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**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION MEETING**

**OSHTEMO TOWNSHIP HALL
7275 WEST MAIN STREET**

**THURSDAY, AUGUST 14, 2025
6:00 P.M.**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Public Comment on Non-Agenda Items
5. Approval of Minutes: July 24, 2025 Meeting
6. **Public Hearing: Zoning Ordinance Text Amendments (MUD, PUD, etc.)**
Planning Commission to conduct public hearing on proposed Zoning Ordinance amendments to the Mixed Use District and unrelated amendments regarding adult foster care and similar facilities in the residential districts, planned unit development, temporary events, requirement for non-motorized facilities.
7. **Public Hearing: Zoning Ordinance Text Amendment (Supplemental setback, residential parking)**
Planning Commission to review draft one of proposed Zoning Ordinance amendments to the supplemental setback requirements and an unrelated amendment to residential parking.
8. **Presentation: Battery Energy Storage Systems**
9. Public Comment
10. Other Updates and Business
11. Adjournment

Broadcast Notice:

This meeting is being streamed live 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 JULY 24, 2025**

AGENDA

PUBLIC HEARING: ZONING ORDINANCE TEXT AMENDMENTS

**ZONING ORDINANCE TEXT AMENDMENT (SUPPLEMENTAL SETBACK,
PARKING)**

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, July 24, 2025, commencing at 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

MEMBERS PRESENT: Michael Chapman, Township Board Liaison
 Deb Everett, Vice Chair
 Scot Jefferies
 Scott Makohn
 Alistair Smith

MEMBERS ABSENT: Jeremiah Smith
 Philip Doorlag, Chair

Also present were Jodi Stefforia, Planning Director; James Porter, Township Attorney; Leeanna Harris, Planning and Zoning Administrator; Colten Hutson, Zoning Administrator; Jennifer Wood, Recording Secretary; and approximately 5 interested persons.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Vice Chair Everett called the meeting to order at 6:00 p.m. Those in attendance joined in reciting the Pledge of Allegiance.

APPROVAL OF AGENDA

Vice Chair Everett asked if there were any proposed changes to the agenda.

Ms. Stefforia requested to postpone approval of the minutes until the next meeting.

With that adjustment, the agenda was accepted as presented

PUBLIC COMMENT ON NON-AGENDA ITEMS

There were no comments regarding non-agenda items.

PUBLIC HEARING - TEXT AMENDMENTS ADDRESSING MUD, PUD, ADULT FOSTER CARE, NON-MOTORIZED AND TEMPORARY OUTDOOR EVENTS

Ms. Stefforia presented her updated staff report, dated July 24, 2025, which is hereby incorporated into the official record. The amendments propose changes to the Mixed Use District as a result of its application to the first MUD project. We are also presenting unrelated changes to the Planned Unit Development (PUD) ordinance regarding phasing timelines. Adult Foster Care facilities, temporary outdoor events and changes to the non-motorized facilities are also proposed.

Mr. A. Smith requested that the vote on this item be postponed. It was noted that a technical issue had occurred, which resulted in some Commissioners not receiving the meeting packet in advance.

Additionally, a separate technical issue affecting the live recording of the meeting was identified and subsequently resolved.

Vice Chair Everett opened the floor to public comments. One person provided comments regarding outdoor events.

Vice Chair Everett closed the public comments.

Mr. Chapman made **a motion** to table the Public Hearing on proposed text amendments related to Mixed-Use Developments (MUD), Planned Unit Developments (PUD), Adult Foster Care, Non-Motorized Transportation, and Temporary Outdoor Events until the next Planning Commission meeting on August 14, 2025. Mr. A. Smith **seconded the motion**. The **motion passed** unanimously

ZONING ORDINANCE TEXT AMENDMENT (SUPPLEMENTAL SETBACK, PARKING)

Ms. Stefforia presented her staff report, dated July 24, 2025, which is hereby incorporated into the record. In a recent application of the supplemental setback requirement when a commercial property abuts a residential property, Staff found that some exceptions should be written into the ordinance as not all uses allowed in the commercial (or industrial) district have negative externalities warranting a greater/supplemental setback. Such as an office building.

In addition, minor language changes are being recommended to clarify regulations regarding parking and the storage of recreational vehicles (RVs), boats, and other vehicles in residential districts.

The Commission discussed potential implications associated with permitting some exceptions to allow reduced setbacks.

Mr. Chapman made **a motion** to schedule a Public Hearing on a Zoning Ordinance text amendment concerning supplemental setbacks and parking regulations for the next Planning Commission meeting on August 14, 2025. Mr. A. Smith **seconded the motion**. The **motion passed** unanimously.

PUBLIC COMMENT

There were no comments from the public.

OTHER UPDATES AND BUSINESS

Vice Chair Everett asked if there were any other updates or business.

Ms. Stefforia invited developers Mr. Tony Ferlito and Mr. Mike Ferlito from the Ferlito Group, to address the Commission regarding a possible change to the West Main Villages project. The developers shared that Kroger has expressed interest in introducing a 99,000 square foot 'Market Place' concept store at the site. The possible layout of the Kroger store on an aerial image of the property and the previously approved layout were provided to facilitate the discussion.

The Commission discussed the potential benefits and drawbacks of allowing Kroger to develop at this location. While there was general support for a smaller-format grocery store,, Commissioners expressed concerns about the reduction in planned housing units, the overall scale of the proposed building with hundreds of parking spaces out front, and potential impacts on traffic in the area.

Ultimately, the Commission expressed support for proceeding with the original concept and scope of the project.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:43 p.m.

Minutes Prepared: July 25, 2025

Minutes Approved:

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MEMO

To: Planning Commission
From: Jodi Stefforia, Planning Director & Planning Department Staff
Date: August 14, 2025
RE: Public Hearing - Text Amendments addressing MUD, PUD, Adult Foster Care, Non-Motorized and Temporary Outdoor Events

The round of quarterly amendments from the Wishlist of necessary or desirable changes to the Zoning Ordinance has been prepared for the Planning Commission's review. Draft one of the amendments was considered in June. The amendments were set for hearing on July 24; at that meeting, the item was adjourned to the August 14 meeting.

The amendments propose changes to the Mixed Use District as a result of its application to the first MUD project. We are also presenting unrelated changes to the Planned Unit Development (PUD) ordinance regarding phasing timelines. Adult Foster Care facilities, temporary outdoor events and changes to the non-motorized facilities are also proposed. Before each proposed area of amendment, a brief note of explanation is provided.

Changes presented with draft one are in **red**; changes made due to input at first review are in **blue**.

Attach: Public Hearing Draft - Text Amendments: MUD, PUD, Adult Foster Care, Non-Motorized and Temporary Outdoor Events Ordinance 684

Public Hearing / Final Draft – Amendments to Section 30: Mixed Use District and Various Other Sections (July 2025)

Note: With review of the first Mixed Use District proposal, areas of the ordinance that need clarification or revision have been identified. A series of amendments are proposed below for consideration. unrelated amendments to a few other sections are also proposed.

Changes from Draft One are in blue.

1. **AMEND: Section 30.10 Statement of Purpose and Intent**

The Mixed-Use District was established for the purposes of implementing Oshtemo Township's adopted Sub Area Plans ~~with the intent to and encouraging~~ encourage a mix of uses in the planned redevelopment of existing commercial areas into cohesive mixed-use districts that feature a complementary mix of uses designed to encourage internal trip capture. The Mixed Use District designation is designed to accommodate, through comprehensive planning, zoning, building design, site layout, and project review, integrated residential, commercial office, technology, and public uses on larger parcels of land. The mixed-use district strives to encourage innovative development that incorporates high-quality building design, compatibility with adjacent uses, preservation of unique environmental features, and the creation of open spaces and amenities that enhance the quality of life of residents.

2. **AMEND: Section 30.20.C. Establishing a Mixed-Use District, Application Requirements**

30.20.C. APPLICATION REQUIREMENTS

The owner or option purchaser of a tract of land shall seek approval of a Mixed-Use District zoning designation with the simultaneous submittal of a comprehensive development plan. The comprehensive development plan shall include:

(3) **Development Schematic Plan.** A development schematic plan illustrating the proposed streets and the areas designated for residential, commercial, or non-residential and mixed-uses. The development schematic plan should provide areas planned for mixed-use buildings. Potential specific uses proposed in each area shall be outlined and should be complementary to each other particularly in the mixed-use area(s); see Section 30.30 for a list of uses permitted in the district. The development schematic plan shall include the proposed acreage for each use category and the proposed residential densities for each identified residential and mixed-use area.

(4) **Site Circulation.** ~~A circulation and access management plan for the project shall be provided. This plan shall include proposed street names and phasing (if any for development~~

purposes), proposed non-motorized connections, and connectivity to the surrounding transportation network. The design of the circulation and access management plan shall be governed by Article 240 Oshtemo Streets and Mobility Ordinance. Private Streets shall be permitted as outlined in Article 240:

(4) Layout, Circulation and Transportation. To meet the intent of this ordinance, the development schematic plan shall provide land uses and incorporate the design of complete streets and multimodal circulation systems that effectively and safely allow users of all modes of transportation to move within the development, and to adjacent developments now or in the future as easements are secured and/or opportunities present. Residential and non-residential uses shall be designed, located, and oriented so that non-residential uses are directly accessible to residents of the development by way of non-motorized facilities and streets that do not involve leaving the development. Provision for public transportation shall also be made.

(5) Traffic Impact Study (TIS). A complete analysis of traffic generated by the entire development and the impact said development would have on the surrounding transportation system and proposed mitigation measures shall be provided as outlined in ~~Article 240 Oshtemo Streets and Mobility Ordinance~~ the **Transportation and Mobility Ordinance**. The transportation system includes but is not limited to truck routes, emergency routes, State and County roads, non-motorized network(s), public transit, etc.

To reduce the impact of the development on the surrounding transportation system, this ordinance encourages site designs that promote sustainable travel patterns and minimize external trip generation. Internal trip capture may be considered if the site's design and layout, as described in Section 4, support internal circulation and reduce the need for external vehicle trips. The Planning Director and Public Works Director may consider adjustments to trip generation based on empirical data, including methodologies from NCHRP Report 684, the EPA's Smart Growth Mixed-Use Trip Generation Model, or other applicable studies.

The Planning Director and the Public Works Director shall provide feedback to the Planning Commission whether the proposed mitigation measures reported in the TIS align with subarea plans, master plans, community surveys, etc., particularly regarding walkability. If the Planning Commission determines that mitigation measures do not meet the vision of the community as reflected in the foregoing, the rezoning request or portions of the project may be denied.

(8) Residential Density and Density Bonus.

II. Density Bonus. Provided the traffic generated by additional density does not detrimentally impact the transportation network and the vision for specific corridors as embodied in adopted plans, including all modes of transportation, as described in subsection (5) above, a density bonus, up to the maximum gross density defined within Table 30.20.1, ~~shall~~ **may** be granted if the proposed development provides additional public benefits to the overall community as outlined below. The bonuses earned from each category shall be added together. Final permitted density shall be rounded to the nearest unit (up if **equal to or** over .5 a unit or down if under).

- a) Housing – This is intended to promote missing middle housing. A mix of housing options are desired.
 - 1. At least 50% of the dwelling units shall be in buildings with at least two (2) dwelling units. (10% density increase)
 - 2. At least 75% of the dwelling units shall be in buildings with at least two (2) dwelling units. (20% density increase)
 - 3. 100% of the dwelling units shall be in buildings with at least two (2) dwelling units. (30% density increase)
- b) Areas within the development with housing designated exclusively for senior citizens, 55 years and older, are entitled to a 20% density bonus.
- c) Dedication of land for a public park, not less than one acre, and/or land for a community/public building if acceptable to the Township Board. (30% density increase).
- d) Dedication of land, not less than one acre when combined, for the purpose of a private park that incorporates usable amenities. Acceptable amenities include playground equipment, picnic areas with grills and tables, tennis courts, baseball diamonds, etc. (10% density increase)
- e) Green Energy – If this density bonus is utilized, the applicant shall designate through their design standards the type of buildings within the development that will meet these standards.
 - 1. 50% of the buildings are constructed to LEED Silver Standards or 50% of the buildings are constructed to Energy Star certified standards (15% density increase).
 - 2. 100% of the buildings are constructed to LEED Silver Standards or 50% of the buildings are constructed to LEED Gold Standards 75% of the buildings are constructed to Energy Star certified standards. (30% density increase).

g) Mixed Use Buildings

- 1. Minimum of 20% of buildings have both residential and non-residential uses (10% density bonus)
- 2. Minimum of 30% of building have both residential and non-residential uses (20% density bonus)

(10) Phasing. A developmental procedures agreement shall describe the timing and phasing, if applicable, of the project and outline other development details as necessary. **When**

proposed construction or development is to be phased, the project shall be designed in a manner that allows each phase to ~~fully function on its own~~ regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the mixed use development and residents of the surrounding area. A phasing plan including when each phase is anticipated to commence must be provided for consideration by the Planning Commission. If a phase does not commence within 12 months of the approved phasing plan, the Planning Commission may require a resubmission of the ~~Comprehensive Development Plan~~ **phasing plan** for further review and possible revision.

(11) Buffer from Adjacent Residentially Zoned Districts.

ii. Walls or fences – Walls or fences may be combined with a berm and ~~together~~ must be a minimum of six (6) feet ~~in height but cannot exceed above the original grade level in height~~ as measured on the side of the proposed wall or fence having the higher grade. A required wall or fence shall be adjusted to 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 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 and submit the same to the Planning Commission for approval. Chain link fences with opaque slats are not permitted.

(12) Natural features. The development shall be designed to promote the preservation of natural features which shall be defined as water resources and adjacent upland buffers, steep slopes, rolling hills, and dense forests in a manner consistent with the Natural Features Protection District of Ordinance 585 ~~and the Environmental Protection Requirements of Article 56. The Planning Commission may consider and approve deviations from ordinance requirements upon a finding by the Public Works Director that the proposed project layout and/or amenities will not result in significant negative impacts to existing natural features. In such cases, the Planning Commission may exercise discretion to allow alternative designs that better accommodate site-specific conditions or environmental constraints.~~

3. AMEND: Section 30.30 DEVELOPING WITHIN THE MIXED USE DISTRICT:

A. CONDITIONS FOR DEVELOPMENT

Unless specifically outlined in a phasing plan approved with the comprehensive development plan, all public infrastructure including shared ~~detention~~ **retention** basin areas, streets, street lighting, useable common open spaces, and non-motorized facilities, shall be installed prior to any development. ~~If allowed, all private streets shall be located in a 66-foot right-of-way with an easement~~ **50-foot wide easement** granted to the Township for public utilities and nonmotorized facilities. The Township shall have no obligation or liability for the private street or maintenance thereof by virtue of the easement.

In addition, prior to the submission of the first site plan application within the MU district, the development ownership of the district shall establish a Design Committee. The Design Committee shall review all site plan submissions against the adopted Design Standards and provide a letter of recommendation to the Planning Department as part of the official site plan application to the Township.

B. PERMITTED USES

8) ~~Hospitals and Medical clinics.~~

11) ~~Passenger bus terminals, excluding facilities for the overnight storage of buses.~~ **Reserved**

15) ~~Commercial Center.~~ **Reserved.**

21) Drive-in service window or drive-through services for businesses. **Any drive-in service window or drive-through service for a restaurant must be located on the endcap of a multi-tenant building and shall not be located on a standalone building.**

29. ~~Scientific or medical laboratories, engineering, testing or design facilities, or other theoretical or applied research facilities. Typical uses include electronics research laboratories, environmental research and development firms, agricultural and forestry research labs, and pharmaceutical research labs.~~ **Reserved.**

D. DEVELOPMENT REQUIREMENTS

4) iv. All mobility and transportation elements shall follow the regulations outlined in ~~Article 240 Oshtemo Streets and Mobility Ordinance~~ **the Transportation and Mobility Ordinance.**

Unrelated Amendments regarding adult foster care and similar facilities

Note: After receiving inquiries regarding Adult Foster Care Facilities, in consultation with the Township Attorney, Staff identified several areas of the Zoning Ordinance that require amendments to be in-line with the State Adult Foster Care Facility Licensing Act. Other amendments relating to Adult Foster Care Facilities are also proposed.

1. ADD to and AMEND Section 2.20 DEFINITIONS

A. ADD: **Adult Foster Care Family Home** - A private residence (pursuant to 1979 Public Act 218, as amended) with the approved capacity to receive at least 3 but not more than 6 adults to be

provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

- B. ADD: **Adult Foster Care Congregate Facility** - An adult foster care facility (pursuant to 1979 Public Act 218) with the approved capacity to receive more than 20 adults to be provided with foster care.
- C. ADD: **Unified Care Facility** – a combination of two or more State certified adult or child care facilities licensed by the State of Michigan on the same or adjacent property operating under the same organization or through a joint operation agreement.
- D. AMEND: **Adult Foster Care Facility** - a State certified ~~home or facility~~ (pursuant to 1979 Public Act 218, as amended) ~~housing~~ licensed by the State of Michigan that provides foster care to adults. Adult foster care facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. ~~at least one but not more than four adults that receive benefits from community mental health service programs. Shall not be signed.~~
- E. AMEND: **Adult Foster Care Large Group Home** - a State certified facility (pursuant to 1979 Public Act 218) licensed by the State of Michigan with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care. ~~hosting at least thirteen but not more than 20 adults that receive benefits from community mental health service programs.~~
- F. AMEND: **Adult Foster Care Small Group Home** - a State certified facility (pursuant to 1979 Public Act 218) licensed by the State of Michigan with the approved capacity to receive at least 3 but not more than 12 adults to be provided with foster care. ~~hosting at least three but not more than 12 adults that receive benefits from community mental health service programs.~~

2. AMEND any reference of “Adult Foster Care Facility” to “Adult Foster Care Family Home” located in Sections 4.20, 5.20, 6.20, 7.20, 8.20, 9.20, 10.20 as a Permitted Use.

Example below from Section 4.20 AG: AGRICULTURAL DISTRICT

- J. ~~Adult Foster Care Facility.~~ **Adult Foster Care Family Home.**

3. AMEND Section 7.40 R-2: RESIDENCE DISTRICT to ADD “Larger Facilities for Child and Adult Foster Care”, “Adult Foster Care Congregate Facility” and “Unified Care Facility” as a Special Exception Use.

7.40 SPECIAL USES

- I. ~~Larger Facilities for Child and Adult Foster Care, including: Child Caring Institutions, Foster Family Group Home, Adult Foster Care Small Group Home, Adult Foster Care Large Group Home, Adult Foster Care Congregate Facility, and Unified Care Facility.~~

4. AMEND Sections 7.40 8.40, 9.40, 10.40 for any reference of “Larger Facilities for Child and Adult Foster Care” to ADD “Adult Foster Care Congregate Facility” and “Unified Care Facility” as a Special Exception Use.

Example below from Section 8.40 R-3: RESIDENCE DISTRICT

- O. Larger Facilities for Child and Adult Foster Care, including: Child Caring Institutions, Foster Family Group Home, Adult Foster Care Small Group Home, ~~and~~ Adult Foster Care Large Group Home, **Adult Foster Care Congregate Facility, and Unified Care Facility.**

5. AMEND: Section 49.140 LARGER FACILITIES FOR CHILD AND ADULT FOSTER CARE

1. Shall not be located closer than 1,500 feet to any of the following **unless operated as a Unified Care Facility or unless permitted by the Planning Commission upon a finding that such an action will not result in an excessive concentration of such facilities in a single neighborhood or in the Township overall:**
 - a. Another licensed group childcare home or Child Caring Institution;
 - b. An adult foster care small group home or large group home;
 - c. A facility offering substance use disorder services to seven or more people;
 - d. Community correction center, Half-way house, or similar facility
2. Outside play or social areas are appropriately fenced for the safety of the residents.
3. The residential character of the property shall be preserved and maintained. Any building must be compatible in size, height, external design, landscaping, and surrounding open space as other residential buildings in the area.
4. No signs are permitted.
5. One parking space, in accordance with Article 52, shall be provided for each non-resident employee working on site at any one time.
- 6. Adult Foster Care Congregate Facilities and Unified Care Facilities shall have frontage on and direct vehicle access to a public street classified as a primary or arterial road by the county or state road authorities. Vehicle access to local streets shall be limited to secondary access where necessary for health and safety purposes.**
- 7. Adult Foster Care Congregate Facilities and Unified Care Facilities shall be connected to public sewer and water.**

Unrelated Amendments regarding PUD, Temporary Events and Non-Motorized Facilities

1. AMEND: PUD Phasing and time limits

Note: With review of previously approved Planned Unit Development (PUD) that has not progressed as originally anticipated, it became apparent that the ordinance language allowing for PUDs should be strengthened as to approval timelines regarding when various phases of the PUD will be developed.

41.100 APPROVAL PROCESS AND DOCUMENTATION REQUIRED

D.3. Site Plan review: Following Conceptual Plan review, individual project or overall planned unit development Site Plan(s) shall undergo a final review by the Planning Commission. The detailed Site Plan shall conform to the approved Conceptual Plan and incorporate any revisions or recommendations made by the Planning Commission at the Conceptual Plan review. If a detailed Site Plan **for the PUD** is not submitted for review within six months of Conceptual Plan approval **or if more than two years pass between submission of individual project site plans within the PUD other than as may have been approved on a phasing plan (Section 41.110)**, the Planning Commission may require a resubmission of the Conceptual Plan for further review and possible revision. Site Plan review shall be subject to all appropriate sections of the Zoning Ordinance.

41.110 POST-APPROVAL PROCEDURES AND REQUIREMENTS

D. Project phasing. When proposed construction **or development** is to be phased, the project shall be designed in a manner that allows each phase to ~~fully function on its own~~ regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and residents of the surrounding area. **A phasing plan including when each phase is anticipated to commence must be provided for consideration by the Planning Commission. If a phase does not commence within 12 months of the approved phasing plan, the Planning Commission may require a resubmission of the Conceptual Plan or overall planned unit development site plan** **phasing plan** for further review and possible revision.

2. AMEND: Temporary Outdoor Events

Note: Frequently, staff is approached by various groups that want to hold a weekend long event that may include a food truck. The ordinance only allows for administrative review of one-day events – often the timing is such that an event is planned long before the individual could appear before the Planning Commission for special use approval for the weekend event. We suggest that the ordinance be amended to allow administrative review of 3 days events – we do have a formal permit process established – up to 12 calendar days a year.

48.120 TEMPORARY OUTDOOR EVENTS (NOT LASTING MORE THAN ~~ONE DAY~~ **THREE DAYS).**

- A. Events shall last no more than ~~one day~~ **three days**. **There shall not be temporary events on a property for more than 12 days in a calendar year.**
- B. Use is incidental to the principal use of the property.

- C. A Site Plan shall be submitted for administrative review indicating the following:
 - 1. Traffic lanes and on-site parking.
 - 2. Fire lanes and emergency vehicle turning areas.
 - 3. Restrooms provided (in building or portable facilities).
 - 4. Placement of vehicles, trailers, and all other equipment is away from adjoining residentially used properties and complies with all applicable setbacks.
 - 5. All activity takes place on subject property.
- D. The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.
- E. All signs directed off-site must receive a temporary sign permit and comply with all applicable sign ordinances.
- F. Property owner must approve and acknowledge the use of the property for the event.

49.260 TEMPORARY OUTDOOR EVENTS (LASTING MORE THAN ~~ONE DAY~~ THREE DAYS).

- A. May last more than ~~one day~~ three days.
- B. Use is incidental to the principal use of the property.
- C. A Site Plan shall be submitted for administrative review indicating the following:
 - 1. Traffic lanes and on-site parking.
 - 2. Fire lanes and emergency vehicle turning areas.
 - 3. Restrooms provided (in building or portable facilities).
 - 4. Placement of vehicles, trailers, and all other equipment is away from adjoining residentially used properties and complies with all applicable setbacks.
 - 5. All activity takes place on subject property.
- D. The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.
- E. All signs directed off-site must receive a temporary sign permit and comply with all applicable sign ordinances.
- F. Property owner must approve and acknowledge the use of the property for the event.

VARIOUS SECTIONS WHERE TEMPORARY OUTDOOR EVENTS ARE LISTED

- 4.30.A. AG Temporary outdoor events (not lasting more than ~~one day~~ three days).
- 4.40.D. AG Temporary outdoor events (lasting more than ~~one day~~ three days).
- 5.30.B. RR Temporary outdoor events (not lasting more than ~~one day~~ three days).
- 5.40.H. RR Temporary outdoor events (lasting more than ~~one day~~ three days).
- 6.30.A. R-1 Temporary outdoor events (not lasting more than ~~one day~~ three days).
- 6.40.C. R-1 Temporary outdoor events (lasting more than ~~one day~~ three days).
- 7.30.A. R-2 Temporary outdoor events (not lasting more than ~~one day~~ three days).
- 7.40.D. R-2 Temporary outdoor events (lasting more than ~~one day~~ three days).
- 8.30.B. R-3 Temporary outdoor events (not lasting more than ~~one day~~ three days).
- 8.40.J. R-3 Temporary outdoor events (lasting more than ~~one day~~ three days).

9.30.C	R-4	Temporary outdoor events (not lasting more than one day three days).
9.40.f.	R-4	Temporary outdoor events (lasting more than one day three days).
10.30.C	R-5	Temporary outdoor events (not lasting more than one day three days).
10.40.C	R-5	Temporary outdoor events (lasting more than one day three days).
11.30.B	R-C	Temporary outdoor events (not lasting more than one day three days).
11.40.M	R-C	Temporary outdoor events (lasting more than three days).
18.30.B	C	Temporary outdoor events (not lasting more than one day three days).
18.40.N	C	Temporary outdoor events (lasting more than one day three days).
19.30.B	VC	Temporary outdoor events (not lasting more than one day three days).
19.50.K	VC	Temporary outdoor events (lasting more than one day three days).
20.30.A	BRP	Temporary outdoor events (not lasting more than one day three days).
20.40.F	BRP	Temporary outdoor events (lasting more than one day three days).
21.30.A	CR	Temporary outdoor events (not lasting more than one day three days).
21.40.J	CR	Temporary outdoor events (lasting more than one day three days).
26.40.A	I-R	Temporary outdoor events (not lasting more than one day three days).
26.50.H	I-R	Temporary outdoor events (lasting more than one day three days).
27.30.B	I-1	Temporary outdoor events (not lasting more than one day three days).
27.40.H	I-1	Temporary outdoor events (lasting more than one day three days).
28.30.A	I-2	Temporary outdoor events (not lasting more than one day three days).
28.40.A	I-2	Temporary outdoor events (lasting more than one day three days).
30.30.C.h	MUD	Temporary outdoor events (subject to 48.120 or 49.260, as applicable)

3. **AMEND: 57.90 SIDEWALKS AND NON-MOTORIZED FACILITIES**

Note: Given the recent changes in the law, constructing a 'sidewalk to nowhere' violates the Public Right-Of-Way Accessibility Guidelines (PROWAG) statute. The ZBA is asking for this changes as it has granted three requests recently allowing the property owner to consent to a future special assessment district rather than building a segment of sidewalk or putting funds in escrow now as construction prices will change and there will be economy of scale in building a large segment of sidewalk versus piecemeal as well as avoiding design issues.

57.90 SIDEWALKS AND NON-MOTORIZED FACILITIES

For those uses requiring Site Plan review under this ordinance, an internal sidewalk network (including connection to and establishment of a sidewalk or shared use path in the right-of-way of any arterial, collector, or local road indicated on the Non-motorized Facilities Map abutting the site) shall be required to be constructed within public street rights-of-way and/or private street easements. Sidewalk easements on private property may be entered into and utilized if determined appropriate by the Township Engineer.

However, ~~unique~~ circumstances may exist such that the installation of non-motorized facilities in compliance with this article may not be appropriate at the time of development. Accordingly, the property owner may in lieu of constructing the required non-motorized facility, request to enter into ~~an Escrow Agreement~~ **a Consent to the Establishment of a Sidewalk Special Assessment District and Assessment** with the Township as outlined in the Non-Motorized Facilities/ Sidewalk Ordinance. **Provided the non-motorized facility is fully designed on the subject property as part of site plan review, the reviewing body is authorized to approve an Escrow Agreement a Consent to the Establishment of a Sidewalk Special Assessment District and Assessment in lieu of the required non-motorized facility with a recommendation from the Township Engineer that the public would be better served with construction of the non-motorized facility in the future (part of a larger sidewalk project, utility project, etc.).**

~~Where strict application would result in extraordinary difficulty, including, but not limited to, severe variations in topography, unsuitable soils, or difficulty in providing safe separation between pedestrian and vehicular traffic due to site location, layout, or existing building arrangements;~~

~~A. The Township has plans to install sidewalk along the property in question in the next five years or in coordination with an anticipated project.~~

The following Site Plan reviews are exempt from this Section:

- A. Uses requiring site plan review that entail an alteration or expansion to an existing building involving less than 2,000 sq. ft.
- B. Uses requiring site plan review that fall exclusively into the categories of 'Accessory Structures and Site Improvements' or Administrative Review in 'Change in Use' in the Table under Section 64.20 Applicability.

DRAFT CHARTER TOWNSHIP OF OSHTEMO ORDINANCE NO. 684

Adopted:

Effective:

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN,
ORDAINS:

SECTION ONE: AMENDMENT OF ARTICLE 30 – MIXED-USE DISTRICT, SECTION 30.10 - STATEMENT OF PURPOSE AND INTENT, IS HEREBY AMENDED AS FOLLOWS:

The Mixed-Use District was established for the purposes of implementing Oshtemo Township's adopted Sub Area Plans with the intent to encourage a mix of uses in the planned redevelopment of existing commercial areas into cohesive mixed-use districts that feature a complementary mix of uses designed to encourage internal trip capture. The Mixed-Use District designation is designed to accommodate, through comprehensive planning, zoning, building design, site layout, and project review, integrated residential, commercial office, technology, and public uses on larger parcels of land. The Mixed-Use District strives to encourage innovative development that incorporates high-quality building design, compatibility with adjacent uses, preservation of unique environmental features, and the creation of open spaces and amenities that enhance the quality of life of residents.

SECTION TWO: AMENDMENT OF ARTICLE 30 – MIXED-USE DISTRICT, SECTION 30.20 - ESTABLISHING A MIXED-USE DISTRICT, APPLICATION REQUIREMENTS, IS HEREBY AMENDED AS FOLLOWS:

C. APPLICATION REQUIREMENTS

The owner or option purchaser of a tract of land shall seek approval of a Mixed-Use District zoning designation with the simultaneous submittal of a comprehensive development plan. The comprehensive development plan shall include:

(3) Development Schematic Plan. A development schematic plan illustrating the proposed streets and the areas designated for residential, non-residential and mixed-uses. The development schematic plan should provide areas planned for mixed-use buildings. Potential specific uses proposed in each area shall be outlined and should be complementary to each other particularly in the mixed-use area(s); see Section 30.30 for a list of uses permitted in the district. The development schematic plan shall include the proposed acreage for each use category and the proposed residential densities for each identified residential and mixed-use area.

(4) Layout, Circulation and Transportation. To meet the intent of this ordinance, the development schematic plan shall provide land uses and incorporate the design of complete streets and multimodal circulation systems that effectively and safely allow users of all modes of transportation to move within the development, and to adjacent developments now or in the future as easements are secured and/or opportunities present. Residential and non-residential uses shall be designed, located, and oriented so that non-residential uses are directly accessible to residents of the development by way of non-motorized

facilities and streets that do not involve leaving the development. Provision for public transportation shall also be made.

(5) Traffic Impact Study (TIS). A complete analysis of traffic generated by the entire development and the impact said development would have on the surrounding transportation system and proposed mitigation measures shall be provided as outlined in the Transportation and Mobility Ordinance. The transportation system includes but is not limited to truck routes, emergency routes, State and County roads, non-motorized network(s), public transit, etc.

To reduce the impact of the development on the surrounding transportation system, this ordinance encourages site designs that promote sustainable travel patterns and minimize external trip generation. Internal trip capture may be considered if the site's design and layout, as described in Section 4, support internal circulation and reduce the need for external vehicle trips. The Planning Director and Public Works Director may consider adjustments to trip generation based on empirical data, including methodologies from NCHRP Report 684, the EPA's Smart Growth Mixed-Use Trip Generation Model, or other applicable studies.

The Planning Director and the Public Works Director shall provide feedback to the Planning Commission whether the proposed mitigation measures reported in the TIS align with subarea plans, master plans, community surveys, etc., particularly regarding walkability. If the Planning Commission determines that mitigation measures do not meet the vision of the community as reflected in the foregoing, the rezoning request or portions of the project may be denied.

(8) Residential Density and Density Bonus.

II. Density Bonus. Provided the traffic generated by additional density does not detrimentally impact the transportation network and the vision for specific corridors as embodied in adopted plans, including all modes of transportation, as described in subsection (5) above, a density bonus, up to the maximum gross density defined within Table 30.20.1, may be granted if the proposed development provides additional public benefits to the overall community as outlined below. The bonuses earned from each category shall be added together. Final permitted density shall be rounded to the nearest unit (up if equal to or over .5 a unit or down if under).

- a) Housing – This is intended to promote missing middle housing. A mix of housing options are desired.
 1. At least 50% of the dwelling units shall be in buildings with at least two (2) dwelling units. (10% density increase)
 2. At least 75% of the dwelling units shall be in buildings with at least two (2) dwelling units. (20% density increase)
 3. 100% of the dwelling units shall be in buildings with at least two (2) dwelling units. (30% density increase)
- b) Areas within the development with housing designated exclusively for senior citizens, 55 years and older, are entitled to a 20% density bonus.
- c) Dedication of land for a public park, not less than one acre, and/or land for a community/public building if acceptable to the Township Board. (30% density increase).
- d) Dedication of land, not less than one acre when combined, for the purpose of a private park that incorporates usable amenities. Acceptable amenities include playground equipment, picnic areas with grills and tables, tennis courts, baseball diamonds, etc. (10% density increase)

- e) Green Energy – If this density bonus is utilized, the applicant shall designate through their design standards the type of buildings within the development that will meet these standards.
 - 1. 50% of the buildings are constructed to LEED Silver Standards or 50% of the buildings are constructed to Energy Star certified standards (15% density increase).
 - 2. 100% of the buildings are constructed to LEED Silver Standards or 50% of the buildings are constructed to LEED Gold Standards 75% of the buildings are constructed to Energy Star certified standards. (30% density increase).
 - f) Open Space
 - 1. Minimum provided open space is 20% (10% density bonus)
 - 2. Minimum provided open space is 30% (20% density bonus)
 - g) Mixed-Use Buildings
 - 1. Minimum of 20% of buildings have both residential and non-residential uses (10% density bonus)
 - 2. Minimum of 30% of building have both residential and non-residential uses (20% density bonus)
- (10) **Phasing.** A developmental procedures agreement shall describe the timing and phasing, if applicable, of the project and outline other development details as necessary. When proposed construction or development is to be phased, the project shall be designed in a manner that allows each phase to function regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the mixed-use development and residents of the surrounding area. A phasing plan including when each phase is anticipated to commence must be provided for consideration by the Planning Commission. If a phase does not commence within 12 months of the approved phasing plan, the Planning Commission may require a resubmission of the phasing plan for further review and possible revision.
- (11) **Buffer from Adjacent Residentially Zoned Districts.**
- ii. Walls or fences – Walls or fences may be combined with a berm and together 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 adjusted to 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 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 and submit the same to the Planning Commission for approval. Chain link fences with opaque slats are not permitted.
- (12) **Natural features.** The development shall be designed to promote the preservation of natural features which shall be defined as water resources and adjacent upland buffers, steep slopes, rolling hills, and dense forests in a manner consistent with the Natural Features Protection District of Ordinance 585 and the Environmental Protection Requirements of Article 56. The Planning Commission may consider and approve deviations from ordinance requirements upon a finding by the Public Works Director that the proposed project layout and/or amenities will not result in significant negative impacts to existing natural features. In such cases, the Planning Commission

may exercise discretion to allow alternative designs that better accommodate site-specific conditions or environmental constraints.

SECTION THREE: AMENDMENT OF ARTICLE 30 – MIXED-USE DISTRICT, SECTION 30.30 – DEVELOPING WITHIN THE MIXED-USE DISTRICT, IS HEREBY AMENDED AS FOLLOWS:

A. CONDITIONS FOR DEVELOPMENT

Unless specifically outlined in a phasing plan approved with the comprehensive development plan, all public infrastructure including shared retention basin areas, street lighting, useable common open spaces, and non-motorized facilities, shall be installed prior to any development. If allowed, private streets shall be located in a 50-foot wide easement granted to the Township for public utilities and nonmotorized facilities. The Township shall have no obligation or liability for the private street or maintenance thereof by virtue of the easement.

In addition, prior to the submission of the first site plan application within the MU district, the development ownership of the district shall establish a Design Committee. The Design Committee shall review all site plan submissions against the adopted Design Standards and provide a letter of recommendation to the Planning Department as part of the official site plan application to the Township.

B. PERMITTED USES

8) Medical clinics.

11) Reserved

15) Reserved.

21) Drive-in service window or drive-through services for businesses. Any drive-in service window or drive-through service for a restaurant must be located on the endcap of a multi-tenant building and shall not be located on a standalone building.

29. Reserved.

C. DEVELOPMENT REQUIREMENTS

4) iv. All mobility and transportation elements shall follow the regulations outlined in the Transportation and Mobility Ordinance.

SECTION FOUR: AMENDMENT OF ARTICLE 2 – CONSTRUCTION OF LANGUAGE AND DEFINITIONS, SECTION 2.20 – DEFINITIONS, IS HEREBY AMENDED TO ADD THE FOLLOWING:

- A. **ADD: Adult Foster Care Family Home** - A private residence (pursuant to 1979 Public Act 218, as amended) with the approved capacity to receive at least 3 but not more than 6 adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- B. **ADD: Adult Foster Care Congregate Facility** - An adult foster care facility (pursuant to 1979 Public Act 218) with the approved capacity to receive more than 20 adults to be provided with foster care.

- C. ADD: **Unified Care Facility** – a combination of two or more State certified adult or child care facilities licensed by the State of Michigan on the same or adjacent property operating under the same organization or through a joint operation agreement.
- D. AMEND: **Adult Foster Care Facility** - a State certified home or facility (pursuant to 1979 Public Act 218, as amended) licensed by the State of Michigan that provides foster care to adults. Adult foster care facility includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.
- E. AMEND: **Adult Foster Care Large Group Home** - a State certified facility (pursuant to 1979 Public Act 218) licensed by the State of Michigan with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
- F. AMEND: **Adult Foster Care Small Group Home** - a State certified facility (pursuant to 1979 Public Act 218) licensed by the State of Michigan with the approved capacity to receive at least 3 but not more than 12 adults to be provided with foster care.

SECTION FIVE: AMENDMENT OF ARTICLE 4 – AG: AGRICULTURAL DISTRICT, SECTION 4.20 – PERMITTED USES, IS HEREBY AMENDED AS FOLLOWS:

J. Adult Foster Care Family Home.

SECTION SIX: AMENDMENT OF ARTICLE 5 – RR: RURAL RESIDENTIAL DISTRICT, SECTION 5.20 – PERMITTED USES, IS HEREBY AMENDED AS FOLLOWS:

I. Adult Foster Care Family Home.

SECTION SEVEN: AMENDMENT OF ARTICLE 6 – R-1: RESIDENCE DISTRICT, SECTION 6.20 – PERMITTED USES, IS HEREBY AMENDED AS FOLLOWS:

E. Adult Foster Care Family Home.

SECTION EIGHT: AMENDMENT OF ARTICLE 7 – R-2: RESIDENCE DISTRICT, SECTION 7.20 – PERMITTED USES, IS HEREBY AMENDED AS FOLLOWS:

J. Adult Foster Care Family Home.

SECTION NINE: AMENDMENT OF ARTICLE 8 – R-3: RESIDENCE DISTRICT, SECTION 8.20 – PERMITTED USES, IS HEREBY AMENDED AS FOLLOWS:

D. Adult Foster Care Family Home.

SECTION TEN: AMENDMENT OF ARTICLE 9 – R-4: RESIDENCE DISTRICT, SECTION 9.20 – PERMITTED USES, IS HEREBY AMENDED AS FOLLOWS:

F. Adult Foster Care Family Home.

SECTION ELEVEN: AMENDMENT OF ARTICLE 10 – R-5: RESIDENCE DISTRICT, SECTION 10.20 – PERMITTED USES, IS HEREBY AMENDED AS FOLLOWS:

C. Adult Foster Care Family Home.

SECTION TWELVE: AMENDMENT OF ARTICLE 7 – R-2: RESIDENCE DISTRICT, SECTION 7.40 – SPECIAL USES, IS HEREBY AMENDED TO ADD THE FOLLOWING:

I. Larger Facilities for Child and Adult Foster Care, including: Child Caring Institutions, Foster Family Group Home, Adult Foster Care Small Group Home, Adult Foster Care Large Group Home, Adult Foster Care Congregate Facility, and Unified Care Facility.

SECTION THIRTEEN: AMENDMENT OF ARTICLE 8 – R-3: RESIDENCE DISTRICT, SECTION 8.40 – SPECIAL USES, IS HEREBY AMENDED AS FOLLOWS:

O. Larger Facilities for Child and Adult Foster Care, including: Child Caring Institutions, Foster Family Group Home, Adult Foster Care Small Group Home, Adult Foster Care Large Group Home, Adult Foster Care Congregate Facility, and Unified Care Facility.

SECTION FOURTEEN: AMENDMENT OF ARTICLE 9 – R-4: RESIDENCE DISTRICT, SECTION 9.40 – SPECIAL USES, IS HEREBY AMENDED AS FOLLOWS:

K. Larger Facilities for Child and Adult Foster Care, including: Child Caring Institutions, Foster Family Group Home, Adult Foster Care Small Group Home, Adult Foster Care Large Group Home, Adult Foster Care Congregate Facility, and Unified Care Facility.

SECTION FIFTEEN: AMENDMENT OF ARTICLE 10 – R-5: RESIDENCE DISTRICT, SECTION 10.40 – SPECIAL USES, IS HEREBY AMENDED TO ADD THE FOLLOWING:

H. Larger Facilities for Child and Adult Foster Care, including: Child Caring Institutions, Foster Family Group Home, Adult Foster Care Small Group Home, Adult Foster Care Large Group Home, Adult Foster Care Congregate Facility, and Unified Care Facility.

SECTION SIXTEEN: AMENDMENT OF ARTICLE 49 – REQUIREMENTS FOR SPECIAL USES, SECTION 49.140 – LARGER FACILITIES FOR CHILD AND ADULT FOSTER CARE, IS HEREBY AMENDED AS FOLLOWS:

1. Shall not be located closer than 1,500 feet to any of the following unless operated as a Unified Care Facility or unless permitted by the Planning Commission upon a finding that such an action will not result in an excessive concentration of such facilities in a single neighborhood or in the Township overall:

- a. Another licensed group childcare home or Child Caring Institution;
- b. An adult foster care small group home or large group home;
- c. A facility offering substance use disorder services to seven or more people;
- d. Community correction center, Half-way house, or similar facility.

2. Outside play or social areas are appropriately fenced for the safety of the residents.

3. The residential character of the property shall be preserved and maintained. Any building must be compatible in size, height, external design, landscaping, and surrounding open space as other residential buildings in the area.

4. No signs are permitted.

5. One parking space, in accordance with Article 52, shall be provided for each non-resident employee working on site at any one time.

6. Adult Foster Care Congregate Facilities and Unified Care Facilities shall have frontage on and direct vehicle access to a public street classified as a primary or arterial road by the county or state road authorities. Vehicle access to local streets shall be limited to secondary access where necessary for health and safety purposes.

7. Adult Foster Care Congregate Facilities and Unified Care Facilities shall be connected to public sewer and water.

SECTION SEVENTEEN: AMENDMENT OF ARTICLE 41 – PLANNED UNIT DEVELOPMENT, SECTION 41.100 – APPROVAL PROCESS AND DOCUMENTATION REQUIREMENT, IS HEREBY AMENDED AS FOLLOWS:

D.3.Site Plan review: Following Conceptual Plan review, individual project or overall planned unit development Site Plan(s) shall undergo a final review by the Planning Commission. The detailed Site Plan shall conform to the approved Conceptual Plan and incorporate any revisions or recommendations made by the Planning Commission at the Conceptual Plan review. If a detailed Site Plan for the PUD is not submitted for review within six months of Conceptual Plan approval or if more than two years pass between submission of individual project site plans within the PUD other than as may have been approved on a phasing plan (Section 41.110), the Planning Commission may require a resubmission of the Conceptual Plan for further review and possible revision. Site Plan review shall be subject to all appropriate sections of the Zoning Ordinance.

SECTION EIGHTEEN: AMENDMENT OF ARTICLE 41 – PLANNED UNIT DEVELOPMENT, SECTION 41.110 – POST-APPROVAL PROCEDURES AND REQUIREMENTS, IS HEREBY AMENDED AS FOLLOWS:

D. Project phasing. When proposed construction or development is to be phased, the project shall be designed in a manner that allows each phase to function regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and residents of the surrounding area. A phasing plan including when each phase is anticipated to commence must be provided for consideration by the Planning Commission. If a phase does not commence within 12 months of the approved phasing plan, the Planning Commission may require a resubmission of the phasing plan for further review and possible revision.

SECTION NINETEEN: AMENDMENT OF ARTICLE 48 – CONDITIONS FOR SPECIFIC PERMITTED USES, SECTION 48.120 – TEMPORARY OUTDOOR EVENTS (NOT LASTING MORE THAN THREE DAYS), IS HEREBY AMENDED AS FOLLOWS:

- A. Events shall last no more than three days. There shall not be temporary events on a property for more than 12 days in a calendar year.
- B. Use is incidental to the principal use of the property.
- C. A Site Plan shall be submitted for administrative review indicating the following:
 - 1. Traffic lanes and on-site parking.
 - 2. Fire lanes and emergency vehicle turning areas.
 - 3. Restrooms provided (in building or portable facilities).

4. Placement of vehicles, trailers, and all other equipment is away from adjoining residentially used properties and complies with all applicable setbacks.
 5. All activity takes place on subject property.
- D. The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.
- E. All signs directed off-site must receive a temporary sign permit and comply with all applicable sign ordinances.
- F. Property owner must approve and acknowledge the use of the property for the event.

SECTION TWENTY: AMENDMENT OF ARTICLE 49 – REQUIREMENTS FOR SPECIAL USES, SECTION 49.260 – TEMPORARY OUTDOOR EVENTS (NOT LASTING MORE THAN THREE DAYS), IS HEREBY AMENDED AS FOLLOWS:

- A. May last more than three days.
- B. Use is incidental to the principal use of the property.
- C. A Site Plan shall be submitted for administrative review indicating the following:
1. Traffic lanes and on-site parking.
 2. Fire lanes and emergency vehicle turning areas.
 3. Restrooms provided (in building or portable facilities).
 4. Placement of vehicles, trailers, and all other equipment is away from adjoining residentially used properties and complies with all applicable setbacks.
 5. All activity takes place on subject property.
- D. The Fire Chief, or his designee, has approved the placement of vehicles, trailers, and all other equipment associated with the event.
- E. All signs directed off-site must receive a temporary sign permit and comply with all applicable sign ordinances.
- F. Property owner must approve and acknowledge the use of the property for the event.

SECTION TWENTY ONE: AMENDMENT OF VARIOUS SECTIONS WHERE TEMPORARY OUTDOOR EVENTS ARE LISTED ARE HEREBY AMENDED AS FOLLOWS:

- | | | |
|---------|-----|--|
| 4.30.A. | AG | Temporary outdoor events (not lasting more than three days). |
| 4.40.D. | AG | Temporary outdoor events (lasting more than three days). |
| 5.30.B. | RR | Temporary outdoor events (not lasting more than three days). |
| 5.40.H | RR | Temporary outdoor events (lasting more than three days). |
| 6.30.A. | R-1 | Temporary outdoor events (not lasting more than three days). |
| 6.40.C | R-1 | Temporary outdoor events (lasting more than three days). |
| 7.30.A | R-2 | Temporary outdoor events (not lasting more than three days). |
| 7.40.D | R-2 | Temporary outdoor events (lasting more than three days). |
| 8.30.B | R-3 | Temporary outdoor events (not lasting more than three days). |
| 8.40.J | R-3 | Temporary outdoor events (lasting more than three days). |
| 9.30.C | R-4 | Temporary outdoor events (not lasting more than three days). |
| 9.40.f. | R-4 | Temporary outdoor events (lasting more than three days). |
| 10.30.C | R-5 | Temporary outdoor events (not lasting more than three days). |
| 10.40.C | R-5 | Temporary outdoor events (lasting more than three days). |
| 11.30.B | R-C | Temporary outdoor events (not lasting more than three days). |
| 11.40.M | R-C | Temporary outdoor events (lasting more than three days). |

18.30.B	C	Temporary outdoor events (not lasting more than three days).
18.40.N	C	Temporary outdoor events (lasting more than three days).
19.30.B	VC	Temporary outdoor events (not lasting more than three days).
19.50.K	VC	Temporary outdoor events (lasting more than three days).
20.30.A	BRP	Temporary outdoor events (not lasting more than three days).
20.40.F	BRP	Temporary outdoor events (lasting more than three days).
21.30.A	CR	Temporary outdoor events (not lasting more than three days).
21.40.J	CR	Temporary outdoor events (lasting more than three days).
26.40.A	I-R	Temporary outdoor events (not lasting more than three days).
26.50.H	I-R	Temporary outdoor events (lasting more than three days).
27.30.B	I-1	Temporary outdoor events (not lasting more than three days).
27.40.H	I-1	Temporary outdoor events (lasting more than three days).
28.30.A	I-2	Temporary outdoor events (not lasting more than three days).
28.40.A	I-2	Temporary outdoor events (lasting more than three days).
30.30.C.h	MUD	Temporary outdoor events (subject to 48.120 or 49.260, as applicable).

SECTION TWENTY TWO: AMENDMENT OF ARTICLE 57 – MISCELLANEOUS PROTECTION REQUIREMENTS, SECTION 57.90 – SIDEWALKS AND NON-MOTORIZED FACILITIES, IS HEREBY AMENDED AS FOLLOWS:

For those uses requiring Site Plan review under this ordinance, an internal sidewalk network (including connection to and establishment of a sidewalk or shared use path in the right-of-way of any arterial, collector, or local road indicated on the Non-motorized Facilities Map abutting the site) shall be required to be constructed within public street rights-of-way and/or private street easements. Sidewalk easements on private property may be entered into and utilized if determined appropriate by the Township Engineer.

However, circumstances may exist such that the installation of non-motorized facilities in compliance with this article may not be appropriate at the time of development. Accordingly, the property owner may in lieu of constructing the required non-motorized facility, request to enter into a Consent to the Establishment of a Sidewalk Special Assessment District and Assessment with the Township as outlined in the Non-Motorized Facilities/ Sidewalk Ordinance. Provided the non-motorized facility is fully designed on the subject property as part of site plan review, the reviewing body is authorized to approve a Consent to the Establishment of a Sidewalk Special Assessment District and Assessment in lieu of the required non-motorized facility with a recommendation from the Township Engineer that the public would be better served with construction of the non-motorized facility in the future (part of a larger sidewalk project, utility project, etc.).

The following Site Plan reviews are exempt from this Section:

- A. Uses requiring site plan review that entail an alteration or expansion to an existing building involving less than 2,000 sq. ft.
- B. Uses requiring site plan review that fall exclusively into the categories of ‘Accessory Structures and Site Improvements’ or Administrative Review in ‘Change in Use’ in the Table under Section 64.20 Applicability.

DUSTY FARMER, CLERK
OSHTIMO CHARTER TOWNSHIP

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

MEMO

To: Planning Commission
From: Jodi Stefforia, Planning Director
Date: August 14, 2025
RE: Public Hearing - Text Amendments addressing supplemental setback and clarification on residential parking provisions

In a recent application of the supplemental setback requirement when a commercial property abuts a residential property, Staff found that some exceptions should be written into the ordinance as not all uses allowed in the commercial (or industrial) district have negative externalities warranting a greater/supplemental setback. Such as an office building.

An unrelated point of clarification has also been found necessary in the parking provisions now that the section has been broken up as to parking and storage of vehicles and boats, etc. in the residential districts. We proposing adding minor language for purposes of clarification.

Draft one of proposed changes was presented in July and the public hearing set for the August 14 meeting.

Attach: Public Hearing Draft - Text Amendments: Supplemental setback and parking Ordinance 685

Amendments to Article 50: SCHEDULE OF REGULATIONS and to Article 52: OFF-STREET PARKING OF MOTOR VEHICLES

Note: New language is in red.

PART ONE: Amendments to Article 50 Schedule of Regulations

Comment: The minimum setback distance (supplemental setback) provisions are recommended to be reduced by 50% for certain uses when a landscape buffer pursuant to Section 53.40 is installed. This change is recommended as the recent application of the greater setback for an office addition to the side yard of a condominium development made the project design infeasible without a variance (which was denied). Staff recommends distinguishing low-intensity uses, such as an office building, that do not warrant a supplemental setback from a residential property to allow a lesser setback.

1. Amend: Section 50.70 SUPPLEMENTAL SETBACK PROVISION FOR PROPERTY ABUTTING A HIGHER RESIDENTIAL ZONING CLASSIFICATION

B. Except where other provisions of the Oshtemo Charter Township Zoning Ordinance require a larger setback for a building or structure, the minimum setback distance between any building or structure and any rear or side property line abutting property located in a higher residential zoning classification than the subject site shall be as follows:

1. Fifty feet where the subject site is in a "R-3", "R-4" or "R-5" zoning classification and abuts property in an "AG", "RR", "R-1", "R-2", or "R-C" zoning classification. This minimum setback distance shall be increased by one foot for each foot in height in excess of 25 feet of the building in the "R-3", "R-4", or "R-5" zoning classification as measured from the adjacent grade.

Minimum setback distance shall be reduced by fifty percent when the proposed use is one of the following and a landscape buffer, if applicable, pursuant to Section 53.40 is installed along the property line between the improved area of the subject properties (see Article 53):

- a. Family Child Care and Group Child Care Homes.
- b. Adult Foster Care Family Home.
- c. Foster Family Home.

2. Eighty-five feet where the subject site is in a "C" or "C-R" zoning classification and abuts property in an "AG", "RR", "R-1", "R-2", "R-3", "R-4", "R-5", or "R-C" zoning classification. This minimum setback distance shall be increased by one foot for each foot in height in excess of 25 feet of the building in the "C" or "C-R" zoning classification as measured from the adjacent grade.

Minimum setback distance shall be reduced by fifty percent when a landscape buffer pursuant to Section 53.40 is installed along the property line between the improved area of the subject properties (see Article 53) and when the proposed use is one of the following:

- a. Banks, credit unions, savings and loan offices and similar financial institutions, without drive-throughs.

- b. Offices.
 - c. Medical or Veterinary clinics.
 - d. Child Care Centers.
 - e. Houses of Worship.
3. One hundred feet where the subject site is in an "BRP", "I-R", "I-1", "I-2", or "I-3" zoning classification and abuts property in an "AG", "RR", "R-1", "R-2", "R-3", "R-4", "R-5" or "R-C" zoning classification. This minimum setback distance shall be increased by one foot for each foot in height in excess of 25 feet of the building in the "BRP", "I-R", "I-1", "I-2" or "I-3" zoning classification as measured from the adjacent grade.

Minimum setback distance shall be reduced by fifty percent when a landscape buffer pursuant to Section 53.40 is installed along the property line between the improved area of the subject properties (see Article 53) and when the proposed use is one of the following:

- a. Offices
- b. Medical clinics.
- c. Banks, credit unions, and similar financial institutions, without drive-throughs.
- d. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.

PART TWO: Amendment to Article 52 OFF-STREET PARKING OF MOTOR VEHICLES

Comment: Staff want to clarify that the provisions later in Article 52 (off-street parking storage/sales) would still apply to one and two- family dwellings in a residential district.

1. Amend: Section 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.

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DRAFT CHARTER TOWNSHIP OF OSHTEMO ORDINANCE NO. 685

Adopted:

Effective:

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN,
ORDAINS:

SECTION ONE: AMENDMENT OF ARTICLE 50 – SCHEDULE OF REGULATIONS, SECTION 50.70 - SUPPLEMENTAL SETBACK PROVISION FOR PROPERTY ABUTTING A HIGHER RESIDENTIAL ZONING CLASSIFICATION, IS HEREBY AMENDED TO ADD THE FOLLOWING:

B. 1.) Adding the following to paragraph to section 50.70 B.1: Minimum setback distance shall be reduced by fifty percent when the proposed use is one of the following and a landscape buffer, if applicable, pursuant to Section 53.40 is installed along the property line between the improved area of the subject properties (see Article 53):

- a. Family Child Care and Group Child Care Homes.
- b. Adult Foster Care Family Home.
- c. Foster Family Home.

B. 2.) Adding the following to paragraph to section 50.70 B.2: Minimum setback distance shall be reduced by fifty percent when a landscape buffer pursuant to Section 53.40 is installed along the property line between the improved area of the subject properties (see Article 53) and when the proposed use is one of the following:

- a. Banks, credit unions, savings and loan offices and similar financial institutions, without drive-throughs.
- b. Offices.
- c. Medical or Veterinary clinics.
- d. Child Care Centers.
- e. Houses of Worship

B. 3.) Adding the following to paragraph to section 50.70 B.3: Minimum setback distance shall be reduced by fifty percent when a landscape buffer pursuant to Section 53.40 is installed along the property line between the improved area of the subject properties (see Article 53) and when the proposed use is one of the following:

- a. Offices
- b. Medical clinics.
- c. Banks, credit unions, and similar financial institutions, without drive-throughs.

- d. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.

SECTION TWO: AMENDMENT OF ARTICLE 52 – OFF STREET PARKING OF MOTOR VEHICLES, SECTION 52.30 - AGRICULTURAL AND RESIDENTIAL ZONES, IS
HEREBY AMENDED AS FOLLOWS:

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.

DUSTY FARMER, CLERK
OSHTMO CHARTER TOWNSHIP