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**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION MEETING**

**OSHTEMO TOWNSHIP HALL
7275 WEST MAIN STREET**

**THURSDAY, JULY 23, 2026
6:00 P.M.**

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda
4. Approval of Minutes: June 25, 2026 Meeting ([Pg 3](#))
5. **Work Item: Zoning Ordinance Update**
Planning Consultant to present suggested updates to the residential schedule of regulations, land uses, and design standards and the landscape buffers. (Energy systems zoning language is not part of this work item) ([Pg 9](#))
6. **Work Item: Environmental Protection ordinances amendments**
Planning Commission to hear presentation on forthcoming amendments to various environmental-protection related ordinance provisions as well as the addition of wellhead protection standards. ([Pg 27](#))
7. Public Comment
8. Planning Commissioner Comments
9. Other Updates and Business
10. Adjournment

This meeting is being streamed live on the Public Media Network website and app and recorded for watching on-demand. It is also broadcast on Spectrum and AT&T community access channels.

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

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

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

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

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

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday, 8 a.m.-1 p.m. and 2-5 p.m., and on Friday, 8 a.m.-1 p.m. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees

Supervisor

Cheri Bell 216-5220 cbell@oshtemo.org

Clerk

Dusty Farmer 216-5224 dfarmer@oshtemo.org

Treasurer

Clare Buszka 216-5260 cbuszka@oshtemo.org

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Neil Sikora 760-6769 nsikora@oshtemo.org

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Assessor:

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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:

Jodi Stefforia 375-4260 jstefforia@oshtemo.org

Public Works Director:

Anna Horner 216-5228 ahorner@oshtemo.org

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION
MINUTES OF A MEETING HELD JUNE 25, 2026**

AGENDA

PUBLIC HEARING: LAND ROVER DEALERSHIP (5924 STADIUM DRIVE)

WORK ITEM: ZONING ORDINANCE UPDATE

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, June 25, 2026, commencing at 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

MEMBERS PRESENT: Grace Engels
 Deb Everett, Vice Chair
 Scot Jefferies
 Alistair Smith, Chair
 Jeremiah Smith
 Ron Ver Planck

MEMBERS ABSENT: Michael Chapman, Township Board Liaison

Also present were Jodi Stefforia, Planning Director; James Porter, Township Attorney; Leeanna Harris, Planning and Zoning Administrator (at 6:30 p.m.); Colten Hutson, Zoning Administrator; and approximately 42 members of the public.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

At 6:00 p.m., Chair A. Smith called the meeting to order. Those in attendance joined in reciting the Pledge of Allegiance.

APPROVAL OF AGENDA

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

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

APPROVAL OF THE MINUTES FROM THE MEETING OF MAY 28, 2026

Chair A. Smith asked if there were any additions, deletions, or corrections to the minutes of the May 28, 2026, meeting. There were none.

Commissioner Jefferies made a motion to approve the Minutes of the May 28, 2026, meeting as presented. Commissioner Ver Planck supported the motion. The motion passed unanimously.

PUBLIC HEARING: LAND ROVER DEALERSHIP (5924 STADIUM DRIVE)

Mr. Hutson presented the staff memo dated June 16, 2026, regarding a request for a special exception use and site plan review of a proposed Land Rover automotive dealership located at 5924 Stadium Drive, parcel 05-25-305-031. The site is located on a 2-acre parcel on the north side of Stadium Drive between Quail Run Drive and Fairgrove Street.

Mr. Hutson explained that the property previously received special use approval in 2018 for automobile sales. The current request would amend that approval to allow construction of a 19,294-gross-square-foot (at grade), two-story dealership building while retaining the existing automobile sales use.

Mr. Hutson reported that the proposal complies with the Township's zoning ordinance and site plan requirements, including:

- Required parking, setbacks, and circulation.
- Building design standards.
- Lighting, landscaping, and screening requirements.
- Public works and fire department review standards.

The development includes a future public sidewalk along Quail Run Drive, with staff recommending a Sidewalk Special Assessment District Agreement be executed as a condition of approval.

Mr. Hutson also reviewed the general and specific special use standards applicable to automobile dealerships, concluding that the proposal meets all applicable requirements. The dealership is considered compatible with the surrounding commercial corridor, where several other automobile dealerships already exist, and the addition of a sales building does not substantially change the property's existing use.

Mr. Hutson recommended that the Planning Commission consider the application, hear the applicant's presentation and public comment, and, if the Commission finds the proposal to conform to the standards and recommendations of the 2045 Oshtemo Comprehensive Plan, site plan review criteria, and special use review criteria, and requirements for special uses, to approve the site plan and special use request subject to the conditions outlined in the staff report.

Chair A. Smith invited the applicant up to the podium to speak.

Ms. Laurie Davis, of Hurley & Stewart, explained that the project was designed to make use of the existing site while minimizing impacts to the surrounding property. The proposed dealership building will be located within the established building envelope, allowing the landscaping installed as part of the 2019 development to remain largely intact. She also noted that the site will include upgraded paving materials to achieve the boutique appearance required by the Land Rover brand. The building was designed in collaboration with a local architect to meet both the manufacturer's design standards and the Township's site requirements.

Mr. Jeff DeNooyer, owner and dealer principal of Metro Toyota and DeNooyer Jaguar, stated that the project has been in development for approximately eight years. After purchasing the property

several years ago, the dealership worked closely with Land Rover and Township staff over the past year to develop a building design that satisfies both corporate brand standards and Township regulations. He explained that the Land Rover franchise cannot be officially awarded until the required dealership facility is constructed.

In response to questions from the Planning Commission, Mr. DeNooyer estimated the dealership would sell approximately 20 to 25 vehicles per month and maintain a similar number of vehicles in inventory, noting that inventory levels remain lower than in the past due to post-pandemic manufacturing and supply practices. He further explained that additional parking is available at the dealership's nearby used vehicle facility and that internal operations may be reorganized as well as the Jaguar showroom. Used vehicle inventory will continue to be stored at the adjacent dealership property as needed.

Chair A. Smith opened the public comment period and reminded speakers of the four-minute time limit. One member of the public spoke in opposition to the request.

Chair A. Smith closed public comments.

Commissioner J. Smith asked whether the dealership's service department ventilation system filters air before it is exhausted from the building, referencing concerns raised during public comment. Mr. DeNooyer responded that the service department uses a ventilation system that vents through the roof and stated that, to his understanding, the air passes through a filtration system before being exhausted.

Based on the findings that the proposal satisfies the applicable review standards set forth in the staff report, Commissioner J. Smith **made a motion** to approve the site plan and special use request for the proposed Land Rover dealership located at 5924 Stadium Drive, subject to the following conditions, as outlined in the staff report:

- 1) A soil erosion and sedimentation control permit from the Kalamazoo County Drain Commissioner's Office must be obtained prior to building permit issuance.
- 2) An updated site plan and supplemental documentation satisfying any remaining comments from the Township Engineer at time of this report be submitted for review and approval prior to building permit issuance.
- 3) A sidewalk special assessment district (SAD) agreement for the non-motorized facility on Quail Run Drive must be executed and submitted to the Township prior to the issuance of a Certificate of Occupancy.
- 4) A grading easement for sidewalk along Quail Run Drive must be executed and submitted to the Township prior to the issuance of a Certificate of Occupancy.
- 5) Routine inspection and maintenance of the underground stormwater system must be completed to maintain hydraulic capacity and infiltration performance over time.

Commissioner Ver Planck **seconded the motion**. The **motion passed** unanimously.

WORK ITEM - ZONING ORDINANCE UPDATE

Ms. Stefforia invited Sara Morning-Hilt and Jason Ball, planning consultants with Progressive Companies, to present the zoning ordinance update. The consultants provided an overview of the ongoing zoning ordinance update, explaining that the project is intended to modernize the

Township's zoning ordinance by simplifying regulations, eliminating inconsistencies and duplicative language, and implementing the recommendations of the 2045 Oshtemo Comprehensive Plan. They emphasized that the meeting was intended to gather feedback from the Planning Commission and that no action would be requested as the ordinance update will be reviewed over several future meetings.

The presentation provided a review of the proposed consolidation of several zoning districts to simplify both the zoning ordinance and zoning map. Consultants explained that consolidating districts would reduce the number of zoning classifications, streamline permitted uses and development standards, and make the ordinance easier for staff, property owners, and developers to interpret. Commissioners discussed the proposed zoning map reflecting consolidated districts, implementation of the Comprehensive Plan's future land use vision, industrial zoning, preservation areas, and the relationship between future rezonings and the proposed district consolidations. The consultants noted that the zoning map would continue to be refined and presented for additional review throughout the ordinance update process.

The consultants also presented proposed updates to residential land uses intended to expand housing opportunities within the Township. They explained that the 2023 Housing Plan and the 2045 Oshtemo Comprehensive Plan identified a need for additional “middle housing” options, including townhomes, duplexes, triplexes, quadplexes, cottage courts, and accessory dwelling units, to better meet changing housing demands while providing opportunities for residents to remain in the community throughout different stages of life. Commissioners discussed where these housing types might be appropriate and emphasized the importance of maintaining neighborhood character through appropriate design standards, setbacks, and dimensional requirements. The consultants indicated that future meetings would include examples illustrating how these housing types could be integrated into existing neighborhoods.

The presentation concluded with a review of additional ordinance housekeeping items, including simplifying land use classifications, consolidating temporary event regulations, distinguishing restaurant carry-out windows from traditional drive-through facilities, and discussing whether standards for short-term rentals should be established proactively. Commissioners discussed the potential benefits of addressing short-term rentals before they become more prevalent in the Township. The consultants stated that future meetings would focus on detailed zoning district standards, dimensional requirements, and draft ordinance language. No formal action was requested or taken by the Planning Commission.

PUBLIC COMMENT

Chair A. Smith opened the public comment period and reminded speakers of the four-minute time limit. Three members of the public provided comments regarding the ongoing zoning ordinance update, including proposed residential zoning changes, short-term rental regulations, future industrial and renewable energy uses, and recommendations for battery energy storage system standards.

Chair A. Smith closed the public comment.

OTHER UPDATES AND BUSINESS

Commissioner Everett asked for an update on the draft battery energy storage system and related renewable energy ordinance amendments. Planning Director Stefforia responded that staff is currently working on three major zoning initiatives: the comprehensive zoning ordinance update, consolidation and expansion of the Township's environmental protection regulations into the General Ordinance, and the development of energy system regulations addressing wind, solar and energy storage. She explained that the environmental protection updates include provisions addressing wellhead protection, groundwater, stormwater management, natural features, tree preservation, and soil erosion and sedimentation control. Ms. Stefforia also reported that staff is finalizing the energy system ordinance, which incorporates applicable national standards and recommendations from subject matter experts. She stated that staff is continuing to review the draft language to ensure it is comprehensive and internally consistent before presenting it to the Planning Commission for consideration.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:42 p.m.

Minutes Prepared: June 28, 2026

Minutes Approved:

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Memo

To: Oshtemo Township Planning Commission

From: Jason Ball, AICP
Senior Planner

Date: July 16, 2026

Re: Zoning Ordinance Update Meeting #2

As we continue to move through zoning districts, uses, and standards, we are focused on residential uses and standards during the July 23rd meeting. There are a few items that came up during the discussion in the June meeting that will be addressed in the future, these include:

- A revised 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.

During the meeting on July 23rd, we will review a proposed residential use table, discuss standards for setbacks, height, and lot/parcel area in residential districts, proposed landscape buffer changes, and proposed design standards for Accessory Dwelling Units, Multi-Family Dwelling Units (5+ units), Multi-Family Dwelling Units (3-4 units), and Townhomes.

RESIDENTIAL USE TABLE

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

The only significant changes to permitted uses allowed in Oshtemo Township zoning districts are those discussed during the previous meeting: the addition of two-family homes to areas currently zoned R-1 and the inclusion of townhomes and multi-family dwellings (3-4 units) in areas currently zoned R-1 or R-2 (being consolidated into a new Neighborhood Residential District). Both proposed use changes are accompanied by conditions to help ensure the new uses contribute positively to neighborhoods.

It is important to note that Townhomes and 3-4 unit Multi-Family dwellings are proposed to be permitted only on corner lots in Neighborhood Residential, and they require a larger minimum lot size than a single-family home. Other options for permitting Townhomes or 3-4 unit dwellings in neighborhood residential areas include:

- Restricting them to properties with frontage on a Regional Connector or Neighborhood Connector street per the Master Streets Plan Street Typology Map.
- Further increasing lot sizes or requiring fencing or landscape buffers between single family homes.

As discussed during the previous meeting, the addition of townhomes and 3-4 unit multi-family homes as a use is recommended based on the recently-completed comprehensive plan.

SCHEDULE OF REGULATIONS (SETBACKS, HEIGHT, AREA)

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 dimensional standards in the current ordinance in black text, with proposed changes shown in **red text**. Note that existing properties that do not meet the new standards will be “grandfathered in” as nonconforming structures or lots.

One key question for consideration by the Planning Commission is the relationship between access to utilities and permitted land uses. As we move forward reviewing the zoning map, we will be examining current and proposed access to public sewer and water as an important consideration for assigning zoning districts to parcels.

Significant recommended changes to dimensional standards include:

- Increasing the minimum lot size in the Rural Residential District from 1.5 acres to 3 acres.
- Increasing the minimum lot size for two-family dwellings and requiring access to water and sewer.
- Establishing a maximum setback in the Neighborhood Mixed Use district of 40 feet. Today, the maximum setback in the Village Commercial District is 15 feet or less in the Form-Based Code Overlay.
- Adding a minimum square footage requirement per dwelling unit for multi-family in place of a per-acre density standards.
- Increased side and rear yard setbacks in AG and RR.
- Increased lot coverage in the Neighborhood Mixed Use District (formerly VC and RC) from 30 to 50 percent.

Another point of consideration for the Planning Commission is the definition of lot coverage. The current definition of lot coverage is focused on the percent of a parcel covered by buildings, a newer approach that delivers stronger environmental outcomes is to require a minimum amount of greenspace on a lot, which considers all impervious surface.

PROPOSED LANDSCAPE BUFFER STANDARDS

The zoning ordinance currently has significant language dedicated to supplemental setback requirements for conflicting land uses. While setbacks are helpful in separating buildings, they do not necessarily prohibit parking lots, dumpsters, or other site elements that can create nuisances from encroaching in the supplemental setback areas. These supplemental setbacks are also large, making many properties difficult to develop under any circumstance.

As a compromise, we recommend modifying the landscaping standards to require larger landscape buffers between residential and commercial/industrial uses, while eliminating the supplemental setbacks. This will ensure that all activities are separated from residential land uses effectively, while providing more flexibility for locating buildings on development parcels.

PROPOSED RESIDENTIAL DESIGN STANDARDS

Proposed conditions for housing development have been established for use other than single and two-family. These standards help to ensure that new residential developments positively contribute to quality neighborhoods, while also providing expectations for new housing within existing neighborhoods should owners decide to add units to their property. We will create cut sheets that summarize the standards applicable to each housing type, but for now have only created a cut sheet for townhomes because it is a new use. Recommended amendments for accessory dwelling units and multi-family uses are also included in the packet.

NEXT STEPS

During our next meeting we will review the proposed use table, dimensional standards, and conditions for commercial and industrial uses. We will also follow-up on any additional residential items we do not complete during the meeting on July 23rd.

Oshtemo Township Use Table Analysis

	KEY					
	P	Permitted				
	PC	Permitted w/conditions				
	SU	Special uses				
			R1 & R2 combined	R3 & R4 combined		
USE	AG	RR	Neighborhood Res.	Multi-Family Res.	R5 (Mobile Home District)	Notes
Agricultural						
Agribusiness	PC	PC				
Agritourism category 1	PC	PC				
Agritourism category 2	SU	SU				
Agritourism category 3	SU	SU				
Farm Labor Housing	SU					
Farm operations	P					
Riding Stables	SU					
Greenhouses and nurseries	P	SU				
Residential						
Dwelling Unit, Accessory	PC	PC	PC	PC		Review existing conditions
Dwelling Unit, Multi-Family (3-4 units)				PC		Add conditions similar to townhomes
Dwelling Unit, Multi-Family (5+ Units)				PC		Review conditions
Dwelling Unit, Single Family			P	P		
Dwelling Unit, Townhouse			PC	PC		Review conditions
Dwelling Unit, Two-Family			PC	PC		Review conditions
Home occupations	PC	PC	PC	PC	PC	
Mobile home parks or developments					PC	
Care Facilities						
Adult Foster Care Family Home	P	P	P	P	P	
Child care centers				P		
Family Child Care and Group Child Care Homes	P	P	P	P	P	
Foster Family Home	P	P	P	P	P	
Larger facilities for child and adult foster care				PC		
Nursing or senior citizens homes				P		
Qualified Residential Treatment Programs	P	P	P	P	P	
Recreation						
Golf Courses	SU	SU	SU			
Private equestrian facilities	SU	SU				
Private clubs, fraternities, and sororities				SU		
Shooting ranges and Private Clubs operating in connection therewith	SU	SU				
Temporary outdoor events						Will be addressed with a separate section.

Oshtemo Township Use Table Analysis
Residential Districts

USE	AG	RR	Neighborhood Res.	Multi-Family Res.	R5 (Mobile Home District)	Notes
Services						
Banks				P		
Essential services	P	P	P	P	P	
Personal service establishments				SU		Clarify definition with personal services uses in commercial.
Veterinary clinics w/out a kennel or outdoor run	P	SU				
Veterinary clinics with a kennel or outdoor run	SU	SU				
Public						
Fire Stations			P	P		
Libraries		P	P	P		
Nonprofit educational, noncommercial recreational and noncommercial business centers		PC				
Public Parks or Recreational Areas	P	P	P	P	P	
Public and private schools		SU	SU	SU		
Office and Medical						
Office buildings				SU		Add condition to prohibit large corporate campuses
Hotels						
Bed and Breakfast Inns	SU	SU				Review conditions
Short-Term Rental						Add conditions
Misc.						
Accessory buildings incidental to the foregoing		P	P	P		
Cemeteries		P	P	P		
Earth removal processing facilities	SU	SU				
Funeral Homes				P		
House of Worship	P	P	P	P		
Kennels	SU	SU				
New Wireless Telecommunication Support Structures	SU	SU	SU	SU	SU	
Other Wireless Telecommunications Facilities	See Article 59					
Wind energy conversion systems	SU	SU	SU	SU	SU	This is a part of the current draft with Energy Systems.

TABLE 1: Residential 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.)		
Single-Family								
AG	40 acres*	200	30 20	30	10 25	15 30	35 / 2	
RR	1.5 acres 3 acres	200	30 25	30	10 25	15 30	35 / 2	
RR (Open Space Community)	See Article 43							
NR (R-1 & R-2)								
No water or sewer	22,000	100	30	30	10	15	35 / 2	
Water or sewer	15,000	100	30	30	10	15	35 / 2	
Water & sewer	10,560	100	30	30	10	15	35 / 2	
R5	15 acres	200	30	30	10	10	35 / 2	
Two-Family								
NR (R-1 & R-2)								
Water & sewer	10,569 15,000	100	30	30	10	15	35 / 2	###
NMU	10,000	N/A	50	40 max.	10	10	35 / 2	###
Multi-Family (3-4 units) **								
MR (R-3 & R-4)								
Water & sewer	10,560	100	30	30	10	15	45 / 3	###
NMU	10,000	N/A	50	15 40 max.	10	10	35 / 2	###
MXU								###
Townhouses (no more than 4 attached units)**								
NR (R-1 & R-2) Corner Lots Only Water & Sewer	15,000 (5,000 / unit)	100	30	30	10	15	35 / 2	###
MR (R-3 & R-4) Water & Sewer	10,000 (3,000 per unit)	50	40	30	10	15	45 / 3	###
NMU	10,000	50	50	15 40 max.	10	10	45 / 3	###
MXU								###
Multi-Family (5+ units)**								
MR (R-3 & R-4)	20,000 (3,000 per unit)	100	30 50	30	10	15	45 / 3	###
NMU	20,000	100	50	15 40 max.	10	15	45 / 3	###
MXU								###

*Minimum of three (3) acres and 200 feet of public street frontage required per dwelling unit.

**For buildings over two stories, the reviewing body may require a setback equal to the height of the building.

***See additional setback requirements related to parking lots, outdoor storage, and commercial activities in Sections ###.

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

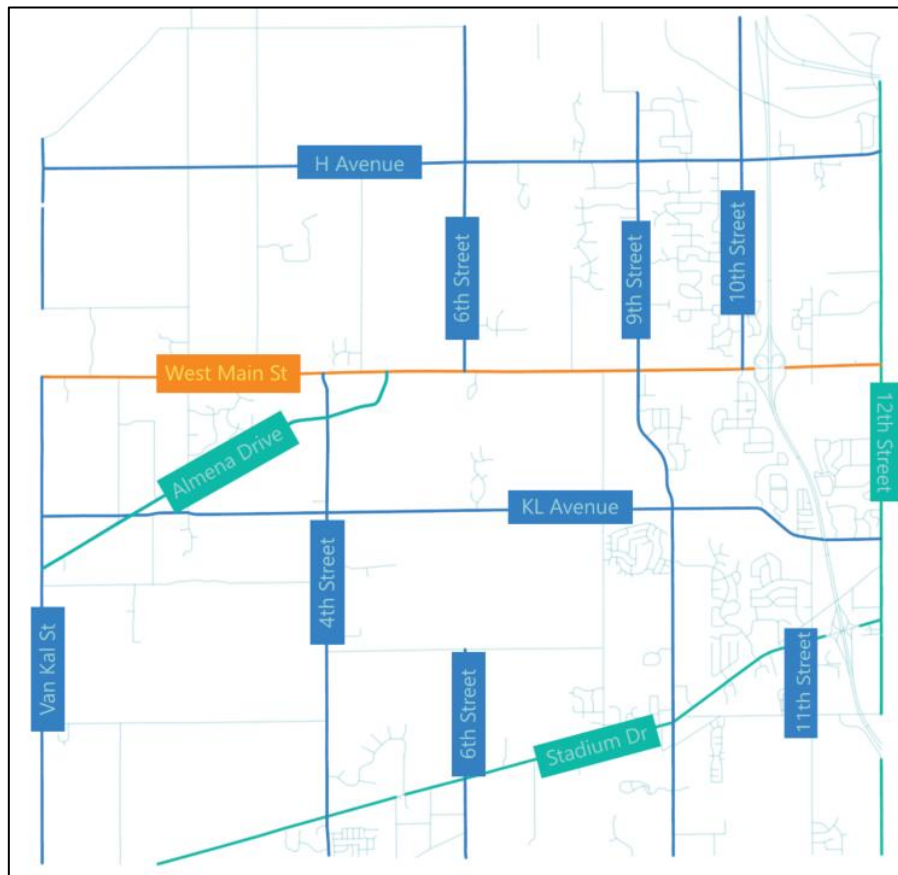


Figure ##: Supplemental Setbacks

53.40 SCREENING BETWEEN LAND USES

~~A. A landscape buffer shall be constructed to create a visual screen between residential uses and other land uses that create nuisances, the following as identified in the land use type table below. Landscape buffer type is only required to buffer single and two-family uses, whereas landscape buffers B and C are required to buffer any residential use adjacent to one of the identified use types.~~

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

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

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

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

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

Landscape Screening Requirements				
Landscape Buffer Type	Use Type (See Use Table Section ###)	Minimum Landscape Buffer Width	Plant Material per 50 Linear Feet	
			Canopy or Evergreen Trees	Shrubs
<u>A</u> <u>Single and Two-Family only</u>	<u>Multi-Family & Institutional Uses, including Care Facilities, Places of Worship, Recreation, Services, and Public uses</u>	<u>25'</u>	<u>2</u>	<u>5</u>
<u>B</u> <u>All residential uses</u>	<u>Commercial Uses, including Services, Office and Medical, Retail, Hotels, Auto/Transportation, Mixed Use, and Food and Beverage uses</u>	<u>40'</u>	<u>4</u>	<u>10</u>
<u>C</u> <u>All residential uses</u>	<u>Industrial or Manufacturing Uses, including Production/Storage, Innovation and Industry, and Miscellaneous uses</u>	<u>50'</u>	<u>4</u>	<u>15</u>

~~E.B.~~ The landscape buffer must also 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 must be a minimum of six (6) feet in height as measured on the side of the proposed wall or fence having the higher grade. A required wall or fence shall be located on the lot line except where underground utilities interfere and except in instances where conformity with front yard setback is required. Upon review of the landscape plan, the reviewing body may approve an alternate location of a wall or fence. The Planning Department shall review and the Zoning Board or Appeals or Planning Commission shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels, stone, or wood. Chain link fences with opaque slats are not permitted.

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

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

53.160 MODIFICATIONS OR REDUCTIONS

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

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

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

Oshtemo Charter Township Zoning Ordinance Update
Landscape Screening Recommended Amendment Version 1

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

TOWNHOUSES



Townhome with 3-4 Units. A single structure consisting of three or four dwelling units, each unit having one or more walls abutting with another unit in the structure. All dwelling units in a townhouse have a private entrance and totally exposed front and rear walls to be used for access at grade.

Districts Permitted: Neighborhood Residential (NR), Multifamily Residential (MR), Neighborhood Mixed-Use (NMU), and Mixed Use (MXU)

Dimensional Requirements:

District	Min. Lot Dimensions		Max. Lot Coverage (%)	Density	Min. Setbacks (ft)			Building Height (ft./stories)
	Area (sf)	Width (ft)			Front/Corner	Side	Rear	
NR	15,000 (5,000/unit)	100	30	9 DU/acre	30	10	15	35/2
MR	10,000 (3,000/unit)	50	40	14 DU/acre	30	10	15	45/3
NMU	10,000	50	40	14 DU/acre	40 (max)	10	10	45/3

Design Guidelines:

LOCATION Townhouses must meet the following location requirements.

- Corner lots in the Neighborhood Residential zoning district.
- NMU, MR and MXU lots meeting the minimum required dimensions.

NUMBER Multiple townhome buildings are permitted per lot in the NMU, MR and MXU districts, with up to four (4) dwelling units permitted. One townhome building (up to 4 units) permitted per lot in NR.

ENTRANCES The primary entrance to each dwelling shall meet the following minimum requirements.

Location.

- To the maximum extent feasible, the primary entrances of each townhome unit shall be oriented toward the primary street.
- As a secondary option, the primary entrance of each townhome unit may be oriented toward internal, perimeter, or secondary streets or common open spaces, such as interior courtyards, parks, or on-site natural areas or features.

Design. Entrances for each townhome unit shall be clearly defined by at least two (2) of the following:

- Projecting or recessed entrance.
- Stoop or enclosed or covered porch.
- Transom and/or side light window panels framing the door opening.
- Architectural trim framing the door opening.

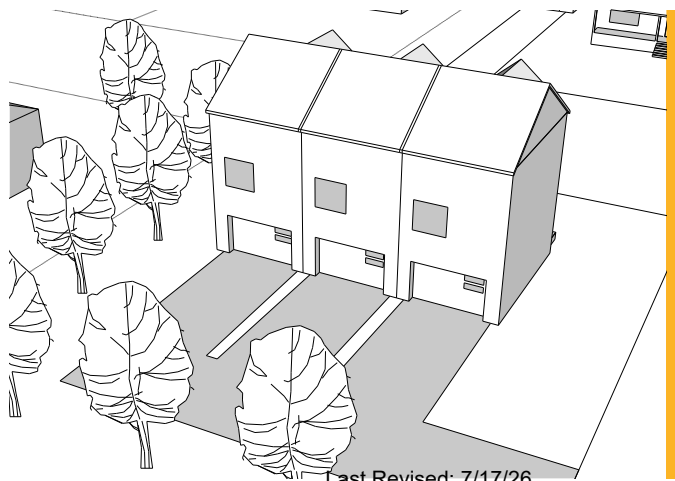
VARIETY Each townhome unit shall have multiple characteristics that clearly distinguish it from the other units, while cohering with the architectural style for the development as a whole. At least three (3) of the following methods shall be utilized:

- Differing primary façade materials or colors
- Staggered building lines
- An identifiable permanent architectural design element such as a chimney, pilaster, or column
- Variation in roofline via separated roof pitches, difference in roof direction, or difference in roof height



GARAGES Each dwelling's garage shall meet the following minimum requirements.

- Garage door entrances for individual dwellings shall not face a public street. Alleys or interior driveways shall be used for access.
- Administrative Departure. Garages for individual dwellings may be approved to face a public street where site conditions warrant. If approved, garage doors shall not comprise more than 40 percent of the front width of the front façade.



48.160 ACCESSORY DWELLING UNITS

A. Intent. It is the intent of this section to allow for Accessory Dwelling Units within or upon properties with a one or two- family home thereon to allow homeowners to have a supplemental source of income with a long-term tenant as well as other nontangible benefits to older residents such as companionship or a live-in caretaker. It is recognized that ADUs provide an opportunity for affordable housing for young and old households as well as a way for family members to reside nearby with independence. It is further recognized that appropriate limitations are necessary so that ADUs are a compatible and harmonious use in the residential areas of the Township.

B. The following provisions shall apply to all ADUs:

1. An ADU may be established on a property with either an existing or a new one- or two- family dwelling unit. For the purposes of this section, an ADU attached or detached to a two-family home shall not be considered a three-family dwelling.
2. Only one (1) ADU allowed per property.
3. No more than three individuals, satisfying the definition of a family as defined in this ordinance, may reside in an ADU.
4. An ADU shall not have a gross floor area less than 350 square feet nor greater than 900 square feet, including bathroom, kitchen, and sleeping area, but in no circumstances shall it exceed the total square footage of the principal dwelling.
5. **Setbacks:**
 - a. An attached ADU shall be subject to the respective zoning district setback requirements for a primary structure.
 - b. A detached ADU shall be subject to the respective zoning district setback requirements for an accessory building.
6. The primary dwelling or the ADU must be declared the principal residence of the owner of the property. A deed restriction stating that the property is so restricted shall be provided to the Township by the property owner in a format suitable for recording with the Kalamazoo County Register of Deeds prior to Certificate of Occupancy.
7. The ADU and modifications to an existing residence for an ADU shall be of similar or better in workmanship as the principal dwelling, shall emulate and not detract from the character and appearance of the principal residence and shall be aesthetically compatible in appearance with other residences in the area.
8. Mobile homes, trailers on wheels, recreational vehicles, or similar structures or conveyances shall not be considered an ADU for the purposes of this section.

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Accessory Dwellings Recommended Amendment Version 1

9. Neither the primary dwelling nor the ADU shall be used for a short-term rental (less than 180 days).
10. An ADU shall be connected to a water supply and sanitary facilities. When the ADU will be served by a well and/or septic system, written verification of an existing system's adequacy to serve the ADU and/or a permit from the Kalamazoo County Environmental Health Department for new or replacement well and/or septic system shall be provided to the Township.
11. The principal residence and the ADU shall share the same vehicular access to the property. A parking area with an improved surface shall be provided for both the principal residence and the ADU and may be on the driveway.
12. The ADU shall be properly maintained at all times pursuant to the International Property Maintenance Code and shall at no time fall into disrepair such that it detracts from the appearance of the property or nearby properties.

C. Unless waived by the Planning Commission, the following additional provisions shall apply to detached ADUs that are neither structurally attached to/within the principal dwelling nor in the principal accessory building (garage) serving the residence:

1. The ADU must be located in compliance with Section 57.100.C.
2. The ADU must be located closer to the principal dwelling on the property than the ADU is located to the principal dwelling on an adjacent property.
3. The height of a standalone ADU shall not exceed 15 feet and in no circumstances shall it exceed the height of the principal dwelling.
- ~~4. The building coverage limitations of the zoning district in which the ADU is located shall be satisfied.~~

Commented [JB1]: We will revisit this based on definition of height.

Commented [JB2]: This implies that the Planning Commission can waive this standard for ADUs. Is this true? Suggest removing this provision.

D. Applications to establish an ADU shall be made to the Planning and Zoning Department consisting of but not limited to the following:

1. Site plan (scaled drawings) showing the following:
 - a. Location of all existing and proposed structures on the property.
 - b. Setbacks of the proposed ADU from all property lines and structures.
 - c. Designated parking area for the ADU and principal dwelling.
 - d. Elevation drawings, where necessary.
2. Floor plan, elevations, and building plans showing the following:
 - a. Kitchen, bathroom, sleeping area, entry stairs, and gross square footage.
 - b. Connecting wall or floor to the principal residence, where necessary.
 - c. Elevations including windows, doors, porches, walls, and other exterior features.
3. A Deed Restriction by the owner of record acknowledging the following:

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- a. One of the two dwellings will be occupied by the owner of record.
 - b. The ADU cannot be sold separate from the principal dwelling unless removed from the property or the property is subdivided in compliance with all ordinance requirements.
4. An affidavit by the owner of record indicating the following:
- a. Which of the dwellings will be occupied by the owner of record.

All ADU standards of Oshtemo Charter Township shall be adhered to at all times.

48.130 ~~THREE OR FOUR FAMILY DWELLINGS~~ MULTI-FAMILY DWELLINGS (3-4 UNITS)

The following requirements apply to multiple-family dwellings with three to four units in one building or on one parcel.

- A. ~~The Bb~~ building shall not be more than two stories in height.
- ~~B. Dwelling unit density shall be limited to a maximum unit density of four units per acre.~~
- ~~C-B.~~ Public sanitary sewer facilities shall be provided as part of the site development.
- C. Minimum Unit Sizes.**
 - 1. ~~350 square feet for a one (1)-bedroom unit.~~
 - 2. ~~500 square feet for a two (2)-bedroom unit.~~
 - 3. ~~750 square feet for a three (3)-or-more bedroom unit.~~
- D. Building Materials.** Buildings shall utilize materials that are long-lasting, high quality, and contribute aesthetic value to the community. Exterior siding shall consist of horizontal or vertical lap siding, brick, stucco, or other materials similar in appearance to other dwellings in the vicinity.
- E. Façade Transparency.** Façade transparency shall be measured per the standards of **SECTION ##**. The façade of the building facing a public street shall have a minimum of 15 percent transparency and the facade of the building facing side yards shall have a minimum of 10 percent transparency.
- F. Entrances and Access.** Primary entrances to the building shall include a stoop or front porch, and the door opening must be framed by window panels or architectural trim.
 - i. ~~When located in the NR zoning district, the entrance shall be similar to properties located on the same block.~~
- G. Site Layout.** More than one (1) building is permitted per lot, in the MR, NMU, and MXU zoning districts, provided that the following additional requirements are met:
 - 1. ~~A minimum distance of 10 feet shall be maintained between any two (2) buildings.~~
 - 2. ~~At least 10 percent of total area of the lot shall be developed and maintained as greenspace available for the use of occupants of all of the dwelling units. Lot area within required setbacks or landscape buffers shall not be included within the required 10 percent.~~
- H. Waivers.** The standards and requirements of this section may be modified or reduced by the reviewing body upon demonstration by an applicant that unique circumstances related to the property cause a practical difficulty in complying with this section.

48.140 MULTIPLE FAMILY DWELLINGS (5+ UNITS)

~~The following requirements apply to multiple-family dwellings with five or more units in one building or on one parcel.~~

~~A. Excludes hotels and motels.~~

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

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

A. Minimum Unit Sizes.

1. ~~350 square feet for a one (1)-bedroom unit.~~
2. ~~500 square feet for a two (2)-bedroom unit.~~
3. ~~750 square feet for a three (3)-or-more bedroom unit.~~

B. Building Materials. ~~Buildings shall utilize materials that are long-lasting, high quality, and contribute aesthetic value to the community. Exterior siding shall consist of horizontal or vertical lap siding, brick, stucco, or other materials similar in appearance to other dwellings in the vicinity.~~

C. Façade Transparency. ~~Façade transparency shall be measured per the standards of SECTION ##. The façade of the building facing a public street shall have a minimum of 25 percent transparency and the facade of the building facing side yards shall have a minimum of 10 percent transparency.~~

D. Entrances and Access. ~~Primary entrances shall be clearly defined by at least one of the following:~~

1. ~~A projecting or recessed entrance.~~
2. ~~Stoop or enclosed or covered porch.~~
3. ~~Window panels or architectural trim framing the door opening.~~

E. Relationship to Sidewalks and Streets. ~~The area between public sidewalk and the face of a building shall be visually defined as private space through the use of planters, landscaping, low walls parallel to the public sidewalk that do not exceed 36 inches in height, or some other method approved by the reviewing body.~~

~~A.E.~~ **Access.** ~~All two-way interior private drives within a multiple-family dwelling development shall be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 20 feet, but no greater than 24 feet wide; exclusive of any area~~

Commented [JB1]: These density standards have been replaced by the new standards in the schedule of regulations.

used for parking. All one-way interior private drives within a multiple-family development shall also be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 16 feet, but no greater than 20 feet wide, exclusive of any area used for parking. When an interior private drive would service as a connecting link between different land ownerships or different public roads, either currently or within the foreseeable future, it shall, regardless of whether it is a public or private road, be constructed in accordance with the public road specifications of the Road Commission of Kalamazoo County and be located upon a reserved right-of-way of not less than 66 feet in width.

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

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

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

~~E.I.~~ Open space requirements.

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

~~2.—Subject to Section 50.50.~~

~~F.K.~~ Building separation. The minimum separation between buildings shall be ~~40~~ 20 feet (except buildings accessory thereto). Separation shall be measured in the same manner as a building setback.

~~G.L.~~ Recycling. Dumpster enclosures shall be designed large enough to contain both a standard trash receptacle and a recycling receptacle.

Commented [JB2]: Same comment as above.

Commented [JB3]: This is being replaced with the schedule of regulations.

Commented [JB4]: This is governed by building code as well. 40 feet creates unnecessary wasted space that could be purposed for required open space.

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Memorandum



Date: July 16, 2026
To: Planning Commission & Planning Department
From: Anna E. Horner, P.E., Public Works Director
Subject: Environmental Ordinances Restructure Summary

Purpose

The purpose of this memo is to introduce the Township's environmental protection ordinance initiative that has been underway for more than a year, summarize the work completed to date, and review the Planning Commission's role. This effort builds upon the Township's Wellhead Protection Program (WHP) and is intended to align with Comprehensive Plan priorities and establish more consistent and enforceable standards for protecting groundwater and other environmental resources.

Background and Wellhead Protection Efforts

Relevant background and an overview of the Township's existing environmental protection ordinances and efforts will be shared. This will include application and incorporation of the WHP program, the issues it was created to address, and the work previously completed by staff, consultants, and community partners.

Proposed Ordinance Structure

An important part of the review done by staff was determining which requirements properly belong in the Zoning Ordinance, which are better addressed through a General (police-power) Ordinance, and which belong in both. This effort also will make the various sections less duplicative and easier to navigate.

A chart will be presented illustrating the proposed transition from the current environmental ordinance structure to the proposed approach which is more inclusive of the entire Township. A few examples of projects reviewed by Township staff and the Planning Commission over the past few years will be presented to illustrate how the existing ordinances have been applied in practice and why the proposed changes are being recommended.

In addition, new "Performance Standards for Wellhead Protection Capture Zones and Stormwater Quality Management", will supplement project reviews and establish additional requirements. Rather than relying primarily on the particular use or zoning district; performance standards will regulate based on the risk and potential impacts of an activity.

Approach

This approach is intended to:

- Establish uniform and consistent requirements for the entire Township;
- Set policy based on the 2045 Oshtemo Comprehensive Plan, Township Core Values, industry best practices and resident feedback;
- Focus on potential environmental impacts rather than assumptions about particular land uses;
- Provide clearer expectations for applicants, property owners, staff, and reviewing bodies;
- Improve the Township's ability to evaluate emerging technologies and activities that may not fit neatly within existing use classifications; and
- Create a more defensible administrative record for ordinance decisions and enforcement.

Planning Commission Role and Expectations

The Commission is not expected to independently resolve every technical, scientific, or legal question. Staff, consultants, and legal counsel will support that level of review and identify matters requiring specialized analysis. There will be a significant amount of information included with this effort, much of which already exists and/or is provided by other regulatory agencies. To be respectful and efficient with the Planning Commission's time and capacity, the Commission's role is to consider the overall policy direction, land-use implications, clarity, and workability of the proposed standards. Because this work is co-mingled with the General Ordinance, the entire project is being brought forward for Planning Commission input, however the Township Board will have the final authority in most instances.

Review of Article 160 Environmental Protection

The July 23 'kick-off' will also include review of Article 160. This contains the structure and name of the sub-articles that follow in the Environmental Protection section of the General Ordinance as well as the Statement of Purpose, Definitions, Administration and Interpretation, and Variance Procedure.

Next Steps

As Planning Commission agendas and staff capacity allows, subsequent sections will be brought forward in the same format for consideration. Once ready for adoption, all the language will be compiled into a single Environmental Protection Article and public hearings held at both the Planning Commission and Township Board.

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;
2. Promote the efficient use of natural resources, including land and water, and mitigate risks that could negatively impact the environment;
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.
4. Provide for cost-effective and functionally effective storm water management;
5. Encourage the use of natural features and green infrastructure to manage or reduce stormwater runoff;
6. Encourage multiple-purpose storm water management which enhances the environmental character and resilience of the community;
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;
8. Allow for off-site and/or common storm water systems;
9. Allow for storm water management designs that are consistent with the aesthetic of the area;
10. Prevent soil erosion and sediment runoff;

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;
12. Encourage minimal clearing, grading, and land disturbance activities by limiting impacts to those necessary for construction, maintenance, and emergency services;
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;
14. Encourage the preservation of existing trees and vegetation and the restoration of pre-settlement vegetation areas;
15. Preserve the natural environment to help maintain habitats and biodiversity.

160.002. DEFINITIONS

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.

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.

Master Plan shall also mean Comprehensive Plan.

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 is 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.

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 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; 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).

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.

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".

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.

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").~~

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.

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 special conditions indicate that 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. 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.
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.

160.006. 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.

160.007. ENFORCEMENT

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.

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.

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.

160.008. 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 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.

160.009. 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, the Township's Ordinance Enforcement Officer, or the Township's Wellhead Protection Administrator.

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Good Evening Board and Community,

My name is Amanda Miller and I am a resident of Almena Township. The land that New Edge is leasing is 1.5m from our property.

I see that on the agenda tonight, the Board will have a discussion regarding Clark Logic requesting a tax break for 3 properties near N Ave. and 9th street to build what they call a "new enclosed warehouse."

I am concerned that this building has no stated purpose and therefore may not receive such a status per the Board's own tax abatement policy.

In general, some purposes of Oshtemo's Tax Abatement Policy state that this type of tax break is given for some of the following reasons;

- to create jobs, while fulfilling the Township's responsibility to maintain services and quality of life for the community and....
- to contribute to the overall welfare of the township

Concerns/Questions;

1. Has anyone asked what this building is for? The building is situated where it could pull energy from the leased site owned by New Edge, if BESS was indeed placed there.
2. The Policy states that determination for IDD will not be established for speculative buildings, such as this.
3. If a data center was created, they take an enormous level of resources from residents, such as water, electricity and as we've discussed many times, even possibly ruin land, air, soil, property value and life if the batteries burn.
4. What type of employment will be created? Data centers don't create jobs.
5. What type of schools do we want for our kids?

Oshtemo's Tax abatement Policy states that there must be an application review.

The Policy states the review will be done by certain listed Township personnel who then complete a report for the board which includes a tax analysis for decision-making.

Lastly, the company objectives must align with the goals and policies of the Township, which are to name a few;

- welfare, safety, and health of residents
- diverse employment for residents
- must compliment the land use and environmental objectives and
- must be compatible with public safety requirements, such as fire hazards.

So no, the Board is not in a position to permit this tax abatement.

A second topic of concern is the number of meetings that have been cancelled by the Planning Commission and the lack of updates/reports received from them.

It's common practice for committees to provide reports on their work and then questions can be directed to the representative regarding that report. Why is this not happening?

Without regular reports, nor mtgs. the community is not being given the opportunity to inform the work, nor provide feedback, or guidance on these important topics.

The Board and Planning Commission have a main priority and that is to keep residents safe. I don't feel that's happening.