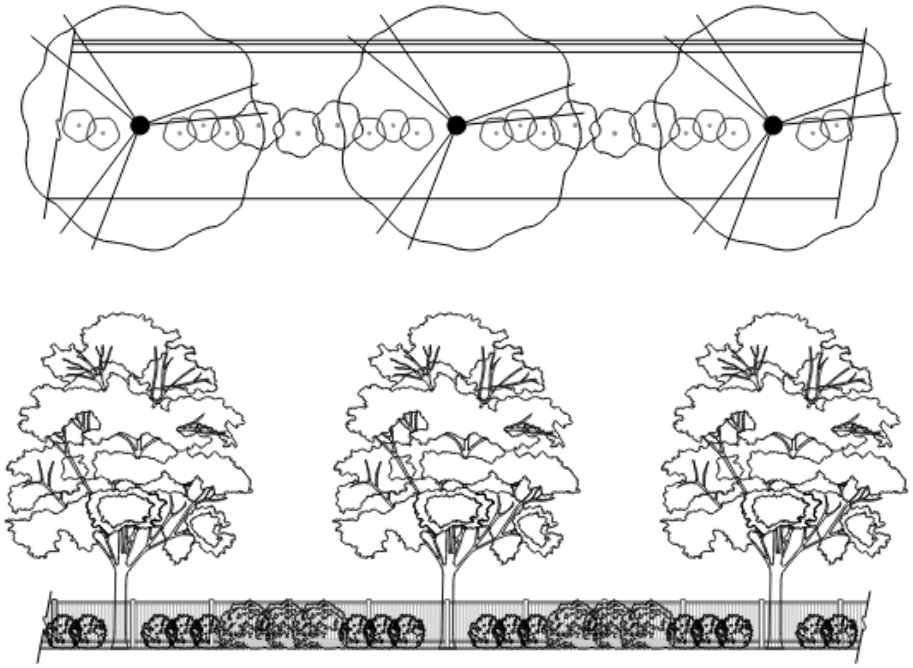
~~B. The landscape buffer shall be a minimum of 30 feet in width.~~

~~C. The landscape buffer must create a visual barrier at least six (6) feet in height that provides opacity to the adjacent property owner.~~

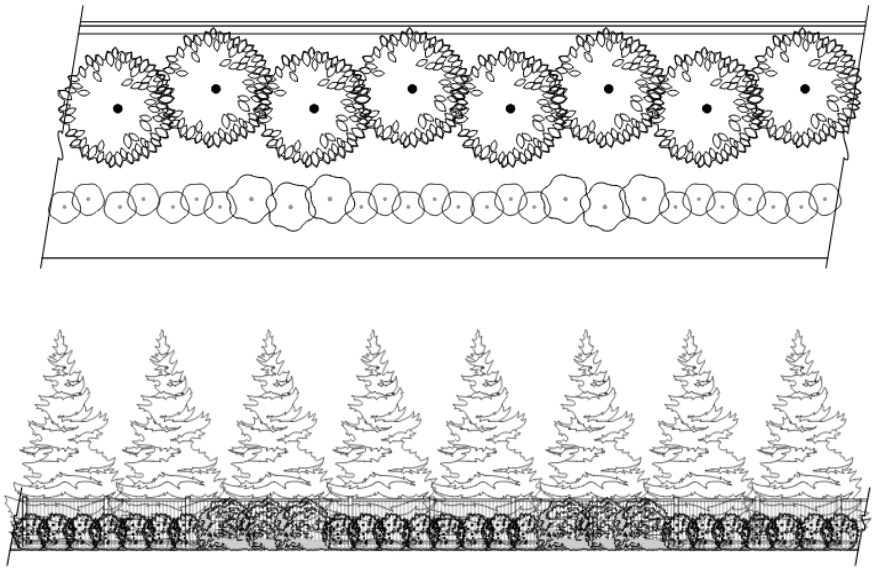
~~D. The landscape buffer must contain two (2) canopy trees, two (2) evergreen trees and (2) understory trees for every 100 linear feet of required buffer length. Evergreens may be substituted for canopy and understory trees at a 1:1 ratio.~~

Landscape Screening Requirements					
Landscape Buffer Type	Use Type (See Use Table Section ###)	Minimum Landscape Buffer Width	Plant Material per 100 Linear Feet		Opaque Barrier
			Trees	Shrubs	
A Single and Two-Family only	Multi-Family & Institutional Uses, including Care Facilities, Places of Worship, Recreation, Services, and Public uses-	20 feet	3 canopy	Single Row	Required
B All residential uses	Commercial Uses, including Services, Office and Medical, Retail, Hotels, Auto/Transportation, Mixed Use, and Food and Beverage uses-	30 feet	6 evergreen trees	Single Row	Required
C All residential uses	Industrial or Manufacturing Uses, including Production/Storage, Innovation and Industry, and Miscellaneous uses–	50 feet	3 canopy 3 understory 6 evergreen trees-	Single row	Required

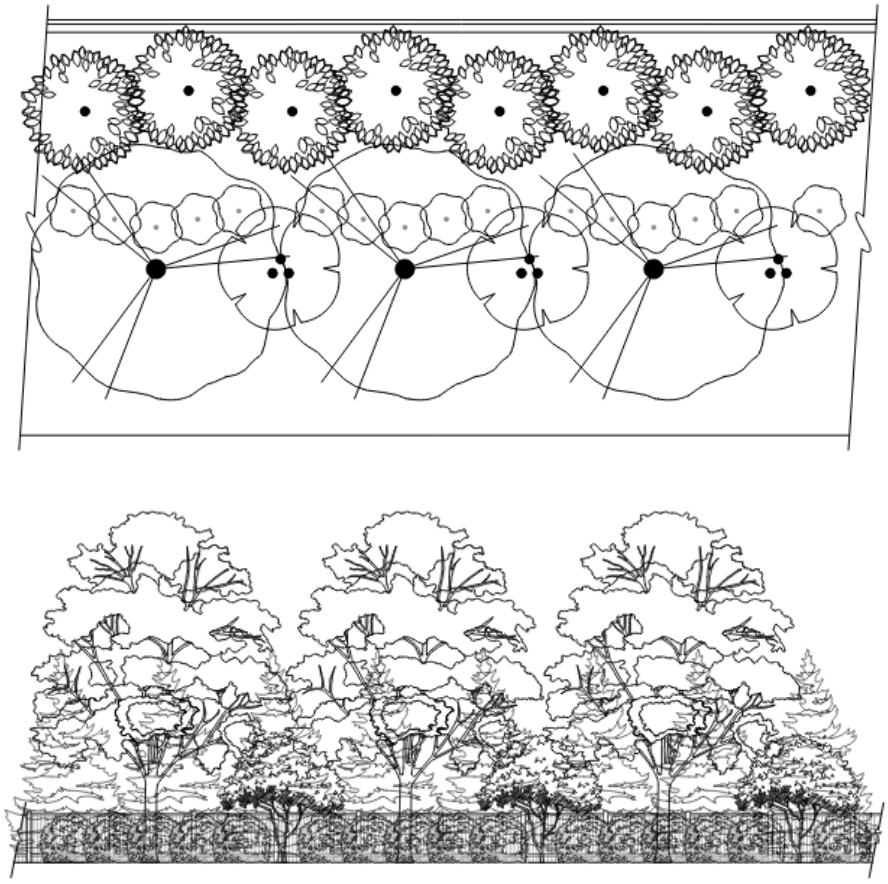
Landscape Buffer Type A Illustrations



Landscape Buffer Type B Illustrations



Landscape Buffer Type C Illustrations



E. The landscape buffer must ~~also~~ include ~~a combination of~~ a combination of berms, fences or walls ~~one or more of the following~~ to provide the required 6-foot opaque visual barrier:

1. Berms – landscaped undulating earthen berms with varying heights as measured from the grade of the abutting property. If a berm is utilized, the number of trees and shrubs still must comply with the Landscape Screening Requirements Table.
2. Walls or fences – Walls or fences must be a minimum of six (6) feet in height as measured on the side of the proposed wall or fence having the higher grade. A required wall or fence shall be located on the lot line except where underground utilities interfere and except in instances where conformity with front yard setback is required. Upon review of the landscape plan, the reviewing body may approve an alternate location of

a wall or fence. The Planning Department shall review and the Zoning Board or Appeals or Planning Commission shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels, stone, or wood. Chain link fences with opaque slats are not permitted.

3. ~~Plant materials – Landscape planting materials may consist of a variety of materials but must provide opacity to the adjacent property. For plant materials, the height requirement is based upon reasonably anticipated growth over a period of three (3) years.~~

F. Where there is a need to provide a greater noise or dust barrier or to screen more intense development as determined by the reviewing body, a solid wall or fence with additional landscape materials shall be required.

53.50 PARKING LOT LANDSCAPING

A. Parking lot landscaping shall include islands or peninsulas to delineate on-site circulation, ensure adequate sight distance at the intersection of aisles and interior roadways, and to prevent diagonal vehicular movement through parking lots. Features shall be designed with sufficient radii to ensure drivers are able to make turns without encroaching upon landscaping or adjacent traffic lanes.

B. Total parking lot landscaping shall be based on the following:

1. Parking lots with 9~~10~~ parking spaces or fewer shall be exempt from parking lot landscaping requirements.

2. Parking lots with 10~~1~~ spaces or more shall provide landscaping at 25 square feet per parking lot space. Total square footage shall be dispersed into separate landscape features, such as islands or peninsulas, within parking lots so as to break up the broad expanse of pavement, guide the circulation of vehicular and pedestrian traffic, and to provide shade and visual relief from pavement.

C. There shall be a minimum of one (1) canopy tree and two (2) low growing shrubs for every ~~200~~ 10 parking spaces~~square feet of required parking lot landscaping~~.

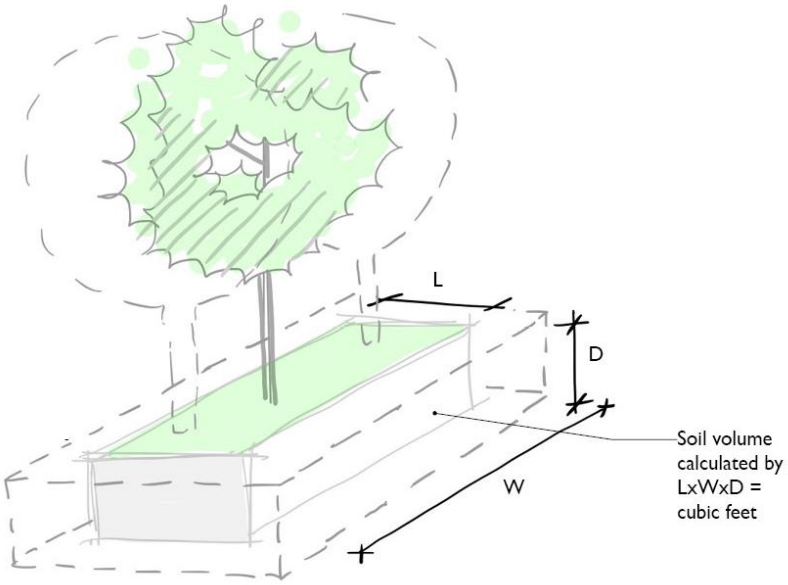
D. The minimum size of any parking lot landscape feature shall be no less than ~~six~~ eight (~~6~~8) feet in any single dimension and no less than ~~200~~ 250 square feet in area.

E. To reduce the impacts of extensive concrete or asphalt, ~~a~~ one parking lot island or peninsula ~~landscape~~ feature must be provided for ~~at least~~ every 200 linear feet of parking spaces.

F. All parking lot landscaping shall be neatly maintained with plant material or mulch.

G. Parking lot landscape features shall be protected by the installation of a raised concrete or asphalt curb, anchored landscape timbers around ~~of~~ the border, or other suitable means. A minimum distance of three (3) feet shall be established between proposed trees and the backside of the protection device.

H. Covered soil landscape areas specially designed to accommodate tree root growth are permitted with engineered design methods including structural soil, sidewalk support, and soil cells. A minimum tree opening of three feet by three feet is required. Minimum soil volume shall be 750 cubic feet per tree.



53.60 STREET RIGHTS-OF-WAY GREENBELTS

A greenbelt shall be required when a parking lot abuts a right-of-way.

A. Greenbelts shall be 20 feet wide along public rights-of-way and 15 feet wide along private rights-of-way, measured from the right-of-way line. Greenbelt width may be reduced in the Neighborhood Mixed Use zoning district.

B. The greenbelt shall be landscaped with a minimum equivalent of one (1) canopy tree and two (2) understory trees for every 100 linear feet, or fraction thereof, of frontage abutting a street right-of-way.

C. Parking lots adjacent to street rights-of-way shall provide shrubs at a ratio of 1.5 shrubs for every one (1) parking space. Shrubs that reach a mature height of at least three (3) feet shall be utilized and they shall be in groupings spaced at least three (3) feet on center to screen the parking lot from the right-of-way.

D. In addition to the required plantings within the greenbelt, the remainder of the greenbelt shall be landscaped with grass, ground cover, shrubs, and other organic landscape materials.

E. Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the linear dimension used to determine the minimum number of trees required.

F. The clear view zone outlined in Section 53.30.D must be met for all access drives.

G. Trees may be placed in groupings within the greenbelt.

~~G.~~H. Sidewalks located inside of the greenbelt area shall be included within the required width.

53.70 INTERIOR SITE LANDSCAPING

Interior site landscaping shall be provided to enhance the appearance of the site and screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air conditioning units, and loading areas.

A. In addition to required~~the parking lot and greenbelt~~ landscaping, a minimum of 10 percent of the developed area of the parcel, lot or building site must be landscaped. The developed area of the parcel, lot or building site shall mean the physical extension and/or construction of any man-made change or alteration to an improved or unimproved property.

B. Interior site landscaping shall be located adjacent to buildings and in at least one side or rear yard distributed throughout the developed area of the parcel, lot or building site.

C. In addition to the other tree requirements outlined herein, one (1) canopy tree will be required for every 1,500 square feet and one (1) understory tree will be required for every 2,500 square feet of the interior site landscaping.

~~D. Interior site landscaping shall be provided to enhance the appearance of the site and screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air conditioning units, and loading areas.~~

53.80 LOADING/UNLOADING AREAS

Loading areas shall be landscaped in such a manner as to screen the area from view of public rights-of-way or private access easements.

53.90 SCREENING OF TRASH AND RECYCLING CONTAINERS

A. Outside trash and recycling disposal containers shall be screened on all sides with an opaque fence or wall and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of material that is compatible with the architectural materials used in the site development. The Planning Commission or Zoning Board or Appeals, at its discretion, may approve alternative methods of screening that meet the intent of this Article.

B. Containers and enclosures shall be located away from public view insofar as possible, and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.

C. Screening and gates shall be of a durable construction. Chain link fences with opaque slats are not permitted.

53.100 LANDSCAPE ELEMENTS

A. Native plant materials – At least 75 percent of required trees shall be native to Lower Michigan. At least 50 percent of all other required landscape material within each Plant Material Type shall be native to Lower Michigan. For information on native plants and lists of trees and shrubs, see the following websites:

1. www.nativeplants.msu.edu

~~2. www.plant.native.org~~

~~3. www.wildflower.org/collections/Michigan~~

2. www.dnr.state.mi.us/Publications/pdfs/ForestsLandWater/UCF/MiCoTSS.pdf.

~~4.~~3. https://www2.dnr.state.mi.us/Publications/pdfs/ForestsLandWater/UCF/MiCoTSS.pdf

B. Composition -

1. The use of a single species is prohibited. Except for plantings used for evergreen screening, no one species of tree or shrub may make up more than 50 percent of the total amount of required landscaping material.
2. Any species known to have structural weakness or excessive bearing of fruit or nuts shall not be used in areas of vehicular or pedestrian traffic.
3. Species not permitted within street rights-of-way greenbelts and should be used with caution when placed in proximity to any existing or proposed building, structure, walkway, or parking area are listed in the below table:

Botanical Name	Common Name
Acer negundo	Box Elder
Acer saccharinum	Silver Maple
Aesculus hippocastanum	Horse Chestnut
Ailanthus altissima	Tree of Heaven
Catalpa speciosa	Catalpa
Ginkgo biloba (Female)	Female Ginkgo
Populus spp.	Poplars, Cottonwood, Aspen
Liquidambar styraciflua	Sweet Gum
Salix spp.	Willows
Ulmus spp.	Elms
Fraxinus	Ash

4. Invasive species - To protect species indigenous to the Township, the use of invasive species which naturalize are prohibited. Those invasive species not permitted are listed on the Midwest Invasive Species Information Network at www.misin.msu.edu. To the extent practicable, existing invasive trees or other landscape materials should be removed and properly remediated.

5. Hardy plant materials - All landscaping material shall be hardy to the area and appropriate to the situation in which it is proposed, free of disease and insects, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen.

C. Minimum size requirements - Where landscaping is required, the following minimum size requirements for representative landscape materials shall be applicable. Height of a plant is measured from the top of the root ball or top of the container soil to the top of the leader, the primary stem of the plant.

Plant Material Type	Size
Canopy Tree - Single Stem	2 inch" caliper*
Canopy Tree - Multi-Stem Clump	10 feet (height)
Understory Tree	8' to 10' feet (height)
Evergreen Tree	5 feet (height)
Shrub - Deciduous	24 inches (height)
Shrub - Evergreen	18 inches (height)
Shrub - Low Growing	2-gallon pot

*2 inch" caliper as measured in conformance with the American Standard for Nursery Stock.

D. Berms – Any proposed berms shall be constructed with side slopes not to exceed a one to three (1:3) gradient. Berm slopes shall be protected with sod, seed, or other form of natural ground cover.

E. Coordination with utilities - Provision shall be made to coordinate landscaping with existing and proposed underground and overhead utility lines so as to avoid interference with plant growth.

F. Storm water retention and detention ~~ponds~~ basins ~~-~~

1. ~~The integration of storm water retention and detention ponds in the overall landscape concept is recommended. Ponds with a natural or free form shape, rather than square or rectangular design and appearance, shall be required. If site constraints dictate a more engineered shape, the design and appearance must be approved by the reviewing body.~~ Naturalized planting themes – Naturalized planting themes and the integration of storm water retention and detention basins in the overall landscape concept is required, where feasible. Trees and shrubs should be grouped in informal patterns to emulate the natural environment. The intent is to soften the views of these basins from inside the development and not to totally screen them from view. Reference Article 161 of the General Ordinance for Storm Water Management standards. (from Article 290.008.C.10)
2. Screening of fenced areas - Any fenced areas for the storm water retention or detention basins that are visible from an adjacent property, public right-of-way or private access easement shall be landscaped to screen them from view. Landscape materials may consist of a variety of plantings that provide generally consistent screening of the fence. For plant materials, the height requirement is based upon reasonably anticipated growth over a period of three (3) years.
3. Seed mixture – The ground surface and edges of the basin shall be covered with a water tolerant mixture of native grasses and forbs or other approved ground cover. It is the intent of these standards to provide for a sustainable natural planting throughout the basin that will not require regular mowing or fertilization. (from 290.008.C.11) The use of a seed mixture containing at least 45% native grasses and wildflowers is encouraged. (from 56.20.5).
4. ~~2.~~ Soil redistribution – Redistributing soils from basin construction to create natural landforms or berms around basin perimeters is encouraged where it filters/softens views or transitions to adjacent land uses. Total screening is not intended. (from 290.008.C.6)

53.110 TREE PRESERVATION CREDITS

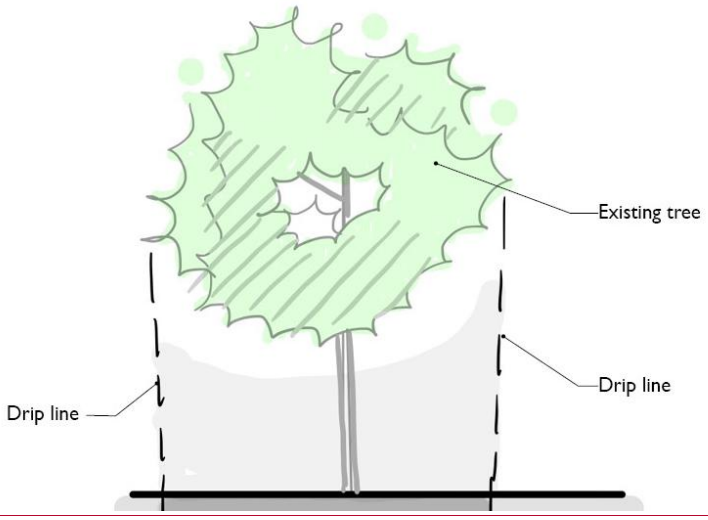
A. Tree preservation credits shall be given for trees preserved within the developed portion of a parcel, lot or building site. The location of preserved trees shall determine which specific landscape requirement shall be reduced.

B. Credit shall be awarded for preserving canopy trees. The number of credits awarded for tree preservation shall be in accordance with the table presented below. Trees intended to be preserved shall be indicated on the landscape plan and type and size shall be noted.

Tree Preservation Credits	
Diameter of Preserved Tree*	Number of Trees credited
Over 24 inches	4
12 inches to 24 inches	3
8 inches to 11.9 inches	2
2 inches to 7.9 inches	1

*Diameter measured at 4' above ground level.

C. In the event that healthy trees which are used to meet the minimum requirements of this section or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the Township, the contractor shall replace them with trees which meet Ordinance requirements.



Tree Dripline Illustration

53.120 TREE PROTECTION prior to and during Construction

A. Before any site work begins, the developer or builder shall erect tree protection fencing that will shield and protect all trees designated to be preserved. Fencing should be placed no closer than ten feet from the trunk of a tree or five feet beyond the drip line of a tree or group of trees, whichever is greater. No site improvements shall encroach upon the dripline of the existing trees to be preserved.

B. Fencing shall be a minimum of 48 inches high.

C. Tree protection fencing shall be maintained during construction and all construction materials, supplies, and equipment shall be kept out of the protected areas. Tree protection fencing shall remain in place in good condition until the Township authorizes the developer to remove the fencing.

D. ~~Paving, or other site improvements, shall not encroach upon the dripline of the existing trees to be preserved.~~No filling, excavating, paving or storage of materials, debris, or equipment shall take place within this fenced area.

E. Location of tree protection fencing must be shown on the approved landscape and grading plans.

53.130 PRESERVATION OF EXISTING NATIVE VEGETATION

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

shrub planting requirements can be reduced. The number of credits awarded shall be recommended by Township planning staff and approved by the reviewing body based on a natural features inventory prepared by an environmental professional or landscape architect that describes existing species and the intended function of the required tree and shrub plantings.

53.140 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, with smaller areas of Prairie, Marsh, Bur Oak Opening, and Southern Swamp Forest. A map of pre-settlement vegetation showing the geographic location of these vegetation types is on file in the Township office. It includes a description of the predominant plant species for each vegetation type.

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. A landscape restoration plan shall use native vegetation types to meet the intent of screening and buffering requirements while at the same time strive to restore the pre-settlement vegetation of the immediate area. Even though the exact number of each landscape element may not be provided, approval of such a plan shall be granted so long as the overall intent is satisfied. Township planning staff shall recommend and the reviewing body shall approve a landscape restoration plan.

53.150 PROVISIONS FOR EXISTING SITES

A. Street rights-of-way greenbelts and screening between land uses shall be required for any existing site where the renovation, expansion or alteration increases the structure by more than 25 percent of the existing floor area or is greater than 2,000 square feet.

B. Landscape requirements for parking lots shall apply when expansions increase the number of parking spaces by 25 percent or at least eleven (11) parking spaces. Parking lot landscaping requirements shall be based on, and only apply to, the new spaces developed.

C. If site constraints prevent the application of these requirements, the reviewing body may grant an alternate approach or reduction in the landscape requirements through the site plan review process.

~~C.~~D. A landscape plan shall be approved by Township staff before landscape improvements begin on an existing site.

53.160 MODIFICATIONS OR REDUCTIONS

~~If an unusual physical circumstance exists on or affects a property, the reviewing body may approve modifications to the planting material requirements of this Article. These modifications may include the approval of plantings and visual screening such as hedges, fences, walls, and/or combinations thereof, which provides an alternate approach the reviewing body deems appropriate to ensure compliance with the spirit, purpose and intent of this Article.~~

~~If existing topography and vegetation are determined by the reviewing body to provide equal or better landscape and buffering effect, reductions in plantings may also be approved if the spirit, purpose and intent of this Article is met.~~

An applicant may request a reduction in the landscape buffering or screening requirements by demonstrating that existing vegetation, topography or other factors make the need for buffering irrelevant, or by providing clear documentation of other means of limiting impact on adjacent properties consistent with the purpose and intent of this article. The reduction request will be decided upon by the reviewing body for the site plan, special land use, or other development review function.

The reviewing body may increase the required landscaping buffer standards upon finding that the proposed use has unique characteristics compared to other uses within the same zoning district that necessitate additional landscape screening, buffers, fencing, or other mechanisms to limit impact on adjacent properties.

ARTICLE 54

54 – LIGHTING

54.10 INTENT

A. Statement of purpose. The purpose of this Article is to regulate the placement and arrangement of lighting within the Township. These regulations are intended to:

1. Protect the public health, safety and general welfare by regulating lighting levels;
2. Control light spillover and glare;
3. Minimize the detrimental effect of urban sky glow;
4. Encourage lighting systems which conserve energy and costs;
5. Preserve community character and enhance the appearance of the Township;
6. Provide for nighttime safety, and security.

B. Objectives. Outdoor lighting shall satisfy the following objectives.

1. Avoid excessive light spillover onto any adjacent premises;
2. Be shielded, and downward directed so that the light intensity or brightness will not interfere with the enjoyment, health, safety, and welfare of surrounding properties;
3. Control illumination of vertical architectural surfaces.
4. Provide for uniform lighting within sites.
5. Enable the fair and consistent enforcement of these regulations.

54.20 APPLICABILITY

Except as is otherwise provided below, these lighting requirements shall apply to all lighting installed on any property within the Township. Any lighting legally in existence before the effective date of this Ordinance that does not comply with these requirements shall be considered legal nonconforming and may remain, except as detailed in Section 54.80 and subject to the following provisions:

A. Alterations to existing lighting.

1. When poles and support structures are destroyed or removed, they must be replaced with poles and supports that comply with all of the provisions of this Article.
2. When luminaries are destroyed or removed, they must be replaced with luminaries that comply with all provisions of this Article.

B. New parking lots or parking lot additions. When a new parking lot or addition to an existing parking lot is constructed, the new lot or lot addition must be provided with lighting in compliance with this Article.

C. New structures, additions, or replacements. When a site is improved with new structures, ~~or~~ additions to, or replacements of existing structures, the lighting for the new structure, addition, or replacement on the site must meet the requirements of this Article.

D. When fifty percent or more of ~~existing~~ outdoor light fixtures have been ~~or will be~~ replaced to conform with ~~or modified since~~ this ordinance ~~became effective~~, then all lighting must be made to conform to the provisions of this lighting ordinance within 60 days, upon written notification of the property owner by Township staff.

54.30 DEFINITIONS

Commented [JB1]: Move definitions before applicability? There are some terms used in that section that are defined here. Also, suggest replicating these definitions in 2.20, some of these apply to other uses or functions (e.g., canopy structure).

Ambient lighting - The general overall level of lighting in an area.

Baffle or light shield - An opaque element to screen a light source from direct view.

Building canopy - A portion of the building, whether structural or architectural in character, that projects outward.

Bulb or lamp - The source of electric light. The term "bulb or lamp" is to be distinguished from the whole assembly (see Luminaire).

Canopy structure - An overhead structure which is designed to allow vehicles or pedestrians to pass under it.

Color rendering index (CRI) - a scale from 0 to 100 percent measuring a light source's ability to show object colors "realistically" or "naturally" compared to a familiar reference source, either incandescent light or daylight.

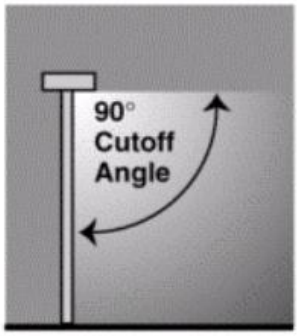
Encased – a lamp obscured by translucent sheathing.

Existing lighting - Any ~~and all~~ lighting installed prior to the effective date of this Ordinance.

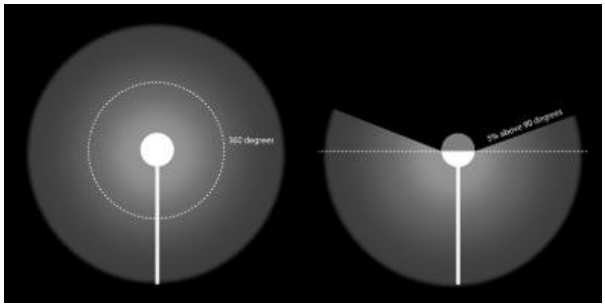
Exterior lighting - Temporary or permanent lighting that is installed, located, or used in such a manner to emit light outside. Fixtures that are installed indoors that are intended to draw attention to the exterior of the building from the outside are considered exterior lighting for the purposes of this Article.

Fixture - The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

Fixture, cutoff – A fixture that allows no light emissions above the horizontal plane passing through the lowest point on the fixture from where light is emitted.



Fixture, non-cutoff – A fixture that allows light to emit beyond the horizontal plane of the lowest point of the fixture and/or allows light emissions in all directions.



Foot-candle - A unit of measurement for quantifying the brightness of illumination produced on a surface. One foot-candle is equal to one lumen per square foot.

Glare - Harsh, uncomfortably brilliant light caused by the ability to see an unshielded light source.

Kelvin rating – A unit to measure the color temperature of a light source, the higher the Kelvin rating (expressed in K), the whiter the light source.

Lamp - The component of a luminaire that produces the light.

Light pole - The structure to support and elevate a luminaire.

Light trespass - Light that is unnecessarily emitted beyond the boundaries of the property on which the luminaire is located.

Lighting ratio - The ratio of foot-candles from the minimum to the maximum point calculations or readings for a given area. This ratio is an indicator of lighting uniformity. The lower the ratio the better the uniformity.

Luminaire – The complete lighting system, including the lamp and light fixture.

Lumen - A unit of measurement for quantifying the amount of light energy emitted by a light source (power of the light radiated by the light source).

Photometric plan - A diagram prepared by a lighting professional that is certified by the National Council on Qualifications for the Lighting Professions (NCQLP), or a state licensed professional engineer, architect, or landscape architect showing predicted maintained lighting levels produced by the proposed lighting fixtures, including any freestanding and building mounted lighting.

Recessed - When a light is built into a structure or portion of a structure such that the light is fully cut off by the structure to which it is attached.

Shielded - A bulb or lamp concealed by a baffle or light shield.

Spotlight - A luminaire designed to light only a small, well defined area or object.

Urban sky glow - The brightening of the night sky due to manmade lighting.

Visibility - Being perceived by the human eye.

54.40 EXEMPTIONS

A. Emergency lighting necessary to conduct rescue operations, support public safety, provide emergency medical treatment, to illuminate emergency means of egress, or address any other emergency situation.

B. Lighting operated by a public utility or agency during the course of constructing, repairing, or replacing public utilities and infrastructure.

C. Temporary construction lighting, provided it is discontinued daily immediately upon completion of the work.

D. Temporary holiday decorative lighting, from November 15th through January 5th.

E. Lights on communication towers and other hazards to aerial navigation as may be required by the Federal Aviation Administration.

F. Lighting used to illuminate a flag of the United States, subject to Section 54.60.D.

G. Lighting associated with Department of Agriculture recognized agricultural activities.

H. Typical residential light fixtures on residential buildings and associated accessory buildings, which do not violate Section 54.50, are exempt from the cut-off requirement when mounted at a height of eight feet or less.

~~I. All outdoor light fixtures existing and legally installed prior to the effective date of this Ordinance.~~

Commented [JB2]: These lights are not exempt, they are nonconforming, and you have several regulations for them (see applicability).

54.50 PROHIBITED LIGHTING

A. Lighting of a blinking, flashing, rotating, or fluttering nature, including changes in light intensity, brightness or color except for public safety purposes.54.50

B. Beacon and/or search lights except for public safety purposes.

C. Fixtures that direct light upward, unless expressly permitted by this Article.

D. Roof mounted lighting.

E. Lighting of an intensity or brightness that interferes with enjoyment, health, safety, and welfare of surrounding properties.

F. Unshielded fixtures, including luminous tubes, LEDs, incandescent or fluorescent lighting, as an architectural detail on the exterior of any structure or the interior of any windows; including but not limited to rooflines, cornices, eaves, windows, and door openings.



Example of prohibited architectural detail lighting.

54.60 OUTDOOR LIGHTING STANDARDS

A. General Provisions

1 Cut-Off Fixtures. All luminaires are required to be cut-off fixtures, unless otherwise permitted in this Article.

2 Security Lighting. Security or flood lighting shall be attached to buildings and controlled by motion sensors, which extinguish within 10 minutes of activation.

3 Direction of Lighting. Lighting plans shall be designed to direct light into the development and away from adjacent property. Unless expressly permitted by this Article, all outdoor lighting fixtures shall be fully shielded and directed downward, parallel to the ground, to prevent off-site glare and illumination.

4 Light Levels at Property Lines. Lighting designed to illuminate properties with non-residential or multi-family residential uses shall be designed such that light levels do not exceed 0.5 foot-candles at any point along the perimeter of the property adjacent to residential uses and 1.0 foot-candle adjacent to all other uses or street frontage.

5 Shared Parking Lots. Lighting designed to illuminate shared parking lots, including shared parking lots that span two or more parcels, shall be a minimum of 0.5 foot-candles. Shared parking lots shall be exempt from the requirements in 54.60.A.4 at the shared boundary only.

6 Pedestrian Walkways and Doorways. Lighting designed to illuminate internal walkways shall be a minimum of 1.0 foot-candle but not exceed a maximum of 5.0 foot-candles. Lighting designed to illuminate building entryways shall be a minimum of 3.0 foot-candles but not exceed a maximum of 10.0 foot-candles.

7 Outside Trash and Recycling Containers. Lighting designed to illuminate outside trash and recycling containers shall be a minimum of 0.5~~1.0~~ foot-candles but not exceed a maximum of 5.0 foot-candles.

8 Lighting Ratio. To provide for uniformity of lighting illuminance within a site, fixtures shall provide an overlapping pattern of light. The ratio of maximum to minimum levels of light within the pedestrian walkways and doorways, outside trash and recycling containers, parking lots, and drive aisle areas of a non-residential or multi-family residential properties shall not exceed 20:1. Exception shall be made for those areas along the perimeter of the property where a significant reduction in lighting is expected in order to comply with the provisions of the subsections above.

9 Reduced Lighting. Lighting for non-residential uses shall be significantly reduced during non-operational building hours, allowing only lighting necessary for security purposes. Lighting installations should include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting that affects urban sky glow. The lighting plan shall note when and how this reduction in lighting will occur.

10 Color Temperature and Rendering. Lighting for all non-residential and multi-family residential uses shall satisfy the following:

a. A minimum color rendering index (CRI) of 65.
b. A Kelvin rating between 3,000-5,000k.

B. Pole-Mounted Lighting

1 All pole-mounted luminaires shall be affixed horizontally and angled parallel to the ground.

2 Unless allowed by the reviewing body, no more than two luminaires shall be allowed per pole. Up to four luminaires per pole shall be subject to approval by the reviewing body during site plan review. The applicant must prove, to the reviewing body's satisfaction, that up to four luminaires per pole, is consistent with the intent of this Section, and meets all other provisions in Section 54.60.A.

3 Luminaire height of 15 feet or less shall not exceed 12,000 lumens per luminaire and shall be spaced a minimum of 30 feet apart.

4 Luminaire height greater than 15 feet and not exceeding 25 feet shall not exceed 20,000 lumens per luminaire and shall be spaced a minimum of 40 feet apart.

5 Luminaire height exceeding 25 feet shall be subject to approval by the reviewing body. The applicant must prove, to the reviewing body's satisfaction, that pole heights exceeding 25 feet are consistent with the intent of this Section, and meets all other provisions in Section 54.60.A. If permitted, such lighting shall not exceed 40,000 lumens per luminaire and shall be spaced a minimum of 50 feet apart.

C. Building-Mounted Lighting

Commented [JB3]: Reducing this in the case of proximity to property boundaries.

1 Luminaire Height and Lumens

a. Luminaire height shall not exceed 20-feet ~~in height~~. ~~Luminaire height exceeding 20 feet shall be subject to approval by t~~The reviewing body may approve mounting heights exceeding 20 feet during site plan review upon proof by ~~. T~~the applicant ~~must prove, to the reviewing body's satisfaction,~~ that mounting heights exceeding 20 feet are consistent with the intent of this Section, and meets all other provisions in Section 54.60.A.

b. Each luminaire shall not exceed 8,000 lumens.

2 Luminaires used for the sole purpose of illuminating a building façade:

a. May be up to 1.5 foot-candles averaged over the building façade.

b. Shall be located on the building.

c. Light generated from said fixtures shall be downward directed and appropriately shielded so that no light is emitted beyond the building facade.

d. Shall strictly adhere to the reduced lighting clause outlined in 54.60(A)(9~~7~~).

3 Luminaires used for illuminating loading and unloading operations for any commercial, industrial, or other use shall be regulated using the same standards as B. Pole-Mounted Lighting of this Section.

4 Architectural features. The use of architectural features on the building, such as a canopy, which prevent the projection of light beyond the architectural feature may satisfy the intent of this Section and allow the use of noncut-off fixtures, subject to the approval of the reviewing body.

D. Signage

1 Lighting may be used to illuminate signs, subject to Section 55.150.

E. Landscape Features and Green Belt Lighting

1 Landscape luminaires shall comply with the following standards:

a. Luminaries may include uplighting, which is specifically directed at the landscape or plant feature.

b. Luminaries ~~S~~shall be equipped with shields to help direct light to the landscape or plant feature and to help eliminate light spillover and glare.

c. Luminaires ~~S~~shall not exceed 300 lumens per luminaire.

d. Luminaires ~~S~~shall not exceed a height of 18-inches above grade.

~~F. Special Uses~~

~~1 Service station/fuel sales canopy structure~~

~~a. Luminaires shall be recessed so that the lens cover is flush with the lower surface of the canopy and shielded by a fixture or the edge of the canopy so that light is directed downward.~~

~~b. As an alternative, indirect lighting may be used where uplighting is reflected from the underside of the canopy. When this method is used, luminaires~~

Commented [JB4]: Move to articles 48 or 49.

~~must be shielded so that direct light is focused exclusively on the underside of the canopy.~~

~~c. Luminaires shall not be mounted on the top or sides (fascia) of a canopy.~~

~~d. Internally illuminated signs in compliance with the Sign Ordinance may be placed on the fascia of the canopy.~~

~~e. The total light output directly below the canopy shall not exceed 30 foot-candles.~~

~~2 Outdoor dining areas~~

~~a. Decorative unshielded lighting may be used in outdoor dining areas as long as the lighting does not exceed 1.5 foot-candles and is designed to control light spillover and reduce glare to adjacent properties.~~

~~b. Lighting in outdoor dining areas adjacent to residentially zoned or used land must be extinguished by 11:00 pm or when the business closes, whichever is first.~~

54.70 INTERIOR LIGHTING

Where interior lighting and/or lighting displays are located within 10 feet of a bay of windows, glass doors, or other transparent areas of a building facade, walls, or roof (e.g., skylights), the lighting shall be shielded or screened to reduce visibility and prevent glare to patrons, individuals on adjacent and nearby properties, and/or motorists on adjacent streets.

54.80 EXISTING LIGHTING

All lighting established prior to this Ordinance shall be so arranged as to avoid glare or direct illumination onto any portion of any adjacent rights-of-way or onto any adjacent premises.

54.90 ADMINISTRATION

A site lighting plan for uses requiring Site Plan review shall be submitted, in compliance with this Article, and shall provide the following information:

A. Proposed location on premises of all outdoor light fixture(s), including all building-mounted lighting, architectural lighting, and landscape lighting.

B. Manufacturer specification sheets, cut-sheets, or other manufacturer provided information for all proposed luminaires that provides a description of the illumination devices, fixtures, lamps, supports, reflectors, and other devices, including lumens produced.

C. The height of all luminaires and poles.

D. A photometric plan showing foot-candle readings every ten feet within the subject site and ten feet beyond the property lines, including lighting ratios.

E. If building elevations are proposed for illumination, drawings shall be provided for all relevant building elevations showing the fixtures, the portions of the elevations to be illuminated, the illuminance levels of the elevations, and the aiming point for any remote light fixture.