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OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION MEETING

OSHTEMO TOWNSHIP HALL
7275 WEST MAIN STREET

THURSDAY, SEPTEMBER 24, 2026
6:00 P.M.

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Approval of Minutes: September 10, 2026 Meeting ([Pg 3](#))
5. **Work Item: Zoning Ordinance Update**
Planning Consultant to present suggested updates to the non-residential schedule of regulations and land uses, the mixed use district and rewrite of village commercial district and village form based code overlay zone to a new neighborhood mixed use district. ([Pg 7](#))
6. **Work Item: Environmental Protection ordinances amendments**
Planning Commission to review working draft of strengthening and consolidation of various environmental protection ordinance sections into a single Article. ([Pg 45](#))
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

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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

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Planning Director:

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Public Works Director:

Anna Horner 216-5228 ahorner@oshtemo.org

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION
MINUTES OF A MEETING HELD SEPTEMBER 10, 2026**

AGENDA

PUBLIC HEARING: PRINCIPAL USE SOLAR MORATORIUM

WORK ITEM: DRAFT ONE - ENERGY SYSTEMS ORDINANCE

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, September 10, 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
 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; Jennifer Wood, Recording Secretary; and approximately 38 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.

Chair A. Smith explained that the Commission would consider the solar moratorium and then continue its detailed review of the draft energy-systems ordinance before receiving public comment.

APPROVAL OF AGENDA

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

Vice Chair Everett **made a motion** to approve the agenda as presented. Commissioner Jefferies **supported the motion**. The **motion passed** unanimously.

APPROVAL OF THE MINUTES FROM THE MEETING OF AUGUST 27, 2026

Commissioner Ver Planck requested a correction under Planning Commissioner Comments. He stated that the reference to concerns regarding the “sanitary sewer project” should instead read “opposition to any road connection to Bluffton Avenue.” The Commission agreed to the correction.

Trustee Chapman **made a motion** to approve the Minutes of the August 27, 2026, meeting as amended. Vice Chair Everett **supported the motion**. The **motion passed** unanimously.

PUBLIC HEARING: PRINCIPAL USE SOLAR MORATORIUM

Planning Director Jodi Stefforia presented the revised principal-use solar energy development moratorium. She explained that the revised language removed definitions that could create confusion, made clear that both applications and development would be subject to the moratorium, and closed potential gaps involving essential-service claims and hybrid solar and energy-storage projects. Accessory solar installations would not be affected.

Chair A. Smith resumed the public hearing from the table of August 27, 2026. No one spoke. Chair A. Smith closed the public hearing. Commissioners confirmed that the clean version on Packet Page 10 was the ordinance under consideration and had no further questions.

Trustee Chapman **made a motion** to approve the principal-use solar energy development zoning moratorium ordinance to forward to the Township Board for consideration. Vice Chair Everett **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 at Section 49.290.D. Ms. Stefforia, Attorney Porter, and the Commissioners reviewed the proposed standards for solar energy systems, wind energy systems, and energy storage systems. No final action was taken.

During review of the principal-use solar provisions, Commissioners discussed whether projects on developed or industrial sites and solar canopies over parking areas should be treated differently from greenfield or agricultural installations. Staff agreed to revisit the definition and standards for those situations in Draft Two. Attorney Porter explained that determining whether agriculture is an established land use may depend on the property's historic use, continued capability for agricultural use, and evidence of abandonment. The Commission also reviewed height, setbacks, ground cover, agricultural protection, fencing, lighting, sound, glare, signage, maintenance, and Michigan Public Service Commission requirements.

For wind energy systems, the Commission directed staff to correct a maintenance provision that referred to solar panels. Members suggested graphics to illustrate setbacks and discussed the proposed 30-hour annual shadow-flicker limit. They asked that Draft Two clarify that cumulative shadow flicker from a project must be evaluated for

nonparticipating properties and potential future development, rather than only one occupied building. The Commission also reviewed height, sound, lighting, signal interference, safety, signage, maintenance, and state-siting requirements.

Discussion of energy storage systems covered applicable codes and independent technical review; battery management and monitoring; cybersecurity; enclosures and thermal management; fire detection, suppression, and containment; and manufacturer quality assurance and acceptance testing.

The Commission also discussed geotechnical, groundwater, and air-dispersion studies; emergency response; and long-term monitoring. Commissioners emphasized that technical experts should be selected by the Township, remain independent of the applicant, and be paid through the applicant's escrow.

Commissioners requested clear requirements for ongoing cybersecurity updates and a ten-business-day response period for requested information.

The Commission asked staff to revisit the definition of sensitive land uses and the proposed 2,000-foot setback so that parks, water bodies, and other sensitive land without a building would be addressed. Members also requested a setback approach responsive to zoning and surrounding land uses so energy storage would not be unintentionally precluded from appropriate locations.

The sound standard should protect all nonparticipating properties. References to the Fire Department, emergency-plan submittals, plan-review frequency, 24-hour emergency contacts, and records filed with the Township Clerk should be made consistent.

The Commission recessed for approximately ten minutes during the review. Work concluded after the public-safety provisions, with approximately six pages remaining. Staff will incorporate the requested changes with draft two. The review will continue at a future meeting.

PUBLIC COMMENT

Chair A. Smith opened the floor for public comment. Fourteen individuals spoke. Topics included construction vibration, insurance, ownership, environmental impacts, social impacts, decommissioning, industrial siting, alternative sites, complaint enforcement, property values, emergency staffing, water use, groundwater, and independent review. Chair A. Smith closed public comments.

PLANNING COMMISSIONER COMMENTS

Trustee Chapman thanked the public for remaining through the ordinance review and for providing detailed information. Ms. Stefforia stated that an alternate-site analysis requirement would be restored to the next draft using Michigan Public Service Commission language. She also noted that Western Michigan University had installed a one-megawatt

energy storage facility outside the Township's review authority, although local emergency response would still apply.

OTHER UPDATES AND BUSINESS

There were no other updates or business.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:02 p.m.

Minutes Prepared: September 13, 2026

Minutes Approved:

Memo

To: Oshtemo Township Planning Commission

From: Jason Ball, AICP
Senior Planner

Date: September 16, 2026

Re: Zoning Ordinance Update Meeting #3

Our July meeting focused on residential districts, uses, and standards. Our September meeting will focus on commercial uses and standards and other key zoning districts. The food truck use is partially addressed this month, but other “parking lot” items from the June meeting remain:

- 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).

During the meeting on September 24th, we will review a proposed commercial use table; discuss standards for setbacks, height, and lot/parcel area in commercial districts; and review proposed changes to Village Commercial and Mixed Use zoning district requirements.

PROPOSED COMMERCIAL USE TABLE

The commercial use table implements the changes noted during the June meeting and consolidates zoning districts. This simplified table allows Planning Commissioners and the public to easily understand uses permitted in each zoning district.

Significant changes to the use table include:

- Potential removal of single family homes as a permitted use in the Mixed Use zoning district.
- The addition of conditions to commercial centers.
- Clarification of drive-in/drive-through/pick-up window uses.
- Clarification of ‘craft food and beverage production’ versus microbrewery/wine tasting room/winery.

The proposed changes to permitted uses in commercial zoning districts are not significant. The attached use table provides clarification and consolidation of information that is currently distributed throughout multiple zoning district articles. As we move forward with refining definitions and establishing conditions for uses, minor adjustments may be made to this use table. Any changes to the table will be noted during future presentations to the Planning Commission.

COMMERCIAL SCHEDULE OF REGULATIONS

The current zoning ordinance provides a description of setbacks within each zoning district article, while providing for supplementary setback standards in a separate article. As part of the update process, we have compiled a Schedule of Regulations that summarizes proposed dimensional standards across all zoning districts.

The attached table displays recommended changes, and then provides a clean proposed summary table. The vast majority of changes to the table relate to removing options for development of commercial districts without access to water and sewer and clarifying or addressing missing standards or requirements. Key proposed changes include:

- Adding a maximum lot coverage standard for all zoning districts.
- Replacing the Village Commercial District with the Neighborhood Mixed Use District.
- Adding a maximum height requirement for each zoning district.
- Removing setback requirements based on building height in the industrial district, because any development adjacent to a residential district will be required to provide a significant landscape buffer.

PROPOSED CHANGES TO VC AND MU

Proposed changes to the Village Commercial (VC) and Mixed Use (MU) zoning districts are included in the meeting packet.

The VC district is being converted to the Neighborhood Mixed Use (NMU) district consistent with recommendations from the comprehensive plan. Beyond changing the name, the proposed changes reduce a significant amount of regulatory language that has made development in the area cumbersome. Key standards for setback distances, the relationship of buildings to the street, building materials, and other design standards remain, but the complex form-based code overlay is recommended to be removed based on staff's experience administering the code. Key elements of the form-based code overlay district (current Article 34) will be preserved in other relevant sections of the zoning ordinance (e.g., signs). Other key proposed changes include:

- Removal of list of uses and inclusion within the proposed commercial use table.
- Revised development standards that are not duplicative of the commercial schedule of regulations and that incorporate elements of former Article 34.
- Allowance of a more flexible front building setback that includes a single row of parking spaces between the building and sidewalk.
- Relocation of standards related to off-street parking to the parking article.
- Addition of simple building material standards.
- Increases to the percentage of front building facades that must be windows.
- Simplified building frontage requirement compared to former article 34.
- Clarification of requirements related to modifications to existing buildings.

The MU district remains intact, but with several changes to make the process for reviewing mixed use projects based on this article more effective. Key proposed changes include:

- Refined location criteria for consistency with the comprehensive plan.
- Clarification of the conceptual planning process. A comprehensive development plan is now required to be approved by both the Planning Commission and Township Board as part of the Mixed Use rezoning. Following the rezoning action, future development requires an administrative site plan review so long as it is consistent with the development plan.
- Simplified the approach to traffic impact studies and non-motorized travel.
- Revised design standards to align with design standards required in the base zoning district, rather than requiring customized design standards for each development that are somewhat arbitrary. This also allows elimination of the "design committee".
- Simplified the density bonus calculation and options to align with the former "High Residential Density" requirement. This aligns with the locations in which a rezoning to Mixed Use is permitted (Special Study areas, Regional Corridors, Gateways, and Oshtemo Center).
- Removed standards for landscape buffers, permitted uses, and development standards that will be duplicated in other articles.

NEXT STEPS

During our next meeting we will present a preliminary zoning map that includes natural areas, review recommended changes to parking and landscaping/lighting articles, and review commercial use conditions.

	VC & CR combined			BRP, IR, & I1 combined			
USE	Neighborhood MU	MU	C	Innovation & Industry	I2	I3	Notes
Residential							Updated uses based on residential table.
Dwelling Unit, Accessory	PC	PC					
Dwelling Unit, Multi-Family (3-4 units)	PC	PC					
Dwelling Unit, Multi-Family (5+ Units)	PC	PC	PC				
Dwelling Unit, Single Family	P						
Dwelling Unit, Townhouse	PC	PC					
Dwelling Unit, Two-Family	PC						
Home occupations	PC	PC					
Care Facilities							Updated uses based on residential table.
Adult Foster Care Family Home	SU			SU			Remove if no single or two-family homes
Child care centers	P	P	P	P			
Family Child Care and Group Child Care Homes	P	P					
Foster Family Home	P						
Larger facilities for child and adult foster care	PC	PC	PC				
Nursing and senior citizen homes	SU	P	SU				
Qualified Residential Treatment Programs	P						
Agricultural							
Farm machinery sales lot			SU	SU			
Fuel and feed yards						P	
Grain equipment and processing						P	
Recreation							
Drive - in theatres			SU				
Outdoor Recreation		SU	SU				Includes mini golf, batting cages, and soccer/baseball complexes
Health Clubs & Gyms	P (Originally SU)	P	P				
Indoor Recreational Facilities	PC	PC	PC	PC	PC		Will add conditions to regulate hours and traffic.
Indoor theatres	P	P	P				
Parks	P	P	P	P	P	P	
Private clubs, fraternities, and sororities	SU		SU				
Temporary outdoor events							Will be addressed with a separate section.

	VC & CR combined			BRP, IR, & I1 combined			
USE	Neighborhood MU	MU	C	Innovation & Industry	I2	I3	Notes
Office and Medical							
Corporate headquarters or professional office campus		SU	P	P	P		
Hospitals			P	P	P		
Medical & Dental Clinics	P	P	P				
Offices	P	P	P	P	P		
Retail							
Commercial center	PC	PC	PC				Was "P" in C
Commercial PUDs	SU		SU	SU	SU	SU	Need to determine whether we want to move to just one PUD approach.
Drive in / drive through services		PC	SU	SU			
Large Retail Establishments		SU	P				Differentiating between small format retail and big box stores.
Neighborhood Retail Establishments	P	P	P	P			Differentiating between small format retail and big box stores.
Outdoor sales to permitted retail uses	SU	SU	SU				
Planned shopping centers	SU	SU	P				
Services							
Financial Institutions	P	P	P	P	P		
Financial Institutions with drive through	SU		SU	SU			
Contractors services related to building trades				P	P		
Dry cleaning establishments	P	P		P			
Laundromats and dry cleaning	P	P	P				
Professional services	P	P	P				
Service establishments (repair shops, beauty parlors, studios, flower shops, photocopy shops)	P	P	P				
Veterinary clinics, large animal or outdoor runs				SU	SU		
Veterinary clinics, small animal	PC	PC	PC				
Hotels							
							Update definition so not all rooms have to be in principal dwelling of owner
Bed and Breakfast Inns	PC	PC					
Hotels, motels	SU	P	P				
Short Term Rentals	PC	PC					Need to determine whether to permit in residential districts.

	VC & CR combined			BRP, IR, & I1 combined			
USE	Neighborhood MU	MU	C	Innovation & Industry	I2	I3	Notes
Auto/Transportation							
Automobile and autobody repair and paint shops				P	P		
Automobile salvageable materials junkyard						PC	
Bus storage facilities					P		
Carwash			SU				
Electric vehicle charging station	PC	PC	PC	PC	PC	PC	Accessory use that should be permitted in all commercial districts and not require its own classification
Filling stations			SU				
Gasoline storage tanks						SU	
New and used car sales lot			SU				
Passenger bus terminals			P				
Food and Beverage							
Brewpub	P	P	SU				
Restaurants	P	P	P				
Carry-out or pick-up windows	PC	PC	PC				New use
Winery		SU	SU	P	P		
Wine tasting room	P	P	SU				
Mixed-Use							
Mixed use buildings with 2 or more different uses	PC	PC	PC				Add conditions to ensure buildings are sited effectively.
Production/Storage							
Cement block plants						SU	
Compounding drugs, cosmetics, pottery, plastics, and food products				P	P		
Craft food and beverage production facility		SU	SU	P	P	P	Clarify difference between this use and winery/brewpub.
Distribution/Fulfillment center				SU	SU	P	
Ice and cold storage plant				P			
Manufacturing, compounding, assembling, or treatment of merchandise				PC	PC	PC	Reference performance standards to prevent nuisance impacts.
Sawmill					SU	SU	
Stockyards						SU	
Storage buildings and mini warehouses				SU	SU		Require to be located with another principal use.
Warehouses, fully enclosed				PC	PC	PC	
Wholesale and retail lumber yards			SU	P	P		

	VC & CR combined			BRP, IR, & I1 combined			
USE	Neighborhood MU	MU	C	Innovation & Industry	I2	I3	Notes
Innovation and Industry							
Scientific or medical laboratories				P	P	P	
Solar, wind and renewable energy systems				SU	SU		Clarify with uses in AG. These are also currently under review with Energy Ordinance.
Wind energy conversion systems			SU	SU	SU	SU	Clarify with uses in AG. These are also currently under review with Energy Ordinance.
Public							
Essential services	PC	PC	PC	PC	PC	PC	Add conditions for visual screening.
Essential services, regulator stations	SU	SU	SU	SU	SU	SU	
Fire Stations				P	P		
Public utility buildings and storage yards					P	P	Clarify definition with essential services.
Publicly owned and operated buildings and uses	P	P	P	P	P	P	Clarify definition with various similar uses.
Schools and colleges	SU	SU	P	P			
Events							
Temporary outdoor events <3 days	PC	PC	PC	PC	PC		Create a new general provision section for temporary events that maintains much of the current process but removes events as a separate use.
Temporary outdoor events >3 days	SU	PC	SU	SU	SU		Create a "mobile food truck" use and a new section for events.
Misc.							
Accessory buildings and uses customarily incidental to the foregoing	P	P	P	P	P	P	
Adult regulated uses				SU	SU	SU	
Assembly and Convention Halls	SU	SU	SU				
Communication towers	SU		SU	PC	PC		
Crematorium					SU	SU	
Earth removal processing facilities				SU	SU	SU	
Funeral homes		SU	SU				
Kennels				SU	SU		
Place of Worship	P	P	P				
Sanitary landfill						SU	

TABLE ##: Commercial, Mixed Use & Industry Schedule of Regulations

District	Minimum Lot Dimensions		Maximum Lot Coverage (Percent of Lot Area)	Minimum Setback Requirements			Maximum Building Height (Ft. / Stories)	Conditions
	Area (Sq. Ft.)	Width (Feet)		Front (Ft.)	Side (Ft.)	Rear (Ft.)		
Neighborhood Mixed Use (VC & C-R)								
V ENMU	N/A	65 230 if conflicting w/TMO	N/A	40*	10 if not attached to adjacent building	10	45 / 3 stories	See Section 19.60 See Section 53.40
C-R Parcels (Frontage)	50,000	200		40*				
C-R Lots/Building Sites								
No water or sewer	30,000	120		40*				
Water or sewer	18,000	120		40*				
Water & sewer	13,200	120		40*				
Mixed Use District (MXU)								
MXU	N/A	N/A	N/A	15**	10**	15**	?? 60 / 4 stories	See Article 30 See Section 53.40
C – Local Business District/Regional Commercial (C)								
C Parcels (Frontage on W. Main or Stadium Dr.)	50,000	200	50	See Supplemental Setbacks	20 or height of bldg.	20 or height of bldg..	?? 45 / 3 stories	See Section 53.40
C Lots/Building Sites								
No water or sewer	30,000	120						
Water or sewer	18,000	120						
Water & sewer	13,200	120	50	40 See Supplemental Setbacks	20 or height of bldg.	20 or height of bldg..	??45 / 3 stories	See Section 53.40
Innovation and Industry (BRP, I-R, & I-1)								
BRP Parcels (Frontage)	10 acres?	200						
BRP Lots/Building Sites								
No water or sewer	30,000	120						
Water or sewer	18,000	120						
Water & sewer	13,200	120						
I-R Parcels (Frontage)	30 acres per district, 10 acres per parcel? Says to refer to 23.60 but does not exist			***				
I-R Lots/Building Sites								
No water or sewer	30,000	120		***				
Water or sewer	18,000	120		***				
Water & sewer	13,200	120		***				
I-1 ParcelsInnovation & Industry (Frontage)	50,000	200	40	70 See Supplemental Setbacks	20 or height of bldg.	20 or height of bldg.	??45	See Section 53.40

District	Minimum Lot Dimensions		Maximum Lot Coverage (Percent of Lot Area)	Minimum Setback Requirements			Maximum Building Height (Ft. / Stories)	Conditions
	Area (Sq. Ft.)	Width (Feet)		Front (Ft.)	Side (Ft.)	Rear (Ft.)		
I-1 Lots/Building Sites Innovation & Industry Sites								
No water or sewer	30,000	120						
Water or sewer	18,000	120						
Water & sewer	13,200	120	<u>40</u>	70 <u>40</u> See Supplemental Setbacks	20 or height of bldg.	20 or height of bldg.	??45	<u>See Section 53.40</u>
I-2 Industrial District Manufacturing & Service								
I-2 Parcels (Frontage)	50,000	200	<u>50</u>	70 See Supplemental Setbacks	20 or height of bldg.	20 or height of bldg.	??45	<u>See Section 53.40</u>
I-2 Lots/Building Sites								
No water or sewer	30,000	120						
Water or sewer	18,000	120						
Water & sewer	13,200	120	<u>50</u>	70 See Supplemental Setbacks	20 or height of bldg.	20 or height of bldg.	??45	<u>See Section 53.40</u>
I-3 Industrial District Special								
I-3 Parcels (Frontage)	50,000	200	<u>50</u>	70 See Supplemental Setbacks	20 or height of bldg.	20 or height of bldg.	??60	<u>See Section 53.40</u>
I-3 Lots/Building Sites								
No water or sewer	30,000	120						
Water or sewer	18,000	120						
Water & sewer	13,200	120	<u>50</u>	70 See Supplemental Setbacks	20 or height of bldg.	20 or height of bldg.	??60	<u>See Section 53.40</u>

* ~~There shall be a 40-foot building setback requirement from the right-of-way line of all designated highways as specified in Section 50.60 and including Parkview Avenue, West Michigan Avenue, and 11th Street. Setbacks shall be a maximum rather than a minimum. The Supplemental Setbacks required in Section ### do not apply in the NMU District.~~

** The Planning Commission may approve reduced setbacks in a manner that is consistent with the approved comprehensive development plan, encourages a consistent street wall and provides for a usable sidewalk area and a more attractive pedestrian environment. Applicant must officially request the reduction and provide reasoning for the request.

*** ~~There shall be a 100-foot setback requirement from the right-of-way line of all designated highways as specified in Section 50.60 and including the following roadways: Parkview, "N" Avenue, and 11th Street. Along all other roadways, public or private, there shall be a 40-foot setback requirement from the right-of-way line.~~

SUPPLEMENTAL SETBACKS

Properties with frontage on the following roadways will have increased minimum setbacks from the road right-of-way.

170 feet from the center of the street right-of-way (Orange):

- West Main Street from Drake Road to Van Kal Street

120 feet from the center of the street right-of-way (Green):

- Stadium Drive from Drake Road to the South line of Section 31 of the Township
- Almena Drive from West Main Street to Van Kal Street
- Drake Road/12th Street the entire length of the Township

70 Feet from the nearest edge of the street right-of-way (Blue)

- H Avenue from Drake Road to Van Kal Street
- KL Avenue from Drake Road to Van Kal Street
- Van Kal Street from the South line of Section 31 of the Township to West Main Street and the portions within Sections 6 and 7 of the Township
- 6th Street from G Avenue to West Main Street and from ML Avenue to N Avenue
- 10th Street from G Avenue to West Main Street
- 9th Street from the centerline of Section 2 to N Avenue
- 4th Street from West Main to the South line of the Township
- 11th Street from Stadium Drive to Parkview Avenue

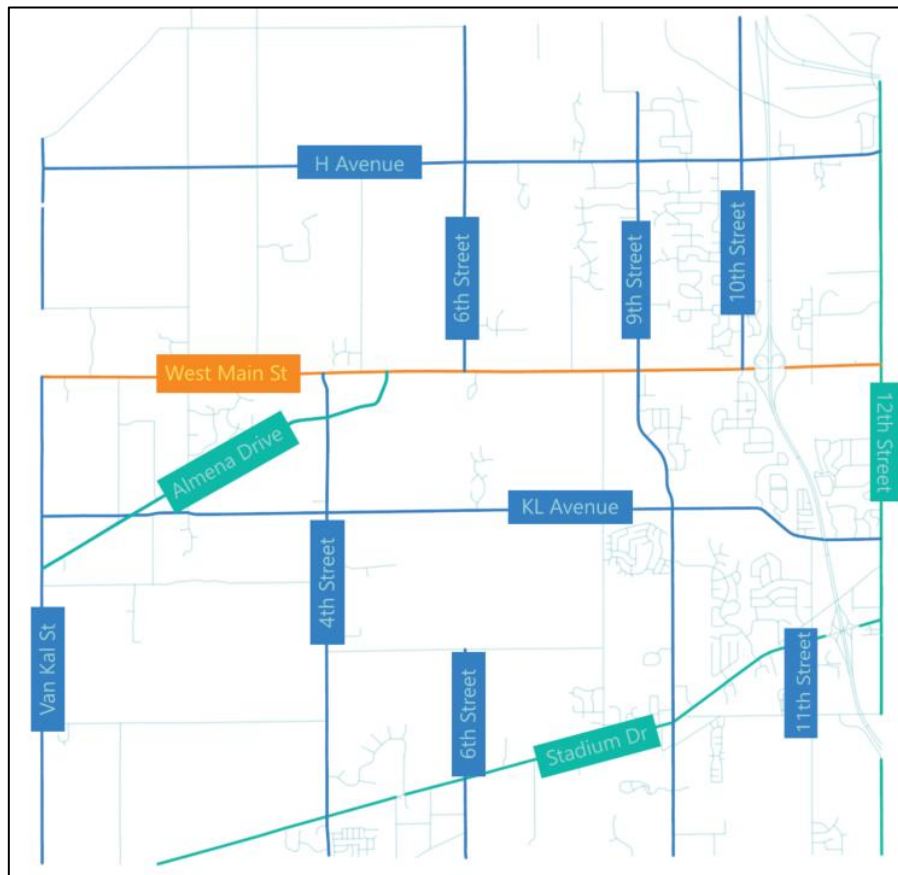


Figure ##: Supplemental Setbacks

TABLE ##: Commercial, Mixed Use & Industry Schedule of Regulations

District	Minimum Lot Dimensions		Maximum Lot Coverage (Percent of Lot Area)	Minimum Setback Requirements			Maximum Building Height (Ft. / Stories)	Conditions
	Area (Sq. Ft.)	Width (Feet)		Front (Ft.)	Side (Ft.)	Rear (Ft.)		
Neighborhood Mixed Use (VC & C-R)								
NMU	N/A	65	N/A	40*	10 if not attached to adjacent building	10	45 / 3 stories	See Section 19.60
		230 if conflicting w/TMO						See Section 53.40
Mixed Use District (MXU)								
MXU	N/A	N/A	N/A	15**	10**	15**	60 / 4 stories	See Article 30 See Section 53.40
C – Regional Commercial (C)								
Parcels (Frontage on W. Main or Stadium Dr.)	50,000	200	50	See Supplemental Setbacks	20 or height of bldg.	20 or height of bldg..	45 / 3 stories	See Section 53.40
C Lots/Building Sites								
Water & sewer	13,200	120	50	40 See Supplemental Setbacks	20 or height of bldg.	20 or height of bldg..	45 / 3 stories	See Section 53.40
Innovation and Industry (BRP, I-R, & I-1)								
Innovation & Industry (Frontage)	50,000	200	40	70 See Supplemental Setbacks	20	20	45	See Section 53.40
Innovation & Industry Sites								
Water & sewer	13,200	120	40	40 See Supplemental Setbacks	20	20	45	See Section 53.40
I-2 Industrial District Manufacturing & Service								
I-2 Parcels (Frontage)	50,000	200	50	70 See Supplemental Setbacks	20	20	45	See Section 53.40
I-2 Lots/Building Sites								
Water & sewer	13,200	120	50	70 See Supplemental Setbacks	20	20	45	See Section 53.40
I-3 Industrial District Special								
I-3 Parcels (Frontage)	50,000	200	50	70 See Supplemental Setbacks	20	20	60	See Section 53.40
I-3 Lots/Building Sites								
Water & sewer	13,200	120	50	70 See Supplemental Setbacks	20	20	60	See Section 53.40

* Setbacks shall be a maximum rather than a minimum. The Supplemental Setbacks required in **Section ###** do not apply in the NMU District.

** The Planning Commission may approve reduced setbacks in a manner that is consistent with the approved comprehensive development plan, encourages a consistent street wall and provides for a usable sidewalk area and a more attractive pedestrian environment. Applicant must officially request the reduction and provide reasoning for the request.

SUPPLEMENTAL SETBACKS

Properties with frontage on the following roadways will have increased minimum setbacks from the road right-of-way.

170 feet from the center of the street right-of-way (Orange):

- West Main Street from Drake Road to Van Kal Street

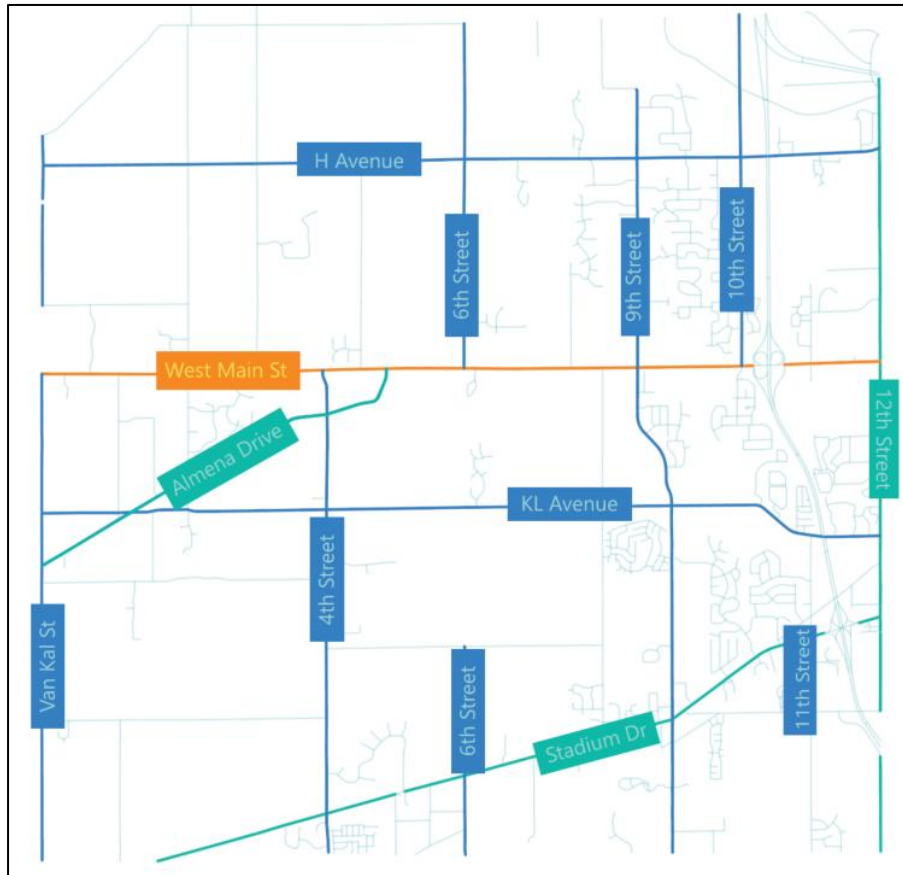
120 feet from the center of the street right-of-way (Green):

- Stadium Drive from Drake Road to the South line of Section 31 of the Township
- Almena Drive from West Main Street to Van Kal Street
- Drake Road/12th Street the entire length of the Township

70 Feet from the nearest edge of the street right-of-way (Blue)

- H Avenue from Drake Road to Van Kal Street
- KL Avenue from Drake Road to Van Kal Street
- Van Kal Street from the South line of Section 31 of the Township to West Main Street and the portions within Sections 6 and 7 of the Township
- 6th Street from G Avenue to West Main Street and from ML Avenue to N Avenue
- 10th Street from G Avenue to West Main Street
- 9th Street from the centerline of Section 2 to N Avenue
- 4th Street from West Main to the South line of the Township
- 11th Street from Stadium Drive to Parkview Avenue

Figure ##: Supplemental Setbacks



ARTICLE 19

19 – ~~VC: Village Commercial District~~NMU: Neighborhood Mixed Use District

19.10 STATEMENT OF PURPOSE

This district is designed to promote a ~~village~~~~pedestrian-friendly~~ atmosphere allowing for a ~~mix of residential and~~ small-scale ~~commercial mixed~~ land uses ~~and satisfying the land needs for convenience, specialty and personal service establishments~~ primarily serving residents in the immediate and nearby residential areas of the Township. The district is not intended for the location of ~~large multiple~~ retail ~~tenant structures~~ which could be classified as ~~community wide or~~ regional in scale.

19.20 PERMITTED USES

See Residential and Commercial Use Tables in ~~Section ### and Section ###.~~

~~A. Private one, two and three family dwellings.~~

~~B. Accessory structures and uses customarily incidental to the uses permitted in this Article.~~

~~C. Child Care Centers.~~

19.30 PERMITTED USES WITH CONDITIONS

See Residential and Commercial Use Tables in ~~Section ### and Section ###.~~

~~A. Home occupations.~~

~~B. Temporary outdoor events (not lasting more than three days).~~

~~C. Accessory Dwelling Unit.~~

19.40 ADMINISTRATIVE REVIEW USES

~~Administrative review of the following uses, when established within preexisting nonresidential buildings, subject to the right of the Planning Director or designee to refer review to the Planning Commission:~~

~~A. Generally recognized retail businesses, which supply commodities on the premises, such as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.~~

Commented [JB1]: Remove this section entirely. This is complicating a very simple function—permitting a change in the use of a building from one permitted use to another.

We will clarify this process in the Site Plan Review Article or in the current “Miscellaneous Protection Requirements” Article (which needs a new name like “General Provisions”).

- ~~B.—Service establishments such as, but not limited to, repair shops (watches, radios, television, shoes, etc.), tailor shops, beauty parlors or barber shops, studios or galleries, self-service laundries, flower shops and photocopy shops.~~
- ~~C.—Retail dry cleaning establishments or pick-up stations, central dry cleaning plants serving more than one retail outlet are prohibited.~~
- ~~D.—Business establishments such as, but not limited to, banks, loan companies, insurance offices and real estate offices.~~
- ~~E.—Professional services, including legal, financial, medical, and similar or allied professionals.~~
- ~~F.—Restaurants, excluding drive-in or drive-thru service.~~
- ~~G.—Houses of worship.~~
- ~~H.—Additions and exterior facade changes.~~

Effective on: 5/7/2026

19.50 SPECIAL USES

See Residential and Commercial Use Tables in [Section ###](#) and [Section ###](#).

- ~~A.—All new construction and conversion of buildings to nonresidential use.~~
- ~~B.—Outdoor sales or activities accessory to permitted retail uses.~~
- ~~C.—Filling stations, Mini-Food-Mart Stations, and auto glass repair shops, excluding body and engine repair and service garages.~~
- ~~D.—Pet shops, veterinarians.~~
- ~~E.—Adult Care Centers.~~
- ~~F.—Public and Private Schools.~~
- ~~G.—Indoor recreational facilities and health clubs.~~
- ~~H.—Drive-in service window or drive-through service for businesses, not to include restaurants.~~
- ~~I.—Assembly and Convention Hall in existing buildings.~~
- ~~J.—Mixed uses allowing both residential and nonresidential uses within the same building.~~

Commented [JB2]: This use list is now contained in the table of uses.

- ~~K. – Buildings and regulator stations for essential services.~~
- ~~L. – Temporary outdoor events (lasting more than three days).~~
- ~~M. – Brewpub.~~
- ~~N. – Microbrewery.~~
- ~~O. – Wine tasting room.~~
- ~~P. – Craft food and beverage production facility, less than 8,000 square feet gross floor area.~~
- ~~Q. – Communication towers, except as provided for in Section 59.~~
- ~~R. – Private streets.~~
- ~~S. – Wind energy conversion systems.~~

19.60 DEVELOPMENT STANDARDS

~~Dimensional requirements for lot area, lot width, setbacks, and height are contained in the Schedule of Regulations in Section ###.~~

~~Within the Neighborhood Mixed Use District, the reviewing body may grant a waiver from setback requirements when full compliance is not achievable due to physical limitations specific to the subject property. In order to grant a deviation the following conditions must be met:~~

- ~~• Building setbacks on adjacent properties must be similar to the proposed waiver.~~
- ~~• The requested waiver must be found to be consistent with the spirit and intent of this Article and the Comprehensive Plan.~~
- ~~• In no event shall the front setback exceed 70 feet from the street right-of-way line.~~

~~The site development standards shall include by reference the Design Recommendations as set forth in Chapter VII: Design Recommendations of the Village Theme Development Plan and the following area, setback, frontage, signs, and open space requirements for this district:~~

~~A. – Minimum lot, parcel or building site frontage on a public right-of-way:~~

65 feet

~~Where driveway placement satisfies the Transportation and Mobility Ordinance and Access Management Plan and/or shared access*.~~

230 feet	Where driveway placement does not satisfy the requirements of the Transportation and Mobility Ordinance and the Access Management Plan.
*If shared access is proposed, provision for and documentation of shared access must be provided at time of site development and/or land subdivision for immediate or future cross-access between adjacent properties. Said documentation is subject to Township review and approval.	
B. – Maximum Height – 35 feet or 2½ stories, whichever is the lesser.	
C. – Setback requirements:	
Front*:	Minimum of 5 feet and maximum of 20 feet (from the right-of-way line)
Side:	Minimum of 0 feet.
Rear:	Minimum of 15 feet.
*Reviewing body may grant a deviation from the above setback requirement when full compliance is not achievable due to physical limitations specific to the subject property, building placement on neighboring properties would support a different front setback and said deviation is found to be in keeping with the spirit and intent of this Article and the Village Focus Area Development Plan. In no event shall the front setback exceed 70 feet from the street right-of-way line.	

Commented [JB3]: This language is reflected above with modifications for clarity.

D. Public sanitary facilities shall be provided as part of the site development. This shall not apply to single-family dwellings where public sanitary facilities are not available.

E. Sidewalks and/or Pedestrian Linkages shall be provided between parking areas and buildings on the same site. When they do not exist, sidewalks shall also be provided along lot, parcel or building site frontage, and may be within the public right-of-way.

F. Parking. A single row of parking spaces along with a vehicle maneuvering lane ~~No parking or loading areas~~ may be located between the building and the front property line(s). No loading areas may be located in the front yard. Corner properties shall be considered to have two front ~~property lines~~ yards.

Regardless of building placement, no more than 30 percent of ~~the~~ parking spaces may be placed within the side ~~setback area(s)~~ yard(s) established between the building and the property's side property line(s).

Upon written request, the reviewing body may grant a deviation to allow ~~up to 30% more parking of parking between the building and the front property line in side yards.~~ In considering whether to grant a deviation, the reviewing body shall consider the layout and parking placement on neighboring properties and their conformance with current standards as well as the likelihood of redevelopment of same. The reviewing body shall further consider if full compliance is not readily achievable on the subject site due to physical limitations specific to the subject property and said deviation is found to be in keeping with the spirit and intent of this Article and the ~~Village Focus Area Development Comprehensive~~ Plan.

G. Parking and access. Shared parking and cross-access are encouraged.

1. ~~Compliance with the Transportation and Mobility Ordinance and the Access Management Plan~~ is required.

~~Site development shall be designed in consideration of the internal street network of the Village Focus Area Development Plan and the planned service drives contained within the Access Management Plan.~~

2. Where feasible and appropriate, shared access between sites to reduce the number of driveways and/or driveway placement to facilitate future shared access between properties, and/or closure of an existing driveway will be ~~encouraged~~ required.

~~Parking must satisfy the off-street parking provisions of Article 52. However, the reviewing body may grant approval to allow reduced parking if it is demonstrated that sufficient parking spaces are available in a shared and/or adjacent facility during the principal operating hours of all uses to share said parking and access is shared.~~

- ~~—Documentation of the cross-access and/or shared parking agreement between property owners is required at time of application for approval to allow reduced parking; and;~~
- ~~—Sidewalks or other defined and paved pedestrian linkages must be provided between shared parking areas that are not physically connected to each other or the building served.~~

H. ~~Maximum gross floor area for a single building shall not exceed 15,000 square feet. Floor area ratio (F.A.R.) shall not exceed 0.20 for a single building and 0.25 for multiple buildings. Floor area ratio shall be determined as follows:~~

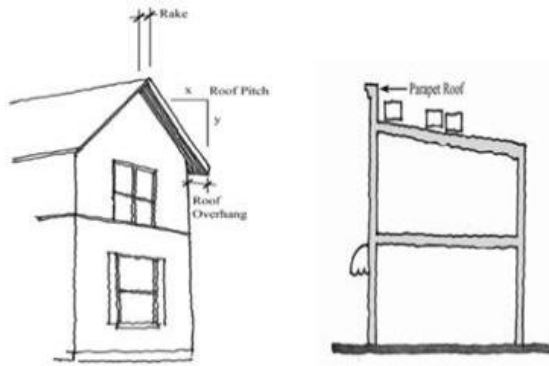
~~F.A.R. = Total gross floor area of building(s) ÷ Total lot, parcel or building site area~~

Commented [JB4]: Belongs in parking—this is less of an issue now with parking maximums that have been adopted.

~~*including garages and accessory buildings;~~

~~1.1.~~ All new buildings and Structures shall be so designed to incorporate the following architectural design features:

1. Roof Shape. All roofs shall be ~~so designed to include a pitched roof, pitched or include a parapet.~~



4.

2. Exterior Building Materials. ~~Exterior materials must project a natural appearance. The exterior shall be constructed using horizontal wood siding, wood, stone, brick, brick veneer or masonry. The use of vinyl or aluminum siding is acceptable provided it simulates the appearance of horizontal wood siding. Building materials shall ensure long-lasting, high quality buildings that contribute aesthetic value to the community.~~

- a. ~~50 percent of walls visible from public streets, and public non-motorized trails, exclusive of wall areas devoted to meeting window requirements, shall be constructed of brick, fiber cement siding, wood lap, stucco, split-faced block, stone, or similar materials.~~
- b. ~~Building materials used on the façade of the building must wrap the front corner edges to the first five (5) feet of the building sides to create finished corners visible from the street.~~
- c. ~~Exterior insulation and finish system (EIFS) and vinyl or aluminum siding shall only be used for accents or on the side of buildings (excluding the first five (5) feet abutting the front corner) and the rear of a building. Corrugated roofing materials are not permitted.~~

- ~~2.3.~~ Building Orientation. Buildings shall be oriented to face the front property line. In the case of a corner property, the building shall be oriented

Commented [JB5]: This is addressed with lot coverage in the commercial schedule of regulations.

Commented [JB6]: This reflects a simplification of the standards in article 34 and a more reasonable approach, while still encouraging high-quality building materials.

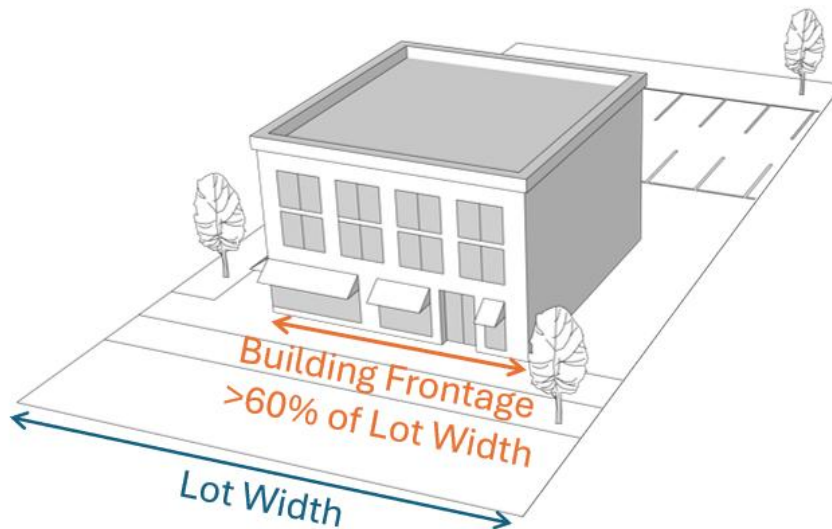
toward that front property line most in keeping with other buildings in the vicinity of said property.

~~3.4.~~ 4. Building Facade. For every 30 feet in length of a building wall, a visual or physical break in the facade (for purposes of adding depth and dimension to the building), shall be provided. Elevation drawings shall be provided demonstrating compliance for review by the reviewing body as part of the Site Plan review process.

4.a. At least ~~50~~30% of the ~~building exterior front facade~~ building exterior front facade facing public streets must be windows.

5.b. When side or rear facades are visible from a public street, they shall be visually compatible with the front facade.

5. Building Frontage. At least 60 percent of lot width shall be accounted for by building frontage at the setback line. Minor breaks or changes in the building facade are permitted.



~~J. In addition to the provisions contained in Article 55, with the exception of Sections 55.70—55.100, the following signs are permitted in the "VC" Village Commercial District:~~

Commented [JB7]: Relocate sign information, consistent with current Article 34 to sign article.

~~1. The following wall sign options are available:~~

~~a. Each building wall may have one (1) 50 square foot wall sign or marquee or one (1) 32 square foot canvas awning/canopy sign, OR~~

~~b. In the event that the building has commercial establishments, each commercial establishment will be permitted one wall sign per exterior wall of the tenant premises, maximum of two (2) (must be located upon premises of tenant). Each sign may have an area equal to one square foot for each lineal foot of tenant space width not to exceed a sign length of more than two-thirds the subject tenant space width and a sign area of 20 square feet. Tenant sign(s) may be canvas awning/canopy sign.~~

~~2. One (1) freestanding permanent sign per lot, parcel or building site. Regardless of the number of commercial establishments, buildings or tenants per lot, parcel or building site, only one (1) such sign shall be permitted and shall not exceed a total sign area of 24 square feet unless it is in compliance with the table below:~~

Setback (feet)	Sign Area (square feet)	Height (feet)
0*	24	6
5	30	7
10	40	7
15+	50	8
Note: For setbacks different than those listed above, select the sign area and height that corresponds to the next lower setback. Setbacks are measured from the right-of-way line. * Signs shall not be located within the right-of-way.		

3.—Window signs or displays, provided window sign(s) shall not cover more than 25 percent of the total window surface.

4.—One (1) directory wall sign per building, not to exceed 20 square feet in total sign area.

5.—Banners, seasonal and decorative in nature and theme that do not advertise a product, service or business and which pertain to holidays and/or community-wide or governmental events. Banners must be attached to light poles.

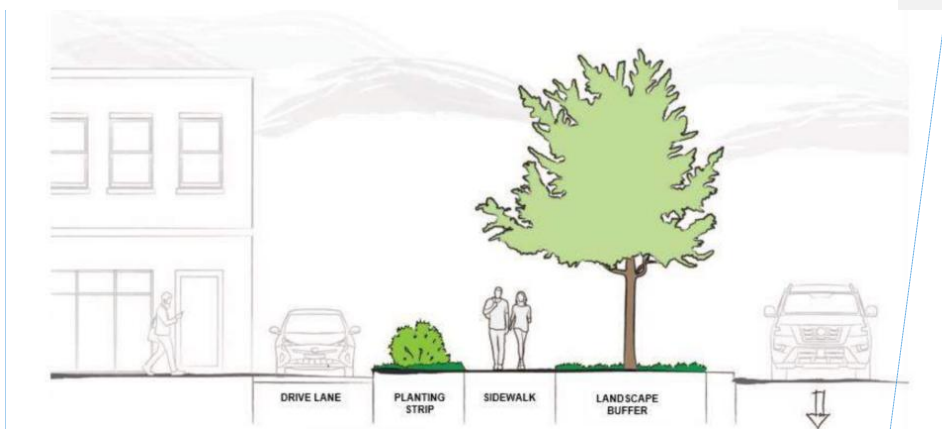
6.—Directional signs up to two (2) square feet in sign area and four (4) feet in height. Each lot, parcel or building site shall not have more than two (2) directional signs.

7.—Flags. A lot, building site or parcel shall be limited to three (3) flags. For lots, building sites and parcels with public street frontage in excess of 200 feet, three (3) additional flags are permitted for every additional 200 feet of continuous public street frontage. Flag pole height may not exceed 30 feet.

8.—One (1) Special Event Sign, not to exceed 32 square feet, shall be permitted for up to fourteen (14) calendar days per year per lot, building site or parcel. A Sign Permit must be obtained prior to displaying a Special Event Sign.

K.L.L Landscaping. Sites shall be landscaped as indicated below.

In order to enhance the streetscape ~~within the village area~~, front setback areas shall be landscaped with two ~~understory street~~ trees per 100 linear feet of frontage with a minimum of one. ~~Street trees shall be placed between the sidewalk and the curb whenever possible to create a welcoming pedestrian environment.~~ Street trees tolerant of a built-environment must be used. A list of recommended species is on-file at the Township office.



Commented [JB8]: Change graphic to include 1 story/pitched roof.

Sample building frontage graphic. For illustrative purposes only.

~~Internal Site Landscaping. Landscaping shall be provided for in all internal areas of parking lots to provide visual and climatic relief, pursuant to Article 53.~~

~~Portions of property not devoted to floor area, parking, access ways or pedestrian use, shall be appropriately landscaped with live plant material and maintained in a neat and orderly manner.~~

Commented [JB9]: These sections are duplicative of the landscaping chapter.

19.70 MODIFICATIONS TO EXISTING BUILDINGS

~~It is the intent of this article to encourage incremental compliance with the standards applied to existing buildings, and to require compliance at the time of major renovations or modifications to structures.~~

~~Existing buildings must comply with the standards of section 19.60.H in the following circumstances:~~

- ~~• More than 50 percent of exterior materials are being replaced with new material.~~
- ~~• The building is undergoing significant renovations, the value of which exceeds 50 percent of the building's total value, as determined by the township assessor.~~

Commented [JB10]: See suggested edits here. This could be moved to nonconformities as well. If we keep it here, we will cross-reference.

Exterior modifications to existing buildings and structures in accordance with 19.60 must be made at the time expansion, reconstruction or remodeling activity occurs.

19.80 SITE IMPROVEMENT PHASING:

When the provisions of Section 19.60 apply to an existing building, structure or facility, the improvements may be completed in phases for the required physical site changes dictated in this Article.

Upon written request, the reviewing body may grant a deviation allowing a grace period of up to two years for the installation of physical site improvements when full compliance is not readily achievable due to physical limitations specific to the subject property and said deviation is found to be in keeping with the spirit and intent of this Article and the Village Focus Area Development Plan.

Commented [JB11]: Site phasing will be addressed with site plan review, as well as requirements for addressing nonconforming site improvements in the nonconformities article.

ARTICLE 34

34 – VILLAGE FORM-BASED CODE OVERLAY ZONE

Article 34 is being deleted because of challenges in reviewing any development proposal in the area given the extensive requirements. Elements of the article that support the comprehensive plan and are reasonable to administer will be moved to other articles. This includes the building frontage requirement in Article 19, sign types and regulations, and other design standards that support high-quality development that will be referenced in other zoning districts.

ARTICLE 30 - MIXED USE DISTRICT

CHARTER TOWNSHIP OF OSHTEMO ORDINANCE NO. 668

The Mixed Use District was established for the purposes of implementing Oshtemo Township's adopted Sub Area Plans and encouraging a mix of uses in the planned redevelopment of existing commercial areas into mixed use.

Commented [JB1]: Duplicative with below.

30.10 STATEMENT OF PURPOSE

30.20 ESTABLISHING A MIXED-USE DISTRICT

30.30 DEVELOPING WITHIN THE MIXED USE DISTRICT

30.40 REPEALER

30.50 SEVERABILITY

30.60 EFFECTIVE DATE

30.10 STATEMENT OF PURPOSE

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 purpose of the Mixed Use District is to implement Oshtemo Township's adopted Special Studies and vision for the Regional Corridors, Gateways, and Oshtemo Centers Place Types as defined in the 2045 Comprehensive Plan. These place types encourage a mix of uses in the planned redevelopment of existing commercial areas into active mixed use centers.

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 for Oshtemo Township residents.

30.20 ESTABLISHING A MIXED-USE DISTRICT

A. LOCATION AND SIZE CRITERIA

Mixed Use Districts may be established in areas of the Township with in or adjacent to an adopted Sub Area Plan Special Study, or within the Regional Corridors, Gateways, and Oshtemo Centers

~~Place types defined in the 2045 Comprehensive Plan, as amended, or within a C- Local Business District.~~ A minimum contiguous site area of five (5) acres shall be required.

The proposal shall show all contiguous holdings of the owner or option purchaser and how it is integrated into the overall comprehensive development plan, unless specifically waived by the Planning Commission.

B. DEVELOPMENT OWNERSHIP

The proposed Mixed-Use District shall be under common ownership or control while being constructed, such that there is a unified responsibility for the completion of the project. Sufficient documentation of ownership or control, such as a development agreement, shall be submitted with the application for approval. ~~Land divisions within the district and property transfers may be made once Section 30-30 A, CONDITIONS FOR DEVELOPMENT, is met.~~

C. APPLICATION REQUIREMENTS

~~The owner or option purchaser of a tract of land shall seek approval of a comprehensive development plan is required as part of an application for a~~ Mixed-Use District zoning designation ~~with the simultaneous submittal of a comprehensive development plan.~~ The comprehensive development plan shall include:

- 1) **Plan Area.** All contiguous holdings of the owner or option purchaser and how it's integrated into the overall comprehensive development plan, unless specifically waived by the Planning Commission.
- 2) **Letter of Intent.** A letter of intent that includes a full description as to how the proposed comprehensive development plan satisfies the eligibility requirements and design principles of this Section and, if applicable, evidence of how the proposed plan meets the criteria for qualifying for a density bonus.
- 3) **Conceptual Development Schematic Plan.** A ~~conceptual~~ 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 ~~shall~~ 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 ~~conceptual~~ 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 and the development as a whole.~~
- 4) **Layout, Circulation, and Transportation.** ~~To meet the intent of this ordinance, t~~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. ~~Consideration shall also be given for connections to future development areas as identified in the Township 2045 Oshtemo Comprehensive Plan and Master Streets Plan. now or in the future as easements are secured and/or opportunities present.~~

Commented [JB2]: The MXU process is now governed by a conceptual development plan. References to other types of plans have been removed.

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. Reasonable~~ Provisions for public transportation ~~access~~ shall also be made ~~within the Conceptual Development Schematic Plan.~~

- 5) **Traffic Impact Study (TIS).** A complete analysis of traffic generated by the entire development and the impact ~~said of the development on the surrounding street network. This analysis and any associated mitigation measures would have on the surrounding transportation system and proposed mitigation measures~~ shall be provided ~~as outlined in the~~ as required 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), ~~and~~ public transit, ~~etc.~~

To reduce the impact of the development on the surrounding transportation system, this ordinance encourages site designs that promote ~~sustainable multi-modal travel patterns patterns that minimize personal vehicle trips 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 ~~on whether the proposed mitigation measures reported in the TIS align with the eComprehensive pPlan, Master Streets Plan, subarea plans special studies, master plans, community surveys, etc. and other township policies and ordinances,~~ 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.

- 6) **Design Standards.** The applicant must provide architectural and design standards that create a district identity ~~based on the requirements of either the Neighborhood Mixed Use (NMU) or the Regional Commercial (C) zoning districts. This shall include The design standards shall include~~ specific development standards that will be applicable to development within the district, ~~expressed as modifications or additions to zoning ordinance requirements for the NMU or C zoning districts. including, but not limited to, minimum lot area and frontage, architectural character, building materials, building height, lighting, site features, and entry monumentation. Street lighting shall be full cut-off design and mounted to be parallel to the ground. Any other zoning ordinance standards proposed to be modified by the Mixed Use Zoning Designation shall also be identified within the~~

Commented [JB3]: Simplifying this language to focus on minimizing personal vehicle trips within developments, rather than limiting external trip generation, which is very difficult to measure.

Commented [JB4]: This is a change, it aligns design standards with existing zoning districts so the applicant doesn't need to write an entirely new ordinance, rather the applicant identifies the modifications to a base district.

design standards. Design standards proposed by the applicant shall meet the minimum requirements of incorporate and may go beyond the development requirements in Section 30-30.D##.

- 7) **Stormwater.** Areas for common stormwater detention, those with the intention of serving a larger area or multiple facilities, shall be identified on the development schematic plan and turned over to the Kalamazoo County Drain Commission Office (unless otherwise agreed to by all parties involved) when constructed. Feasibility of site conditions should be considered.
- 8) **Residential Density and Density Bonus.**

- I. **Initial Gross Density.** The overall density within the development schematic plan's residential and mixed use areas shall match the intended character of the correlating Sub Area Plan; each density category is defined within Table 30-20.1-Place Type from the Township 2045 Oshtemo Comprehensive Plan, as amended. A comprehensive development plan that is being proposed without a correlating Sub Area Plan and is within a C- Local Business District designation shall be considered under the high-density residential category. Areas designated purely for commercial development may not be included in the overall gross density calculation. The maximum gross density for the Mixed Use District is 20 units per acre. Density bonuses as described in this subsection may increase gross density by up to 70 percent, or a maximum of 34 units per acre.

Commented [JB5]: Confirm definition to address roads/easements, etc.

Commented [JB6]: Simplifying the approach to density bonuses, and keeping an approach that is similar to what is currently permitted under the "high" character of development, which applies to the areas we have identified as appropriate for the MU district (regional corridors, gateways, centers, etc.)

Table 30-20.1—Residential Density		
Residential Character/Density Category	Initial Gross Density	Maximum Gross Density with Density Bonus
Agricultural	1 unit an acre	N/A
Low	4 units an acre	N/A
Medium/Transitional	8 units an acre	16 units an acre
High	16 units an acre	32 units an acre

- 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 subsection I above, 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)a) Areas within the development with housing designated exclusively designed for senior citizens, 55 years and older, are entitled to a 120% 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)b) 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 EnergyStar certified standards. (30% density increase);~~

~~f)c) Open Space~~

- ~~1. Minimum provided open space is 20% (10% density bonus)~~
- ~~2. Minimum provided open space is 30% (20% density bonus)~~

~~g)d) 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)~~

- 9) **Public Sanitary Sewer and Water.** Public sanitary sewer and water shall be required. All infrastructure shall be designed to promote the logical extension of public infrastructure to adjacent development areas. The Township may require the extension of public infrastructure, if needed, to reach the development. The comprehensive development plan shall include a description of existing public infrastructure availability, current demands,

Commented [JB7]: Recommended eliminating single family homes from the MU district. See use table.

Commented [JB8]: Removing this as a bonus and requiring open space. See subsection 12 below.

Commented [JB9]: Suggest we limit the number of bonuses to make this easier to understand.

1. 55+ 10%
2. Green energy 10%
3. Open Space 10%; 20%
4. Mixed Use Buildings 20% 30%

This makes the maximum density bonus possible 70%.

downstream capacity, projected flows and increased demand feasibility needed to serve the project, and a plan for providing needed infrastructure, including community facilities.

- 10) **Phasing.** A ~~developmental procedures agreement~~ conceptual development plan 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 independently 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 shall indicate each phase is anticipated to commence the anticipated beginning and end dates, as well as the scope of each phase. must be provided for consideration by the Planning Commission.~~ If a phase does not commence within 12 months of the approved phasing plan, Township Staff may refer the ~~the~~ Planning Commission may require a resubmission of the phasing plan ~~conceptual development plan~~ for further review and possible revision before future phases commence.

- 11) ~~Buffer from Adjacent Residentially Zoned Districts.~~ A minimum buffer area consisting of open landscaped green space shall be established at the perimeter of the development site adjacent to existing residentially zoned districts. No structures, roads, or parking areas shall be permitted within said buffer area:

I. ~~The width of the buffer area shall be determined by the character of the area proposed within the Development Schematic Plan directly adjacent to existing residentially zoned district.~~

a) ~~The buffer shall be fifty (50) feet where the proposed area within the Development Schematic Plan is identified for purely residential development. This width shall be increased by one foot for each foot in height in excess of 35 feet of the proposed building heights for this area, as outlined in the design standards.~~

b) ~~The buffer shall be eighty-five (85) feet where the proposed area within the Development Schematic Plan is for mixed use or commercial development. This width shall be increased by one foot for each foot in height in excess of 35 feet of the proposed building heights for this area, as outlined in the design standards.~~

c) ~~The buffering requirement shall be waived if traditional single-family detached and/or attached residential uses compatible in height and bulk with the abutting uses are established along the perimeter adjacent to the existing residential district.~~

II. ~~Landscape Plan.~~ A Landscape Plan that is sealed by a landscape architect is required for all required buffer areas:

a) ~~The landscape buffer shall 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.~~

Commented [JB10]: Buffer requirements are now included in landscaping article.

b) ~~The landscape buffer must create a visual barrier at least six (6) feet in height that provides opacity to the adjacent property owners. The landscape buffer shall include a combination of 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.~~

2. ~~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.~~

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.~~

c) ~~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.~~

III. ~~An alternative buffering tool may be proposed to the Planning Commission to consider; the applicant shall demonstrate that the requested alternative is just as, if not more, effective than the required buffering.~~

IV. ~~The buffer may include a nonmotorized trail. This trail shall be public, constructed to meet ADA standards, maintain a minimum setback of fifty (50) feet from the property line, and connects to the existing network when possible.~~

42)11) **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/Township Engineer that the proposed project layout and/or amenities will not result in insignificant 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.~~

Commented [JB11]: This is duplicative of buffer standards and landscape plan standards in other sections.

Commented [JB12]: Cross reference here and potential modifications to environmental regulations.

~~43;12)~~ **Open Space.** 105% of the ~~of the development schematic~~ total development area plan shall be designated as open space subject to the following standards:

- I. Any required buffering or right-of-way shall not be included within the calculation of used to meet the open space requirement.
- II. ~~If Any significant~~ sensitive environmental resources, including (steep slopes, wetlands, woodlands, water bodies or other similar natural features are, etc.) shall be included within the designated open space, they must be provided as an amenity to the residents of the Mixed Use development and reasonably accessible for passive recreation, where possible.
- III. Stormwater management facilities shall not be used to meet the open space requirement unless privately owned and designed as useable common open space, see below.
- IV. Usable Open Space. A minimum of 50% of the total open space must be designated as useable common open space which incorporates usable amenities to stimulate social interaction and recreational activity:
 - a) The common useable opens space shall be easily accessible to residents, including visual and pedestrian linkages and proximity to such open spaces.
 - b) Private parks shall be subject to the conditions and limitations set forth in Section 49.100 of this Ordinance. A density bonus may be applicable; see Section 30.20.C.8 for details.
 - ~~c) If a designated usable common open space area is eligible to become a public park to be transferred to Oshtemo Township to design, build, and maintain, subject to the review and approval of the Parks Committee, a density bonus would be applicable; see Section 30.20.C.8 for details.~~
- V. Open space not designated as usable common open space shall be retained in an essentially undeveloped or unimproved state except for necessary site grading and maintenance activities.
- VI. All designated open space areas shall initially be under common ownership or control, such that there is a single entity having proprietary responsibility. Sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions shall be provided. Changes or transfers in ownership or control of the open space, or sections thereof, shall be subject to review and approval of the Township Planning Commission. Open spaces shall always be under the control of a designated entity.

~~VII. All designated open space areas shall be set aside through an irrevocable conveyance approved by the Planning Commission as part of final site plan approval, such as recorded deed restrictions, master deed, covenants that run perpetually with the land, or a conservation easement of land trusts.~~

Commented [JB13]: Reducing minimum open space to accommodate density bonuses. A 5-acre minimum project size means ½ an acre of open space.

Commented [JB14]: This is duplicative with the previous section.

D. APPLICATION REVIEW

~~Said review~~ Review of a Mixed Use Zoning District application shall evaluate whether the proposed comprehensive development plan conforms to the standards and recommendations of the correlating Place Type from the Comprehensive Plan, Sub Area Plan, Master Plan, rezoning principles, recognized principles of civic design, land use planning, landscape architecture, rezoning principles, and the other requirements of this Ordinance unless specifically waived by this Section, building architectural design. Submissions shall be subject to the Township's Development Schedule of Applications and adopted fee schedule.

- 1) **Optional pre-application review(s).** Informal pre-application review(s) by Township Staff is encouraged.
- 2) **Planning Commission Conceptual Development Plan Review.** A draft Development Schematic Plan ~~conceptual development plan~~ shall undergo a mandatory conceptual plan review by the Planning Commission. ~~The application for approval of a concept plan shall be made according to the procedures for Special Uses set forth in Section 65.40.~~ The review is intended to provide an indication of the issues and concerns that must be resolved prior to review of the rezoning request by the Planning Commission. The Conceptual Development Plan Review will be noticed as a Public Hearing per the requirements of the Michigan Zoning Enabling Act. Conceptual plan approval shall not constitute an approval of the Development Schematic Plan but rather shall be deemed an expression of approval of the general layout and as a guide to the preparation of a final plan. If the required Traffic Impact Study requires significant changes to the conceptual dDevelopment Schematic Pplan, a modified conceptual dDevelopment Schematic pPlan will be resubmitted by the dDeveloper. The modified conceptual dDevelopment Schematic Pplan shall be submitted to the Planning Commission for review in the same manner as the original, including a required public hearing. Following recommendation from the Planning Commission, elements of the conceptual development plan requiring Township Board action as outlined in the ordinance may be forwarded to the Township Board, per applicant request, for initial consideration and feedback.
- 3) **Planning Commission MU Rezoning Review.** Following review of the conceptual development plan review and approval, a full Mixed Use rezoning request may be submitted. The Planning Commission, after public hearing and consideration, may recommend approval, approval with recommended changes, or denial of the rezoning and Comprehensive Development Plan associated conceptual development plan. The Township may consider, but shall not be limited to, the factors for rezoning set forth in this Ordinance, future land use Place Type recommendations in the Master Land Use Comprehensive Plan; Comprehensive Plan goals and objectives of the Sub Area Plan; the availability and capacity of utilities; potential positive and negative impacts on neighboring land uses; potential impact on the natural environment; and other concerns and benefits related to the general welfare, safety, and health of area residents.

4) **Township Board Review.** After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors ~~for rezoning set forth in this Ordinance~~ evaluated by the Planning Commission. Should the Township Board consider amendments to the proposed rezoning or comprehensive development plan advisable, then the Township Board shall, ~~in accordance with Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405),~~ refer such amendments to the Planning Commission for a report thereof within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the rezoning with or without amendments. ~~The Township may consider, but shall not be limited to, future land use recommendations in the Master Land Use Plan; goals and objectives in the Sub Area Plan; the availability and capacity of utilities; potential impact on neighboring land uses and the natural environment; and other concerns related to the general welfare, safety and health of area residents.~~

E-4) Amendments to the comprehensive conceptual development plan.

~~All~~ Major changes, modifications, revisions, and amendments made to the comprehensive conceptual development plan shall be resubmitted and considered by the Planning Commission. Minor changes to the plan may be reviewed and approved administratively by Township Staff. The following circumstances qualify as a minor change to the conceptual development plan. Township Staff may refer a minor change to the Planning Commission at their discretion.

- Adjustments to internal parking lot layout, circulation, and access that do not impact connections to adjacent properties or impact public access other than location which may shift when access is still provided.
- ~~Reductions~~ Changes in building footprints and gross square footage that maintain the original design intent and comply with the design standards. Any increase in building footprint must be approved by the Planning Commission.
- Minor adjustments to site improvements like landscaping, lighting, and stormwater management facilities that do not materially impact the function of the development or its impact on adjacent properties and the community as a whole.

~~To optimize design, additional interior roads may be added to serve the development areas identified within the development schematic plan during the development of that area without an amendment to the comprehensive development plan.~~

30.30 DEVELOPING WITHIN THE MIXED USE DISTRICT

A. CONDITIONS FOR DEVELOPMENT

Unless specifically outlined in a phasing plan approved with the comprehensive conceptual 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

Commented [JB15]: Adding a process for minor amendments.

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 satisfy the requirements of the Township's Transportation and Mobility Ordinance.

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

See Commercial Use Table in Section ##.

- 1) One-family, two-family, three- or four-family, and multiple-family dwellings, including uses and buildings accessory thereto.
- 2) Any business primarily for the retail sale of merchandise or services in which any manufacturing, assembling or fabricating is merely incidental to and an unsubstantial part of said business.
- 3) Banks, credit unions, savings and loan offices and similar financial institutions.
- 4) Administrative, business, or professional offices.
- 5) Laundromats and dry-cleaning establishments, excluding those establishments providing cleaning services for other laundromat and dry-cleaning establishments.
- 6) Hotels, motels.
- 7) Restaurants.
- 8) Medical clinics.
- 9) Essential services.
- 10) Indoor theatres.
- 11) Reserved.
- 12) Accessory buildings and uses customarily incidental to the foregoing.
- 13) Pet shops.
- 14) Houses of worship.
- 15) Reserved.
- 16) Proprietary schools and colleges.
- 17) Family Child Care and Group Child Care Homes, Child Care Centers and Adult Care Centers.
- 18) Funeral homes.
- 19) Private clubs.
- 20) Nursing, convalescent, handicapped, or senior citizens' homes.
- 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 multitenant building and shall not be located on a standalone building.

Commented [JB16]: Suggest removing the design committee requirement. This is likely to be burdensome in future years as developments evolve.

Commented [JB17]: Can we tie this to permitted uses in NMU and CC?

Commented [JB18R17]: Review commercial use table.

- ~~22) Skating rinks, bowling alleys, indoor recreational facilities and health clubs.~~
- ~~23) Buildings and regulator stations for essential services.~~
- ~~24) Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds, and other recreational areas.~~
- ~~25) Brewpub.~~
- ~~26) Microbrewery.~~
- ~~27) Wine Tasting Room.~~
- ~~28) Craft food and beverage production facility, limited to 8,000 square feet gross floor area.~~
- ~~29) Reserved.~~
- ~~30) Printing, lithographic, blueprinting, and similar uses.~~
- ~~31) Mixed use buildings, which entail two or more different uses. Mixed use buildings shall be comprised of a mixture of first floor commercial, retail, office and/or residential uses, with upper floor office and/or residential uses.~~

B.C. PERMITTED USES WITH CONDITIONS

Subject to administrative review applying the same standards as set forth in Article 49. See [Commercial Use Table in Section ##](#).

- ~~1) Home Occupations~~
- ~~2) Larger Facilities for Child and Adult Foster Care~~
- ~~3) Reserved.~~
- ~~4) Bed and Breakfast Inns~~
- ~~5) Golf Courses, Parks, and Outdoor Recreational Areas~~
- ~~6) Assembly and Convention Halls.~~
- ~~7) Veterinary, Small Animal Clinics~~
- ~~8) Temporary outdoor events (subject to 48.120 or 49.260, as applicable).~~

G.D. DEVELOPMENT REQUIREMENTS

All development within the Mixed Use District shall adhere to the approved Mixed Use District's [comprehensive conceptual](#) development plan, including the adopted design standards, and the following standards:

- 1) **Residential.** Residential designated areas within the [comprehensive conceptual](#) development plan shall be subject to an administrative review by the [Planning Department/Township Staff](#) applying the standards of the Subdivision/Site Condominium Ordinance or the Residential Condominium Standards which shall be modified by the general development standards outlined below.
- 2) **Commercial.** Commercial designated areas within the [comprehensive conceptual](#) development plan shall be subject to an administrative review by the [Planning Department/Township Staff](#) and shall meet the requirements outlined in Article 64 Site Plan Review, which shall be modified by the general development standards outlined below.

3) **Mixed-Use Development.** Shall follow both the Residential and Commercial requirements set forth above.

4) **General Development Standards**

- I. ~~There shall be no minimum lot area or frontage requirements unless outlined in the Mixed Use District's comprehensive development plan.~~
- II. ~~Setbacks~~
 - a) ~~Front Yard: 15 feet~~
 - b) ~~Side Yard: 10 feet~~
 - c) ~~Rear Yard: 15 feet~~
 - d) ~~The Planning Commission may approve reduced setbacks in a manner that is consistent with the approved comprehensive development plan, encourages a consistent street wall and provides for a usable sidewalk area and a more attractive pedestrian environment. Applicant must officially request the reduction and provide reasoning for the request.~~
- III. ~~Residential unit sizes shall be regulated by Section 50.20 of the Ordinance.~~
- IV. ~~All mobility and transportation elements shall follow the regulations outlined in the Transportation and Mobility Ordinance.~~
- V. ~~Sidewalks shall connect the road frontage sidewalks to all front building entrances, parking areas, central open spaces, and any other destination that generates pedestrian traffic.~~
- VI. ~~No outdoor storage shall be permitted in this district.~~
- VII. ~~Residential accessory structures shall conform to the requirements as specified in Section 57.00 Accessory Buildings Serving a Primary Residence.~~

Commented [JB19]: These standards are contained in the commercial schedule of regulations or are just a reference to other sections of the ordinance that apply to all developments.

D.E. PROCESS

~~The Planning Department~~**Township Staff** shall have the authority to administratively deny, approve, or approve with conditions all site plans submitted for review under this section of Ordinance. The Planning Department shall record its conclusions, its decisions, the basis for its decision, and any recommended conditions to be imposed in conjunction with an affirmative decision. The Planning Director shall have the discretion to forward any Site Plan submitted for administrative approval to the Planning Commission for final determination. If administrative approval is denied, the applicant may appeal the decision to the Planning Commission. ~~With all submissions, a letter of recommendation from the corresponding MU District's Design Committee shall be provided.~~

30.40 REPEALER

~~All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.~~

~~Effective on: 3/19/2024~~

30.50 SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Effective on: 3/19/2024

30.60 EFFECTIVE DATE

This Ordinance is effective on the 30th day following publication of a summary thereof, after adoption by the Township Board.

Commented [JB20]: Removing ordinance information because a new ordinance will be adopted with our proposed changes.



Memorandum

Date: September 17, 2026

To: Planning Commission & Planning Department

From: Anna E. Horner, P.E., Public Works Director

Subject: Continuation of Environmental Ordinances Restructure

Objective:

Continued review of proposed restructuring for Environmental Ordinances, specifically Section 161: Stormwater, Article 162: Groundwater and Wellhead Protection, Section 163: Clear and Selective Cutting, Section 164: Soil Erosion and Sedimentation Control, and the resulting modifications on other ordinances.

Background:

The motivation and goals behind this initiative were detailed in the July 23, 2026, Planning Commission packet and presented as an introduction, along with review of first section, Section 160: Intent, at said meeting. Much of the material content currently exists in either Zoning or General Ordinances or is set forth by other regulatory agencies and requirements. This effort is largely to reorganize and appropriately place in code to realize the biggest benefit and in the best interest of the community.

Staff intentionally did not present the entire ordinance package at one meeting. The material is extensive and technically complex and presenting all six sections at once would not allow the Planning Commission, staff, or public a reasonable opportunity to understand and thoughtfully evaluate each component. The remaining sections, supporting performance standards, and related zoning amendments will be presented incrementally as staff capacity and meeting agendas allow. Once that work is complete, the provisions will be compiled and considered together through the required public review and adoption process.

As a reminder, these Environmental Ordinances will be General Ordinance(s), or “police power” ordinances, which are purview of and solely adopted by the Township Board. However, because the existing requirements were adopted by the Planning Commission over the years and this body oversees the majority of Development (i.e. Site Plan) Reviews, Staff felt it important and appropriate to gain input. *These areas will still be applicable during the development process and considered in Staff Reports that come to the Planning Commission.* The proposed structure does not remove environmental considerations from Planning Commission (or Zoning Board of Appeals) review; it provides a more consistent framework for staff to identify and explain those considerations as part of the Commission’s review of individual projects.

Information Provided:

Draft amendments to Article 2, 53, and 56
Draft Article 160 (second version)
Draft Article 161
Draft Article 162 (Reference: [City of Kalamazoo Performance Standards](#))
Draft Article 163
Draft Article 164
Draft Article 290

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NOTE: Language in parenthesis and grey highlight is for reference only; this language is not to be incorporated into the final ordinance. Proposed language from the first draft is in red, and language in purple is from the second draft.

Article 160 of the General Ordinance is proposed to provide the statement of purpose and definitions, as well as procedures for administration, interpretation, variances, etc. for the Environmental Protection articles. These include forthcoming Articles 161 (stormwater), 162 (groundwater and wellhead protection), 163 (clear or selective cutting), 164 (soil erosion and sedimentation control), and 165 (natural features). Most of this language is existing and moved from the Zoning Ordinance and/or other areas of the General Ordinance to Article 160, the rest is from the forthcoming Wellhead Protection Standards.

160.001. STATEMENT OF PURPOSE

The purpose of Articles 161 through 165 of the General Ordinance shall be to:

1. Protect the public health, safety, welfare, property, and environment (56.20);
2. Promote the efficient use of natural resources, including land and water, and mitigate risks that could negatively impact the environment (56.20);
3. Safeguard the health, safety, and welfare of persons served by groundwater, either from private wells and/or the Public Water Supply System, by protecting groundwater that serves as drinking water, thus providing a safe potable water supply now and for future generations (240.001);
4. Provide for cost-effective and functionally effective storm water management (56.20);
5. Encourage the use of natural features and green infrastructure to manage or reduce stormwater runoff in appropriate situations (new);
6. Encourage multiple-purpose storm water management which enhances the environmental character and resilience of the community (56.20);
7. Allow the use of wetlands for storm water management in selected locations, while ensuring that the natural functions and quality of wetlands are protected (56.20);
8. Allow for off-site and/or common storm water systems (56.20);

9. Allow for storm water management designs that are consistent with the aesthetic of the area (56.20);
10. Prevent soil erosion and sediment runoff (new);
11. Allow for Township review of clear cutting that may result in a loss of soil-stabilizing vegetation, erosion of stream banks, and alterations of drainage patterns that may impact immediate property, neighboring properties, areas in near proximity, and the overall environment (56.20);
12. Encourage minimal clearing, grading, and land disturbance activities by limiting impacts to those necessary for construction, maintenance, and emergency services (56.20);
13. Discourage the clear cutting of vegetation without restoration in order to prevent the abuse of land and the resultant negative impacts, both on- and off-site (56.20);
14. Encourage the preservation of existing trees and vegetation and the restoration of pre-settlement vegetation areas (56.20);
15. Preserve the natural environment to help maintain habitats and biodiversity (new).

160.002. DEFINITIONS

(From Article 240 unless specifically noted)

As used throughout this Article, the following definitions shall apply:

Best Management Practices (BMP) means the best available methods, activities, maintenance procedures, technologies, operating methods or management practices for preventing or reducing the quantity of Regulated Substances entering groundwater and surface water from a particular land use activity.

Capture Zone means that area through which water travels below the surface and reaches a municipal well or wellfield within a specified period of time (under specified conditions set by EGLE). This ordinance addresses both a one-year and ten-year time-of-travel capture zone. The capture zones are shown on the Wellhead Protection Ordinance Capture Zone Map, attached to this Ordinance and incorporated herein by this reference.

City means the City of Kalamazoo.

Dense forest means those areas that have at least 65 percent woodland coverage within one quarter mile. (new)

Groundwater means the water below the land surface in a zone of saturation, excluding those waters in underground piping for water, wastewater, or stormwater distribution/collection systems.

Forebay means a small basin or cell, which is part of a storm water management basin, and is separated by a berm or barrier near the inlet to trap and filter sediment and debris from entering the basin. (290.003)

Master Plan shall also mean Comprehensive Plan. (new)

Michigan Department of Environment, Great Lakes, and Energy (EGLE) shall include its predecessors and successors.

Performance Standards shall mean those BMPs and engineering controls contained within the document "Performance Standards for Groundwater Protection within Wellhead Protection Capture Zones and Stormwater Quality Management" which shall be adopted by resolution of the Township Board and which may be amended by resolution of the Township Board as necessary to incorporate new or modified BMPs and engineering controls. ~~The Wellhead Protection Administrator shall maintain the document and shall at times be prepared to consult and distribute the most recently adopted performance standards, a copy of which shall also be retained by the Township Clerk with resolution date indicated thereon.~~

RCRA means the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580; 42 U.S.C. 6901 et seq.), as amended.

Regulated Substances shall include:

1. Substances for which there is a safety data sheet (SDS), as established by the Globally Harmonized System of Classification and Labelling of Chemicals, and the SDS cites possible health hazards for said substance;
2. Hazardous Waste, as defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended;
3. Hazardous Substance, as defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with the U.S. EPA regulations;
4. Radiological materials; and
5. Biohazards.

Regulated Substances shall not, however, include:

1. Substances in an amount equal to or less than 2,200 aggregate pounds that are in an area capable of fully containing a total release of said substance or an area that would drain the substance to a wastewater treatment system capable of treating the released substance(s) (excluding septic tanks);
2. Substances in a parked or stopped vehicle in transit, provided the vehicle is stopped or parked for less than 72 hours;
3. Substances, such as gasoline or oil, in operable motor vehicles or boats so long as used solely for the operation of the vehicle, but not the tanker portion of a tank truck;
4. Pressurized gases such as chlorine, propane, hydrogen, and nitrogen when in a chemical storage tank;
5. Refrigerants contained within equipment and used for on-site air cooling or in household appliances;
6. Substances contained within electrical utility transformers/switches. For utility-scale energy systems, see Article 49.290 of the Zoning Ordinance; or
7. Substances used in construction for which all necessary permits have been obtained, and in accordance with the "Performance Standards."

Release means the spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of one or more regulated substances upon or into any land or water within a capture zone. Release includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site sewage disposal system, dry-well, catch basin, or landfill. The term "release" when used and applied herein does not include:

1. Disposal in accordance with all applicable legal requirements, including those in RCRA and CERCLA, of hazardous wastes in a Facility that has received and maintained all necessary legal approvals for that purpose;
2. Disposal of any substance in compliance with applicable legal requirements, including without limitation, the terms and provisions of a valid municipal, state, or federal permit;
3. Disposal, in accordance with all legal requirements, of any substance to a sanitary sewer system that has received and maintained all necessary legal approvals for that purpose;

4. Disposal, in accordance with all legal requirements, of "sanitary sewage" to subsurface sewage disposal systems as defined and permitted by the State of Michigan or Kalamazoo County Environmental Health;
5. A release for which there is no obligation to report under Federal, State, or other local regulations that occurs on an impervious ground surface (e.g., building floor or concrete driveway) that is effectively cleaned up before reaching permeable ground (e.g., unpaved), a dry well, a storm sewer, or surface water body; or
6. The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc. as used in routine agricultural operations and applied under the "Generally Accepted Agricultural Management Practices," and consistent with label directions approved by the United States Environmental Protection Agency or the Michigan Department of Agriculture and Rural Development (MDARD).

Retention Basin means a flood control device that holds a permanent pool of water generally known as a wet storm water basin. The level of water in the pond is maintained by design. This may include setting an outlet structure above the natural groundwater elevation or constructing the retention pond with an impermeable bottom. (290.003)

Sediment means solid particulate matter, mineral or organic, that has been deposited in water, is in suspension in water, is being transported, or has been removed from its site of origin by soil erosion. (2.20)

Slope means the steepness, grade, or inclination of the land, measured by the ratio of vertical rise to horizontal run, often expressed as a percentage. The National Resource Conservation Service designates any slope consistently over 8 percent to be "rolling," over 15 percent to be "hilly," and over 30 percent to be "steep". (new)

Spill Contingency Plan means a written site-specific plan conforming to the specifications contained in the "Performance Standards," including the documentation of general site operations; Regulated Substance storage areas; potential for releases of Regulated Substances and an analysis of the potential destination of such releases; and procedures to be followed in the event of a release.

Storm Water Management Basin means a land feature designed and constructed for the purpose of storm water management. Its function is the mitigation of development impacts which inhibit natural infiltration of precipitation into native soils and which increase storm water runoff volumes and rates of flow. When designed in accordance with best management

practices, basins also provide pollutant removal and aesthetically pleasing wet-habitat functions. (290.003)

Township means The Charter Township of Oshtemo.

Wellhead is any individual well used for supplying water.

Wellhead Protection Board of Appeals shall be the ~~Planning Commission~~ Oshtemo Charter Township Board of Trustees unless the Township Board by resolution designates a separate Wellhead Protection Board of Appeals.

Wetland means land characterized by the presence of water at a frequency and duration sufficient to support, and under normal circumstances does support, wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

1. Contiguous to an inland lake or pond, or a river or stream;
2. Not contiguous to an inland lake or pond, or a river or stream; and more than five acres in size;
3. Not contiguous to an inland lake or pond, or a river or stream; and five acres or less in size if determined to be a wetland by the Michigan Department of Environment, Great Lakes, and Energy (EGLE). ~~Environmental Quality ("MDEQ").~~ (2.20)

Woodland means generally, an ecosystem characterized by a more or less dense and extensive tree cover. More particularly, a plant community predominantly of non-invasive and/or healthy trees and other woody vegetation. (new)

160.003. ADMINISTRATION AND INTERPRETATION

Unless specifically noted, the Public Works Director and Planning Director will jointly perform or assign the following responsibilities and authorities:

1. Administer the standards of the environmental protection ordinance;
2. Interpret the provisions of the environmental protection ordinance;
3. Provide administrative departures from the environmental protection ordinance standards, where administrative departures are specifically allowed, when such departure will best meet the purpose and intent of this Ordinance. If there is a conflict between this Ordinance and the individual requirements, the Public Works Director and Planning Director shall determine which requirements control. Should the Public Works Director and Planning Director differ in their opinions, then the Township Supervisor shall make the final determination.

160.004. APPEAL & VARIANCE PROCEDURE

The Township Board shall have the power and it shall be its duty to:

1. Appeals of Administrative Decision. Hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Public Works or Planning Directors, or their designees. The exception to this is in Article 162 where appeal procedures are specifically outlined.
2. Variances. Where there are practical difficulties or unnecessary hardships within the meaning of state law and this ordinance in the way of carrying out the strict letter of this ordinance, and/or if an owner of property believes the requirements of this ordinance impose an unreasonable burden on the use of the owner's property, the Township Board shall have the power to authorize such variance of the provisions of this ordinance so that the spirit of this ordinance shall be observed, public safety and welfare secured and substantial justice done. Reasonable conditions, as may be recommended by the Township Engineer, may be imposed as part of such a variance. The exception to this is in Article 162 where variance procedures are specifically outlined.

~~160.005. EFFECTIVE DATE AND REPEAL~~

~~This Ordinance shall take effect upon publication after adoption in accordance with State law. All former ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance are hereby repealed.~~

~~160.005. SEVERABILITY~~

~~If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.~~

160.005. ENFORCEMENT

1. Whenever the Township determines that a person has violated a provision of this Ordinance, the Township may order compliance by issuing a written Notice of Violation to

the responsible person/facility which may be provided personally, by United States mail, or by posting the notice upon the premises.

2. If the Township requires abatement of a violation and/or restoration of affected property, the notice shall state the nature of the violation, the time period for compliance, the corrective action necessary to remedy the violation, and the penalties or enforcement actions that may result from a failure to comply. ~~set forth a deadline by which such action must be completed.~~ Said notice may further advise that, should the violator fail to remediate or restore within the established deadline, the work will be performed by the Township, with the resulting expense thereof assessed charged to the property owner or person in charge of the property. The costs incurred by the Township in correcting the violation shall constitute damages pursuant to MCL 600.8729 and shall be billed to the property owner or person in charge of the property. If such costs remain unpaid for thirty (30) days after billing, they shall constitute a lien upon the subject property and may be collected pursuant to MCL 600.8731, including by placement of the lien amount upon the property's tax bill. ~~in accordance with section 160.006 (2) of this ordinance.~~
3. Nothing within this section shall limit the Township's authority to seek injunctive relief and/or a search warrant through a civil action in a court of competent jurisdiction allowing entry onto the premises and abatement of the violation to protect the public health, safety and welfare. (240.001.K)

160.006. ABATEMENT / REMEDIAL ACTIVITIES BY THE TOWNSHIP

1. Any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense. The Township is authorized to take any legal action necessary to abate, enjoin, or otherwise compel the cessation of such nuisance.
2. The Township may seek authority to enter the premises to take or may contract with others to take reasonable and necessary abatement or remedial activities whenever the Township determines a violation of this Ordinance has occurred and that the responsible party cannot or will not timely correct the violation, or when no known responsible party exists. ~~The costs incurred by the Township in correcting the violation shall constitute damages pursuant to MCL 600.8729 and shall be billed to the property owner or person in charge of~~

~~the property. If such costs remain unpaid for thirty (30) days after billing, they shall constitute a lien upon the subject property and may be collected pursuant to MGL 600.8731, including by placement of the lien amount upon the property's tax bill. The responsible party shall reimburse the Township for all reasonable expenses thus incurred by the Township.~~

3. The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable local, state, or federal law and it is within the discretion of the Township to seek cumulative remedies. (240.001.M)

160.007. VIOLATION & PENALTY

Any violation of this Ordinance or any order made in accordance with this Ordinance constitutes a misdemeanor, punishable by a fine of not more than \$500.00 or imprisonment of not more than 90 days, together with repayment of costs incurred by the Township in prosecuting the action; in abating the violation or seeking injunctive relief. Each day a violation exists shall be deemed to be a separate violation. A citation under this Ordinance may be issued by a sheriff's deputy; ~~or the Township's Ordinance Enforcement Officer, or the Township's Wethead Protection Administrator.~~ (240.001.N)

NOTE: Language in parenthesis and grey highlight is for reference only; this language is not to be incorporated into the final ordinance. As always, text in red is proposed.

An amendment to Article 2.20, for the definition of wooded areas, is proposed to provide for a more robust definition. The proposed definition is for a woodland, which is also duplicated in Article 160 for the Environmental Protection Ordinances.

2.20 DEFINITIONS

~~Wooded area – An area of land dominated by trees.~~ **Woodland – Generally, an ecosystem characterized by a more or less dense and extensive tree cover. More particularly, a plant community predominantly of non-invasive and/or healthy trees and other woody vegetation. .**

Clear cutting - The act of removal of most or all trees in a **woodland.** ~~wooded area.~~

Amendments to Article 53 of the Zoning Ordinance are proposed to update references due to past links being outdated, and as it pertains to landscaping composition, berms, and storm water detention and retention plantings.

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 website or guide:

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.**

B. Composition -

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.**

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

F. Storm water retention and detention basins

1. **Naturalized planting themes – Naturalized planting themes and the integration of storm water retention and detention ponds 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. **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)**

53.120 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.**

With the proposed removal of Article 56 to move this language into the new Environmental Protections Ordinance, there are several places in the Zoning Ordinance that need to be amended to reflect this change. Some of the locations will be obsolete with the forthcoming Progressive amendments and zoning district consolidation.

Article/Section Location	Section Referenced	Language proposed to be changing to?
64.80.J	56.10	That the plan as approved is consistent with the Groundwater and Wellhead Protection Standards in Section 56.10 Article 162 of the Ordinance.
30.20.C (12)	56.00	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 Articles 165 of Ordinance 585 and the other Environmental Protection Requirements of the General Ordinance . 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 insignificant 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.
35.50.A.2 – will be eliminated with the forthcoming Progressive amendments/ zoning district consolidation.	56.10	Low Impact Development (LID) best management practices shall be used in the development of any site or development within the Overlay District. The design of stormwater management systems shall respond to the natural drainage patterns of the area and be in coordination with the Groundwater and Wellhead Protection groundwater protection standards of Article 162 Section 56.10 and the groundwater protection policies set forth in the Master Plan.
35.50.I. – will be eliminated, per the above.	56 and 56.20.A	Development on the site shall comply with the storm water management standards of Article 161 Section 56.20.A of the General this Ordinance. The design of storm water management systems shall respond to the natural drainage patterns of the area and be designed in coordination with the groundwater and wellhead protection standards of Article 162 56 , and the groundwater protection policies set forth in the Master Plan, and the 9th Street Sub-Area Plan or the West Main Street Sub-Area Plan, whichever is applicable.

21.50.I – will be eliminated, per the above.	56.10	Low Impact Development (LID) best management practices shall be used in the development of any site or development within the "C-R" district. The design of storm water management systems shall respond to the natural drainage patterns of the area and be in coordination with the wellhead and groundwater protection standards of Article 162 Section 56.10 and the groundwater protection policies set forth in the Master Plan.
11.50.C – will be eliminated, per the above.	56.10	Low Impact Development (LID) best management practices shall be used in the development of any individual site, development, or recreation area within the R-C district. The design of storm water management systems shall respond to the natural drainage patterns of the area and be in coordination with the groundwater protection standards of Article 162 Section 56.10 and the groundwater protection policies set forth in the Master Plan.
20.50.C	56.10	Low Impact Development (LID) best management practices shall be used in the development of any site or development within the "BRP" District. The design of storm water management systems shall respond to the natural drainage patterns of the area and be in coordination with the wellhead and groundwater protection standards of Article 162 Section 56.10 and the groundwater protection policies set forth in the Master Plan.
49.130.L	56.10	Low Impact Development (LID) best management practices shall be used in the development of any site or development within the "I-R" district. The design of storm water management systems shall respond to the natural drainage patterns of the area and be in coordination with the wellhead and groundwater protection standards of Article 162 Section 56.10 and the groundwater protection policies set forth in the Master Plan.
11.50.B – will be eliminated, per the above.	56.20	Development on the site shall comply with the standards of Article 161 Section 56.20 of the is General Ordinance. Additional setback, open space, or buffer yard area may be required along adjacent water bodies, streams, or drains to limit the impact of the proposed development on the health and/or function of the stream or drain.
20.50.F.3	56.20.A	Development on the site shall comply with the standards of Section 56.20.A of the is General Ordinance. Additional setback, open space, or buffer yard area may be required along adjacent water bodies, streams, or drains to limit the impact of the proposed development on the health and/or function of the stream or drain.

21.50.M – will be eliminated, per the above.	56.20.A	Same as above.
26.60.A.4	56.20.A	Same as above.
64.20.C	56.30	No grading, removal of trees or other vegetation, landfilling, installation of utilities, or other construction improvements shall commence for any development which requires Site Plan approval until a Site Plan is approved and is in effect, except as permitted by this ordinance or by Article 163 of the General Ordinance Section 56.30 .

Article 161 and 162 of the General Ordinance are proposed to address Storm Water Management and Groundwater and Wellhead Protection, as part of the Environmental Protection articles. Similar to the other sections, most of this language is existing and moved from the Zoning Ordinance and/or other areas of the General Ordinance to Article 161 or 162; the rest is either from the Wellhead Protection Standards or is entirely new.

As it pertains to the five (5) Administrative Departures noted in the proposed Article 161, Storm Water Management, Legal Counsel has advised that further changes should be made in order to specify the standards and articulate the goal of each departure. These will be brought forward with the next version of the draft.

Additional changes to the document *Performance Standards for Groundwater Protection within Wellhead Protection Capture Zones and Stormwater Quality Management* are expected from the City of Kalamazoo. Associated language in the proposed Article 162 may have to be modified further depending on the extent of these changes.

161.001. STORM WATER MANAGEMENT PLAN.

1. Prior to the commencement of any site/earth changes or work, a storm water management plan shall be reviewed and approved by the Township Engineer, subject to compliance with all applicable provisions of this Section, and in accordance with the applicable Site Plan Review requirements set forth in Article 64. The Township Engineer or their designee will review each site plan and storm water management plan for approval on a case-by-case basis to determine if the proposed strategy **demonstrates that the proposed strategy is consistent with generally accepted engineering practices and applicable stormwater Best Management Practices (BMPs)** and is appropriate for the specific site. (from 56.20 and reworded)
2. **Individual single-family and two-family homes are exempt from providing a storm water management plan; however, shall follow the storm water management standards outlined in Sections 161.001.B.1 and 161.001.B.2. (new)**
3. **Administrative Departure. The Township Engineer may waive one or more requirements of this Article only upon a written finding, based on site-specific information submitted by the applicant, that the proposed project will not impact or materially alter stormwater management and/or runoff; that applicable pretreatment and groundwater protection requirements in the Performance Standards will remain satisfied; and that the waiver is consistent with the purpose of this Article and generally accepted engineering practices. The written decision shall identify each requirement waived and the facts supporting the determination.**

161.002. STORM WATER MANAGEMENT STANDARDS.

All **structures and** land uses, **unless specifically exempted**, shall be subject to the following storm water management conditions and limitations: (56.20)

1. **No Adverse On- or Off-Site Discharge.** All structures and land uses in the Township shall be established in such a manner as to prevent runoff of surface water not accommodated by a public system onto **streets and/or sidewalks, and** adjoining properties **without a drainage agreement between landowners.** All ~~property~~ owners or developers of property shall be required to construct and maintain such on-site storm water management and drainage facilities necessary to prevent **standing water or** flow of runoff of surface water onto adjoining properties, **streets, or sidewalks, or cause unnecessary erosion of soil or other material.** (56.20)
2. **Natural Drainage Function and Water Quality.** The design of storm water management should seek to:
 - a. Retain the natural retention and storage capacity of wetlands, water bodies, and water courses;
 - b. Not increase flooding or the possibility of polluting surface or groundwater, on-site or off-site;
 - c. **Maintain** historic drainage patterns and natural runoff ~~patterns~~ **characteristics to the extent practicable.** (56.20)
- ~~3. The design of storm water management and drainage facilities should seek to be comparable in function and appearance to common natural drainage systems and runoff patterns, including wetlands.~~
3. **Methods and Standards.** All systems shall utilize the design methodologies and performance evaluations described in the Site Development Rules of the Kalamazoo County Drain Commission to the extent practicable. (290.008.C.3)
4. **Design Event and Capacity.** All systems shall be designed, at minimum, to provide sufficient capacity to accommodate a 100-year storm as defined by the National Weather Service, unless an administrative departure is granted by the Township Engineer, as outlined below. Consideration shall be given to the effects of an excessive rainfall, and possible overflow, event. (56.20.6)
 - a. **Administrative Departure.** Based on site-specific features or conditions where constraints make it impractical for the system to provide sufficient capacity to accommodate a 100-year storm, the Township Engineer may grant an administrative departure through a written finding to allow a reduced stormwater design standard (e.g., 25-year storm). The applicant must demonstrate that the site conditions and proposed stormwater management approach will provide effective volume reduction and water quality benefits. Approval of a reduced standard shall not be based solely on site area limitations or building footprint constraints. The applicant shall demonstrate that the proposed design minimizes impervious coverage to the maximum extent practicable and incorporates enhanced low

impact development (LID) practices, including but not limited to bioretention, infiltration practices, permeable pavement, native vegetation, soil restoration, and other distributed stormwater management techniques. The written decision shall identify the facts supporting the determination. To qualify for consideration of a reduced standard, the applicant shall provide documentation demonstrating suitable site conditions for infiltration-based stormwater management, including:

- i. Soil classification and documentation of soil characteristics suitable for infiltration;
- ii. Field-verified infiltration testing in accordance with KCDC standards (e.g., double ring infiltrometer testing);
- iii. Identification of the seasonal high groundwater elevation and demonstration of adequate separation between proposed infiltration practices and groundwater;
- iv. Identification of other limiting site conditions, including bedrock, restrictive soil layers, or low permeability soils. (new)

5. **Stormwater Infiltration.** Infiltration of stormwater is required on all sites. (from Performance Standards for Groundwater Protection within Wellhead Protection Capture Zones and Stormwater Quality Management)
 - a. **Administrative Departure.** Based on site-specific features or conditions submitted by the applicant, the Township Engineer may approve an alternative to infiltration only upon a written finding that infiltration is infeasible or would create an unacceptable risk to groundwater; that the alternative complies with applicable Performance Standards and generally accepted engineering practices; and that the alternative provides stormwater volume reduction, pretreatment, and water-quality protection to the maximum extent practicable. The property owner shall provide the following information for review:
 - i. Soil borings in proposed infiltration areas at the proposed infiltration depth(s) and soil borings logs shall be submitted to the Township for review;
 - ii. Site soil(s) shall be conducive to infiltration. Infiltration through potentially contaminated fill materials/soil or contaminated soil and/or groundwater is not allowed, unless sampling data which indicates the soil and/or groundwater is not contaminated is provided to the Township;
 - iii. Contaminated or potentially contaminated soils may be removed and properly disposed to facilitate infiltration at a site, provided that groundwater beneath the site is not contaminated; and,
 - iv. If available, or the Township determines it is relevant, environmental reports (Phase I ESA, Phase II ESA, BEA, etc.) shall be provided to the Township for review. (from Performance Standards for Groundwater Protection within Wellhead Protection Capture Zones and Stormwater Quality Management)

6. **Retention/Detention Basins. On-site storage (retention and/or detention) of stormwater is required. All retention systems shall be designed to fully drain between runoff events.**

(new)

- a. Basin Form and Aesthetics. Storm water management basins should be “free form”, following the natural features of the land to the extent practicable. If such natural features do not exist, the basin should be shaped to emulate a naturally formed depression. If site constraints dictate a more engineered shape, the design and appearance must be approved by the reviewing body **as a part of site plan review.** (290.008.C.1)
- b. Side Slopes and Mowed Edges. Basin side slopes shall be varied to imitate natural conditions. Where basin edges are to be maintained as mown lawn, side slopes shall be no greater than 1V:3H. (290.008.C.5)
- c. **Basin Identification and Benchmarks.** Storm water management basins shall be **designed and** clearly identified on the plans as to:
 - i. Type (retention or detention)
 - ii. Nature (wet or dry)
 - iii. Design elevations and functional benchmarks (e.g. storage volume, time to drain).
 1. A permanent survey point for elevation control ~~shall~~ **be** located within 200 feet of the design high water mark in the field as a permanently accessible operational benchmark. (290.008.C.4)
 2. A minimum of 1 foot of freeboard between the design storm high water level (HWL) and the top of the basin.

~~7. Storm water management and drainage facilities shall be designed to protect the public health, safety, welfare and property and be visually attractive. Consideration shall be given to the effects of an excessive rainfall and a possible overflow event.~~

~~8. Storm water management and drainage facilities shall be designed to protect the public health, safety, welfare and property and be visually attractive. Consideration shall be given to the effects of an excessive rainfall and a possible overflow event.~~

7. **Drywells. Drywells are prohibited unless an administrative departure is granted by the Township Engineer through a written finding specifically allowing such. The written decision shall identify the facts supporting the determination. All of the following must be satisfied:**
- a. **Groundwater will be considered, including proximity to drinking water wells;**
 - b. **Adequate separation from the seasonal high groundwater table and bedrock;**
 - c. **Soil classification and documentation of soil characteristics are suitable for infiltration;**
 - d. **Storm water runoff is pretreated;**
 - e. **Maintenance plan is in place;**

- f. **Compliance with EPA Underground Injection Control (UIC) requirements for Class V wells.**
8. **Pretreatment.** Developers ~~shall be encouraged to~~ design a storm water management system which provides for runoff to be conveyed using a system of filtered percolation through surface ~~means~~ **treatment methods** such as swales, ~~and/or vegetated buffer strips~~ **filters (including buffer strips and green roofs), and/or vegetated swales (including natural flow paths)** ~~so as to~~ decrease velocity, increase natural infiltration, allow sediment to settle, and remove pollutants before entering the retention **or detention** area. (56.20)
 - a. **Forebays.** When no other pretreatment is provided, forebays shall be **provided and** constructed to emulate shallow naturalized emergent wetland basins. The forebays shall not exceed two feet (2') of water depth at full capacity and shall be of a natural shape (not square, rectangular, or geometric). Forebay slopes shall conform to side slope requirements for detention basins or as specified by the Township Engineer. (290.008.C.8)
9. **Storm water landscaping standards.**
 - a. **Native Vegetation.** Native vegetation should be used, where practical, to reduce the need for chemical applications and to enhance plant root absorption of infiltrated stormwater. Nonvegetative stormwater treatment structures may be incorporated if naturalized treatment systems are not practical.
 - b. **Reference the Zoning Ordinance for other landscaping requirements for storm water retention and detention ponds.** (new)

161.003. STORM WATER RUNOFF TO WETLANDS. (56.20)

Wetlands, ~~as defined by Section~~, may be used for storm water management if the following conditions are met:

1. The wetland would not be impaired or destroyed;
2. The wetland has sufficient holding capacity for storm water;
3. **Storm water runoff is pretreated.**
4. Adequate on-site soil erosion control is provided to protect the natural functioning of the wetland;
5. Adequate erosion control and protection of wetlands is provided during the construction phase(s) of development;
6. ~~The requirements of state law have been satisfied as determined by the MDEQ.~~ **All applicable state requirements and permits have been satisfied as determined by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) or their successor.**

161.004. OFF-SITE/COMMON STORM WATER MANAGEMENT SYSTEMS. (56.20)

Except as to those systems subject to the jurisdiction of the Road Commission of Kalamazoo County and/or the Kalamazoo County Drain Commission, **off-site/common storm water**

management may be proposed in lieu of an on-site storm water management system, the following apply subject to the following conditions:

1. Off-site/common storm water management systems shall be established through the execution and recording of an easement agreement an executed and recorded agreement subject to the review and approval of the Township Attorney. Such agreement shall also The agreement shall:
 - a. ~~Indicate that no further development in the area of the storm water system be permitted without Township approval;~~ Restrict further development in the area of the storm water system without Township Approval;
 - ~~b. Provide standards for scheduled maintenance of the storm water management system;~~
 - b. Provide for an effective means of enforcement by the Township in the event that the storm water management system is inadequately maintained or is determined by the Township to be a public nuisance, allowing for the assessment of costs and enforcement and maintenance upon the property owners. (56.20)
2. Administrative Departure. Any administrative departure allowing off-site or common storm water management systems shall be granted through a written finding by the Township Engineer, based on site-specific information submitted by the applicant, that the storm water management system design meets the purpose of this Ordinance set forth in Article 160 of the General Ordinance. The written decision shall identify the facts supporting the determination. The applicant must demonstrate that the site conditions and proposed stormwater management approach will provide effective volume reduction and water quality benefits. In lieu of an on-site storm water management system, the use of off-site storm water management systems may be proposed. Any waiver shall be granted through a finding that the storm water management system design meets the purpose of this Ordinance set forth in Section 56.20.A. Such a waiver is not subject to variance approval by the Zoning Board of Appeals.
3. Incentives for Off-Site or Common Storm Water Management Systems.
 - a. RESERVED. (note: for future amendment work)

G. Run off of surface water

All structures and land uses hereafter established in the Township shall be established in such a manner as to prevent any additional run off of surface water onto adjoining properties.

161.005. MAINTENANCE.

1. Maintenance Access. All site designs and storm water systems shall consider access for maintenance equipment, including for monitoring and inspections.
2. Stormwater Maintenance Agreement. Property owners shall be responsible for the operation and maintenance of all storm water management facilities unless otherwise assumed by a public agency. Prior to issuance of any Certificate of Occupancy, the

property owner shall execute and record a Stormwater Maintenance Agreement, in a form approved by the Township Attorney, guaranteeing long-term operation and maintenance of all storm water management facilities.

3. Failure to Maintain. Failure to properly maintain storm water systems shall constitute a violation of the Ordinance and may be remedied by Township enforcement and cost assessment.

161.006. LOW-IMPACT DEVELOPMENT.

1. **RESERVED** (note: for future amendment work)

162.001. PROCESS. INTENT, PURPOSE

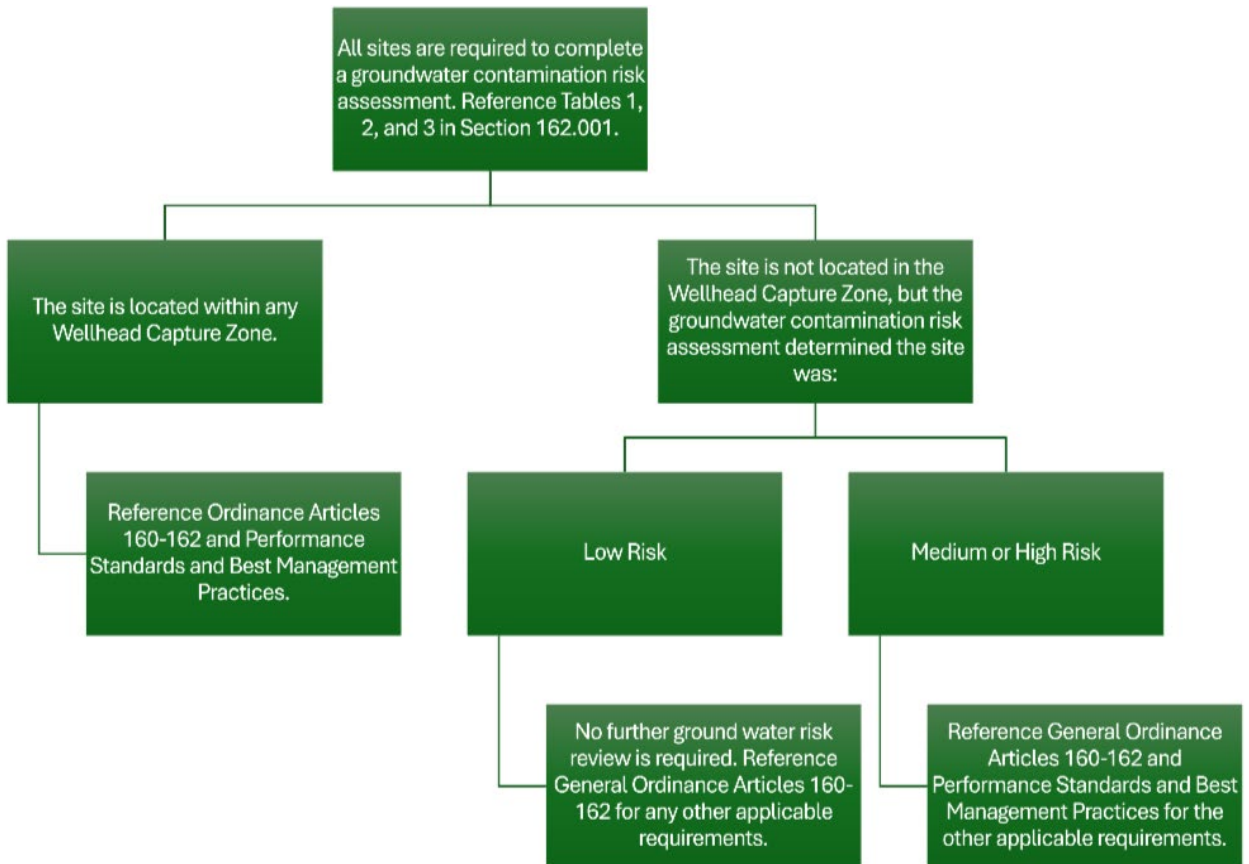
A. Intent / Purpose (moved to 160)

~~The intent of the Charter Township of Oshtemo Groundwater and Wellhead Protection Ordinance is to safeguard the health, safety, and welfare of persons served by the Public Water Supply System by protecting groundwater that serves as drinking water, thus providing a safe potable water supply now and for future generations.~~

B. Definitions (moved to 160)

1. Responsibility for Administration. The Township Board shall, by Resolution, designate a person or persons who shall administer, implement and enforce the provisions of this ordinance. That person shall be known as the Wellhead Protection Administrator. **The Wellhead Protection Administrator shall maintain the document and shall at times be prepared to consult and distribute the most recently adopted “Performance Standards for Groundwater Protection within Wellhead Protection Capture Zones and Stormwater Quality Management”, a copy of which shall also be retained by the Township Clerk with resolution date indicated thereon. (240.001.C)**
2. **Groundwater Contamination Risk Assessment. A groundwater contamination risk assessment is required for all sites within the Township. The assessment shall include a review of land uses allowed by the zoning ordinance and the proposed land use(s) with respect to the presumed risk to groundwater. The final risk designation shall be used to determine what land use Standards must be applied to protect groundwater as a condition of plan approval. (from Groundwater and Wellhead Performance Standards, Groundwater Contamination Risk Assessment) To better understand the groundwater contamination risk assessment process, consult the flow chart below. (new)**

Groundwater Contamination Risk Assessment Process



- a. **Zoning Groundwater Risk Designations.** Land-use zoning districts are designated as either medium/high-risk or low-risk for potential groundwater contamination, as shown in Table 162.001.1. Generally, high-risk designations were assigned to zoning districts that allow land use activities that are either prohibited or restricted within Capture Zones due to the potential for storage and/or use of regulated substances. Table 1 lists these zoning districts that typically allow activities involving the storage and/or use of regulated substances. However, other influencing factors not listed may also affect risk classification. (from Groundwater and Wellhead Performance Standards, Groundwater Contamination Risk Assessment)

Table 162.001.1: Risk Classification per Zoning District

Medium or High-Risk Zoning Districts	
Commercial (C) Districts	
• Village Commercial (VC) • Local Business District Restricted (C-R) • Local Business (C) • Business and Research Park (BRP)	
Industrial (I) Districts	
• Industrial District Restricted (I-R) • Industrial District Manufacturing & Service (I-1, I-2) • Industrial District Special (I-3)	
Low-Risk Zoning Districts	
Residential (R) District	
• Rural Residential (RR) • Residence District (R1 – R5)	
Agricultural (A) Districts	
• Agricultural (AG)	

NOTE: the zoning district names shown above reflect those in effect at the time of preparing this draft ordinance. With the implementation of the 2045 Oshtemo Comprehensive Plan, and the consolidation of zoning districts, these names above will change.

- b. Land-Use Activities that Pose Potential Threats to Groundwater. Table 162.001.2 provides a list of typical high-risk land-use activities that pose potential threats to groundwater. These land-use activities are considered high-risk regardless of zoning designation. Other high-risk land-use activities are identified in the EGLE document “Minimum Isolation Distances (From Contamination Sources and Buildings), Part 127, Act 368, P.A. 1978 And Act 399, P.A. 1976”. This document specifies required well isolation distances considered for the issuance of Type I well permits; this document shall also be used when determining if a proposed land-use is allowed and what Standards to apply to protect groundwater as a condition of plan approval. To determine if a site is located in an Isolation area, refer to the Township’s online Geographic Information System (GIS) (<https://www.oshtemo.org/Departments/Public-Works-Department/Maps-GIS>) under the Wellhead Capture Zones Layer. (from Groundwater and Wellhead Performance Standards, Groundwater Contamination Risk Assessment)

Table 162.001.2: High-Risk Land-Use Activities that Pose Potential Threats to Groundwater

Commercial	Manufacturing
Analytical and clinical laboratories	Chemical, paint, and plastics manufacturing
Animal feedlots	Metal manufacturing, machining, or plating
Auto washes	Mining operations/injection wells
Community septic systems	Pharmaceutical Manufacturers
Community swimming pools	Pulp and paper industry
Boat builders/refinishers	Other manufacturing (textiles, screen-printing, breweries, wineries, distilleries, marihuana, etc.)
	Furniture manufacturing, stripping, or refinishing
Automotive rental, sales, and service	Reserved
Establishments with fleets of trucks and cars	Transportation
Gas stations	Airport maintenance/fueling areas
Motor vehicle repair/service shops	
Impoundment lots	Governmental agencies with truck and car fleets
Concrete/asphalt/coal/tar companies	Salt piles/sand-salt piles
Drum recycling and cleaning	Trucking/bus terminals and distribution centers
Dry cleaners and laundries	Vehicle maintenance operations
Equipment repair	Utilities
Food processors/meat packers/slaughter	Electric power generation substations
Fuel oil distributors/stores	
	On-site fuel storage and backup generation
Funeral Homes	Principal Use Energy Infrastructure and Systems
Pesticide application services/stores/retailers	Waste Management and Recycling
Petroleum bulk storage/refineries/pipelines	Landfills/dumps
Photographic development	Transfer Stations

Truck or rail tanker cleaning	
Wood preserving and treatment	Junk, scrap, recycling and salvage yards

3. **Groundwater Risk Determination.** (new) Using Tables 162.001.1, 162.001.2, and along with the discretion of the Wellhead Protection Administrator, the final determination of risk classification for each site shall be identified using Table 162.001.3, below. There may be additional influencing factors not identified above that may be considered in determining final risk classification, subject to the discretion of the Wellhead Protection Administrator.

Table 162.001.3: Zoning and Land Use Risk

	<i>Low Risk Zoning</i>	<i>High Risk Zoning</i>
<i>Low Risk Land Use</i>	Low Risk	Medium Risk
<i>High Risk Land Use</i>	High Risk	High Risk

- a. If identified as high risk or medium risk (e.g., low-risk zoning with a higher-risk land use such as a community septic system or swimming pool), the following forms, available electronically on the Township's website, must be completed: (from Groundwater and Wellhead Performance Standards, Groundwater Contamination Risk Assessment)
 - i. Chemical Inventory and Storage Form (Parts 1 and 2)
 - ii. Stormwater Treatment and Inspection Report (HTU and/or VTU)
 - iii. Stormwater Best Management Practices Operations and Maintenance Agreement
- b. If identified as low risk, no further groundwater risk review is required. All site development must still follow 161 of the General Ordinance for storm water design.

162.002. PROHIBITIONS WITHIN TEN (10) YEAR TIME-OF-TRAVEL (TOT) CAPTURE ZONE.
(240.001.D)

Within a ten-year time-of-travel capture zone, no person shall, nor cause or allow another over whom he or she has control to:

1. Release or allow the release of a Regulated Substance, alone or in combination with other materials (such as fill) in such a manner that the substance gains access to the ground, to a storm sewer or surface water or in any other way such that the substance might enter the groundwater if doing so creates a reasonable likelihood of an adverse impact upon the groundwater;
2. Possess a Regulated Substance, including fuels (e.g., gasoline, diesel, kerosene, etc.) exceeding fifty-five (55) gallons aggregate for liquid materials, or four-hundred forty (440) pounds aggregate for dry weights, unless prepackaged and intended for retail sale for commercial or household use (such as salt used in water softeners, fertilizers,

pesticides, herbicides, etc.), or unless engineering controls are designed and implemented consistent with the “Performance Standards,” BMPs, the Fire Code, and applicable State of Michigan laws and regulations. If the quantity threshold or scope stated in the adopted Performance Standards differs from this subsection, the more protective requirement shall apply. The following, however, shall not be considered prohibited activities:

- a. The use of underground oil and water separators and stormwater treatment structures which meet the conditions of the “Performance Standards;
 - b. The use of current hazardous waste storage areas at RCRA permitted facilities;
 - c. Laboratory activities, consistent with all local, state, and federal regulations.
3. Operate a scrap and/or recycling yard;
4. Operate a sanitary / solid waste landfill;
5. Use oil, waste oil or similar liquid petroleum-type products for dust suppression;
6. Install a private water well for the purpose of drinking water or irrigation if, in the determination of the Township, public water service is reasonably available;
7. Install or use a private water well not installed for the purpose of drinking water or irrigation unless it is determined by the Township that the well owner (or representative) has scientifically demonstrated that the well will not cause an adverse impact to the public water supply;
8. Use any private well if said use is likely to cause an adverse impact to the public water supply;
9. Excavate, extract, or mine sand, gravel, bedrock or any other type of earth if a permit or site plan review is required unless the property owner has established, to the Township's satisfaction, that the activity will not cause an adverse impact to the public water supply;
10. Allow the presence of an abandoned well, which is defined as any well which has either been discontinued for more than one year, is in such disrepair that its continued use for obtaining groundwater is impractical, has been left uncompleted, is a threat to groundwater resources, or is a health or safety hazard. A well shall not be considered abandoned if it has been properly plugged pursuant to The Groundwater Quality Control Act, Part 127, 1978 PA 368; or
11. Drill for natural gas or petroleum, whether for exploration, production or otherwise.

162.003. PROHIBITIONS WITHIN ONE (1) YEAR TOT CAPTURE ZONE. (240.001.E)

Within a one-year time-of-travel capture zone, no person shall, nor cause or allow another, over whom he or she has control, to:

1. Engage in any activity prohibited in the 10-Year TOT capture zone;
2. Possess Regulated Substances, including fuels (e.g., gasoline, diesel, kerosene, etc.), exceeding fifty-five (55) gallons aggregate for liquid materials or four-hundred forty (440)

pounds aggregate for dry weights, such as sometimes occurs with activities such as fueling service establishments, motor vehicle repair, body repair; trucking or bus terminals; primary metal product industries; metal plating, polishing, etching, engraving, anodizing or similar processes; lawn, garden, pesticide and agricultural services with on-site bulk mixing or blending of fertilizers, pesticides and other industry-related chemicals for commercial application; and dry cleaning facilities with on-site cleaning service; or

3. Construct or replace any privy, privy vault, septic tank system, cesspool, or other facility intended or used for the disposal of domestic or non-domestic wastewater if in the determination of the Township, a public sanitary sewer is reasonably available.

162.004. WELL ISOLATION DISTANCE RESTRICTIONS. (240.001.F)

Within either capture zone, no person shall cause or allow uses or activities that would violate the terms and conditions set forth in the document “Minimum Well Isolation Distances (From Contamination Sources and Buildings), Part 127, Act 368, P.A. 1978 and Act 399, PA 1976” as prepared by the EGLE, Drinking Water and Environmental Health Division (DWEHD), as it may be amended, which, for the purpose of this section, shall be deemed to apply to all persons, unless approved in writing by the Township Wellhead Protection Administrator.

162.005. DETERMINATION OF CAPTURE ZONE BOUNDARIES. (240.001.G)

In determining whether a property is within a capture zone, the following shall apply:

1. Where a capture zone line that delineates the boundary of one or more zones passes through a property, the entire parcel shall be subject to the restrictions that apply to the more restrictive zone.
2. The Township Wellhead Protection Administrator or his or her designee shall have the authority to interpret the capture zone and determine where the boundaries of the different zones fall, if in dispute. Said interpretation may be appealed to the Wellhead Protection Board of Appeals, appointed by the Township Board.

162.006. CONTINUATION OF EXISTING FACILITIES AND LAND USES. (240.001.H)

All facilities shall meet the requirements of the “Performance Standards”, and, **if applicable**, shall prepare a Spill Contingency Plan within two years from the adoption date of this ordinance.

162.007. REQUIREMENTS REGARDING RELEASE OF REGULATED SUBSTANCE. (240.001.I)

1. Upon discovery of a release within **or outside of** a capture zone, the owner and person in control of the property on which a release occurred, as well as the person responsible for the release, shall take appropriate reasonable actions to mitigate the potential impact of the release on groundwater and remediate the release. Within 24-hours of such release, the owner or person responsible for the release shall notify the Township and the City of Kalamazoo Public Services Director. Remediation must be conducted in a timely manner and in accordance with applicable law. Wastes

generated during remediation of a Regulated Substance release must be handled in accordance with all applicable legal requirements. Storage of these materials for a period of greater than ninety (90) days must be reported to, and approval obtained from, the Township Wellhead Protection Administrator.

2. All releases shall be documented in writing and notice thereof shall be mailed to the Township within ten (10) business days of said incident. Initial release notification shall include, at a minimum, the following:
 - a. Location of the release (address, and name and phone number of property owner);
 - b. Reporting party's name, address, email address, and phone(s) (if different from above);
 - c. Emergency contact and phone;
 - d. Description and photographs of the nature of the incident, including date, time, location, and cause of the incident; type, concentration, and volume of substance(s) released;
 - e. Map showing exact release location, and relevant site features (i., paved area, storm sewer catch basins/inlets, water features, etc.), scale, and north arrow;
 - f. All measures taken to clean up the release; and
 - g. All measures proposed to be taken to reduce and prevent any future release.
 - h. The Township Wellhead Protection Administrator or his/her designee shall use the Regulated Substance Release Report to determine if and where any additional investigative work needs to be completed to assess the potential impact of the release. The owner or operator shall retain a copy of the written notice for at least three years.

162.008. INACTIVE OPERATIONS. (240.001.J)

This section applies to any business or other operation ("operation") that is inactive, is within a capture zone, and at which there are regulated substances. For purposes of this section, "inactive" is defined to include those businesses or operations that are unoccupied and have no activity for at least thirty (30) days. Those who own or control such an inactive operation shall do the following:

1. Within 7 days of the operation becoming inactive, take such steps as necessary to secure the site such that vandals and all other persons cannot gain access to the regulated substances;
2. Within 30 days of the operation becoming inactive, provide to the Township Wellhead Protection Administrator a document that identifies the site, the date of inactivity, the regulated substances, quantities and storage conditions that exist on site, and the name, address, email address and phone number(s) of both the owner and the person in control of the site; and
3. Within 6 months of the operation becoming inactive, remove all regulated substances from the site. This does not include those substances used for heating, cooling, or electrical lighting.

162.009. PROHIBITIONS OUTSIDE OF CAPTURE ZONES. (new)

Outside of Capture Zones, all sites shall comply with the Best Management Practices and Performance Standards adopted under this Article to the extent applicable.

K. Enforcement (moved to Article 160)

1. ~~Whenever the Township determines that a person has violated a provision of this Ordinance, the Township may order compliance by issuing a written Notice of Violation to the responsible person/facility.~~
2. ~~If the Township requires abatement of a violation and/or restoration of affected property, the notice shall set forth a deadline by which such action must be completed. Said notice may further advise that, should the violator fail to remediate or restore within the established deadline, the work will be performed by the Township, with the resulting expense thereof charged to the violator.~~
3. ~~Nothing within this section shall limit the Township's authority to seek injunctive relief and/or a search warrant allowing entry onto the premises and abatement of the violation to protect the public health, safety and welfare.~~

162.010. Variance / Appeal Rights (maintained as a specific section with its own variance and appeal rights - 240.001.L)

1. If an owner of property within a capture zone believes the requirements of this ordinance impose an unreasonable burden on the use of the owner's property, the owner may seek a variance from the Township Wellhead Protection Administrator (or his or her designee). Such a request must be in writing with enough detail to allow the Township Wellhead Protection Administrator to understand the situation and proposed variance. If the Township Wellhead Protection Administrator determines that additional information is needed, the request for additional information shall be made within 30 days of the owner's request. Within 30 days of the receipt of such additional information, or, if no such request is made, within 30 days of the owner's request, the Township Wellhead Protection Administrator shall issue a written response to the owner. The response shall grant, deny, or grant partial or different relief than was requested. A grant, partial or complete, may relieve the property owner from strict compliance of this ordinance. Reasonable conditions may be imposed as part of such a grant. The Township Wellhead Protection Administrator shall be guided by the primary goal of protecting the municipal well fields without creating undue hardship upon the property owners affected.
2. Any person receiving a Notice of Violation or whose variance request has been denied in whole or in part may appeal the determination set forth within the Notice or the variance decision to the Township Wellhead Protection Board of Appeals by submitting a written notice of appeal to the Township. The notice of appeal must be received by the Township Wellhead Protection Administrator within 30 days from the date of the Notice of Violation, with enough detail to allow the Township Wellhead Protection Board of Appeals to understand the situation. Within 30 days of the receipt of such an appeal, the Wellhead

Protection Board of Appeals shall set the matter for hearing. Notice of the hearing shall be given in writing to the applicant and to the City of Kalamazoo Department of Public Services Director. The applicant shall be given the opportunity to present evidence at the hearing in person or in writing or by ~~agent representative~~ or by attorney. The Board of Appeals shall issue a written decision on the appeal. The Township Wellhead Protection Board of Appeals' response shall affirm, reverse, or modify the Notice of Violation being appealed.

3. If the person who has made an appeal does not agree with the Township Wellhead Protection Board of Appeals' decision, said person may appeal the matter by filing an appeal in the Kalamazoo ~~County~~ Circuit Court, which may affirm, reverse or modify the decision being appealed. Such an appeal must be filed within 30 days of the Township Wellhead Protection Board of Appeals' decision.

~~L. Abatement / Remedial Activities by the Township~~ (moved to Article 160)

- i. ~~Any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense. The Township is authorized to take any legal action necessary to abate, enjoin, or otherwise compel the cessation of such nuisance.~~
- ii. ~~The Township may seek authority to enter the premises to take or may contract with others to take reasonable and necessary abatement or remedial activities whenever the Township determines a violation of this Ordinance has occurred and that the responsible party cannot or will not timely correct the violation, or when no known responsible party exists. The responsible party shall reimburse the Township for all reasonable expenses thus incurred by the Township.~~
- iii. ~~The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable local, state, or federal law and it is within the discretion of the Township to seek cumulative remedies.~~

~~N. Violation & Penalty~~ (moved to Article 160)

~~Any violation of this Ordinance or any order made in accordance with this Ordinance constitutes a misdemeanor, punishable by a fine of not more than \$500.00 or imprisonment of not more than 90 days, together with repayment of costs incurred by the Township in prosecuting the action; in abating the violation or seeking injunctive relief. Each day a violation exists shall be deemed to be a separate violation. A citation under this Ordinance may be issued by a sheriff's deputy, the Township's Ordinance Enforcement Officer or the Township's Wellhead Protection Administrator.~~

Article 163 is proposed to move Section 56.30 to the General Ordinance and add provisions for selective cutting.

163.001 - CLEAR OR SELECTIVE CUTTING (from 56.30)

A. Clear **or selective** cutting permit

1. Any activity that involves the clear **or selective** cutting of one or more acres of land and which is not otherwise exempt from this Ordinance, shall be required to obtain a clear **or selective** cutting permit from Oshtemo Township, as described below.
2. Exemptions: A clear or selective cutting permit is not required for any of the following exempted activities:
 - a. Clear **or selective** cutting of less than one acre of land within a twelve-month period.
 - b. Clear **or selective cutting** on a developed residential parcel of two acres or less, including vacant lots and building sites in an approved subdivision or site condominium.
 - c. Clear **or selective cutting** for a development that has received Site Plan approval under the provisions of Article 64, Site Plan Review, provided that such clear cutting takes place after approval and is in accordance with such approval.
 - d. Clearing of land located within the **AG**: Agricultural zoning district for agricultural purposes.
 - e. Clearing for the maintenance of existing roads, private access easements, driveways, and utility easements.
3. Application requirements: Applicants proposing to clear **or selective** cut more than one acre of land shall be required to submit the following information:
 - a. Name, address, and contact information of the applicant;
 - b. Written consent of the owner(s) of the land, if the applicant is not the sole owner;
 - c. A Site Plan of the property, drawn to scale, showing the area of the land to be cleared;
 - d. Amount of land to be cleared (in acres);
 - e. A statement outlining the purpose of the clear **or selective** cutting or the proposed use of the cleared area;
 - f. Location and dimension of required buffer areas as described in the General Provisions section below;
 - g. Location and description of proposed erosion-control devices or structures in conformance of **Article 161** Storm water management standards; **Article 164** Soil erosion control; and tree protection fencing, if required.

4. Upon receipt of the application for a clear **or selective** cutting permit, the Township planning staff shall inspect the site and review the application. Applicants shall be notified within 15 business days of submitting an application whether it has been approved, denied, or whether additional information is needed.
5. If the staff determines that the application is in compliance with the provisions of this section, the permit shall be approved administratively. If the staff determines that the application is not in compliance with the provisions of this section, the permit shall be denied. Any such denial can be appealed to the Township Board **pursuant to Article 160**.
6. Storm water management and soil erosion control plans shall be subject to review and comment by the Township Engineer. If it is determined that the erosion control measures either proposed or implemented by the applicant do not satisfy the general provisions described below, the Township reserves the right to place additional requirements on the clear-cutting permit to rectify such deficiencies.
7. Following approval of a clear **or selective** cutting permit, all sites shall be subject to inspection for compliance with this Ordinance.
8. Fee: An application fee may be established by resolution of the Township Board for a clear **or selective** cutting permit based upon the cost of processing the review and inspections and would be required upon application for the permit.

B. General provisions of clear **or selective** cutting permit.

The following provisions will apply to all clear **or selective** cutting governed by this Section and will be evaluated by staff during the application review process.

1. The Site Plan shall demonstrate that the proposed use of the clear **or selective** cut area is achieved with judicious effort to preserve the integrity of the land, existing topography, natural features (i.e., slopes, woodlands, etc.), and natural drainage patterns; preserves existing woodlands and understory and individual trees to the greatest extent reasonable; and maintains the soil-stabilizing vegetation and avoids altering drainage patterns.
2. To preserve viewsheds along roadways and buffer adjoining properties, a 20-foot wide buffer area of undisturbed vegetation shall be maintained along roadways and property lines. Clear **or selective** cutting will not be permitted within buffer areas; however, harvesting of select trees within the buffer area and development of roadways may be permitted with approval from the Planning Department.
3. During clear **or selective** cutting and until revegetation or stabilization has taken place, erosion and sediment controls shall be designed and implemented necessary to prevent sediment from leaving the clear-cut site. Unacceptable clearing practices and erosion control measures are those that alter existing drainage patterns and/or cause property damage off-site.
4. The plans for the use or restoration of the site following land clearing shall comply with the standards and requirements of **Article 161**, as applicable.

5. Tree protection fencing shall be installed around trees to be preserved in the required buffer areas. Tree protection fencing shall meet the requirements of Section 53.120.

C. Enforcement and penalties

1. Any clear ~~or selective~~ cutting, grading, development, or other site work in violation of the requirements of this Section or contrary to the approved plans shall be considered a violation of the Township ~~General Ordinance~~ Zoning Ordinance and enforceable per the requirements of ~~Article 160 Section 70.30, Penalty,~~ of this Ordinance. Enforcement may include, but is not limited to, actions to abate, enjoin or restore the property in question.
2. Where specific trees are designated to be preserved, each such tree that is removed shall constitute a separate ~~violation~~ offense.

Article 164 is proposed to move Section 56.20.B and D for Soil Erosion and Sedimentation Control to the General Ordinance. Language has been reworded.

164.001 – SOIL EROSION AND SEDIMENTATION CONTROL (move from 56.20 B, D)

A. **Soil Erosion Control Plan.** (from 56.20.B or new)

1. Township review and approval of a soil erosion control plan shall be obtained prior to the commencement of the following site/earth changes or work in accordance with the Kalamazoo County Drain Commission standards:
 - i. **Large-Scale Earth Changes.** Projects disturbing one acre or more.
 - ii. **Projects Near Water.** This includes those located within 500 feet of a lake, stream, river, county drain, or other water bodies, or within 250 feet of a regulated wetland.
 - iii. **Agricultural or Accessory Buildings.** Construction or clearing disturbing over one acre or located near water features, as described above. Exemptions are allowed for plowing, tilling for crop production, or harvesting crops.
 - iv. **Other Activities.** Gravel pits for mining sand and gravel; landfilling, cutting, or balancing; ponds larger than one acre near water bodies; or trenched/excavated utility installations disturbing over one acre or near water bodies.
2. Unless deemed unnecessary by the Township, or a permit waiver is granted by the Kalamazoo County Drain Commission, sites requiring Site Plan Review shall submit a soil erosion control plan for review and approval by the Township Engineer for consistency with the applicable Site Plan Review requirements set forth in this Article and in Article 64 of the Zoning Ordinance.
3. The soil erosion control plan shall be subject to compliance with all applicable provisions of this Section and Section 64.80 and show the following:
 - i. **Limits of land disturbance.**
 - ii. **Construction-phase controls** (silt fence, inlet protection, construction entrance, traps/basins, etc.).
 - iii. **Stockpile locations and protection details.**

B. **General Provisions.** (from 56.30.D. or new)

1. The natural topography and vegetation of a site shall be preserved to the maximum extent possible, except where major alterations are determined to be consistent with the purpose of the Article as set forth in Article 160.
2. Earth changes shall occur in such a manner that minimizes the exposure time of disturbed land. Any area not actively under construction shall be stabilized (and seeded, if the weather permits) within 30 days of completion of earth disturbing work in that area.

3. All property owners or developers shall install temporary soil erosion measures during construction and/or earth change activity to prevent sediment from leaving the site, entering storm water systems/discharge areas, or being tracked onto streets or sidewalks, or cause unnecessary erosion of soil or other material. All soil and sediment shall be retained on-site.
4. Measures shall be consistent with Michigan Department of Transportation (MDOT) soil erosion and sediment control specifications, subject to Township Engineer review, approval, and inspection. Examples include filter bags, silt fences, sediment traps/basins, check dams/weirs, and temporary channel liners.
5. All structures and land uses in the Township shall be established in such a manner as to capture stormwater at intervals not obstructing the flow of vehicular or pedestrian traffic and to prevent runoff of surface water not accommodated by a public system onto adjoining properties, streets, or sidewalks, without a drainage agreement between landowners. Property owners or developers of property shall construct and maintain such on-site storm water management and drainage facilities necessary to prevent standing water or flow of runoff of surface water onto adjoining properties, streets, or sidewalks, or cause unnecessary erosion of soil or other material.
6. Any area disturbed within rights-of-way (sidewalks, streets, etc.) shall be restored in-kind with existing or better conditions.
7. For construction of an individual single or two-family home, all disturbed areas, except driveways, walkways, and required parking, shall be seeded or sodded within six months of certificate of occupancy.

Article 290, Subdivisions and Site Condominiums

Certain definitions are proposed to be eliminated and moved to Article 160. This is because these are broadly applicable definitions that are more appropriate to be located within the beginning of the Environmental Protection language, as opposed to just for Subdivisions and Site Condominiums. Other amendments include existing language from Article 290 of the General Ordinance that is more applicable on a Township-wide basis, rather than just for Subdivisions or Site Condominiums.

Section 290.003 - Definitions

~~Forebay. A small basin or cell, which is part of a storm water management basin, and is separated by a berm or barrier near the inlet to trap and filter sediment and debris from entering the basin.~~

~~Retention Pond. A flood control device that holds a permanent pool of water generally known as a wet storm water basin. The level of water in the pond is maintained by design. This may include setting an outlet structure above the natural groundwater elevation or constructing the retention pond with an impermeable bottom.~~

~~Storm Water Management Basin. A land feature designed and constructed for the purpose of storm water management. Its function is the mitigation of development impacts which inhibit natural infiltration of precipitation into native soils and which increase storm water runoff volumes and rates of flow. When designed in accordance with best management practices, basins also provide pollutant removal and aesthetically pleasing wet-habitat functions.~~

~~Wooded Areas. A wooded area is a habitat where trees are the dominant plant form. The individual tree canopies generally overlap and interlink, often forming a more or less continuous canopy which shades the ground to varying degrees.~~ (new definition for woodland proposed)

Section 290.007.B - Tentative Preliminary Plan/Plat. This is to update the references to the other Environmental Protection language, as applicable.

2. Tentative Preliminary Plan/Plat Requirements. Tentative preliminary plans/plats shall be submitted pursuant to the requirements below and as required by the Design Layout Standards of Section 290.008.

e. Existing conditions sheet.

- iv. Location of all natural features as required by ~~Section~~ **Article 165**. ~~290.008-I.~~
- v. A Natural Features ~~Protection Area~~ plan sheet shall be included as part of the plan/plat if required by ~~Article~~ **Section 165**. ~~290.008-J.~~

f. Subdivision plat/condominium plan sheet.

- v. **A Natural Features plan sheet, as required by Article 165, indicating the** location of natural features intended for preservation, including isolated trees (outside of **woodland** ~~wooded area~~).

- vi. Location of Reserve Areas, if applicable, per ~~Article Section 165.290.008.J.~~
- vii. Any additional requirements ~~as outlined in~~ of Section 290.008: Design Layout Standards, as applicable.

Section 290.007.D – Final Plan/Plat. This is to update the references to the other Environmental Protection language, as applicable, and to provide for other necessary updates.

1. Filing Procedure.

- j. Master deeds, bylaws and any other pertinent exhibits required of a site condominium per Condominium Act, P.A. 59 of 1978. ~~If a subdivision or site condominium includes privately owned or co-owned improvements or common elements, including but not limited to streets, stormwater facilities, open space, or similar infrastructure, the recorded governing documents shall provide for the collection of annual assessments from all property owners to fund ongoing maintenance and repair. An annual report shall be submitted to the Township Engineer documenting the status of the maintenance fund and demonstrating that sufficient financial resources are available to support both short-term and long-term maintenance needs.~~

3. Township Board Review.

- a. The Township Board shall review the proposed final plan/plat and determine that:
 - i. All monuments required to be placed in the plat have ~~either been placed or a cash or equivalent deposit has been made with the Township and Deposit Agreement executed by the proprietors.~~
 - ii. All road, streets, bridges and culverts have been completed and installed ~~per plans approved in Step Two. or a cash or equivalent deposit has been made with the Road Commission of Kalamazoo County and a Deposit Agreement executed by the proprietors.~~
 - iii. If the plan/plat has any storm water management basins or other water features, such shall be installed, ~~stabilized and properly functioning. or a cash or equivalent deposit made to the Township or Kalamazoo County Drain Commissioner and a Deposit Agreement executed by the proprietors.~~
 - iv. ~~All soils for any individual lot or building site have been stabilized.~~
 - vi. All utilities servicing the plan/plat have been installed, and water and sanitary sewer mains have been stubbed to the lot line or building sites. ~~or a cash or equivalent deposit has been made with the public utility sufficient in amount to ensure completion thereof within the time specified and a Deposit Agreement executed by the proprietors.~~
 - vii. All public improvements, such as street lights, fire hydrants, parks, etc., which have been required by the Township Board, have been completed and installed and reviewed and approved by the Township Engineer ~~or their designee or a cash or equivalent deposit has been made with the Township or other public utility sufficient~~

- ~~in amount to ensure completion within the time specified and a Deposit Agreement executed by the proprietors.~~
- viii. All sidewalks not associated with an individual lot or building site have been constructed to the Township standards and reviewed and approved by the Township Engineer or their designee. ~~; or a cash or equivalent deposit has been made with the Township sufficient in amount to ensure completion thereof within the time specified and a Deposit Agreement executed by the proprietors.~~
 - x. All required landscaping has been installed in accordance with the approved plans. If seasonal conditions prevent installation, the Township may approve a written installation schedule and financial guarantee requiring completion during the next suitable planting season.
 - e. Upon the approval of the final plan/plat by the Township Board, a copy of three prints of the final plan/plat and as-built drawings of the public water and sewer mains, prepared to scale, shall be provided to the ~~forwarded; one to the Clerk, one to the Planning Department, and one to the Building Authority contracted by the Township.~~ Five mylars of said copies shall be forwarded to the Clerk of the County Plat Board. Digital copies shall be provided in AutoCAD (.dwg) or (.dxf) format. ~~Digital copies may be submitted on CD.~~ Each digital file shall include a minimum of two ties to Government Section Corners. Additionally, the following should be included and provided as their own unique layers in the electronic file: lot/unit numbers; dimensions; lot lines; boundaries; rights-of-way; street names; easements; section lines and section corners; utility lines; adjacent plat corners; and, other information deemed appropriate to the plat.

Section 290.008.C. Storm Water Management Basins

Eliminate all language and replace with:

Storm Water Management shall be designed, constructed, maintained, and/or repaired in compliance with Article 161.

Section 290.008.E. Blocks

Eliminate all language and replace with:

Blocks shall be designed in compliance with Article 295 of the General Ordinance.

Section 290.008.F. Street Rights-of-Way

Eliminate all language and replace with:

Street rights-of-way shall be designed in compliance with Article 295 of the General Ordinance.

Section 290.008.G. Street Lighting.

Eliminate most language but retain some:

By a resolution of the Township Board, all public street lighting shall be added to the Township inventory upon completion. **All lighting shall be designed in compliance with Article 54 of the Zoning Ordinance, as applicable.**

Section 290.008.H. Non-Motorized Facilities.

Eliminate all language and replace with:

Non-Motorized Facilities shall be designed, constructed, maintained, and/or repaired in compliance with Articles 294 and 295 of the General Ordinance.

Section 290.008.I. Natural Features ~~(outside of the Natural Features Protection District described in 290.008.J):~~

Eliminate all language and replace with:

Reference Article 165 of the General Ordinance for the Natural Features Protection requirements.

Section 290.008.J. Natural Features Protection District.

Eliminate most language but retain some:

Reference Article 165 of the General Ordinance for the Natural Features Protection District requirements. In addition, street layout and lot shape/orientation shall be designed to minimize cut and fill and disturbance of natural drainage patterns and vegetation; smaller lots shall be planned in areas where natural features are not present and topography is relatively flat; larger lots shall be planned in hilly topography and **woodlands** ~~wooded areas~~ to reduce vegetation clearance; site design shall seek to minimize impervious surfaces; and, natural features corridors shall be encouraged along adjoining blocks and streetscape areas and shall be planned in a manner that maintains continuity of natural corridors and habitats as opposed to patchwork open spaces.

For those properties found within the Natural Features Preservation District due to the presence of soil conditions that create severe limitations to septic systems, each lot must meet the minimum size required by the zoning district. Alternate development practices, **such as those** that allow smaller lot sizes or increased densities, shall be prohibited in areas with steep slopes or soil conditions that create septic system limitations, unless an alternative solution to individual septic systems, such as wastewater cluster systems, is provided. An alternative solution must be

reviewed **and recommended** for viability and permanence by the Public Works director, or their designee, and County Health Department, **and approved by the reviewing body.**

Section 290.008.K. Landscaping.

Eliminate some language and amend as shown below:

1. New vegetation to be provided pursuant to these regulations shall be planted in accordance with the Landscaping regulations of the Township Zoning Ordinance.
2. **Roadway landscaping shall be designed in compliance with Article 295 of the General Ordinance.**
3. New and existing trees to be preserved shall be protected during construction. **Tree protection fencing shall meet the requirements in Section 53.120 of the Zoning Ordinance.**
4. Required trees shall be maintained to ensure their survival. At the discretion of the Township Board after receiving recommendation from the Planning Commission, a performance guarantee may be required to ensure that proposed landscaping is maintained for a period of at least 18 months per the requirements of the Landscaping regulations of the Township Zoning Ordinance. Such guarantee may take the form of an irrevocable letter of credit, cash escrow, or performance bond.